

Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, April 12, 2012 — 1:00 p.m.

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

Prayers

Withdrawal of motions

Speaker: Before we start, the Chair wishes to inform the House of changes that have been made to the Order Paper. Motion No. 152, standing in the name of the Member for Mayo-Tatchun, and Motion No. 154, standing in the name of the Member for Takhini-Kopper King, were not placed on today's Notice Paper, as those motions were not in order.

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of Zach Bell

Hon. Ms. Taylor: On behalf of all Members of the Yukon Legislative Assembly, and as Minister of Community Services, which includes Sport and Recreation, it is my privilege to pay tribute to an extraordinary young man — Yukon's own Zach Bell. Zach is an outstanding athlete, and one of only six Yukon athletes who are currently carded by Sport Canada, which means they have a national ranking and therefore qualify for government funding under the Yukon elite athlete program.

Zach excelled in wrestling early in his career, but following an injury in university, he took up cycling and within seven short years is one of the best at his sport. How good, you might ask? On April 6, Zach Bell won silver at the UCI Track World Championships in Melbourne, Australia, with gold just one second away. He has medalled at five of the last World Cup events that led to the world championships and is currently ranked third in the world.

At the world championships in Poland in 2009, he received a silver medal, and last season he earned the World Cup men's championship as the best rider in the entire World Cup by having the highest aggregate total. In short, he is an international track star, and he has come a long way from his hometown in Watson Lake.

Zach is a dedicated, professional athlete who is well aware of his status as a role model and takes this responsibility seriously as an ambassador for the Yukon, our country and sponsors alike. He has made a life in sports and he is always ready, willing and able to encourage others to take up the challenges by sharing the benefits of his experiences and passion for sports at the highest of levels.

Zach Bell is a motivational speaker in schools. He has donated equipment through the Yukon Cycling Association whenever he is home. He has served as an ambassador for the 2007 Canada Winter Games and at the recent 2012 Arctic Win-

ter Games earlier this year, where I was also fortunate to pay tribute to Zach during the Team Yukon pep rally.

Zach always remembers the many people who have helped him throughout the years and takes the time to thank the many volunteers who have contributed to our sport system in the Yukon.

Right now, Mr. Speaker, he is poised to add a new word to our vocabulary: "omnium." The omnium is Zach Bell's specialty, a cycling decathlon held on a track. It is six cycling events over two days, three timed starts and three mass starts. On his website, Zach Bell says the best thing about the omnium is that you get to race a lot. You get chances to redeem yourself and learn. If you don't get hung up on certain events, then you can become a much better bike racer, faster in the omnium than just about any other track event.

The omnium makes its Olympic debut in London this August, and Zach Bell will be there as part of Team Canada, having secured his Olympic berth earlier this year. He has an excellent chance at the summer Olympics podium this year, as he won a bronze medal on the very track that they'll be using, the new Olympic cycling facility in London, England. After the Olympics, given that Zach is a star of both road and track cycling, it's not too early to start dreaming about another invitation to the Tour de France somewhere in the future.

Just to demonstrate the kind of person Zach really is, here's what he had to say about the upcoming London games as reported in last night's *Yukon News*: "I'm really working on letting everyone know up there that if I can bring home a medal, it's going to be a Yukon medal", and "(I want people to know) this is a normal kid from the Yukon who can go do something like this, in a summer sport. That should be inspiring to everybody up there. It's an advantage to be from up there and I think some people see it as the other way around."

Yukon government is proud to provide funding to all of our sport governing bodies and our high performance athletes. Zach Bell is certainly a shining example of Yukon's elite athlete funding in action.

I speak for all of us when we wish Zach Bell every success in the future. He is certainly one of Yukon's favourite sons and we'll be more than pleased to ride along with him as his journey continues.

INTRODUCTION OF VISITORS

Hon. Ms. Taylor: I just wanted to say that joining us in the gallery today is Greig Bell, Zach Bell's father, whom I have known all my life in Watson Lake, and Karen Bell, his mom, is also in the gallery. Also, joining Greig Bell, whom I've come to know over the years as "Mr. Bell" is the ACES grade 10 class from the Wood Street Centre School.

Applause

In recognition of National Poetry Month

Ms. Stick: I rise in the House on behalf of all Members of the Legislative Assembly to pay tribute to National Poetry Month. The theme for Poetry Month is "Balance: Cultural, Creative, Community, National, Environmental, Economic, Personal and Social". That is quite a mouthful and not really poetic, but it is interesting that this is a theme that poets have

chosen and proclaimed. This is what most Canadians want for themselves and for their communities.

The Yukon is fortunate, rich even, in poets and poetry. I would guess that there are a few in this House today who couldn't recite a line or two from Yukon's favourite poet, Robert Service. How many of us have heard from friends or family Outside that they have always wanted to come to the Yukon because of Service's poems and how he painted the Yukon and its people with his words? In this Legislature, we are debating, making motions and using language carefully crafted and scripted for us, but we need poetry. We all need poetry.

We are fortunate that in the Yukon opportunities abound. There are spoken-word events twice a month in Whitehorse. We have the Whitehorse Poetry Society, who recently hosted the Irving Layton centenary celebration and who support and encourage new and established Yukon poets. We can sit in the gardens of Robert Service's cabin in Dawson City and listen to his words brought to life.

There are too many Yukon poets to choose from, but I find this thought on poetry by Canadian poet John Steffler from 2008: "Poetry is language off the leash, exercising its muscle and intricate skills. After a lot of dull usage — political speeches, sales pitches, literary theory — it can hardly restrain itself and it pulls us along into the fresh air and strange, twilight colours, into sudden memories of our early lives. It can take us to the limits of our world, into griefs and ecstasies, even out into madness and non-human experiences, if we want it to and it's in the mood ... It surprises us with the energies in wild things, including our dreams and passions; it elicits from deep within us our appetite for play, adventure, love and invention, and our capacity to be at home in the ever-changing world as it really is."

Thank you.

Speaker: Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Pasloski: Thank you, Mr. Speaker. With your indulgence, I have the great pleasure of recognizing Yukon's Member of Parliament, Mr. Ryan Leef, and accompanying him are Kay Richter, Grant McLaughlin, and Taelin Free. I would ask for all of my colleagues to join me in welcoming them here today.

Applause

Ms. Stick: I would like to introduce in the gallery today the Yukon poet laureate, PJ Johnson. PJ was formally invested as Yukon's poet laureate on July 1, 1994 by Commissioner Ken McKinnon and remains today as our poet laureate. Ms. Johnson was the first poet laureate to be invested in any of the provinces or territories. Today, there are 19 poet laureates across Canada, including Canada's parliamentary poet laureate. I would also mention that PJ Johnson was instrumental in pushing Bill No. 20, which made the raven the official bird of the Yukon. I would ask you to join me in welcoming PJ Johnson, our poet laureate.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Istchenko: In the spirit of open and transparent government, so that all members can see what regulations we are contemplating, I have for tabling today the draft regulations on government facility use. The *Act to Amend the Financial Administration Act* will allow the government to bring this regulation into force.

Ms. White: I rise to table the following document: *All Over the Map 2012*, a comparison of provincial climate change plans by the David Suzuki Foundation, March 2012.

Speaker: Are there any reports of committees?
Are there any petitions?
Are there any bills to be introduced?

INTRODUCTION OF BILLS

Bill No. 102: *Act to Amend the Ombudsman Act* — French text

Ms. Stick: I have for tabling a bill that contains what I believe to be a true translation into French of the English text of Bill No. 102, entitled *Act to Amend the Ombudsman Act*.

Speaker: Are there any other bills to be introduced?
Are there any notices of motion?

NOTICES OF MOTION

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

THAT it is the opinion of this House that government should base its decisions on sound evidence and not ideology and, towards this end, this House rejects the federal government's decision to eliminate the National Roundtable on the Economy and the Environment and the National Council on Welfare, and its interference in the operations of Statistics Canada.

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

THAT this House urges the Government of Yukon to continue to implement the new community, heritage, adventure, outdoors and skills 9 (CHAOS) program at the Wood Street Centre to provide integration of the subject area and develop understanding and connections to First Nation knowledge, traditions, skills, values and belief.

I give notice of the following motion:

THAT this House urges the Government of Yukon to use the 2012-13 budget to commit \$5 million over five years for the Yukon Research Centre and the Yukon Cold Climate Innovation Centre.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to use the 2012-13 budget to provide \$4.5 million for Kaushee's Place second-stage housing in Whitehorse.

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

THAT this House urges the Government of Yukon to use the 2012-13 budget to continue making major investments in Yukon's transportation infrastructure, including:

- (1) \$500,000 for rehabilitation and surfacing of the Silver Trail;
- (2) \$900,000 for the surfacing, spot repairs, and erosion control for the Dempster Highway;
- (3) \$500,000 for the resource access road program;
- (4) \$1 million for surfacing and safety improvements on various secondary roads throughout the territory; and
- (5) \$1.875 million for improvement projects for the Erik Nielsen Whitehorse International Airport, including taxiway improvements, rehabilitation and the installation of a second bridge or jetway.

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

THAT this House urges the Government of Canada to reconsider the cuts to the budget of the Canadian Food Inspection Agency in order to protect Canada's food supply, safeguard animal and plant health, and protect Canadians from preventable health risks by:

- (1) implementing food safety measures;
- (2) managing risks and emergencies regarding food, animals and plants;
- (3) promoting food safety systems;
- (4) verifying industry compliance with legislation;
- (5) developing inspection programs;
- (6) conducting disease surveillance and laboratory testing and analysis; and
- (7) policing nutrition claims on food labels.

Speaker: Is there a statement by a minister?
This brings us to Question Period.

QUESTION PERIOD

Question re: *Financial Administration Act* amendments

Ms. Hanson: The Yukon Party's so-called minor amendment to the *Financial Administration Act* has been exposed as a sweeping power grab. They tried to keep it under wraps; they said it was just a minor thing. Now they have been exposed and they are trying to spin the story.

Now the Yukon Party claims it is safeguarding people's ability to exercise their rights and freedoms by expanding Yukon Party ministers' control over the use of public property. What additional controlling measures does the Yukon public have to look forward to as this government purports to safeguard our rights and freedoms?

Hon. Mr. Istchenko: The purpose of this amendment is to help balance two important responsibilities: the responsi-

bility to support people's rights to exercise their democratic rights and fundamental freedoms and the responsibility to keep the public safe. These changes are intended to address situations where there are health and safety issues and the overall integrity of our public institutions. The amendments provide for a subsequent regulation that will increase public safety management and clearly define the use of our government facilities. This provision brings the Yukon in line with most other Canadian jurisdictions.

Ms. Hanson: Notwithstanding, I believe that there has been a regulation tabled again today, late. The changes to the *Financial Administration Act* will allow this government to follow their normal pattern, which is making rules through regulations most often released on Friday afternoons with no scrutiny from members of this House.

This is a worrying trend that has increased over 10 years of Yukon Party rule. Yukoners have been here before with Yukon Party assaults on civil liberties. Need I remind this Chamber of the Yukon Party's civil forfeiture bill? This government has no mandate to implement these sweeping changes, and they should expect a growing opposition, as they did with their civil forfeiture plans.

Will this government reflect on the experience of the past and call a time out on this ill-conceived bill?

Hon. Mr. Istchenko: As I said earlier, when I tabled the regulations, we will be debating this later in Committee of the Whole. I look forward to open, transparent government debating within the House.

Ms. Hanson: You know, as I hear the spin that goes on here and they appear to be invoking the reasonableness of this power grab, the amendments — we're told — were based on federal legislation already in place to manage federal government buildings. You know, I think Yukoners who have been evicted from the grounds of the Elijah Smith Building — those people organizing youth breakdance sessions, memorials to murdered youth in Norway, awareness campaigns on HIV/AIDS — might have a problem with this government marching to the beat of its federal masters. SNC Lavalin's management of the Elijah Smith Building has been heavy-handed and does not mesh with Yukoners' sense of free use of public space. This government has no mandate to implement these sweeping changes.

So my question: Will this government withdraw the flawed bill and take it out for full public consultation so that Yukoners can be part of the discussion on how their democratic rights are restricted?

Hon. Mr. Pasloski: It is, in fact, an example of our transparency, in that we actually tabled these regulations, which we did not have to do. We put them out there for everybody to see, to help with the public discussion. This is not a power grab; this is, in fact, something that has been done not only by the federal government, but other jurisdictions as well — the opportunity to create a balance between safeguarding people's ability to demonstrate their democratic rights and freedoms, while also keeping public facilities safe and accessible. In fact, we have talked about and discussed the fact that people's *Charter* rights will be upheld. What we're putting

forward has, in fact, already had instances where it has been visited in the courts.

Question re: Water management strategy

Ms. White: The Minister of Environment's silence on the wholesale transfer of water inspections from his department to the Department of Energy, Mines and Resources speaks volumes. The Minister of Environment has responsibilities, obligations and duties under both the *Environment Act* and the *Waters Act* to protect Yukon's water.

What could be more important to a Minister of Environment than their role in protecting the environment? How does the minister square his ministerial responsibilities with transferring his control and oversight of water inspections to the minister who is responsible for resource extraction?

Hon. Mr. Dixon: As I have said before, when it comes to the inspections for mining water use in the Yukon, the Department of Environment and the Department of Energy, Mines and Resources do work together quite closely. Department of Energy, Mines and Resources staff of the Client Services and Inspections branch have undertaken the inspections of placer water use for a number of years now. As well, in the specific case of Minto mine, EMR staff undertake the inspections there.

I, as well as the Minister of Energy, Mines and Resources, have the utmost faith in our officials to conduct themselves and conduct these inspections on behalf of the public and on behalf of us as government to the best of their abilities. If the member opposite is questioning their ability there, I would caution her that it is a very serious allegation to be making.

Ms. White: In British Columbia, the B.C. Oil and Gas Commission is funded by industry. It has inspection authority, it promotes the industry, and it collects all fees. And, not surprisingly, the rate of prosecutions for non-compliance is practically nil.

This is not because the industry is perfect. There are numerous examples of non-compliance and serious accidents; rather, the prosecutions are low because the B.C. Cabinet has broken a rule of accountability. They've housed inspections and compliance with the promoters and fee collectors, thus constraining inspections.

Will the Minister of Environment stand up for this important principle and protect the quality of life and the environment that we hold dear, maintain all inspection enforcement powers within the Department of Environment, and reclaim those that have already been transferred?

Hon. Mr. Dixon: As I said before, I expect any department official, regardless of what cap they wear to work, to do the work that the public and the law requires them to do. As long as inspections are done to the full extent of the requirements of the environmental water licence, then I believe that the Yukon public and the law is being respected. I have the faith in department officials to conduct that work on behalf of the government, on behalf of their legal obligations, and on behalf of the public.

Ms. White: Yukoners are concerned about the Minister of Environment losing control of the oversight of water inspections. People are questioning a potential conflict between

stewardship and development. I'll remind the House again that ministerial responsibility states that a Cabinet minister bears the ultimate responsibility for the actions of a ministry and department, not their staff.

Will the Minister of Environment stand up and tell this House how he will maintain his responsibility, his control and his oversight of water inspections as the chief steward of our environment?

Hon. Mr. Cathers: Again, what I have to identify — if the members have any interest in listening to the responses from this side, rather than heckling — for the Member for Takhini-Kopper King, as my colleague the Minister of Environment noted, this government expects officials, regardless of which department they are in, to fulfill their legal obligations, to fulfill the expectations the public places on them, to fulfill the public trust and to do their job fairly, appropriately and effectively in doing any inspection, monitoring or regulating tasks with which they are tasked.

What I would point out to the member opposite, as well, is that within the Department of Energy, Mines and Resources, in fact, Client Services and Inspections are separate stand-alone entities separate from the Minerals branch, separate from the Lands branch and separate from the other branches within Energy, Mines and Resources for the point of keeping those inspections staff dedicated to the regulatory function. The member has repeatedly stood up and impugned the reputations of staff of Clients Services and Inspections and that is very offensive to those people. It is offensive to me and the member owes those people an apology.

Question re: YESAB recommendations

Mr. Silver: It was very interesting to read the official government response to the \$1-million wildlife culverts that landed them on *Maclean's* magazine's list of the "99 stupid things government spent your money on". As the members will recall, 20 percent of the cost to get Grizzly Valley subdivision lots to market was for two wildlife culverts under the road. The government's response to being called out on that million-dollar boondoggle was to say that YESAB recommended the wildlife culverts and that they had to do what YESAB said.

