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HANSARD

Thursday, October 24, 2019 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2019 Fall Sitting

SPEAKER — Hon. Nils Clarke, MLA, Riverdale North
DEPUTY SPEAKER and CHAIR OF COMMITTEE OF THE WHOLE — Don Hutton, MLA, Mayo-Tatchun
DEPUTY CHAIR OF COMMITTEE OF THE WHOLE — Ted Adel, MLA, Copperbelt North

CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Sandy Silver	Klondike	Premier Minister of the Executive Council Office; Finance
Hon. Ranj Pillai	Porter Creek South	Deputy Premier Minister of Energy, Mines and Resources; Economic Development; Minister responsible for the Yukon Development Corporation and the Yukon Energy Corporation
Hon. Tracy-Anne McPhee	Riverdale South	Government House Leader Minister of Education; Justice
Hon. John Streicker	Mount Lorne-Southern Lakes	Minister of Community Services; Minister responsible for the French Language Services Directorate; Yukon Liquor Corporation and the Yukon Lottery Commission
Hon. Pauline Frost	Vuntut Gwitchin	Minister of Health and Social Services; Environment; Minister responsible for the Yukon Housing Corporation
Hon. Richard Mostyn	Whitehorse West	Minister of Highways and Public Works; the Public Service Commission
Hon. Jeanie Dendys	Mountainview	Minister of Tourism and Culture; Minister responsible for the Workers' Compensation Health and Safety Board; Women's Directorate

GOVERNMENT PRIVATE MEMBERS

Yukon Liberal Party

Ted Adel	Copperbelt North
Paolo Gallina	Porter Creek Centre
Don Hutton	Mayo-Tatchun

OFFICIAL OPPOSITION

Yukon Party

Stacey Hassard	Leader of the Official Opposition Pelly-Nisutlin	Scott Kent	Official Opposition House Leader Copperbelt South
Brad Cathers	Lake Laberge	Patti McLeod	Watson Lake
Wade Istchenko	Kluane	Geraldine Van Bibber	Porter Creek North

THIRD PARTY

New Democratic Party

Kate White	Leader of the Third Party Third Party House Leader Takhini-Kopper King
Liz Hanson	Whitehorse Centre

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**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, October 24, 2019 — 1:00 p.m.**

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

Prayers

DAILY ROUTINE

Speaker: We will proceed with the Order Paper.
Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Streicker: I wonder if we could all please say welcome to a whole bunch of folks here in the gallery. First of all: Ms. Bev Buckway, who is the past mayor of the City of Whitehorse and past executive director of the Association of Yukon Communities. We have from the Department of Education, Marisa Whyte and from F.H. Collins School Library, Michel Emery. We have from our community of Tagish, librarian superhero Jane Hermanson, Wendy Gower, and Lesli Barnes. We have from the Isabelle Pringle Carcross library, Keith Seaboyer, who also happens to be a member of the local advisory council from Carcross. From here in town: from the Archives, we have Anne Barkworth; we have Chelsea Jeffrey from the EMR library; we have José Bergeron, Carrie Burgess, Louise Cooke, Paul Davis, Rachel Guay, Mairi McCrae, Barb Wadsworth, Louise Michaud — gosh, I hope I am not missing anyone — Jodi Crewe, and our director of Yukon Public Libraries, Melissa Yu Schott.

If we could welcome them all, please.

Applause

Speaker: Are there any further introductions of visitors?
Tributes.

TRIBUTES

In recognition of Brain Tumour Foundation of Canada

Hon. Ms. Frost: I rise on behalf of the Yukon Liberal government to pay tribute to the Brain Tumour Foundation of Canada for the important work it does to reach the 5,500 Canadians affected by brain tumours. October 24 is the second annual Brain Cancer Awareness Day in Canada.

Every day, 27 Canadians learn that they have brain tumours. Brain tumours are unpredictable and complex. They can affect vision, hearing, memory, balance, and mobility. Their effects are physical, emotional, and financial, and they last a lifetime.

There is no cure. The Brain Tumour Foundation of Canada is made up of a dedicated team of volunteers, patients, survivors, family members, and health care professionals determined to make a journey with brain tumours one that is full of hope and support. The foundation's vision is to find a

cause and cure for brain tumours while improving the quality of life for those affected.

Whitehorse hosted its first annual brain tumour walk on June 15, and I had the privilege of walking with and meeting families who have been impacted or are impacted by brain tumours. It was quite an emotional day, walking and hearing their stories and just trying to imagine what it must be like to live through what they are going through. I want to just extend huge support to them as well — recognizing that we have a long way to go, but we want to ensure that we continue to provide support to all of our patients here in the Yukon. It was a huge success that day, raising \$2,811 for brain tumour support programs, services, education, and research. On this day, we can show further support by wearing a hat, taking a selfie or a group photo and sharing it on social media with the hashtag #HatsForHope and tagging @BrainTumourFdn.

Today, I am paying tribute to all Yukoners who support, volunteer, and donate so generously to this foundation.

Applause

Ms. McLeod: I rise on behalf of the Official Opposition and the Third Party to recognize October 26 to November 2 as International Brain Tumour Awareness Week. This week is organized by the International Brain Tumour Alliance to draw attention to the challenges that accompany a brain tumour and the need for increased research efforts internationally.

The Brain Tumour Foundation of Canada organizes and supports a number of activities to raise awareness and funds throughout the year. This past June, the first annual Whitehorse Brain Tumour Walk was held and, I'm told, raised over \$27,000 for brain tumour support programs, services, education, and research. This is a pretty amazing fundraising result, considering that it was the first walk here in the Yukon. I look forward to seeing the success of next year and beyond.

Today is Brain Cancer Awareness Day. The foundation urges Canadians to visit www.hatsforhopecanada.ca and purchase a special Hats for Hope toque to support the awareness campaign and to wear it proudly in support of those affected by brain tumours.

When people hear “brain tumour”, the first thought is usually cancer. But 64 percent of brain tumours are actually non-malignant or non-cancerous. There are over 120 different types of brain tumours, and considering they are located within the control centre of the body, each is considered a serious condition and often requires extensive treatment. Treatments range from bloodwork to surgeries to radiation to chemotherapy. It's estimated that the average patient will make 52 visits to their health care team over the course of their treatment. Patients require access to speciality care throughout their illness, including post-treatment and rehabilitative services.

It's estimated that in 2021, there will be 27 new primary brain tumours in Canada. While incident rates increase with age, brain tumours can often affect people in any stage of life — even before a person is born.

We would like to thank the Brain Tumour Foundation of Canada and all those who dedicate their time to organizing

events here at home, many of whom have been affected in some way by brain tumours.

Thank you to all Yukoners who participate in and donate to this important cause for providing help and hope to those affected by brain tumours.

Applause

In recognition of Yukon Libraries Week and Canadian Libraries Month

Hon. Mr. Streicker: I love words. Humongo, ginormous words, wee words, a panoply of words.

J'aime les mots, les mots utiles, subtils et sauvages. Je les aime.

I love how words can muse, punctuate, bob, pirouette, and weave into a story — a history, a future, a collection, a library. I love libraries — places for learning, a quiet corner to curl up with a book — and yet so much more.

Browsing — I mean real browsing — for books. Today's libraries are a commons for learning, for exploring, and for experimenting with new perspectives. Our territory not only has 15 public libraries; we also have the Yukon Public Law Library, the EMR library, Yukon Archives, and the Yukon nearly-university library.

We have little libraries, a pop-up library in the farmer's market — or I suppose wherever it pops up, Mr. Speaker. We have our not quite unsung — but surely not sung enough — school libraries.

Let me sing their praises a bit. Our school libraries are safe places for our students to study, sure — but also to inspire, brainstorm, collaborate, exchange, and interact — to interact with books, with journals, graphic novels, audiobooks, 3D printers, robotics, and of course ideas.

Our libraries love languages — Southern Tutchone, Tagalog, Arabic, et français — our ways of knowing and doing and being are embedded into our languages and our stories. Libraries are about access and inclusion, with electronic magnifiers, hearing loops, large print, and a brand-new thing called a digital pen that scans text and reads aloud and helps people learning a new language or struggling with dyslexia — it is so cool.

By the way, Mr. Speaker, Yukon public libraries have the best social media feed, if anyone is looking.

When it comes to libraries, a visit will get you thinking. Who is behind all of this positive do-goodery? Inquiring minds want to know, so I will tell you, Mr. Speaker: librarians. Teacher librarians, with their modern ways of learning and engaging young minds; library staff, who sort and shelve and care for books with torn pages and broken spines; librarians who welcome, facilitate, and connect.

On behalf of the Liberal government and the NDP caucus, we pay tribute today to librarians. They are superheroes without capes, passionate bibliophiles, and bookish storytellers. Yesterday was Canadian School Library Day. They deserve more than a day. This is Yukon Libraries Week, but they are worthy of more than a mere week. October is Canadian Library Month, but our librarians deserve more than a month. Here's to librarians, lovers of words.

Applause

Ms. Van Bibber: Thank you to the Member for Mount Lorne-Southern Lakes. I rise on behalf of the Yukon Party Official Opposition to celebrate and recognize October 21 to 27 as Yukon Libraries Week. I encourage Yukoners to get involved by taking on a new adventure. Take a look at the many libraries throughout Whitehorse by taking part in the Yukon Libraries Week challenge. This challenge will take you places that you may have never visited or even thought to visit before.

Most people have been to the Whitehorse Public Library on the riverfront — which has the best view in town — but the challenge really gets you to explore the community in places such as the law library, the Yukon College library, EMR's seed library and main library, the Family Literacy Centre, and Yukon Archives.

Words, language, vocabulary, terms, expressions, poetry, quotes, opinions, facts, and fiction are just a few of the things one can find in books. Books hold the magic of all these entities.

Whatever genre of books you enjoy, there is usually someone who shares your passion, and one can then expound on the content or thoughts together or in a group. The free services provided by libraries should be accessed by everyone, especially children. Encourage the young ones to get a library card and read — you read to them; they read to you — and create the magic of books for them. Let them have their own library moments and memories and learn the value of this unique community space. If they do develop a fascination with reading, they will learn so much and also have a strong respect for books and the written word.

In grade school, we used to have to cover our textbooks with brown paper, which we would then decorate, so that the main cover of the book was not damaged or dirtied. We learned never to open a book so wide as to break the seam. We learned to never, ever fold the corner of a page to mark your spot. Use a bookmark. Those are some of my memories.

I would like to thank the Yukon Library Association, our dedicated librarians, and the library staff throughout Yukon — and also a shout-out to all in the public library system who keep books circulating throughout the territory — those in our school libraries, literacy centres, and the custom local libraries mentioned above.

I have often been asked if I could live in a cabin in remote Yukon throughout winter. I say that if I have many, many boxes of books — my own library — yes, I could — for that is the ultimate: Comfort, happiness, and quietness at their best.

Applause

Speaker: Are there any further tributes?

Are there any returns or documents for tabling?

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to continue to upgrade airports and aerodromes across the territory.

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

THAT this House urges the Minister of Energy, Mines and Resources to provide an update on the status of work to update the 2006 agriculture policy and to provide an explanation of why this project is so far behind schedule.

Ms. White: I rise to give notice of the following motion for the production of papers:

THAT this House do issue an order for the return of the Government of Yukon's declaration of a climate emergency.

I also give notice of the following motion for the production of papers:

THAT this House do issue an order for the return of the Government of Yukon's climate lens policy.

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

THAT this House urges the Minister of Health and Social Services to ensure that eligible Yukoners receive the Yukon seniors income supplement in a timely manner each month; and

THAT this House urges the Minister of Health and Social Services to ensure that the current delay in issuance of the Yukon seniors income supplement payments is resolved as soon as possible.

Speaker: Are there any further notices of motions?
Is there a statement by minister?

MINISTERIAL STATEMENT

Nares River bridge

Hon. Mr. Mostyn: Our Liberal government is committed to making important investments that build healthy, vibrant, and sustainable communities across the territory. An important aspect of our work is upgrading Yukon's aging transportation infrastructure to prepare for a prosperous future.

I am proud to inform Yukoners that the new Nares River bridge is complete and will be ready for traffic starting tomorrow, on October 25. The new bridge will meet future traffic demands along the south Klondike Highway better than the current bridge, which was built nearly 50 years ago. The construction of the new bridge, at a cost of approximately \$15 million, has brought benefits to the local community.

Over the two years of construction, the project provided economic and employment opportunities for skilled tradespeople and labourers. For the first time on a project of this nature, our government procurement process included a First Nation participation plan intended to address employment

and training for Carcross/Tagish First Nation citizens and Carcross/Tagish First Nation firms.

This reflects our Liberal government's ongoing efforts to improve procurement for the benefit of all Yukoners. Direct local benefits included training opportunities, development of a quarry, and a number of sole-source opportunities.

We worked together with the Carcross/Tagish First Nation government to resolve issues and to address concerns that can impact a community in such close proximity to a major project such as this. I want to thank the Carcross/Tagish First Nation government for their hard work leading up to and throughout this project, as well as Nelson Lepine from the Carcross/Tagish Management Corporation for working with our project team and Ruskin Construction Limited to get several components of this project to a successful conclusion.

I also want to thank the local advisory council for helping us to keep a finger on the pulse of the community's needs and concerns and the residents and citizens for their patience during construction. I also want to thank Ruskin Construction Limited and their subcontractors for their work — not only on the bridge, but within the community — and their contribution to the success of this project. For example, Ruskin assisted students from the local community school in burying a time capsule in one of the pier caps of the new bridge. This is a great way to get youth engaged in imagining the future of their community.

The investment in this new bridge will strengthen the vital links that tie Yukon's communities together and help bring our resources to market.

We will continue to make investments to ensure that our transportation network is ready to bear the weight of our economic growth and will stand up to the challenges of our changing climate.

As I mentioned earlier this week, we are currently working together with the Teslin Tlingit Council to construct a safer, more reliable, and more sustainable Nisutlin Bay bridge that can accommodate increases in traffic while also improving access to pedestrians and cyclists. That project will create direct benefits for the community of Teslin, and I look forward to sharing more information about it soon.

Our Liberal government is proud to be working with our partners to invest in these roads and bridges that keep our communities connected and help to grow our community.

Mr. Hassard: It is a pleasure to rise today to respond to this ministerial statement, and I am very sure that the minister is happy to be talking about building bridges for a change, since he spends so much time burning bridges with a number of groups — including the aviation industry with his botched airports act and, more recently, with staff in his own department — with his decision to close down Queen's Printer and Central Stores.

That said, Mr. Speaker, the Yukon Party Official Opposition supports projects that improve infrastructure and provide local benefits, but we do have some questions for the minister.

We would like to explore with the minister the value of the local benefits that he has spoken about. The minister mentioned that the budget for this project was \$15 million, so we are curious as to if that project stayed on budget. Also, could the minister provide a breakdown of the total number of jobs created by this project? How many of those jobs were local? Also, how much of the \$15 million was spent on local contractors? How many CTFN citizens worked on the project, and what was the value of contracts to CTFN-owned businesses?

We are also wondering, Mr. Speaker, when these one-off projects will be replaced by an actual First Nation procurement policy — which, by the way, the Liberals promised would be completed at the same time as the broader procurement work, which we know is almost a year overdue now.

With that, Mr. Speaker, I will say thank you and hope that the minister is able to answer these questions when he takes to his feet again.

