

**Yukon Legislative Assembly
Whitehorse, Yukon
Monday, November 3, 2008 — 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 of changes that have been made to the Order Paper.

Motion No. 238, standing in the name of the Leader of the Third Party, has been removed from the Order Paper, as it is outdated. Motion No. 515, also standing in the name of the Leader of the Third Party, has been removed from the Order Paper, as the action requested in the motion has been taken. Motion No. 193, standing in the name of the Member for Klondike, has been removed from the Order Paper, as it is similar to Motion No. 492, which the House adopted last Wednesday. Also, Motion No. 386, standing in the name of the Member for the Klondike, has been removed from the Order Paper, as it is outdated.

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of Mothers Against Drinking and Driving's Red Ribbon Campaign

Hon. Mr. Cathers: I rise today on behalf of the government to pay tribute to Mothers Against Drinking and Driving and the launch of their annual project, Red Ribbon Campaign. Yukon Liquor Corporation is proud to participate in this important public awareness campaign once again to raise the profile of the dangers of impaired driving. As minister responsible for Yukon Liquor Corporation, I'd like to take this opportunity to pay tribute to the determined efforts of the members of Mothers Against Drinking and Driving to put an end to impaired driving and to assist the victims of this crime.

With the holiday season fast approaching, there will certainly be an abundance of parties, get-togethers, snowmobiling and much socializing. This is a wonderful time of year, and of course it's good to have fun, but we must know when to draw the line. Yukon Liquor Corporation has the mandate to encourage social responsibility in the sale and service of alcoholic beverages in the territory, and to encourage people to plan ahead. There are options and there is no excuse for impaired driving. I would encourage people to recognize that this applies not only to motor vehicles, but also to recreational vehicles like snow machines and other off-road activities. We can take a cab, arrange a sober ride, stay overnight or book a hotel room. A \$20 taxi ride will cost a lot less than fighting criminal charges in court and, of course, no amount of money can replace someone's life.

To help raise awareness, the Yukon Liquor Corporation provides MADD's red ribbons at all six Yukon liquor stores until the end of the campaign on January 7. I encourage all Yukoners to pick one up and tie it on to their car, antenna or rearview mirror.

The red ribbon symbolizes a driver's commitment to drive safe and sober. It reminds us of the horrific consequences of impaired driving and also honours the victims and families of this senseless crime.

By tying a red ribbon on to our vehicles, we are supporting the goal of keeping drunk drivers off our roads. Last year, Yukon Liquor Corporation partnered with other agencies, including the Department of Education, for the Colourful Messages project. School classes were encouraged to focus on the issue of drunk driving and draw colourful messages with this theme on brown paper bags. The results were exceptionally powerful, and the Yukon Liquor Corporation will be using a number of these images on our 2009 desk calendar. In addition, we have selected one of the designs for a bookmark to be given away at the seasonal checkstops this year, with responsible hosting tips on the reverse.

Thank you again to all the students and teachers who participated in this project.

As minister responsible for Yukon Liquor Corporation, on behalf of Yukoners, I thank MADD for their diligent work to eradicate impaired driving and for their efforts to remove impaired drivers from our roads and keep us all safe. They're making a difference in the Yukon, and we continue to support their efforts.

Mr. Inverarity: I rise today on behalf of the Official Opposition to pay tribute to Mothers Against Drunk Drivers Red Ribbon Campaign. The Whitehorse chapter of Mothers Against Drunk Drivers, or MADD, was established in 2003 and is raising awareness and helping to make a difference in Yukon.

Project Red Ribbon runs from November 1 to January 7 and, during that time, MADD volunteers distribute red ribbons across the country and ask Canadians to display a ribbon on their vehicle or keychain or on a personal item, like a purse, briefcase or backpack. By displaying the red ribbon, it is a commitment by Canadians to drive safe and sober.

Yukon Commissioner Geraldine Van Bibber has proclaimed November 2 to 8, 2008, MADD Week — don't drive impaired. Together we can make a difference. The Red Ribbon Campaign is a sign of respect for thousands of Canadians who have lost their lives or have been injured as a result of impaired driving. It reinforces the message to drive sober through the holidays and throughout the year.

On October 6, 2008, MADD Canada released a progress report on the performances of Canadian provinces and territories called "Rating the Provinces". MADD Canada's CEO, Andrew Muir, stated he was disappointed with the lack of progress by provinces and territories in this past year. He stated a total of 10 jurisdictions needed improvement, and Yukon was one of them. He said these jurisdictions need to take a serious look at what is occurring across Canada and introduce progres-

sive legislation that will save lives and reduce impaired driving on the roads. There are good examples of impaired driving laws and practices in the country, and we only need to look at each other's legislation to find effective measures to reduce the incidence of impaired tragedies.

Each and every one of us must make a commitment to support MADD and to reinforce the message to drive sober. Death and injuries resulting from impaired driving are needless tragedies and totally preventable.

We congratulate the Whitehorse chapter of MADD and all those responsible for the commitment to make our roads safer and to provide a voice for victims of impaired driving. Life is a precious gift. Help save one today.

Mr. Edzerza: I rise on behalf of the NDP caucus today to pay tribute to MADD for the launch of this year's Red Ribbon Campaign. By displaying this ribbon a person is making a personal commitment to drive sober. A red ribbon is a sign of respect for the thousands of Canadians who have lost their lives or who have been injured as a result of impaired driving. Deaths and injuries resulting from impaired driving are needless tragedies and totally preventable.

The red ribbon also reinforces the message to drive sober through the holidays and throughout the year. The campaign against drinking and driving is not seasonal; it is year-round. Yukon has made no relevant changes to impaired driving legislation since August 2006 and so MADD considers us in need of improvement.

According to Statistics Canada, Yukon has rates of impaired driving close to five times the national average. The 2007 Canadian average for drunk driving offences is 241 per 100,000. In Yukon the rate of offences stands at 1,120 per 100,000.

These are very stark and distressing numbers. The NDP caucus supports MADD recommendations for Yukon to increase its minimum driving age from 15 to 16, strengthen its graduated licence program by including high-speed roadway restrictions and requiring novice drivers to pass an exit test to obtain full driving privileges, and requiring all drivers under the age of 21 or in their first five years of driving to have a 0.00 percent blood alcohol content.

The Yukon is out of step with most of Canada in using common law to govern police authorities as it relates to impaired driving. MADD, therefore, recommends police should be given express statutory authority to stop vehicles at random, demand documentation from any driver, establish sobriety check points, demand that drivers suspected of having alcohol or drugs in their bodies submit to standard field sobriety testing, demand a breath, blood, saliva or urine sample from a person reasonably suspected of having been a driver in a fatal or personal injury crash, impose a seven to 14-day administrative licence suspension on a driver if they reasonably believe that his or her ability to drive is impaired by alcohol or drugs, or if he or she registers a blood alcohol content of 0.05 percent or higher on a breath, blood or urine test.

These are constructive suggestions the NDP caucus supports and which we in this Legislature can act on. We are grate-

ful to the ongoing year-round efforts of MADD to help us make our community safer for all.

Thank you, Mr. Speaker.

Speaker: Are there any further tributes?
Introduction of visitors.
Returns or documents for tabling.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Kenyon: Pursuant to section 22 of the *Yukon Development Corporation Act*, I have for tabling the Yukon Development Corporation 2007 annual report and the Yukon Energy Corporation 2007 annual report.

Mr. Hardy: I have for tabling the following letter from Woodward and Company, Barristers and Solicitors, for LFN Kaska people regarding Bill No. 59, *Forest Resources Act*.

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

NOTICES OF MOTION

Mr. Nordick: I give notice of the following motion:
THAT this House urges the Government of Yukon to upgrade the airports at Dawson City and Old Crow to enable jets equipped with gravel kits to provide jet service to both these communities.

Mr. Inverarity: I give notice of the following motion:
THAT this House urges the government to work cooperatively with the City of Whitehorse to increase the use of public transit by initiating a public transit pilot project that

- (1) increases the frequency of the Whitehorse transit service during peak hours of operation;
- (2) extends the hours of operation of the Whitehorse transit service into the evening hours and early morning;
- (3) provides free transportation services during the peak hours of the pilot project;
- (4) ensures there is financial support from the Yukon government to sustain the pilot project for a minimum of two years; and
- (5) reports to the Yukon public the results of the pilot project including at least the cost of the project, rider-ship statistics, and public feedback that was received about the pilot project.

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

THAT this House endorses the United Nations *Declaration on the Rights of Indigenous Peoples*, and commits to work together in a non-partisan manner to urge the Parliament of Canada to follow the example of Australia by reversing its position and adopting this important international declaration.

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

THAT this House urges the Government of Yukon to table the report reviewing employment equity in the government's workforce.

As well, I give notice of the following motion:

THAT this House urges the Minister of Energy, Mines and Resources to collaborate with the Village of Carmacks, the Little Salmon-Carmacks First Nation and the Western Copper mine to assist them in mitigation measures for proceeding with mining in the area, by:

(1) appointing a contracted, neutral mediator to meet with the Carmacks and the First Nation administrations and the Western Copper mine;

(2) directing the mediator to:

(a) draw a conclusion on the willingness of each party to negotiate mitigation measures;

(b) determine the social impacts on Carmacks of establishing a mine in the area and each party's respective positions on the impacts;

(c) negotiate mitigation measures between the parties;

(d) make recommendations on the proposed mitigation measures;

(e) report to the minister regularly on the progress of the negotiations;

(f) within 30 days of the beginning of negotiations, to report in writing to the minister on the process and the interim results; and

(g) within 60 days of beginning negotiations, to present a final report in writing to the minister on the conclusions the mediator has on the process and the mitigation measures recommended.

Speaker: Are there any further notices of motion?

Hearing none, is there a statement by a minister?

That brings us to Question Period.

QUESTION PERIOD

Question re: Asset-backed commercial paper investments

Mr. Mitchell: We know the Auditor General of Canada has confirmed in her audit that this government lost \$6.2 million in bad investments as of last March 31. We know the Auditor General confirmed the law was not followed when the government made these investments. We know the value of most stocks and bonds have fallen dramatically since last March to even lower amounts.

We know the Premier and Deputy Premier have been in denial. The Premier on November 6 told this House the government has not lost one penny. On December 4, the Deputy Premier said there has been nothing lost; the investments are being restructured.

This minister cannot seem to admit that she was not painting an accurate picture of these foolish investments.

The Premier and Deputy Premier have continually provided erroneous information to Yukoners. Will the Deputy Premier step up and admit that the \$6.2 million is gone and that

this would never have happened had they followed the *Financial Administration Act*, Yukon's law?

Hon. Ms. Taylor: Well, little wonder we are speaking about this issue here today. Mr. Speaker, again, let me correct the record for the member opposite with respect to this issue that is of particular importance, as the Premier has already articulated on a number of occasions over the last few days.

Again, this is an accounting adjustment for interest earned. It's not a writedown of the investment; it's not a realized loss. Again, it's an accounting adjustment. And that accounting adjustment, again, has actually accrued Yukon, as of year-end, \$2.4 million in interest earnings. In fact, over the last six years, those particular investments have also earned Yukon almost \$16 million.

So the accounting adjustment, as the member opposite fully knows — it's required by generally accepted accounting principles. It is also in keeping with the Public Sector Accounting Standards, and it has been approved by the Auditor General, as was fully disclosed in the public accounts for 2007-08, tabled in the Legislature last week.

Again, it is an accounting adjustment for interest earned. At the end of the day, Yukon does still have its investments.

Mr. Mitchell: You know, Mr. Speaker, I'm not surprised with that answer but I'm disappointed. The accounting adjustment, as the member well knows, is required because it needs to reflect the reality. You know, we teach our children that when they do something wrong they must stop denying, they must fess up, accept responsibility and move on to become better and stronger people by doing so. I suspect that there are members on the government side who would prefer that approach. Now is the time to practice what you preach and be an example to all Yukoners.

Mr. Speaker, it is important that the Deputy Premier accepts here responsibility. That will at least give Yukoners some confidence this Yukon Party government will not do it again. Will the Deputy Premier accept responsibility for her government's loss of \$6 million so Yukoners can begin to regain some confidence in this Yukon Party government?

Hon. Ms. Taylor: Mr. Speaker, what this minister will in fact accept is this government's financial record of open, accountable, responsible fiscal management of Yukon's finances over the last six years — that which has netted Yukon net financial resources to the tune of in excess of \$165 million, Mr. Speaker.

That was up by \$33 million from a year ago. Mr. Speaker, as a result of this net financial resource. I may also add that we are one of two jurisdictions in the country that is in an enviable position such as this — we are able to continue to make those very important investments in Yukoners' health care, in Yukon's education system and in meeting highway infrastructure and public infrastructure needs. So, Mr. Speaker, in fact, this government is on the correct road. Mr. Speaker, this is a reflection of good government and that which has been acknowledged.

Mr. Mitchell: Mr. Speaker, the Member for Whitehorse West would have us believe that this itty-bitty \$6 million is just some footnote on an otherwise boring page of figures —

just an accounting entry. Since we are still in the denial stage, let's see if this minister will deny this: if her government has not lost any money on these investments, then they still must be worth \$36.5 million. But, if they can't sell them for \$36.5 million to some person, group or corporation, then they are not worth \$36.5 million. The rest of what this Deputy Premier says is just empty promises and weak excuses.

I'll give the Deputy Premier 30 days to sell the investments in Opus Trust and Symphony Trust — she has had 15 months. If she can table a cheque for \$36.5 million, then the Official Opposition members will never mention the subject again. However, if after 30 days they cannot sell the investments for \$36.5 million, she will stand and admit her government lost Yukon tax dollars. Will the Deputy Premier accept this challenge?