Can the minister tell us, does her government always accept and implement YESAB's recommendations?

Hon. Ms. Taylor: As I was trying to articulate to the member opposite not long ago, the government is very much committed to making land available for all purposes, whether it be residential, commercial, agricultural or industrial. As part of this government's mandate in doing just that, that is in fact why we have actually included money in this year's budget, which we are currently debating on the floor of the Legislature — some \$35 million to be sure — in support of land development, which includes phase 2 of Grizzly Valley subdivision as well.

We are very much committed to adhering to the laws, to our regulations, to our policies associated with making land available and that certainly does also include respect for the environment and complying with YESAB recommendations.

Mr. Silver: I thank the minister for her answers. Perhaps my interest in the government's adherence to the YESAB recommendations in this case comes from the rejection of mul-

tiple YESAB recommendations in Dawson City. As a result, we now have the impossible situation of having both a subdivision and a mine approved for the same spot. Community Services applied to develop residential lots on the lower Dome Road. YESAB recommended against it because it would interfere with the mining operation that already exists there. The government proceeded to reject the recommendations and go ahead anyway.

Does the minister follow the YESAB recommendations when it comes to residential development or not?

Hon. Mr. Cathers: The specific example the Member for Klondike is referring to is an incident that involved some conflict between pre-existing mining claims within an area within the City of Dawson and areas affecting not only the planned development of lots, but also issues related to City of Dawson rules, restrictions and decisions made by that council pertaining to that development. Beyond that, what I would note is that the specific matter the member is referring to has ended up before the courts and we're not really at liberty to comment further until that process is concluded.

Mr. Silver: Let's remember that the government rejected not just one YESAB recommendation on the Dome Road, but two. YESAB also recommended against the proposed Slinky gold mine in the same area because the negative social impacts may be too high, but the government overruled the board then as well. That's why, despite YESAB recommendations against both the subdivision and the mine until the conflict is resolved, both are now approved for going forward.

I commend the Minister of Community Services for following YESAB's recommendation when it came to developing Grizzly Valley. Did YESAB also recommend that the government spend so much money on these culverts that they would end up on the national "shame list" of the government's financial mismanagement?

Hon. Ms. Taylor: It's a very interesting dialogue this afternoon, indeed. Mr. Speaker, I would just like to respond to the member opposite. We very much appreciate the land demand and the challenges associated with making land available within the City of Dawson confines.

That is, in fact, why we will continue to work with the City of Dawson in making land available such as Callison industrial lots which are currently on sale; such as working with Yukon Housing Corporation making lots available to the tune — I believe some 11 or 13 lots were made available last year for sale. In addition, there were also additional lots made available by working with the City of Dawson on the north end subdivision. We continue to work with the City of Dawson, whether that's on the Dome Road or whether that's making land available. But rest assured, we are committed to working with Dawson as they work toward the completion of their official community plan and working to identify other areas within and outside of the municipal boundaries. So this government is very much committed to making land available and work with our municipal partners, whether that be in Dawson, Watson Lake or the City of Whitehorse, and the list goes on.

Question re: Mining regulatory uncertainty

Mr. Silver: I will stay on the issue of land development and mining within Dawson City, but I will direct my next question toward the Minister of Energy, Mines and Resources. As the minister is aware, there is no clear direction on managing both mineral and residential land use in the area. Residents are getting increasingly frustrated. Some are even in court this week, as the minister alluded to, trying to halt operations on the Dome Road mine that I just mentioned. That is the mine that YESAB recommended against, because its negative impacts on the community would be too high, but Energy, Mines and Resources overruled the board and it went ahead anyway.

Energy, Mines and Resources has been working with the City of Whitehorse to prevent those types of land use conflicts. Is the minister also working with the City of Dawson to develop policies to address mining within the municipality?

Hon. Mr. Cathers: I thank the member for the question. What I would point out is that I think the member has slightly misunderstood some of the history related to it. I would point out that the Slinky mine, to which he refers, was in fact on claims that did pre-exist in the area. They were granted a water use licence and class 4 mining use approval by the Yukon Water Board. The issue of municipal permitting for that mine is a matter between the mine operator and the City of Dawson. Again, that matter has ended up in court, and as we did prior to the court process, we will encourage both parties to do whatever they can to resolve the matter as amicably as possible.

Mr. Silver: I am not sure as to which part I did not understand, as we are asking the minister to give Dawson City the same consideration as Whitehorse when it comes to creating policies to balance mining and other land use in the area. Most of Dawson's active placer mining operations are in the Dawson mining district. Mining is not just part of our history, but it is part of our local economy and it is the heart of my community. Energy, Mines and Resources has the expertise to work with the city to cooperatively develop municipal mining staking policies that will respect our residents' needs.

Is the minister going to continue to authorize mining development in the city in an ad hoc fashion, or will he work with the administration to build policies that will provide certainty for all land users, including residential, recreational and mining use?

Hon. Mr. Cathers: Again, as I would remind the member and other members of this House, the City of Dawson, as I think the member knows, is in a different situation than really any other municipality in Whitehorse because of the fact that mining has been the heart of the area. There have been mining claims that in many cases predate the establishment of municipal boundaries and their issues become more complex as a result. Certainly discussing how we might take steps together to improve how land is managed collectively between the municipality, the City of Dawson and the Yukon government is something that I am more than happy to do. We certainly are willing to talk about where they may be solutions to reduce land use conflicts. There is some ability, I would point out, through the municipality and its bylaws to direct and control

some of those activities, but the simple answer to the member's question is, yes, we are certainly prepared to have discussions with the City of Dawson about where there may be opportunities to come up with solutions together to reduce conflicts between the rights of claimholders and the rights of residential and other users.

Mr. Silver: I thank the minister for his answer. The court case about the Dome Road mine wasn't the only Dawson City mining issue to come into the news this week. Another proposed placer project has residents concerned about operations next door to their homes in the Dredge Pond subdivision. After missing a YESAB deadline for the placer mine, the owner said that he was instead privately negotiating a deal with the Yukon government to get fee simple title in exchange for subsurface mining rights. Much of the confusion and this work around reconciling mining versus residential use could have been prevented by a solid municipal land use. Should residents expect that these issues keep coming up, or can we find a solution that gives the community the ability to balance residential and mining interests efficiently?

Hon. Mr. Cathers: Again, I would note with the specific example the member is giving of the Dredge Pond issue, in fact, the assertion made by the proponent that he somehow was working on a deal with the Yukon government that he would get fee simple title as a result of that is not correct. In fact, what I would point out to the member is that this is a matter I have discussed with the Mayor of the City of Dawson — that specific conflict.

The government is certainly prepared to talk to the City of Dawson about where there may be opportunities to work together on coming up with solutions that reduce possible conflicts between the rights of mining claim holders and the rights and interests of residential landowners and other users of the areas.

So, again, the simple answer to the member's question is yes, we are certainly prepared to have those discussions and determine where there may be ways to reduce conflicts. Again, I do have to emphasize, too, that mining claim holders, especially when those claim holders go back predating municipal boundaries and certain recent municipal activities — there has to be some consideration for their rights as well, not just the other side of the equation. We want to work with the municipality and determine where together we may be able to reduce those conflicts and come up with good solutions.

Question re: Species at risk legislation

Ms. White: Let me start by saying that I have complete confidence in the bureaucrats; it's the ministerial leadership I question. Mr. Speaker, this is Biodiversity Awareness Month as well as Wildlife Week. An integral part of protecting biodiversity is the protection of species at risk.

What is the Minister of Environment doing to protect species at risk in the territory?

Hon. Mr. Dixon: When it comes to dealing with Yukon's wildlife resources, the Yukon has a significantly positive history. If the member was looking for a particular evidence of actions we're doing to further our management of Yukon's wildlife resources, you can look no further than the

budget that's before us today. In that, she will see a continued investment — an increased investment, I should say — in our conservation officers, who deal with wildlife issues on the ground. She will see an investment in the chief veterinary officer and the comprehensive animal health program that protects domestic animals and wildlife from outbreaks of diseases. As well, she will see an increased attention paid to the monitoring of wildlife populations in Yukon. When it comes to wildlife populations in Yukon, we work collaboratively with First Nations, RRCs and the Fish and Wildlife Management Board. We have a positive record and a positive path going forward.

Ms. White: The Yukon government signed, along with the rest of Canada, the *Accord for the Protection of Species at Risk*. The accord called on all signatories to “establish complementary legislation and programs that provide for effective protection of species at risk ...” That was in 1998 — 14 years ago. When will this government live up to its responsibilities and implement a Yukon species at risk act?

Hon. Mr. Dixon: As I said before, I think we have made considerable investments in management of Yukon's wildlife resources. We are investing in the on-the-ground folks, the conservation officers, who have to deal with wildlife on a day-to-day basis. The Yukon Party government established the chief veterinary officer in 2009, and has been working through that office to develop the Yukon comprehensive animal health program.

When it comes to species at risk, indeed we are aware that other jurisdictions have established species at risk legislation and, indeed, since establishing that, a number of developments and changes across Canada related to species at risk have occurred. Many jurisdictions are revisiting their legislation and associated planning processes to meet the challenges of transboundary, national and international coordination, as well as the timelines and expectations in their own jurisdictions. When it comes to the development of that legislation, we are looking to our partners and our neighbours who have legislation and examining what experiences they have had before we proceed with our own.

Ms. White: In 1998, Yukon signed the accord and promised to develop complementary legislation. In 2003, after several years of consultation, the Department of Environment brought to the Yukon Party government a completed species at risk act. The Yukon Party government shelved that effort.

In 2005, the Yukon Party government consulted on watered-down amendments to the *Wildlife Act* to address species at risk. That too was shelved.

In 2008-09, the Department of Environment again consulted extensively and developed a third version of an act to protect species at risk. That too was shelved.

In the department's current strategic plan, there is no mention of species at risk legislation. This government's reluctance to protect species at risk is shameful. Will the Minister of Environment table a species at risk act before there are no more species left to protect?

Hon. Mr. Dixon: I find the alarmism raised by the member opposite a little bit troubling. Anyway, I should note that, regarding some of the examples she raised of species at

risk legislation that has been tabled in the past, First Nations had significant issues with them and that is why they were put aside for now. We believe, of course, that there is sufficient legislation and permitting provisions that collectively address the concerns related to species at risk. As I said, we are looking to our neighbours in the north as well as provincial governments that have experience with species at risk legislation. We are assessing, based on their experiences — both negative and positive — our need for species at risk legislation. We are assessing, based on the changes and revisiting what other jurisdictions have been undergoing. We will base our decision on their experiences.

Question re: Oil and gas development, Whitehorse Trough

Ms. Hanson: Just prior to our gathering in the Legislative Assembly this afternoon, we were informed by a media advisory — and I notice the props throughout the visitors gallery as well — that the Minister of Energy, Mines and Resources would be making an announcement today with respect to the Whitehorse Trough oil and gas rights disposition process. I have a number of questions with respect to that. The main one is that the minister has chosen to do this immediately following Question Period, meaning while this Legislative Assembly is convened here working on behalf of Yukoners, he is making an announcement about a matter that is of great interest to many Yukoners. The normal procedure and convention would be that the minister would make a ministerial statement in response to this issue. My question to the minister is this: Will the minister reveal his plans in the Legislative Assembly before rolling them out to the media?

Hon. Mr. Cathers: To start with, I will point out to the member that, in fact, the poster boards in the gallery were related to the infrastructure announcement made by the Minister of Community Services and by the Yukon's Member of Parliament. In fact, we had initially planned to have a press conference this morning, but it would have overlapped and conflicted with that.

Ms. Hanson: The media advisory says that the media event will occur following Question Period in the Legislative Assembly. As I recall, there are at least five media days every week. There is nothing that would prevent this minister from holding this press conference tomorrow, or next Monday or Tuesday or Wednesday or Thursday — or before 1:00. He could have done it right after the Hon. Member of Parliament's announcement with the member opposite.

The minister has refused to disclose the information on this matter. I think this is a matter that is important. It has been raised by many members of this House on behalf of Yukoners throughout this territory, who are concerned about the issue and who are hopeful that this minister is going to be making a positive announcement.

So, Mr. Speaker, I'm seeking the unanimous consent of the Legislative Assembly to adjourn immediately following Question Period so that all members of this Legislative Assembly can be informed at that same time, since he will not do us the honour, as elected members of this Legislative Assembly, to share with us at the same time as he shares with the media.

We've seen this too many times in the past from this government —

Speaker: Order please. The member's time has elapsed. Before the member speaks, I will confer with the Clerk shortly.

Hon. Mr. Cathers: Again, what I would point out to the member is again we have the Leader of the Official Opposition, the Leader of the NDP, standing in this House and making assertions that are simply not factual.

In fact, the government does not normally make ministerial statements, as the member suggested. The government, in making announcements, usually holds a press conference. That's exactly what we're doing.

Ms. Hanson: Mr. Speaker, may I ask the minister opposite to do the right thing and respect the members of this Legislative Assembly and share with the Legislature the nature of his announcement?

Hon. Mr. Cathers: Again, what I would point out to the member is that we will be making an announcement, as the member alluded to, and when that announcement is made, the member, I am certain, will have comments on it. But the manner in which we typically make government announcements is by press conference. I explained the reason for the timing of that, but the members — really, they make statements one way, and then they make them another way, depending on the day. They want the government to issue an answer to certain things and then they complain when we do. They ask us to do one thing, and then they complain when we do it.

So again, Mr. Speaker, I will be making an announcement very shortly and the members, certainly, on subsequent sitting days, can comment on that just as they would if we did, as the Leader of the Official Opposition suggests, delay the press conference to a different day.

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

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 36: Act to Amend the Liquor Act — Second Reading

Clerk: Second reading, Bill No. 36, standing in the name of the Hon. Mr. Kent.

Hon. Mr. Kent: I move that Bill No. 36, entitled *Act to Amend the Liquor Act*, be now read a second time.

Speaker: It has been moved by the minister responsible for the Yukon Liquor Corporation that Bill No. 36, entitled *Act to Amend the Liquor Act*, be now read a second time.

Hon. Mr. Kent: It is indeed my pleasure to introduce Bill No. 36, *Act to Amend the Liquor Act*, for the Legislature's consideration. This bill has two purposes. The first is to allow the regulations to set the amount of liquor that an individual may import into Yukon on their person for their personal use and consumption. The second purpose of the amendments to this bill is to provide a mechanism for the Government of

Yukon to consider community requests for a public drinking ban on unoccupied land under the control and administration of the Commissioner adjacent to the community.

Section 73 of the *Liquor Act* addresses importation limits for individuals. These limits are currently set at 1.5 litres of wine, or approximately two bottles, 8.5 litres of beer or 1.14 litres of spirits. This is the same amount that one can bring into Canada duty-free.

The amendments to the *Liquor Act* will allow the limits to be set in regulations. It is our intention to increase the limits to nine litres of wine, 24.55 litres of beer or three litres of spirits. This is the same amount that one can bring into Canada at a nominal duty rate. The regulations will also specify that these limits are for an individual to bring into Yukon on their person for their personal use and consumption only. Of course consumers can continue to access the special order process provided by the Yukon Liquor Corporation for products that are not regularly available at the stores.

We also propose amending section 113 of the *Liquor Act* to allow a joint request from the Village of Mayo and Na Cho Nyäk Dun to be considered prior to spring. Currently the *Liquor Act* only allows area enforcement orders banning public drinking to be established: (1) within municipal boundaries at the request of the municipality; (2) in a hamlet at the request of a local advisory committee; or (3) on First Nations land at the request of the First Nation; and (4) in unincorporated communities following a plebiscite of community residents. I did have a conversation prior to the Legislature convening this afternoon with respect to that particular part of these amendments with the Member for Klondike.

This initiative also addresses a recommendation of the 2001 *Liquor Act and Regulations Review* report, which stated that “Yukon government should resolve jurisdictional problems regarding waterfront lands, thereby enabling enforcement of public drinking bans”. Should this amendment be approved, the government will be able to move forward to address the request of the municipality and the First Nation in Mayo to ban public drinking in Galena Park — a park that, for members who are not familiar with it, runs along the waterfront in the town of Mayo but is, however, outside of municipal boundaries.

