

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Thursday, April 23, 2009 — 1:00 p.m.**

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

*Prayers*

**Withdrawal of motions**

**Speaker:** The Chair wishes to inform the House that Motion No. 755, notice of which was given yesterday by the Leader of the Third Party, was not placed on today's Notice Paper as it was not in order.

**DAILY ROUTINE**

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

Tributes.

**TRIBUTES**

**In recognition of Law Day**

**Hon. Ms. Horne:** I rise today on behalf of this House to pay tribute to the 27<sup>th</sup> annual Law Day. Law Day recognizes the anniversary of the proclamation of the *Canadian Charter of Rights and Freedoms*, signed on April 17, 1982.

Law Day is organized nationally by the Canadian Bar Association and locally by the Yukon chapter of the Canadian Bar Association. Every year the proceeds raised go to support a community group. Law Day's purpose is to educate and inform Yukoners about the role and importance of law. As usual, we will celebrate Law Day through the six-kilometre Law Day charity fun run and walk which will take place tomorrow at noon. I will start the race myself in front of the Law Centre on Second Avenue. I urge all Yukoners to take part in the run.

I would like to congratulate the volunteers who make the Law Day charity fun run possible.

Gunilshish. Thank you.

**Mr. Elias:** I rise on behalf of the Official Opposition and the independent member to pay tribute to Law Day. Law Day 2009 celebrates the 27<sup>th</sup> anniversary of the signing of the *Canadian Charter of Rights and Freedoms*. This *Charter* is founded on the rule of law and the Canadian Bill of Rights entrenched in our Constitution, giving Canadians guaranteed democratic rights and fundamental freedoms we believe are necessary in a free and democratic society.

2009 is the 19<sup>th</sup> annual Canadian Bar Association Law Day charity run and walk. This local event is dedicated to improving public understanding of the law and the legal system. This year's Law Day proceeds will go to a charity that exists to assist youth, and the Yukon chapter of the Bar Association in Yukon has chosen Angel's Nest shelter as this year's recipient.

Angel's Nest shelter helps raise awareness of violence against women, as well as to provide a safe place to sleep for about 18 youth aged 18 to 24. At the shelter, they propose to provide addictions and life skills counselling and assistance in

finding long-term housing. This youth shelter is a worthy charity.

We would like to congratulate all members of the Yukon Bar Association and those volunteers and individuals who work throughout the year to organize and celebrate Law Day in the Yukon. We'd also like to thank the public and private sector sponsors who support the Law Day activities.

The 6.4-kilometre charity run and walk departs at noon tomorrow from the law courts. We wish all of the organizers and participants a successful charity run.

Thank you.

**Mr. Cardiff:** I rise on behalf of the New Democrat caucus to pay tribute to National Law Day. This is the day that we celebrate the *Canadian Charter of Rights and Freedoms*. Our Canadian *Charter* means that all of us enjoy rights to equality under the law. We are given rights to freedom of religion, expression, association and peaceful assembly. Under it, we all have equal benefit and protection of the law, prohibiting discrimination on the basis of race, national or ethnic origin, colour, age, mental or physical disability and sexual orientation.

We are proud on this side of the House to have been responsible for human rights legislation despite great resistance to it when it was first introduced in the Yukon. Our Yukon Human Rights Commission works very hard to uphold the values that we have as individuals, and as a nation. We look forward to the proposed second phase of legislative amendments to the Yukon *Human Rights Act*, which will address a number of outstanding issues, such as the needs for an arm's-length approach to commission funding, aboriginal identity, housing as a human right and violence against women.

Law Day is an opportunity to make everyone aware of what is in the *Charter*. We sometimes take our *Charter of Rights and Freedoms* for granted in Canada. Rights and freedoms are not the case in many countries around the world, particularly today, with problems of terrorism and security taking over national agendas. We need to sensitize ourselves, and other Canadians, to how these important rights and freedoms can be eroded with the threat of terror and the need for security measures. The *Charter* supersedes any acts in the name of security, and in the past few years we have witnessed times when that is not the case. We must remain diligent in support of human rights around the world.

Thank you.

**In recognition of Poetry Month**

**Mr. Hardy:** Mr. Speaker, it gives me very great pleasure to rise on behalf of the Members of the Legislative Assembly to pay tribute to April, Poetry Month.

Poetry has held a distinguished place in Yukon's history, bringing our colourful past to life. There are few people around the world who have not heard of Robert Service, and many who love his work so well can recite his poetry by heart.

William Woodsworth said that "poetry is the breath and finer spirit of all knowledge". Sigmund Freud said that "Poets are masters of us ordinary men in knowledge of the mind, be-

cause they drink at streams which we have not yet made accessible to science.”

Sometimes we shy away from poetry, thinking that it is too refined and that we need to be very educated to understand it. We seldom attempt writing poetry once we are out of the lower grades where the teacher used to make us do it anyway, and it is rare for a person who writes poetry to be an adult. Many of those people write in secret or in their journals and often are a little embarrassed to have anyone find out that they’re writing poetry, and that’s a shame, Mr. Speaker. That’s a shame in our society today.

Rarer still is the writer whose poems get published. The Yukon is celebrating, in this Poetry Month, the fact that we have a published poet living in Whitehorse, Erling Friis-Baastad. But we are celebrating also that we will have two more published poets in the next year. Michael Reynolds will have his poetry published by Porcupine Quills and Clea Roberts will have her book of poetry published by Freehand Press. Jerome Stueart, whom we know as a fiction writer, came to the Yukon on a Fulbright Scholarship specifically for poetry. We look forward to a lot more writing from him. Other writers we have the joy of having in the Yukon include Jamella Hagen, Patricia Robertson and Joanna Lilley, all of whom have had poems published.

Mr. Speaker, there is a young woman named Lauren Tuck, who has been championing poetry, slam poetry and spoken word, through her group called Brave New Words, and they often have poetry and music recited in one of the local cafes on a regular basis in the Yukon — something that hasn’t happened for many years. Poetry readings held over the past while have been very well attended, and I am very pleased to announce that Whitehorse will be hosting the second Poetry Festival on June 19 to 21 this year. The festival will be at the Yukon College and will feature many well-known and award-winning poets such as Michael Ondaatje, Don McKay, C.D. Wright, as well as Michael Reynolds, our local poet.

Further information can be accessed at the Web site [www.whitehorsepoetry.com](http://www.whitehorsepoetry.com). Now the famous poet W.H. Auden has said that one demands two things of a poem. First, it must do honour to the language and secondly, it must say something significant about reality common to us all but perceived in a unique perspective.

Erling Friis-Baastad illustrates this when he speaks of poets in his poem, “The Window” in his book, *Wood Spoken*. Some members have heard me recite poetry over the years, but we won’t refer to that too much.

Now this poem I’d like to read for the people here is by one of our local poets. It’s short, so sit back and enjoy it.

The window: a poet’s  
most essential tool  
Before it, he transcribes  
the universe three feet  
by two, rich literatures  
of fog or frost,  
rain’s cutting edge.  
The skill is in knowing  
on which side of the glass

the small moth dries  
her invisible wings  
on which face of the pane  
the gnat sets out  
on its fatal journey  
And never press  
your face to the glass  
or the poem  
will blur into prose.

Thank you, Mr. Speaker.

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

## INTRODUCTION OF VISITORS

**Speaker:** Under introduction of visitors, it is my distinct pleasure, members, to introduce some of the participants of the 2009 Yukon Parliament. They are as follows: from St. Elias Community School in Haines Junction, Korrel Ronaghan and Laura MacKinnon; from Watson Lake Secondary School, Cody Addis, Cody Magun and Kelvin Magun; from Robert Service School in Dawson City, Greg Fischer; from Vanier Catholic Secondary School, Keshah Austin; from Porter Creek Secondary School, Nathan Brown; and from l’École Émilie Tremblay, Jeanette Carney.

We’re delighted also to have the chaperones and some of the teachers: Christian Gee from Watson Lake and Geoff Scherer from Haines Junction. Also assisting with the sessions will be Mike Toews and Blake Rogers.

Please join me in welcoming them.

*Applause*

**Speaker:** Are there any further introductions of visitors?

Are there returns or documents for tabling?

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motion?

## NOTICES OF MOTION

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

THAT this House urges the Yukon government to maintain responsibility for the proposed Watson Lake and Dawson hospitals, in order to ensure public accountability over the substantial investment of taxpayers’ dollars into these projects.

I give notice of the following motion:

THAT this House urges the Yukon government to work with the Committee on Abuse in Residential Schools in finding a new temporary location for them to carry on delivering the much-needed programs offered at the current location.

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

THAT this House urges the Yukon Party government to implement, without delay, a reporting system that fully discloses the total amount paid to each person appointed to the

board of the Yukon Development Corporation and Yukon Energy Corporation, both of which have the same board members.

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

THAT this House urges the Minister of Community Services to consult with the residents of Golden Horn, Mary Lake, Cowley Creek, Spruce Hill, Pine Ridge, and the surrounding areas, to explore the possibilities of salvaging the old Golden Horn fire hall so that it can be used as a facility for community events and gatherings.

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

THAT this House urges the Government House Leader to move a motion to amend the membership of the Standing Committee on Public Accounts, as established by Motion No. 8 of the First Session of the 32<sup>nd</sup> Legislative Assembly by:

(1) rescinding the appointment of those members of the government caucus currently on the committee; and,

(2) appointing four other members of the government caucus in their place.

I give notice of the following motion:

THAT this House urges the Public Accounts Committee to exercise its right and its obligation by calling witnesses from the Yukon Hospital Corporation to appear before the committee so that the public's business is given appropriate and necessary financial oversight.

I give notice of the following motion:

THAT this House urges the Public Accounts Committee to exercise its right and its obligation by calling witnesses from the Yukon Housing Corporation to appear before the committee so that the public's business is given appropriate and necessary financial oversight.

I give notice of the following motion:

THAT this House urges the Public Accounts Committee to exercise its right and its obligation by calling witnesses from the Yukon College to appear before the committee so that the public's business is given appropriate and necessary financial oversight.

I give notice of the following motion:

THAT this House urges the Public Accounts Committee to exercise its right and its obligation by calling witnesses from the Yukon Development Corporation to appear before the committee so that the public's business is given appropriate and necessary financial oversight.

I give notice of the following motion:

THAT this House urges the Public Accounts Committee to exercise its right and its obligation by calling witnesses from the Yukon Liquor Corporation to appear before the committee so that the public's business is given appropriate and necessary financial oversight.

I give notice of the following motion:

THAT this House urges the Public Accounts Committee to exercise its right and its obligation by calling witnesses from the Yukon Workers' Compensation Health and Safety Board to appear before the committee so that the public's business is given appropriate and necessary financial oversight.

**Speaker:** Any further notices of motion?

Hearing none, is there a statement by a minister?

Hearing none, it's time for Question Period.

## QUESTION PERIOD

### Question re: Emergency medical services

**Mr. Mitchell:** The issue of emergency health care for our communities is no stranger to this House. The Yukon Party government has failed to address this matter now for years and it's no surprise that it remains an issue. Recently in Mayo, the town went without the emergency paramedic services for 36 hours because the government would not provide temporary relief for that period of time. Thirty-six hours is a very long time. People do not plan the time and date they will need the services of a paramedic or ambulance attendant.

Why isn't there adequate support provided by this government to cover off volunteers who, for very good reasons, cannot always be available?

**Hon. Mr. Lang:** In addressing that issue, we are concerned when the volunteers and the individuals aren't on the ground, but we work to cover all shifts in the community to make sure we maximize the EM service throughout the Yukon. I would like to thank the volunteers who do just that in all our communities.

**Mr. Mitchell:** We're talking volunteers and we're talking about the health and safety of Yukoners. I could go on to list Beaver Creek, Destruction Bay and lots of other areas. These volunteers have families; they have regular jobs; they too get tired. They must put their own families first and they should not be made to feel guilty because they do.

We're not speaking of copious quantities of money here. We've seen how this government can throw money around in the Health and Social Services department with little accountability attached to it. These volunteers need support. They're tired — they're tired of being taken for granted by this government. All they want is for the government to provide temporary outside support when required.

Will the minister commit to providing that support to our volunteer paramedics?

**Hon. Mr. Lang:** I'm very happy to stand up in front of the House today and say we're doing just that. We're the first government to resource that department.

This year alone, there will be an \$800,000 improvement to the budget for exactly that. We are working with the communities to maximize EM service in those communities. When the member opposite stands up and says that the service isn't available — the service is available. We're working with it. We're on the ground and we're doing just that — supplying EM service to all our communities.

**Mr. Mitchell:** Mr. Speaker, I must respectfully disagree with the minister. Watson Lake and Dawson City have

what is known as a “floater” available to them. The other communities would like to know why two communities can have that form of relief and others — be it Mayo, Haines Junction or Teslin — cannot. It is no wonder that the supervisor in Mayo has just recently resigned. That is no way to treat volunteers. It is disgraceful to show such flagrant disregard for the health and safety of our rural Yukoners. This government certainly has the means to address this problem. The question is: does it have the will? Will the minister commit to fixing this problem? Yes or no?

**Hon. Mr. Lang:** Again, I will answer exactly what I did a moment ago. The question was asked and it was answered. We are doing just that. Watson Lake and Dawson City are bigger centres and they have more demands. They have a larger contingent of individuals to run the EMS department. That just makes sense. We have resourced the department to bring in more resources to the service itself. We have acquired two new ambulances, Mr. Speaker, and by the year 2011, we will have a complete, modern fleet of ambulances. That in itself is a success, Mr. Speaker.

We are doing exactly that. We’re working with our communities; we’re working with our volunteers to keep the standard up on emergency medical services, and I think we’re doing it.

#### **Question re: Fur program**

**Mr. Fairclough:** I have some questions for the Minister of Environment. The fur trade in Canada contributes approximately \$800 million to our gross domestic product. In the Yukon, trapping used to be worth about \$1 million per year.

I’ve been asking the minister to commit to enhancing support to our Yukon trapping industry for some time now. We have about 334 traplines and 17 group traplines here in the Yukon. In light of the importance of this industry to the Yukon economy, will the minister take the summer months and complete a Yukon fur program that is ready to be implemented in the fall 2009 trapping season?