Hon. Ms. Taylor: Mr. Speaker, I would just ask the member opposite to take a look at what in fact has transpired. The Yukon government was part of the restructuring process that oversaw these particular investments — billions of dollars in investments throughout Canada, which included many respective governments. The restructuring process received approval; in fact, it received overwhelming approval. It's a court-ordered agreement, so we are complying with those particular provisions. The investments have been secured, and in fact, Mr. Speaker, the Auditor General certainly recognizes that the government continues to also maintain a strong cash position, and that the liquidity issues in this particular market have not had an impact on the government's operations. Contrary to what the member opposite says, this government has net financial resources in excess of \$165 million, which does not even include the \$36.5 million.

At the end of the day, the \$36.5 million is there. At the end of the day, the Yukon government will also be accruing interest on the principal.

Question re: Unfinished government projects

Mr. Mitchell: I have a question on unfinished business. The first question is directed to the minister responsible for the Yukon Liquor Corporation. The amendments to the *Liquor Act* were passed and received assent in this House on May 15, 2008. The minister of the day promised that the regulations for this amendment would be in place in time for the summer season of 2008, but we still haven't received the regulations. Local businesses are being disadvantaged because the minister has not lived up to his promise to have these regulations in place in time for the busy summer season. The clock is still ticking and the uncertainty in the business community continues.

Will the minister tell Yukoners when the regulations will be completed and why it's taking so long?

Hon. Mr. Cathers: It's always very interesting in this House to hear the Leader of the Official Opposition's version of events; however, it does not reflect the facts. Let me point out to the member that —

Some Hon. Member: (Inaudible)

Point of order

Speaker: Order please.

Mr. McRobb: I believe that's contrary to the House rules to indicate anyone has a particular version that's contrary to the facts.

Speaker's ruling

Speaker: Past rulings of the Chair have been that the House will accept two different versions of an issue; that is perfectly acceptable. The minister has the floor.

Hon. Mr. Cathers: Thank you, Mr. Speaker. I realize they are very touchy on this issue.

Speaker's statement

Speaker: Order please. The honourable member has a bit of a habit of commenting on Speaker's rulings. I would ask the honourable member not to do that. The minister has the floor.

Hon. Mr. Cathers: I would again point out that the Leader of the Official Opposition's reflection of the facts does not accurately represent them. I would point out in this situation that changes to the *Liquor Act* were significant in scope and the development of the regulations had to appropriately reflect the import of this matter. It was very clear at that point in time there would be development of the regulations. Those regulations are being developed, and in fact there will be further consultation on this matter. During the development stage, it was determined there were a couple substantive questions that properly needed to go to the Yukon public. That will happen later this month.

Mr. Mitchell: Okay, continuing on the theme of "unfinished business," I have a question for the Minister of Highways and Public Works. In reference to the unfinished project in —

Some Hon. Member: (Inaudible)

Point of order

Speaker: Point of order, Minister of Energy, Mines and Resources.

Hon. Mr. Cathers: The member is attempting to draw varied questions in together, but they are on different topics. It is House principles and rules that of course the supplementary questions must be relevant to the first question.

Speaker: The Member for Kluane on the point of order.

Mr. McRobb: The Leader of the Official Opposition said from the outset that his questions pertained to the theme of "unfinished business" and he would be allocating them to different ministers. We have the right, I believe, to ask a question on a particular theme, even though it doesn't apply strictly to one of the ministers.

Speaker's ruling

Speaker: The Chair will allow the line of questioning to go on; however, I will reserve the right to examine the issue after it's finished and if I feel it has contravened the rulings, I'll come back to you. The Leader of the Official Opposition has the floor.

Mr. Mitchell: I have a question for whomever wishes to answer it. In reference to the unfinished project in Watson Lake, I asked the Minister of Health and Social Services last week when this government will finally finish something it started. The Premier responded on behalf of the Minister of Health and Social Services, but he focused on the subject of sole-source contracts. For five years this government did issue sole-source contracts for a total of \$2.4 million and still the project is not done.

So let me restate the question: after two terms in office and so many broken commitments, when will this government finally finish something it started? When will there be a completed and functioning health centre or hospital in Watson Lake?

Hon. Mr. Lang: In addressing the member opposite, the hospital in Watson Lake is a work in progress. Extensive work has been done to date. The figures that the member opposite puts on the floor are incorrect. The dollars spent there are between \$4 million and \$5 million. At the moment, extensive engineering is being done and has been done on the existing hospital. There has been a building built on-site to accommodate a new medical facility for the Watson Lake area and also a mechanical room. So it's work in progress, and we're looking forward to a new health facility in Watson Lake in the near future.

Mr. Mitchell: Well, let's continue on the theme of "unfinished business". We'll try the Deputy Premier.

The government is obviously project-challenged. Not only are there delays in the *Liquor Act* regulations and the unfinished health facility in Watson Lake, but we've seen other delays: the construction of a new correctional centre — six years and counting; the *Education Act* review is way overdue — six years and counting; a multi-level health care facility in Dawson — six years and counting; the state of the environment reports — more than two years past due; the labour market framework strategy took six years to complete. We could go on and on here, but we've only got 60 seconds.

Some of these initiatives are required by law and must be completed. It's obvious this government likes to start projects, but never gets around to completing them. So I have to ask the Deputy Premier: will she explain why this government is so project-challenged?

Hon. Ms. Taylor: Unlike the members opposite, we on this side of the House will continue to exercise strong, prudent management of Yukon's finances — which have doubled over the last six years. In fact, we've gone from net deficits to net fiscal resources in the bank, where we enjoy about \$165 million, which has earned us the opportunity to provide strategic investments in respective health care facilities, whether they be in rural Yukon or in the City of Whitehorse.

That has afforded us the opportunity to take on challenges and opportunities associated with the reform of justice, the reform of corrections, getting at the root causes of crime and substance abuse in our particular area.

Mr. Speaker, it has also afforded us an opportunity to provide millions of dollars — in fact, over a 30-percent increase — in public education. It has afforded us an opportunity to

enhance capacity when delivering training — an investment in Yukoners themselves.

Whether it be a labour market strategy or otherwise, our government is very much committed.

Question re: Asset-backed commercial paper investments

Mr. Hardy: Now, the government has written down or written off — or should I really use their language? Let's see if we can understand how they communicate to the people — a "probability-weighted discounted cash-flow valuation technique" is being used to basically say they haven't lost any money. Well, Mr. Speaker, the money is gone for good and that is what the Auditor General says.

Under perfect conditions, this government may get back some of that money or they may even lose more, ultimately, because we do not know what is going to happen over the next eight or nine years; we don't have a crystal ball in front of us. I'll tell you one thing, Mr. Speaker, the people on the streets talk plain language. They know what has happened, the money is gone — bad investment, broken the financial act to make investments in this financial endeavour to gain a little bit more. We lost in that deal. All we would want on this side — and I've heard the Leader of the Official Opposition ask the same question — is that somebody over there break away from the briefing note and admit —

Speaker: Order please. Ask the question please.

Mr. Hardy: Yes, I will.

— that they took a risk and made a bad decision and they lost some money?

Hon. Ms. Taylor: Well, Mr. Speaker, I feel obliged to respond to that.

I would just point out that the Auditor General — as per the public accounts document that was tabled in the Legislature last week, points out, from the Auditor General, that since 1989-90, approximately \$1.7 billion has been made in these particular investments. That's the first point I want to point out. The second point is that, also, the Auditor General has clearly stated that officials were in fact making those investments in good faith. The third point I also want to reiterate for the member opposite, in case he didn't have the opportunity to hear before, is that the Auditor General also recognizes that the government continues to have a strong cash position in the Government of Yukon, and in fact that the liquidity issues, again, in this particular market, have not had any impact on the government's operations.

So, we on this side of the House remain very much committed to maintaining strong fiscal management of Yukon's net resources. We'll continue to honour the good work of the Auditor General of Canada, and we'll continue to make those strategic investments to Yukoners' quality of life.

Mr. Hardy: Mr. Speaker, it's a fact, a studied fact, that the worst money managers, by governments, are the Liberals, followed by the Conservatives — a very close race, absolutely, the last 22 years. That is a fact.

This government continues to try to tell the people that they have lost no money, and yet the Auditor General recognizes that \$6.2 million is gone. We have been told that we must

wait until 2016 — eight years from now — before we have any hope of getting that back.

During that period, how much could that money generate if it was reinvested over and over? How much impact could it have in our communities? A lot. This government avoids that answer.

When will the Deputy Premier and this government stop the spin and speak plain language to the people and admit their mistake?

Hon. Ms. Taylor: The facts speak for themselves. One only has to take a look at the public accounts documents that have been tabled in this Legislature over the last six consecutive years. Unlike the Liberal government, which experienced deficit spending, we are actually generating net financial resources. Unlike the members opposite of the New Democratic Party, which actually generated the first net debt in Yukon's history, we on this side of the House are actually being able to generate interest accrued on our investments, including the asset-backed commercial papers, as well as to generate in excess of \$165 million in savings that is in the bank and. That has afforded us six consecutive year-end surpluses and afforded us the opportunity to invest in Yukoners' quality of life, whether that be in education, whether that be in the delivery of health care, whether that be investments in Yukoners themselves, whether that be toward a more diversified economy in IT, arts and culture, film, sound recording, and certainly research and development in the territory. We have been able to make significant investments on both sides of the ledger, and we are very proud of that.

Mr. Hardy: I'm glad the minister opposite is very proud of losing this money. Let's make it real here: the people of Burwash Landing have been lobbying this government for a kindergarten to grade 12 school for years. They say 100 percent of the students who attend the school in Destruction Bay live in Burwash Landing. Why can't they get a school? Why not? Because this government squanders money. There is no question about it. Not only would that \$6.2 million have put a school in Burwash Landing, it would have paid for operation and maintenance costs for quite a few years. That's just one example of what this government has failed to do.

But it will go out and risk Yukon's hard-earned money on the stock markets, breaking the *Financial Administration Act* in order to do that. So will this minister go up to Burwash landing and explain how they gambled the money away and they're so sorry they will not get their school for the next six or eight years?

Hon. Ms. Taylor: Again for the member opposite, this is an accounting adjustment for interest earned. It's not a loss; it's not a realized loss; there has been no loss.

The member opposite knows full well that, in fact, these particular investments have earned this year alone over \$2.4 million. Over the last six years, they've generated almost \$16 million.

In addition to the \$36.5 million, plus interest accrued on the principal, we have in excess of \$165 million sitting in the bank to continue to meet Yukon's needs and priorities.

The member opposite spoke of education — again, our government is very proud of the level of investment in education: in public schools, 30 percent alone.

The supplementary estimates that were just tabled in the Legislature on Thursday include significant resources investment in learning assistants, education assistants, again, toward public education. Mr. Speaker, our government is very proud to also provide investments in labour market strategy, investments in capital infrastructure and so forth.

Question re: Employee engagement survey

Mr. Hardy: Mr. Speaker, I have a question for the Minister of Public Service Commission. We can draw two main conclusions from the employment engagement survey report: (1) public servants have serious problems with senior management and (2) they think that favouritism plays a role in hiring and promotions. Nearly half of employees would jump at the chance if another job came up. That is a fact. That is a bad situation on any job site, no matter what kind of job site it is, if almost half of your employees would leave. In virtually every category, Yukon public servants show lower rates of satisfaction than their counterparts in other provincial jurisdictions did in their surveys. We have a serious problem of employee moral. We know that the minister has the breakdown of this problem by department.

I asked this last Wednesday, and I'll ask it again: will the minister table the survey reports by department?

Hon. Mr. Rouble: Mr. Speaker, the Government of Yukon greatly recognizes and respects the hard work and efforts of all of our employees, whether they be an equipment operator, a foreman, a director or manager, or a deputy minister. We value the input of our employees, and that was one of the main reasons why the government undertook the employee engagement survey.

Last week, when the member opposite asked me for a copy, I gave it to him. And now, if the department's statistics have not already been posted on-line, they will be posted in the very near future. There's a lot of very good information that's in there.

I recognize that the opposition parties have had the weekend to go over it; however, judging by the line of questioning coming forward, there are still questions that need answering. I'd like to offer to the member opposite a briefing by the Public Service Commission, to sit down and go over the intent of the survey, the tools that were used, and some of the initiatives that have been spawned, in order to respond to many of the questions. I trust that we won't turn this issue into some political football.

Mr. Hardy: Well, Mr. Speaker, I don't consider the public service a political football and I would never use that term. Now, I will take the minister up on the briefing, but I'd like the minister to be present as well, if he can find time in his busy schedule, here are things this minister can do to address this very serious morale problem.

This government could do a lot to boost that morale if they fulfilled their 2002 election promise — that was six years ago when they were first elected — namely, to implement effective whistle-blower legislation that protects the anonymity of public

employees who report abuse within the government and provide a clear process for a full and fair investigation.

Whistle-blower legislation would help. The purpose of protecting whistle-blowers is to help ensure that corruption and mismanagement are identified and booted out quickly before people are harmed or public money is wasted. My question is: when will this government do what it said it would do and make whistle-blower legislation a priority?

Hon. Mr. Rouble: I appreciate the member opposite's question. There are a number of initiatives this government has undertaken to address the issues regarding our employees. These include things like the Apex awards, or investing in public service, or the harassment prevention office, or the workplace diversity office. In addition to that, there are many initiatives, such as training, the GradCorps, the young leaders forum, where the Government of Yukon is working with our employees to address many of the issues and concerns they have.

I'm sorry, Mr. Speaker, is there an issue with the microphone?

Speaker: Let's take a five-minute recess.