Members will also note that the old language referring to “Indian band” and “band community” has been retained in this bill. This language still allows the Yukon First Nation with a settled land claims agreement to bring forward a request for a public drinking ban, and also includes those Yukon First Nations without settled land claims agreements. The amendments proposed to the *Liquor Act* in this bill will provide improved clarity on personal importation of liquor and will provide a mechanism for the government to be able to consider requests for public drinking bans on unoccupied lands under the control and administration of the Commissioner and at the request of an adjacent community. For these reasons, I’m pleased to present the proposed *Act to Amend the Liquor Act* for your consideration and consideration of members in this House.

We anticipate bringing the amendments related to personal importation of liquor products into force when the related regulations are completed. I did outline earlier in my address what we intend to set those importation limits at and the

we intend to set those importation limits at and the regulations we’re expecting to be completed later this spring. The amendment related to public drinking bans would come into force upon assent.

With respect to retaining some of the language such as “Indian bands” and “band communities and hamlets” — I do have for tabling here in the Legislature this afternoon a letter that I sent to Chief Simon Mervyn of the Na Cho Nyäk Dun First Nation and Scott Bolton, Mayor of the Village of Mayo, dated March 22, letting them know that although that language does remain in the bill, when we do a modernization we will address the old language that is in the bill. It’s not something that is in these amendments, but it is something that I’ve committed to and have spoken to government colleagues about. I did get the opportunity to speak to the Member for Vuntut Gwitchin about the older language.

Unfortunately, I did not get the chance to speak to the Member for Mount Lorne-Southern Lakes, but I do apologize for that. I did mean to speak to him about that, but I will table this letter that I sent to Chief Mervyn and Mayor Bolton of Mayo regarding the language that remains in the bill.

I will just set them here.

I know that often the Yukon Liquor Corporation does not perhaps get much of an opportunity to speak to some of the accomplishments of the Liquor Corporation and the board, so I am just going to take a little bit of time during second reading here to talk about some of the accomplishments of the Liquor Corporation.

I think I would like to start with the Liquor Corporation Board of Directors. They, of course, have responsibility for issuing licences, and that is their primary responsibility. We have had two members of the board who were there and are no longer and I would like to just take this opportunity to thank them publicly — Darlene Sillery and Mark Bowers — for their time spent on the Yukon Liquor Corporation Board and for their contributions to it. I would also like to welcome two new board members, Ms. Eva Bidrman and Mr. Kurt Fraser, who are the newest members to the Yukon Liquor Corporation Board of Directors.

I wish them well in their deliberations going forward and I hope that they find it to be a very enjoyable experience, as I’m sure Mr. Bowers and Ms. Sillery did.

With respect to some of the accomplishments of the Liquor Corporation, perhaps there are a number of bullets I’d like to touch on. First is liquor infractions observed by liquor inspectors, which continue to decline in the 2010-11 year to less than two percent. So in real numbers, 28 infractions were noted in the course of over 2,000 premise checks, indicating improved compliance by licensees and permit holders.

The observed infractions resulted in 14 warning letters and only three suspensions, none of which were successfully appealed. It’s a fantastic rate that we’re seeing with respect to the decline in the number of liquor infractions by Yukon licensees. Again, a lot of that has to go to our licensees who are out there and the way that they’re serving liquor and being very responsible in doing so.

With licensee input, the Liquor Corporation updated the Be a Responsible Server or BARS program and added a self-study version. This program focuses on server responsibilities, recognizing signs of intoxication and ways to identify and manage difficult or intoxicated persons, as well as how to deal with minors. Revised in 2009 and 2011 to reflect changes to the *Liquor Act* and regulations, in 2010-11, this program was provided to 171 participants in 15 sessions throughout the Yukon.

The Yukon Liquor Corporation provided funding for a restart of the PARTY program. That acronym stands for “prevent alcohol and risk-related trauma in youth”, which is coordinated by the Whitehorse General Hospital. Subsequently, Yukon Liquor Corporation committed to long-term funding for the program, providing \$60,000 per year for three years. In partnership with the RCMP, the Yukon Liquor Corporation continues to undertake regular identification blitzes.

As part of an ongoing commitment under the *Yukon Substance Abuse Action Plan*, the Yukon Liquor Corporation partners with the RCMP and licensees to enforce and educate about minors in bars, helping to reduce underage drinking and selling liquor to minors. In May 2012, the Yukon Liquor Corporation will deliver the Check 25 identification checking program for all customers who appear to be under the age of 25.

This program is something that will be mandatory in our liquor stores, and we will provide the option for our licensees to adopt that program as well.

Alcohol as We Age is a booklet aimed at helping seniors, their families and caregivers understand the risks related to consumption as we age. It was released in English and in French by the Liquor Corporation in 2009.

Also in 2009, May of that year, the Yukon Liquor Corporation launched the Protect Yourself, Protect Your Drink campaign. This shared initiative with the Department of Justice, the Women’s Directorate and Yukon College has educated the public on date-rape drugs and the need for individuals who are out in our licensed establishments to protect their drink from possible tampering.

Yukon Liquor Corporation also provides a financial contribution to substance-free grad celebrations. That’s something that’s ongoing. Again, we released in English and in French the booklet, *Be Prepared to Talk to Your Children about Drinking*, a tool that’s designed to help parents discuss drinking and drinking-related issues with children.

There are a number of issues or other accomplishments that I would like to speak briefly about with respect to what’s being done by the Liquor Corporation, of course, including some of the service standards that we have for licensee orders — which is being met by the central warehouse — that orders placed within normal business hours are ready for pick up within 24 hours.

Amendments to the *Liquor Act* and liquor regulations provide greater flexibility for licensees balanced with stronger enforcement tools such as higher fines and penalties. This modernized framework is consistent with other Canadian jurisdictions and provides economic opportunities for both existing licensees and potential new licensees.

The Yukon government has increased opportunities for economic diversification by making changes to the *Liquor Act* that allow Yukon companies to manufacture wines and spirits, as well as brewing beer. We’ve seen a number of successful local brewers, including of course Yukon Brewing and the fantastic products that they offer, but we’ve also seen a number of new spirits come on to the market recently, including two new vodka products that are being developed here in Whitehorse for sale at local stores.

Returns to the Government of Yukon from the Yukon Liquor Corporation have continued to increase through Yukon Liquor Corporation net income and liquor tax.

For allocation to programs through the budgeting process, the total provided by the Liquor Corporation in 2010-11 was \$12.5 million — \$8.6 million in sales plus \$3.8 million in the 12 percent liquor tax. This dividend to the Government of Yukon is anticipated to be \$12.9 million for 2011-12 and an estimated \$13.8 million for 2012-13.

So, Mr. Speaker, as you can see, the sale of liquor is contributing to the government in ways where we’re able to spend those dollars on things that are important to Yukoners, such as investing in health care, investing in education, investing in our infrastructure and investing in our environment. There is any number of things that we are able to use those dollars for.

With that, I will conclude my second reading speech and again, I thank the members of this House for allowing me to touch on some of the great things that are happening with the Yukon Liquor Corporation. I encourage all members of this House to support the amendments that we’re making to the Yukon *Liquor Act* with respect to the personal importation limits which, again, will bring us more in line with what we can bring into Canada at a nominal duty, as well as the ability to ban public drinking on Commissioner’s land that is adjacent to municipalities.

This is, of course, something that is very important to all Yukoners from a health and safety standpoint, and I would like again to thank and recognize the people of Mayo for bringing this to our attention with respect to Galena Park, and for colleagues on my side of the House and hopefully to all colleagues of this House for supporting these amendments to this act so that we can move on other Commissioner’s land that is adjacent to communities where the local residents come forward with instructions for us or requests for us to ban public drinking. Thank you.

Mr. Barr: I thank the minister for his comments and wish I would have had a chance to speak to the Member for Klondike prior to this. I would like to say that at this point, we are glad that we are looking at the amendments to the *Liquor Act* and at this point, we can’t really say in all honesty how we’ll proceed.

We would like to speak further to this. I would like to say that I do have some concerns about what’s not in these amendments, also, which I would like to speak further to. So I will reserve some of those comments until later.

Ms. Hanson: Thanks to the minister for his outline of some of the background to the proposed changes to the *Liquor Act*. I know my colleague from Mount Lorne-Southern Lakes will be speaking at greater length on a number of things. We think if we have an opportunity to make amendments to legislation that perhaps we should be more comprehensive in those amendments. But I do note, and it's unfortunate that the letter to Chief Simon Mervyn and the Mayor of Mayo was dated March 22 and we got it today, April 12. It's kind of unfortunate that we can't share information up and down the stairs in less than 20-some days.

I would like to come back specifically to the language with respect to the use of "band" and "band community". I guess I would seek to have clarification — and this is, again, one of the reasons why we had requested from the members opposite more of a technical briefing on legislation, as opposed to sort of a general debate on it.

We could have perhaps avoided some of the negative consequences of not doing those kinds of conversations.

As I understand it in the specific example cited, this is with respect to two specific Na Cho Nyäk Dun community parcels. I point out that Na Cho Nyäk Dun has been a self-governing community since 1995, so the self-governing community of Na Cho Nyäk Dun and the Government of Yukon and Canada — signatories to their agreement — all agreed on the relationship of laws between First Nation laws and the Government of Yukon. Also, even if the First Nation is not passing laws — and what we're really talking about here today is compatible land uses. I understand fully, having spoken with the chief and spoken with the mayor and council about this in Mayo, that there is desire to ensure that there is compatible use of that waterfront strip. I've been going to Mayo for over 30 years. I understand the importance of these community spaces, but the fact of the matter is we entered into this arrangement and these negotiated agreements with the self-governing First Nation of Na Cho Nyäk Dun. How many years later and we still haven't got it in our heads that that's the relationship that we should be talking about?

We are not talking about *Indian Act* bands; we are talking about self-governing First Nations. So if we are talking about these lands that are referenced here, these are settlement lands. So why are we not making those kinds of amendments and why, if we have been talking about this for over a month — if we had had the conversation, perhaps we could have been directing legislative drafters to make the amendments in the correct fashion, as opposed to doing yet another piecemeal amendment to the process.

I'm really confused as to why we are referring to "Indian bands". The self-governing First Nations are not *Indian Act* bands. There are no *Indian Act* reserves in the Yukon. There are lands set aside for First Nations, or for "Indians" according to the *Indian Act* — for those First Nations that are not self-governing in this territory.

In some ways, it could be seen and perceived to be an insult to self-governing First Nations, and I know that the First Nation of Na Cho Nyäk Dun is not going to respond in that way to this government because they want to be cooperative

and to work with this government. It's an insult to all Yukoners, First Nation and non-First Nation, that all these years after the completion of negotiated treaties with the first four First Nations, we still haven't got it incorporated into the mindset of all ministers of government that when referring to and working with self-governing First Nations, all the legislation we have, or amendments to legislation we bring forward, be done in the appropriate manner.

I guess it's because we've been bereft of the ability to have an interaction — a respectful conversation with our colleagues opposite on these proposed amendments to the six pieces of legislation — that we're left to suggest that it was without respect for First Nations that this is being done — I hope that's not the case. But it's unfortunate that when you throw language about "bands" and "Indian band communities" around with respect to these parcels — there is no definition in the *Liquor Act*, I would point out, Mr. Speaker, for "band." So I don't see — as a "search and replace" exercise — if that was a difficult thing to do. Perhaps it is; I don't know that. Was it difficult to replace "band" or "band land" with "settlement land" or "lands set aside?" I don't know, but I haven't heard that from the member opposite because we haven't had that conversation.

That is a concern for us and it doesn't seem to respect the overall intent of the new relationship that we as governments — First Nation governments and the Yukon government — have entered into. So I would ask the minister to speak to that when he speaks again.

Clearly, if we are speaking about Indian bands and band communities, this is dated legislation. And if we are talking about rewriting the legislation to accommodate the desire to have augmented amounts of alcohol allowed to be imported without penalty, and to allow the compatible use of lands, which, again, is provided for in section 25 of the self-government agreement, why would we not also be addressing the concerns that have been raised in this Legislative Assembly, and by request of the members opposite — by the Yukon Party Cabinet — when they commissioned the Beaton and Allen report, which came out clearly and said that it is inappropriate — the current provisions under the *Yukon Liquor Act* — to use sections 91 and 92 as a means of detaining people. So we are using the *Liquor Act* to criminalize people who are intoxicated in order to put them in detention in order to take them up to — whatever we call it — the secure assessment centre, the —

Some Hon. Member: (Inaudible)

Ms. Hanson: The arrest processing unit, or whatever — the sobering centre up there. So why would we not be making changes to ensure that we are using it for non-criminal detention purposes and making it more — as Beaton and Allen point out in their report — consistent with current and acceptable human rights and social mores.

Those are some initial comments that the Official Opposition has with respect to the proposed amendments and I'm sure my other colleagues will have additional ones.

Mr. Tredger: I, too, wish to rise and express a little bit of concern that, despite asking at the House Leaders' meet-

ings for a briefing on this, we never did receive one. I feel a little bit caught here because I know how much this means to the people of Mayo and to the Na Cho Nyäk Dun. They've been working very closely, and I thank the member opposite for that, but I appreciate the time to give due consideration. I don't make decisions, especially on legislation, hastily. It would be important in the future, when we have bills, to be able to sit down and discuss them and talk back and forth to try to figure out some of the ramifications. Some of them are perhaps intended, some of them unforeseen, but I think the Yukon public expects no less than that from us.

I would urge, I guess is the word, the government opposite, when they're introducing bills, please to take the time to have a briefing so that we can be well-informed and then feel good about supporting it, not wondering all the time. I certainly would appreciate that.

Galena Park — I appreciate the action on this. I know that it does mean a lot. When I was going through the area last time, it was mentioned that there was some work being done on this. I appreciate that very much. I would also remind Community Services that part of the responsibility for the upkeep of the park belongs to the Yukon government, and I would ask them to include the park in their grass-cutting contracts and in their upkeep contracts so that it becomes a showcase for Mayo. It is right at the end of Main Street, and it's between Mayo and the river. I've spent several afternoons sitting out there, watching the river go by and resting while I was in Mayo and visiting. It is a very beautiful spot. I would ask the government to make sure that that's maintained, as well. Thanks again for the quick response to the people of Mayo.

Mr. Silver: I rise to give our caucus's comments on Bill No. 36, *An Act to Amend the Liquor Act*. These amendments have been brought forward primarily to give communities greater control over public areas that are adjacent to, although not within, established boundaries. As it stands now, communities cannot control drinking in those areas even if they are effectively part of the community and certainly affect the community's health and well-being. These amendments extend the ability of the Commissioner in Executive Council Office to make orders about drinking in public places to these areas. These amendments also provide a process by which communities can apply to the Commissioner to make such orders. That is, it is direction from the community that would result in new changes or changed area enforcement orders. Communities should have the power to make decisions about what is best for them and for their citizens. Public drinking and alcohol abuse in general is a serious issue in many of our communities. These amendments allow greater self-determination to address those issues at a local level. We commend the government for making these legislative changes in response to concerns in a specific community, and we believe that these amendments will also help other communities to address public drinking in their vicinities. We will be supporting this bill.

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

Hon. Mr. Kent: I thank members of the Legislature for their comments and, of course, recognize the Member for Mount Lorne-Southern Lakes had additional comments and we'll welcome those when we get into Committee of the Whole on this legislation. One of the comments that the Member for Mount Lorne-Southern Lakes made was about having more concern with what's not in the amendments to the *Liquor Act*. As I did mention, there were references, of course, to "band community" and "Indian band", et cetera. Of course, those references are not meant to disrespect First Nations — self-governing or non-self-governing First Nations — in any way. As I did mention, these revisions will be made in the future to modernize that terminology in the act.

Continuing to use this language is consistent with other sections of the act and does not create any difficulty in responding to requests under the section from Yukon First Nations, regardless of whether they have a self-governing agreement or not. These two minor amendments were brought forward in a manner — again, we're making two relatively minor amendments to the *Liquor Act* — one respecting a ban on public drinking. It's my understanding, Mr. Speaker, that with respect to Galena Park in Mayo, the RCMP used to enforce the drinking ban in that park. As I did mention, it is located right in the heart of the community. But again, it's on Commissioner's land, so this amendment is necessary to protect that land and allows us to also ban public drinking on two specific Na Cho Nyäk Dun community parcels that are outside of municipal boundaries located adjacent to the community of Mayo. I think a more comprehensive review of the legislation is something that we'll look to do in the future, but we needed to respond to this for this season. We needed to ensure that the public drinking ban in Galena Park and the other two parcels was enforceable this summer.