**Hon. Ms. Taylor:** Mr. Speaker, I have articulated on the floor of the Legislature over the last couple of weeks on this particular subject, and I will in fact reiterate for the member opposite the Yukon government’s acknowledgement and recognition of the trapping industry as a very important part of our economic and social well-being in the territory. In this regard, the Yukon government has been able to provide support to a number of trapping-related initiatives over the last number of years, including trapping, support for marketing, and going to work with respective stakeholders such as the Yukon Fish and Wildlife Management Board, renewable resources councils and First Nations on the assignment, reassignment and utilization of traplines. That is also vitally important if we wish to grow, enhance and advance the trapping industry.

**Mr. Fairclough:** This government has been in power for about six and a half years now and very little has been done. There have been many successful trapping programs within our own country. In the Northwest Territories, for instance, the Genuine Mackenzie Valley Fur program is supported by the Government of the Northwest Territories. Just this week, Yukon trappers have spoken out; renewable resources councils

have spoken out. The chair of the Fish and Wildlife Management Board said the Yukon trapping industry needs help.

They all claim that the Yukon government does little to support this valuable industry. When is this minister going to answer the call of Yukoners and help save Yukon’s oldest industry?

**Hon. Ms. Taylor:** Unlike the member opposite, I’m not going to point fingers. In fact, I’m going to continue to work with the trapping industry. We are very pleased to work with the Yukon Trappers Association on trapper training, for example. We have also just recently helped fund the Trappers Association through the community development fund on a business plan so they can help identify further priorities for enhancing, advancing and growing the trapping industry in the territory.

We were also very pleased to work with the Fish and Wildlife Management Board on phase 1 of what we would coin a Yukon fur harvest strategy. We are very much committed to advancing that strategy, which includes a look at other jurisdictions, such as the Northwest Territories, doing an overall comparison of what other jurisdictions have done and what has worked.

We’ll also take a look at other key considerations in terms of advancing trapping, including issues of access to market, productivity, trapper line utilization and traditional ways of life.

**Mr. Fairclough:** Six and a half years and the minister is doing very little. Our trapping industry is slowly dying and the minister says, “We’re working on it.” Well, that’s not good enough, Mr. Speaker.

Earlier this week, the Minister of Environment said that we want to hear the priorities of the trapping industry. That’s what she said in this House. This is not a complicated issue; the priorities are clear.

The chair of the Fish and Wildlife Management Board said of the trapping industry that, “It is vitally important to fish and wildlife management. First Nations have been managing wildlife for thousands of years, and part of that was managing predators.”

Will the minister commit to develop a Yukon fur program, so that trappers can access it before the next trapping season? Will she do that? Make that commitment.

**Hon. Ms. Taylor:** Mr. Speaker, I will again reiterate for the member opposite, and for his caucus, the government’s commitment to work with industry, the trappers themselves, to work with the Yukon Trappers Association, the Yukon Fish and Wildlife Management Board, renewable resources councils and First Nations, because they in fact all have a role in terms of utilization of traplines. When it comes to the assignment and the reassignment of traplines, it does in fact involve that particular body.

We are maintaining our obligations as outlined under the *Umbrella Final Agreement*. We are providing trapper training. We are working with industry in terms of providing business planning support to advance the priorities of the trapping industry. We are committed to ensuring that the trapping industry remains a very vital and viable part of the Yukon economy.

We remain committed and unfortunately the member opposite doesn't seem to want to work with the Government of Yukon.

**Question re: First Nations drawing down responsibilities**

**Mr. Cardiff:** Mr. Speaker, yesterday we were able to put forward a lot of useful ideas on education programs in Yukon. Unfortunately, the minister didn't take the opportunity to discuss any of the more serious issues that were brought up. We are facing a jurisdictional crisis in its early stages in education.

The Kwanlin Dun First Nation announced this week that it will be seeking the devolution of education through its self-government agreement. It joins several other First Nations that have announced the same thing over the past several years. I have to point out once again that the Canadian Teachers Federation reports that the Yukon is among the lowest jurisdictions for spending on education as a proportion of its total budget.

Has the minister analyzed the financial implications to this government of the drawdown of education by First Nations and what is his plan?

**Hon. Mr. Rouble:** My plan is to work with our partners in education — including First Nation orders of government — in order to provide the best education system possible for all Yukoners. Mr. Speaker, this government recognizes that Yukon First Nations have significant authority through their self-government agreements. Should they wish to draw down programs or services, they are fully entitled to do so. I believe that was one of the reasons why they put them in the self-government agreements. The Government of Yukon would certainly honour and work with Yukon First Nations should they choose to draw down programs and services.

Mr. Speaker, the self-government agreements, the agreements with Canada, are very clear on the fiduciary responsibilities in these areas but I want to make the point first and foremost for the member opposite: it's our desire to work with all Yukoners to provide one education system that will meet the needs of all Yukoners.

**Mr. Cardiff:** The minister has stated previously that the position of the government on devolution of education is there would never be two separate education systems. He has established a First Nations programs and partnerships unit in his department. The partnership goal states that they intend to have "a good working relationship and communication rooted in mutual trust and respect."

Now, at least two First Nations are talking about starting a First Nation school board. One community actually had a vote on that issue. It's interesting to point out that one school board in the territory, the francophones, are taking this government to court because they feel they aren't being treated with mutual trust and respect. What is the minister's view on whether school boards should be established and how they should be funded?

**Hon. Mr. Rouble:** One of the areas where we heard a significant amount of input from the community during the education reform project was that people wanted to be more involved — that people wanted to see the commitments made

in the *Education Act* and the powers provided to school councils and boards honoured. We have taken significant steps to work with our school committees, our school councils and our school boards in order to do that.

There are significant authorities and responsibilities and opportunities for involvement in our current act by the school committees, school councils and school boards. The Department of Education will continue to work individually with those organizations, collectively with the Association of Yukon School Councils, Boards and Committees and, indeed, with all stakeholders to provide Yukon students with the best education system possible.

**Mr. Cardiff:** Yesterday, I said that education should be an investment, not an expense. I'd like to go even further. I think that education should be a human right, and it should be the government's obligation to provide that education to our citizens.

Now he appears to be happy to have the department act as one large school board for the whole territory, as it has for several decades. It is difficult for government to give up that power but that is the big question that he isn't answering. The question is about empowering Yukon communities that want to play a greater role in the decision making about their community's future and their children's future. Yukoners want to know his position on sharing the responsibility for education through school boards and school councils. Why is the minister not acting in the best interests of all children — First Nation, francophone and non-First Nation?

**Hon. Mr. Rouble:** Mr. Speaker, that is quite insulting, the comment that the member opposite has made. I take offence to that. It is unfortunate that does not reflect the reality in today's education system. It doesn't reflect the relationship with school councils, it doesn't reflect the relationship with Yukon First Nations and it doesn't reflect the relationship with the Yukon Association of School Councils, Boards and Committees.

Mr. Speaker, Yukoners have said very loudly and very clearly that they want to be more involved. They want to be involved in their school and their community. The Department of Education has responded with a school growth plan which, as we discussed yesterday, lays out extensive opportunities to establish the goals and priorities for a school, avenues for input from the Yukon First Nations, from citizens, from parents and from others concerned. Yukoners have told us they want to have a voice in their community and their school. They don't want to see needless bureaucracy; they don't want to see money spent on things that don't have a significant impact in the school and the classroom and with the kids.

One of the best opportunities we have now for people to get involved in their school and make a difference in their children's education is through the school growth planning, and I encourage all interested to get involved.

**Question re: Uranium mining**

**Mr. Hardy:** Of the 10,000 mineral claims staked in the Peel watershed planning region, about 8,000 are by a single company exploring for uranium. We all know there are serious environmental and health risks associated with every stage of

uranium development, including exploration, mining, milling, transportation and processing.

We also know the Peel watershed deserves to be protected for a long list of good reasons, for the benefit of present and future generations. Hundreds of Yukoners have told the commission in recent weeks exactly that to help it come up with a long-term land use plan for this incredible region.

What is the government's position on uranium exploration and development — not just in the Peel region, but elsewhere in the territory?

**Hon. Mr. Cathers:** I would begin by reminding the Leader of the Third Party that the right to stake a claim does not itself indicate that a company will necessarily be able to develop it as they hope. There's the *Yukon Environmental and Socio-economic Assessment Act* process and that public review, which provides for a review of the impacts of any proposed development.

What staking a claim essentially does is it ensures that no one else will be able to stake that same ground.

With regard to the Peel commission and the land use plan that they have done through their process, I would remind the member that the draft plan, which is now out for public review, is the commission's document; it is established by this commission and, at this stage, we strongly encourage the public and any affected stakeholders, all communities, et cetera, to engage in this process to provide comments on the draft plan to the commission.

**Mr. Hardy:** Mr. Speaker, will the member listen to the question? The question was about uranium exploration and what the government's position is.

The B.C. government has a position, even though there has never been a uranium mine in that province. It issued an order this year to prevent permits from being issued for uranium exploration and development. It has gone even further: it has amended its health, safety and reclamation code to enhance the protection of workers who may encounter uranium during exploration for other minerals, and to ensure public protection.

Listen closely. Will this government develop a comprehensive policy on uranium mining and milling that protects both the environment and the health of workers who come in contact with this dangerous substance?

**Hon. Mr. Cathers:** Again, that's what the processes provide for. I would also refer the Leader of the Third Party to the energy strategy we released in January this year. Based on that extensive policy development process involving the public and stakeholders, it noted that the assessment of energy options will be used to develop a policy framework for matters, including nuclear power, prior to permitting development of that as an energy source.

Again, in any future consideration of such matters, prior to any future government considering that, we have emphasized in the energy strategy the very strong importance of ensuring that there is full public discussion of all the risks and benefits prior to any future government considering such options.

I would refer the Leader of the Third Party to the energy strategy. I think that strong emphasis will give him comfort that we believe, again based on what the public said, prior to devel-

opment of such sources of energy as options for the Yukon, there needs to be much more public discussion.

**Mr. Hardy:** The minister is not listening to the question. It has got nothing to do with nuclear plants being built in the Yukon. It has got to do with uranium mining, which can be shipped anywhere in the world. It is to do with health and safety of the people. What is the government's position?

Now, at Canada's existing uranium mines and mills, there are major concerns regarding long-term integrity of tailings and waste rock contaminant facilities. There are also concerns with contaminated groundwater, radioactive wind-blown dust, and significant potential increases in cancer risk to humans from consuming plants and animals near uranium mines and mills. The risks are enormous, and this is unacceptable.

I want to know what the position of the government is regarding uranium mining. Are they going to allow it, or are they not?

**Hon. Mr. Cathers:** I think the member is either not listening to my response or — I think that's the only possible explanation. I don't think he understands that.

Clearly, the Member for Kluane finds this funny. He's giggling in the back row.

But I would point out to the Leader of the Third Party that I appreciate his concerns. The issues he has identified and the concerns he has identified with uranium mining and uranium power usage, et cetera, are concerns that the public has. And the government, as their elected representatives, shares those. The processes are in place to review, prior to any development occurring, and the very risks the member mentioned must be fully considered and vetted.

I would remind the member — as I did earlier — that the energy strategy contains a very strong commitment that, prior to consideration of development of nuclear power in the Yukon by a future government, that is something that must undergo full public scrutiny and consideration. The public quite rightly has a desire to engage in discussions on these matters and fully consider the risks and benefits of nuclear power. I remind the member opposite that the framework is already in place to review the very issues the member mentioned with regard to concern about potential uranium mining prior to any such mining occurring.

#### **Question re: Yukon Development Corporation, chair remuneration**

**Mr. McRobb:** I have another follow-up question for the minister responsible for the Yukon Energy Corporation about the amount paid to the chair of Yukon Energy Corporation/Yukon Development Corporation. The government fixed the chair's remuneration at \$38,000; however, documents that weren't made public until recently have revealed the amount paid in 2008 was much higher. From what we have gathered so far on this matter, it appears the chair is now paid twice — from Yukon Development Corporation and from Yukon Energy Corporation — but anyone who has ever been appointed to the Yukon Development Corporation Board also sits on the Yukon Energy Corporation Board. It is the same board, Mr. Speaker.

The government needs to exercise full disclosure on this matter. What's the big secret here? The public deserves to know how much, in total, was paid for the position of chair for Yukon Development Corporation/Yukon Energy Corporation in 2008 either through honoraria, remuneration or whatever else the minister wants to call it. How much, in total?

**Hon. Mr. Cathers:** Mr. Speaker, we discussed this yesterday. Again I offer the member an opportunity to retract the statements that he made, which are inaccurate and which are not appropriate for him to make in this Assembly, because they create an inaccurate impression.

I would remind the member opposite that any amounts paid to the chair or other members of the Yukon Energy Corporation Board of Directors will be reviewed by the Yukon Utilities Board in the phase 2, cost-of-service hearing that they have directed the corporation to engage in. We fully support the work of the Yukon Utilities Board in fulfilling their mandate in conducting that cost-of-service review and providing the analysis that will provide taxpayers, ratepayers and the government with information related to the cost of operation.

The government will not interfere in that process. Again, we support that board. They are quasi-judicial, again I remind the Member for Kluane. They have a legal mandate; we support them doing that and encourage them to do so.

**Mr. McRobb:** Let the record show, Mr. Speaker, the minister failed to answer the question of the total amount paid to this chair.

Now, we can assume the total amount paid to the board chair in 2008 was about \$95,000. Yukon citizens will no doubt be quite interested to hear that the board chair is paid twice. This is something we didn't know before, because the government kept it a secret. But thanks to a recent document that was made public, we now know all about it. It wasn't the government who made this information public; it was forced out in the open by the regulator. Yukoners deserve to know about these secret payments that otherwise are not publicly disclosed. A reporting system needs to be put in place without delay.

Will the minister or the Premier — I see he's ready to jump in — commit to this, or does he feel this information should be kept secret indefinitely as it was until recently?

**Hon. Mr. Fentie:** Well, Mr. Speaker, here we have the Member for Kluane suggesting or implying that the chair of the Yukon Development Corporation was overpaid by the government — not an accurate statement. So the government gave the member an opportunity to retract that. Now the member is standing on the floor and suggesting that the honorarium for board members of the Yukon Energy Corporation and the chair is a secret, and the information has been withheld, when the member has a document in his hand that itemizes the information and is part of the general rate application, which is very public before a quasi-judicial board.