Ms. Hanson: I also join in thanking the minister for his statement today announcing the completion of the Nares River bridge. The Yukon NDP is happy to hear that the new bridge will be opening tomorrow. The retirement of the old Nares River bridge is the end of an era in the Yukon. This is a much-needed replacement project.

While we do not have questions for the minister regarding the bridge itself, we are curious about the potential impact of roadway enhancements made to the bridge approach on both the north and south sides. As the minister is aware, Carcross area residents have been dealing with drivers speeding through their community for years. The RCMP enforces the speed limit with tickets and fines, and Carcross has a speed radar posted. Were any aspects of the bridge design done with reducing speed in mind?

The second question I have dovetails with the first. The minister is well aware that Carcross area residents have invested a lot of time, money, and effort to make Carcross a tourism attraction. The Carcross Commons have become just that; however, what has been happening is that much of the traffic that comes from the cruise lines only stops for a very short time. Area residents have expressed concern that a speedway will only encourage people to not stop in Carcross but to proceed through. Did the road improvements coming off the bridge heading north on the south Klondike Highway take into account the tourism efforts of Carcross, and were any measures implemented to encourage drivers to stop, rather than flying on through to Whitehorse?

Mr. Speaker, it is good, and the NDP does support the fact that the Nares River bridge procurement and contracting processes included provisions for a First Nation participation plan. Money spent on local businesses, employing local residents, has a significant ripple effect, and that is a good thing. We know that the government has been working on expanding provisions for First Nation procurement and participation opportunities in their tendering and procurement process. We, like many others, are waiting for this. It is long overdue.

Hon. Mr. Mostyn: I thank the two members opposite for their support of this project and for their kind remarks this afternoon.

To the Member for Whitehorse Centre, I will say that we appreciate the impact that this construction project has had on some residents in the community, and we continue to work to address concerns that have been raised. The member opposite talked about speed. Of course, we are working very hard on a motor vehicles act right now that will start to raise fines and correct some of the measures. I have said often that the foundation of our problem drivers in this territory is the legislation that governs the way that we drive in the territory, and we are taking concrete steps to fix that problem.

Government is responsible for ensuring that public infrastructure meets the needs of all Yukoners, and we always need to balance that with the needs of individual citizens. We are very happy that the project provided economic employment and training opportunities for the community.

The Nares River bridge procurement process is a great example of the Yukon government's commitment to work with First Nations, to increase their participation in the economy, and to promote economic development benefitting First Nations and all Yukoners. Our government has been working since we were elected to build bridges, both physical bridges — like the Nares River bridge and like the Nisutlin Bay bridge — and metaphorical bridges with our First Nation partners, our communities, and many different groups in the community.

After two years, this new physical bridge is complete and will be ready for traffic starting tomorrow, October 25. All Yukoners are invited to join the Carcross/Tagish First Nation deputy chief, Maria Benoit, the project teams from the Carcross/Tagish Development Corporation, Ruskin Construction Limited, Highways and Public Works, and me to formally open the new bridge at 1:30 p.m. on the north side.

Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: Electoral reform

Mr. Hassard: Yesterday the Premier claimed that the opposition put the former Clerk's letter on the agenda for Members' Services Board. That is interesting because, as I understand it, the chair sets the agenda, and I guess it would be interesting to know what the chair's response was to a request to have a meeting to discuss this letter.

I do have a question for the Premier. As he knows, the Members' Services Board is made up of three Liberal MLAs — the Premier, the Justice minister, and the MLA for Riverdale North — and it also has one member from the Yukon Party and one member from the NDP. The Yukon Party is in favour of having the Members' Services Board meet with the former Clerk to discuss the concerns raised in his letter. I have spoken to the Leader of the Third Party, and she is also in favour.

So, will the Premier agree to support having the Members' Services Board meet with the former Clerk to discuss his very real and legitimate concerns that he has raised regarding the Liberals' flawed electoral reform?

Hon. Mr. Silver: It's interesting that the agenda of the Members' Services Board is now being discussed in the Legislative Assembly. We have had a conversation about the former Clerk's letter in that all-party committee at that time. I mean, I guess if we're talking about these confidential conversations here on the floor of the Legislative Assembly — I don't remember a lot of desire from the Yukon Party at that time. But at the same time, Mr. Speaker, what I would like to do is get together with the two opposition leaders and get electoral reform back on track.

Mr. Hassard: Mr. Speaker, as you know, the former Clerk of the Assembly wrote to the Members' Services Board on August 2 highlighting how the Liberals' approach to electoral reform was not only unfair, but it was undermining the Legislative Assembly. On August 29, the chair of the electoral reform commission stepped down, but for some reason, the Premier sat on this information for 32 days before notifying the opposition parties.

Yesterday, I asked the Premier why he hid this information from Yukoners for so long, and he said that he was waiting for the federal election to be over. Can the Premier explain how the federal election played any role whatsoever in determining when he should notify Yukoners about the chair of the commission resigning?

Hon. Mr. Silver: Again, we were asked to put the commission on pause, so we did. Again, as we are listening to the members opposite about their concerns about the process, we are willing to engage. We are willing to take into consideration the options that the members opposite are putting forward. I listened to the former Clerk of the Legislative Assembly, but more importantly, I had a conversation with the Leader of the Third Party about the use of the Executive Council Office. I'm again willing to have a conversation about how we can move forward so that those concerns can be addressed.

The only thing is, Mr. Speaker — the only way to move forward from here is for the Leader of the Official Opposition to please come talk to me. I know that the Leader of the NDP has already said that they are willing to come talk. Let's have a conversation. Right now, we hear all of the questions from the Yukon Party about what they want to see — whether it's a referendum or starting again from scratch here in the Legislative Assembly. We're willing to consider all of those things, but what we're getting is just the conversation here.

We responded to another letter again today from the members opposite. We will continue to play this game of returning letters and answering hypothetical questions. But again, Mr. Speaker — what we want to do is get this on track again, and we are more than willing to take into consideration the suggestions from the members opposite — if they would just sit down and talk with me about it.

Mr. Hassard: It's interesting — the Premier's statements — considering that there was a motion up for debate here yesterday where it would be discussed openly, yet the Premier would rather discuss it in private quarters.

Mr. Speaker, as we pointed out yesterday, the former Clerk of the Assembly wrote to Members' Services Board indicating

his concern that the Liberals' unfair electoral reform process was undermining the foundations of our democracy. The Liberals' one-party-decides-all approach was unfair, in his observation, as it put all of the power on the way Yukoners vote in the hands of just one political party.

Mr. Speaker, the Premier has known about this since August 2. So since he received that letter, has he received or sought any legal advice from the Department of Justice or any constitutional experts on the very serious concerns raised in this letter — yes or no?

Hon. Mr. Silver: I guess what I'm hearing from the member opposite is that he is not willing to sit down and meet with us. I will have to take the suggestions that the members opposite — and good suggestions, by the way — that the Yukon Party have given us here on the floor of the Legislative Assembly — whether it be in Question Period or during Committee of the Whole or in general debate — as their suggestions. I know the NDP wants to meet with us so I will endeavour to meet with them as well.

I will give one last chance and we'll send a letter out to say we want to have a meeting with both parties.

Again, I want to thank the NDP.

Some Hon. Member: (Inaudible)

Hon. Mr. Silver: I don't know why the former leader is talking off-mic as if I'm not offering to move this forward. I am absolutely doing that.

Mr. Speaker, as well, other legislative assemblies — I'm not sure how much involvement they have tried — the majority governments have tried to engage with the opposition when they went forward on legislative change throughout Canada. I'm sure it wasn't as acrimonious as this. I'm sure it wasn't as much as this. But we are trying our best to get the input from both of those parties. But yet, here we are again today answering the same questions.

Now we're getting more questions but at the same time, the real fundamental question is: Will the opposition come and meet and have a conversation about getting this process back on track — yes or no?

Question re: Queen's Printer Agency and Central Stores services

Mr. Kent: With respect to the Liberal government's decision to cut Central Stores, we pointed out on Monday that the Liberals didn't even consult with businesses impacted by this decision prior to making it. There are a number of local companies that have contracts in place and it wasn't until the Official Opposition called them that they had even heard the Liberals were making this decision.

Well, Mr. Speaker, I'm happy to report that, at 8:45 a.m. this morning, the Liberals finally began their consultations. I have an e-mail here from the government to one of the impacted contractors saying that they are evaluating the way they do business and they would like to know how their contracts are working out.

So, the Liberals made the decision in September; they announced that decision last week, but they don't start the consultation until this morning. This isn't just putting the cart

before the horse — it's selling the horse and shooting the cart into space.

Can the minister explain why they didn't consult with affected businesses before the actual decision was made?

Hon. Mr. Mostyn: I want to make sure that the members opposite understand that we are working through the process. After making the decision within Cabinet, we went and approached the union, and we're working with the union on the very important and very real human resource issues around this project. As I have said before, Mr. Speaker, no jobs are being lost in this transition. I value the employees impacted by this transition and deeply appreciate that this is unsettling.

We have and will continue to work through the union, honouring the collective agreement as the change is implemented. By making this change, we were updating the way we do business and also opening up opportunities for the private sector to benefit from government spending.

We have started talking with businesses, now that we're into the human resource discussions, and we have actually informed the employees. We did not want to have the employees learn about this from the private sector.

Mr. Kent: This morning, the government e-mailed an impacted contractor to consult with them on the cuts. The e-mail reads — and I'll quote: "The Yukon Government is currently evaluating the way that it does business..." The use of the words "currently evaluating" is interesting, Mr. Speaker, as we know they have already made the decision.

The e-mail goes on to say — and I'll quote again: "The main question is how do you find the current process of purchasing furniture from you compared to when there was a standing offer arrangement... in place? Is there anything that could be done differently that you feel we should take into consideration?"

Mr. Speaker, this is beyond bizarre. Why did the minister not start consulting until after the fact? What if the consultation comes back and the contractors say, "Hey, we like our current set-up with Central Stores?" Is the minister going to reverse his decision at that point?

Hon. Mr. Mostyn: I will repeat that, by making this change — this realignment — we are updating the way we do business and also opening up opportunities for the private sector to benefit from government spending. The conversations I have had with local business owners have been very cordial. They have been pleased with the direction this government is taking, and I am glad about that.

The Yukon Financial Advisory Panel's final report emphasized the importance of increasing the efficiency of government services to reduce costs and allow government to focus on providing services to citizens. We know that previously the government was spending \$1.50 for every new dollar that was brought in. I think that this is on page 32 of the Financial Advisory Panel's report, for those who haven't seen that yet. Yukoners understand — and have understood — that this spending is unsustainable.

We are managing the growth of budgets that were mismanaged in the past, and what I'm hearing from the member opposite is that they do not like opportunities for entrepreneurs,

they do not like opportunities for small business, and they do not want our government to modernize. We disagree, Mr. Speaker, and we are going to continue to take the direction that we are taking.

Mr. Kent: Well, Mr. Speaker, it's quite the contrary. We want to see opportunities for local entrepreneurs — especially those who are building furniture and have concerns with this decision made by this minister.

This raises all sorts of interesting questions as well. Earlier this week, we asked what businesses had been consulted with on the Liberals' decision to cut Central Stores. Other than a tone-deaf partisan attack, we didn't get an answer. We know that he didn't consult with local businesses with standing-offer agreements prior to the decision, because they found out about that decision from us. Now, three days after we first asked the minister why he didn't consult with these businesses, he launched his consultation this morning.

So, Mr. Speaker, that's why the documents that the minister presented to Cabinet containing the analysis around this decision will be interesting to see. It will be especially interesting to see the section indicating consultations — or lack thereof, in this case.

Can the minister tell us when he will table the analysis that went into the Cabinet decision to make these cuts?

Hon. Mr. Mostyn: We have a plan for shifting our purchases to the private sector and we will communicate and meet with the vendors to discuss the many future opportunities that will result from these changes — many future opportunities, Mr. Speaker. We will engage with the private sector through future requests for information, the first of which will hit the tender management system this week. We will shift our procurement practices on a commodity-by-commodity basis — not all at once — and we will initiate new procurements and gradually replace existing ones. However, current standing-offer agreements will continue until the new procurement methods are put in place.

We will implement our new approach as we go along in full consultation with the private sector. The decision was driven by our need to modernize how we provide services, and this new approach will benefit Yukon businesses by providing them with new opportunities. Private sector print shops and graphic designers are already providing a wide array of services to the Yukon government right now. The Yukon is well-served by the local printing and design sector, and we want to build that business.

Question re: Many Rivers Counselling and Support Services

Ms. Hanson: It is clear that this government provided Many Rivers with funding even though they weren't complying with the terms of their transfer agreement. Yesterday, we asked the Minister of Health and Social Services about questionable spending that occurred at Many Rivers. The minister stated — and I quote: "I would say that we have some serious concerns, much like the member opposite. Those concerns are of concern to Yukoners."

She then indicated that her department had looked into the matter, stating — and I quote: “... we have done our due diligence...” — and that — “At this point, I am satisfied with where we are...” The minister also said that she has a fiduciary obligation to taxpayers. We agree.

Can the minister state with confidence that the Department of Health and Social Services can account for all of the spending that occurred at Many Rivers prior to its closing?

Hon. Ms. Frost: I have answered this question many times in this Legislative Assembly and I will continue to respond accordingly. The member opposite would like to know where we are with Many Rivers. Because of the reporting requirements under the *Societies Act*, all our NGOs are obligated to provide us with quarterly statements and reports based on services rendered. We know that in October we issued a payment to Many Rivers for that quarter. Now, because Many Rivers has been in existence for many years, we provided them the support and encouraged them to come into compliance. They went on strike at that time, came back in February, and then dissolved.

Perhaps the member opposite would like to ask another question. I will take my seat and have her do that now, seeing as she wants to take the mic.

Ms. Hanson: Thank you, Mr. Speaker — how gracious of the minister.

You know, the reason that we continue to raise these questions is that, throughout this process, there have been very credible concerns about financial mismanagement occurring at Many Rivers prior to its closure. In fact, yesterday, the minister restated those concerns when she said — and I quote: “When you give them money to deliver a service but then they’re not delivering the services and misappropriating the funds, then Yukoners should be concerned. We were concerned and we took action.” What is not clear is: What action was taken, and when?

Mr. Speaker, did senior Health and Social Services officials meet with the RCMP to discuss unauthorized spending that occurred at Many Rivers before it closed its doors?

Hon. Ms. Frost: With respect to how we deal with our NGO groups — we work in collaboration with Community Services to ensure that an organization like Many Rivers is in compliance or not in compliance.

Our job, through Health and Social Services, is to ensure that they deliver the services that we paid them to do. We have an obligation to ensure that the services are provided to Yukoners, so we take that very seriously. We have worked with our NGO partners to ensure that we provide appropriate services. With regard to how they spent their funding and how they managed their resources, we have worked with their organization — worked with their financial manager, the executive director. They brought those concerns to us. We have worked with them to address the concerns that they brought to our attention.

At this point in time, given the information that we have, there is not a lot more that we can do for Many Rivers, but we have worked with the Canadian Mental Health Association, Yukon chapter to provide services to Yukon. In addition to that,

we have worked with All Genders Yukon to provide services there as well.

With regard to funding, I understand that there are quite a few invoices that are due out there. We will speak to that next.