With respect to the personal importation limits, it's another response that we made so that we can assure Yukoners — whether they're coming back into our community from places outside of the Yukon — either by vehicle or airplane, or however they choose to travel back into the Yukon — that personal importation limits will be increased and Yukoners would pay a nominal duty on when bringing in similar products from the United States or other international areas.

Just to respond to the Leader of the Official Opposition — this letter dated March 22 — we have to table all legislation, including budget bills within five days, I believe, of the start of the sitting and that's why this legislation has been on the Order Paper for three weeks. This is a letter that I sent to the Chief of the Na Cho Nyäk Dun First Nation and the Mayor of the Village of Mayo the day the legislation was tabled. As part of my second reading speech, I would table this letter for all members of the Legislature to see.

Once they go through it, I'm sure they'll get a sense of what the letter's about. It really is specific to the legislation that I tabled later on that day in this Legislative Assembly. Again, there was no disrespect meant. I just felt that tabling it today would add to the debate at second reading and as we get into Committee of the Whole.

Again, we will look to modernize that language. It is consistent with language throughout the act. When we do a more comprehensive review that will include more public consultation — consultation with licensees, consultation with Yukoners on this act — that's when we will bring in the more modern terminology that reflects the current political state here in the Yukon. Again, I think that this government enjoys a great working relationship with First Nations governments, with municipal governments and with the Government of Canada, as evidenced by the announcement this morning by the Minister of Community Services and our Member of Parliament regarding Building Canada and the Yukon Forum.

The Minister of Environment, the Minister of Energy, Mines and Resources I, as Minister of Education, will be accompanying the Premier at the Yukon Forum that is scheduled this Friday here in Whitehorse with leaders of Yukon First Nations.

Again, with that, I will conclude my remarks in response to second reading. I thank the Member for Klondike and the Liberal caucus for agreeing to support this, and I look forward to answering more questions for the Member for Mount Lorne-Southern Lakes — I believe the critic for the Yukon Liquor Corporation — during Committee of the Whole when we get there, perhaps as early as later on this afternoon.

Thank you very much.

Motion for second reading of Bill No. 36 agreed to

Bill No. 40: Act to Amend the Financial Administration Act — Second Reading

Clerk: Second reading, Bill No. 40, standing in the name of the Hon. Mr. Pasloski.

Hon. Mr. Istchenko: I move that Bill No. 40, entitled *Act to Amend the Financial Administration Act*, be now read a second time.

Speaker: It has been moved by the Minister for Highways and Public Works that Bill No. 40, entitled *Act to Amend the Financial Administration Act*, be now read a second time.

Hon. Mr. Istchenko: Today we're here to amend the *Financial Administration Act*. It enables regulations to govern and manage maintenance, property use and protection of government facilities.

The proposed amendments to the FAA will provide the Yukon government with the ability to create a regulation governing the management, maintenance, proper use and protection of our government facilities.

This regulation will allow the Yukon government to effectively balance the *Charter* rights of individuals to peacefully assemble with the need to effectively manage government facilities and to ensure they are accessible to each and every Yukoner.

This approach gives the Yukon government the ability to exercise appropriate discretion by legally prohibiting particular activities rather than simply keeping people off the property. These provisions are not intended to affect those who are protesting at government facilities, but are intended to address situations that cause damage, increase government liability,

restrict public access and jeopardize health and safety or the integrity of our public institutions.

The *Lands Act* does not work for this type of situation as there are only very limited tools to resolve immediate use of public property. The Yukon amendment is based very closely on the federal legislation already in place. Of these types of legislation, using other jurisdictions, Justice advises that public works legislation best meets the goal of preventing unauthorized activities on Yukon government property without infringing on the rights of individuals to peacefully assemble and express their views.

This option has already been tested in the courts on the federal level and is the most likely to withstand a *Charter* challenge. We put forward the regulations today and let it be known that the regulation will preserve the right to protest, providing the *Canadian Charter of Rights and Freedoms* must be considered — it is considered in this regulation — and to consider all past expressions of peaceful protest in the Yukon.

As we watched the media throughout the winter and last fall, we saw concerns with our own tent city, but we also saw concerns throughout Canada in other jurisdictions and throughout the United States. The reason that we've provided and put forward this amendment to the FAA — some of the big reasons and the concerns are about the citizens, the people of the Yukon Territory.

There were many, many people who would not go to our local park outside of this facility. There were scared. Government employees, people working in here, in this building, were concerned about going to work. Bathrooms — our bathrooms downstairs were a shower facility and a dishwashing facility. The security personnel were breaking up fights — knife fights. There were drug deals on the premise. Sanitation and health became an issue. People were urinating and — I do not even want to use that word — in the parking lot and, as a note, on the tailgate of my truck. Cost —

Some Hon. Member: (Inaudible)

Hon. Mr. Istchenko: It must have been a statement, yes. Cost to the Yukon government, just for this alone, was approximately \$75,000 due to the increase in security, maintenance and custodial services. I might add that we do owe a great, great thank you to all of our employees — the security people, the property management people — who worked through this very difficult time.

We have some similar legislation in place. The school has the *School Trespass Act* that prevents trespassing at the schools. The *Corrections Act, 2009* prevents trespassing at corrections centres, and some other jurisdictions do have similar legislation.

I just want to talk a little bit about the public support for this. Just a moment before we sat in the House, there was a phone call to my EA supporting this. They read about it in the paper and wondered if we were going to do something and they were happy that we were doing something about this. It's about peaceful protest. Mr. Speaker, it's about peaceful protest. It's not about public and underage drinking, needle and drug use, lack of property sanitation, public nudity, theft, violence, fight-

ing. We just need to have control of our facilities. So, with that, I open this to debate.

Ms. Hanson: I rise in response to the comments made by the minister opposite. As I begin my conversation or my response to his comments, I would request, respectfully, that he provide to the Legislative Assembly a copy of the draft regulation. He did say today that it was available. It is not currently on the website. We did request a copy but we haven't received it yet. It was not tabled. The press release was tabled. The press release cites that a copy of the draft regulation is available on the Highways and Public Works website, but the draft regulation was not circulated. So, Mr. Speaker, I would request that we would respectfully —

Some Hon. Member: (Inaudible)

Point of order

Speaker: Order please. Minister of Highways and Public Works, on a point of order.

Hon. Mr. Istchenko: During the tabling of returns and documents I did table the draft regulations. Two copies were put here.

Ms. Hanson: I have not received it to this very moment, Mr. Speaker. We will need a few moments to review that.

Speaker's ruling

Speaker: No, it's not a point of order. There is no point of order.

Ms. Hanson: I didn't raise a point of order.

Speaker: No, I'm giving you back the floor.

Ms. Hanson: Thank you, Mr. Speaker. I know that many of the members opposite were not here last June when the big machines from Norcope placed themselves in a line across the front of this building here in protest of a decision made by one of the departments of Government of Yukon. It was on the evening of that demonstration of anger by a company feeling it had been mistreated by this government that my colleague, Steve Cardiff, and I saw somebody putting up a tent on the grounds of the Legislative Assembly. We asked that person what they were doing, and they said that was the only place they felt safe. They had no place to live.

They thought that with the guys out there, with the big trucks, that they would be safe. It is easy to describe people who are homeless — who have no place to live — and to find examples, as we can all find in any public gathering of those — you can find examples of every extreme that you want. But I can tell you that over the course of the many months that there were tents and campers and other forms of dwellings established on the lawns of the Legislative Assembly, there indeed were people who were homeless.

I spoke to many of those people. I spoke to young people who had come up here to work, who had found jobs, and who were told that because we have such a hot economy, landlords can pick and choose who they wish to have renting, and that they would not rent to you if you're under 30. They would not rent to more than one or two people. So there may be a two-

three-bedroom available, but they would not rent to three young people. So we had young people working, for example, at Shoppers Drug Mart — they couldn't afford \$1,800 a month on that wage, so they are camping.

They are camping at the Legislative Assembly. They are working. There were other people with young families trying to find places to live — people saying, "We are not taking people with young families — tough luck." It is easy to criticize; it is easy to find those who offend us because they are not from our social class or economic class, but that is the reality. There are many people in this territory who have no place to live.

This Yukon Party government refused, for years and years, to make land available. You can find all of the excuses in the world. It was not until the federal government, in response to the economic crisis, created stimulus funding and allowed and provided a very generous amount of money that this territorial government began to catch up — not keep up, but catch-up — on our social housing demand and need. We are not there yet. There are still people in this territory who are hard to house. We have no strategy in this territory to deal with people in the broad continuum of housing needs. We spoke; we raised a legitimate concern last fall.

Last fall, my colleague from Takhini-Kopper King sincerely raised a motion in this Legislative Assembly to develop a housing strategy. She was essentially mocked by the members opposite. There is no housing strategy. So, instead as we approach summertime when we know, not just anecdotally, but by the numbers, we see young people coming in every day. We have touted the territory as the land where the streets are paved with gold — come north; come north because there are jobs; come north because there are so many benefits. You know what, Mr. Speaker? The hard reality is that people will get here and there is no place to live. Last summer — this should be no surprise to the ministers and members opposite — the Chamber of Commerce said, for God's sake, will the government do something? Employers across this territory have said to this government repeatedly, "We have many, many people we need to hire. We cannot bring them here because there is no place for them to live." Members opposite have said, "You know, this is a problem that is a good problem to have." Is it a good problem to have? I wonder. So, this year we know more and more people will be coming north because in fact the economic crisis has deepened in central Canada so people are going to be desperate.

The response of this government is not to suggest that maybe we should work with our partners, with the non-government organizations, with community organizations, with the private sector, with the City of Whitehorse to begin to identify where people might reasonably consider placing tents or temporary dwellings in a crisis situation over the next few months. No, we come out with a punitive piece of amended legislation. It's a sad, sad reflection on a society that characterizes itself — we give ourselves pats on the back in this Legislative Assembly day in and day out — as being a compassionate and caring society. I think most Yukoners are.

Mr. Speaker, I can tell you, and you have may have heard — the minister opposite — you may have heard from one or

two of your constituents who express some revulsion or anger that there are people who need to live in a tent city or some whose behaviour was inappropriate, but I can tell you that from Swift River to Old Crow to Dawson to Mayo to Haines Junction and to Beaver Creek, during the course of the last 18 months, I have had many people talk to me about the real concerns they have about people not being able to find adequate appropriate housing — people who have jobs; people who have no jobs.

We have a responsibility to society to respond in a more caring and compassionate way than simply to say, “Not wanted in my backyard.” You know, Mr. Speaker, this is the public’s backyard. This is the Legislative Assembly. This is the people’s backyard.

My colleague, Mr. Cardiff, last summer was moved by his sense of justice. He thought it was wrong — it was absolutely wrong that people were having to camp on the grounds of this Legislative Assembly, but he respected their right to do so out of desperation. They had no choice. I would expect no less from every member in this Legislative Assembly to respect when people have no choice and we’ve given them no alternative and we’ve not demonstrated any interest in seeking alternatives — to find a more compassionate response than simply put in a preemptive strike that says, “Not here. Go someplace else.”

So where are we suggesting, Mr. Speaker, that these people go? I’ll be looking forward to answers to that in Committee of the Whole.

I have a number of concerns. I’ll be reviewing the regulation in detail, and hopefully we’ll have a brief recess before the Committee of the Whole so we can actually view it.

Again, I’ll go back to my earlier comments that much of the intent, if there was a real willingness — I guess it goes back to the core — of the government to work in cooperation with the members opposite, we would have this discussion not in a debate format, but we’d have a conversation about how do we work together as members of this Legislative Assembly to address these really serious issues in our community. Because it is our community — *communitus* — we are a part of it. That doesn’t seem to be the preferred route of the Yukon Party despite the Premier’s much-flaunted notions of collaboration and consensus-building — he constantly uses the words. I guess it’s the use of words that I find offensive when there is no follow-through with them.

I’ll be looking to hear and to further the conversation, in fact — and looking for clear demonstration of how this proposed amendment complies with the *Canadian Charter of Rights and Freedoms*.

We will be looking for confirmation, particularly with section 7 and section 1 of the *Charter*. Those are the kinds of issues that we will want to speak to, and, again, these are the kinds of issues that we would have wanted to speak to in conversation with members opposite; not necessarily in a debate. But failing the willingness of the members opposite to engage with the members of the opposition, it is where we are at.

Those are my initial comments in reaction. I am sure that other members of the Official Opposition will have some

comments and we will have more to speak to later, so thank you.

Mr. Silver: I rise to speak to Bill No. 40, the *Act to Amend the Financial Administration Act*. The amendment explicitly empowers regulations for the management, maintenance, proper use and protection of public property. The amendments also make it an offence to contravene such regulations and allows for goods used in such offence to be seized. The government has a responsibility to maintain public property so that people can use and enjoy it appropriately. Setting out clear regulations that are known and fairly applied helps in carrying out that responsibility.

Appropriate use of public property includes a range of activities, including sporting events, family gatherings, holiday celebrations and more. Appropriate use also includes peaceful protests, which is our right in a free country and can be an effective means to bring attention to issues and to make change.

The debate has been heated here today, and many other issues have been brought forward in debate. However, this amendment specifically empowers government to manage all public properties for the overall benefits of all citizens. That responsibility exists regardless of political, economic or social issues of the day, and that is why we will be supporting this amendment.

Motion for second reading of Bill No. 40 agreed to

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Ms. McLeod): Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 36, *Act to Amend the Liquor Act*.

Before we proceed to general debate, would the members like to take a recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 36: *Act to Amend the Liquor Act*

Chair: The matter before the Committee is Bill No. 36, *Act to Amend the Liquor Act*. Is there any debate?

Hon. Mr. Kent: Before I begin, I would like to take this opportunity to welcome Ms. Virginia Labelle to the Chamber — vice-president of the Yukon Liquor Corporation — and

thank her in advance for all the fantastic assistance she'll be providing me throughout Committee as we debate Bill No. 36, *Act to Amend the Liquor Act*.

Just before we move on and in response to some of the comments at second reading with respect to the Beaton and Allen report on acutely intoxicated persons at risk, changes recommended in this report are being addressed through Health and Social Services and other departments such as Justice. They're working on all recommendations with respect to consumption and I certainly look forward to getting those from colleagues who are responsible for that.

Also the Leader of the Official Opposition cited language, of course, the "Indian band" language that I did speak to earlier that does require some modernization. It is located throughout other sections of the act. Section 113(2) includes the definition of "Indian band" and "hamlet." All members recognize in this Legislature that we have both self-governing First Nations and Indian bands under the *Indian Act*. The Department of Justice has confirmed that "Indian band" in the *Liquor Act* can be interpreted to apply to both Yukon First Nations that have settled agreements and those that don't. That's why that language is reflected. However, as I did mention earlier during second reading, it is our intention when we move to modernize the act that we address those language issues and make those more modern, along with other language issues that occur throughout the act.

It gives me great pleasure to present this bill to amend the *Liquor Act* for discussion during Committee here today. Along with thanking the staff of the Yukon Liquor Corporation for their work on this bill, I'd also like to thank the staff in the Department of Justice for all their hard work through our Legislative Overview Committee and Cabinet Committee on Legislation.

Those two committees — I know that they work very hard in assisting this government with legislation such as this and all matters of legislation and regulation. I'd like to, again, take this opportunity to thank them for their hard work in leading to what we have before us today, which is Bill No. 36, amending the *Liquor Act* for 2012.

My understanding of what normally occurs during a sitting year in the Yukon Legislative Assembly is that fall sittings are primarily for legislative discussion and the spring session is primarily a budget session. However, with the timing of the election last fall and with the abbreviated sitting that we had, there wasn't really an opportunity to bring forward minor amendments to legislation that are important to Yukoners and that's what we do, indeed, have before us today. When there was the opportunity to bring forward legislation during this sitting, and in response to a request from the community of Mayo and the First Nation of Na Cho Nyäk Dun — the First Nation that is from the Mayo area — we were all too happy to be able to move on these two amendments to this act.