By the way, the leader for this member continues to refer to being accountable. Here's an opportunity for the Member for Kluane to be accountable, stand up, admit his statements were in error and that he's somewhat confused of the matter. He has the information in hand; I'm sure the arithmetic should not be all that difficult. It's \$38,000 plus \$57,000 — it's pretty easy to

figure out; and it's information in his hand. How can that be a secret? He has the information.

**Question re: Yukon Development Corporation, chair remuneration**

**Mr. McRobb:** Same issue, Mr. Speaker, and we still don't have an answer from the Premier. I'll note that, whenever they attack the messenger, we know they're not wanting to answer the question.

Today we know the part-time chair was paid approximately \$95,000 in 2008. When this individual was first appointed in 2004, the government said he was to be paid a maximum of \$38,000. That was reported in the *Whitehorse Star* and commented on by a Cabinet spokesperson.

The Yukon Party, however, has since come up with a way to increase that salary, and it was done behind closed doors, under a veil of secrecy. Additional monies have been funnelled through the Yukon Energy Corporation, and presto: a salary of \$95,000 a year for a part-time job. Is the government going to close this loophole, or is this part-time job going to have an open-ended salary?

**Hon. Mr. Fentie:** I see the member is getting quite anxious about the situation, and I can understand why, having been around this Member for Kluane for years now, and his expertise in the energy field — and we all know where that led the territory.

Mr. Speaker, the member has just said something was kept secret by the government in relation to the operation of the Yukon Energy Corporation, its citizen-appointed board, its chair, its CEO, and now he's implying that even the Yukon Utilities Board is suspect in the matter, with information that's before them in a general rate application.

You know, Mr. Speaker, this continued approach by the Official Opposition is good reason why they are in trouble these days. You can't attack people in this manner — people who donate their time and dedicate their time through appointments to work on these boards on behalf of the territory. Are they not entitled to some form of remuneration?

To suggest that the chair of the Yukon Development Corporation is being overpaid is a determination that the member has already made in his own mind. Given the member's performance, I think we all know where the overpayment rests.

**Mr. McRobb:** It was the Yukon Party who promised when it appointed the chair that a salary would be capped at \$38,000 per year. It was the Yukon Party who made this commitment and it was the Yukon Party who did not live up to it. Last year the chair was paid about \$95,000. When a person receives two salaries for doing one job, it is called "double dipping". This loophole needs to be closed. The chair does not run the corporation's day-to-day operations. That function is filled by the president who is well paid. In fact, his salary exceeds \$200,000 per year. There is no need for the chair to collect nearly \$100,000 a year for what is a part-time job, especially when the government only reveals to people that person is paid \$38,000. When is the government going to close this loophole?

**Hon. Mr. Fentie:** Mr. Speaker, the government has been very clear that the chair of the Yukon Development Corporation, by order-in-council, receives \$38,000 annually to

conduct his duties as the chair of the Yukon Development Corporation, but there is another piece to this structure. That is called the Yukon Energy Corporation. This is not a new structure. This structure has been around for years. Maybe the problem is that it was developed by a socialist government under Tony Penikett.

The real issue here is now before the Yukon Utilities Board. It's called a general rate application. This government will ensure that the general rate application, the phase 2 review, the cost-of-service analysis — all these matters, before a quasi-judicial board — are going to be dealt with.

We have even tabled — for the member's benefit, if he chooses to access it — an energy strategy that points out that the structure is an issue and we have the intention of changing it, and that's the work the government is doing.

To start accusing people out there of being overpaid and doing something underhanded is getting a little bit tiring in this House when it comes from the Liberals.

**Mr. McRobb:** The problem is a lack of full disclosure by the Yukon Party — nothing new. We've been putting up with it for six and a half years now.

This government has not been up front with Yukoners about this issue. When the Yukon Party appointed the chair in 2004, it was supposed to be for \$38,000 a year.

Thanks to information we received last week — and it was just a fluke that information came to light. There happens to be a regulatory process that is currently ongoing and the question was put to the utility and the answer was provided. This is the first time since 1987 that information has been provided. It's not a regular course of events.

When will the minister table all the information on payments made to the chair, dating back to his appointment in November 2004? When will he close this loophole that pays the chair twice for one job?

**Hon. Mr. Fentie:** The member did state that, for six and a half years, they have been sitting there and the government has not been open and accountable. My response would be then, why are we still here six and a half years later? Obviously, Yukoners think otherwise. There's no way Yukoners would stand for a government that is secretive, underhanded and is involved in wrongdoing. That isn't the way the democratic process works; that is not what Yukoners will stand for.

The member also mentioned a year, 1987, and he says the GRA before the Utilities Board today is the first time this information has come forward, because it was a question asked by the Yukon Utilities Board.

I've got news for the member: the Yukon Utilities Board is asking lots of questions. That's exactly what they should do. They are a quasi-judicial board charged with this responsibility, and we fully support that process. The Energy Corporation will be answering those questions on these matters and many others. That's exactly what the government will allow to take place.

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

## ORDERS OF THE DAY

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

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

*Motion agreed to*

*Speaker leaves the Chair*

## COMMITTEE OF THE WHOLE

**Chair (Mr. Nordick):** Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 72, *Corrections Act, 2009*. Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

### Bill No. 72 — *Correction Act, 2009* — continued

**Chair:** The matter before the Committee is Bill No. 72, *Corrections Act, 2009*. Mr. Edzerza, you have about 16 minutes left.

**Mr. Edzerza:** Mr. Chair, because of the lapse in time since we last discussed this, I am going to sort of skim over a little bit of what we were discussing when we last debated this.

We talked a lot about the correctional centre being able to contract services out to other organizations within the Yukon Territory. It is my understanding from responses from the minister that yes, in fact, First Nations from outside of Whitehorse do have that opportunity to develop a land-based treatment centre and apply to the correctional facility to contract out some of the services with regard to mental health counselling, for example, which I think is a good step. However, I would caution the minister that there is a very high possibility of this kind of situation going sideways and in saying that, I mean that when we start to mix civilian citizens off the street who are seeking help with, for example, effects of a mission school, we do run the risk of inmates being able to, for example, have access to drugs.

I believe that dramatically increases the risk of failure for a facility because when we put a proposal forward that citizens off the street have to go and sit with the inmates to get help with counselling through a treatment facility, there is a very high possibility of a lot of citizens not taking the opportunity to really deal with traumatic historical issues from the past.

I believe in the questioning a couple of days ago, when I asked the minister if this option was also open to non-native organizations, the answer was yes. I just wanted to put on record that I believe this is also a good thing if, for example, the Baha'i centre was able to put a proposal to the government that



they want to in fact develop a treatment centre focused around the Baha'i faith, that inmates were willing to take.

I believe I also mentioned that this is critically important because of the historical events that took place with First Nation people. I refer back to the days of the mission schools when they first started to be run in Canada. I don't believe it was intentional for religious groups to destroy traditional knowledge, values and beliefs with regard to traditional ceremonies like sweat lodges, pipe ceremonies, smudging, fasting; however, there was a real clash that developed between the different traditional ways and the missionary ways. Having said that, this is one of the reasons why I raised the issue that both have to be provided. There are some First Nations now who have turned their back on the traditional ceremonies and want no part of it. So you have to be able to supply something other than traditional ways within a correctional facility.

I know they used to have a church at the correctional facility. Why that was removed, I have no idea. I often thought that that was a wrong move. I think that church should have remained on the correctional facility property for use by people who would like to have a Catholic minister come in and do some services, or an Anglican minister, or a Pentecostal, or a Jehovah's Witness, or Baha'i — I think everyone should have the opportunity to practise their religion within the correctional facility, because the spiritual path is one path that an inmate can take to get out of the justice system, if it is done with sincerity.

I believe, after all of this discussion, there were other MLAs in the opposition who raised concerns about this opening a door to privatization by allowing organizations to provide services for the correctional facility. I would have to agree with that somewhat — that it does sort of open the door for the correctional services to privatize a lot of their duties. I guess that remains to be seen.

I also mentioned that the weakness in this area is the fact that everybody is different. Every government is different. Every government changes their mandate from one mandate to the next. And there is a possibility that, in the likely event that the Yukon Party got re-elected, they could privatize a lot of correctional responsibilities, and they would do it very early in their mandate. So that risk is high.

I also talked about liability away from the correctional facility, because the minister did mention that probations, for example, would be one program that could be farmed out to communities, which I believe is not a bad thing. I believe it's a good thing to have a person able to reside in their own community when they're on probation.

One thing I believe there's a lack in, and that's the number of probation workers in the Yukon Territory. I sincerely hope, if this *Corrections Act, 2009* goes forward, in the near future the Justice budget will increase dramatically, because it's going to have to. It's going to have to increase dramatically to support this legislation that's being proposed here.

I did mention a little bit about liability, because I've known of cases — not in the Yukon, per se, but in other jurisdictions — where a probation worker went to perform some of their duties by making a house call and there was some damage

done to them. I mentioned that, in the event a community will be dealing with the probation program, they would in fact have to have at least two workers stationed in any community that were to take over this program and they would also work in pairs.

I think it would be a dangerous practice to have one probation worker, working in a community. I say this because I noticed, probably over the last 15 years, that there has been a dramatic increase in the number of violent crimes within the Yukon Territory and I would fear for any probation worker who was working alone in a community.

That, again, is why I am saying that the Justice budget is going to have to increase dramatically because this is a very big issue, and to date, from what I know about government and government program services, far too often they are underfunded. I know even when I was in charge of Justice, the funding could have been dramatically increased to provide all the services that were being required of the citizens at large.

I also mentioned that there would be a real need for checks and balances for high-risk offenders — again, just because the homicide rates in this territory are very high for such a little populated area. We have an increase of violent crimes committed by women, for example. That was something that was almost unheard of in Yukon, but now, even to this day, as we speak, we do have female offenders who are waiting on trial for murder, for example. It is something that the department has to be very aware of and very careful around.

I know that the minister did mention something about how these kinds of issues will be addressed through policy and contracts that are being drawn up with program providers from communities. A policy is one thing but a policy does no good after an offence has taken place.

We want to make things right before it ever comes to the point where a government has to say, "Well, it was our policy that this was allowed and now, because of our policy, somebody is dead."

So those are just red flags, more or less, that I wanted to raise with the minister.

Finally, we came to this part of our debate where we were talking about definitions. This is critical. I say it's critical because, as I mentioned before, First Nation people who are not beneficiaries of the Yukon Territory have this general feeling that they are being discriminated against in services that are provided by government.

I think we have to be aware of the fact that we have — according to the Métis Association, alone, for example, there are 200 members plus in the Yukon. Now, there are a lot of First Nations in the Yukon who are not Métis. They were born and raised in the Yukon, but because their mother or father comes from another jurisdiction like Lower Post, for example, they can't access programs.

So, on page 6 in Bill No. 72, under "Definitions," it says, "First Nation person' means a person who is identified as a citizen of a Yukon First Nation by the Yukon First Nation." Now, if we look in the *Umbrella Final Agreement*, on page 9

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

**Quorum count**

**Chair:** Mr. Cathers, on a point of order.

**Hon. Mr. Cathers:** Mr. Chair, pursuant to Standing Order 3(3), there does not appear to be a quorum present, since I see only one member of the opposition in the House.

**Chair:** There doesn't appear to be a quorum. The Chair will ring the bell for four minutes.

*Bells*

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

There is quorum. We will now proceed with general debate on the *Corrections Act, 2009*.

**Mr. Edzerza:** Mr. Chair, I was mentioning the concerns around the definition of "Indian person". The definition on page 6 of Bill 72 appears to be very similar to the *Umbrella Final Agreement* definition, which defines "Indian person" as a person enrolled under one of the Yukon First Nation umbrella final agreements.

The concern I have here is that I know there are some program services that use that definition, and it clearly eliminates other First Nations from other jurisdictions being able to participate in those programs. Now, I know — I hope, anyway — that the intention of these definitions of "First Nation persons" was not intentionally set to discriminate against other brothers and sisters from other jurisdictions; however, the fact remains that it is being done in government. So my concern here is that some First Nations may be eliminated from program services provided under this definition.

**Hon. Ms. Horne:** I remind the member opposite that we are here discussing the *Corrections Act, 2009*. We are not discussing the policies.

The *Corrections Act, 2009* and its regulations are a culmination of extensive consultation with the public, interested groups and First Nations and represents a broad-based consensus of how Yukon will proceed with corrections in generations to come.

Some have remarked that there is too much focus on Yukon First Nations. This perception is borne of a misunderstanding of what the act does and can do for all persons who end up in our correctional system.

The *Corrections Act, 2009* does specifically outline responsibilities to Yukon First Nations, because the act has jurisdiction over the area that is the ancestral homeland of Yukon First Nations. Most of our inmates are of First Nation descent at this time, and most of those First Nations are of Yukon First Nation descent. It seems clear that when we have only an obligation to address their concerns because we reside in their ancestral home but also because we have a moral obligation to address the distortion of having so many Yukon First Nations within our correctional system. We have to be reasonable about the extent and the reach of this *Corrections Act, 2009*. We are responsible to Yukoners and the vast majority of our inmates, as I have said, are of Yukon's First Nation descent. Any person who wants to take part in a cultural program will be allowed.

It is not exclusion but rather inclusion. But this is a Yukon *Corrections Act, 2009* and our duty is to Yukoners. Persons who come from other jurisdictions can participate or not in the locally culturally relevant programming. Our correctional system is very small. We cannot accommodate every situation, but section 10 does allow us to accommodate where there is an identified need.

While it is true that we have not specifically identified those other groups, I think that, as Yukoners, we need to think what the act is for and what the problem is we are attempting to address. Our government is committed to dealing with the causes of substance abuse by changing our focus and by using all of the enforcement tools available to us to deal with the harm caused by crime in our communities and in Yukon.

This act begins the process of that change, Mr. Chair, and I am proud to say that after extensive consultation we have a strong consensus on this issue.

We heard a lot from the opposition today and the other day about privatization. Frankly, having the ability to enter into agreements with First Nation governments or their entities or citizens, and the ability to enter into agreements with NGOs to provide correctional services or programs, does not exactly equate with the sudden privatization of the correctional system.

This House knows that we already have service contracts with individuals and organizations to provide specific programs at WCC right now. The sections in the act that allow for this are to provide clarity to the process of contracting for services and, together with section 43 of the regulations, are designed to give transparency to this process.