Ms. Hanson: I look forward to having it spoken to, Mr. Speaker. It is clear that this government provided funds to Many Rivers without receiving the quarterly variance reports required by the transfer payment agreements — reports that, had they been filed properly, may have thrown up red flags regarding improper spending.

The Department of Health and Social Services failed to exercise due diligence over public funds. When presented with these concerns of financial wrongdoing on a number of occasions, the minister chose to conduct an internal financial investigation. The government has refused to release the results of that internal financial investigation.

Did the RCMP suggest to senior officials from the Department of Health and Social Services that a forensic audit be undertaken? If so, why hasn’t this government followed that advice?

Hon. Ms. Frost: When circumstances like this come to the government, we certainly want to ensure that we bring into the discussion our Department of Justice and the RCMP if there is a concern. Now, we have worked with the NGO to attempt to bring them into compliance. We have worked with their financial manager, we worked with their executive director, and we have information that they provided us in good faith. I want to thank them for that, because we would not know this had they not raised the flags themselves — and that was to say that they have some concerns about how the funds were spent. We gave them funding in October. They spent it and didn’t account for it; therefore, they didn’t receive any further funding.

Some Hon. Member: (Inaudible)

Hon. Ms. Frost: Yes, exactly.

The question was: Did we inform the RCMP? Yes, we did inform the RCMP. We brought the information forward to the RCMP and they said they would require more information related to criminal wrongdoing. The third-party audit did not find criminal behaviour. Simply put: It was poor management, and that’s what we have.

We cannot proceed and the RCMP has advised as such and we will continue to have that dialogue with our Justice advisors.

Question re: Midwifery legislation

Ms. White: We’re coming up to the third anniversary since the last election. Midwifery was part of the Liberal platform and was even included in the first throne speech delivered in April 2017 — and I quote: “Midwifery can and should be a safe, supported childbirth option in Yukon. Your new government has already started to work on regulating and incorporating midwives in the Yukon health care system. Working with midwives, doctors and other medical professionals, the government anticipates licensing the practice of midwifery later next year.”

I remind the members that this was from April of 2017.

Mr. Speaker, it has been two and a half years. Where is the midwifery legislation and where are the regulations?

Hon. Mr. Streicker: This is an excellent question and I appreciate all the work that the Midwifery Advisory Committee has done. They have worked very hard, both on the scope of practice and model of care. It has taken us longer than we had anticipated and we have been working very closely with them.

I am sure that the Minister of Health and Social Services can also stand up to talk about that — we have revised the timelines, working with them. We are hopeful that in the coming year we will begin — that the scope of practice will be done and the model of care will be there. We are very close now.

I want to say that funding and regulation of midwifery is part of the mandate that I received from the Premier, as did the Minister of Health and Social Services. It's a commitment on our part — an important part of our enduring priorities. We were pleased to have heard from a wide range of Yukoners about midwifery during our engagement and everybody generally is supportive. The question is how to integrate it within our current health and social services system. They have been working to develop the model of care for midwifery.

We will respond to further questions as they arise. I'm looking forward to adding more to this, Mr. Speaker.

Ms. White: I am also looking forward to hearing more.

Midwives and their supporters have been advocating for these services for a long time now. Every jurisdiction in Canada has legislation and regulations in place to support midwifery. This government has given a lot of lip service to midwifery, including it in throne speeches and even paying tribute to midwives in this House. Mandate letters have even directed action on this file to two ministers.

Yukon midwives and their supporters have been attending meetings, providing reports, assessments, and documentation. They have helped organize and participated in forums. They have provided feedback, suggestions, and recommendations to move midwifery legislation forward, all the while providing support to mothers, babies, and their families.

So how is it, Mr. Speaker, that three years into their mandate, we still don't have an answer? I'm just looking for clarification. When will this government table legislation that would support healthy, happy babies, mothers, and families?

Hon. Mr. Streicker: Most of my response is similar to what I just gave. First of all, we're not tabling legislation. Just to be clear, it's going to require regulations. We did come out in our first throne speech — we said that we were working toward 2018, and we didn't make that. That's correct. We did work very closely with midwives and other health care professionals, because it is a very important issue, and we continue to work with them.

It is quite close now — both the scope of practice, which is the responsibility of Community Services, and the model of care, which is the responsibility of Health and Social Services in conjunction with working with the hospital. That has been ongoing work, and it is very close now.

If the question is, "When are we bringing legislation?" — we are not. If the question is around regulations — our hope is now early next year. I just want to say again that we really appreciate the work of midwives and other health care

professionals to work with us to get this right. I wish it were a simple thing, but it is not. It is a complex thing, and I think — what I have always said to the midwives, whenever we have met with them, is that we want to work as quickly as we can, but we want to make sure we get it right.

So that's why — it's just that engagement has taken us longer working with them. I thank them very much for working with us.

Ms. White: I thank the minister for the clarification.

Since the election three years ago, midwives continue to support expectant mothers and their families. They deliver healthy babies and provide support and offer after-birth care. Unfortunately, this service is not an option or available to all pregnant women, but only those who can afford it.

In the last three years, Yukon midwives have had to leave behind their families, clients, and practices in order to work in other jurisdictions in order to maintain their licensing requirement. Other jurisdictions offer Yukon midwives support, respect, and good pay — everywhere else in Canada, Mr. Speaker, except for Yukon.

What support is the Yukon government offering Yukon midwives and their families who need to leave the territory to maintain their licensing requirement for midwifery?

Hon. Mr. Streicker: I agree with much of the preamble that the Member for Takhini-Kopper King just stated. We agree that midwifery is important and we agree that we need to get it as an opportunity for all Yukoners. I do want to say that — having worked with the midwives association here and talking with them — we also want to make sure that births are safe. So I don't think that we are expecting to get out into every community right away. I think we are talking about making sure that there is the opportunity for pre- and post-natal care in all of our communities — but first I think it's going to grow. That has been through conversation with midwives here.

We completely agree that it is an incredibly important topic. We are very supportive and working hard. I would like to thank the staff for the work that they're doing, but really who I want to thank are the midwives and the other health care professionals who have been working very hard to find a path forward — both for the scope of practice and for the model of care — to make it work here in the Yukon. I appreciate that they have been patient and I thank them for their involvement in making sure that we get funded, supported, and regulated midwifery here in the Yukon.

Question re: Queen's Printer and Central Stores services

Mr. Cathers: Mr. Speaker, as you know, when the Minister of Highways and Public Works brought forth the *Public Airports Act*, he misrepresented who he consulted with. As a result, the government had to delete from their website a press release claiming that the City of Whitehorse and the aviation industry had been consulted. So the minister does have a track record of misrepresenting his consultations.

Now with the Queen's Printer and Central Stores changes, the minister says he consulted with the union, but in the *Yukon News* yesterday it was reported that the union says they wish

the minister would stop saying he collaborated with them because, according to them, he hasn't.

Could the minister tell us who we should believe here — him or the Yukon Employees' Union?

Hon. Mr. Mostyn: I have been very clear from the very start of the process that we respect the collective agreement and our obligations under that collective agreement. We took a decision at Cabinet. Within a week of making that decision, we then reached out to the union. We have had several meetings with the union; we have been in close communication with the union. I know that the union president and others have been involved in those meetings, and they are part and parcel of the process and how we actually roll this out to our employees. I thank them for that hard work and I think it was integral to the whole process.

Mr. Cathers: Well, Mr. Speaker, that was a pretty interesting response from the minister.

The minister keeps talking about respect, but employees certainly are not feeling respected by this minister or this Liberal government. Mr. Speaker, the *Yukon News* story also talks about potential legal action by the union against the government over this decision.

Can the minister tell us if he or his department has sought any legal advice or analysis over this matter?

Hon. Mr. Mostyn: The member opposite and I are going to disagree on the facts of this whole thing. I have been involved in this from the very get-go and have been part of the whole process. In terms of overseeing how we proceed with this change in service delivery, I can tell the member opposite that it was my direction — and the department has followed through — that we have the union involved at every stage. That has been a very important component of this plan. When we issued a release, the union was brought in on that release, and I thank them for their feedback.

I don't know what would provoke such a news story, but I am very certain that the Department of Highways and Public Works and the Public Service Commission have been working very closely with our union partners to make sure that we respect the collective agreement and make sure that we take care of our employees properly.

Mr. Cathers: The minister's relationship with the union is not going to improve after they hear what he said here in the House this afternoon. He accused them of not telling the truth.

The questions about the minister's top-down Queen's Printer and Central Stores decision includes the lack of evidence that it will actually save money —

Some Hon. Member: (Inaudible)

Point of order

Speaker: The Government House Leader, on a point of an order.

Hon. Ms. McPhee: I would ask that the member across the way withdraw the remarks that the minister has accused anyone of not telling the truth. That is not what was said here. It may be his characterization of it, but that's not accurate either.

Some Hon. Member: (Inaudible)

Mr. Cathers: I simply repeated the minister's own statements where he said that the union was wrong. I don't believe it is a point of order.

Speaker's statement

Speaker: Those are not the same words. In any event, I will go back, review Hansard, and come back to the House, as required.

Mr. Cathers: Mr. Speaker, we have yet to see any evidence that the minister's top-down decision will even save the government money as they claim, and we certainly have concerns as well with the complete lack of respect that he has shown toward the public servants who are being affected.

Any reasonable Yukoner knows it's not respectful to give staff a few minutes' heads-up before announcing their jobs will be affected. We know the Liberal Cabinet gave directives to all departments to find up to two-percent in cuts, but leaders lead by example.

Since the Liberals formed government, we have seen the budget for the Cabinet office balloon by over one-quarter million dollars while they spend over \$100,000 on new furniture, iPads, and computers for the political office and of course gave the Premier a raise.

What are the Liberals doing to reduce the cost in their own office? Are they doing anything?

Hon. Mr. Mostyn: I really welcome the opportunity to clarify the record here for the member opposite. The decision to make this change in service delivery was made by the Cabinet in late September, as I have said. The Public Service Commission and Highways and Public Works met with the union president and the executive director twice in the first week of October. Highways and Public Works made a general announcement to staff on Thursday, October 17. The union was in attendance at that meeting. Highways and Public Works met with individual employees the very next day, and the YEU was in attendance. We actually informed the union more than a week and a half before to actually see how we should roll this out to employees. They were well-informed about that.

This did not come with 10 minutes' notice. The notice went out — after we had met employees — to the rest of government to inform them. After we had informed employees, we then informed the rest of government about what we were doing, as is the proper protocol.

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. 6: *Act to Amend the Corrections Act, 2009* — Second Reading

Clerk: Second reading, Bill No. 6, standing in the name of the Hon. Mr. Streicker.

Hon. Ms. McPhee: I move that Bill No. 6, entitled *Act to Amend the Corrections Act, 2009*, be now read a second time.

Speaker: It has been moved by the Minister of Justice that Bill No. 6, entitled *Act to Amend the Corrections Act, 2009*, be now read a second time.

Hon. Ms. McPhee: Our government is pleased to bring forward the *Act to Amend the Corrections Act, 2009* for second reading. Today our focus is on the very important and critical changes that are proposed to the *Corrections Act, 2009*. As such, I would like to spend a bit of time sharing the understanding and the purposes and the details of this bill.

Mr. Speaker, evidence has shown that extended periods of confinement absent of meaningful human interaction can have negative impacts — and in fact do have negative impacts — on an individual’s mental health and overall well-being. Canadian jurisdictions have been, in recent years, under pressure to re-evaluate their current use of segregation or separate confinement in correctional institutions due to increasing human rights issues, class action lawsuits, and civil claims. Rightly so, the time is here.

In May 2018, the Whitehorse Correctional Centre inspection report done by David Loukidelis reported that the Whitehorse Correctional Centre recommendations in that report, and also recommended, as part of that report, a clearer and more comprehensive framework for policies related to segregation. To implement these recommendations and to align correctional services in the Yukon Territory with the universally accepted Mandela Rules regarding solitary confinement, changes are required to Yukon’s *Corrections Act, 2009* and the regulations.

Mr. Speaker, these amendments brought forward here in this Legislative Assembly demonstrate the Yukon government’s commitment to implementing the recommendations by Mr. Loukidelis in that May 2018 report, which included recommendations to amend the *Corrections Act, 2009* to provide a clearer and more comprehensive framework to govern the use of segregation and separate confinement.

Amendments to the *Corrections Act, 2009* will identify the Yukon government as a Canadian leader in segregation reform by codifying human rights as they relate to segregation and restrictive confinement within our corrections facility.

To begin, with respect to the proposed amendments to the *Corrections Act, 2009*, they could be categorized and divided into the following main components: they are designed to update the principles contained within the act; they are designed to create definitions that are definite, distinct, and clear while still recognizing the need for flexibility to support individualized care; they are designed to legislate time limits as a commitment to the principle of least restrictive measures, rehabilitation, and reintegration; they are designed to establish specific conditions that prohibit the placement of vulnerable individuals in conditions that are defined as “segregation”; and they are designed to provide a framework necessary to ensure proper internal review and external independent oversight and that those occur as needed.

As I move to discuss these items in a bit greater detail, I would like to acknowledge that the amendments represent just

one piece of a broader initiative to reform the use of conditions of segregation and restrictive confinement. These are clearly the legislative pieces.

This step will facilitate changes to regulations, policies, and operational practices and procedures that are required to align Yukon correctional practices with international best practices.

Mr. Speaker, the first major component of the proposed amendments speaks to the principles of the act and, therefore, corrections. We know that extended periods of confinement, as I’ve noted — absent meaningful human interaction — can have negative impacts on an individual’s mental health and overall well-being. Consistent with human rights best practices, the proposed amendment ensures that the interpretation and administration of the act and the regulations are governed by the principle of least restrictive measures for all individuals. In updating the principles of least restrictive measures as identified in section 2(g) of the act, our obligation is to provide a safe and humane custody and care environment for both inmates and offenders.

Mr. Speaker, separate confinement and segregation as delineated in the current *Corrections Act, 2009* and regulations do not at this time align with international standards or best practices. That is why our government is proposing to add definitions to the legislation for both “segregation” and “restrictive confinement”.

Moving forward, segregation would be defined as “any type of custody where an inmate is highly restricted in their association with others for 22 hours or more a day”. Further, restrictive confinement would be “any type of custody where an inmate is restricted in their association with others for a period of 18 hours but less than 22 hours per day”.

As the members will note, these terms are further defined to recognize the use of disciplinary and non-disciplinary situations. In addition, the proposed amendments introduce the concept of “alternative housing” units while allowing for the different types of alternate housing to be established through regulations. Alternative housing units and placements create the flexibility required for the individualized needs of inmates so they can be recognized within that structure.

The next major component, Mr. Speaker, proposed in the amendment here before this House in Bill No. 6 is the introduction of caps or time limits on the use of segregation. By legislating timelines, we are ensuring that the commitment to the principle of least restrictive measures is in fact a priority. To support the priority, a cap of 15 consecutive days in conditions that amount to segregation will now be legislated. Further, there is a mandatory five-day interval between segregation placements.

Mr. Speaker, in addition to the 15-consecutive-day cap, a 60-day aggregate cap has also been applied and is proposed here in that an inmate may not be held in a condition of segregation for more than a 60-day aggregate during a 365-day period without the authorization of a review adjudicator. These changes will result in careful planning and the application of programs and services that are specific to the individual needs of those in custody.