Again, sometime in the future, there will be a more comprehensive review of the *Liquor Act*, which will modernize things and address some of the concerns that will be raised by the Member for Mount Lorne-Southern Lakes during this Committee discussion.

The intent of this bill is first to allow regulations to set the amount of liquor that an individual may import into the Yukon on their person for their personal use and consumption. As I mentioned during second reading, those limits will be established in regulations rather than in the act, which is the case now, and it will allow us to monitor and modernize the limits more effectively.

The government will consider setting the limits at the same level as I mentioned before, as what one can bring into Canada at a nominal rate of duty. That is nine litres of wine, three litres of spirits, or 24.55 litres of beer. There is, of course, no intention to allow direct-to-consumer sales; however, the changes will continue to apply only to individuals bringing liquor with them on their person, such as in their vehicle or travelling back to the Yukon on an aircraft or that type of thing.

The second intent of this bill is to provide a mechanism for the Government of Yukon to consider community requests for a public drinking ban on unoccupied land under the control and administration of the Commissioner adjacent to a community.

Again, just to speak briefly to this, through the request of a community it came to our attention — and again, this was the community of Mayo — late in 2010, that the *Liquor Act* did not contain a mechanism to consider a community request for a public drinking ban on unoccupied Yukon government lands adjacent to that community. In order to respond to this request, amendments to the *Liquor Act* were required, and that's what we have before us here today. We hope to bring the *Liquor Act* amendments related to public drinking bans on unoccupied Yukon government lands into force upon assent, and the amendments related to personal import limits upon approval of the related regulations.

For these reasons, I am pleased to present the proposed *Act to Amend the Liquor Act* for your consideration and, indeed, the consideration of all members in the Legislative Assembly here today. I would welcome questions from members opposite.

Mr. Barr: I do have a couple of questions. The first one would be in response to some of the earlier conversation here in the House and the passion that has also been felt by me and by others in regard to the wording, the language — "band" and so on.

Although I'm happy, and I commend this government for listening to the communities and working toward resolving the public drinking, such as in Mayo, I think there is also a very important question that comes to my mind when listening that — in regard to the Department of Justice — both can be understood in this language, whether you're non-signed or First Nations that have signed final agreements. In thinking on that, then, I think we need to get with the times and make that a priority. "Sometime in the future" leaves things not attended to. So, does this minister have a timeline?

Hon. Mr. Kent: We don't have a timeline associated with this. There are so many other important pieces of legislation, such as the *Landlord and Tenant Act* and updating that and other pieces of legislation that have been identified, I think, by all members of this Legislative Assembly as priorities to bring forward.

I will, as I did previously, let Yukoners know that the revisions to this language, such as “band community” and “Indian band” — while this language is consistent with other sections of the act and it does not create any difficulty in responding to requests under the section from Yukon First Nations, with or without settled land claim agreements, I certainly recognize, as all members of this Legislative Assembly do, that it does require modernization. We will attend to that when we do a more comprehensive review of the act and bring that back to this Legislative Assembly.

As for the timing of that, I know there are some extremely important bills that we are working on right now that we will be going out and talking about. Again, I reference the *Landlord and Tenant Act* and the work of the legislative committee on whistle-blower protection — that type of thing. I think those certainly — and I think all members of this Legislature would agree — need to take priority.

These are two relatively minor amendments, but I don't think they're minor in the fact that it's something that is very important and was identified by the people of Mayo to address the situation in building a park so that the RCMP can enforce the public drinking ban in an area that is really in the heart of that community; an area that was identified by both the Village of Mayo and the First Nation of Na Cho Nyäk Dun as something that we need to address.

Some Hon. Member: (Inaudible)

INTRODUCTION OF VISITORS

Hon. Mr. Cathers: I would like to ask all members to join me in welcoming one of my constituents, Andre Fortin, to the visitors gallery this afternoon.

Applause

Mr. Barr: I guess, as I was speaking earlier on the amendments to the act, I agree we do have priorities and there is so much that is very vital to moving forward for the protection and safety of all Yukoners, whether they are here visiting or those of us who choose to make this place our home. As I say that, I think of the *Landlord and Tenant Act*, which is definitely a priority. We've been asking for that and also when I think of the *Liquor Act* and other amendments, I think that some of the amendments would be vital to Yukoners as a reality in their lives.

I believe that the *Liquor Act* is an area of legislation I see as very important to the social health and well-being of all Yukoners and for those who come here to visit.

There are those who have a drink at the end of the day as a settling end to the evening after a long day's work. Some choose to go for a walk or a bike ride through the glorious trails to relax with nature, which is another way. Others consume amounts of alcohol to not be present in their own heads, so as to fend off their demons — who end up in our system, be that the courts, corrections or laying down at the riverbank. I believe the latter I speak of now is relevant as brought forward in the *Task Force on Acutely Intoxicated Persons at Risk Final Report* to the Minister of Health and Social Services, December 31, 2010: “Recommendation No. 3: New legislation should be

written to supersede sections 91 and 92 of the current Yukon *Liquor Act* to define more precisely under what circumstances an acutely intoxicated person can be detained, what services will be provided to the detained person and what conditions must be met to cease the detention. This legislation should be consistent with current human rights standards and should allow for necessary and appropriate basic medical care while under detention.

“Option 1: Rewrite the legislation to make the rules under which we detain someone to become consistent with the standards of today. Our understanding of the ramifications of acute intoxication is far deeper than it was when our current legislation was created. Our ability to provide appropriate care is superior now to then. Our human rights standards have significantly changed. To what the affected person can transition and under what circumstances he can make that transition should be defined. We currently detain, probably illegally, persons under the influence of multiple intoxicants other than ethanol. We need to create better and more-applicable legislation.

“Option 2: Amend section 92 of the Yukon *Liquor Act*. This is a markedly inferior option. Management of the acutely intoxicated needs more definition than six paragraphs of a single section in a 119-section act about liquor.”

I am one of the people you have worked with over the years — maybe also an aunt to you, an uncle, a daughter, a son, a niece, a nephew, a friend. I believe we all have one in the closet who is outwardly struggling with life through the use of alcohol — which I would like to also put on the record is a legal drug — that has touched us in our lives.

It can be used to self-medicate as any other prescribed or legal drug. For too long, we have treated people with a medical issue as criminals. If a person is not at ease, a person might find themselves filled with “dis-ease.” Locking a person up to die in their own vomit and feces is inhuman. We need to do better. Many speak of willpower. I suggest, as an old colleague of mine once said, “Drink a couple of pitchers of water tonight before you go to bed and, on your willpower, wait until the next day at noon before you have a pee.”

We are human beings being the best we can be. I heard comments about choice earlier today. Yes, we do have choice, and we are the only species on Earth — as humans — that seem to have the ability to choose. A salmon that swims up a stream — they don't leave the rivers, end up in the ocean for five years before they start to swim back up and start getting closer to where all the grizzly bears are and say, “I'm not going up there — fight them rapids — going to be swatted off.” They go ahead instinctively and do it. We as human beings, though, with all our choices, with all that we have in technology and help today, get lost, even with a GPS — because you never really learned now to operate the darned thing. We'll find ourselves lost in the bush. That was a choice.

However, when I am lost in the bush — or for those who have been lost in the bush and never got out, did they have choices when they were lost? Yes — to the best of their ability. Some of them were able to find themselves out of the bush; others, as with the disease of alcoholism, are lost in the bush. Their choice is to just try to survive every day the best they

can, as if they were lost in the bush. Yes, choices. “Pull up your socks,” I hear too often.

When I hear of priorities in the House, like the *Landlord and Tenant Act*, like the priority of this one, I asked, why not adhere to the recommendations and amendments to the *Liquor Act* that would help the people who are lost? Yes, they would have choices. We can do better, and yes, it is important that I do think, yes, we have to look out for language in our act, and we have to write that and we have to put forward — make sure there’s not public drinking here and there, as is stated in these amendments.

I would like to — I beg of us — look at our priorities and move on what are actually priorities — life-and-death priorities in our amendments — and we do have a lot of work to do. I would ask the minister: When can we look forward to these recommendations in the Beaton and Allen report in new legislation to coming into effect?

Hon. Mr. Kent: One of the things I enjoy about being a member of this Legislative Assembly and working with all members, regardless of what side of the floor they are on, is the different backgrounds and different life skills and life experiences that each and every one of us bring that is unique to this Legislature. I certainly appreciate the Member for Mount Lorne-Southern Lakes and the passion that he speaks with when he talks about those with addictions and those who are suffering from substance abuse.

Again, I welcome his comments and his contributions to the debate from that unique perspective — and the unique perspective that each and every one of us offers, given our different experiences over the past short number of years that we have been around — or longer. Again, I do welcome the comments from the Member for Mount Lorne-Southern Lakes with regard to his experiences.

With regard to the Beaton and Allen report on acutely intoxicated persons at risk, I understand some changes are recommended to section 91 and section 92 of the *Liquor Act*. They are not reflected here, and I think the main reason that they are not reflected here is because primarily Health and Social Services — and other departments, such as Justice, as I mentioned before — are working on all the recommendations, including this one. When the other related changes are decided upon, the *Liquor Act* can, at that time, be revised, as necessary, to reflect those recommendations, once we hear back on all of them through the departments. What I should mention, of course, is the Yukon Liquor Corporation — and I did highlight some of this in second reading speech, so I won’t go on at length. The vision of the Yukon Liquor Corporation is that liquor products are enjoyed in a safe, legal and socially responsible manner.

So while we are, of course, distributing liquor through our liquor stores and through the various licensees that are around the Yukon, there are other measures that we’re taking on that social responsibility side. I did, of course, touch upon the Be A Responsible Server program that the Liquor Corporation updated with licensee input.

Again, something that I’m particularly proud of is our support of the prevent alcohol and risk-related trauma in youth, or the PARTY program, that is offered through Whitehorse Gen-

eral Hospital here. At \$60,000 per year for three years, we at the Liquor Corporation are one of the primary funders of that program. In my previous experience, I worked at the Yukon Hospital Foundation, very close to where this program was offered in the large meeting room at the Thomson Centre. I can tell you that I believe — just in the experience of some of the participants that I witnessed— this is making a difference for those students who attend — and I thank the other partners, of course — I mentioned the Whitehorse General Hospital and Emergency Medical Services staff through the Department of Community Services and the RCMP — for their participation in that program.

Shortly after we were sworn in as Cabinet, I believe two days after, the Minister of Justice and I spoke at the launch of the Mothers Against Drunk Drivers Red Ribbon campaign up at the Canada Games Centre. I was very pleased to be there with the Minister of Justice to speak and was pleased to see that the Minister of Highways and Public Works had those red ribbons affixed to the fleet vehicles shortly after that as well, so that we as a government could show our support for that campaign and what it stands for.

There are other socially responsible actions that we’re taking through the Yukon Liquor Corporation, such as the Protect Yourself, Protect Your Drink campaign that I announced; the *Alcohol as We Age* booklet aimed at helping seniors; and the Check 25 identification program for customers who appear to be under the age of 25, which will of course be mandatory in our liquor stores and voluntary for licensees once we get that program launched later on this spring.

I hope that I was able to answer some of the questions that the member raised with respect to the Beaton and Allen report and what the plans are going forward. At the time all the recommendations are dealt with, we will see what type of effect they have on the Yukon *Liquor Act* and possible amendments at that time.

I am proud of the socially responsible aspects that the Yukon Liquor Corporation takes into account, including, I believe, supporting a number of the alcohol-free graduation ceremonies or after-grads, I guess, as they may be called, that take place throughout the territory. It is these types of things that make me particularly proud to be the minister responsible for Yukon Liquor Corporation, again recognizing that other departments — particularly the Department of Health and Social Services — are working on the recommendations of the Beaton and Allen report.

Mr. Barr: I do want to commend the Liquor Corporation on the work that they do with the grads and encouraging responsible drinking.

I by no means drink. However, I was down at the liquor store and purchased some so folks could have a social drink at my place over Christmas and New Year’s. It’s not something I do all the time, but we do have choices, and that’s a choice I choose to make. I am glad to hear that there’s a Protect Your Drink program. As we hear about date-rape drugs and those kinds of things, it has become more prevalent here in the territory. I would ask the minister — I’m wondering about what

might be the date-rape drug of choice or if there is a high priority of those out there to be aware of.

Hon. Mr. Kent: I'm not familiar with any of the date-rape drugs of choice.

Again, the highest priority for us is liquor and ensuring that through this campaign, which is Protect Yourself, Protect Your Drink — that shared initiative with the Department of Justice, Women's Directorate and Yukon College has educated the public on date-rape drugs. Rather than try to pronounce the date-rape drug of choice again, I'll just mention that our highest priority is protecting the drinks and the liquor that often — my understanding is — will be spiked with whichever drug is the drug of choice as far as that unfortunate practice that has become, as I understand it, all too prevalent, so we can help people to protect themselves.

Mr. Barr: As a society, that is why I think we can do better. I think that we have fundamental differences. We belong to different parties. Some of us go to different churches; some of us are vegetarians; some of us eat meat, whatever it is. I was asked that question and so I'm thinking that we could do better — and that would be when we are encouraging people to protect their drinks, we might also be making them aware in our campaigns that alcohol is the number one rape drug. Alcohol — the one we sell and make all the money from to have programs.

We as a society need to rethink some of the things we do in a big way — our belief systems. With my past of working in addictions and thinking I know so much about it, I always have to remember that I don't really know much. I would ask all of us as members of the House to keep an open mind and realize that the Liquor Corporation is the largest seller of date-rape drugs — a fact. It is the number one date-rape drug. We should be informing people when we're protecting them — when we're getting something added into date-rape drug that we're going to get maybe another date-rape drug — a statement.

Hon. Mr. Kent: Just to respond to the statement made by the Member for Mount Lorne-Southern Lakes, I guess perhaps I should have been a little bit more clear in my previous answer. We do recognize that liquor is the top priority as a date-rape drug. That's why the vision for the campaign that we launched, the Protect Yourself, Protect Your Drink campaign, in May 2009 was designed to help educate the public on date-rape drugs, including liquor. The vision of the Yukon Liquor Corporation is that liquor products are enjoyed in a safe, legal and socially responsible manner. We want to ensure that our citizens are making safe and responsible choices and that's what we do through a number of the initiatives that I've already spoken about and, again, working in collaboration with our partners throughout the country and in other jurisdictions. One of the benefits that we enjoy is that we're able to work with them on programs such as the Check 25 and other programs. The PARTY program isn't something that was invented here in the Yukon; it's something that we adopted from another jurisdiction and we're very pleased that we're able to offer that.

So again, through the good work and the research of the staff and the officials at the Liquor Corporation and our partner departments, we're able to address that and ensure that people

are making responsible choices and that we're having our citizens enjoy liquor products in a safe, legal and socially responsible manner.

Ms. Hanson: Madam Chair, I have a few questions I'd like to raise with respect to the proposed amendments to the *Liquor Act*. I'd like to come back to the minister's comments at the outset with respect to — I think he referred to the “nominal rate of duty” — and the provision that will expand the amount of alcohol that individuals are able to bring into the territory. This is what I'm seeking clarification on — that the intent was subject to the nominal federal rate of duty. Is there an intention that there will be an additional rate of Yukon duty or does this mean we can bring nine litres of wine, for example, duty-free? Are there any restrictions with respect to where it might be from? Are we talking from anywhere within Canada, the U.S. or, in fact, internationally?

Hon. Mr. Kent: This personal importation limit will be primarily from within Canada, where often we have Yukoners coming back from wine-producing areas such as the Okanagan. Whereas before they would legally have been able to transport approximately two bottles of wine into the territory, now it will be through regulations up to nine litres, or I think 12 bottles of wine is the limit. Then, of course, the corresponding increases that I mentioned for spirits and for beer. Primarily, what we are seeing is it is the importation across provincial territorial borders, so that is where these personal importation limits will apply. There is something, I guess, with importing from Alaska — I guess it will match that nominal rate of duty that one has to pay at ports of entry from Alaska when you are returning from fishing trips or other trips or perhaps the Buckwheat Ski Classic or the Kluane Chilkat bike race. There is a plug for the Member for Kluane for that upcoming race as well.