Recess

Speaker: After that brief recess, we will now call the House back to order. It sounds like we are working 100 percent again. Thank you very much for your patience, members.

Minister of Education, you were in the midst of a response. You have about one minute left in your response, if you care to respond. If not, we'll go to the last supplementary for the Leader of the Third Party.

Hon. Mr. Rouble: Mr. Speaker, in closing, to recap my original comments, this government is committed to working with employees, and we are committed to putting in place policies and practices that will continue to make the Yukon government an employer of choice. We will continue to work with our employees to identify their concerns in the workplace and also to change where government needs to in order to address the concerns of our employees.

Mr. Hardy: Mr. Speaker, it seems that over the last six years under this government the morale of the employees has been dropping like a rock, and this latest study seems to indicate that.

Now, on Thursday, the minister responsible for the Public Service Commission said that the deputy ministers and management have already incorporated many of the comments, good and bad, brought forward in this report.

Well, that's senior management, and it seems that one of the biggest issues that all departments had from the employees was with senior management, yet it has been turned over into their hands. So I don't get a great deal of confidence in that kind of response.

Now, this doesn't jibe with comments from the public service, of course, and here's one: "I used to be proud to be a member of my department. With current senior management, I'm now embarrassed. They have repeatedly made bad deci-

sions, hired unqualified people, and created the most top-heavy department I've ever seen, while compromising service delivery." And I've heard many other stories —

Speaker: Order please. Ask the question, please.

Mr. Hardy: Yes, Mr. Speaker. Can the minister confirm that the departments with the lowest levels of morale are Justice, Health and Social Services, and Highways and Public Works?

Hon. Mr. Rouble: I cannot believe my ears. I cannot believe the comments coming from the member opposite. This government has a great deal of confidence in all Yukon government employees.

Some Hon. Member: (Inaudible)

Hon. Mr. Rouble: I'm sorry, Mr. Speaker. I know we have a challenge with the microphone, but the member opposite doesn't need to get his comments on my microphone today.

This government is committed to working with all employees, to engaging employees, and we certainly have a tremendous amount of faith and respect in them and what they do. I can't make the member opposite go to a briefing to find out more about this. I can't stop the member opposite from cherry-picking comments and taking comments out of context, and I can't prevent the member opposite from making statements like, "He wants to see people's wages cut, or bonuses cut." What I can commit to is working with the Public Service Commission, working with all of our departments, to address many, if not all of the issues brought forward in the survey, to ensure that the Yukon government continues to be an employer of choice, and this government will certainly continue to respect and to value the contributions of all employees.

Question re: Electrical rate stabilization fund

Mr. McRobb: My question is for the minister responsible for the Yukon Energy Corporation before he takes his three weeks' leave of absence later this week. Electrical consumers across the territory have been paying —

Some Hon. Member: (Inaudible)

Point of order

Speaker: Minister of Energy, Mines and Resources, on a point of order, go ahead.

Hon. Mr. Cathers: The Member for Kluane has contravened the Standing Orders by referring to the absence of a member from the Assembly.

Some Hon. Members: (Inaudible)

Speaker: On the point of order.

Mr. McRobb: On a point of order, Mr. Speaker, before asking this question I provided you with a previous Speaker's ruling dated March 14, 2001 which referred to the rule only applying to a reference to the absence of members past or present.

Speaker's ruling

Speaker: He's got you there. There is no point of order. You have the floor, Member for Kluane.

Mr. McRobb: Right on, Mr. Speaker.

Electrical consumers across the territory have been paying 15 percent more on their power bills since the Yukon Party government first cut the rate stabilization fund on July 1, 2007. The second cut to abolish the program entirely was set for this past July, but that date has now been pushed back to next June. Before cutting the program, this Yukon Party government promised Yukoners that power bills would decrease — not increase — after the changes to rates in the RSF.

What will the minister responsible do to keep this promise to the electrical consumer?

Hon. Mr. Cathers: The Member for Kluane always has a very interesting version of events; however, I would point out to the member that rather than his approach — which would have the government dealing with subsidization and staying in the past — this government is moving forward by investing in electrical infrastructure to put a downward pressure on rates.

If we do not invest in that electrical infrastructure, if we do not partner with private sector investment, such as the \$7.2 million contribution that Sherwood Copper has made to extending the electrical line from Carmacks to Pelly Crossing, thus enabling that community to come on to hydro, if we do not take these steps, Yukon citizens — through growth in the use of electricity — will exceed hydro capacity. It is necessary right now that we move while we have some excess hydro capacity with that private sector partnership, seeking federal partnership as well in moving forward to connect the two hydro grids and develop the Mayo B project, thus ensuring a steady supply of hydro electricity for Yukon consumers and ensuring a downward pressure on the rates.

I would remind the member opposite that an application has been made by Yukon Energy Corporation for an overall reduction to the residential rate.

Mr. McRobb: That member is not the minister responsible, and this is not about what the government's approach is. It's about trust; it's about honour; it's about this government's promises.

Let's examine the evidence to see how this government is faring on its promise: power bills increased 15 percent in July 2007 when the government cut the RSF.

Power bills are expected to increase 10 percent from Yukon Electrical's increases. Power bills are expected to decrease 18 percent for low-consumption customers and power bills will increase 15 percent when the government abolishes the RSF. Do the math. The answer is a bill increase of 22 percent for low-consumption users within this two-year period. This does not translate into a power bill decrease for the electrical consumer. So how does the minister intend to honour his government's promise that there would be no net bill increase?

Hon. Mr. Cathers: Mr. Speaker, to the Member for Kluane, the Official Opposition critic for this file, I must point out that his math is as confused as his rhetoric. He is simply mistaken in his assertion about the numbers. Again, I have to remind him when he refers to rates and to the application that Yukon Energy Corporation has made, the member ought to know by now, for all his self-professed expertise on this file, that the Yukon Utilities Board is a quasi-judicial body. They

will review this rate application. They will make a decision upon it. They may approve it. They may reject it. They may change it. They set the rate. If Yukoners agree or disagree, I encourage them to make their comments and their views known to the Yukon Utilities Board because the proposal being made by the electrical corporation, of course, represents an overall reduction in cost charged to residential customers, but it does change the rate structure, if it is approved.

And there are those who will agree with it and those who will disagree. We encourage them to contact the body that will make that decision: the quasi-judicial Yukon Utilities Board.

What this government is doing: we are investing in hydroelectric infrastructure. We are partnering with the private sector, such as Sherwood Copper, in their \$7.2-million investment in extending the hydro line from Carmacks to Pelly Crossing, thus bringing Pelly on to hydro and lowering the cost of service to that community, as well as reducing greenhouse gases.

Mr. McRobb: Well, how open and accountable is this Yukon Party government when the minister responsible won't even respond to these questions? This is about power bills, not power rates or some rider.

As mentioned, the estimated net bill increase of 22 percent is for low-consumption users. Those who use more power will be hit much harder. This includes large families who need more electricity to heat water and cook food, as well as those who depend on electricity to heat their homes.

Business customers in municipalities will also be hit hard. Those higher consumption users will end up paying a bill increase of more than 50 percent. Remember, this government promised no net bill increase. This broken promise will further compound the financial squeeze for many Yukoners who are paying more for petroleum products, property taxes and other goods and services.

How can the minister responsible for YEC justify the increased power bills for many Yukoners of more than 50 percent when his government promised no net bill increases?

Hon. Mr. Cathers: Again I must point out that the math of the Member for Kluane, the Official Opposition critic, is wrong. His math is wrong. His math is as confused as his rhetoric.

I would caution any Yukoner against taking the math of the Member for Kluane as the facts, because he is quite simply wrong. I again point out, with regard to the electrical rate, that the rates are set and approved, as the member ought to know by now, by the Yukon Utilities Board. The Yukon Utilities Board will make the determination on the rate application Yukon Energy Corporation has made. Yukon Energy Corporation is overall applying for a reduction in the cost charged to the residential group of customers; however, because of their proposed structure, there would be a significant decrease for lower end users and an increase for those using over a certain amount.

If Yukoners agree or disagree with this, I would encourage them to contact the Yukon Utilities Board when they are in the hearing process, make their views known and participate in the process. It is fundamental in the democratic system that you take the time to participate in the public processes.

With regard to the government's energy policy, again I must remind the member opposite that what we are doing, that they failed to do, is invest in hydroelectric infrastructure, invest in connecting the grids, invest in new hydro projects and seek the participation of the private sector, including the \$7.2 million contribution by Sherwood Copper to extend this power line and hooking up Pelly Crossing.

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

ORDERS OF THE DAY

Bill No. 62: Second Reading

Clerk: Second reading, Bill No. 62, standing the name of the Hon. Mr. Lang.

Hon. Mr. Lang: I move that Bill No. 62, entitled *Act to Amend the Animal Protection Act*, be now read a second time.

Speaker: It has been moved by the Minister of Community Services that Bill No. 62, entitled *Act to Amend the Animal Protection Act*, be now read a second time.

Hon. Mr. Lang: It is my pleasure to introduce Bill No. 62, *Act to Amend the Animal Protection Act*. As you know, the *Animal Protection Act* requires that people treat animals, in their care in a humane manner. As the members know, the *Animal Protection Act* provides protection for the welfare of domestic animals in the territory and requires that people treat animals in their care in a humane manner. We have committed to improving animal protection in the Yukon by amending the legislation. We are also addressing this issue at the operational level, and should soon have on staff a well-qualified and well-equipped animal welfare officer. In response to the concern from stakeholders and the public, the Department of Community Services has reviewed Yukon's legislation and infrastructure and all provincial animal protection legislation.

A significant consideration in developing the proposal for amendment was the desire of this government to improve the effectiveness of the *Animal Protection Act*, while respecting the autonomy and unique lifestyle of Yukoners as much as possible. The amendments before you should make the legislation clearer and easier to enforce, and should encourage compliance with the act.

Using a consultation document generated by the review of existing provincial legislation, representatives from the Yukon government visited Yukon communities in April and May 2008 and consulted with interested residents. Participation in the consultation was also offered on-line.

Members of the public also responded to the consultation by e-mail, mail, fax and, of course, phone. Subsequent to and as a result of the consultation and including changes made in the response to very recent changes in provincial and animal protection legislation, the Yukon government has drafted the *Act to Amend the Animal Protection Act*.

I look forward to your questions and to your support.

Thank you, Mr. Speaker.

Mr. Fairclough: We in the Official Opposition would vote in favour of this bill going into Committee of the Whole. We do not have any major objections to the amendment of this bill but we do have some questions.

We understand why it was brought forward. What we want is information. I have to thank the minister's officials for providing the briefing to us. I thought they did a pretty good job. We do have some questions that we will be raising in Committee of the Whole. I have to say that those we did call in regard to the amendment to this bill have not read the proposed amendments.

We are dealing with this fairly quickly and have not seen the results of the "what we heard" document that is normally produced with public consultation. It's a bit of a concern to us that what we're seeing are amendments to the act before a compilation of the information given by the general public is put together for the minister and department staff to look over and make informed decisions on.

We would like to see that document. I'm sure that during the break, perhaps the minister could produce it. If not, why not? Let's carry on in Committee of the Whole with some questions.

I can say to the minister, though, there are a couple of areas we are concerned with, and those are the areas we'll concentrate on mostly with our questions on this bill.

I'll leave it at that and go into general debate in Committee of the Whole. I hope we do get some answers from the minister.

Mr. Edzerza: This act is one that is a very important piece of legislation. I just want to put on record two quotes from Gandhi: "A society is judged by how it treats its most vulnerable." We need to think about that just for a second because the most vulnerable are the very animals that the legislation needs to protect. Mankind has, and always did have, the upper hand over most species of animals.

The second quote I want to put on record is: "The greatness of a nation and its moral progress can be judged by the way its animals are treated. I hold that the more helpless a creature, the more entitled it is to be protected by man from the cruelty of man."

Now, it's common knowledge in the Yukon that we have had some very horrendous acts of cruelty to animals; for example, the 56 dogs that were shot in Dawson. Why would one commit such an act? Those dogs have always been considered to be man's best friend, and to even hear of such a horrendous act by an individual is disheartening. Animals need to be protected from that type of behaviour.

There was other case history in the Yukon: horses, for example, being starved in large numbers — not only one animal. In one case, I believe I heard of about 15 or 16 that were left with metal shoes on after the fall hunt, to where they were unable to forage for food because of all the snow and ice that had built up on those metal shoes they put on the horses. Again, Mr. Speaker, it really hurts me to even think about a horse being left in that kind of condition.

It just so happens that I grew up around horses. Ever since I was a very young child at the age of four years old, we had ponies, and we had horses basically all of our life. They, indeed, provided a great service to our livelihood for many years.

I am rather anxious to discuss this bill in Committee of the Whole to a greater extent, but I am very pleased that there were amendments made. There was some improvement to the previous legislation. I think I will end my comments there and look forward to further discussion.

Thank you.

Hon. Mr. Kenyon: I've just got a few comments on this and then obviously in Committee of the Whole we will have a chance to go into more detail on it. From my perspective, Mr. Speaker, comments just made by the member opposite show some of the misconceptions and problems within an act like this and some of the challenges of how to put this together. I give a couple examples of both those. In terms of the challenges, there was a lot of controversy and a lot of discussion around the federal legislation to protect animals against cruelty. One of the problems that came up in that was a Supreme Court ruling of a number of years ago — and it should be intuitively obvious to the casual observer — that it has nothing to do with the issue. But of course, it does, profoundly so.