Mr. Speaker, in addition to the legislated caps, the proposed amendments establish specific conditions that prohibit placement of vulnerable individuals in conditions defined as “segregation”. These include: individuals who might have a mental disorder or intellectual disability that is defined in regulation; individuals who may require medical observation; individuals who may have a mobility impairment that is defined in regulation; individuals who are pregnant or have given birth within the time frame defined in regulation; or perhaps individuals who are suicidal or chronically self-harming. These parameters seek to protect vulnerable inmates and enhance their opportunities for successful reintegration into our communities.

The fifth and final major component of the proposed amendments seeks to ensure proper internal review and external oversight of segregation and restrictive confinement placements. This will be achieved through multiple provisions within the proposed amendments, including the introduction of review adjudication and the establishment of the circumstances for such. The importance of the review adjudicator and their role is highlighted by the fact that they will be independent of government, required to meet prescribed qualifications, and obliged to consider information and/or evidence from prescribed professionals.

Continual and legislated consideration of the circumstances of an individual in non-disciplinary segregation or non-disciplinary restrictive confinement will also work to ensure that the application of these conditions is truly a least restrictive measure.

Through the amendments, an inmate may only be held in non-disciplinary segregation or non-disciplinary restrictive confinement if the inmate plans to, has attempted to, or has committed acts that pose serious and immediate threat to the security of the Correctional Centre or the safety of persons at the Correctional Centre, or if the inmate’s association with others would interfere with the disciplinary process or a criminal investigation, or the inmate’s association with others would jeopardize their own safety and all other options to manage that inmate have been exhausted.

These measures are designed to ensure proper internal review and external oversight of placements in restrictive confinement.

Before closing, I would like to acknowledge that there have been reasons for judgment by Chief Justice Veale in a recent case before the Yukon Supreme Court stating that the analysis has been completed and the amendments that are being presented here to the *Corrections Act, 2009* that the government has introduced will in fact work to address the gap in legislation that was identified in those reasons for judgment.

Mr. Speaker, I trust that the policy decisions outlined here today underscore the scale of this work and, more specifically, the importance of the proposed legislative amendments. Before I complete my remarks today, I would like to add and report to this Legislative Assembly that contact between the Department of Justice and Mr. Loukidelis has been made in order for us to present the amendments once the bill was presented here in the Legislative Assembly. In fact, in opportunity to have that

conversation, Mr. Loukidelis indicated that he had reviewed the website and the bill in preparation for that discussion and that one of the assistant deputy ministers of the department spoke with Mr. Loukidelis about this very topic.

I can indicate that they discussed the “least restrictive measures” concept, defining segregation and conditions of confinement, the prohibitions of segregation, and the oversight and review processes. In all cases, Mr. Loukidelis was very complimentary about the changes that are put forward in this bill. They discussed the deviation from his recommendation, which you may recall stipulated 18 hours to be set as a maximum period to consider for segregation. But he understood the work that was done by the Department of Justice, appreciated that they had considered his recommendation, and was very supportive of using the international standard, which is the one that is presented here. He also appreciated that the bill provided that the lesser time could be prescribed in regulation if things changed, because this is a developing area of law, as we know. He was complimentary and supportive of the government’s position at this time with those options being put forward.

I would also like to note that recently Mr. Howard Sapers — who was the former Correctional Investigator of Canada — was here in the territory for the purposes of doing some training with the Human Rights Commission and with adjudicators at the Whitehorse Correctional Centre. He spoke recently to the current Correctional Investigator of Canada, Mr. Ivan Zinger, about these particular changes. Mr. Zinger reported that he felt these were excellent changes moving forward and said — and I quote: “... this scheme is better than the federal new provisions and are by far more consistent with the Mandela Rules. Yukon is leading the way to correctional reforms...”

I am pleased to present the difficult and extensive work that has been done to present Bill No. 6 here before the Yukon Legislative Assembly. I trust that my colleagues will have many questions, which I look forward to discussing with them in debate as we all attempt to move this important issue — amendments to the *Corrections Act, 2009* — for the purpose of leading the way in protections for inmates and offenders at the Whitehorse Correctional Centre and the safety of all those who work there.

Mr. Cathers: The Official Opposition does recognize the intent of this legislation as well as the importance of an appropriate balance between the rights of individual offenders and measures that ensure the safety of staff, other inmates, and those on remand if there’s a case related to concerns about violent behaviour.

To that end, I would appreciate if the minister can provide some more information about the measures, once this legislation is in place, that will be in place to ensure the safety of staff, other inmates, and those on remand if an inmate is violent or at risk of becoming violent. Also, at the time of the briefing on the legislation — which I do appreciate the briefing we received from officials — they indicated that there would be both capital and O&M costs as a result of the government’s choice to bring forward this legislation.

However, at that time, they indicated that they didn't have a clear picture of what those capital and O&M would be. I would ask the minister either during her response or during Committee to provide a clear estimate of the capital and O&M costs associated with this legislation. It is important when government brings forward legislation that it not be done willy-nilly or without a good understanding of the costs of implementing that legislation.

Last but not least, Mr. Speaker, I would appreciate it if the minister could indicate the expected date of it coming into force, including timelines for development of regulations under this act, if passed.

Ms. Hanson: I thank the minister for her introductory remarks on Bill No. 6, *Act to Amend the Corrections Act, 2009*.

This is a really important piece of legislation. I think, as we go through the amendments, we'll have some serious conversation and some questions. But I do want to make a couple of comments before we get to that stage.

I do appreciate the briefing by the officials on this bill that was provided to us recently. The minister's officials will probably have advised her that we had raised some questions. Part of it is just — whether it's semantics or not — and we will be looking to see how we take the language or the notion that segregation or solitary confinement or administrative — whatever we want to call it — some sort of existential notion of it from "place" to "condition". That's a pretty difficult concept for most people to get.

Most people get it if somebody is physically segregated, but there — and we have had some conversation during the briefing about what that really meant. So, I am hopeful that we will have further conversation to see how that is manifested in these amendments. Like, what does that actually mean and how is it going to look?

Mr. Speaker, there were a number of — the 40 recommendations that Mr. Loukidelis made in his report on the Whitehorse Correctional Centre inspection report raised a number of issues, and the minister touched on a couple of aspects of it. So I will just sort of highlight where I want to be looking in terms of how some of those recommendations were addressed.

The one I first wanted — and I did ask during the officials' briefing — but it was highlighted by Mr. Loukidelis when he appeared before this Assembly, and one of the things that — we think back to where all this started from. There were some pretty awful situations that human beings in this territory found themselves in.

This goes back to a comment made by Mr. Loukidelis in his report — and I'm quoting here from page 37: "Several observers believe that, because the existing forensic unit at the Whitehorse General Hospital is not secure enough to confidently handle forensic patients, this may have played a significant role in Michael Nehass being separately confined at WCC." He said — and I quote: "WCC is designated as a hospital under applicable legislation. No one interviewed believes this is appropriate, and the Supreme Court of Yukon has strongly recommended that WCC's status as a hospital be

revoked. WCC is a correctional facility, not a hospital. It has neither the equipment or staff to fulfil that role. The government should immediately remove WCC's statutory designation as a hospital." He recommended that they remove that statutory designation without waiting for other measures to be taken — without waiting to do the exploratory work of how they would implement the other 39 recommendations in this report.

It is my understanding that this has not occurred, and I will look to the minister to explain how that jibes with the overall structure and the overall philosophy that it is my understanding is being represented here with respect to the amendments to the *Corrections Act, 2009*.

One of the other comments the minister made that I think is really important — and it struck me again as I reviewed Mr. Loukidelis' report in preparation for, at some point, dealing with this legislation — it has to do with the notion of vulnerable individuals. She talked about mental disorders. The minister will be aware of debates — and certainly, as the Yukon bar association was instrumental in the Canadian Bar Association's significant work on trying to get changes to Canada's corrections and criminal system with respect to people with FAS/FASD.

We have certainly discussed that at length in here. One of the challenges — and it's highlighted several times in the report from Mr. Loukidelis that, in many ways, a correctional facility is the wrong place for somebody with FAS and FASD. I will be looking to see how these amendments to this legislation address the particular needs of somebody who is born with a permanent brain injury, acquired before birth, which makes it very difficult, if not impossible at times, to follow direction, to know consequences. How does any forum, even if it's 60 days aggregate over 365 days or — I mean, it's basically repeating the same thing over and over again for somebody who is not going to be competent to deal with that or able to understand why that is happening.

I am very interested — when we get into the area of how these various categories of segregation are going to be defined and how they come out in practice. I will also be interested in some discussion — because it's clear, when we look at the actual text of the legislation — it's at a very high level, but the challenge — and this is where much of Mr. Loukidelis' report focuses on the policies and practices that need to be changed — whether it's the appropriate training for correctional officers to work with individuals diagnosed or suspected of having a diagnosis of FASD or the proper training for correctional officers to deal with people, should they have to deal with those who have mental health issues.

So, there is a range of issues on the training side. Then there is the whole issue of what level of discretion occurs. As we have seen in the past, one of the issues that arose that caused some of the trajectory to the Yukon Supreme Court decisions over the many years has been a perception of some discretion within the practices within the correctional facility that may or may not have contributed to the denial of human rights of some individuals. So how and what focus will there be on — and what are the timelines for — implementing changes to practice

and procedures? For each legislative provision, what does the minister envision as going to be practical policy or practice changes, as well as the regulatory framework that will support those?

There are a lot of areas to be dealt with here, Mr. Speaker. I noted that the minister, in her opening remarks, was essentially rebutting some concerns that had been raised in a recent *Yukon News* article. I am hopeful that we will actually have a further conversation, because it goes back to my earlier comment about this notion of a condition as opposed to a place. The concern that was raised recently with respect to these amendments in a statement that was made in the *Yukon News* is that — and I am hopeful — I think that the minister is quite genuine in what she has been working toward and directing her department to do — but I think it's important that we address concerns that are expressed publicly. So when someone says that there are no genuine amendments being made to the *Corrections Act, 2009* other than perhaps a new review mechanism, which — and that independent adjudication is going to be incredibly important to focus on.

The perception — it does beg the question — it makes it important for government to be able to demonstrate that it's not just the government continuing to use — and I quote: "... its lexical war that it lost in court". It's not a semantics change here.

In fact, this is a fear that many have expressed over the many years when people — we've seen from the federal changes — and Mr. Sapers has been critical of those in the past. They sound good until you start looking at what it means on the ground in the institutions and whether it's window dressing. We can't afford to continue — and I don't think that's the intention of the minister — to put forward anything that would approach that. But I think it's important to have that public conversation and for the minister to be able to put on the record how the implementation of these new amendments doesn't just refute it in words but will actually refute it in the practices of this institution.

There are lots of other aspects. The other part of it is — I'll be looking to hear from the minister when Mr. Loukidelis' report was tabled and then we got this series of things about what the Department of Justice was going to do and wasn't going to do — things that they accepted, things they didn't accept — and sort of set a general timeline around implementation. It's time that we did an update on that in terms of the context of how these amendments to the *Corrections Act, 2009* fit in with the overall implementation of the recommendations made by Mr. Loukidelis — because the challenge will be that we stop with this and we say, "Okay, that's it. That's done."

In fact, this is an ongoing process and it's our job as legislators to maintain the spotlight on the whole picture and not just one or the particular elements. These are some of the most critical aspects — particularly, ensuring due process for anybody who is denied freedom — not just freedom but who is actually segregated or put in any form of isolation — deprived of social contact.

With that, Mr. Speaker, I think I'll leave it there. I look forward to going into more detailed conversation with the minister during Committee of the Whole.

Speaker: Is there any further debate on second reading of Bill No. 6?

If the member now speaks, she will close debate.

Does any other member wish to be heard?

Hon. Ms. McPhee: I'm not going to attempt to provide detailed information with respect to the questions that were raised today by either of the members opposite. I would like to thank them for their comments. I know they have indicated interest in these topics here today on the floor of the Legislative Assembly. I know they probably have done so, as well, in the briefing — although I have not reviewed that information from the departments just yet.

I do look forward to providing as much information as we have with respect to the capital and O&M cost. Some will be future estimates, but some will come out of the work that will follow as a result of the amendments to the *Corrections Act, 2009* — primarily through regulation — but we'll attempt to get that information for the Member for Lake Laberge.

I also note that — and perhaps I didn't in my earlier comments as clearly as I should have — yes, I do look forward to the conversation about separate confinement being not a place but a designation or a condition of confinement, which is one of the modernized versions of this legislation which will go forward, because the designation attaches to the individual, not necessarily the place, which has been indicated to be one of the future-looking opportunities and the key to the definitions that will be in the new legislation.

I also look forward to the conversation about the designation of the Whitehorse Correctional Centre as a hospital. It is not affected by these particular amendments being brought before the Legislature in Bill No. 6, but we should have that conversation. It's completely appropriate, and as part of the conversation in Committee of the Whole, I expect that we will be discussing the other recommendations of Mr. Loukidelis' report.

I have also heard about the concerns regarding FASD, or fetal alcohol syndrome disorder, individuals. They are of primary concern for the work of the professionals at the Whitehorse Correctional Centre — again, not necessarily affected by these particular changes, unless a designation or separate confinement was necessary. That is often not the case, but we can discuss that more.

I also note that the timelines for practices, procedures, and regulations will be key — absolutely. This is the foundation, like all good, solid pieces of legislation. They build what I often think of as the framework for the house — the foundation and the framing — but the walls, the finishing and the furniture — all the regulations, policies, and procedures — are absolutely key to a solid piece of law going forward. I note that there have been some comments — I won't say "criticisms" necessarily, but maybe they are criticisms — from some individuals regarding whether or not these are genuine amendments. I

certainly bring to the floor of this Legislative Assembly my belief that they are true and genuine amendments, as supported by not only Mr. Loukidelis, Mr. Sapers, and Mr. Zinger — individuals who are experts in this field — and their review of these as being progressive amendments. I certainly look forward to our opportunity to discuss them in much greater detail, but I wanted to review what I have heard here today from the members opposite — their interesting and important questions about this important piece of legislation going forward, the real changes that it will make in the lives of individuals who find themselves, for whatever reason, at the Whitehorse Correctional Centre, and our determination and commitment to making that process better, to protect the human rights of those individuals, and to being, as I said earlier, a leader in correctional services here in Canada.

With that, I will take my seat and look forward to the future debate.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Hon. Mr. Silver: Agree.

Hon. Ms. McPhee: Agree.

Hon. Mr. Pillai: Agree.

Hon. Ms. Frost: Agree.

Mr. Gallina: Agree.

Mr. Adel: Agree.

Hon. Mr. Mostyn: Agree.

Hon. Mr. Streicker: Agree.

Mr. Hutton: Agree.

Mr. Hassard: Agree.

Mr. Kent: Agree.

Ms. Van Bibber: Agree.

Mr. Cathers: Agree.

Ms. McLeod: Agree.

Mr. Istchenko: Agree.

Ms. White: Agree.

Ms. Hanson: Agree.

Clerk: Mr. Speaker, the results are 17 yea, nil nay.

Speaker: The yeas have it. I declare the motion carried.
Motion for second reading of Bill No. 6 agreed to

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Mr. Hutton): The matter before the Committee is continuing general debate on Bill No. 5, entitled *Liquor Act*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 5: *Liquor Act* — continued

Chair: The matter before the Committee is continuing general debate on Bill No. 5, entitled *Liquor Act*.