To have the members opposite raise the idea that this equates to having correctional services privatized is quite a leap, and implies that no policy decision would have to be made by a future Cabinet if it were contemplating a move like that. As I have already stated, our government has no intention whatsoever of considering privatizing correctional services in Yukon. What we are interested in is entering into agreements to make our correctional system more responsive to our inmates and to our communities. With regard to what a future government might do with regard to correctional services, I think our government has been unequivocal in our statement in this regard. No minister can absolutely tie the hands of a future government with a section of the legislation that might offer some sort of prohibition against entering into agreements. Legislators change and ideas change over time, and the members opposite well know this. What I can tell the members is that these kinds of sections appear in many different pieces of legislation.

The sections dealing with contracting for services and programs in our act were modelled on the corrections act from Quebec. Here at home we have many examples of similar sections in our legislation that allow for entering into agreements for the provision of programs or services, such as section 189 of the *Wildlife Act*, section 166 of the *Child and Family Services Act*, section 2 of the *Highways Act*, section 7 of the *Education Act*, sections 53, 54, 55 and 56 of the *Environment Act*, section 65 of the *Parks and Land Certainty Act*, and so on.

There are many examples in correction acts from other jurisdictions as well, including these: Saskatchewan's *Correc-*

*tional Services Act*, section 7; Manitoba's *Correctional Services Act*, section 6; New Brunswick's *Corrections Act*, section 2.2; Nova Scotia's *Correctional Services Act*, section 3; and as I already mentioned, the Quebec corrections act.

What does all this tell us? It tells us that these kinds of sections are very common. It also tells us that governments make decisions in Cabinet about privatization, not based on what is spelled out in the act, but based on other reasons entirely of their own.

Our government has said it is not going to privatize correctional services. What other governments may decide will be up to them.

Ultimately, they will be answerable to the public in the same way that all of us are here today. I'm very comfortable where our government stands on this issue. We are not going to privatize the correctional system.

We have also heard this House about the link between offending behaviours of First Nations and the effects of residential schools. No population should ever again be subjected to the kind of policies that led to the establishment of residential schools. It is true that this has had a significant impact on the health and well-being of First Nation people and continues to pose significant challenges to governments across Canada in how we deal with the aftermath of them.

I can only imagine myself today if my daughters were taken from me, what I would have left in my life. All of us who are parents, if our children were taken from us without us knowing, what would we have to live for?

I could certainly be one who might escape in drug abuse. I think we could all be subject to that because of what the people went through at that time. It was a terrible thing that we must ensure never happens again. The *Corrections Act, 2009* that we have before us is one piece of the puzzle when it comes to the government's overall response to issues such as substance abuse, domestic violence and other offending behaviors. Many of our Yukon citizens have been adversely affected by residential schools. This has led to significant challenges for our government as well as for First Nations governments, and what do we do about it? What we heard during the consultation was that Yukon First Nations wanted more say into what kinds of programs and services were offered to Yukon First Nation citizens involved in the correctional system. We heard that, wherever possible, Yukon First Nation people wanted to be involved in reintegration of offenders into their communities. We also heard, during our overall consultation on corrections, that we needed to do more to address the fallout of the residential schools by providing programs and services that address substance abuse, anger management and other services that deal with the underlying problems of offenders.

Our response in policy has been to implement the substance abuse action plan and to implement the correctional re-development strategic plan, of which the act before us today is one component. Each of these plans relate back to the act, because they all fit together to make up a greater whole when viewed as the overall response to many of the issues that survivors of residential schools and their families have been left to deal with.

A lot of work is being done and more will need to be done to get the numbers of Yukon First Nations in our correctional system down to a number that represents their proportion of our population.

Within the act, we have been innovative by being inclusive of the needs of First Nations, but also, very importantly, of female offenders and other classes of offenders. The act provides this with the flexibility that our government and governments to come will need to deliver correctional services in Yukon.

I am very pleased that the Yukon public gave their thoughtful advice on this act, and it is reflected in the final product we have before us in the House today. I would ask that members of this House consider the broad consensus that has led us to this point here today and that you give your support to this legislation so we can greatly improve our correctional system for the future of our citizens of the Yukon.

Gunilshish. Thank you.

**Mr. Edzerza:** I'm kind of annoyed with this minister constantly saying that members on this side of the House are asking questions that are not in relation to Bill No. 72. I asked this minister to turn to page 6; I'm clearly asking about what is on page 6.

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

**Mr. Edzerza:** I'd appreciate if there would be no interference from other members who aren't involved in this debate. "First Nation person" — I'm trying to determine whether or not, under this act, a First Nation person from another jurisdiction will be denied privileges that are in place for Yukon First Nation people. This definition is being used, in my opinion, incorrectly — and in other government services — and I just want to determine if First Nations who live in the Yukon, who were born and raised in the Yukon, are being defined as Yukon Indian people.

Now, the concern I have is that if a treatment program is provided in the hometown of the Premier of Watson Lake to the inmates in the Whitehorse Correctional Centre in Whitehorse, and they're not beneficiaries of a Yukon First Nation, that they may be denied treatment at that centre. That is the question I'm asking. It's a very simple question, and all I want to know from the minister is this: through this act, can the minister guarantee First Nation persons from other jurisdictions who are incarcerated will not be denied services provided for Yukon beneficiary First Nations? Yes or no?

**Hon. Mr. Cathers:** I was a little disturbed by a comment the Member for McIntyre-Takhini made, and I don't believe it would have quite been a point of order, but I want to remind the member that for him to suggest that every member of this —

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

**Hon. Mr. Cathers:** I am rising in debate. I know the Member for Porter Creek South was not quite listening. I will point out, as I said, that it would not have been a point of order. I am simply making the point in debate to the Member for McIntyre-Takhini regarding his suggestion that every member of this Assembly does not have a right to engage in debate. I would remind him that section 7 of our Standing Orders speaks

to the privileges of members of this Assembly and each and every member has that right —

**Chair:** Order please. I know the member has risen to debate Bill No. 72, *Corrections Act, 2009*. I would just like to focus the member's thoughts on Bill No. 72. Mr. Cathers, you still have the floor.

**Hon. Mr. Cathers:** Thank you, Mr. Chair. I appreciate that the Member for McIntyre-Takhini is passionate about the *Corrections Act, 2009* and I certainly appreciate him engaging in debate. I simply felt it appropriate at this point to remind him that the suggestion he made that any member of this Assembly does not have a right to engage in debate is not appropriate.

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

#### Point of order

**Chair:** Mr. Edzerza, on a point of order.

**Mr. Edzerza:** Mr. Chair, on a point of order, this member is standing up in general debate but knows full well that he was not recognized by the Chair when I mentioned —

#### Chair's ruling

**Chair:** Order please. There is no point of order. Is there any further general debate?

**Hon. Ms. Horne:** I would just like to respond and I believe I did directly answer the question the member asked. I responded to it twice already, and I will respond again.

Any person who wants to take part in a cultural program will be allowed. It is not exclusion, but inclusion. But this is the Yukon *Corrections Act, 2009*. Our duty is to Yukon First Nations' culture. Persons who come from another jurisdiction can participate — or not — in local, culturally relevant programming. No person will be denied.

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

Seeing none, we will proceed clause by clause with Bill No. 72.

**Mr. Edzerza:** I request the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 72, *Corrections Act, 2009*, read and agreed to.

#### Unanimous consent re deeming all clauses and title of Bill No. 72 read and agreed to

**Chair:** Mr. Edzerza has requested the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 72, *Corrections Act, 2009*, read and agreed to. Are you agreed?

**Some Hon. Member:** Agreed.

**Some Hon. Members:** Disagreed.

**Chair:** Unanimous consent has not been granted.

*On Clause 1*

*Clause 1 agreed to*

*On Clause 2*

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*On Clause 4*

**Hon. Ms. Horne:** This is a very important piece of legislation we're putting through the House here, and I feel we should have discussion on it. I would like to comment on

clause 4, which is similar to clause 3. This section deals with First Nations except that it is for agreements with individuals, corporations and other governments other than First Nations. It also includes a section dealing with transferring inmates to another institution outside Yukon.

This is the section that would deal with the question the member opposite was just asking about entering into agreements with other — he asked about the Baha'i faith. That could be done under this very important clause.

**Chair:** Is there any further discussion on clause 4?

*Clause 4 agreed to*

*On Clause 5*

*Clause 5 agreed to*

*On Clause 6*

**Hon. Ms. Horne:** On clause 6, the principles are the clear statement of government intent when it comes to this legislation; therefore, it is very important that the staff follow the principles in carrying out their duties at Whitehorse Correctional Centre.

*Clause 6 agreed to*

*On Clause 7*

*Clause 7 agreed to*

*On Clause 8*

**Hon. Ms. Horne:** We had a question on volunteers in the correctional centre, and I believe this section is important. Volunteers in a correctional setting may be appointed with strict controls because of the nature of correctional centres and the problems related to maintaining order and security of inmates and staff.

This section allows the director of corrections to establish policy regarding volunteers to determine screening criteria, qualifications and even the training of volunteers. This section makes it clear to volunteers that they cannot be remunerated for their services, but that they may be reimbursed for reasonable expense. This section is necessary in order to clearly explain who is an employee versus who is a volunteer.

We had questions about the liability of volunteers. The volunteers are designated as workers employed by the Yukon government — persons who, with the consent of the Yukon government, perform services on behalf of the government as volunteers. A volunteer is defined as a person who does volunteer work, for which the person receives no earnings or only nominal earnings.

If a volunteer were hurt in the course of their volunteer work for the Yukon government, the Yukon government would cover the medical bills and pay the compensation to which the person is entitled under the *Workers' Compensation Act*.

**Mr. Elias:** I'd like to thank the Minister of Justice, because I was the member who initially asked this question and that response was not provided at the time. Thank you very much for clearing up this issue and I would also thank all the staff who helped the minister answer the question today.

*Clause 8 agreed to*

*On Clause 9*

**Hon. Ms. Horne:** This is a positive duty on the director of corrections to encourage continuity of services between correctional centres and community correctional services. This

is meant to smooth the transition back into the general population. Probation officers in communities will be notified about a release. The consent in this section is required for notifying persons who are not under the direct control of the corrections branch of Yukon and may include any First Nation person or entity involved in community corrections or NGO. If the inmate does not consent, then there can be no notification due to privacy considerations.

**Chair:** Is there any further debate under clause 9?

**Hon. Mr. Cathers:** Would the minister please indicate — I believe that this section is a key part of fulfilling the initiatives under correctional reform. Would the minister please elaborate on the steps that have already been taken to enhance treatment as well as how this might work in the future through work, including the expansion of the community court, domestic violence treatment option, investments with existing NGOs and some of the other partners.

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

### Point of order

**Chair:** Mr. Inverarity, on a point of order.

**Mr. Inverarity:** I believe that we've had this discussion once before with regard to ministers asking other ministers about the department. In the interest of time, I think that we should be moving on so that we can move on to the other departments. Time is of the essence and clearly this minister is still doing his number.

### Chair's ruling

**Chair:** Order please. There is no point of order.

**Hon. Ms. Horne:** I can tell you what progress the government has made on implementing the Yukon substance abuse action plan. The Yukon substance abuse action plan is a major initiative based on four strategic directions: harm reduction, prevention and education, treatment and enforcement. Government departments have made major strides to meet commitments in the Yukon substance abuse action plan. For example, initiatives led by the Department of Justice that are now in place include these: new *Safer Communities and Neighborhoods Act* implementation; a new RCMP street crime reduction team; a new program for children who witness violence: Our Way of Living Safely; Community Wellness Court, a therapeutic court that held its first session June 4, 2007. We also have the domestic violence treatment option plan. We have substance abuse management programs that are being offered at the Whitehorse Correctional Centre, with over 15 staff certified. Work is underway to develop a new community resource directory. A position to support the development of capacity-building plans in communities has been staffed, and work is underway.

Each action from the November 2005 action plan document has been assigned to a lead department, except for one action falling to the federal government. Most of the actions in the substance abuse action plan are included in the government's priorities. The Yukon substance abuse action plan identified a number of specific individual activities aimed at achieving the common goal of reducing substance abuse and

addiction. Some of these activities are not yet underway, or are being phased in. Reducing substance abuse and addiction is a long-term goal that can be affected by a number of variables, as well as the activities identified.

Under this, we have the First Nation programming at Whitehorse Correctional Centre. Some of the programming we have; a lot of the program model is still being finalized.

Whitehorse Correctional Centre is offering an array of traditional programming activities for First Nation inmates, including individual counselling, Gathering Power program, White Bison program, solstice gatherings and feasts, traditional parenting, elders counselling, talking circles, and teacher and crafts. The Skookum Jim Friendship Centre is involved in programming at Whitehorse Correctional Centre. Whitehorse Correctional Centre's elder advisory group is very involved in providing advice on the operations of Whitehorse Correctional Centre to ensure that First Nation traditions and values are appropriately reflected.

Elders are also involved in programming activities with male and female inmates, such as talking circles, crafts, counselling and spiritual guidance. The Government of Yukon is committed to making programs available to inmates who want to make changes in their lives so they do not reoffend.

The opening of the healing room at Whitehorse Correctional Centre on October 3, 2008, and the offering of culturally relevant programming, demonstrates the ongoing commitment of our government to reflect the values and traditions of the First Nations it serves within WCC.

On mental health, in sentencing, the judge can recommend that accused persons avail themselves of mental health services during their period of confinement. A judge may not order someone to receive medical treatment. Medical health services are available to all inmates.

Whitehorse Correctional Centre continues to contract with a local psychiatrist to provide comprehensive psychiatric services to inmates. Whitehorse Correctional Centre has two full-time nurses with forensic mental health experience, who are able to provide a range of care to inmates. If an inmate does not choose to take advantage of programming at the Whitehorse Correctional Centre, they cannot be forced to participate.

Whitehorse Correctional Centre has the ability to manage inmates with mental health issues within its mental health room. The room is capable of holding three inmates in a bright, spacious area. A local psychiatrist attends weekly to treat male and female inmates referred by medical staff. Two full-time nurses with forensic mental health experience can provide a range of care as well.

The department also employs a masters-level forensic clinician, who is at the centre three times per week assessing and treating mental health clients. Whitehorse Correctional Centre employs a consulting forensic psychologist who provides supervision to staff, mental health assessments and services to inmates.

Recommendations made by a judge in respect to case management or probation orders are often incorporated into the case management plan at either the Whitehorse Correctional Centre or Probation Services before being released back into

the community. An integrated case management approach is used to do release planning. This may include referrals to service providers and/or briefing probation officers for community supervision following the sentence.