An individual — the name I forget at the moment but if anyone wants to get in touch with me by e-mail, I would be happy to give them the name of the Supreme Court ruling — in Ontario ran a film store, providing videotapes. He had a couple of videotapes that were very risqué, shall we say? He wanted to make sure he was doing the right thing, so he contacted the Ontario Film Board to consult with them over whether or not these films would be reasonable to put out for sale or to show. The Ontario Film Board reviewed them and ruled clearly that there were no difficulties with this, so he put them out for sale. He was promptly arrested by the provincial police for distributing obscene material.

The whole case worked its way through the courts and eventually to the Supreme Court of Canada, which ruled to summarize — not being a lawyer, my apology to any lawyers listening — but the ruling was basically that no provincial body had the right to supersede a federal law. In other words, once that federal law is made, no one at the provincial or territorial levels can speak against it or do anything against it.

That becomes germane to this issue, because as soon as a province or territory issues a fishing or hunting licence, where an animal is destroyed, if there is a problem with the federal legislation at any point, the ruling would go to that hunter or fisherman and they would be charged with being cruel to animals. That is why so many different organizations tried to fight the federal legislation and why it was eventually changed to a more reasonable approach.

One thing that I think some members opposite are aware of — it was then Senator Ione Christensen and I who really spearheaded, as much as we could, through the federal Senate to get that bill blocked, because it got pushed through the House of Commons very, very quickly. And it was just flawed — it opened up a whole can of worms. If you bought mouse traps to

put out in your garage to trap the mice, not only could you be charged with cruelty, but the hardware store that sold you the mouse trap could be charged. It was badly flawed.

Some of that aspect comes into play here when we look at developing a provincial or territorial law. It has to be carefully worded; it has to be carefully crafted in such a way that it configures to all the rest of the overlying situations.

I refer to the member opposite's comments because he referred to the shooting of 56 dogs. A terrible situation, I agree. I have no personal knowledge of it, but what little I know, it was not good. Most of my information comes from the media, and we all know how accurate the media can be sometimes. But having been involved for many years in my previous life with the Canadian Council on Animal Care, the then director of the Canadian council, who was also a professor of pathology at the University of Ottawa medical school, did a study of humane euthanasia — different methods of euthanasia for animals and what is considered acceptable, not acceptable, et cetera.

There were a number of different things involving that: electrical encephalograms during euthanasia et cetera. The conclusion was that a gunshot was probably the most difficult on the operator, but probably the most humane way to kill a dog. So the shooting of 56 dogs was not the inhumane act. The circumstances and series of events leading up to that — again, I have no personal knowledge of that, but I suspect that was the problem and it is that which people should be upset about. The shooting itself was not inhumane. We have to therefore look at this act in a very technical way. It has a lot of emotion attached to it, but it is not something that should avoid, or as I mentioned, could avoid a very technical review, and that's one reason why I'm very pleased that a very skilled and well-trained veterinary surgeon was closely involved in drafting this legislation.

I ask members to keep that in mind when they look at this, and to realize that there are a lot of technical aspects to that, and with that, I do look forward to the comments during Committee of the Whole. I just wanted to interject those comments, just because it is not as easy as many people would like to think. Too many people and too many legislators at any level think that there are magic wands, and I'm here to tell you, in this case, with more detailed knowledge than an average person, there are no magic wands.

Hon. Mr. Rouble: Mr. Speaker, it is my honour and pleasure to rise today to address Bill No. 62, *Act to Amend the Animal Protection Act*.

Mr. Speaker, in the last election when we all went to our constituents and outlined our commitments, one of the commitments that the Yukon Party put forward was that we would continue to support the work of humane societies in the territory and ensure the humane treatment of domestic animals by working with stakeholders to review and modernize legislation pertaining to domestic animal control and protection. This is yet another fulfillment of a commitment — one more on a very long line of a list of commitments that have been accomplished. Mr. Speaker, there has been significant work done with a variety of stakeholders throughout the territory in consulta-

tions in order to identify the amendments to the *Animal Protection Act*.

Mr. Speaker, I am very pleased to see that the revisions to the existing act will allow animal protection officers to continue to provide protection to animals that are in distress.

Mr. Speaker, this is part of the Yukon government's ongoing commitment to improving animal protection and we'll continue to work with all our partners and stakeholders, whether that be municipalities or the Royal Canadian Mounted Police, in this matter.

One of the key areas that this act has is to identify what an animal protection officer is. Animal protection officers are identified as members of the RCMP or members appointed by the minister responsible for this act. I believe it's envisioned that this will include municipal bylaw officers and perhaps others in our community to ensure that there is someone who can be called, who can respond quickly and with the degree of authority necessary, when there are issues where people do identify the very unfortunate instance of an animal being in distress.

It is very well laid out here in the legislation as to the powers of that animal protection officer, their ability to intervene, their ability to provide an order, and their ability to assess a situation and provide specific direction to the owner of the animals or the person who is entrusted with the care of these animals.

And then there are further ramifications that the animal protection officer may undertake if those directions are not made. When Yukoners are in a situation where they witness a situation about an animal under stress that they're very concerned about, they will have the opportunity to call an animal protection officer. The protection officer can come and review the situation and either take immediate action, which is indeed outlined in this act — if there was an immediate necessity for action taking place or that actions be taken.

So that's just a couple of the key points in this. It continues to provide protection for animals in distress, outlines who can be called in our community, it empowers the RCMP, and it's expected that it will include members of municipal Bylaw, so that they can then take action in their respective communities.

I would like to thank the minister responsible for working with his department on this matter. I would also like to thank the members of the department for the significant amount of work they've put into this and also all the stakeholders who have come forward with their comments, suggestions and participation in the process.

I commend this piece of legislation to the Assembly and I would encourage all members of the Assembly to support it.

Hon. Ms. Horne: I'd like to speak for a few minutes about the *Animal Protection Act*. I think it is clear that all Yukoners are interested in finding ways to appropriately protect our animals. I know that many Yukoners are like me in that they care very deeply for these animals.

As you know, I have had a few pets of my own during my lifetime. I have had snakes, monkeys, a raccoon, an ocelot, cats, dogs, parrots, turtles and I now have Chihuahuas. They provide great companionship and company to me. While they

do not all talk, they are very communicative and they are great friends to all of us.

All of us want to ensure that animals in the Yukon are protected from abuse. As many of us know, the regulatory landscape for protecting animals has many points of overlap. It wasn't until I was briefed on this file that I realized how many different pieces of legislation speak to a part of this issue. At the national, territorial and municipal level, we have laws that may apply. The federal government is in the mix because of elements of the Criminal Code. The territorial government has several pieces of legislation that cover aspects of the issue. Municipal governments may also have a role, through municipal bylaws governing animals within their boundaries.

To summarize the situation: there are five Yukon statutes which speak in some way to the protection of domestic animals. The first I would like to talk about is the *Animal Protection Act*.

This act sets out the following areas: the circumstances under which an animal is considered to be in distress; the authority under which an agent of the government can intervene where an animal is in distress; steps that can be taken to deal with the animal's distress; a framework for prosecution of a person who has caused the distress, including a person who is not the owner of the animal and who does not have care and control of the animal; authority for a judge or justice to order that a person not have ownership or charge of an animal for as long a period as the judge or justice considers advisable.

The second act that applies is the *Dog Act*. This act primarily addresses the control of dogs running at large but does speak briefly to care and treatment of dogs. The third act is the *Pounds Act*. This act deals with livestock matters, including dealing with livestock at large, care of livestock in pasture, during winter, and treatment of animals found to be in poor or weak condition. The fourth is the *Highways Act*. It speaks briefly to the issue of the presence of domestic animals on Yukon highways.

Finally, the *Municipal Act*, in section 265, sets out that a council of a municipality may pass bylaws respecting the health and safety of animals.

The City of Whitehorse has a City of Whitehorse animal control bylaw and sections 117 to 119 speak to cruelty to animals. As well, federal legislation applies through the Criminal Code of Canada: sections 444 to 447 of the federal Criminal Code speak to cruelty to animals. The amendments to this act included bringing clarity to the definition of "animal" by including mammals, birds, fish, reptiles and amphibians but excludes wildlife, other than wildlife in captivity. It adds to the definition of "distress" in section 1 of the act by adding to the definition the "lack of veterinary treatment". The amendments include defining, an "abandoned" animal to include an animal that (a) is left for more than 24 hours without adequate food, water or shelter; (b) is left for five days or more after the animal is to be retrieved from a veterinarian or from a person who, for consideration, stables, boards or cares for the animal; or (c) is found on premise for which the tenancy agreement has been terminated."

These amendments also include changes around who is to intervene in a situation of suspected animal abuse. This involves an animal protection officer and outlines that officer's responsibility.

The amendment also speaks to frivolous or vexatious complaints. It allows an animal protection officer to refuse to investigate a complaint if the officer is satisfied that the complaint is frivolous or vexatious, or if there is insufficient evidence to warrant further action. It also allows for the government or RCMP to recover expenses if an investigation by an animal protection officer of a complaint is later determined by a court of competent jurisdiction to be a frivolous or vexatious complaint.

I think that these amendments are a balanced approach to protecting our animals. We have taken steps to improve our protection-of-animal scheme while at the same time taking steps to prevent the frivolous or vexatious use of the act.

Thank you, Mr. Speaker.

Mr. Nordick: It is my pleasure to commend Bill No. 62, *Act to Amend the Animal Protection Act*, to this Assembly. I encourage all members to support this legislation.

It is our responsibility as citizens of the Yukon to protect the animals we have in our own care.

I am sad to say not all people believe that it is their duty to protect and care for the animals that are in their possession. Mr. Speaker, this legislation provides the tools that government and municipalities need to ensure and enforce the humane treatment of animals.

A key to animal protection and animal welfare in the Yukon are the humane societies. One such society is the Dawson City Humane Society. I would like to take this opportunity to thank the volunteers who invest a significant amount of their personal time to support the mandate of the Dawson City Humane Society and its role in the protection and overall well-being of animals in my riding of Klondike.

In regard to this society, it was the Yukon Party government that increased the funding from zero dollars to \$20,000 a year starting in the 2004-05 fiscal year. That funding continued until this present year.

This year the government supports the Humane Society with another \$20,000 a year of core funding. In Whitehorse, the Mae Bachur Animal Shelter is supported by \$75,000 a year. I would like to thank, once again, the volunteers and staff of both of these humane societies in the work that they do in this territory.

Mr. Speaker, we have committed to improving animal protection in the Yukon by amending the *Animal Protection Act*. We will soon have a well-qualified and well-equipped animal welfare officer. Legislation needs to be clear and easy to enforce. The protection of domestic animals is paramount.

We have all heard of stories of the individuals who have neglected or abused their animals. That is why we proceeded with the amendments to this act. We have consulted with Yukoners on amendments to this act. Public consultation was led by the Department of Community Services and a consultant. They met with key stakeholders, the Yukon humane societies

and the RCMP. These stakeholders were supportive of this process. This process involved Yukoners and professionals from across Canada. This legislation, along with the volunteers and the support of Yukoners, will improve the well-being of animals in the Yukon.

I have an animal that I consider part of our family, as of many other Yukoners. I believe most of our friends and citizens of this territory support and treat their animals and pets with care and compassion, but there are a few who may not. This legislation will improve that. This legislation will work in two ways: (1) it will help educate people in the humane treatment of animals. I think one of the most important aspects of this legislation is overall public awareness; and (2) it gives the necessary tools to individuals who are tasked with this job, the humane care and protection of animals.

Once again, I support this bill, Bill No. 62, *Act to Amend the Animal Protection Act*.

Hon. Mr. Cathers: It's a pleasure to rise here today in support of this legislation, *Act to Amend the Animal Protection Act*. I appreciate the comments other members have made on this legislation.

Another thing I would like to note in beginning my comments is the fact that I was very pleased in the last mandate to be involved in the work that this government did to provide core funding to animal shelters, which had previously not been made available under the Yukon government. And, of course, we provide \$75,000 now per year to Mae Bachur Animal Shelter and \$20,000 to Dawson for their shelter. And that, of course, is an important part of supporting the work of those who ensure that animals who are recovered or found running loose have a safe place to go, and also the work that is done to try to link them up ultimately with a family to adopt them, so that it is not merely a temporary safe place to go, but that, in fact, they are successfully adopted and put with someone who will take good care of them.

The Member for Klondike just spoke about the fact that many of us consider our pets to be part of the family, and I agree with that statement heartily. I think that many of us feel that our pets are very much a part of our family, and for some people, pets are like children, particularly for those who have no children, and they feel a very strong attachment to them.

I think it's important to note that in terms of importance and concern that it is animal owners who are the most offended and concerned by mistreatment of animals and by those who do not care for their animals appropriately. It is animal owners who are most shocked and appalled by those who do not take proper care of the animals and do not recognize the importance of the trust that is placed upon them. It is much the same when it comes to children. It is good parents who are the most offended and appalled by those who do not raise their children well and give them the care, protection, et cetera that is necessary to be a good parent.

It is important that we move forward in modernizing this legislation. There needs to be effective legislation and tools to deal with people who abuse animals. It also needs to be recognized that the overwhelming majority of animal owners take

care of those animals in a responsible fashion. It's also necessary to have — as this legislation does — steps to be taken short of actually impounding an animal that may be necessary for someone who may have good intentions toward their animal but may simply have a poor understanding of how to take care of them. There are steps that can be taken by an animal protection officer to tell them what needs to be done, and they can issue an order to be followed in order to care for the animal properly, including things such as food, water and veterinarian treatment, if necessary.

The Member for McIntyre-Takhini made some very overarching statements with regard to the importance of this legislation. I appreciate the member's sentiment in this, but I would also hope that all members read the legislation and not support this or any clause of it, or disagree with it or any clause of it, based upon emotion. It is important that decisions by government — and in this I would include all Members of the Legislative Assembly and our function as the elected representatives of the people — always include compassion, but they must never be based upon emotion. Decisions must be logic-based.