Is there any further general debate?

Mr. Streicker has 18 minutes and 28 seconds, remaining.

Hon. Mr. Streicker: I'm sure one minute is fine, Mr. Chair.

I just wanted to welcome back the officials and thank them again for being here. I'm looking forward to more of the debate. I will just add one little interim piece of information. After our last discussion here at Committee of the Whole, I spoke with the president of the corporation and asked him to look into the twin bear program. I just want to say that, because we do it in partnership with the Province of British Columbia and the bears are already ordered for this year, I said to him, "Okay, keep going at the moment." But I said, "Please, bring back to me a review of the program, and we'll have that look through social..." — just wanted to let the member opposite know not to be surprised that it is moving ahead right now, because they're all pre-ordered, but I'm looking forward to that conversation. We will brief the member opposite once we have had it, or if there's input that she wishes to have, I totally welcome it.

Thank you, Mr. Chair, and I am looking forward to more questions for Committee of the Whole.

Ms. Hanson: I thank the minister for that response. After the conversation we had in the House the other day about this issue, it struck me that it seemed kind of ironic that we use this as part of our social responsibility obligations that arise from the sale of alcohol in the Yukon so that we can say that we're directing, or redirecting, some of the proceeds from those sales to a good purpose — in this case, the Hospital Foundation. Then what begged the question in my mind is what it costs to get those bears and all the attendant costs of administration — and for goodness' sake, wouldn't it be a lot simpler just to simply cut a cheque for the cumulative total and forget about the good, soft feelings that may or may not be engendered and also may be giving the wrong message in terms of the correlation of children's toys and the sale of alcohol.

I wanted to just ask the minister in general — we will get into specifics when we get into the bill — but I would like the minister to speak a little bit about the notion that — when you read through this, you get to places where there is legislation but there is also a pretty broad scope for actions to be taken subsequently and that are not going to be debated in the Legislative Assembly, but through regulatory changes. The concern that has been expressed to me is that this appears to

provide a real channel for lobbying to amend, basically, what was intended through this legislation in a non-legislative way.

How does the minister anticipate ensuring that there is openness and transparency about those enumerated matters in the legislation where the minister — that includes sales in grocery stores, private liquor, or any of the other aspects that are covered off in the act — which we will go into in greater detail, but there is a general umbrella of concern.

Hon. Mr. Streicker: I will answer in several ways. First really broadly and generically, as we looked at this act — and at any act that we look at — we were always trying to strike that balance about those things that we wish to put into the legislation and those things that we move to regulation. I agree that legislation means that it is more transparent — because it happens here in this Legislature and there is a very open process around it — but it also less nimble. So it is one of those balancing acts at all times about how much to put in or not. We have made efforts within the act to be specific about where we are trying to go with regulations, but you always try to add a clause at the end that says “or other powers” because it is tough to anticipate all eventualities. But that is not our intent.

When we went out and engaged with the public, it was both around what the legislation would look like and regulations — or when we engaged with the advisory group. It was to get all of that — a look in there. Of course, you know future governments will choose to go where they choose to go.

One of the things I will say is that we built into the act, for example, that if we were going to add a new class or a type of licence that we require — say that one is added through regulation, as an example — that might allow — if some future government chose to try to create — say, for example, a class of licence for a stand-alone liquor store — what we are pushing into the act is that, in order to do that, you have to then go out and consult with the public. You can’t just do it unilaterally.

So that was one of the ways — I think it is also — you know, just generally, whenever we have regulations, their purpose is to further the act, not to re-write the act. I am informed that there is a way, through a motion, that here in the Legislative Assembly there can be a disallowance of regulations if this Legislative Assembly — or a future Legislative Assembly — were to say, “No, we disallowed those regulations.” So, there are a couple of pieces there.

One of the things that we were talking about as we developed the act was to think about how marketplaces are changing. I will give an example. We have been very clear, with, for example, the advisory group — and I will say right here that we are not interested in moving to grocery stores to sell alcohol. It is the trend across the country, though. That has been the trend. We have said no and we had all sorts of conversations about how maybe some day the Yukon will get there. So we put in place a provision that could allow that to happen. It is not our intention to go there, neither are we intending that a future government gets there. We just are saying to ourselves, responsibly, “Where is the line between regulations and legislation?” We felt that the point is that you should allow the legislation to navigate future trends in society — and, for example, changes in technology, even. We were

discussing how technology might change things in the future — that you order online or something like that.

I don’t know where we go as a society. We were just trying to make sure that the act was anticipating that there might be changes in the future. I think, though, what we did was to build right into the act social responsibility — in clause 1 — and make it the heart of the act.

I will speak a little bit more about that, but let me just sit down and give the member opposite a chance to further ask some questions, and we will see how we get there. I can raise other examples, if needed.

Ms. Hanson: It is actually clause 7, but I will go to social responsibility right now, because that is where I was going to go.

Part of the reason why I raised the question about the minister having the potential for these broad powers or for regulations is that — and I will speak for myself in terms of observation — it is my observation that we have morphed from the notion that you have bars where you can get some offsales and then you have food primary services where you can get a drink with your meal. That is one of the reasons why I read the change that has occurred in our society in even this little tiny territory. The minister is quite right — changes do occur over time.

But we’ve morphed — without having the public conversation — into almost 24-hour-a-day private liquor stores. I will be looking to see how this legislation is going to change, regulate, or control any of that, because it certainly doesn’t appear to be right now when I see, right across from the Whitehorse Emergency Shelter — 9:00 a.m. to 2:00 a.m. — beer, wine, and spirits in about four-foot letters. I walk down the street and around the corner and there is offsales. When I go on a website, I see “beer, wine, spirits”; it’s a liquor store. Not a restaurant and not a pub — it’s a liquor store. That’s the kind of concern that I am not sure — it is a regulatory thing, and if it’s regulatory under the current legislation and we’re not doing it or we have allowed things to slide in a direction — what it does is it contradicts the stated objective of having a balance of social responsibility and revenue generation.

I have a couple of specific questions with respect to social responsibility, but I just want to get the minister’s comments on that.

Hon. Mr. Streicker: I will talk about this in a few ways, and again, I look forward to the back-and-forth if I don’t capture it all.

The first one is we haven’t put in a class of licence for a stand-alone liquor store. We chose not to do that. But we also — to protect from — I don’t want to say “protect”, but to ensure that future governments — if they are going to introduce a new class of licence — that they have to talk to the public. They can’t just introduce a new licence type. That was one of the steps, and I will get the clause and reference it for us. It’s section 25(3). Thank you.

That’s one of the points I want to raise. The second one I want to say is that we have built in, within the conditions of licences, that they must produce reports, and those reports are going to give us a sense of sales in liquor and volumes so that

it's a way for us to measure and watch what's happening with the consumption and sale of alcohol.

There was something the Member for Whitehorse Centre said earlier, talking about the dollars. It was around this notion of the twin bears program. What I want to say is that, from almost the first day that I landed as minister with this responsibility, I walked across and talked to the Minister of Health and Social Services and started saying, "How much do we invest in addictions? How much do we invest? Where are the costs around the harms of alcohol within our society?" What I will say is that, no matter what the revenue is of the Liquor Corporation, it is much, much less than the cost of the harms of non-responsible consumption of alcohol. Responsible consumption — or when it's done in a socially responsible way — doesn't tend to have those same harms associated with it, but once it becomes alcohol that is consumed in a way that is leading to addictions or leading to many other issues — and you, Mr. Chair, have spoken about this in this very House many times — about the harms associated with alcohol.

I believe that the costs are much higher than the dollars that are generated as revenue. Therefore, it makes no sense to just try to sell alcohol for the sake of selling alcohol. We, under this act and under the direction, will begin through — for example, in how we report annually, we will draw the link between those things so that we show it very exactly — this is what the dollars raised in revenue are for alcohol; this is where the dollars are expended toward alcohol-related harms and dealing with those.

The bulk of that money is not spent through the Liquor Corporation, of course — the majority. It is a very small portion that is spent through the Liquor Corporation, and most of that money is spent on harm reduction through Health and Social Services and Justice. I know that the member knows this. What we are trying to do is draw that very explicit link to show it.

The last one that I want to talk about as I stand right now — and I am happy to get up and discuss it further — is really around an example that we are discussing, which is the hours of operation for some of the offsales. We already understood that this was one of the questions that we were going to try to tackle through regulations. We have built in here regulation-making powers toward setting the offsales hours, but we didn't want to write it into the legislation because we might get it somewhere, but what if we want to adjust it up or down? We don't always want to be going back to amend the act. We want the ability to adjust those hours based on conversations with the community. I don't just mean the licensees. I mean the community — meaning those involved in harm reduction, in justice, and in the sale of alcohol, for sure — but the public.

We heard through the advisory group that we should reconsider those hours. We went out and polled the licensees to get a sense of whether they were supportive, and they are supportive of us adjusting those hours downward — meaning diminishing the number of hours. That is one of the places where we are heading when we get to regulations.

That is an example of the act enabling the ability to adjust those things and, I think, also enabling in the future — if it is deemed — to adjust it further in the future. It is difficult for me to judge that here.

Let me just leave it there for now, and then we will exchange back and forth.

Ms. Hanson: I am encouraged by the minister's comments that — what I understood him to say is that the minister recognizes that there are currently situations throughout the territory where the opposite effect of what is desired has been created.

So, if there is an ability to revisit and look at the cumulative impact in a community geographic area of the densification of extended hours for alcohol sales without linkage to food — just alcohol — then that is encouraging indeed.

I want to come back to, on section 7(b) — and the minister referenced this — the notion of supporting initiatives designed to make the public aware of the health risks that may be associated with liquor consumption. In fact, Mr. Chair, I want to quote some comments that you made in the Legislative Assembly on October 21, because I thought they were really important and that they need to be restated and discussed — the whole notion of initiatives designed to make the public aware of the health risks that may be associated with liquor consumption. You stated on October 21 that — and I quote: "The *World Cancer Report 2014* and the Canadian Cancer Society states that there is no safe limit of alcohol consumption when it comes to cancer prevention. Any amount of alcohol that anybody drinks increases their risk of getting various types of cancer."

It went on to say, "The International Agency for Research on Cancer of the World Health Organization has classified alcoholic beverages — the ethanol in alcoholic beverages — as carcinogenic to humans... no different from tobacco." Then there was further comment that we saw support, as the Yukon government — according to the Member for Mayo-Tatchun — and I quote: "We also saw support for the northern territories label study to continue. This study is intended to help public health officials understand that labelling is an effective tool to shift consumption behaviours."

So I am wondering, Mr. Chair, if the minister sees that — in fulfilling the objective or the stated intention of 7(b) — the social responsibility provision in terms of supporting initiatives designed to make the public aware of the health risks that may be associated with liquor consumption — that this would solidify and not see the government backing down should there be another pan-northern study or a pan-Canadian study looking at the potential for using labelling to indicate health risks associated with consumption of alcohol — because that was kind of an embarrassing segment for academics, as well as, I would say, for the Yukon government in terms of reputation — the perception being that the lobbying efforts of big alcohol — the threats from them — caused us to back down from a good social policy initiative, something that would have demonstrated social responsibility.

Hon. Mr. Streicker: I thank the Member for Whitehorse Centre for her question. But very quickly — I'm going to be pulled way outside of my depth talking about health risks. I will make some comments here as best as I can, but I will ask us as well to try to turn to people like, say, the chief medical officer of health. We had been working with the chief

medical officer of health on alcohol with the label study. I'm still waiting to get that study back, by the way — I'm stating that here in the House.

Here's one of the things: We really did want to get some evidence on the labels to understand whether they were working. I can say, "Yeah, it is positive to have labels." But I didn't understand whether the labels were the most effective or the best tool or if there were other tools that would be better. We really actually wanted to understand the effectiveness of labels.

I think it is also true — and I'm now doing my best to echo what I heard from the chief medical officer of health — that alcohol does cause cancer. It is a carcinogenic substance. But I would never compare it to tobacco, sorry. There is a link, but when I look at, for example, the lead author on that study, who also puts out the — I'm probably going to get it wrong, Mr. Chair — I will get the name in a little bit. But what this group does is it publishes annually about the harms of substance use across the country. When you look at the harms associated with alcohol and how that affected society, cancer isn't one of the significant factors there.

So, while I agree that it is carcinogenic, according to the health officials who I have spoken with — and I look for us to get those references very specifically here — it wasn't the leading issue that we were trying to address when we were trying to look at the harms associated with alcohol. It was consumption and over-consumption that were the main issues that we were trying to get at.

If it is an effective tool, I'm happy to use it. If there are better tools, I'm happy to go to those. That's what I was looking for the evidence on. I hope we identify the harms that are associated with alcohol — or whatever intoxicant we're talking about — and try to focus on those to try to help our citizens to be as informed as possible.

For example, the Yukon has had fetal alcohol spectrum disorder labels or the risks of drinking during pregnancy labels for a very long time —

Some Hon. Member: (Inaudible)

Hon. Mr. Streicker: — 21 years. Thank you, Mr. Chair.

Is that the right label? Should it be something else? We were trying a series of labels to try to do this study, to try to understand. I think of labels as one of a suite of tools that will be helpful to inform the public, for example, under section 7(b), which the member raises. We do want to help inform the public — that's why it's written in here. I just want to try to get the evidence about what the most effective tool will be and what the most important message will be around that — or tools. It shouldn't be one thing. I'm sure it will be multiple actions that we take.

I will also finally say that — on the question of labels — when we, as a small — the smallest — jurisdiction, were coming up against this situation, our first approach was to turn to other jurisdictions to look for their support in this question around the label that dealt with alcohol as a cancer-causing agent. We also wrote to the federal government to look for them to support us in addressing this issue.

We didn't actually get that support at this time, but it's an open question that I have left out there with colleagues across the country. Again, I think the importance will be to focus on the critical issues around alcohol and on the most effective tools — that we have the evidence to help us to get there.

Ms. Hanson: Unfortunately, what the minister's response has done is just reinforce the notion that big tobacco, big liquor, and big sugar have effective lobbyists and that they can overrule good social policy — good social health policy. The minister has just reiterated that. When you talk about consumption — why are we worried about consumption? I can have too much water that would cause me damage. I can have too much sugary pop that's going to be causing me damage. This is talking about the risks of over-consumption of liquor.

One of the key things there — the Yukon government backing down on this and changing it just to a general thing about, "Can you guess the number of standard servings that are in this bottle?" That's not the same as saying that in fact over-consumption can cause fetal alcohol spectrum disorder or that over-consumption can cause cancer. The chief medical officer of health — I think, if the minister checks — will find that he's on record as saying that it does — that the research does prove that.

One of the questions was — in terms of labelling — by saying something like that — it's audacious. It's audacious to say that if you drink — because some people — I mean, for god's sake, when my mother was a nurse many, many years ago, they used to prescribe having a drink like a Guinness or something when people were pregnant — and people did.

We've changed our understanding of what the implications of some of these issues are. But the reality is that we need to be understanding whether or not this act is going to strengthen the ability of ministers — now and going forward — to withstand that pressure, because I have a social responsibility. I am required by this law to support initiatives designed to make the public aware of the health risks. When you say "health risks", it's not whether or not a particular individual or a particular minister has read a whole slate of studies and has been convinced, but that there are documented serious risks.