Case management plans are made in compliance with the probation order terms and in consultation with the person who is the subject of the order. According to a research study completed in 2005, the prevalence of mental health symptoms in Whitehorse Correctional Centre is up to three times higher than in normal populations. Inmates are assessed by psychological and psychiatric personnel when referred by medical staff and/or case managers.

The female inmates at the Whitehorse Correctional Centre are offered the opportunity to participate in sessions such as Alcoholics Anonymous, elders counselling and guidance and educational programs through Yukon College. Female inmates are offered two culturally relevant programs to address substance abuse and making changes in their lives. Gathering Power program is delivered by a Yukon First Nation contractor and an elder. The program is focused on healing the negative impacts of residential schools. It teaches the women to identify where they are at in their lives and what they need to do to make positive changes.

The White Bison program is a 12-step substance abuse program that focuses on the teachings of the medicine wheel. The program is facilitated by a former employee of the Committee on Abuse in Residential Schools Society and an elder. Six women completed the initial program that was offered.

Female inmates have access to individual counselling to assist with addictions, trauma and anger management. They also have access to a new healing room. A transitional women's living unit has been added to the overall project's scope of the new WCC. Providing alternative accommodation for female inmates is a priority.

Modern correctional principles suggest that female inmates should be housed separately from men and that programming for female inmates should be geared to their particular needs. The transitional women's living unit, or TWLU, will increase the options for accommodating female inmates. Minimum- to medium-security female inmates will be eligible to reside in this unit until the new facility opens in 2011.

Construction of the transitional women's living unit building has started with the concrete foundation contract. This separate building will provide a community living environment for suitable open and medium-security —

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

#### Point of order

**Chair:** Mr. Edzerza, on a point of order.

**Mr. Edzerza:** I believe all this stuff that the minister is reading out is not really in direct correlation to this act. I mean, all these things she's reading out have been things that were asked in Question Period, and it's not Question Period.

#### Chair's ruling

**Chair:** There is no point of order.

**Hon. Ms. Horne:** I would like to point out that what I was elaborating on coincides with clause 10. I was elaborating on clause 10.

**Mr. Edzerza:** Mr. Chair, let the record show that the questions are being asked by the government side. The minister is able to get up and read for 20 minutes in response to a question from another government member, and this is just a waste of time.

Thank you.

*Clause 9 agreed to*

*On Clause 10*

*Clause 10 agreed to*

*On Clause 11*

**Hon. Ms. Horne:** Clause 11 is designed to ensure access is made available to existing programs for offenders. This will help their transition back into the community and assist in the ongoing viability of community-based resources.

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

#### Point of order

**Chair:** Mr. Elias, on a point of order.

**Mr. Elias:** As I said earlier, this is a good piece of legislation. We've got a \$1-billion-dollar budget to debate, and I think we should move forward in the interest of time.

#### Chair's ruling

**Chair:** There is no point of order.

*Clause 11 agreed to*

*On Clause 12*

*Clause 12 agreed to*

*On Clause 13*

**Hon. Ms. Horne:** This is a very important piece of legislation. I'm pointing out parts here that affect the public. This is what Yukoners asked for; we are showing it has been included. Clause 13 — this kind of section appears in every corrections act and deals with the circumstances where an inmate may be transported or be travelling to an authorized place for work or programming and provides that they are still under the rules of the *Corrections Act, 2009* and regulations.

If they commit an infraction for disciplinary purposes, then they will be culpable under these sections of the act that apply.

**Mr. Edzerza:** Let the record show that, once again, the minister said that this is very important to the public, and I agree with that, but the public does not have the means to make amendments to this bill and neither does the opposition, so I want that on record.

**Chair:** Is there any further debate on clause 13?

*Clause 13 agreed to*

*On Clause 14*

**Hon. Ms. Horne:** Clause 14 — in older corrections legislation, including the previous Yukon *Corrections Act*, the superintendent or warden would be assigned specific duties that they often couldn't delegate. This made for operational difficulties if a person were sick or unavailable. Newer acts, including this one, generally refer to the person in charge. It is usually a senior designated person for each shift that they oversee at the correctional facility. The duties and obligations are assigned to this designated person to allow maximum flexibility

in managing a 24-hour, 365-day-per-year facility. The assignment of the person in charge is an operational matter and is carried out by the director of corrections.

I think, again, that these points are very important to be put out to the public, to show the work that has been put into this corrections act, and the flexibility of it. It is what Yukoners asked for. We want to tell them that it has been included.

**Mr. Edzerza:** Mr. Chair, let the record show that, once again, the public will not have any opportunity whatsoever to make amendments to this bill. I'm quite sure that, like the opposition, the public is quite capable of picking this bill up, reading it, and understanding it. They have no recourse whatsoever to make any changes to this bill, just like the opposition. It will be defeated by the government. This bill will pass by the guillotine clause, regardless. As other members have stated, we've got a billion-dollar budget that the opposition wants to get to, and maybe the minister should have read this thing before coming into the House.

**Chair:** Is there any further debate on clause 14?

**Hon. Ms. Horne:** I would again like to point out that all Yukoners — our consultation was extensive. We went out to First Nation governments and we went out to NGOs. The opposition had a chance to have their say in the act.

We extended the consultation period. Everyone — every Yukoner has had a chance to have a say to make changes, to have their voice heard, on this corrections act. The corrections act we are putting out today is what Yukoners wanted. We made many changes. It is a fine example of a corrections act and very advanced for Canada.

**Mr. Edzerza:** Let the record show that it appears that the minister is the only one on the floor of the Legislature who is questioning her own act.

*Clause 14 agreed to  
On Clause 15*

**Hon. Ms. Horne:** Every correctional centre has rules that must be established to maintain order and good management of the correctional centre. The person in charge, with the approval of the director of corrections, will make these rules under this act.

*Clause 15 agreed to  
On Clause 16*

**Hon. Ms. Horne:** Clause 16 — inmate plans. Inmate plans are an important part of the rehabilitation process and are a very useful tool for matching inmate needs with programs and services. This section provides a positive duty for the person in charge to create a plan that takes into consideration length of sentence and inmate status, which includes their security risk and the nature of their offence. An assessment of each inmate will be made as part of the overall plan and have the objectives of supporting the inmate to develop accountability and assist in reintegration and prevent further offending behaviour — a very, very important part of this act.

**Mr. Elias:** This is a good piece of legislation, okay. I request the unanimous consent of Committee of the Whole that all remaining clauses and the title of Bill No. 72, *Corrections Act, 2009*, be read and agreed to.

### Unanimous consent re deeming all remaining clauses and title of Bill No. 72 read and agreed to

**Chair:** Mr. Elias has requested the unanimous consent of Committee of the Whole to deem all remaining clauses and the title of Bill No. 72 read and agreed to. Is there unanimous consent?

**Some Hon. Members:** Agreed.

**Some Hon. Members:** Disagreed.

**Chair:** Unanimous consent has not been granted.

Is there any further debate on clause 16?

**Mr. Edzerza:** Mr. Chair, let the record show the minister is for the first time maybe reading this act and trying to explain it to the public.

**Chair:** Is there any further debate on clause 16?

*Clause 16 agreed to*

*On Clause 17*

**Hon. Ms. Horne:** Clause 17 — this section grants the authority to intercept, monitor or record inmate communications. It is important in a correctional setting to have this power to maintain order, protect victims and further prevent criminal activity. This section allows for the interception and recording of inmate communications but does not allow for the monitoring of inmate communications.

In most correctional settings, there is always electronic surveillance of most of the correctional centre as well as intercepting of things like mail where staff necessarily need to inspect letters and packages as a means of controlling contraband. This section lays out the tests that will allow an authorized person to intercept or monitor inmate communication. This section allows for interception to occur on the reasonable ground that an inmate is involved in illegal activities, harassing someone or jeopardizing the safety and security of a correctional institution.

This section is used where a court order exists or, for example, if a victim does not want to be contacted by an inmate.

**Mr. Edzerza:** Mr. Chair, let the record show that the minister is reading this act to her colleagues.

**Chair:** Is there any further debate on clause 17?

*Clause 17 agreed to*

*On Clause 18*

**Hon. Ms. Horne:** I am explaining this to Yukoners who don't have it in front of them. We have other people who are listening.

Clause 18 — Disclosure; this section is interesting. This section allows the authority for the correctional institution to install a phone system that will alert the person being called that a person is attempting to contact them from a correctional centre, and they can choose to accept, not accept, or never accept a call from that person again.

This kind of phone system is common in modern correctional centres. Intercepting privileged communication in this section does not mean that the communication can be read, but rather can be intercepted to search for contraband.

**Mr. Edzerza:** Mr. Chair, let the record show that the minister is reading this act for the first time.

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

*Clause 18 agreed to*

*On Clause 19*

*Clause 19 agreed to*

*On Clause 20*

**Hon. Ms. Horne:** Clause 20, Search of Inmates, is another interesting clause. It is common practice to perform a search of inmates upon admissions. This section allows for the search of the inmate and the property that they may be carrying on that person upon admission. This section allows for periodic searches for contraband in a correctional centre of an inmate and their personal possessions, their cell and contents of that cell.

This section allows for a specific search to occur that is not part of a periodic search and sets the condition, upon reasonable grounds, that there has been an offence as the basis for the search. Searches may include strip searches, which the regulations describe the conduct of. This section states that searches are to be conducted by a person of the same sex, unless a delay in conducting the search would result in danger to human life or safety.

**Mr. Edzerza:** Let the record show that the opposition endorses the good work of the officials on this bill and that the minister is trying to understand it.

*Clause 20 agreed to*

*On Clause 21*

**Hon. Ms. Horne:** Search and detention of visitors, another important clause: this section authorizes routine searches of visitors to a correctional centre. This section deals with a refusal of search and authorizes the prohibition of a visitor and/or to request that a visitor leave the correctional centre immediately. This section requires that a visitor must comply with an order to leave a correctional centre immediately upon request.

This section is designed to deter the transfer of contraband to an inmate who has received a visitor. It is usually used when a visitor is already visiting an inmate and staff have observed some behaviour that, on reasonable grounds, would lead them to conclude that contraband may be present. It should be noted that the search in this case must be conducted with consent and that a person may be detained until police arrive in a case where contraband is found.

This section authorizes staff to conduct a strip search of visitors with their consent. Detailed strip search procedures are found in the regulations. This search must be conducted by a person of the same sex, unless waiting could result in danger to human life or safety. This section also authorizes the detention of a visitor until the police arrive if contraband is found during a search authorized under the act.

Section 8 is consistent with the right of an individual to be informed of the reasons for detention and they are informed of their right to retain council and given reasonable opportunity to do so.

**Mr. Edzerza:** Mr. Chair, let the record show that the opposition supports the good work of the officials on this bill, but do question the motives of this minister.

### Chair's statement

**Chair:** Mr. Edzerza, I understand that there are differing opinions on the way debate should be proceeding in this

House, but that language and that kind of terminology is definitely not in order. I would ask the member not to repeat that please.

*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*

**Hon. Ms. Horne:** Clause 25, power of seizure and disposition of things seized: this section is necessary for the seizure of

contraband. While contraband may mean that an inmate may not possess it while incarcerated, it may not be illegal to own it and therefore the object may need to be stored until such time as it can be returned to the inmate upon release. This section is for the orderly administration of objects seized. It ensures that an item that belongs to someone is returned to that person, if there is no reason to hold it. While contraband may mean that an inmate may not possess it while incarcerated, it may not be illegal to own it and therefore the object may need to be stored until such time as it can be returned to the inmate upon release.

**Mr. Inverarity:** I think it would be wise for the members opposite, as we go through these line by line, to remember the words of the Premier in his addresses earlier in the House, where he has encouraged all of the members on the opposite side of the House to move expeditiously in getting through bills and budget debates. We have a lot of work ahead of us and I think I would encourage the member to move on as quickly as possible.

**Mr. Edzerza:** Mr. Chair, let the record show that the opposition supports the good work of the department and we don't question this bill.

*Clause 25 agreed to*

*On Clause 26*

**Hon. Ms. Horne:** On this *Corrections Act, 2009*, many Yukoners participated in correctional reform. It is very important to Yukon citizens, our Yukon society and especially First Nations, who make up the majority of the people in Whitehorse Correctional Centre. Being accountable to public by explaining how this follows up to what they requested is very important. I don't understand why we are unable to discuss Yukoners' interest.

Referring to clause 26 — hearing adjudicators for disciplinary hearings: these are changes that we've made to the *Corrections Act, 2009* that should be pointed out that are important. Section 26 allows for the appointment of independent hearing adjudicators for the purpose of hearing disciplinary matters. Independent hearing adjudicators are used in accordance with the regulations on all matters where there is a potential for loss of individual liberties, such as being sentenced to solitary confinement for an offence or for loss of earned remission.

This section provides for the forfeiture of items seized.



**Mr. Edzerza:** Let the record show that the opposition supports the changes made to the *Corrections Act, 2009*, as the minister should.

**Mr. Inverarity:** The minister brought up a very good point here recently about the public and that they should be well informed in this act, but that statement in itself seems contrary to what she has said through this whole debate, where the department has gone out and done extensive consultation with all the people of the Yukon, and they've seen everything they need to see with regard to this. As for us on this side of the House, we've asked questions, lots of questions over the last few days in regard to this bill.

I think it's important that the member now take heed to the Premier's comments about moving forward expeditiously. I'd like to see this accomplished.

**Hon. Ms. Horne:** I think I have to correct the member opposite. What I said earlier was that we listen to Yukoners. What we are doing today is presenting this act to the public. We want Yukoners — those people we listened to who wanted their say in this new *Corrections Act, 2009* — we want to show that it is included.

**Mr. Edzerza:** Mr. Chair, I can almost sympathize with those citizens watching this debate. They're going to be scratching their heads and saying what the heck are we doing in the Legislature? We have a \$1.3-billion budget to debate and the minister consistently wants to go on and on and on and answer her own questions.

*Clause 26 agreed to*

*On Clause 27*

*Clause 27 agreed to*

*On Clause 28*

*Clause 28 agreed to*

*On Clause 29*

**Hon. Ms. Horne:** Clause 29, Attendance of Inmate Outside Centre, is an important clause that First Nations wanted to have their say in, and I would like to elaborate on that. As I said earlier, this is for the people that are listening to the radio: 93.5 FM, as I understand, is a very popular radio station, and we are reaching Yukoners with our new corrections act.