When dealing with legislation, we must ensure that it's appropriate legislation, that we put in place appropriate tools, and that the legislation is balanced, and that, of course, in this particular piece of legislation, means ensuring that there are effective tools to enable those who need to prosecute actions under this, to enable an animal protection officer to take appropriate steps in intervention, but also ensuring that those powers do not go too far without checks and balances. That same principle is recognized in many other areas of Canadian law, both federal and territorial or provincial — the need for balance. That includes such things as the ability for a judge to issue a warrant, but that there is not the ability for enforcement officers to enter somebody's premises without the appropriate steps to be taken to gain that permission from a judge, recognizing the importance of there being balance in the rights of the individual to their privacy and the need to enable action to be taken when indeed a problem is occurring. That, of course, in this legislation also includes the strongest powers that are usually included for RCMP officers, which gives them the ability under exigent circumstances to enter property without a warrant. That is not extended to other officers. That is something that is very clearly defined in case law in many other areas — particularly the Criminal Code areas — that require there be a very high standard for them to take that step, or else the officer faces the possible disciplinary action, et cetera, for not exercising their responsibilities appropriately.

Just in recapping, Mr. Speaker, I think it's important we recognize the need for balance and the need for powers to be increased under this legislation as they are; for fines to be increased from what they have been, because in many areas, members will recognize that they have been very low, but there is a need always for balance and for appropriate consideration.

So with that, I will be brief on this area. I want to encourage all members to take the time to read this legislation. I think the amendment is a good one. I appreciate the work that has been done by department staff in this area. I appreciate the work by non-government organizations, including humane so-

cieties, but also others who make use of animals. I appreciate the work they have done in contributing to this process and in taking the steps to try to ensure that this is a good piece of legislation — that it's a balanced piece of legislation, and also legislation that stands the test of time, and serves the interest of Yukon citizens and Yukon animals.

So, with that, I will conclude and thank members for their attention and encourage them to support this legislation, but I encourage them to do so based upon logic, recognition and agreement that it is good legislation and a valuable improvement, and not for them to make that decision based upon a motion alone, because we all agree that animals are important. We all agree they need to be protected. But it is our job, as the elected representatives of the people, to ensure that this legislation is a valued, valuable and effective improvement to the existing law.

Thank you, Mr. Speaker.

Hon. Ms. Taylor: I rise too in full support of this bill before the Legislature. The *Act to Amend the Animal Protection Act* strengthens the provisions within the act itself and is a commitment made by our government, which we are very pleased to deliver. As has been articulated in the last little bit here, the provisions contained within the statute reflect a balance between what was heard and the intent to strengthen these particular provisions.

Looking around our electorate, and going door to door in my area, almost every family — in fact, it would be quite rare to come across a family or individual who didn't have one or two animals within their residence. As Yukoners, we hold near and dear to our hearts the fact that we can have large tracts of land to share with animals. Within our own household, I believe we all have had the opportunity to own pets in the past, and certainly our household has very much enjoyed having a couple of dogs in the past up until recently. That has been now reduced to one dog.

I have also been a very proud supporter of the Humane Society, and in fact, certainly prior to coming into office, I volunteered my time with the local Humane Society on a number of different initiatives. In fact, I called bingo for them, I have helped wash dogs and helped do all kinds of different activities to help support their particular society, and the local shelter has been a great success. They've been able to garner the support of numerous individuals throughout the territory, and I was very pleased to be part of a government that saw the very importance of their work that they do provide on behalf of Yukoners, territory-wide. For us to be able to come up with more funding for the respective societies is a huge feat, because those societies do rely upon volunteer hours and commitment. They rely on many fundraising events and they do a great job and they work very hard.

Mr. Speaker, our election platform also contains provision to strengthen the provisions within the *Animal Protection Act* for domestic animals. The improvements to this act really certainly bring some clarity to the statute itself. It makes it easier to enforce. It also provides additional incentives to be compliant with the act and its provisions. Certainly, I know that, going

door to door in my area, it has been identified time and time again as an issue of importance to Yukoners, individuals and I believe territory wide — the vast majority, that is — I believe that they all believe in stronger, tougher penalties for compliance. They also believe in providing more clarity to the law and providing that additional capacity to assist the RCMP, bylaw officers and now an animal protection officer to do their job and to bring clarity to their respective roles.

I believe, as has been clearly defined over the last little while, that there are a number of departments involved. There are a number of different orders and levels of government involved in the protection of animals, particularly when it comes to domestic animals in the territory.

Without repeating too much, the bill speaks to a number of different areas of improvement, including provisions dealing with the safe and humane transport of animals. Again, there's a provision requiring that an owner or person in charge of an animal assist the animal protection officer in carrying out his or her duties.

There are simple housekeeping amendments, such as including the use of telewarrants, for example; allowing an RCMP officer to enter a dwelling place; defining "abandoned animal" and providing authority for the officer to take the respective provisions to ensure that an abandoned animal is dealt with safely and in good care.

There have also been words spoken about the increased maximum financial and imprisonment penalties and provisions under the act. This includes a fine of up to \$10,000 and up to 24 months imprisonment.

I had the opportunity to meet with some former volunteers — great activists — of the Humane Society a few years ago. Really, they likened the abuse of animals to what could become an abuse of individuals later in life. I think that does, in fact, ring to be true, and I think that any provisions we can provide, including better education, better information available to the public, certainly teaching our young individuals that the abuse of animals is not acceptable, and certainly providing tougher penalties and providing more compliance by ensuring that tougher penalties are in place — I think it's really key to the future health of the community. I know that this government is very much proud of the work, in terms of addressing family violence, for example.

It wasn't long ago in this Legislature that we debated amendments to the *Family Violence Protection Act* which really expanded the definition of family violence to include emotional abuse. It also included provisions to increase the time of imprisonment, as well as monetary fines for domestic violence.

Likewise, I'm very pleased to see that we are following suit with domestic animals. I think that we can stand as legislators on the floor of the Legislature and take the initiative to demonstrate that animal abuse and therefore the humane treatment of animals is something that we almost work at each and every day. It starts within the home and it goes into our schools and within work.

This act provides a number of provisions, improving animal protection and continuing to support the work of those

responsible for overseeing these provisions, whether it be the humane societies, the RCMP or animal protection officer, municipal bylaw officers and so forth.

Thanks to the work of Community Services, we're also working toward operational planning so that we can effectively and efficiently support enforcement of these protection provisions, while at the same time undertaking education and awareness initiatives, which is really key to the essence or the success of any respective piece of legislation that we do put on the floor of the Legislature. As one MLA, I will certainly be doing my utmost to ensure that my constituents know about these new provisions and will work with the Department of Community Services and others to ensure that information is widely distributed and that Yukoners are fairly familiar with what is before us today.

So again, Mr. Speaker, I just wanted to thank the department officials for their good work. This is not an easy piece of legislation. There are many views put forward but I think, at the end of the day, by and large, compromises have been reached in listening to Yukoners, and I think that this bill provides tougher penalties. It provides for additional resources to process many of these penalties.

I certainly commend the legislation going forward and I'd like to thank the minister for bringing forth the legislation for our consideration. I certainly commend the bill to go forward and I look forward to members opposite participating in this debate as well.

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

Mr. Mitchell: I just want to add my voice to those of other members who recognize the importance of this legislation, Bill No. 62, *Act to Amend the Animal Protection Act*. Much has already been said by other members. I do believe that the detailed examination of this bill, as always, certainly belongs and is best served in Committee of the Whole.

Having said that, we in the Liberal Party have advocated for some time that legislation should come forward, and we have spoken in previous sittings to that effect.

There have certainly been, in recent years and going back many years, for that matter, some notorious examples of animal abuse. They have ranged from terrible incidents involving dogs, large numbers of dogs that were left to starve, chained, surrounded by their own excrement in appalling conditions, and then executed; there have been horses left to forage on their own in freezing cold weather when there wasn't enough natural feed to support them, and there has been more than one instance of that over the years; there was the incident of the dog that was dragged down Hamilton Boulevard not that long ago. Thanks to the kindness of strangers and local veterinarians, the dog was saved but suffered grievous injury. I think it was offensive to all of us to see this happen and to recognize that there doesn't seem to currently be sufficient protection for these animals. We call them pets but, generally speaking, domestic animals serve as companions and friends.

The Member for Pelly-Nisutlin, the Justice minister, spoke of her long relationship having had numerous pets over the years, and that they are important to her. I think probably all of us here have cared for pets and have been more than repaid by the love of a pet who treats us more kindly than we tend to treat each other.

There was also the tragic incident — and I'm going to be careful how I say this — where government employees were eventually employed to extinguish a domesticated reindeer herd. I'm not going to get into a "blame game" here. It's just that, as events transpired, the people who had been looking after that herd were traumatized and many other Yukoners were shocked that it came to that. There were reasons provided — reasons of disease. We're not certain if that was the only possible outcome, but nevertheless it again pointed to the fact that we are not always terribly kind in how we treat domesticated animals.

I also know that it's not only a question of pets. Those of us who live on city lots or even on small country residential properties may have two — or in the country residential, more than two — dogs or cats or what have you, but there are people who make use of animals in their professional lives. They have dog teams; they use them for transportation. In the north, they use them competitively and I think, in most cases, they do care a great deal for those animals and they put in a great deal of attention and money and veterinarian care on behalf of those animals. We have to make sure we find the balance that allows those traditional livelihoods and occupations to carry forward.

I know that in some communities — I believe Old Crow was mentioned to me earlier today by the Member for Vuntut Gwitchin and also the Member for Mayo-Tatchun — they will stake dogs outside of town and we have to be careful we don't suddenly make something unintentionally illegal although it may not be inhumane. So I think these are questions that can be dealt with as we go into Committee of the Whole.

I just want to say that I am pleased that the legislation has come forward. I'm a little concerned that I have heard from people — people I would have thought of as stakeholders — the document didn't get back to all of those people, or there wasn't such a document that people necessarily received. It's important, when we take on changes that will affect virtually every Yukoner and every region of Yukon, that we make certain that the consultation documents get to all corners of Yukon and that people who will be impacted and affected do have their opportunity to speak to it and their issues and concerns heard, because although we have the best of intentions in here, we're only 18 voices, and clearly, although we are here to represent Yukoners, we don't possess the collective wisdom that our fellow Yukoners have.

So with that, I will thank the minister for tabling this legislation, and I look forward to hearing detailed answers to the issues — not just the ones I have raised, but that all members have raised — in Committee of the Whole, and I will certainly be supporting this when it comes to a vote at second reading.

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

Hon. Mr. Lang: In closing this afternoon, I'd like to talk a bit about this *Act to Amend the Animal Protection Act*. It's very important, as a society — as a group of individuals and also at the society level — that we take care of our pets and the animals around us. That's what this act is meant to do; it's meant to have a modern act in place to protect animals' well-being while they're under the jurisdiction of individuals.

Of course when we were elected six years ago, it was one part of our platform that we would look at this act and try to modernize it. Once we were elected, we discovered that, like anything else, the act was a very extensive piece of work and covered many departments. Any time you modernize an act like this, you discover that there's a lot more to it than the layman sees on just the first overview of it.

We did make a few commitments — or very sound decisions — at that point because we understood the complex work that had to be done to modernize it. We moved immediately at that point to fund animal shelters with core funding and, of course, we looked at the Whitehorse situation. We also looked at the Dawson City situation and saw the necessity for some form of core funding so they could carry on as we do our work here in the Legislature and also at the bureaucracy level to amend and bring the modern act forward. The *Animal Protection Act* hadn't really been looked at since 1977. It is a fairly old piece of legislation, but this new act will certainly address many of the issues that consultation brought forward.

When we were campaigning in the two successful campaigns we had in the last six years, my experience at the door was it was very necessary from a layman's point of view and from my constituents' point of view that we do something to have an animal protection act with some teeth to it and some overview from the bureaucratic point of view so that people understood the difference between the management of a farm animal or a domestic pet — and certainly, there is a division there. And certainly, when there is an issue that you feel is not being addressed — in other words, you feel that these pets are not being treated in the proper fashion — there is a tool in place so you can phone and get some assistance to make sure that the misfortune of the animal is corrected.

This *Act to Amend the Animal Protection Act* will do some of that. It's very important that we educate individuals in our society on the nature of our responsibilities as caregivers to these animals and the responsibility we have to make sure that we minimize any distress to these animals.

Over the last period of time with me as Minister of Energy, Mines and Resources, the *Pounds Act* seemed to work. We certainly had issues. Members opposite were talking about large animals being neglected, and it certainly has happened in the past. But the *Pounds Act* was an act that, once triggered, addressed those issues on a larger animal issue.

Hopefully, as we move forward with this new act, it will address the other part of this, which is the small domestic animals that all of us have had experiences with. We've seen situations that we've felt, as individuals, as Yukoners, that animals were not being treated in an appropriate way.

We can use examples in the House here about the situation on Hamilton Boulevard, where that dog was somehow dragged

down the road, and those kinds of things are horrendous. I don't understand individuals who do that, but they are out there and have to be disciplined in some fashion. I appreciate individuals like the Minister of Economic Development — with his background, his input is very important on an act like this moving forward — and the individuals we worked with in the bureaucracy over the period of time to get this act out and before the House here today for second reading — and of course moving forward to Committee of the Whole.

It has been an eye-opener for me as the minister to see the internal work of the government and individuals who were hired to do this and the work they did to get this act in front of us today. It's the level of consultation, the input from the general public, all the communities out there — the animal shelter, the humane societies — all these individual groups that have not only a stake in this but a very sincere interest that we can get something in our everyday life in the government where this kind of animal care — or lack of — can be addressed.