How long did it take us before we actually acknowledged and were willing to say out loud that tobacco causes cancer? How many bazillion dollars did the industry spend lobbying in Canada, the United States, and around the world? To this day, it continues. We just went through this lobbying — we just went through legislation two weeks ago when we talked about vaping and the flavoured products. Every member of this Legislative Assembly — at least we did; I'm sure everybody else did — got letters of lobbying from two of the product manufacturers. It's active. It's real.

We passed that legislation because we perceived there to be harms. What I'm asking is whether or not — if we perceive there to be harms, does this give the minister the clout to do something? Or are we just going to acquiesce and say, "Geez, we're not really sure" and we wait for another generation of damaged individuals?

Hon. Mr. Streicker: To answer the direct question about whether this gives the clout — I think it not only gives

the clout; it gives the responsibility to do such a thing — the obligation, if I can say it that way.

The part that I'm trying to point out is that, whenever you look at harms, there are two facets of those harms that you need to be concerned about — one is sort of the intensity of that harm, and the frequency of that harm. As soon as we use the word "cancer", everyone automatically thinks that the risk is high. So what I was trying to say is that this is not our big risk around alcohol. It is exactly what the member opposite kind of referred to — not in a positive way, anyway — it's around the number of drinks. That actually was the focus of our attempt with this study. That was the one.

First of all, let me just get a reference out here. The group who does the work on measuring the harms of substances is called the Canadian Institute for Substance Use Research. I've tabled their report in this Legislature, and I will continue to do so. When we look at alcohol, the real challenge and the real harms to our society are when there is over-consumption. That is why we will continue to inform Yukoners about the low-risk drinking guidelines and standard drink information. That is from talking with the experts — they advise me as minister about what was the most important thing was to focus on. That was what we were trying to put into the label study. We supported the researchers to introduce their cancer label because we agreed with them that there was a risk of harm from cancer.

Again, what I am saying — and where I will turn to the chief medical officer of health — is where we are trying to compare those various risks. Which is the higher risk to us? My understanding is that it is not cancer. It is the low-risk drinking guidelines. Okay.

Again, I want to be careful having this debate on the floor of the House, because I would really like to rely on our health professionals to provide us with that advice. I apologize that I didn't come deeply prepared on this topic today.

Let me just stop there and check back. I think that the member opposite had other questions. I think I have missed some of them and I apologize for that. But I am happy to get back on my feet and discuss this further.

Ms. Hanson: I think we have sort of gone around on this particular aspect of the issue quite a bit. It is not totally related, but I would like to move on to another area that speaks to the social aspect in terms of the community. I have to check back in my notes, but when we were last here, I think I raised some questions — or maybe I had just written them to myself, so I just want to raise it here.

The balancing of decisions — I think I had said in comments that there is the notion that, if you have a licensee who doesn't follow the rules — and there can be an imposing of a variety of these sanctions and/or a cancellation of a licence. I am wondering where community rights factor into considerations. I don't see the process of having complaints — and maybe I have missed it, and it is certainly a long act — the process of where community individuals or organizations — what's the process of — in terms of complaints to the board and president — I don't see where they're referenced. It seems to me that the default is to have to go to court. There is a whole

section further on in the act that talks about this. I think it is in section 53 or 54. But if you get to suspensions, it is basically that you have to go court.

I am thinking about some of the examples that the minister is aware of — like my favourite place on the corner of Alexander Street and 4th Avenue — just because of its location. I hate to pick on particular businesses, but I do find that the manner in which this was established — I think that the City of Whitehorse, the minister, the mayor, and I actually talked about this. Just suddenly, it's this stand-alone looking liquor store.

So where is the community aspect in determining what sanctions are appropriate, and how is that reflected in the legislation?

Hon. Mr. Streicker: I'll need to check on one point about — just where we're referencing going to court — just so that we check it particularly. But let me give some responses for now, and then I'll check back with the member opposite toward the end.

First of all, the whole point of the act is to say, "Hey, here are the conditions by which you have a licence and how you need to operate in order to uphold your end of the bargain to have that licence." Our job — the corporation's job, through inspectors — is to go and make sure that people are living up to their end of that bargain. So whether or not the public comes and issues a complaint about something that's going wrong — please, we should know that it is our job to work to make sure that licensees are living up to the conditions by which their licence is given to them, under their licence.

The public — or the community, as the member opposite referred to them — if they have a concern, there's a suite of ways in which they can get those concerns in. I'll just give them in sort of an escalating fashion, or — I don't know exactly which is above the others — but they can, for example, reach out to the Liquor Corporation. Now, depending on what we're talking about, they could be writing directly to the board to talk about it if there's an applicant who is there — that is possible. It could be that they talk to the corporation and the president will redirect that to one of the inspectors and the inspectors can go and do it. If we hear a complaint about an issue, we will go and follow up. So that's there. I don't know — I will check to find out about where that is written. But I just want to say that is, in general, one of the purposes by which the inspection is to work.

They could also contact the RCMP if they had a concern and the RCMP will work with the Yukon Liquor Corporation inspectors if there is an issue and they can be addressed that way.

If, for example, I hear about something — because I do. Every once in awhile, I will get a letter — and I'm sure members opposite do get letters now and then or contacted by the public with concerns that are raised. I turn around and give them straight to the corporation. I'll point out, "Okay, I'm hearing a concern here about this establishment." I let them know. They typically will follow up and then send me back a note saying, "Okay, this was the outcome of that."

I hope there are many avenues by which the community can express their concerns. I'll just check with the member

opposite. If she can point out where we were talking in the act — because there will be several places where we talk about the ability to elevate to the courts.

If, for example, there are sanctions which are levied against an establishment because of some offence that we have identified or some breaking of their conditions, they have the ability then to challenge that if they don't believe that is correct. That might be what we're talking about. But I think we're conflating two things here. When there is a concern and when there is a response by us under section 53 — Division 4, Sanctions on Licensees — wherever it is under there.

I think when we were talking about the courts, it was about if a licensee disagrees with the sanction that we have levied — that they have some ability to appeal under section 53(3) to the board, and then if they don't approve of what the board has adjudicated on the situation, then they can go to a court to test.

Ms. Hanson: I thank the minister for that. I think I understand that. I guess what I was getting at was the way the act is written, it says the president may issue a warning "... in writing on a licensee... if the president believes on reasonable grounds..."

So, I guess the question is: How does he establish those reasonable grounds? Where in here do I see that opportunity for community?

I will give an example. This may or not work. Up until this summer, if you looked at the Yukon Workers' Compensation Health and Safety Board website and you were concerned because you saw, as a citizen, unsafe work practices — someone is standing on the fourth floor of a building without a harness or whatever. If you look at the website, the website actually says that, if you are injured in an accident or you see someone getting injured or whatever, you call this number. But what it didn't say was how to contact the WCB to ensure that safe practices are carried out — to prevent a dangerous situation from occurring. That is one of the roles of the WCB, and the inspectors can't be everywhere — particularly when we have the kind of environment we have with a lot of building going on in downtown Whitehorse.

The WCB, as a result of a number of conversations, has changed its website, and it has a new provision in there that you can click on that website — and it's a good Samaritan. This is simple, but it gives you a 24-hour number for you to be able to call and say, "Look, I just saw this guy hanging off this building with no hard hat. I am kind of concerned." You don't have to go much further than that. That is your job, and they thank you for it.

So, I'm looking for the community — I am looking for — where in the act, other than the president having reasonable grounds to think — how does he establish those reasonable grounds? Does the legislation say that he just figures it out? Maybe that's just simplistic.

Hon. Mr. Streicker: First of all, I would like to thank the member opposite for the suggestion about a way in which to provide access for the public to register their concerns — seeing them either in a preventive or an after-the-fact fashion — whichever way they happen.

I want to reinforce that, if someone does have those concerns, the route to go is to contact the corporation. I will just say the president, because that is the simplest way to refer to it here. I will take the suggestion that there should be something that is obvious for the public — that if they go to a website, they can see a way to get some sort of phone number, et cetera.

Whenever the president receives a complaint — whether that is through an inspector going to see something or whether they have learned it through some other means — the public, the RCMP, or through us as legislators and me reaching out to the president on behalf of whoever has written to me with their concern — what the president does is now here in the act. The president sends the inspector to go and inspect and then to report back — this is what they found; this is what they see; was it a real issue or not?

Just to remind everyone: RCMP are inspectors. Okay? That's how the act is established. I don't actually think that this act is changing some of what is happening today, which is that inspectors get notes from the public and calls come into the Liquor Corporation. What may not be there — and again, I thank the member opposite for this suggestion — is some simple, obvious, and intuitive way, when someone reaches out, for example, and jumps on a website, that they say, "Hey, here's the number to call."

You'll see under the division on sanctions and licences that, depending on the severity of what we're talking about — if something is about a health and safety issue and it's immediate, they act right away. But if it's not — what's new under this act is a sense of graduated responses so that licensees can anticipate that, you know — as long as the public is not at risk in that moment, that what they'll see is a warning, which graduates up then to a type of sanction, which then graduates up to — you can get to a cancellation of licence, et cetera. That's what's new in this act, but the whole way of working — where we hear concerns and then respond — is not necessarily new.

Ms. Hanson: I'm going to just skip back a bit. I just want to — trying to remember — does a manufacturer — so, one of our local beer-makers or breweries in town — if they have a tasting room and they sell beer and they refill growlers, do they currently need a second class of licence for those other activities besides the manufacturing? Does this act change that?

Hon. Mr. Streicker: The answer is yes, Mr. Chair. Currently, they require a manufacturing licence and a manufacturing retail licence, and we have compressed those into the one to make it a single licence.

Ms. Hanson: I'm hoping I am not conflating the issue here when I ask this next question. This is on the conditions of liquor primary licence. There is quite a long list of things in here. One of the questions I have is under (h)(i) — "the licensee may operate the licensed premises for a period after the end of the prescribed hours of operation, so long as the period ends not later than one hour after the end of those hours of operation."

So, my question is: Is 2:00 a.m. really 3:00 a.m.?

Hon. Mr. Streicker: I think that the answer is that 1:00 a.m. is really 2:00 a.m., not 2:00 a.m. is 3:00 a.m. So, in other words, if your licence goes to 2:00, you can't serve liquor

in the last hour, but your customers may finish their drinks in the last hour. That is how I understand it. Let me just check with the member opposite.

Ms. Hanson: Maybe I am just misunderstanding.

Some Hon. Member: (Inaudible)

Ms. Hanson: Okay.

Hon. Mr. Streicker: Mr. Chair, this is a great question, and I think we are just having a little bit of a conversation. What I would like to do is find a way to get back to the member opposite and all members of the Legislature, just to clarify.

What I will say overall is that the notion is that there is a period of time at which you have to stop serving, and then there is a period of time at which you close your doors and all customers have to leave. We are just trying to clarify to make sure that we are getting this right in how I stand up and respond here today — if I can just take the time to confirm with the president and make sure.

I will clarify both in the current act and in the bill before us how this will work, but in principle, it is meant to work the same way.

Ms. Hanson: I think that section 27(h)(ii) probably answered my own question — “... the licensee ensures that liquor is not sold or served on the licensed premises after those hours of operation.” That answers part of my question that I have, because when I look at the “Conditions of liquor primary licence”, it says that the following are conditions of each liquor primary licence: “(a) the main business that is carried on at the licensed premises must be selling and serving liquor to individuals... for them to consume...” — and — “(b) to the extent that a condition of the licence allows the licensee to do so, the licensee may, as a complement to the main business, serve liquor at a particular place other than the licensed premises if...” — and this is where I get into this thing about what is a valid place of serving food. When I look at (i) on page 31, it says: “... the licensee must ensure that food that would constitute at least a light meal or snack is available for consumption by individuals who are at the licensed premises during the prescribed hours of operation.” There is a section that says, “to the extent that a condition of the licence allows the licensee to do so...” — if, they say, “... the other place is a part of the premises of which the licensed premises form part, or is premises that are contiguous to the premises of which the licensed premises form part.”

How far does that get stretched under the current legislation and under this proposed legislation in terms of the definition of “contiguous”? Is it two buildings that are up against each other, or is it one building where the walls are contiguous within that same frame? There is a difference, because we have examples in this town where you have one building that butts up against another building — that one building has been used for different purposes, and suddenly it is determined that it is contiguous because one building is next to it?

The other building had a separate business and now has supposedly one business but with two different operations, and one is called a “liquor store” and one is called a “licensed restaurant”.

My curiosity is what are the constraints around the “licensee must ensure that food” — I mean, I go in to buy the liquor in that place — there is no food. There is no food; it’s just booze.

Hon. Mr. Streicker: Section 27(b)(i), (ii) and (iii) is really about a couple of things: It’s about a deck that’s attached to a licensed establishment — for example, a bar. It’s also about room service in a hotel or motel. So (ii) is really about room service for a hotel, a motel, or a bed and breakfast. That’s what these subsections are referring to. I’ll just check.

Then (i), not (b)(i), but 27(i) is referring to the need for food generally, alongside of the service of alcohol.

I’ll just stop there and check if there are more questions.

Ms. Hanson: If we read through, starting with 27, the following conditions, (a) primarily being selling liquor, (b) “to the extent that a condition of the licence allows the licensee...” — they — “... may, as a complement... serve liquor at a particular place...” — if “(i) the other place is a part of the premises of which the licensed premises form part, or is premises that are contiguous to the premises of which the licensed premises form part...” — and then you go over to — “(i) the licensee must ensure that food that would constitute at least a light meal or snack is available for consumption by individuals who are at the licensed premises during the prescribed hours of operation...”

My question is — there is no food — how do you deal with the situation where there is no food available? You walk in that door and all you can buy is alcohol, as in many locations around this town from Porter Creek to Granger to downtown.

Hon. Mr. Streicker: On this side, what I see as a condition under 27(i) is that there is light food. That is a condition. In examples that I’ve given — for example, under 27(b)(i), talking about a deck — that’s the example. It’s a contiguous part of a premises. In other words, attached. So that deck then also has to have the ability to have light food served. It’s my understanding of the condition that it does have to have it.

When we get to 27(b)(ii) where it’s not contiguous, we’re talking about — for example, someone orders room service in their room in a hotel. But they can also order food to their room in their hotel. In other words, how I understand 27(i) is that food — light food or snack — is available in those locations as listed under 27(b)(i) and (ii).

Ms. Hanson: I do get — and I understand the establishments around town where there’s a deck and you can have a drink in the summertime outside — you wouldn’t want to do it this time of year. But what I am trying to get from the minister is an understanding of under what part of the act — current or past — how we have determined that, if we don’t have private liquor stores in this territory, but we do have private liquor stores that somehow are allowed because they’re part of a food-servicing establishment, but there is no food allowed or sold in these private liquor stores — I was asking the question with respect to — as I understood it, that may fit into the liquor primary licence because that’s really what they’re doing is selling liquor, not food. But their licence under this section says that in fact it’s —

Some Hon. Member: (Inaudible)

Ms. Hanson: Oh god, anyway, I just got told there's another one of these being established right now where, you know, you have a business where there is a restaurant somewhere nearby, but it's not integrated at all.