Section 29 allows inmates to travel outside the correctional centre, when authorized, for a specific purpose such as work or to attend programs. Supervision is always a consideration in granting attendance outside the correctional centre, and is to be determined by a person in charge. This sections means that an inmate who is out of the correctional centre is authorized, and is still subject to all of the rules of the correctional centre. The director of corrections may, for operational reasons, delegate the power granted under section 1 to the person in charge.

**Mr. Edzerza:** Mr. Chair, let the record show that the opposition totally supports this bill in its entirety and everything the minister is reading out, I am quite sure the public can read it too when they get a copy of this act.

**Chair:** Is there any further debate on clause 29?

**Hon. Ms. Horne:** I understand the member opposite has got the official word from the Leader of the Official Opposition and is reporting it on to me, to this House. This act is

very important to the citizens. How many Yukoners in our rural communities have a chance to read a piece of legislature that is put this House? Their chance is to hear it on the popular radio station 93.5 FM.

**Mr. Inverarity:** Mr. Chair, this is D.I. your MLA on LA radio, 93.5 on your dial. I think that everybody here knows that this bill is supported by this whole House and could be passed unanimously here. All we have to do is deem all lines read and carried and we would be on our way. Can we get that done? Not today. Because why? This House is stalling and that is all it is to it. So I am not sure if people really want to listen to 93.5 radio.

**Chair:** Is there any further debate on clause 29?

**Hon. Ms. Horne:** Mr. Chair, this is the only chance that Yukoners will have a chance to review this act — the important parts I'm picking out, for them to hear it in plain language, so they understand it. That is very important to me and this government.

**Mr. Edzerza:** This is really hogwash, actually, I would say, because this is not the only opportunity.

### Unparliamentary language

**Chair:** Please — from the smile and look on the member's face, I realize he understands that what he said wasn't really in order. If there is any further debate on clause 29, we'll continue on.

**Mr. Edzerza:** I would again like to state for the record that the opposition totally supports this bill and that I beg to differ with the minister because this is not the only opportunity that citizens will have to review this because they will be able to get a copy of this act and read it at any time.

Like the member previously said, the department has had extensive consultation with people right across the Yukon. Maybe the minister wants to take the rest of the day to ensure that the minister did her job.

*Clause 29 agreed to*

*On Clause 30*

**Mr. Inverarity:** Temporary absences — I'm just wondering if this includes remand individuals or just individuals who are incarcerated under the law.

**Hon. Ms. Horne:** This includes both the remand and sentenced inmates. Thank you for the question.

**Mr. Inverarity:** If I understand correctly — if the courts say this individual is remanded until he's brought before the courts because he is considered a flight risk, under this clause here, they're then able to let them go? Is that what I'm understanding?

**Hon. Ms. Horne:** This would depend on the inmate's security risk. It would be on each individual case.

**Mr. Inverarity:** The courts have deemed the individual is a flight risk. They're sending them there not to let them out, so they obviously have made the decision that he is a risk and that's why he is being incarcerated in remand. If you're saying that now this act is able to override the judge's decision, then it strikes me as maybe a bad clause.

**Hon. Ms. Horne:** There is no such thing as blanket coverage for a person. It's on a case-by-case basis depending on that individual's security risk.

**Mr. Inverarity:** I'm still unclear, Mr. Chair, because obviously the courts that have sent him there have deemed that this individual is a flight risk, so if the corrections branch or the head of the department can now override what a judge's decision is, that strikes me as wrong.

**Hon. Ms. Horne:** This does not override a court's decision. This would be on a temporary basis only.

*On Clause 30*

*Clause 30 agreed to*

*On Clause 31*

*Clause 31 agreed to*

*On Clause 32*

*Clause 32 agreed to*

*On Clause 33*

**Hon. Ms. Horne:** Mr. Chair, work programs — this is an interesting addition to our *Corrections Act, 2009*. Work programs are authorized under this section. This section was raised consistently in the consultation on this act as something the public wanted to see. Section 33(2) is necessary, because inmates are not paid wages in the same way that a person who is not incarcerated nor are they entitled to benefits.

**Mr. Edzerza:** Let the record show that the opposition supports this bill, but the minister has questions on it.

*Clause 33 agreed to*

*On Clause 34*

**Hon. Ms. Horne:** Wages and compensation for work programs — this section grants certain powers to the director of corrections over the wages earned by inmates while incarcerated at a correctional centre. This section allows, at the discretion of the director of corrections, to disburse money received by an inmate who is working as prescribed in sections 4 and 5. This section grants authority to the person in charge to have money owed to an inmate for work forwarded to them less any deductions required by law. It prioritizes how money collected by the person in charge and work done by the inmate, in descending order, can be applied to maintenance and support of dependants or any cost for travel or expenses for the inmate, for keeping an inmate in a correctional centre, and any other expense at the discretion of the director of corrections that he or she feels is in the best interest of the inmate.

**Mr. Edzerza:** Mr. Chair, let the record show that opposition supports this bill, but the minister has questions on it.

*Clause 34 agreed to*

*On Clause 35*

*Clause 35 agreed to*

*On Clause 36*

*Clause 36 agreed to*

*On Clause 37*

*Clause 37 agreed to*

*On Clause 38*

*Clause 38 agreed to*

*On Clause 39*

*Clause 39 agreed to*

*On Clause 40*

*Clause 40 agreed to*

*On Clause 41*

*Clause 41 agreed to*

*On Clause 42*

*Clause 42 agreed to*

*On Clause 43*

**Hon. Ms. Horne:** Clause 43 is in regard to community advisory boards, which are established under this section. They can review and make recommendations in respect of the administration of the act and regulations, other than individual personnel matters or individual discipline matters, and includes any programs to be established, or already established, under the act or regulations.

**Mr. Edzerza:** Let the record show the opposition supports this bill, but the minister has questions on it.

*Clause 43 agreed to*

*On Clause 44*

*Clause 44 agreed to*

*On Clause 45*

*Clause 45 agreed to*

*On Clause 46*

**Hon. Ms. Horne:** This section indicates to whom the board will present any recommendations it may make. In this case, it is to the deputy head. This section is a positive duty to respond to a report of the community advisory board by the deputy head within 90 days, and indicate in that report what actions will be undertaken as a result of the recommendations. This section allows the community advisory board to follow up on the actions stated in the deputy head's reply with the director of corrections. This section provides the timelines for responses to requests under section 3 by the community advisory board. This section was very important to First Nations so they would have a way to get their word in to the Department of Justice.

**Mr. Edzerza:** Mr. Chair, let the record show that the opposition supports this bill, but the minister has questions on it.

*Clause 46 agreed to*

*On Clause 47*

*Clause 47 agreed to*

*On Clause 48*

**Hon. Ms. Horne:** I do not question my act. I am very proud of this act. This government is very proud of this *Corrections Act, 2009* that has gone through so much consultation throughout the Yukon. Yukoners have had their say in this *Corrections Act, 2009*, which we are presenting today to this House.

Clause 48 is again the ongoing community involvement. This was identified as a very important issue in the *Corrections Act* consultation and is reflected in this section by putting a positive duty on the director of corrections to create — excuse me

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

**Hon. Ms. Horne:** Excuse me. Who has the floor?

This was identified as a very important issue in the *Corrections Act* consultation and is reflected in this section by putting a positive duty on the director of corrections to create a

strategic plan for community involvement. This section places a duty, among other things, to consult with every community advisory board created under this act — a very important clause.

**Mr. Edzerza:** Let the record that the opposition supports this bill and the minister is trying to understand it.

*Clause 48 agreed to*

*On Clause 49*

*Clause 49 agreed to*

*On Clause 50*

*Clause 50 agreed to*

*On Clause 51*

*Clause 51 agreed to*

*On Clause 52*

*Clause 52 agreed to*

*On Clause 53*

*Clause 53 agreed to*

*On Clause 54*

*Clause 54 agreed to*

*On Clause 55*

*Clause 55 agreed to*

*On Clause 56*

*Clause 56 agreed to*

*On Title*

*Title agreed to*

**Hon. Mr. Cathers:** I move that Bill No. 72, *Corrections Act, 2009*, be reported without amendment.

**Chair:** It has been moved by Mr. Cathers that Bill No. 72, *Corrections Act, 2009*, be reported without amendment.

*Motion agreed to*

**Chair:** Committee of the Whole will now consider Bill No. 71, *Act to Amend the Human Rights Act*. Do members wish a brief recess?

**Some Hon. Members:** Agreed.

*Recess*

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

### **Bill No. 71 — Act to Amend the Human Rights Act**

**Chair:** The matter before the Committee is Bill No. 71, *Act to Amend the Human Rights Act*.

**Hon. Ms. Horne:** It is indeed my pleasure to speak today about the proposed amendments to the *Human Rights Act*. As I outlined in my second reading speech, human rights are fundamental to society. Human rights legislation provides a foundation of protection for all of us, including our vulnerable citizens.

It is my intention here to offer a few introductory comments. I have already discussed much of this in my second reading speech. Members of this Assembly collectively appointed a three-member Select Committee on Human Rights. I again want to thank the members opposite, particularly the Member for Porter Creek South and the Member for Mount Lorne, for their work on this committee.

Public hearings were held in 16 communities over three weeks. Over 100 people participated in the hearings, and 24 written submissions were received.

The committee made 25 recommendations based on the submissions. The committee recommended a two-phased approach to implementing the recommendations, as a number of them will take a longer time to effect. All the recommendations were considered in light of this two-phase recommendation.

The government is anxious to move forward to modernize the *Human Rights Act* based on the select committee's work. We identified eight of the recommendations that we could move forward with quickly. These can be grouped into four areas: (1) improve access to the complaints process by increasing the timelines and clarifying the basis on which a complaint can be filed; (2) simplify the complaints process by increasing the reasons why a complaint is not investigated, allowing for a direct referral to mediation or a decision without investigation, and clarifying the relationship of the human rights complaints process to other procedures and legislation; (3) modernize some of the language based on specific wording recommendations by the committee; (4) clarify the language around the panel of adjudication and boards of adjudication, specify the number of members for each and the process, and outline the panel's accountability to the Legislature.

This is a brief summary of what is being proposed for change to the *Human Rights Act* this session. I want to reassure the House that the other recommendations of the select committee will not be put on a back shelf. The government is committed to moving forward to modernize the act as a whole.

The Department of Justice has been directed to undertake further research and return to Cabinet for policy direction. As I said at the beginning, human rights legislation is a major foundation for ensuring a high quality of life for all Yukoners. Human rights are important to all of us. I know that as members of this Assembly, we are working toward a common goal in this regard. The select committee process is one that we respect.

In closing, I again want to thank the members opposite as well as the organizations and the public who took the time to make a contribution to this important piece of legislation. I would be pleased to discuss these items further.

Thank you. Gunilschish.

**Mr. Inverarity:** I guess I should start off by obviously thanking the minister and the Member for Mount Lorne for their worthwhile experience on the Select Committee on Human Rights. I would like to thank the department officials who have come in here today and who have graciously given of their time before for briefings on the amendments to the act. I know a lot of work has been put in over the last few months with regard to the act.

I am not sure if the minister knows this or not but today being April 23, 2009, it is two years to the day that I tabled my original amendment to the act looking for, really, one major change.

We have come a long way in the last two years to bring forward these eight amendments and I am pleased to see that we're getting down to the last strokes to get the first part of this through. I wish we could have dealt with a number of the other

changes. There were a lot of things that we did discuss within the committee that are not represented in the report, Mr. Speaker, because there wasn't unanimous agreement on those items, so they are somewhat left out there in a holding pattern.

The recommendations we did put forward were ones that we obviously agreed on, so bringing this act forward is a fairly simple process because, basically, we're all in agreement.

However, I think it would be a little bit remiss to not discuss some of the process we got to, in terms of trying to get to this stage today. It's one that I mentioned a few times in the past. I think I covered a bit of it in my second reading speech — and that is the issue of select committees in general.

We had a bit of a rough time early on in our meeting process in trying to wrestle with the terms of reference around this particular motion that we had to go out to the public with. I have to commend both the minister and the Member for Mount Lorne for their diligence in trying to work through and come to some common ground on some of these issues. Some of them we didn't, I have to say, but for the most part, we were able to work around those issues and still get forward.

A couple in particular that I was concerned about included the funding arrangement with regard to the motion that brought these amendments forward. It was clear that there wasn't any funding available for the Human Rights Commission to participate in this process, so they were able to come to the closed meetings that they could on their own dime, so to speak. It would nice in the future when we are considering select committees that the funding arrangements for those interested groups, specifically those under the government that would bear a special role in assisting and bringing forward ideas to make our jobs a little easier, would be worthwhile dealing with.

The second one is some of the wording within the motion itself, which is unclear and led to some discourse at times. We were able to function around that, and I was really quite pleased to see that we did find a work-around solution and were able to come together. I know that in this House, within the three parties, we don't always see eye to eye on everything, which is why there are three parties. However, it was a clear example, Mr. Chair, where we were able to come together.

I can think of a couple of other committees where that sort of functioning would be nice to see. Again, I commend both the minister and the member from the third party for the role they played in making sure that this whole function went forward.

With regard to the actual act and some of the amendments that were there, I think that while there are eight that came forward — and I noticed in a press release today that the Yukon Human Rights Commission saw that the amendments we're proposing were being accepted favourably. Again, they look forward to the second phase of this. I think we should be trying to go down that road sooner than later.

I guess my first question to the minister is this: what has actually transpired since the tabling of this bill or since last fall, when we adjourned, to move forward into phase 2? Has any additional work been done? Have there been discussions around another select committee to not only go out and talk

about the items that we did not agree on, but to look to move forward with those items that we did agree on?

**Hon. Ms. Horne:** As I said at second reading, our government is committed to moving forward and modernizing the Yukon *Human Rights Act*. These amendments are in the first phase. The next step is to update the regulations to match the amendments, and proclaim the amendments together with the regulations. The Human Rights Commission must be consulted on the regulations before they are passed. The Department of Justice has been instructed to undertake further research into the other recommendations and come back to Cabinet for policy direction. The department will be scoping out the extent of this work over the next little while, and will begin following the review of the regulations and the proclamation of the current amendments.