In closing, I look forward to the debate this afternoon in Committee of the Whole. I look forward to answering any questions the members have and look forward to having this act enacted here so the territory can move forward with this act and make Yukoners aware — not only of the modern act's existence we have in front of us, but that we have individuals in place who can manage this from a community level and also from the territorial government level.

So I'm looking forward to the debate this afternoon in Committee of the Whole and to passing this act so we can move forward and have an act in place that's modern, covers as many bases as we can in respect to animal protection and certainly the education and working with Yukoners to make sure that incidents like we've heard today don't happen in our society.

Certainly, this act would cover most of that. There is an interest out there to get this act done, and get it forward. People are interested in their pets, and they certainly are interested in individuals taking care of those pets, so I look forward to the debate this afternoon. Thank you.

Motion for second reading of Bill No. 62 agreed to

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

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

The matter before the Committee is Bill No. 62, *Act to Amend the Animal Protection Act*. Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 62 — Act to Amend the Animal Protection Act

Chair: The matter before the Committee is Bill No. 62, *Act to Amend the Animal Protection Act*. We will now proceed with general debate.

Hon. Mr. Lang: Bill No. 62, *Act to Amend the Animal Protection Act*, is a product of a review and an amendment process by the Yukon government and well reflects that the Yukon government takes the issue of animal protection very seriously. We believe that the vast majority of Yukoners attend to their animals with respect, dignity and intention to ensure their continued well-being. Most Yukoners do not need to be regulated by law in order for them to treat animals respectfully. Sadly, however, there are situations where people fail to provide appropriate care and attention for their animals or mistreat them, abandon them or otherwise harm them.

Animal protection, and the challenges involved in applying and enforcing current laws and procedures, was pushed into the public eye on April 2006, when a dog owner neglected then shot between 32 and 76 of his own dogs after being warned the RCMP would seize them. That same year, a resident of a small Yukon community moved away and abandoned a large number of cats to starve and freeze as the local temperature dropped to minus 40.

These tragic stories emphasize to this government the need to reassess the *Animal Protection Act*, which has been, in one form or another, part of the legislation of Yukon since 1977.

I'll point out here today that we are the first government to undertake a major review of the protection of animals in Yukon. The act specifically protects animals from distress, which includes being in need of proper care, food or water, being injured, sick or in pain, and being abused or subject to undue or unnecessary hardship, privation or neglect.

In August 2006, I met with the representatives of the Humane Society Yukon and committed to review the act and to examine the enforcement concerns. In response to their concerns and those of the public, we undertook a three-phase approach to review the animal protection system and legislation, consider recommendations, and implement as appropriate.

We hired an expert consultant to conduct a review of Yukon's animal protection legislation and to analyze the legislation of those selected jurisdictions. The contract included a review and analysis of the process and policies around enforcement of the act.

In preparing the report, the consultant and the department met with key stakeholders: Humane Society Yukon, Humane Society Dawson, and the RCMP.

All of the stakeholders were supportive of the process, and their comments were incorporated into the report. Phase 1 was conducted in the summer of 2007, with an analysis of the effec-

tiveness of the Yukon legislation, legislation and processes in other jurisdictions, and identification of problematic areas of the current Yukon *Animal Protection Act*. This overview report was made public in September 2007. The review concluded that the *Animal Protection Act* could be improved with both legislative and non-legislative changes. The next step of the contract was to develop recommendations to offer methods to address the concerns identified in the final report. The Yukon government has studied the recommendations and we are moving forward on implementing changes to animal protection in the Yukon.

We discovered that the *Animal Protection Act* as it is currently written compares well to the legislation in other provinces and territories, but there were opportunities to enhance the effectiveness of this act. Once we had completed the process of reviewing the legislation, with the help of an expert consultant, we prepared a compilation of potential amendments to enhance how the *Animal Protection Act* provides protection for the welfare of domestic animals in the territory.

A significant consideration in developing the proposals for amendment was the desire of this government to improve the effectiveness of the *Animal Protection Act* while respecting the autonomy and unique lifestyle of Yukoners as much as possible.

Using a consultation document generated by the review of the existing provincial legislation, representatives from the Yukon government visited Yukon communities in April and May of 2008 and consulted with interested residents. Participation in the consultation was also offered on-line. Members of the public also responded to the consultation by e-mail, mail, fax and phone. Subsequent to — and as a result of the consultation and including changes made in response to very recent changes in provincial animal protection legislation — the Yukon government has drafted the *Act to Amend the Animal Protection Act*. These amendments aim to make the legislation clearer and easier to enforce as well as to encourage compliance with this act.

To give members a better idea of our direction on this, I would like to expand a bit on the amendments set out in this bill. It may help to frame this issue by remembering that the general goal of animal protection legislation is to ensure that the various interactions between people and animals are objectively humane.

I should note that in addition to the subsequent amendments to the legislation, we have updated in a number of areas, as advised by our legal and technical advisor, the legal and technical language of this act.

In the amendments, we have updated the definition of “animal” to include reptiles, amphibians and wildlife in the care of people. The definition of “animal” in the current act does not include reptiles, amphibians and wildlife in captivity. As these categories of animals are now in captivity in Yukon, it is appropriate to expand the definition.

It should be noted that wildlife not in captivity is dealt with by the Yukon *Wildlife Act* and regulations.

The next amendment is to add to the definition of “distress”: suffering from lack of veterinarian treatment. This clarifies

that part of the responsibility of ownership of an animal is to ensure that the animal receives medical attention when necessary. We have broadened the definition of “official animal keeper” to add flexibility as to who can fulfill this role. A further amendment sets out how an official animal keeper may be appointed.

In order to avoid confusion regarding the roles of peace officers, as described in our legislation, we have removed the term “peace officer” and replaced it with “animal protection officer”. Further amendments set out who the term “animal protection officer” may include and how an animal protection officer may be appointed.

We have amended the definition of “wildlife” by removing the words “in the Yukon”. This ensures that wildlife not native to Yukon that is in captivity will be protected by this legislation. Additionally, this will make the definition of “wildlife” in the act consistent with the definition in the Yukon *Wildlife Act*. We have added to the act provisions for dealing with abandoned animals whether in distress or not.

We have included an amendment that provides authority to an animal protection officer to order the provision of necessities within a specific time frame to the owner or person in charge. Failure to comply with such an order will be a punishable offence under the penalty provisions of the act. This will provide authority for an animal protection officer to order the owner or person in charge of an animal to take specific timely actions required in the opinion of the animal protection officer to relieve an animal of distress and/or be examined and treated by a veterinarian. As regulatory regimes can be abused by makers of frivolous and vexatious complaints, we have included an amendment setting out that an animal protection officer may refuse to investigate a complaint that she or he knows to be frivolous or vexatious. The amendment also sets out that if expenses are incurred investigating a complaint later shown to be frivolous or vexatious, those expenses will be recovered from the person who made the complaint.

We have amended the search and seizure provisions of the act by updating the provision regarding warrants to seize animals in distress and warrants to search for and seize evidence and by enabling an animal protection officer to seek a warrant via telecommunications and by enabling a member of the Royal Canadian Mounted Police to, where there is not time to seek a warrant but circumstances would justify the issuance of a warrant, exercise power of entry, search and seizure under the act — setting out that, where evidence is seized, the officer who made the seizure shall report to a justice of the peace and, requiring that the person in charge of premises entered by an officer give assistance and information required by the officer to carry out the officer’s duties under the act.

We have set out in amendments that as long as there is no negligence or willful neglect regarding anything seized under the act, no liability shall attach to anyone connected to the animal protection process regarding anything seized. The amendments also contain a general immunity provision to anyone connected to the animal protection process for all things done in good faith under the act.

The current act sets out that expenses incurred dealing with a seized animal, such as transportation, food, care, shelter and medical treatment are recoverable but does not deal with expenses incurred by necessary euthanasia. The amendments make expenses related to euthanization recoverable as well. Further to the issue of recoverable expenses, the amendment set out that the lien of an official animal keeper has first priority over any other security interests that might affect the animal. We will be making the various consequential amendments to put this in place.

There are also amendments ensuring that money received regarding the sale of an animal pursuant to the act is applied firstly to the expenses of an official animal keeper, secondly to the original owner, if the application of those funds is made within six months of the date of seizure of the animal and, lastly, in absence of such application, the remaining funds will be forfeited by the Government of Yukon.

Where a new owner acquires an animal pursuant to the act, the amendments set out that all legal interest in the animal is held by the new owner. Regarding animals in the custody of the official animal keeper, the amendments have increased the time that an unidentified animal must be held by an official animal keeper to five days and have added to the category of animals that must be kept for at least 14 days: animals with readable microchips.

Where an animal is in custody of the official animal keeper, the owner is known, and the official animal keeper proposes to return the animal to the owner, the amendments set out a process of notification of, and response by, an owner with respect to the plans of the official animal keeper. A further amendment sets out that a justice of the peace or a judge of a territorial court may issue a custody order regarding an animal where a charge has been laid regarding the treatment of the animal.

The amendments set out that misleading, obstructing or interfering with an animal protection officer is an offence under this act.

As the safe transportation of animals is constantly an issue in the Yukon, the amendments require that animals be transported safely, and provide that an animal protection officer has authority to stop a vehicle in order to enforce the act. The amendments require that, where a person in a vehicle injures or kills an animal, they are required to notify the owner or an animal protection officer in order that the animal be cared for appropriately.

One of the biggest issues regarding this legislation has been the level of penalties under the act. The amendment raises the maximum penalty to a \$10,000 fine, 24 months imprisonment, or both. The amendments also set out that, where an offence continues for more than one day, the person committing the offence is liable for a separate offence, and therefore possibly the maximum penalty for each day that an offence continues.

Finally, there are provisions where the Yukon *Pounds Act* conflicts with the *Animal Protection Act*. We have amended both acts to ensure the *Animal Protection Act* prevails.

The amendments to Bill No. 62 are the product of a review and consultation process that has involved a large number of Yukoners with interest in animal welfare at various levels. We have also benefited from advice from animal welfare professionals in other parts of the country who have been more than generous in sharing their time with us. I wish to sincerely thank all the participants in the process that has led to this bill before us today, which we believe — along with the program changes that are well underway — will significantly improve the well-being of animals in the Yukon.

Thank you, Mr. Chair.

Mr. Fairclough: I would like to thank the minister for that overview of the amendment to the *Animal Protection Act*. It was a bit difficult to follow along with the minister, so I have to thank the officials for their briefing last week on this. We do have some questions in regard to the amendments.

In the briefing, we asked about the consultation process. As I understand, it started in April and ended in May of this year. The information was compiled and government took it forward and created some of these amendments. The minister said he talked with the humane societies and has incorporated their concerns into the amendments we have before us.

I've asked questions of the Education minister in regard to consultation and the education reform project, and the minister said that what happens is the information is compiled and a document put together on what we heard — a "what we heard" document is put together — and it goes back out to the general public for their input again. From the information I gathered, this document was not put together. The "what we heard" document has not been put together yet. I would like to know whether or not this document will still be worked on and provided to the general public. I know it's a bit late and behind what the normal process is supposed to be in bringing forward amendments. I'm just wondering if we could possibly get that "what we heard" document.

Hon. Mr. Lang: In addressing the member opposite, that material will be made available in due time. We didn't have the time up until now to do it, but it will be finalized and put out to the general public.

Mr. Fairclough: Wouldn't that normally be done before amendments are brought forward by the department, by this minister, to the House? It's a tool that's used by the minister to gather this information — this is what has been said out there — take it back to the Humane Society, and so on, and see if the information gathered was accurate so it can be reflected accurately in the amendments.

Does the minister have a good explanation why a "what we heard" document was not put together before the amendments were drafted?

Hon. Mr. Lang: We have been working with the community at large and the humane societies. They really wanted this act to go through this sitting, and we are doing exactly that. In turn, the information the member is requesting will become part of the finished document; in other words, it will become public knowledge. But at the moment we as government felt, under the urging of the people — the humane societies and interested individuals — we had to get this work

done, get the act in front of the House and get it out and enact the act as soon as possible.

Mr. Fairclough: I haven't really heard the real urgency to have this act passed before the House this fall as compared to the spring. I know there are concerns out there and it has been that way for quite some time. A lot of issues have been raised by the Humane Society and others about what should be in the document but isn't there.

There have also been recommendations for changes for amendments that were put before the minister, but a political decision to exclude them was made. Can the minister provide what those amendments were and why a political decision was made to exclude them from these amendments?

Hon. Mr. Lang: We have been working with the general public through our consultation process.

In addressing the member opposite, this whole process was driven by citizens of the Yukon, whether they were with the Humane Society or independent. We have addressed the issues that were brought forward and certainly have got a consensus from those individuals and those associations to move forward with this act.

This was a very thorough overview of the existing act. As I remind the member opposite, this is the first government since 1977 that really has taken a look at this act for modernization. Certainly we've addressed the concerns of the general public that this act be modernized. As far as the information the member opposite is talking about, we are here to address any questions he has and move forward. The input was there and it was open to everybody in the Yukon to participate in this public and open consultation. We've listened to the different organizations throughout the Yukon over a lengthy period of time to address these issues.

As far as the information the member has requested, the government and the department have committed that that information is public information. As soon as it's consolidated, it will be out in the public domain as quickly as we can get it done.

Mr. Fairclough: I asked the minister if he could provide to us the amendments that were not included in the act that we have before us that were political decisions. They were made by Cabinet to not be part of the amendments. So if the minister could provide that, then I'd appreciate it.