Ms. Hanson: Thank you to the minister for that answer. I'd ask the minister — there has been some discussion — I believe a federal Member of Parliament from the Okanagan — he referenced the Okanagan — has been working for some time on a private member's bill with respect to the ability to expand, I guess, upon the importation — he's focusing primarily on the wine industry — between provinces, and I would presume territories — provincial/territorial — movement without violating laws that exist now. Is it the intention of this government, or is it envisioned that this is a first step in terms of relaxing the regulations with respect to importation of wine from the Okanagan, for example, or Ontario, where we have Canadian industries?

Hon. Mr. Kent: In response to that, I guess the short answer is no. We're certainly not contemplating allowing those direct-to-consumer sales. This will be the amount of liquor that one can bring in on one's own person. Again, as I mentioned earlier, there still is the special-order program that's available through the Yukon Liquor Corporation that people can use. This is what people can have on their individual person when they're returning to the Yukon from primarily other provinces when they come back.

Ms. Hanson: It may sound like I'm particularly interested in a lot of wine, but I'm interested because I am aware

and I'm interested in the minister's comments with respect to how — I'm curious, it's more curiosity — how is this regulated? We're aware — I think most people in this Legislative Assembly — that there are many vineyards throughout the Okanagan, for example, and I don't think there's that many members in this Legislative Assembly who have not gone to somebody's home and had a lovely glass of wine and been told that they had it shipped direct from the vineyard.

It is a self-regulated duty situation, or is that an escape of duty? How does that work? I've never been able to figure it out, so could the minister clarify for me how — is the territory losing out on tax dollars here? Are the provinces of British Columbia or Ontario losing out on tax dollars? Is there any sense of if that's an issue that causes concern to the Minister of Finance with respect to foregone revenue?

Hon. Mr. Kent: Yes, it's very difficult to enforce. I'm sure that all members can respect the challenges that we have in enforcing this. Some provinces have cracked down very hard on it. Perhaps through the media attention that this debate will perhaps attract, maybe more Yukoners will know about it. I'm sure there are a number of Yukoners who didn't even know there were restrictions on what they could bring back as far as two bottles or beer or that kind of thing, because as we know, there is no port of entry. When you return to the Yukon — aside from the lovely community of Watson Lake when traveling the Alaska Highway or Beaver Creek on the other end — but as far as that goes, I'm sure there are a number of Yukoners who don't recognize there are these importation limits. Hopefully, with this debate and some of the publicity generated from it, we can let people know that there are those restrictions and of course, work as diligently as we can to enforce this regulation, although as I did mention before, it is one that is particularly challenging and difficult to enforce.

Ms. Hanson: Thank you to the minister for that. I imagine that there are many people who are not aware that they're breaking the law each time they drive back from the Okanagan.

I'd like to go now to section 113(6.1) of the proposed amendment and come back to a couple points that I had raised earlier. First of all, I'd ask the minister to confirm — just so we all have exactly the same understanding — what laws, if any, apply now with respect to the identified lands in section 113(6.1)?

Hon. Mr. Kent: I'm hoping that I understand the member's question correctly, but I'll ask her to rephrase if this answer isn't with respect to that particular question. But my understanding is there are no other liquor laws that apply to those lands, although there are other laws of general application. So I hope I understand what the question was that she asked.

Ms. Hanson: Yes. So that was what I was looking to find out. I understand the laws of general application of some sort might apply.

So there are no laws with respect to consumption or use or anything with respect to alcohol on those lands at the present time?

Hon. Mr. Kent: That is correct. On these lands that are adjacent to communities — those we are dealing with in this amendment — that is correct.

Ms. Hanson: Okay, then I understand the intent of the proposed amendment. I come back to the clear need for consequential amendments to Yukon legislation. I note that the legislation that we are referencing today is a revised statute, 2002. So I am hopeful that the Minister of Justice is paying attention as I raise this issue, because I imagine it will be directed at him, rather than at the minister responsible for Yukon Liquor Corporation.

It would seem to me that in 2002 there were a number of First Nations — the four First Nations whose agreements had been in place for seven years, and the other First Nations, whose agreements had been in place for five years. So in 2002 we had a body of legislative capacity among seven First Nations. That begs the question why we haven't begun before now, in 2012 — 17 years after the first four came into effect — to make the necessary consequential amendments to Yukon legislation to reflect the fact that we're not talking about *Indian Act* bands for 11 of the 14 First Nations and we're not talking about "band land" or "lands set aside" for *Indian Act* bands when we're talking about those 11 First Nations.

So in the matter of doing consequential amendments — I'm asking this minister or perhaps the Minister of Justice — how seriously does the Government of Yukon takes this process? The Yukon Party government likes to tell me on this side, as the Leader of the Official Opposition, that they have been in government since 2002, and that's great. I mean, it would be nice to think that there is a timeline, or that we have an undertaking by the Minister of Justice, as he works in collaboration with his ministerial colleagues around the Cabinet table, to apply the lens of self-governance to all proposed amendments to legislation, so that it reflects the reality that we're dealing with 11 self-governing First Nations, as well as the current and historic reality of the three First Nations that are *Indian Act* bands.

So I'm looking to the government, whether it's the Minister of Justice or the minister responsible for the Yukon Liquor Corporation, in this instance with respect to — there's some reference to some time in the future that there will be modernization of legislation. I was involved in the land claims negotiations process for quite a number of years, and one of the things that used to impress me, and still does, is the incredible patience of the First Nation leadership in dealing with us — either the territorial government or the federal government. At some point, you know, you have to wonder, at what point does that patience break, and you say, "You know, you entered into this with open eyes." When will we demonstrate that we respect our partners in governance of this territory?

The simple thing of language — we talk about language every day, whether it's sexist references to others — or yesterday there were great and moving tributes to the issues of homophobia. Respect is at the very core of our interrelationships. So I don't want to belabour this, but I will raise this over and over again though if I see future pieces of legislation coming forward that do not respect the fact that we have a new rela-

tionship — a new relationship that goes back to 1995, February 14, when those first four came into effect.

I am really raising this because I am looking for an undertaking from the members opposite, whether it is the Minister of Justice with his overall responsibility for guiding the Yukon Department of Justice and his many able legislative drafters to tell this side of the House that there is an intention to apply that lens of respect for self-government in any future amendments that are brought forward to Yukon government legislation.

Hon. Mr. Kent: Thank you. With regard to the question raised by the Leader of the Official Opposition, the Member for Whitehorse Centre, I will reiterate that it is out of respect for the people of Mayo, not only the village and the Mayor of Mayo, but also the First Nation of Na Cho Nyäk Dun that really one of these amendments — the one banning public drinking in Galena Park and subsequently the two First Nation settlement pieces that are parcels of land adjacent to the community — was brought forward.

I think in order for us to move quickly on this and have this ban in place for the summer — and as well, the regulations involving the personal importation limits for this summer when many Yukoners will be traveling Outside, not only by vehicle, but also through the use of local air carriers — these changes be made soon.

As I mentioned on a number of occasions today, the references to “band communities” and “Indian bands” that we find in the act allow us to address both self-governing First Nations and those three First Nations in the Yukon that don’t have self-governing agreements yet. That’s not to say that we won’t look to modernize that language in the future. When we’re doing major and comprehensive reviews of other legislation, we’ll be mindful of modernizing the language there.

I should say something that I didn’t get the chance to mention during second reading debates or previous to this. I did place a phone call to the Grand Chief the morning prior to this legislation being tabled and advised her of my regrets that we weren’t able to update the language respecting “band”, “community” and “Indian band” that is found within this act.

Again, it is out of respect that I did place that call to the Grand Chief. I did send that letter to not only the Mayor of Mayo but also Chief Mervyn of Na Cho Nyäk Dun. Again, I can assure members in this House that it was a bit of an unfortunate trade-off that we had to make in order to move quickly on this legislation — recognizing that when I was here previously in this Assembly, I don’t believe I had any legislation that I had to bring before the House. I may be mistaken; it was a number of years ago, but the amount of work that legislative drafters and our officials in the Department of Justice and the officials in the Yukon Liquor Corporation put into these amendments is quite extensive. I applaud their efforts for doing that, but again back to the language that exists here, it certainly wasn’t meant to be disrespectful. It was meant to respect the fact that we needed to move quickly on making these amendments so that ban could be in place for this summer and so we could make those importation limit changes for this summer.

Ms. Hanson: I thank the minister for his comments. I think it goes without saying, I have heard from my colleagues

from Mayo-Tatchun, Mount Lorne-Southern Lakes, and Whitehorse Centre — we have recognized and said that we understand that the minister is responding to a situation that apparently has appeared. It doesn’t obviate the real fact that this legislation — self-government legislation — there is mirror Yukon self-government legislation passed in this Legislative Assembly recognizing the Yukon First Nations who are self-governing. So, what I’m asking for — recognizing that these piece is necessary for now with its flaws — the direction for legislation, the direction for what the expectations of Cabinet are, come from you. What I’m asking for and what I was asking from the Minister of Justice, since the minister responsible for the Yukon Liquor Corporation is, of course, speaking to the express needs to deal with this immediate situation — it could have been, should have been, perhaps caught by the Minister of Justice or Cabinet, if Cabinet in its structuring of how its expectation is of what will come before it and forms of analysis — if there is express direction that this Cabinet takes seriously self-government, then it will make sure that all legislation that refers to First Nations, if there’s anything to do with their governance structures or with their land holdings — that it’s reflecting settlement land — that we’re talking about self-governing First Nations.

So I’m simply asking if we can have an undertaking from the Yukon Party government that future drafting of amendments — consequential — I’m not saying necessarily just that we’re taking whole pieces of legislation and replacing them, but there are often, as a matter of housekeeping, consequential amendments to legislation to bring them up to date. I’m simply asking that we use the language that is legally binding in this territory in the 21st century, in 2012 going forward.

Hon. Mr. Kent: I can assure the member opposite that, when these particular amendments did come before the government, the Cabinet and our caucus members, we did identify that this language was something that we would like to modernize, but just given the timing and what we wanted to do to bring it forward for this summer — these two particular amendments — we made the choice to stick with the existing language and that’s what precipitated my conversations with the Grand Chief and particularly the Chief of Na Cho Nyäk Dun.

When it comes to more comprehensive reviews and other reviews of legislation moving forward, if we’re not in a situation where there is a particular timing issue, I can assure members that we take that language very seriously and we’ll make every effort to modernize the language to reflect the current state of governments here in the Yukon, where we do have, of course, 11 self-governing First Nations and three First Nations without self-governing or land claim agreements. I will make that commitment for members on the floor here today.

Mr. Barr: I just want to say that all this time, to speak to something that’s, to me, very simple, I find very frustrating. I would like to say that I am glad that the minister opposite took the time to apologize for not having the language and I understand. I understand and I believe we all understand that we want to put this through and calling to apologize is a good thing.

However, if I get apologized to or begged for patience — when is it time? I believe that is what we are asking. It is time now. I am just asking that it happen. Yes, it could be simple, and we could be out of here and on to something else. Why can't we talk like that?

Hon. Mr. Kent: With respect to the business of this House, I think we have all made a commitment to speak to the pieces of legislation that are before the members of this House, including the budget. I think we all want to ensure that the budget receives the proper scrutiny that it deserves. It has been an awful long time since a budget received full scrutiny. But, again, these are matters of importance to Yukon residents. Regardless of who is speaking to legislation in this House, I think that we need to be respectful of what we have to say. I am trying to keep my comments as short as possible and continue to move the debate through. I have spoken to the language issue. I did commit to the Member for Whitehorse Centre that, moving forward, where we are not forced into a similar situation where we have to make some quick revisions to a particular piece of legislation, we will take the time to address those language issues that reflect the modern state of land claims here in the Yukon.

Again, I just have to say that I as a minister and a member respect all the questions and comments that come from members opposite. Obviously, I may not often agree with all of them. Nevertheless, I have the respect for the members of the Legislative Assembly who make those comments and, again, respect for people on this side of the House to take the time that they feel as individuals appropriate to address them.

Just going back and for the record once again, where we are able to update and modernize language, we will do so to the best of our ability, recognizing the time constraints and the significant public consultation and public engagement that need to take place with larger pieces of legislation.

Ms. White: I actually didn't know until I read the act that there was an importation limit between provinces and the territory. So my question is this: Will there be an education campaign, so that people will know they are or are not allowed to bring in a certain amount?

Hon. Mr. Kent: Aside from the obvious publicity that we're generating with this today in the Legislature, we will mount a public education campaign to deal with this. Of course, with respect to the ban on public drinking in areas such as Galena Park, public education work will be done on that as well.

Ms. White: So, going back to the importation of liquor — we don't have border crossings at Beaver Creek and we don't have them at Watson Lake. We do, however, have them at the two — sorry, we do have one at Beaver Creek. But we don't have them at the Canadian crossing there. So how do you enforce the liquor importation?

Hon. Mr. Kent: As I mentioned earlier, this is very difficult to enforce. There are education campaigns that also take place with our carriers, such as Air North — Yukon's airline — Air Canada, and other carriers that come into the Yukon, as far as air compliance. We do inform the wineries as well, when people are most likely unwittingly breaking the law

by ordering direct to consumer sales from any of the fine wineries we find throughout the Okanagan and indeed throughout Canada.

We also let the post office and companies such as UPS and FedEx know that that too is not within the current laws, so there are education campaigns, but just to get back to what I said off the start, it is very difficult to enforce when people are driving in from Fort Nelson or Fort St. John or the Okanagan into the Yukon, or even from Atlin, for that matter.

Ms. White: With the trouble of enforcing it, the trouble of monitoring it, what's the cost of the importation of liquor part in the act? Do people get fined if they get pulled over for speeding and there are 12 bottles of wine in the back and they've driven up from British Columbia? What are the consequences? Does the carrier — do they tell people that they are breaking the law by importing and that they need to pay duty?

How does this affect us in our day-to-day and how much is it going to cost?

Hon. Mr. Kent: Under the *Liquor Act*, we do have the power to levy fines for individuals who are not in compliance with the *Liquor Act*. I guess one of the more important things for us to do is work with the host jurisdictions, such as British Columbia or Ontario, where the wineries are located, to ensure that they know what our personal importation limits are and that we do not allow the direct-to-consumer sales.

Ms. White: So with those limits being set, if I were to order 18 bottles of wine from the Okanagan and they were to package it up in two boxes — so nine bottles in one and nine in the second — would that meet the requirement?

Hon. Mr. Kent: No, this regulation and this amendment to the *Liquor Act* is only for personal importation, so it has to be on your person when you arrive by vehicle or by air carrier, or however you arrive in the Yukon.

This has to be on your person. We do not allow direct-to-consumer sales from wineries, so that is not legal.

Ms. White: Sorry, I'm just trying to figure this out. So, if I were to call up a winery in the Okanagan to order a case of wine, it could not be sent into the Yukon. They would not send it?

Hon. Mr. Kent: Yes, the ordering of wine or emailing asking them to ship you wine is not legal. However, if you do have a favourite winery in the Okanagan that you or constituents or people you're talking to enjoy — a particular product — we can certainly bring that in special order by contacting the Yukon Liquor Corporation. That can be shipped to the Liquor Corporation and then distributed to the consumer.

Ms. White: With the changing of the importation of liquor, the restrictions, the education campaign and stuff, what are the costs expected on that programming update?

Hon. Mr. Kent: With respect to the public education campaign, there are a few newspaper ads that we will run and provide public education at our liquor stores and our outlets. As for a hard cost, we don't have the figure as far as what the exact cost of this public education campaign will be.

Chair: Before the member speaks, would members like a break?

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. We are going to continue general debate on Bill No. 36, *Act to Amend the Liquor Act*.

Mr. Tredger: I just wanted to add my voice to the comments of other members of this House and ask that the government, on all legislation, move quickly to introduce appropriate language and just reiterate that it is important. Words do, as we know, carry a lot of power and a lot of meaning. It did come as a shock when I read that and I know it isn't in relation to this particular piece, it's just in all of it. I know, from an education perspective, we like to make sure that the language we use is appropriate. I think the same for all our legislation, not just in particular to this one. I thank the minister opposite for his commitment to move quickly and to bring the language we use into the 21st century.