As to the funding to the Human Rights Commission not to be able to come to the community meetings, the Human Rights Commission applied for and received funding from the Yukon Law Foundation to appear at all the select committee meetings in Yukon.

**Mr. Inverarity:** Does the minister know when that funding was actually applied for and granted? I see "no" as the answer at this point, because during the whole session, it was constantly brought up to me. Here we have a quasi-judicial board; it's funded by the government — we won't go there, in terms of the funding arrangement at this point in time. Clearly they had to go outside of their own normal funding arrangement to the Yukon Law Society in order to attend these meetings. My understanding is that that did not come during the process.

My problem with the whole issue was that it should really be up to the government, if they're looking to look into this bill, to also fund those quasi-judicial boards that come under the government scrutiny, rather than having them go and beg money from the Yukon Law Foundation. Perhaps the minister could get back to me with the time frame they did get that funding on. It would be helpful to know.

Getting back to my first question, though, one of the issues I brought up was those other things that were not actually agreed to within the select committee. I am not going to refer to any specifically because of how the committee was structured, but it causes me some concern that while I am pleased that you're going to look at the other 40 recommendations or so and perhaps come back to Cabinet for approval, there are some bigger issues out there with regard to the act that still need to be discussed and still need to be brought forward. I am hoping that phase 2 does not just include those narrow parameters that we all agreed on. This act needs modernization in its entirety. Would the minister commit to looking at phase 2 being more inclusive than just the recommendations that came out of the select committee, because, quite frankly, there were some flaws in its structure.

**Hon. Ms. Horne:** I would like to remind the member opposite that the select committee did hear from the Human Rights Commission many times at many of the community meetings. The Human Rights Committee prepared a thorough submission and this was very helpful to us in coming forward

with the recommendations the select committee did present to the Legislature.

The suggested changes that the select committee received definitely warrant further examination. The changes the member opposite is suggesting will have to be looked at by the Justice department because the recommendations put forward may be entwined with other parts of the act that will have to be changed. I am sure the department will be looking at this very carefully.

It is not reasonable to expect that dealing with phase-2 amendments will be a quick process as it was for phase 1. In particular, the select committee very specifically recommended further consultation on a number of items and the proposed amendments themselves.

The process for proceeding with phase 2 of the amendments has not been determined, including the public consultation process. There will be an opportunity for the commission to make representation for certain parts of it, which will be part of the process. I can't say anything further at this stage, as the process has not yet been determined.

It could be that the all-party approach like we did the last time could well be considered in the next phase.

**Mr. Inverarity:** I am pleased to hear the minister speaking to the fact that there are sections that will have to go back out to the public. I think those are important. We have discussed them a number of times. It certainly is healthy to have that debate within the public. My concern is that there is no mechanism so that we can include some of the broader issues that were not included in the suggested amendments.

I do appreciate the proposal that the Yukon Human Rights Commission tabled to us; however, we received — and the minister can correct me — somewhere in the neighbourhood of 25 submissions from everyone from the Public Service Commission to a number of other bodies around, including businesses in the community that put things forward. There was a lot of other meat in there that did not make its way into this fundamental report or into the amendments to this act. I would like some assurances that when the department starts looking at going out to the public, they keep this as broad as possible, so that individuals who had those concerns about other things could bring them back to the department and not narrow it just to the simple fact of our report recommendations.

I'm looking for a more holistic, more inclusive approach. What I'm looking for from the minister is a commitment, because I know that the minister is concerned about human rights. I've seen that demonstrated through the select committee, and now I'm looking for the assurance that when they go back out to the public, the minister will direct her staff to be as broad-based as possible, and not narrow it down to just those remaining recommendations.

**Hon. Ms. Horne:** As I mentioned, the process and scope has not yet been determined by the department. We will take the idea of a broader review into consideration. It's very interesting, and it definitely should be taken into consideration, and it warrants further examination.

**Mr. Inverarity:** I thank the minister for those comments. I'm heartened and encouraged by them.

I think on that note, then, I'm going to sit down, but before I do, I'd like to again thank all the department officials who played a significant role, both from a logistics point of view and certainly in drafting the amendments to this act. I'm pleased that we'll be able to support these amendments to the act and look forward to the regulations coming forward swiftly.

As a result, the Yukon Human Rights Commission will be able to make those changes and be able to enact it. Again, I'd like to thank the minister, and I'd like to thank the Member for Mount Lorne for their diligent effort throughout this whole process and, I think, congratulate us all for having this done within two years.

Thank you.

**Mr. Hardy:** I also would like to — especially on behalf of my colleague, the Member for Mount Lorne, who is not able to be here at this moment, and who was part of the select committee — pass on his thank you, as well as mine, to the Member for Pelly-Nisutlin, to the Member for Porter Creek South, to the Member for Klondike, who was a substitute at one of the meetings — or possibly two, I don't know — to the lawyer who was the advisor to the select committee, to our Deputy Clerk who did such a wonderful job in doing the work for us and to the House and Committee Assistant as well, who was the administrative assistant to the committee. I believe that we need to ensure they receive the recognition they deserve — all of them and not just one or two members — and that they will be part of the next stages of the human rights evolution — I guess you could call it.

I also concur with the Member for Porter Creek South in that I hope that the next round — the second stage, as it's called — is not just restricted to only the recommendations that have been brought forward to date. I guess if there were 24 or 25 recommendations and the government is moving on eight of them now, that it is not just going to be the rest of them, but that there is still an avenue for people to have input into what they see as necessary to have the most progressive human rights legislation in the world, not just in Canada.

There are challenges in this area and I'll touch on them in a minute. Before I do that, I would just like to remind people where the human rights legislation came from, because I think it's extremely important to understand our history if we want to do better in the future.

I can still remember the debate very clearly. It was probably one of the most significant events in my political education — though I wasn't in politics at the time, it was definitely in my political education — bringing forward a *Human Rights Act* in the Yukon. It was under the Tony Penikett government. The minister at that time who was leading the debate and presentation of the *Human Rights Act* into the Legislative Assembly was my MLA, Roger Kimmerly. I remember very clearly the debate that happened in this Legislative Assembly. I remember the comments that were made that were so over-the-top, so unbelievably misinformed about what human rights would do to our society. The challenges what the government of the day was trying to do in regard to human rights were shocking at times.

Yet the government persevered and was able to bring forward at that time a very progressive piece of legislation. It was passed in this House and has served the people of the territory quite well. Like all legislation, at some point it becomes dated and a lot of language needs to be changed. New challenges within our society also bring about that change.

It was my understanding that there has been only one change made from the time that the human rights legislation was initially brought into the Legislative Assembly. Even that created quite a debate in the Legislative Assembly. I remember that, because I was the one who brought it forward for change. It was about accommodation and social conditions. Even that brought about serious debate about why we would do that. Now I reflect on what has happened in the last couple of years around this legislation and how far we have moved as humans, as people, to be able to look at human rights legislation and say, yes, it needs to progress, it needs to become more progressive. It needs to be more reflective of the values in our society. We can do that without having acrimonious debate or accusations being made.

That is, to me, a wonderful, wonderful evolution in us as legislators in this House, and I am very, very pleased to see how the parties came together to work together to bring forward some good legislation. The willingness to go out to the public and allow the public to give input, whether it's agreed to or not, the willingness to allow organizations to submit their comments and recommendations to the committee — that speaks volumes to who we are today, what kind of people we are today, and what we can achieve when we move past some of the fears, some of the prejudices that we may have, and recognize what is really good for our society and where we are going. I applaud the three members who sat on the panel. I applaud the members who participated in the substitution, I applaud all the people who worked on it, and I applaud very much the public and organizations that have contributed to make this a better bill. We have this multitude of recommendations that has been brought forward, and the government has decided that eight of them —

I guess they're called — I think I saw it in here somewhere — “quick fixes”. That's it. The committee feels that amending an act can be approached in two stages. This is obviously what has come from the committee's recommendation. There are some possible quick fixes, as well as changes that will take a longer time to effect.

It's wonderful to see the quick fixes being dealt with right away, and I don't think there's any resistance in this Legislative Assembly at all to having those done. I also agree with the Member for Porter Creek South on the concern about the timelines and the work that will be done following the quick fixes — because often quick fixes are not that difficult to do, but the real work comes down to where you start to have some kind of division around some of the other recommendations that may have been made. There can be divisions based upon party lines, even, or individuals.

I am hoping that the spirit in which the commission came together and the work that was done out in the public and in the Legislative Assembly continues to influence the direction and

the decisions that are made in advancing the human rights legislation to make it the best legislation that we possibly can make — that we absolutely possibly can make. It's not secondary legislation and it's not a case of just looking where everybody else is at and then go in the middle. Let's not be willing to do that. Let's lead. Let's lead by example and let's lead in such an extremely important area of community and society.

When we make these changes and when we bring forward this kind of legislation, other countries notice, other provinces notice. Countries that have no human rights legislation that are being pressured to develop something to protect people can look around the world and say that way up north in the Yukon, in Canada, there is legislation that we would love to see in our country. We can be that light. We can be that shining light that other countries can look toward, that other people can look toward as hope.

We can be that. We do not have to be middle of the road — not in the Yukon.

As I said, the battle to have even the basic human rights legislation that we had 21 years ago was horrendous — horrendous. We have moved so far from that. Let's keep moving forward. Let's keep bringing it forward.

I have just a few questions. I support all the recommendations that are being brought forward. I support all the recommendations that will come — that I've seen already written down. But I also want to hear how much more we can do. I hope that the process stays open enough to allow that to happen.

But I just need some clarification. I'm quoting from page 19 of the Report of the Select Committee on Human Rights, the second paragraph: “The Committee feels that the primary purpose of the Act is, and should remain, to protect the rights of all Yukoners.” Can the minister explain to me if this act does protect all Yukoners? Or, are there people within the Yukon who are not covered under this act, such as First Nations?

**Hon. Ms. Horne:** I thank the members opposite for their words and encouragement. As I said earlier, this government is committed to moving forward with this *Human Rights Act* and modernizing the Yukon *Human Rights Act*. The process and scope have not yet been determined. We will be doing that very soon.

As to the coverage, of all Yukoners being covered by the Yukon Human Rights Commission, as the members of the committee know — and I'm sure the member opposite knows — there are some very grey areas as to the application of human rights laws in the Yukon and First Nations. When First Nations are off their traditional territory, they are covered like anyone else in the Yukon is covered by the Yukon *Human Rights Act*. The application of the human rights legislation to First Nations was an issue that was raised many times during our travels throughout the Yukon with the select committee. The select committee recommended that further clarity be sought with respect to the application of human rights laws to self-governing First Nations. This includes clarifying the application of section 13.1 of the self-government agreements. It also includes clarifying the application of the recently amended *Canadian Human Rights Act*.

The application of human rights legislation to First Nations is a complicated area of constitutional law. It is affected by the division of powers: federal versus provincial and territorial. It is also affected by the constitutional nature of the First Nations final agreements and by the specifics in the self-government agreements and legislation. And, of course, it is always a product of the specific facts of a particular case. In some cases, it will be Yukon human rights legislation that applies. In other cases, it will be Canada's human rights legislation that applies. And in some cases, there will be disagreement about the governing legislation, and it may take a judicial decision to give clarity.

As I said, there are some very grey areas in this between the rights of Canada and the Yukon. It is not a situation that is exclusive to human rights legislation and First Nations. I support the select committee's recommendations that clarity is needed. How best to do this will be part of the decision making in our next process. I understand the members' opposite confusion in this area because there is no black and white; there are many grey areas.

**Mr. Hardy:** I understand what the minister is saying; there are many grey areas and it's a shame from my perspective that there are so many grey areas when it comes to human rights. Human rights are a basic fundamental right. To what degree and what laws we have to draft is our challenge, but I would assume and would hope that around the world we strive to ensure that everybody has human rights that are significant enough to protect them. Too many countries don't and there are too many atrocities.

Too many countries look away when those atrocities happen and continue to trade with those countries and continue to have economic deals with them while they overlook massive human rights violations that would never be tolerated within their own country. Too many countries have their own firms and their own companies go into these countries and behave in a manner that would never be accepted in our own country and they get away with it. Too many countries have their own citizens go into other countries and violate the people of those other countries. Within our own country, we have the same kind of violations that happen when some people aren't protected under human rights. I have a problem with that. At some point, we have to stand on what we believe and not make excuses and adjustments based on economic and cultural difference when it comes to the rights of people if they are being violated.

We can't have two standards; we shouldn't have two standards. I believe my colleague here from McIntyre-Takhini will probably talk a little bit about this, as he has been a very strong voice in the past on this matter. I'll move on because I'm sure he can articulate many of his concerns in that area much better than I can.

I have a couple more questions for the minister. This one is again talking about international conventions that Canada signed on to in the past and where we're at today. My question is this: are the recommendations that are being brought forward right now reflective of some of the international conventions that Canada has signed on to? Are there things that Canada

signed on to that we haven't actually put into some of the recommendations to date?

**Hon. Ms. Horne:** As I said earlier, the department will be scoping out the extent of the work that will be done in phase 2. But phase 2 will be to ensure that we are consistent with international conventions. This is a longer term question and will be researched more in phase 2.

**Mr. Hardy:** I will ask another question and then I have another couple of small questions after that. It is indicated that there are systemic issues in the act that need to be corrected. Can the minister identify those for me, please?

**Hon. Ms. Horne:** I can't identify those areas that would be systemic. I know we discussed them in the select committee, but we did not list them. This will be fleshed out in the next step, phase 2; the whole act will be gone over.

**Mr. Hardy:** Since we seem to keep going back to phase 2, can the minister indicate to me what the process is for phase 2? Again, is it going to have public — are we going to see another select committee? Are we going to have more public meetings? Are we going to entertain more submissions? Is there any kind of timeline as to when it's going to start? I won't put the minister on the spot as to when it's going to end, but when the next stage is actually going to start.

**Hon. Ms. Horne:** These amendments are the first phase, of course. The next step is to update the regulations and match the amendments, and proclaim the amendments together with the regulations, and the Human Rights Commission must be consulted on the regulations before they are passed.

The Department of Justice has been instructed to undertake further research into other recommendations and to come back to Cabinet for policy direction, so we really have no firm plans in place right now, but they are ongoing, and we have to continue on with phase 1 to complete those.

The remaining recommendations that the select committee put forward are important, but they are also complex, and that's why they were held over to phase 2. I know I keep referring to phase 2, but they will not be deliberately held up.