We understand and we have had the experience of offsales in bars, but what we're doing now is we're saying to the public that the only way someone can do that other than offsales in a bar is that they have to be serving food. It's basically a lie, because the reality is that you have these separate entrances, no way to get into the restaurant. That's why I asked for the definition of the word "contiguous". I would assume that there must also be a bordering wall, but you would think that there would be a door to at least give the appearance of linking the service of food that you describe in (i) — that they "... must ensure that food that would constitute at least a light meal or snack is available for consumption by individuals who are at the licensed premises during the prescribed hours..."

So, I am trying to fathom just exactly what this means in the real world in this territory, because we have seen — and are continuing to see — applications for the establishment of private liquor stores under the guise of being somehow food-linked.

Hon. Mr. Streicker: Mr. Chair, I want to direct us to section 30. Section 30 is about off-premises licences, meaning the licence to sell alcohol that is taken away from the premises. I apologize — my earlier answers were because I was looking at section 27 and the conditions under it. I think all my answers were correct, but I was just dealing with the wrong issue for the member opposite.

What the member opposite is talking about is — under this new act, what will we do in terms of what we all call "offsales" — meaning a bar or restaurant which has either a liquor primary licence or a food primary licence and then also holds a licence to sell offsales. The two relevant clauses are going to be 30(a), which says — if I can just read, Mr. Chair: "(a) the licensee must also hold a liquor primary licence or a food primary licence for the premises that are the licensed premises under the off-premises licence." It is just these words: "for the premises". So it is the same. They have to hold the licence for the whole same area for both. So, wherever their premise is, for their food primary or liquor primary, that is where the offsales licence may be.

Then, under 30(c): "the business of selling liquor under the off-premises licence..." — in other words, to take away the offsales — "... to individuals (other than minors) for consumption elsewhere than at the licensed premises is carried on as a complement to the main business that is carried on as described in paragraph (b)."

Where this will get us to now is the board and how they judge. So the two things that are going to have to happen — it doesn't say, for example, how doors are allocated or connectivity — or those sorts of things. It says that it has to be the same premise, and it says that the off-premises licence must complement the main business. Then we start moving into policies within the board. Again, I will just refer back to the very beginning of the act where we start talking about relevant

conditions and also the purposes of the act — and that's where it starts to build in.

Ms. Hanson: I thank the minister for that. I had read that section, and my immediate question to myself the other day was: So, what's a "complement"? What percentage of the business? When I look at it — I have in front of me right now a website that has pub hours and liquor store hours. That does not describe to me that this is a complement to a food primary or that the main business that is carried on is the business under the — how can that be, if we're not having private liquor stores? That's why I keep coming around to it, because it's the whole issue.

If 90 percent of my sales are going to be alcohol and 10 percent is food — so my alcohol is certainly going to complement my food, because it's keeping me — you know, you can have a few snacks for the people working there. But what's the balance here? What does "complement" mean in this context?

Hon. Mr. Streicker: The member pointed out some ad that is out there today, and that's why we're amending this act. This is one of the points that I want to try to make.

This was part of the heart of what we were trying to do and talk about here, and so this word — that it must "complement" the liquor or food primary — that is what is new.

We also identify through the act that it will be the board's job to consider applications — for example, if there are any additional conditions, et cetera. That is the job. We have set it up so that the board has to start thinking about these things. That is how we put it in there — it isn't prescribed — but we also put in a safety valve that says — suppose that the board is out there and they are approving things and we believe that it is not achieving the outcome that we were trying to achieve here. We built in the ability to add a regulation that then says that this is another requirement on this.

We can do it in a couple of ways. One is that we could add a condition on a specific application, but we could also add a new condition to the licence — for example, for the off-premises licence — for example, maybe what it would say is that the doorways have to connect or something like that — to use as an example what the member opposite has said. We don't have it written in regulations as of yet, and the regulations are still in development, of course. But this is where this could get to.

Chair: Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

The matter before the Committee is continuing general debate on Bill No. 5, entitled *Liquor Act*.

Is there any further general debate?

Hon. Mr. Streicker: I will just stand up and reiterate a little bit what I was just saying — that where the issue comes down to is this notion of: Is the off-premises licence

complementary to the main business? That's what's new here in this act, and that's how we landed to try to get it so that we could address some of the concerns that are being posed.

Chair: Is there any further general debate on Bill No. 5, entitled *Liquor Act*?

Hon. Mr. Streicker: I just checked with officials, and I want to just acknowledge that the advertisement that was cited by the Member for Whitehorse Centre is being followed up on by the Liquor Corporation — and thanks, by the way, for acknowledging it.

Ms. Hanson: If the minister likes, I can probably send him screenshots of others around town.

Hon. Mr. Streicker: By all means. As I was saying earlier, if there are concerns, please let us know. We will do our best to try to address them.

Chair: Is there any further general debate on Bill No. 5, entitled *Liquor Act*?

Seeing none, we will proceed to clause-by-clause debate.
On Clause 1

Hon. Mr. Streicker: If I can just emphasize for a moment, this is the place where the single-most significant change is. This is where we have introduced into the purpose of the act that social responsibility and the economic opportunities, through the lawful sale of liquor, are noted. From here, it all unfolds.

Ms. Hanson: I appreciate the minister pointing that out and making a point of it, because I want to ask him in making this kind of statement — in terms of the purposes of the act — has the minister tested if it is justiciable? Would somebody be able to challenge the execution of actions under this act against that stated purpose?

Hon. Mr. Streicker: The way I understand this is that this isn't where you would hold someone to account, say, in a court. What it does is it permeates the act, meaning that if a court was to look at a decision that came before it, this would apply if the board had it. If the corporation was carrying out its responsibilities, it must have those considerations. But there isn't a specific tangible action that you can then stand up and say, "Okay, this isn't being done" in, say, a court. However, both in terms of the court of public opinion — but politically and morally — we are trying to be very clear that this underlies all of the activities such as, for example, the board decisions and the interpretations of all other provisions.

I think we have a responsibility to live up to it — or all of those groups and bodies — for example, the board — will need to live up to it. I will check with the member opposite as to whether I answered the question as she was posing it. I think there is a lot of ability to say, "Hey, you're not living up to your job," but I don't know that you can take it to court — that's all.

Ms. Hanson: I guess I was getting at — when I see things like the sale and service of liquor — and in order to "... promote social responsibility in the public interest..." — I guess there are two aspects. It is the public interest and the social responsibility of that which directs or underlies that. If there is no intention to be able to say that you can somehow demonstrate — I guess I am looking for how you demonstrate

that it is done in a socially responsible manner that is in the public interest, in terms of the sale and service.

We have 140 pages of sort of details around variations on the theme of licensees and stuff, but if we get to the point that some future minister decides that, as a result of lobbying, for example, there should be corner liquor stores throughout the territory, how is that going to — because it's allowed. The regulations would allow it currently — you know, sold in grocery stores. They have them in Québec — *dépanneur*. So, we could do the same thing here.

I am just curious as to what the test would be to determine social responsibility in the public interest.

Hon. Mr. Streicker: I will answer in a couple of ways. The first one is that there is an obligation under the act to report annually. Under that annual report, there is a need to put in place information about social responsibility and to identify how that is being carried out.

We have built throughout the act — whenever there is a licence or even a permit, for that matter — that there are ways in which to report on information so that we can measure better and adequately share that information back with the public. If people wish to take a look at an example, they can look at the first cannabis annual report, because we did put a section in there around social responsibility and we had conversations about how to do that and where we could go in the future.

I just want to clarify again that it is true that a future government could decide to bring in some new licence type or class, but in order for them to do that, they would have to go out there and talk with the public. They can't just do it directly. There is another step that they would have to take. How do you encumber future governments? It is difficult, right? Because any future government could choose to amend an act as well.

I think that, in this act, we have made it a clear thread throughout the entire act to say that social responsibility needs to be addressed, and we will do our best to report it. I used examples earlier where I was talking about making sure to put, alongside the costs of revenue generated by the Liquor Corporation, the costs of addressing the harms of alcohol within our society.

I will give one other example. Early on in our term here as MLAs and in my role as Minister responsible for the Liquor Corporation, the Yukon hosted the Canadian Association of Liquor Jurisdictions meetings nationally. We had all of the jurisdictions here. I was invited, of course, to say a few words in front of all these other folks, and I stated very clearly that all of us across the country had a responsibility to address social responsibility. The reality in many jurisdictions that are much larger is that the liquor corporations are sort of further afield. But I think that, in a jurisdiction like the Yukon where you can see that, where you don't have responsible drinking, it leads to harms. Where you don't have low-risk drinking, it leads to harms. I think that we here believe that it is very important to continue to draw this link between social responsibility and alcohol.

I will get up again if there are more questions.

Clause 1 agreed to
On Clause 2

Ms. Hanson: I just note that, under the definitions, “liquor store” means “premises where liquor is sold by the liquor corporation”. I look forward to seeing, as the minister said, some changes around town.

Under definitions, “relevant considerations” on page 6 enumerates a number of considerations that are taken into consideration when considering an application for a licence. I see the number of licences and the different types of licences in an area. I would like to know the definition of “area” in terms of it’s different if you’re in Teslin, for example, or downtown Whitehorse.

I don’t see any sort of social impact analysis or anything here in terms of the implications of — it talks about the number of licences in an area or the population of the area, but it doesn’t talk about — and the number of the licences in the area again; what’s an “area”? From a social planning point of view — a community planning point of view, in terms of having vibrant or healthy communities — the proximity of licensed premises or licensed offsales, particularly adjacent or proximate to schools, to social service agencies where people are servicing vulnerable populations — I’m curious as to where that’s factored in here.

Under (g) — I love the language of the directing mind. You have an applicant and the directing mind of that applicant — but that’s not my question. My question is: Are there any limits to the numbers of licences held by any applicant and each directing mind? I’m answering this question in the terms of sort of the concentration of business interests selling alcohol outside of the Liquor Corporation. So, if we have one applicant and directing mind which operates a premise and then goes to make an application to operate another one and is currently operating another one, is there any assessment of that as a relevant consideration in terms of is that a good thing? How does that affect “(c) any economic benefit in the area that could reasonably be expected to flow from the business...” Generally, that’s economic benefits flowing to the owner, but I would be curious as to what other economic benefits in the area are seen as spinoffs of granting a licence.

Hon. Mr. Streicker: First of all, under the definition “relevant considerations” in subsection (a), the term “area” is not explicit or specific, but how we have been considering it is that, for our smaller communities, it is the community, and for our larger communities, it is a neighbourhood — something like that is how I think we’ve been considering it. It was not meant to be explicit as in one kilometre or 100 metres or whatever that is. I think that the whole notion is that the board can interpret that however it feels appropriate. If you look further on under (d), it’s really talking about providing the public and local governments, whether municipal or First Nation, to be able to share their views. So that would allow the notion of “area”, and again, it’s referenced under (d) to talk about those things.

The other thing I want to talk about is that the whole notion is that we always say and hear that, yes, the board will consider relevant considerations and the purposes of the act. We push the board back and it all places — the purposes of the act are meant to, as I say again, permeate the act.

In other words, there is a holistic approach to it that can be considered. The member opposite asked whether one person owning multiple establishments — whether that is an issue. I don’t know if that in itself leads to a situation. I mean, I guess what you would have to do is try to understand whether we are still living up to those purposes or not. When I think of economic benefit, it isn’t just for the business owner. That is not what we are talking about here. For example, if you want a community to have tourism, one of the things that they will say to me is that you need to have a food and beverage industry. That is an important part of tourism. Well, that now starts to sound like an economic impact, but that has to be weighed against the social responsibility piece — again, to look at it from a holistic perspective.

I will wait to see if there are further questions about the relevant considerations and answer further.

Ms. Hanson: I appreciate the minister’s comments with respect to social responsibility permeating the actions that are taken by the board in terms of directing them to take social responsibility as they look at these relevant considerations.

My question, Mr. Chair, is: Is that or will that be a result of this act? I’m not sure what exactly the language is, but the minister provides a letter of direction to the board, as they do to the Hospital Corporation. I am presuming that there is a letter of direction given to the Yukon Liquor Corporation from the minister with respect to expectations. If I am incorrect in that, then I would ask the minister to clarify. But if there is, then I would ask if the — I am perhaps using the wrong language but I think he understands what I am trying to get at — similar to other Crown corporations or corporations of the government.

So, would that — in order to ensure, again — to have some assurance — decisions taken by the board and the president — because they are separate — will reflect the dual purpose of this act?

Hon. Mr. Streicker: This is not a board like the hospital board. I just want to be very explicit about it. The purpose of the board is to take decisions on licence applications and to hear appeals around those. It is not to govern the corporation at all. That is one of the things that we are really explicitly trying to establish in the act itself. There have been some questions in the past about whether the board has that responsibility and we are trying to be very explicit here.

Under, for example, section 23, we discuss that the board is independent. What happens if the board starts taking decisions that we as a government or we as a legislature believe are way offside with this stuff? There are several things that can happen. First of all, we get to appoint the members to the board, so that is one of the ways, but the act says, “Hey, board, you need to abide by this act.” What we are saying very explicitly in the act is that we want to avoid the influence of government on the decisions that the board is going to take. It is to be independent of us as a government so that we are not getting into the flavours of government of the day. The board should abide by the act, and then I just start pointing right back again to the social responsibility piece. I am not able to say here how they are going to interpret those things, but we are trying to provide them the tools to get there.

I also want to say that — in an earlier question — another way that we can get at the board is, if they are moving in a direction where they believe they are living up to the act as per their interpretation of it, but we feel that, actually, it's not going where we thought it was going to go, we can still add regulations that start to direct the board or to provide more regulations around their decisions. But, under section 107, those regulations that we introduce must remain aligned with the purposes of the act.

So, we're also trying to say, yes, you can add rules, but what you can't do is go counter to what the purpose is. Effectively, what that means is that, if you want to try to do something that wouldn't live up to — and again, for clarity's sake, I will read: "... provide economic opportunities through the lawful sale of liquor; and... promote social responsibility in the public interest." If you're trying to go in a different direction, now you have to go and amend the act itself.

That's how we have sort of built it all in.

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

Hon. Mr. Streicker: This is one of the places where we're trying to reinforce or further support the "social responsibility" definition for the corporation and its function. This just fleshes out a little bit of what we mean around "social responsibility".

Ms. Hanson: I thank the minister for that and for prompting me to ask the question about the use of the word "initiatives". Is the board free to establish their own initiatives, or can they be recommended by government? What is the source of that? Are there any limitations, basically — going back to an earlier conversation about teddy bears — in terms of what's appropriate as initiatives to make the public aware of the health risk that may be associated with liquor consumption?

Hon. Mr. Streicker: This is not about the board; this is about the corporation. Let me just make that clear. The corporation — we want to work with other departments, for example, Health and Social Services. I remember when we were going around and talking about the act and discussing it in the communities. Sometimes people were saying, "You should do an on-the-land healing thing," and I said, "We, as a liquor corporation, should not." What we should be doing is supporting Health and Social Services or whichever group — Justice — et cetera.

So, we're not trying to use this as a tool to extend beyond. We want to work within sort of the day-to-day activities that we carry out around, for example, the liquor store, or if you like, working with other partners — licensees as partners — other groups that we would work with apart from Health and

Social Services and Justice and the RCMP — that might be FASSY and also Mothers Against Drunk Driving.

The other thing to note is that the Liquor Corporation is a government corporation, and therefore, we need to support initiatives of the government in a responsible fashion. What I am trying to say there is that we want to work in conjunction with — not try to supplant or duplicate — the work that is happening elsewhere.