I'd also like to thank the minister again for moving quickly on this legislation. As I mentioned earlier, it is important to the people of Mayo and Na Cho Nyäk Dun and it'll alleviate a problem that they have perceived. I would encourage the Yukon government to also make sure that the land involved is well-maintained and looked after.

I have a couple of questions and it may or may not be — will the limits of importation change the amount of alcohol a person could have on their person? I'm thinking one of the concerns is people leaving Whitehorse going to the communities or something. Sometimes it's a concern how much alcohol is taken with them. Do we have any laws in effect? Will this make the change or are they allowed to carry as much as they wish? I don't suspect that this amendment changes that, but it's just a question.

Hon. Mr. Kent: Although there is no limit to the amount of alcohol that an individual can carry within the territory, the offences and penalties — it has to be for personal use. There are offences and penalties for bootlegging. For the first offence, it's up to a \$25,000 fine and/or a 12-month imprisonment. Subsequent offences for an individual — and that previous answer I gave was for an individual — is up to a \$50,000 fine and/or a 12-month imprisonment.

So there are very substantial penalties that are in effect for bootlegging. Just getting back to the original question, there are no limits as to what one can transport within the territory for personal use.

Mr. Tredger: A second question: Will this affect any other areas or can the minister conceive of any areas where this might affect — I'm thinking campgrounds near a town or territorial campgrounds. I know there has been some concern in the past about the amount of alcohol consumed in some of our campgrounds. Will this address that issue or is it a separate issue entirely?

Hon. Mr. Kent: This act deals with land that is adjacent to communities — unoccupied Commissioner's land. Drinking or consuming alcohol in campgrounds is governed by

the *Parks and Land Certainty Act*. Yes, people can still continue to enjoy a beverage of their choice at their campsites or on a canoe trip after they have finished their activities for the day. This has no effect on campgrounds. Again, the ban is for public drinking on unoccupied Commissioner's land that is adjacent to a community and, again, I have to state it's at the request of members of that community.

Ms. Moorcroft: I only have a couple of areas that I would like to speak to. There has already been a fair amount of discussion, and I thank the minister for his commitment that the government will, in future, take the time to modernize the language of its bills to reflect the land claims and self-government agreements. I must admit, though, that I'm somewhat puzzled in that the first four final agreements and self-government agreements came into effect in 1995 — so that was some years ago. I would have expected that for many years now, legislative drafting to replace the term "bands" has, in fact, or should have been incorporated into the work of the legal drafters at the Department of Justice. Can I ask the minister why it was going to take so long or why it was not possible to modernize the language in these amendments to the *Liquor Act* now before the House?

Hon. Mr. Kent: With respect to these particular amendments and the language concerns that are raised by members opposite, something that we recognize and that we did not unilaterally want to do is change those language issues without going out for a broader public consultation with First Nations, those who are self-governing and those without settled land claim agreements.

I obviously am not one who is big on looking backward in time and back to 1995, as the member referenced, with respect to the settling of land claims agreements — but, you know, there are a number of new Yukoners, who I realize might be listening, and I guess from 1996 to 2000 we did have a New Democratic government here. From 2000 to 2002 we had a Liberal government. From 2002 to the present we have had Yukon Party government. So we have had governments of all stripes. I am not casting aspersions or pointing the finger at anyone, but I think that it is important for Yukoners to recognize that there have been changes to the legislation over that time, and all parties, perhaps, haven't modernized the language.

That said, looking forward, I did stand on my feet earlier today and I'll make that commitment again — that where time allows and as we're doing more comprehensive and broader legislative reviews that involve significant public consultation and consultation with our First Nation partners and partners that are in municipalities, we will commit to updating the language and modernizing the language to reflect the current state of government here in the Yukon, that not only has federal government presence, Yukon government presence, but the presence of 11 First Nation governments with self-governing agreements and three that don't have self-governing agreements currently, as well as all of our municipal governments.

Again, something that I wasn't able to touch on earlier and just came to mind is the fact that not only are we strong partners with Canada and First Nations, but we expect a number — myself included and the Premier and Cabinet colleagues — to

attend the Association of Yukon Communities meeting in Dawson that will be held in early May to lend support and listen to the concerns of the municipal governments that are really on the front line of delivering governance here in the Yukon, dealing with their constituents.

We have a number of members of this Legislature who have experience at municipal council, and I certainly applaud and recognize them for their commitment to that level of government — and all Yukoners who are currently involved at the municipal level and on our local area councils as well.

Ms. Moorcroft: I'd be happy to debate the relative merits of the past and present governments with the minister in some more suitable venue. Right now, we're discussing a bill and the language in the bill before the House. I would expect that there are bills that have used language that is consistent with the final agreements, and I fail to understand why that was such a difficult change for the government to make and to bring forward in this bill. I am pleased to hear they will do it in future, and I'll move on to another area.

Previous speakers have spoken about the *Task Force on Acutely Intoxicated Persons at Risk Final Report* that was delivered to the previous Minister of Health and Social Services on December 31, 2010. That task force noted that the time has come to share the responsibility for providing appropriate care for acutely intoxicated persons at risk between law enforcement and health care. Now, in his earlier remarks, the minister said that it was the Health and Social Services minister who would be responding to the task force report and its recommendations. However, it's so important, considering that that task force was struck to respond to the fact that a First Nation man died in police custody when he was intoxicated and that, a short time later, there was a second death of a patient held in a local detoxification facility. The task force recommended that the aged *Liquor Act* should be rewritten. It presently authorizes non-criminal detention for intoxication. That should be brought more in line with currently accepted human rights standards.

Does the minister agree that reviewing the *Liquor Act* and taking into account the recommendations of the Task Force on Acutely Intoxicated Persons at Risk, which specifically address the deficiencies in the *Liquor Act*, is something that should be undertaken as a priority?

Hon. Mr. Kent: As I mentioned earlier on today in debate during Committee with the Member for Mount Lorne-Southern Lakes on this particular issue, changes were recommended in the Beaton and Allen report on acutely intoxicated persons at risk — changes recommended for sections 91 and 92 of the *Liquor Act*. As I stated to him earlier on in debate today, Health and Social Services, as well as other departments, such as Justice, are working on all of the recommendations, including that one. When those related changes are decided upon, if changes to the *Liquor Act* are part of those recommendations, then the *Liquor Act* will be revised, as necessary, at that time. Again, it's a very similar answer to what I provided for the Member for Mount Lorne-Southern Lakes earlier on in this debate.

Ms. Moorcroft: The minister is bringing forward amendments to the *Liquor Act*, and the minister is responsible

for the *Liquor Act*. I would like to ask whether the minister takes enough of an interest in the findings of the Beaton and Allen report to participate in the intergovernmental work that has been done to respond to that work. In particular, is he willing to participate in addressing the recommendation that strongly urges the government to rewrite the *Liquor Act* in the way that it deals with the non-criminal detention of people who are intoxicated?

Hon. Mr. Kent: I take very seriously my work as an MLA and a Cabinet minister in the Legislative Assembly. Of course, we all have responsibilities to our constituents as MLAs. I know that we all work hard to address their concerns and make sure that our priorities are associated with addressing the concerns of our constituents as they arise. I also take very seriously my responsibility as the Minister of Education, the minister responsible for the Yukon Housing Corporation, minister responsible for Yukon Liquor Corporation, and minister responsible for Yukon Lottery Commission. However, I am part of a larger team. We have a very strong caucus and Cabinet on this side of the House.

As I mentioned earlier, the Minister of Health and Social Services is the lead on addressing the recommendations that are contained in the Beaton and Allen report. I will participate when there are issues or recommendations that come up that not only concern one of the departments that I'm responsible for, but also may reflect upon the constituents I represent here in the Legislative Assembly. So that's where my priorities lie — and I would think that all number one priorities of all MLAs in this Assembly are to their constituents. But again, as I mentioned, as a Cabinet minister, I certainly have other responsibilities and I have an awful lot of trust in the team that we have on this side of the House including, of course, the Minister of Health and Social Services and that when the review of those recommendations is complete, he will bring it through the proper process and we'll have an opportunity to address it at that time.

Ms. Moorcroft: I would like to thank the minister for his response. The Beaton and Allen taskforce spent a considerable amount of time not only speaking to residents of the Yukon in putting forward their report, but they also looked at some of the initiatives that are in place in Manitoba, which are far more current in looking at the best kinds of responses for outreach and care on the street to intoxicated persons.

In Manitoba, they have an *Intoxicated Persons Detention Act* that is a separate act. Has the minister considered whether this might be a way of dealing with the concern that sections 91 and 92 of the current Yukon *Liquor Act* are not only outdated but are inconsistent with current human rights standards?

Hon. Mr. Kent: Again, as I've stated earlier on the floor here today, the recommendations with respect to the Beaton and Allen report on acutely intoxicated persons at risk — those recommendations are being worked on by the Department of Health and Social Services.

I'm sure the minister responsible for Health and Social Services would be happy to answer questions in general debate when we get to his department under budget discussion, but there's another bill that's currently before this Legislative As-

sembly, but that working group will contact the vice-president of the Yukon Liquor Corporation if they are working on a particular issue that has something to do with the Yukon Liquor Corporation. I have full confidence in the officials who are working on this, and of course, the Minister of Health and Social Services in his work addressing those recommendations.

I have to state that, as part of the caucus and Cabinet team on this side of the Legislative Assembly, we work on a number of issues. Everyone is involved. All elected members are able to consider major issues that are going to affect the day-to-day lives of Yukoners and the day-to-day lives of our constituents.

With respect to what we're discussing here today — which are the two amendments to the Yukon *Liquor Act*, respecting personal importation limits and a ban on public drinking — it is of course the vision of the Yukon Liquor Corporation that our liquor products are enjoyed in a safe, legal and socially responsible manner and that's what we continue to strive toward with not only the sale and the safe distribution of liquor, but also the number of programs that I outlined for members of this Legislature earlier today — the PARTY program that we support; our Check 25; the booklet, *Alcohol as We Age*, and of course, the Protect Yourself, Protect Your Drink campaign that the Yukon Liquor Corporation supports.

I would invite the Member for Copperbelt South, if she does have specific questions related to the Beaton and Allen report, to address those to the Minister of Health and Social Services at a time when his budget comes up for debate. Again, I reiterate my desire, and I know it is the desire of members opposite, that the bill receive full scrutiny in this sitting. It is something that I don't believe has happened for an awfully long time and I would agree that I am hoping that we can get back to that budget, but again, not disrespecting the important discussion that we are having here this afternoon with respect to amendments to the Yukon *Liquor Act*.

Mr. Barr: I'll just keep my comments brief. I would like to thank the minister opposite for his comments today and for everyone's patience as we moved through this.

There is a lot to talk about, and it's all important. I'd just like to say that I'll want to approve the amendments, and I encourage others to do so. Thanks for everybody's time.

Chair: Is there any further debate? We're going to proceed, clause by clause, with Bill No. 36, *Act to Amend the Liquor Act*.

On Clause 1

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Title

Title agreed to

Hon. Mr. Kent: I move that Bill No. 36, entitled *Act to Amend the Liquor Act*, be reported without amendment.

Chair: It has been moved by Mr. Kent that Bill No. 36, entitled *Act to Amend the Liquor Act*, be reported without amendment.

Motion agreed to

Bill No. 40: Act to Amend the Financial Administration Act

Chair: We are going to proceed with general debate on Bill No. 40, *Act to Amend the Financial Administration Act*.

Hon. Mr. Istchenko: This bill amends the *Financial Administration Act* provisions regarding public property. Its purpose is to help the government balance two important responsibilities. These are the responsibility to support people's exercise of their democratic rights and fundamental freedoms, and the responsibility to keep public facilities safe and accessible to all. All Canadians, and certainly all Yukoners, treasure the rights and freedoms that we enjoy. As part of that, Yukoners expect to be able to use public spaces when and how they choose. Among other things, they want to be able to make their views heard in the public forum. Peaceful demonstrations, protests, gatherings and marches are part of our Canadian and Yukon traditions. They are a key way individuals and groups express themselves, not only on the political questions, but on the whole range of topics that living as a community entails. People expect, rightly so, that they can use the public spaces in their community spaces to do these things. But most people also expect some other things from their public spaces. They expect them to be clean and safe. They expect them to keep in good repair and reasonably good order and they expect that no one person or group will be able to dominate an area or a building to the exclusion of others.

As a responsible government, we take both of these kinds of expectations seriously. We respect and indeed celebrate Yukon's tradition of a robust public debate. We fully support the use of public facilities as spaces, by people of all persuasions and all opinions. We understand that democracy means diversity and that we deeply commit to the rights and freedoms that the Canadian Constitution guarantees to all people. Even if we may not agree with someone's views, we will never use our disagreement as an excuse to keep discussions or debate out of our public spaces.

We also accept, however, that there are limits on the exercises of any freedom. Nobody can be allowed to shut down other voices in the name of free expression, for example. Nor does the freedom of association mean that some people have more rights than others to occupy and use property that we all own together. We are committed, in short, to keeping Yukon's public property truly public. Usually maintaining these two commitments is easy. Day in and day out, Yukon's parks, public buildings and other facilities see all of kinds of use by all kinds of people with no difficulty whatsoever.

Occasionally, though, the government needs to be able to ensure that these limits are respected. Not everything that purports to be a peaceful demonstration really is. Sometimes the actions of a small group, however well-intentioned, can impose disproportionate costs on the community. When health or safety is at stake, when serious property damage results or when our public spaces cease to be usable for their intended purpose, the government has the duty to act. Last year, Yukoners were given a very direct insight into the difficulty of balancing government responsibilities. A number of people set up camp in an area that included some government-owned land and some privately owned land. There seemed to have been a variety of reasons for the encampment, and I do not propose at this time to engage in debate about its social or political significance. What I want to emphasize is that the situation presented the government with a very real difficulty. From the start, the government respected fully the rights of the protesters to make their voices heard. More than that, the government officials worked hard to understand and, where possible, responded to the specific pressing needs that some of the protesters had. But over time, it became apparent that the encampment was not only moving beyond its initial purpose as a form of expression, but was also creating some significant risks.

For the campers themselves, for other members of the community, it must be said for the government, as the owner of the property, and the ongoing occupation of a significant public space by this one group, of course, denied the use of the space to everyone else. For those reasons, it eventually became necessary for the government to ask the campers to move on. At that point, though, we confronted the fact that Yukon does have well-developed, legal tools for managing the use of public facilities. We have the common law of trespass, which is cumbersome and slow. We have the *Lands Act* and *Territorial Lands (Yukon) Act*, which serve a completely different purpose. There is currently no straightforward way for the government to deal with risk, damaging or otherwise inappropriate use of public facilities. Other jurisdictions do have more laws in this regard. In all of Canada's common law provinces, trespass legislation allows property owners, including governments, to remove unauthorized users of their property with the assistance of the police, if necessary. Yukon has an act to deal with the trespass on school property, but that is all.

The best model we have found in putting a reasonable limit on the public use of its own public spaces is a regulation under Canada's *Department of Public Works and Government Services Act*. This federal regulation applies to Government of Canada buildings and other properties, including such important public spaces as Parliament Hill.

It does not in any way interfere with peaceful protests and demonstrations, but it does prohibit the kind of actions — the actions we spoke about earlier — that I think most Canadians would agree are not appropriate use of public facilities, such as defacing buildings, interfering with traffic control signs and devices, and committing a nuisance.

The federal regulation also prohibits erecting unauthorized structures on public works, camping where it is not permitted, and occupying public works, and it allows the federal minister

to require someone doing those things to leave the property. Again, this is not some heavy-handed attempt by Canada to shut down legitimate protest. Anyone who has visited Parliament Hill in Ottawa — which I have done on numerous occasions — knows that demonstrations of all kinds take place there at all times. Rather, it's how the Government of Canada has equipped itself to deal with the rare cases where people choose to misuse public property. That does include, if necessary, dealing with protests and other gatherings that deteriorate into hazardous or otherwise inappropriate behaviour.

But doing so is part of being a responsible government, not some kind of conspiracy against free speech. The federal regulation is a tool that helps the Government of Canada manage public properties in a balanced way for the good of the public — all Canadians.

Having received the options, this government has concluded that Yukon needs to have an equivalent tool. The bill we have introduced is the first step toward that. This legislation amends the *Financial Administration Act* to allow the Commissioner in Executive Council to make regulations governing the management, maintenance, proper use and protection of our public property. The legislation goes on to allow such regulation to assign powers and duties to any minister. This is because, although the Minister of Finance is responsible for the *Financial Administration Act*, most of the day-to-day management of public facilities is done under the Minister of Highways and Public Works.