I'm just allowing the minister to be briefed on this; the House leader is briefing him about a possible response — the minister also said that they've taken into consideration the humane societies and the general public, and had their comments accurately reflected in the amendments we have before us. Now, from some of the information I gathered, there were important areas, I think, that needed to be looked at carefully, and one of them is to really define what "proper care" is, or what "food", "shelter" or "water" is, and that is not reflected. That is not reflected in these amendments. This was something that was raised by the Humane Society and others and it was not included in this document. They wanted to know how to define, I guess, "proper care" of animals, "food", "shelter" or "water". It is not reflected in here. Maybe the minister could give a rationale why this was not done. Then I'll respond to his answer.

Hon. Mr. Lang: In addressing the member opposite on the specific questions about what we did or this government did with this act, without those specifics, I can't address the member opposite. That is why we are here today. If he has a specific question on an issue, address it. Certainly, regarding the last question he had, most provincial legislatures leave this act out and it is done through the judgement of the regulators. There is a definition for it, but most legislatures leave that out of the legislation, and it's in the regulations and done by the judgement of the regulator. As the member opposite has insinuated, there are checks and balances for this. This is a piece of legislation that will hopefully address all of the issues that are out there today, understanding that there is going to be the expertise in the department to address some of the questions that the member opposite has broached here this afternoon. Certainly, water, food and all these things are a very important issue when it comes to maintaining your pets or animals as a whole. But those kinds of questions will be addressed with regulations, and it will be done by professionals.

So we're looking forward to that, as we move this through the House, and have this passed and moved into a modern act — what it's meant to do today.

Mr. Fairclough: Well, that's interesting. I would like to pursue this a bit further. The minister said that it's up to the regulator. Well, it's the animal protection officer who needs to make this judgement or a member of the general public who has phoned in or made a complaint about an animal that has been abused or neglected, and this has been an issue that was raised, of why not have some guidance, I guess.

The minister said there are checks and balances here — he's being briefed again, Mr. Chair, so I'll just give the minister a second to be briefed by the House leader.

I think we're going to have some further details from the minister on the question. I think it's important for the general public to know why this has not been defined more properly or included in the amendments we have before us. They wanted to know what is "proper care," what is "food," "shelter," or "water." And this would give the animal protection officer the checks and balances that are needed. The minister says it's there, that the checks and balances are there. I would like more detail on that from the minister.

I would also like, while he's on his feet — and this goes along with the same issue — what undue or unnecessary hardship or neglect is. Those are not part of the checks and balances within the amendments we have before us.

Hon. Mr. Lang: I would remind the member opposite that every animal has different needs. The animal protection officer is a very important part of that scenario. He will have to have the training to make these judgement calls. In the act we've amended, "abandoned animal" includes an animal that (a) is left for more than 24 hours without adequate food, water or shelter — so that's covered — (b) is left for five days or more after the animal is to be retrieved from a veterinarian or from a person who for consideration stables, boards or cares for an animal; or (c) is found on the premises for which the tenancy agreement has been terminated.

In other words, I think the important part of this dialogue today is the part about the animal protection officer and the tools and training we give him to make these calls.

A parrot has different needs from a terrier dog. A larger dog has different needs. Cats have different needs. All of this will be addressed through the training and the programming of the animal protection officer and that's the most important tool we have in this act. That's the individual who is going to have the professional training to go out and make these calls, whether it's a parrot in distress, a terrier dog or a St. Bernard dog or a litter of kittens. There is going to be professional oversight on these situations. At that point, this individual will have to make a call and we trust that this individual will have the professional training and background to make those calls appropriately.

Mr. Fairclough: The minister didn't answer the question, Mr. Chair, other than saying that the animal protection officer will receive this training. The minister doesn't know what should be defined in this act. He doesn't know what is proper care, food, shelter, water or undue or unnecessary hardship or neglect. I think it's important.

It was an issue raised by the public. Is the minister then satisfied to answer to, say, the Humane Society and the public that this is taken care of through training of an animal protection officer and just leave it at that and it is left out of the amendments?

Hon. Mr. Lang: Yes, Mr. Chair, because they were involved in the modernization of this act. They understand the training that is needed to make an on-the-spot decision on the condition of an animal.

The individuals who will be working within the government or the municipalities will get the training so they will be able to make those judgement calls, I would say, better than anybody in this House could to make sure that these animals are attended and if, in fact, are in distress in any way, that it's corrected.

As I said to the member opposite, part of this new act is that the individual we are going to hire to oversee this act will have some professional background. That individual is going to be responsible to make sure that anybody who is acting as an animal protection officer has the tools in place to monitor this act.

But as far as limiting the amount of water you give to an animal or whatever, when all of these situations are different — it covers a very broad spectrum of responsibility and of animals.

As I said to the member opposite, a parrot certainly needs a different kind of care than a terrier dog. Should we put it in legislation how we manage a parrot in distress? I don't think so. That's not a place for that kind of expertise. The expertise will be on the ground. When, in fact, an incident arises that involves a parrot, terrier, or a litter of kittens, it has to be a well-trained individual who can go out and make those calls.

This government has made a commitment that we would not only modernize the act, which hasn't been modernized since 1977. The first thing this government did was give core funding to these humane societies, which had never been done

in the past. We did that as a government; no other previous government had done it. We also committed, not only to do the modernization, but put an individual in place who can be utilized within this government to do the training and the oversight of this act so the community — whether it's a humane society or individuals — if they have concerns, they'll be talking to a very professional person who will have the expertise to address their issues.

Those issues will be varied and will hopefully not be utilized on a daily basis, but there are incidents where we will need to have that kind of expertise to make those judgement calls.

As far as humane societies or the general public, they're the individuals and groups we've been working with over this long period of time to get this act up and modernized, and they're comfortable with it. I certainly am very confident that I can recommend this to this House, knowing that all those individuals have been listened to and all have been part and parcel of the review, and their concerns have been met in this act.

Mr. Fairclough: The minister says that the checks and balances will be there in the training of the animal protection officer. We're going to pass this bill through the House. There must be a training program thought up by the department already. When can we expect these animal protection officers to be trained?

Hon. Mr. Lang: In addressing the member opposite, the competition is closed; we've shortlisted the individuals and the interviews are going forward. So look forward to a person on the ground here fairly soon.

Mr. Fairclough: So that training will take place, and the other thing that the minister said was that proper care, food, shelter or water — the proper definitions of them — and the undue or unnecessary hardship or neglect, will be taken care of in regulations. Is that correct? And when can we expect these regulations to be put together?

Hon. Mr. Lang: The individual that the job has been posted for is an animal welfare officer. That individual will be in charge of going to work and expanding on just what the member opposite is talking about.

Certainly, the education component of that is going to be very, very important. As I say to the member opposite, we are hiring expertise to do this job with qualifications — by the way, we got a very, very — when we put out the competition there was a very large interest in it. Certainly, it has been short-listed and we're looking forward to the interviews. Again, Mr. Chair, an issue through this modernization is that we have many, many animals being covered by this new act. That is why we have gone out to hire this kind of expertise so they understand the nature of an animal in distress, whether it is a bird or a lama or a terrier dog and they will be able to make judgement calls.

Also, this individual will be in full-time employment in the territorial government and he will also be working with the municipalities to make sure that the training and the officers in these communities are up to the mark when it comes to managing animals in distress. So he has got a very full plate in front of him and I certainly look forward to him going to work as quickly as possible to modernize the act but also to go out into

our communities to work with our communities and our associations — whether it be humane societies or whatever — to make sure that people are comfortable with it and they have the individual in place to do the job.

We as politicians have been requested to modernize this act for the last six years. Obviously it was before that, too, but that was before my time. We certainly are very confident, as we move this forward through the House this fall, that this will be a very positive move forward — not only for the act, but our communities as a whole and of course the general public. They will have access to individuals who will have the training to make the calls to make sure that if our animals are in distress, that it's corrected — and also the training to know what is distress in our pet community and what isn't.

I look forward to this act passing. I look forward to the process we have in place now and to the individual getting in place so they can go to work in the new year and move forward with this new act and do exactly what we promised in our platform over the last two elections — to get this thing out the door, get it modernized and get it moving forward.

Mr. Fairclough: The minister has skirted away from the question. I'm going to get back to it. But the minister has said that a person is being hired — they're shortlisted and, by the sounds of it, will be up and working in the new year. Does the minister mean that sometime in January the person will come on stream and we will have an animal protection officer employed by the Yukon government?

Hon. Mr. Lang: As the Minister of Community Services, I don't have any control over the process of how we hire these individuals. But I feel quite comfortable that if we were to move this through the House that we could have somebody in place by the end of December — or the end of this month, really.

So it's not something that's not doable — the sooner, the better — but we have to go through this process we're going through today in the Legislature to move it forward and look forward to the department doing the good work they have to do to get this individual in place so that we can move forward and develop the program within Community Services. There is a lot more work to do on this and looking forward to that individual doing the hard work, which is working within Community Services, working with the municipalities and doing the ground work that is going to be necessary to educate and to work with this new, modern act so that it benefits all the communities.

Certainly it addresses the issues we have with animal protection that the community has been very vocal about in the past, and it has been a very successful experience from the consultation point of view. We have had very, very successful meetings. We have had large input from Yukoners, a very large interest from our local humane societies and, in turn, the participation has been stellar. I look forward to moving forward with this act and addressing some of the issues the member talks about.

It is very important that we get the animal welfare officer in place and move forward with this act. If in fact the act is passed, we could have that individual in place earlier than

January but, again, I'm not in charge of the process and hopefully it would be sooner rather than later.

Mr. Fairclough: I would like to know how soon that would be. The minister said there are checks and balances in place throughout this act, then went on to say the checks and balances are going to be developed through regulations.

I would like to know when the regulations are going to be completed so this could guide the animal protection officer in his job.

Hon. Mr. Lang: In addressing the member opposite, a lot of this can be done through programming, or through policy, excuse me, and we certainly will be working with that individual to best use what we can to put those kinds of policies in place. At that point, I will leave it in the capable hands of the individuals and the department to do just that. We are looking forward to the modernization of the act.

This government has made a commitment to hire this individual, so this individual will be in charge of working within Community Services, not only to work within the act, but put policy together and make sure that people understand the nature of what we're trying to do with this act. This act is a limited act in respect to the average individual out there; the average Yukoner will never need this act.

This act covers domestic pets, whether it's a ferret, parrot, dog or cat. Most families in the territory who have pets take care of their pets. This is in place for the odd individual who doesn't understand the nature of what's happening with their pet, intentionally abandons the animal or does whatever.

Up to now, we haven't had the tools in place to be able to bring these people to a form of justice, but also to get the animals into a situation that will benefit the animal, so I'm looking forward to the expertise that we've hired. I'm going to leave that individual to go to work, work within the act, put in the policies, make sure we have fewer and fewer of these incidents through the education and all the other programs we will have in place so the general public understands exactly what is the definition of this job, how it can be managed within the municipalities and territory-wide. So this is a good-news story. As for what the member says about the date when this individual will be hired, well, the quicker we get it through the House, the quicker we'll go to work and get that individual out there working in the communities and producing the product we hope he can do through this act.

Mr. Fairclough: He still didn't answer the question. What I am trying to do is seek information and get clarity on these amendments. Issues have been raised and we've gone from regulations now that will have checks and balances and definitions and so on that the minister said earlier — I'm going off the minister's own words — to programming and policy. Are there going to be regulations developed that will satisfy the issue of definitions of proper care, food, water and shelter, or undue or unnecessary hardship or neglect of animals? Are we going to see that there? Now the minister has got a different answer? What is it? Because we need clarity on this.

Hon. Mr. Lang: I think, Mr. Chair, I've been very clear on this issue. We're going to hire the animal welfare officer to do exactly that: work with the act, go to work on the act

and see what we can put in place to protect the well-being of animals in the territory.

That's what we're going to do, and that's why we've gone through the process of hiring this level of expertise. This individual will work with Community Services. He is being hired by Community Services because of his expertise, and I'm going to leave it in his hands to do the policy work to make sure that there is something in place that we can be comfortable with — that our pets are being taken care of. Or, if there is a question about the care, this kind of expertise is there to make that judgement call. And that's exactly why we hired this individual.

If we get the act through the House, that individual could be in place within 30 days, and we can go to work on this. But, certainly, to go on and on about this — we have an individual in place — not “have”, but we're in the process of doing it. The department is hiring this individual. I've been told that the competition has been shortlisted and that there was a large amount of interest in the position. We're moving forward with the short list, so that we can hire an individual, put him on the ground, and get him to work exactly on the issues that the member opposite is talking about.

This individual will have a responsibility to work within the government, within the Department of Community Services, to work on the policy, extract the policy out of the act, and go forward into the training process so that Yukoners can be comfortable with the act, and also that the act will have some teeth. This individual is going to be the individual who is going to oversee the act, and work within Community Services to make sure that our animals are not in undue distress on any level, whether it's a bird, or whatever. These animals are covered in this act, and that individual is going to do just that.

Mr. Fairclough: We're not getting very far on this one. I don't believe the minister sees it clearly. I think the reason for this being raised by the general public is that there could be loopholes, and the legal interpretation of what neglect is, or unnecessary hardship, basically could go a long way in answering questions of the animal protection officer, even in court, and we don't need them to result in court.

We don't need them to result in failures. That is partly why I raised this. It has been brought to my attention and I wanted to bring it to the minister's attention so that we don't have these loopholes and we have an act in place and we really can't enforce it or fine those who are abusing domestic animals that we have here in Yukon. That is why I put it forward. I hope that the minister does take that seriously.

I would also like to ask the minister if we will be following through with additional amendments to other acts of the Yukon, like the *Pounds Act* that the minister did mention earlier or the *Dog Act* or even the *Personal Property Security Act*. Are we expected to see amendments or will changes be made by government officials or do they deserve the attention of the public for public consultation?