That is the type of limitation — what I want to say is some of the conversations that I have had with, for example, the private sector is that they have some very creative ways to get at initiatives and I would love to reinforce their lead on some of this stuff. I remain very open to how to work with the public in creative fashions.

Clause 7 agreed to

On Clause 8

Ms. Hanson: Thank you, Mr. Chair. I have a question on 8(2): "Subject to this Act and the regulations, the liquor corporation has the sole power and jurisdiction to, and is for all purposes under the *Financial Administration Act* authorized to, control the advertising of liquor by licensees and permit holders."

Can the minister outline what is meant by "advertising" here? What is the scope of the word "advertising"? Is this as simple as signage? Is it advertising with various media? What is meant by "advertising" in this context?

Hon. Mr. Streicker: It's a broad definition. It's like the dictionary definition, so it's going to mean many media — signage, yes; social media, yes; paid advertisement, yes — ways in which the store is broadcasting to the public — if that helps.

Ms. Hanson: Is this definition the same — is this a definition that has been carried through from the previous, or is this totally new — this section here?

Hon. Mr. Streicker: This is quite — I don't want to say it's new, but it's not in the current act — so let's say that. The current act has some very explicit things about certain words, but it's not broad like this is. It's not only here under — I guess we were on 8(2) — it's also under the conditions of each of the licences. So if you look, it's under the conditions of all licences under section 26(h) — and there we start to list out more explicitly about advertising. That's a good place.

To answer the question from the member opposite, this is new in this act.

Ms. Hanson: I am looking at 26(h)(i) where it says, "... advertising must comply with..." the CRTC — or the code, which we just talked about the other day — being dated. You can't say that you are carrying alcohol that the Yukon Liquor Corporation doesn't have —

Chair: Order, please. We are dealing with clause 8.

Ms. Hanson: I know, but I am trying to get back to the advertising to get a better sense — because when I asked this question, it has to do with — basically, what I want to get is — in terms of advertising, is it going to require any additional specification or regulation?

This started off, Mr. Chair, when I asked the question about signage. So, when I see signs that are huge — going back

— we talked today at length about the community, the appropriateness and stuff — so I am trying to figure this out. So, this is their sole authority — sole power and jurisdiction — to control the advertising of liquor by licensees and permit holders. So, I get where there's all these little — then it's further defined on specific licences, but I'm trying to get at — the overarching thing is that — if they didn't specify it in other permits, can the board or corporation say, “Geez, that's an inappropriate sign for our community?”

Hon. Mr. Streicker: I get that this is in different places. I understand clearly that we're on 8(2), but I will reference ahead to try to help.

What we have done is introduced the notion that advertising matters and that you have to abide by the purpose of the act, et cetera. So again, it will keep coming back to that. What we do is start to put under “conditions of licences” that there are certain conditions that they have to abide by, some of which include advertising.

Much later on, under section 107(1)(q), we say that there are regulatory-making powers respecting advertising and display. These are places where we can get there.

I just want to be very careful that the board will hear applications and any appeals to those; the corporation will deal with making sure that the licensees are abiding by the act and regulations. It may be that a store gets their application and then, later on, they choose to change their sign. That doesn't give them an out, because the board said they could have their store. We are still going to have to make sure that they abide by all the conditions that are set out here.

What I'm trying to say is that it's not explicit that “this is in, this is out” — that's not what we're trying to use the act for. We're trying to say, through the act, that advertising matters.

Clause 8 agreed to

On Clause 9

Clause 9 agreed to

On Clause 10

Clause 10 agreed to

On Clause 11

Clause 11 agreed to

On Clause 12

Hon. Mr. Streicker: This is where I just wish to point out that we haven't changed where the revenue goes here and how we're going to account for this with the Auditor General. What I am just trying to point out is that we will report on the revenue that is generated and where we have used revenue from the government to go toward addressing the harms of alcohol.

Clause 12 agreed to

On Clause 13

Clause 13 agreed to

On Clause 14

Clause 14 agreed to

On Clause 15

Clause 15 agreed to

On Clause 16

Ms. Hanson: This is dealing with the composition of the board, and it's going to have five members at least. I'm just curious as to 16(3): “A retiring board member is eligible for

reappointment.” My question is are there limits? How many times can a retiring board member be reappointed?

Hon. Mr. Streicker: The answer, Mr. Chair, is no. There is no explicit limit that is set out here in the act. It has to do with believing that whoever is doing the board appointments at that time continues to support that person in the role as a member of the board.

Clause 16 agreed to

On Clause 17

Clause 17 agreed to

On Clause 18

Clause 18 agreed to

On Clause 19

Clause 19 agreed to

On Clause 20

Clause 20 agreed to

On Clause 21

Clause 21 agreed to

On Clause 22

Clause 22 agreed to

On Clause 23

Clause 23 agreed to

On Clause 24

Clause 24 agreed to

On Clause 25

Ms. Hanson: This is where it gets confusing. It would be really helpful to have a simple matrix showing that this means this. I see that section 25(1)(a) says, “liquor primary licences, which authorize the sale and service of liquor...” — a.k.a. a bar? I am looking for something simple that will help to distinguish the first four for sure. I get it when we start talking about manufacturing, but when we look at section 25(1) — (a), (b), (c), and (d) — it would be helpful if the minister — I am sure that he has it in a briefing book somewhere — could put into plain language what these are intended to cover.

Hon. Mr. Streicker: I'll just run through the five licence types: liquor primary — it's a bar, so it's where the main business is to sell liquor and serve liquor for the consumption on premises. The second one, food primary, is generally a restaurant, but a restaurant that also serves alcohol — a licensed restaurant. The third one is what everyone in the Yukon would call “offsales”. You have to be — again, just using very candid, plain language here, it's an offsales at a bar or it's an offsales at a restaurant. The fourth one, let me just skip over for a second, and I'll come back to it. The fifth one is manufacturing — as the member opposite stated, it's pretty straightforward. The fourth one is sort of our catch-all. It can be any things, like a club room licence, an RV park, a sports stadium, maybe a train or an airplane — for example, the flights out of the Yukon that serve alcohol need a licence. It's this catch-all. It will also include hairdressers or a spa — so that's that licence there.

Clause 25 agreed to

On Clause 26

Hon. Mr. Streicker: I'm just rising, Mr. Chair, because I flipped way ahead in the binder. I just wanted to make sure I got back to this place so I could be with you as we go through it. I'm there now; I just needed the little pause.

Ms. Hanson: I thought we hadn't finished — didn't realize we finished —

I thought the minister was going back to a point. I thought he had skipped over one of the sections in section 25; that's why I was standing. All right.

Some Hon. Member: (Inaudible)

Ms. Hanson: I know, I realize that, but I'll ask him separately.

In section 26(d), the licensed premises — so "... except to the extent permitted by regulation, the licensee must not sell liquor at a price below the minimum price or above the maximum..." — which I can understand. How is that determined, and is that different from what it is now?

Hon. Mr. Streicker: I will try to back up for a second because, when the Member for Whitehorse Centre asked me to list the licence types, I flipped to some earlier documentation that I had in plain language, but I probably did give them out of order, and I apologize. If the member opposite needs clarity, I can jump back, but I think we are all clear here about those straightforward ones. Again, just prompt me if more help is needed.

Currently, we don't have minimum prices in the Yukon. What we are enabling is the ability to have minimum prices. If we bring in minimum prices, there are different ways they could come in. They could be at retail sale — so for off-premise drinking, you could say that this is the price. It could also be in the liquor stores run by the corporation as well. It could also be in our licensed establishments and bars or restaurants as a per-drink price. You need to do some research on it to try to understand what is a fair minimum price, and you also have to understand that, like many of these things, it can be a two-edged sword. It's a good idea, but if you get it wrong, it can have adverse side effects that you really need to be careful about.

Maximum pricing is typically a different thing. It is really about trying to, I guess, support the public or prevent licensees from overcharging — say late in the evening or something like that.

Currently, it is a regulation that you can't sell for more than 30 percent above the Yukon Liquor Corporation retail price. But that number, for example, could be adjusted through a new regulation as we go forward. Again, we would want to work with the public and our licensees to get that balance set right.

Ms. Hanson: I'm just trying to get the numbering here. Under 26(1)(ii) — this is where we are talking about — the licensee can "... permit an individual to enter, or remain in, the licensed premises if the licensee believes on reasonable grounds that (i) the individual is intoxicated, and (ii) the intoxication has created or contributed to a risk to the individual's health or safety that can be mitigated if the individual is permitted to enter, or remain in, the licensed premises".

I guess my question has to do with liability here. I mean, is this an attempt to try to mitigate against someone drunk driving — or regardless of that, what protections are there for a licensee who permits somebody who is intoxicated — in terms of their liabilities — should they underestimate the degree of intoxication?

Hon. Mr. Streicker: You know, the scenarios that we were discussing weren't just about drunk driving. They were also about if it is cold outside — so we are always balancing. First of all, you know, it is written in the act so that if the server or the licensee kept that person in there and said, "Yes, I am giving them a chance to sober up" — I don't think that is the big risk, because I think the problem would be the other way around — if you continued to serve them.

That's why we want training for all of our servers so that they can use their best judgment — and not only their judgment to perceive when someone may have had more than enough, but also how to navigate working with people who are intoxicated. Some people are fine in that way, and some people are not. We want our licensees to get that support.

I think that is where risk lies — if you continue to serve and you have misjudged how intoxicated that person is. If that person stays in the establishment, the only risk at that point is what you have deemed — that they are not a harm to themselves or to others at that point, and if something happens — but that was true already. Say you were at the point where you were still serving them — you deemed that they were safe at that point — and someone misbehaves — well, that is a risk. I don't think this adds risk or a insignificant risk — I might be wrong, and I look forward to us debating it here on the floor — but I think this is about harm reduction, really. We looked at it, and we were trying to empower our licensees to say, "Hey. You know what — you need to sober up. It's not a good time for you to leave here. Here's a cup of coffee." That's what we are talking about.

Clause 26 agreed to

On Clause 27

Ms. Hanson: I just want to reaffirm — we did discuss in general ways some aspects of this because I had asked about it. These are the conditions of a liquor primary licence — so a bar. As I understand it — and I am on section 27(i) — a bar, as a licensee, "... must ensure that food that would constitute at least a light meal or snack is available for consumption by individuals who are at the licensed premises during the prescribed hours of operation".

Hon. Mr. Streicker: I know where we are, but I just missed the question, so if I could just ask —

Ms. Hanson: The question is — I just want to clarify — we're talking about the conditions of a liquor primary licence. So we have determined that's a bar, and I was asking the question — this says, "The following are conditions of each liquor primary licence..." So "the licensee must ensure that food that would constitute at least a light meal or snack is available for consumption by individuals who are at the licensed premises during the prescribed hours of operation..."

So, I'm just clarifying or asking for confirmation that a bar must serve food.

Hon. Mr. Streicker: The answer is yes, Mr. Chair. This is about saying that there has to be some food. This is really about social responsibility. It's not just — food is one of those things that — I don't know what the right term would be — but it moderates the impact of alcohol. So that is part of this. That is correct.

Clause 27 agreed to

On Clause 28

Ms. Hanson: I just want to confirm my understanding that this is the food primary licence. Section 28(o) — is this now an introduction of a corkage fee for the Yukon? When I read this: “... to the extent that the regulations... the licensee may permit the consumption of wine at the licensed premises, and may charge for serving the wine, if

“(i) the wine is commercially produced liquor,

“(ii) the wine was sealed by the person who produced it, is taken into the licensed premises by the individual who seeks to consume it...”

In other jurisdictions, this is a corkage fee. You can carry your wine that you purchased elsewhere into the licensed dining establishment and pay a corkage fee. I’m just asking if this is the plain-language version of what I read here — if that’s correct — and that, if you haven’t consumed it all, you can have it recorked and take it home? Is this new?

Hon. Mr. Streicker: Currently, it is in existing regulations. That came in with the 2016 regulatory change. What is different now is that — well, number one, it’s different because it’s going in the act now. As I said in one of my introductory remarks, we are moving regulations into the act. What is different now is that, under these regulations, there is the ability to re-cork and take away. I have that right, Mr. Chair.

Clause 28 agreed to

On Clause 29

Hon. Mr. Streicker: Mr. Chair, I would just like to apologize. I got that wrong and I would just like to make sure for Hansard that I get it right.

Under our current regulations — 23.01(4)(b) — you can currently re-cork and take it away. I was mistaken.

Clause 29 agreed to

On Clause 30

Ms. Hanson: Again, this is tedious — but it is tedious, quite frankly, trying to figure this out.

Conditions of the off-premises licence — so we’re talking about offsales here in the plain-language version — section 30. I am looking at, again, (c): “the business of selling liquor under the off-premises licence to individuals (other than minors) for consumption elsewhere than at the licensed premises is carried on as a complement to the main business that is... described in paragraph (b)” — which is the main business that is carried on at the licensed premises — the business under the liquor primary licence or food primary licence.

Again, I guess I am looking for more clarity as to how that complementarity is determined — or will be determined — and where.

Hon. Mr. Streicker: This is where we have worked to put in this word “complementary” — it is new in this act. It is there for the board to use as a way to interpret the word. I don’t have — as I stated earlier in general debate — I don’t have an exact definition of what that is and is not going to mean, but what I wanted to say to the members of the Legislature, through you, Mr. Chair, is that if our interpretation of this word “complement” comes out differently from how the board seems to be interpreting it, then we have the ability to introduce

regulations that will help define that term more narrowly, so that we can address the situation at hand.

I don’t have anything new to add at this point, but I appreciate the questions from the member opposite.

Ms. Hanson: Are we still on section 30?

Chair: Yes.

Ms. Hanson: Thank you, Mr. Chair. 30(g) says: “liquor may be sold at the licensed premises only during the prescribed hours of operation”. Can the minister outline what criteria are used to determine or establish the prescribed hours of operation — because surely not all of them are 9:00 a.m. to 2:00 a.m., would be my extreme example. What criteria are used?

Hon. Mr. Streicker: I will just add one comment to our previous discussion about the word “complementary.” If, for example, a licence has been issued and there are conditions — within maybe additional conditions — then we will also have our inspectors there to try to ensure that this is unfolding in a way that has been intended. So, it is another small check that I wanted to add to the discussion.

With respect to the prescribed hours of operation, this is referencing that we’re going to, through regulations, set the hours of operation. I spoke about it earlier. I talked in particular on this about the offsales hours. What I will say is that any regulation that we bring in — all of them have to reinforce or live up to the purposes as set out by the act. We can’t conflate those things.

I’ve already given an indication that, by talking with the liquor advisory group, we felt that it was — we were getting near the decision under the regulations that we would adjust the hours of offsales. So, what we did to lead up to that work was reach out to all of the licensees and survey them about offsales hours.

As I said, I think we got some good feedback from the licensees. This is one of those places where it isn’t written in stone that it has to be a certain number. It has to work to support the overall act.

Mr. Chair, seeing the time, I move that you report progress on Bill No. 5, entitled *Liquor Act*.

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

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Mr. Hutton: Mr. Speaker, Committee of the Whole has considered Bill No. 5, entitled *Liquor 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. Ms. McPhee: 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 now stands adjourned until 1:00 p.m. on Monday.

The House adjourned at 5:28 p.m.