The legislation also allows the regulation to provide the sub-delegation of those powers and duties. To ensure that there are appropriation sanctions for the misuse of public properties, the legislation allows offences to be created in the regulation.

Madam Chair, of course merely providing for the making of regulations does not by itself put any new substantive rules into the law. Those rules will be in the regulations. Before agreeing to the amendments to the act, people will naturally want to know what the government intends for the regulations. To answer that question, we have tabled the regulations today to ensure there is transparency in process. I look forward to the debate on this important amendment.

Ms. Hanson: I thank the minister opposite for his opening comments with respect to the proposed amendments to the *Financial Administration Act*. I'm pleased to hear the Minister for Highways and Public Works acknowledge and state that the Yukon Party government respects the need for robust public debate on matters of importance to Yukoners. I guess that's exactly where the starting point is. There has been no debate, robust or in any form — no public debate. Maybe I'll wait until the minister is engaged fully in the conversation before I continue.

As I was saying, the minister opposite made the clear statement about respect — and I presume that when he speaks he's speaking on behalf of his colleagues — that he, as a minister, and his government hold for robust public debate on matters of importance to Yukoners.

That's the starting point where I come in to this conversation, because until this afternoon, actually during Question Period, I had no inkling as to the regulations, because we received

those in our office during Question Period. So that's a good starting point. We have that information now.

What I want to be very clear about is that I absolutely agree with this minister. There needs to be full and robust public debate. There should be full public consultation on these proposed amendments. Our position is and will be that until there is such a consultation, this bill should not be passed — simple. But we have many — and in order to expand upon and elaborate why we've come to that conclusion, notwithstanding the fact that we're placed in a very similar situation, as I said at the outset, as we are with the other five pieces of amended legislation that this government has brought forward that we've been denied the opportunity to have this conversation, which might have been more fruitful and more productive if we had actually had it in the context of what the intent of the government was before dropping it into the Legislative Assembly.

We'll have that discussion now. We will have it fully in here. But we will be expecting this government to respect Yukoners and their rights by taking these proposed amendments that have significant implications for all Yukoners, not just those who they were targeting with respect to the potential for a tent city re-enactment. But there are Yukoners throughout this territory for which the consequences of the proposed legislation have not even begun to be understood.

So we need to make sure that that conversation does occur, and we will work with the government members opposite to ensure that it does.

I believe the minister, earlier in the conversation, made reference — at least I hope he did; I am sure that he did — to the Constitution, and specifically the *Canadian Charter of Rights and Freedoms*. I think that it is absolutely important that we ground any discussion on any potential infringement on Canadians' rights and civil liberties in the provisions of the *Charter*. When the *Charter* was brought into effect in 1982, this was a significant move for Canada — for all of us as citizens — in terms of an assertion of our rights. You will recall — some of you who were alive at that time — the considerable debate that occurred across this nation, and actually between the mother nation of Britain and this country.

It was founded upon principles that recognize not only the supremacy of God, but the rule of law. The first principle is the *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it, subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Here's the challenge that governments across this country have faced since 1982. It's having the ability and the wisdom to use a scalpel when it comes to infringing upon citizens' rights rather than the bludgeon. We have seen too often that it is easy enough to trample citizens' rights. The *Charter* is here to protect us and we will work with Yukoners to ensure that those *Charter* rights are respected.

There are, as I'm sure every member of this Legislative Assembly is aware, 15 major provisions of the *Canadian Charter of Rights and Freedoms*. I am not going to speak to them; I wanted to raise section 1, section 2 and section 7, because I do think that they have particular application to the proposed

amendments to the *Financial Administration Act*. Section 2 speaks to the fundamental freedoms that are guaranteed to Canadians under the *Canadian Charter of Rights and Freedoms*. Section 2 says, "Everyone has the following fundamental freedoms: (a) freedom of conscience and religion; (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; (c) freedom of peaceful assembly; and (d) freedom of association."

We will find, during the course of our discussion of this, that there have been, despite what I heard — maybe in response to questions in Question Period or perhaps in the opening comments from the minister opposite — in fact, been successful challenges to similar kinds of legislation, based on primarily Section 2(c) of the *Charter*, so we'll come back to that at a later point.

In addition, the *Charter* speaks to the legal rights of all of us as citizens and talks about — in Section 7: "Life, liberty and security of person." Section 7 says that: "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

Madam Chair, the courts have set really high tests for all of these. I'm hoping that we're not setting ourselves up here by this sort of a rushed response by this Yukon Party government to create yet another scenario where government pits citizens against government and says, "You have a choice. Follow the law or to court." We see this over and over again. We've seen that; we heard about it again this afternoon, whereas the Yukon Party government refused to intervene and set out common understandings of what are reasonable expectations of peaceful use and enjoyment of your property by not talking about what the expectations could be around people living within a municipality and working with municipalities around the conflict between the free-entry mining system and the reasonable expectations of a municipal government to make laws that affect their citizens in their municipal boundaries.

We've seen it on many instances over the last 10 years, so I'm hopeful that, in their rushed attempt to pass these amendments, that that would not be one of the unintended consequences. So we will work with the members opposite to ensure that that unintended consequence will not occur because we believe, as I've said on many occasions prior, that our job is to offer some constructive suggestions as to how we could pass legislation that is actually to the benefit of all Yukoners as opposed to a few.

As I said, we believe there should be full public consultation on this amendment. We have some concerns. As I said earlier, we received the press release about the draft regulations and we got the draft regulation about the same time. Normally — at least from my understanding of parliamentary procedure, — regulations are passed by an order-in-council and they don't normally come before the House.

So it's interesting and it's useful to have an indication of where this government is coming from with respect to the House. As I've said earlier, we've asked for this briefing. That was rejected. We were told that these were really very minor changes and it's really not necessary to have it. Now we know

that these are really not minor changes. These are quite significant. They are quite sweeping in terms of the powers that they confer upon this minister, and as he indicated in his opening remarks, to ministers that may be delegated with those responsibilities. The legislation speaks to ministers; it doesn't speak to a specific minister. So, that is of a concern and we'll want to explore that further.

This morning, when I was looking at and trying to fathom where the government might be going with this, and as we had raised in Question Period over the last couple of days, our concerns about the response to the circumstances that arose last summer when tent city arose on the lawns — both the lawns of the Legislative Assembly in some portion until they realized that they were infringing on private property that was leased to the Historical Railway Society from White Pass. Those members opposite who were here will recall that the occupants of tent city respected that and moved off of that private right away because they did not want to be infringing on the private property and they realized that they should not be there. That was into August before that information was shared with me and then shared with the occupants of tent city.

It is unfortunate, as I said earlier this afternoon, that rather than addressing the legitimate and about-to-reoccur reality that there are many people in this town, and there will be many more people coming to this territory who have no place to live, rather than demonstrating some creativity in working with other stakeholders to identify alternative options for people who, coming to this territory, do what many of us have done in the past. Many people came to this territory as backpackers, or as hikers, or travelling up here for the first time, hoping that there might be an opportunity for them. They did not have the job or secured opportunities.

They were prepared to work hard and start building from scratch. It's much harder now than it was 10 years ago, 20 years ago or even 30 years ago, Madam Chair. That doesn't mean that we should be turning our backs on them and it doesn't mean that we should be making them criminals, because they have no other choice than to pitch a tent or other accommodation because there is no affordable accommodation in this territory. We are essentially saying two things: come to our territory and leave our territory because we don't want you here. That's a great message to be sending to Canadians across this country when we need skilled workers. We need workers of every kind in this territory at this stage of the game in order to keep this robust economy that we hope can be sustained into the future.

I have a number of concerns with this, and I will go into those in a bit more detail. I just want to reflect on a couple of things. We are talking about public spaces and there is a tradition, not just within the Commonwealth and not just within Canada or Whitehorse, that public places are social spaces such as a town square is open and accessible. There is an expectation that we have these gathering places and that we use them openly and freely and with a minimum of restrictions.

I mentioned that there has been, over the course of years since the *Charter* came into effect, a number of challenges.

One of the things that it has demonstrated is that it's important that every time there's a challenge to the *Charter*, it's going to be evaluated on its own merits. I only had a brief time to do some research and gain a clear understanding of what the intent of the government was. But this morning when I was looking at experiences elsewhere and looking at some of the work that's been done by the Canadian Civil Liberties Union, for one, it was identified that there are some generally applicable legal principles that need to be taken into consideration.

As I said earlier, the *Charter* provides Canadians with freedom of expression and freedom of peaceful assembly, and I quoted the two sections for the members here — sections 2(b) and 2(c) — that freedom of assembly in public spaces. I mentioned that there have been some successful challenges to restrictions of some of those *Charter* rights. I would note for the members present and those listening that section 7 of the *Charter*, the right to life, liberty and security of the person, has been used to successfully challenge what was called a “no camping bylaw” in Victoria.

I would note that the ruling in that case was based on several important findings of fact, including that a significant number of people had no choice but to sleep outside because there was no room at the homeless shelter. There is an echo here, Madam Chair. There is no room at the inn. In fact, there are no inns.

The *Charter* section I referred to earlier, section 1, speaks to the fundamental freedoms and rights as Canadians and provides that there can be legal limitations on these rights, but they have to be tied to a compelling and pressing objective and must be tailored narrowly in a way that restricts those rights as little as possible. Simply being discomfited by the fact that there are poor people, or there are people with no place to stay, is not going to qualify as a compelling and pressing objective that would be allowed to stand to restrict the rights of citizens.

You know, there have been some limitations on the freedom of expression that we talked about earlier and those have been found by the courts to be constitutional, and they include criminal laws dealing with the incitement of hatred, obscenity laws, defamation laws. The common limiting factor in these legal limitations is harm. Harm, Madam Chair — there is a major onus on this government to prove harm. It is therefore necessary in certain situations to place limits, but there is no evidence that the kind of comments that people were making in the tent city last summer — there has been no evidence presented here that anything that those protesters said or those people — I just want to point out that in fact there were two parallel movements that occurred last summer. One was the tent city group who just arose because they had no place to stay and then there was, as it moved on into the early fall, a small “occupy Whitehorse” movement. You will recall that was a global response to the corporate greed that started in New York and spread across North America. That phenomena of the occupy movement, perhaps unluckily for the members opposite, spawned a significant number of legal challenges, and we are going to find as we go through this conversation that most of those legal challenges found in the interest of those people who were part of the occupy movement.

We have a number of concerns. I'm not sure how I'm doing for time here but I'll be wrapping up these preliminary comments. I hope I'll have an opportunity to come back to speak to this because I think it's very, very important that we fully explore the huge implications of the *Charter of Rights and Freedoms* on the proposed amendments, that we make very, very clear that, as the minister opposite said, this Chamber does respect the requirement and the need for robust public debate and that this Legislative Assembly commits to taking these proposed amendments to the public for full public consultation before there is any discussion about implementing any aspect of this proposed legislation.

Madam Chair, if I may, just one last comment. I made reference before that I started my career as a social worker. Throughout my career, starting in Prince Edward Island many years ago, I've always had on a wall — whatever little office or nook that I was able to work out of — a quote by a French poet and journalist in the nineteenth century who was a Nobel Prize Laureate in Literature. His name was Anatole France. As I sat there this morning, reflecting on the proposed amendments to the legislation, I thought, you know, these things come back to haunt us. The quote that has been on my wall these many years is, "The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets and to steal bread."

Hon. Mr. Istchenko: In a short response in looking at time here — the reason we tabled the draft regulations should show cooperation in this House. We're going beyond what we practice in tabling regulations. I hear lots from across the way about not working together. This government — members on this side are working with members on the other side. They're emphasizing the importance of the following of the *Charter of Rights and Freedoms*.

This House is broadcast on the radio and people do listen.

I got a call from my office and it was asked to bring this to me — if I could use it — it was a call from the owner of the Robert Service Campground. Last year was the first year that they were not full even once. They cannot compete with free camping at a Yukon government public property. She said she needs this act. This is in response also to all Yukoners. I understand the rights and the *Charter*, but it is also about public property and safety.

Chair: Is there any further debate?

Ms. Hanson: I thought you told me that I — so I was being respectful and letting you speak. I was not intending that I had indicated that we had other comments that we would like to make. Yes, I — and it is — I think the comment that the Minister of Highways and Public Works just read into the record reinforces what I was saying earlier about the importance of this government working in cooperation with the private sector. That is what I was saying; there are other stakeholders in this.

That is why we anticipated and talked about the need for more creativity. Not everybody — and I can tell you this right now that I would hope that the Robert Service Campground will be full to capacity this year — but not everybody can afford the four or five hundred dollars a month to camp there. We

need to recognize that and we need to help find ways to work with people so that they're not camping.

One of the reasons and one of the stated reasons, as I said at the outset — and the Premier may not be interested in this, but others will be — people chose to camp on the lawns of the Legislative Assembly was because it was perceived as being safe. It was under the scrutiny, although you may not have liked it as ministers or as the Premier newly selected by his party in June, having to walk by them each day. They were safe there. They were not below the clay cliffs and the trees there. They were not along the riverbank or on Kishwoot Island or other places like that. They were in safe places under the public eye. It's not satisfactory. It's not the best option, but it was the only option available to many people last summer.

The minister opposite spoke to the importance of his tabling of the draft regulations.

Again, as I said earlier, it's useful to have those because it certainly does give us an insight into the thinking of this government in terms of bringing forward this legislation and its intentions with how it will be implemented. That is helpful and I would like to then raise a couple of questions about the draft regulations with the minister opposite, if I may.

He said today that the purpose of this regulation is to balance two responsibilities — the responsibility to safeguard the exercise of citizens' democratic rights and fundamental freedoms, and he talked about its consistency elsewhere — primarily because I think he would have a hard time finding the consistency with other than the cited federal legislation, but I'll be interested in hearing what other jurisdictions he would cite. My question for the minister is, why is the public not part of the discussion on their democratic rights? When will there be public consultation on both the proposed amendments to the legislation and the draft regulations?

Hon. Mr. Istchenko: Providing these draft regulations — in the spirit and intent of good comradeship here in the House — itself is debate and public consultation. Many questions will come forward, and we will talk this through, I'm sure.

When we were discussing the Liquor Corporation — the last small amendment that we put forward — we had full debate. We're elected by the Yukon people. That's why, in this House, we debate things. We put things forward for the betterment of the Yukon people. This proposed amendment that we put forward will give clear direction to my department when it comes to health and safety issues, when it comes to destruction of private property, public property — this is why we're here to debate this.

Seeing the time, I move that you report progress on Bill No. 40.

Chair: It has been moved by Mr. Istchenko that the Chair report progress on Bill No. 40, *Act to Amend the Financial Administration Act*.

Motion agreed to

Hon. Mr. Cathers: I move that the Speaker do now resume the Chair.

Chair: It has been moved by the Government House Leader that the Speaker do now resume the Chair.

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Ms. McLeod: Mr. Speaker, Committee of the Whole has considered Bill No. 36, entitled *Act to Amend the Liquor Act*, and directed me to report the bill without amendment.

Committee of the Whole has also considered Bill No. 40, entitled *Act to Amend the Financial Administration Act*, and directed me to report progress.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

Hon. Mr. Cathers: I move that the House do now adjourn.

Speaker: It has been moved by the Government House Leader that the House do now adjourn.

Motion agreed to

Speaker: This House stands adjourned until 1:00 p.m. Monday.

The House adjourned at 5:22 p.m.

The following Sessional Paper was tabled April 12, 2012:

33-1-36

Ombudsman Act, Act to Amend the (Bill No. 102): bilingual text (White)

The following documents were filed April 12, 2012:

33-1-17

Financial Administration Act: Draft Government Facilities Use Regulation (dated April 11, 2012) (Istchenko)

33-1-18

Public Drinking Ban – Galena Park and Two Specific Na Cho Nyak Dun Community Parcels, letter re (dated March 22, 2012) from the Hon. Scott Kent, Minister responsible for the Yukon Liquor Corporation to Chief Simon Mervyn, First Nation of Na-Cho Nyak Dun and Mayor Scott Bolton, Village of Mayo (Kent)