**Mr. Hardy:** So I'm assuming that, at some point, the minister will make an announcement on what the process is going to be for phase 2, after we get through phase 1? The minister's nodding her head, so that's good enough for me.

I am going to conclude. I just want to say once again for the officials who are working on this right now and have worked on it in the past, thank you very much for the select committee. I think you did a very good job. It is not easy going out — to fit it in your schedule and I did attend — I was a substitute at one meeting and the turnout wasn't very good but the discussion was very good even though there weren't many people there. I learned a lot just even in that very short meeting that we had down in Carcross.

I thank everybody who has been involved in this so far and I really look forward to the next stage as well, because I was thinking at some point we can have the kind of legislation that we can be proud of, no matter where we go in the world.

**Mr. Edzerza:** I would like to thank all of those who were on the select committee that went out to consult with the public at large with regard to human rights and, of course, all of

the staff in the human rights department, because it is of a very high importance.

As others mentioned here, human rights is something that — sad but true — needs legislation. It would be a pleasant world if we didn't need laws to protect a person's rights in this world, because in our traditional way, we do believe that everyone belongs and everyone is equal. However, as the world goes today, there are always individuals who won't respect other people's rights on this Earth.

I found it rather disappointing that, out of 25 recommendations, we have such a thin document to discuss. I would prefer to have seen at least 20 of those and five more coming further on. I'm quite sure that when you consult with the public at large, and they come out and attend a meeting in good faith, they expect a lot more than eight recommendations to be addressed. I know that's one of the weaknesses that we tend to have as politicians, and that is when the people speak. We always seem to cherry-pick what we really want to move forward with and sometimes that's not a good thing. We have to put more emphasis on what the public at large is really requesting of the politicians.

I heard the minister say that human rights are fundamental to society, and it's a major foundation. That's true, but as the Member for Whitehorse Centre stated, yes, I do have major concerns around human rights and First Nation issues. I have — not only this year, but for 35 years in the territory — had an issue with what appears to me as sort of differential treatment of First Nation people in the territory.

I know personally and have witnessed a First Nation person terrorized at her workplace for many years. I might add that — maybe I will back up a minute here, because I think it's important to note that the individual I am talking about had difficulties with alcohol addiction.

That individual straightened her life out, went to work, and was at work every day for many years. Then, all of a sudden, someone decided to give this individual a hard time at the workplace by constantly trying to find ways to fire that person.

Now, I speak of severe abuse at the workplace, and I cannot explain how that beaten-down spirit feels. In fact, the First Nation person I talk about was sober for many years and worked diligently at the job, and ended up, after being terrorized at the workplace, quitting or getting fired and went back to the alcohol — went back to the bottle.

I personally witnessed such a person passed out on one of the main streets of Whitehorse, and I found this heartbreaking, and all for the fact that her basic human right to be harassment-free at her workstation could not be enforced — no support, nowhere to go, and the sad case at the end of the day is that she is now deceased, and I don't believe she reached 55 years old.

Were her human rights protected? Definitely not. And there are many more just like her, right throughout the Yukon Territory. I don't find it acceptable that there always appears to be a scapegoat in this area. "Oh, it's the federal jurisdiction. We can't do anything because it's under federal jurisdiction." Well, I beg to differ about that, because it appears as though the federal government and the Yukon territorial government can put legislation in place on just about anything.

For everybody to be sidestepping this issue — and I probably could even include First Nation governments — is unacceptable. It's unacceptable for any human being to be denied a friendly environment at their workplace. I've heard on several occasions how First Nation people appear to be people who don't want to work; they just want to live on welfare. There's always another side to a story.

I could tell you today that there are a lot of First Nation people who were very excellent employees and never missed any work but were forced to the point of a nervous breakdown. They were forced to a point where they just couldn't put up with any more of what was going on at work.

So as much I would love to believe that we have made great strides in the territory in human rights, I am still only one First Nation person who has a real sadness in their heart because this is able to go on. We don't seem to be able to overcome this burden. I honestly believe that if the Human Rights Commission in the Yukon Territory could address this tomorrow morning, it would happen.

I would really ask the minister to diligently search this area, and even if you have to go to Ottawa to correct this wrong that is happening in the Yukon Territory, I would certainly appreciate it. I have already heard different excuses, such as that they are self-governing First Nations now and have jurisdiction. I don't know if that's true, because I don't believe it. I don't know of any First Nation that has a human rights act in place in their First Nation. We have a constitution, but that constitution sort of speaks a little bit to having rights. It doesn't really have a section where leadership, for example, can really be challenged on violating the constitution.

Again, even in self-governments now, whenever there's an issue of a possible breach of the constitution, most First Nations can't afford to hire legal counsel to challenge that breach. So again, they are stuck between a rock and a hard place. I certainly would encourage the minister to research this area just a little bit to see if there is anything that can be done.

I believe the other members already asked the questions I had in mind and the minister has already answered them. As an independent member, I do support the amendments to this act and I certainly hope that in the future — the very near future — that some of their bigger ticket items will be addressed.

**Hon. Ms. Horne:** As I mentioned before, the issue of jurisdiction and respect of human rights and First Nations is very complex. There are many grey areas; that's why we have to ensure that any changes we make are legally valid and will be supported by the courts. That's why the clarification will take place in phase 2. We want to ensure that the steps we take to address the situation the member is talking about are correct and that we are taking the correct steps.

As I said before, the application of human rights legislation to First Nations is a very complicated area of constitutional law. It's not something that we have jurisdiction over. We don't have jurisdiction over the *Umbrella Final Agreement*, and that's what this has to deal with, as the member opposite knows. It's a very complicated area.

The select committee did make 25 recommendations based on the submissions we received. Some recommendations were



directly related to legislation. Others dealt with operations or ways to move forward and those were more complex changes.

The committee recommended the two-phase approach to implement the recommendations, and we went ahead with those recommendations. The phase 2, of course, will take a longer time to come into effect. All of the recommendations were considered in light of the two-phase recommendation. The government, as well, is anxious to move ahead and modernize the *Human Rights Act* based on the select committee's work.

The three major questions that were considered in determining which recommendations could be made by amendments for this section were, firstly, is the recommendation dealing with a major policy issue requiring further research or consultation? Second, is the recommendation intertwined with other longer term recommendations or with a number of other sections in the act? Finally, is the recommendation relatively simple to draft in terms of case law and the rest of the act?

Given this review, eight of the recommendations were captured in the bill tabled in the Assembly. Overall, the amendments should accomplish four major objectives.

**Mr. Edzerza:** Mr. Chair, I guess my final comment will be that I understand that there is a grey area. I also understand that the RCMP can go on First Nation land if there are laws being broken. I also understand that emergency vehicles, ambulances and fire trucks are all able to go on First Nation lands if there is an emergency need. So I cannot understand why there can't be legislation in place in Yukon where human rights are protected.

I just can't buy it that we, as First Nation people, have to deal with someone in Vancouver. It's just about unacceptable. Whenever you have a human rights issue, you basically have to deal with Vancouver.

**Chair:** Is there any further general debate? Seeing none, we will proceed, clause by clause, through Bill No. 71.

**Mr. Inverarity:** I request the unanimous consent of the Committee for all clauses and the title of Bill No. 71 to be now deemed read and agreed to.

#### **Unanimous consent re deeming all clauses and title of Bill No. 71 read and agreed to**

**Chair:** Mr. Inverarity has requested the unanimous consent of the Committee to deem all clauses and the title of Bill No. 71, *Act to Amend the Human Rights Act*, read and agreed to. Are you agreed?

**All Hon. Members:** Agreed.

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

*Clauses 1 to 7 deemed read and agreed to*

*On Title*

*Title agreed to*

**Hon. Mr. Cathers:** I move that Bill No. 71, *Act to Amend the Human Rights Act*, be reported without amendment.

**Chair:** It has been moved by Mr. Cathers that Bill No. 71, *Act to Amend the Human Rights Act*, be reported without amendment.

*Motion agreed to*

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

**Chair:** It has been moved by Mr. Cathers that the Speaker do now resume the Chair.

*Motion agreed to*

*Speaker resumes the Chair*

**Speaker:** I will now call the House to order.

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

#### **Chair's report**

**Mr. Nordick:** Committee of the Whole has considered Bill No. 72, *Corrections Act, 2009*, and directed me to report it without amendment. It has also considered Bill No. 71, *Act to Amend the Human Rights Act*, and directed me to report it without amendment.

**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.

We will now proceed to government bills.

### **GOVERNMENT BILLS**

#### **Bill No. 72: Third Reading**

**Clerk:** Third reading, Bill No. 72, standing in the name of the Hon. Ms. Horne.

**Hon. Ms. Horne:** I move that Bill No. 72, entitled *Corrections Act, 2009*, be now read a third time and do pass.

**Speaker:** It has been moved by the Minister of Justice that Bill No. 72, entitled *Corrections Act, 2009*, be now read a third time and do pass.

**Hon. Ms. Horne:** Mr. Speaker, the *Corrections Act, 2009* represents one of the pillars that have come out of the original corrections consultation initiated by our government in its first mandate.

I have already covered much of this in Committee of the Whole debate. I will keep my comments here brief. We committed to making Yukon communities safer. We committed to work together to do better. Mr. Speaker, in our first mandate, we committed to deal with Yukon's serious alcohol and drug problems as a matter of top priority. We committed to offer a drug and alcohol rehabilitation package to offenders who opted to seek treatment.

Mr. Speaker, we delivered on those commitments. In 2006, we committed to Yukoners to implement the corrections action plan that includes measures to address the construction of a new correctional facility. I am pleased to report that, as members know, we are delivering on that commitment in this budget.

We also committed as part of our clear vision for a bright future to look at governance issues, including new legislation. Our work today represents the culmination of many years of work, which I touched on in my Committee of the Whole comments. I will briefly review those in a few moments.

Mr. Speaker, this legislation before us today is one more commitment that we made that we have completed. In looking over this work, I am impressed by its quality. I think it is in large part due to the time we took to consult Yukoners. In terms of working together in 2004, we began an exhaustive consultation that canvassed Yukoners on what they thought the future of corrections should look like. Clearly, the old approach needed to change. Flowing out of that consultation is the legislation we have before us today.

Work began immediately on the new *Corrections Act, 2009*. Public consultation began in late 2007, and finally finished in January of this year.

I would like to thank all the participants in the consultation. Their input was very important in creating the final product that we have before us today. I would also like to thank the legislative advisory committee and the staff at the Department of Justice who worked so hard to put everything together and who conducted such a thorough and well-run consultation.

This *Corrections Act, 2009* and the companion regulations represent a new way of doing corrections in Yukon. This selection entitled "Principles of Corrections" clearly expresses this new approach. The paramount consideration is the protection of society.

I spoke about our commitment to work together. High on the list is collaboration with First Nations, who make up a majority of the inmates held at the correctional centre or on probation. There is an onus on the government to provide programming that is culturally relevant for Yukon First Nations.

In addition, there are objectives calling for specialized programs for women.

Mr. Speaker, we have changed the way we deal with complaints at the facility. The principles section gives the policy direction for the rest of the act and regulations, and sets the tone of the whole regulatory framework. Our new program integration section puts Yukon at the leading edge of corrections legislation in this country. The focus of our legislation is on protecting Yukoners and on helping those in the correctional system get help, especially in the area of drugs and alcohol, so they get the help they need. I am very proud of this new *Corrections Act, 2009*.

Thank you. Gunilschish.

**Mr. Inverarity:** I rise today to lend our support for Bill No. 72, *Corrections Act, 2009*, on behalf of the Official Opposition.

I think that there has been some reasonable and good debate on this over the last few days. I've expressed a couple of concerns that we have about a couple of the clauses, particularly temporary absences, but on the whole, I think it's a very, very good act. It's a good step forward.

The minister here has pointed out that it's a piece of leading-edge law that will be enacted and will take us forward, much like the *Human Rights Act* that we will be talking about next, which was a leading piece of legislation in 1987. So we will see how that progresses. We will see how this turns out in the future. I am wondering if, about 20 years from now, members will be standing around this Legislature saying that it is

time to revisit this act and move it forward. These things always need changes. It is always good that we look at these bills and look at these things, and we have to continually go back and continually revise them.

On behalf of the Official Opposition, I look forward to voting in favour of this, and I await the regulations and the act to be enacted.

**Mr. Edzerza:** Mr. Speaker, in 20 years I will be 80 years old and I hope I'm still here to see how this panned out — not in the Legislature, mind you, but in the Yukon.

I would like to put on record that I do support this bill as an Independent. I wouldn't know for certain if all the recommendations of the committee on the consultation were implemented in this bill.

To the best of my knowledge, the opposition was never privy to review all of those recommendations. I know I certainly haven't, as an Independent, had a copy of all of the recommendations that were presented to the committee.

I do sincerely hope that all of the new changes to this bill will be of great benefit to all Yukoners, and especially the inmates and the staff who are in these facilities. I've always had some concern about the staff morale in the correctional facility, and I believe that some of the changes here will probably make it better for those who work in the facilities.

I want to just close by saying that I really do take my hat off to all of those people who choose to work in a correctional facility because I can't imagine the stress load they take on.

Thank you.

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

**Some Hon. Members:** Division.

#### Division

**Speaker:** Division has been called.

#### Bells

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

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

**Hon. Mr. Cathers:** Agree.

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

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

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

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

**Hon. Mr. Hart:** Agree.

**Mr. Nordick:** Agree.

**Mr. McRobb:** Agree.

**Mr. Elias:** Agree.

**Mr. Inverarity:** Agree.

**Mr. Edzerza:** Agree.

**Clerk:** Mr. Speaker, the results are 12 yeas, nil nays.

**Speaker:** The yeas have it. I declare the motion carried, and that Bill No. 72 has passed this House.

#### Bill No. 71: Third Reading

**Clerk:** Third reading, Bill No. 71, standing in the name of the Hon. Ms. Horne.

**Hon. Ms. Horne:** Mr. Speaker, I move that Bill No. 71, entitled *Act to Amend the Human Rights Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the Minister of Justice that Bill No. 71, entitled *Act to Amend the Human Rights Act*, be now read a third time and do pass.

*Motion for third reading of Bill No. 71 agreed to*

**Speaker:** I declare that Bill No. 71 has passed this House.

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

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

*Motion agreed to*

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

*The House adjourned at 5:26 p.m.*