Hon. Mr. Lang: It is interesting the member opposite would bring up in the debate this afternoon about the consultation and the issue the member had so much input on or had so many questions on.

It wasn't raised as an issue in any of our public meetings. That was not raised at all. So, obviously, he's talking to a different group of individuals. And of course I would recommend that you read the act. All of these concerns he has — we've strengthened the act, whether it's the abandonment of animals, whether it's the care of animals, whether the animal is in distress. It has all been expanded. If the member opposite would take half an hour — it's not a big bill or big act — and go through it and compare what was in it and what's in it today, he would see that this is very, very much a strengthened act — modernized.

Again, I remind the member opposite that his issue was not part and parcel of any conversation that was brought up at consultation over this period of time. So obviously the individuals either didn't go to the meetings — didn't bother to participate in the consultation — because it was not part and parcel of any question that came to us in the consultation process.

Mr. Fairclough: The minister must have read all the public comments, then, on issues raised. It was a written submission, and all the minister needs to do is go back and do his homework on that, and he will see. I asked whether or not the *Personal Property Security Act* or the *Pounds Act* or the *Dog Act* are going to receive amendments as a result of amendments to the *Animal Protection Act* — are we going to see that come down shortly?

Hon. Mr. Lang: Again, Mr. Chair, the member hasn't read the bill. All you have to do to cover that is read the back page. So I mean, Mr. Chair, we have more to do in this House. This is why the opposition gets resources to do exactly what this member's not doing. And I'm not quite sure what Yukoners get out of the debate this afternoon. I think Yukoners expect us to read the bill, do our homework, do our research, and come to the House prepared. This act is not a big act, Mr. Chair; this is a very readable, very clear improvement of the old act.

To address the member opposite, if in fact he has lost the last page of the act, this will reflect on the *Pounds Act*, which is an overlapping responsibility managed by the Department of Energy, Mines and Resources. It's for bigger animals, basically agricultural animals. That will have to be addressed. It says if there's a conflict between a provision of this act and a provision of the *Pounds Act*, the provision of this act prevails to the extent of the conflict. This is just a part of putting an act on the floor here today, because that's part and parcel. Anything with overlapping responsibility and legality has to be addressed. The *Personal Property Security Act* is amended by adding the expression “*Animal Protection Act*” immediately after the expression “provision of” and it goes on.

I recommend the member opposite go home this evening and read the act. All the questions the member opposite has asked this afternoon are in the act. I remind everybody in the House our responsibility is to come in here, debate the act and read the act.

Mr. Fairclough: Well, you know, it's good to get help, I suppose, and the Government House Leader did turn around and point that out to the minister, but it didn't address

all of the questions I did ask, and had to ask about four times before the minister finally realized that it was in there.

I would like to ask a question — the minister said that all the concerns were raised and answered in amendments we have before us. But the consultation document — penalty provisions — it was raised that the wildlife and animal penalties, for fines and so on, were quite a bit higher in the *Wildlife Act* than in the act that's before us — between \$50,000 and \$100,000. I've read the penalty sections in this act, and it's quite a bit lower. Why, then, are we not following what we already have, and why is it so much lower than the *Wildlife Act* that we had before us?

Hon. Mr. Lang: Through the consultation and through the department, the modernization of the figures — the government was comfortable with that, understanding that \$10,000 to the average person is quite a substantial amount of money when you're addressing a pet issue, so we're comfortable with that. And of course there is the other part of it: a 24-month imprisonment, so this is very much an improvement over what was in place in the old act, so we're comfortable with that.

Mr. Fairclough: That was an issue raised by the Humane Society, and it wasn't reflected in there, and that's why I brought it forward. Another concern that was raised, also by the Humane Society, was aiding or encouraging offensive behaviour, and the penalties for aiding or encouraging offensive behavior are not spelled out clearly. What happens with that when there are others involved in animal abuse and so on? That was something raised by the Humane Society, and they would like clarity on this.

Hon. Mr. Lang: That is covered in the *Summary Convictions Act*. We already have that in place in Justice so it has been addressed.

Mr. Fairclough: Another issue that was raised to us is the background for the separate offences that take place. For example, having a dog team — is there one offence for all the animals? Is there a separate offence for each animal? That hasn't been clear. I would like the minister to clarify that.

Hon. Mr. Lang: The prosecutor would decide that and that would be taken care of by Justice as well. The prosecutor themselves would make that decision.

Mr. Fairclough: Also another issue that came to us is the effects of the amendments in this act in the small communities. One was raised by the Leader of the Official Opposition today with regard to how people generally do things. I also raised this with the officials. I would like some clarity on that. I bring, for example, the community of Old Crow, which decides to have all the dogs at one end of the town — how will these amendments affect them? Will they be told that certain conditions have to be met — they have to be fenced in and protected from wildlife and so on? If not, are they subject to fines and penalties?

Hon. Mr. Lang: Under the existing act, owners must provide food, shelter, water and care for the animals. The standard has not changed with the new act. So this amendment doesn't change anything.

Mr. Fairclough: I talked about the penalties — this is how things are done, they have been done in the past, and this could be very real to a lot of the people who do things as they've always done.

And now we have stiffer penalties and fines that could take place, so how does the minister address this issue, say, in that particular community of Old Crow?

Hon. Mr. Lang: I fail to understand the question. What we're doing here in the House is protecting animals. People have an obligation, when they're in Old Crow or Porter Creek or Watson Lake or Ross River to have food, shelter, water, and care for the animals. That's exactly what we're doing. The responsibility or the fines for not doing that have gone up, but this act will cover all communities. The question he asked hasn't changed with this amendment, as far as where they put the animals or whatever. What we're concerned about is the care of the animal. We understand that people have working animals and people have pets, but what we are adamant about, whether it's a working animal in the essence of a dog team or a litter of kittens, is that they have access to food, that they have shelter if they need it, water and care for the animals — in other words, it hasn't changed at all. This act is exactly like the old act on the needs of the animal.

Mr. Fairclough: We will have a government employee enforcing this act, I presume — that's why they're hired. My question was about clashes of culture, if you want to call it that. What would be the instructions to the animal protection officer in this particular case? I'm sure there are quite a few examples that could be put forward by the minister. I just want to know how that's going to work and how the government will be able to answer their questions.

Hon. Mr. Lang: The member opposite isn't insinuating that people in Old Crow don't take care of their animals. Certainly this individual who will be hired will be working with all individuals to make sure that, if questions are asked, there's somebody there to answer them.

We're not changing anything as far as food, shelter, water and care for the animal are concerned. This act won't change that at all.

This act isn't going to change that at all. We're strengthening it by putting a person of knowledge in a position that individuals throughout the Yukon can phone and contact and visit and also have the responsibility to work through the communities to make sure people are trained and if there are questions we have the expertise to answer the questions — that is all we're doing. We're not picking on one community or the other. People in Old Crow have been taken care of their animals for generations. We're not changing that with this act. I am sure the individuals in Old Crow would see that. All we're doing in the Yukon — and we are making sure that animals have food, shelter, water and care. Those are very, very important to sustain the animal, that the animal would be taken care of in a respectful way. People in Old Crow, again, have been doing that for generations. This will not encroach on their lifestyle. We're not sending this individual out to unfairly penalize individuals or communities. That is not what this is about. This is an animal protection act. It is about the animals, Mr. Chair. It is about

the well-being of the animals. This act is strengthened with this individual who is going to be hired to do just that — to make sure that incidents don't arise that we can't answer the question to the general public.

As far as one community being a different animal care or whatever the member opposite is insinuating — we're talking about animals. Whether they are in Old Crow, Watson Lake, Ross River, we understand individuals have dog teams and they are working animals, a different animal than a pet is concerned. What we want to guarantee is that the individuals who either have a working dog team or a pet supply the proper food and shelter and the water and the care that the animal needs so it doesn't have distress.

Certainly, for the member opposite, anybody who has a working dog team has to have that dog team working. So there are more obligations on that individual to make the team work. A very important part of that is to feed the dog and provide shelter, if the shelter is needed. They certainly have to have water and they certainly have to have an amount of care.

So for anybody who has a working dog team, a working team, this isn't nuclear science; this is basic day-to-day management of a dog team. What this act is going to do is address the issue, that these things have to be covered. Anybody out on the land, whether it's a trapper or whatever, understands completely what we're talking about today — about food, shelter, water and care — because they depend on that unit, which is the dog team, to get in and out and do the business at hand. Without that kind of care, the dog team is not sufficient enough to do the job.

So I think the member opposite is talking about something that out there on the land is a non-issue. They don't have to be told to do this in an act. They don't need an individual to come out and police how this is done. They've been doing this for generations, and they do it in all of our communities, and they certainly do it out in the backlands where they work and trap. So these individuals are, as a whole, taking care of their asset, which is the dog team, and they're doing just that.

You don't have to tell somebody — a trapper in Ross River on the North Canal — that he should feed the dog, or if you don't supply it with enough water, the dog is going to have an issue. These people work with these animals on a daily basis.

I think we're getting off the subject here when we worry about incidents like the situation that happened in Dawson, which was a very grave incident. It brought this even more to the front line that we had to something with the *Animal Protection Act*, to make sure these kinds of things don't happen on a regular basis.

Mr. Fairclough: The minister is off again. I gave an example of how perhaps he could take care of the interests of the community people, the way they've done things for a long time. It could be in my own community of Carmacks. The minister is suggesting something else. All it takes is for a person to say as it is defined in the minister's regulations about protection, proper shelter and so on; they haven't seen this; they make a complaint; the animal protection officer goes and investigates. That's what I've been getting at to the minister, but I don't think I'm getting to get too far on that.

The minister has talked about checks and balances all the way through, and when an animal is seized, it is put into the hands of an animal keeper, someone who has the proper facilities and so on to deal with these matters and if an offence was recognized, after a period of time the animal keeper can sell or give the animal to a person, or have this animal put down. I'm just wondering where the checks and balances are in regard to that. Also, there isn't a requirement to consider the worth of an animal, or the cost to the owner. This seems to be a one-sided authority without balance. I'm wondering what the minister can offer as far as more information on this.

Hon. Mr. Lang: Going back to the member opposite's comments about the animal welfare officer and protection officer, I visualize that individual going to all of the communities and working with the communities to bring them up to date on the new act and working on addressing the issues that the member opposite is concerned about. This individual is not just going to be stationed in Whitehorse. He's going to be working in all of our communities to make sure that the communities are comfortable with how this new act will be directed.

So that is a given. That is part and parcel of his job description. Certainly he will be going to communities like Old Crow and Ross River and other communities that have questions, from an individual's point of view, and will bring them up to date on the new, modern *Animal Protection Act* to make sure people are comfortable with it.

It will certainly be an education process. It's not complicated. We're not changing that much. We're putting some teeth into it that weren't there before, but as our community grows and as the other communities grow, we end up needing to modernize these things.

The last question was about the official animal keeper. He will decide what to do with the animal. If the owner disagrees, a JP or Territorial Court Judge will decide. In other words, if there is a conflict — a question about exactly what the member opposite was talking about — the individual has the right to see a territorial judge or a justice of the peace, and at that point then everything stops and it has to be decided.

So everybody has the right to second sober thought, and if they feel that they've been wrongly done by, or if the dog is being euthanized and they feel that it shouldn't happen, then these doors are open to them and we'd work with any individual on the question of a pet being euthanized over something that the owner wasn't comfortable with. So the individual can go to a justice of the peace, who is available in all of our communities, or a territorial judge, and it'll be decided on that level. And of course, our justice system — everybody's involved with that.

Mr. Fairclough: There is no requirement to consider the worth of an animal or the cost to the owner, and this is what I was trying to get at to the member opposite. I know there are processes, but it's just not part of the amendments that we have today, and the minister confirmed that there are processes to go through for that.

Also if there is a sale of the animal, the owner of the animal has to apply for the balance of the proceeds. I'm just won-

dering why. Why isn't it just automatic that they do get that balance forwarded to them?

Hon. Mr. Lang: The owner has to establish ownership. If an animal in the custody of an official animal keeper, pursuant to this act, bears an obvious identification tattoo, brand mark, tag, licence or readable microchip, the keeper may sell or give the animal to a person or euthanize the animal after the keeper has held the animal in custody for at least 14 days. So it is a minimum of 14 days. It is very clear that the owner has to prove his ownership and come forward.

Mr. Fairclough: I understand that. If the decision was to sell the animal then the owner has to apply for whatever is left over after the cost to the animal keeper and so on — has to apply for it. But it's not an automatic flow of money to the owner of the animal.

I was just wondering why that is. I understand certain things have to be done within those three categories. I'll just leave it at that and turn it over to the third party for more questions.

Hon. Mr. Lang: In addressing the last question the member had, there is a flow of resources to the individual and that flow would reflect the costs that the pound keeper has incurred while he took care of the dog. If there was in fact any money left over, the individual who owned the dog or could prove ownership would get the money. There are steps on how he would be compensated if in fact the dog was sold and the money was returned to the pound keeper. The pound keeper certainly can't keep all the money. He can only account for what is the cost of keeping the animal. After that, the money is disbursed as set out in the regulations.

Mr. Edzerza: I'd like to start out by thanking the officials for all the work that was done to make improvements to this act.

I'm just going to start out by making some general comments and maybe go into an area that has been of concern to some friends of mine who actually experienced that animals have a life of their own that is of importance to them, apart from their utility to us.

Non-human animals are not only in this world, they are aware of it. What happens to them matters to them and each has a way of accepting or not accepting the way they are treated by man. It's unfortunate, but when an animal needs to protect itself and may bite someone, the human way of dealing with that is condemning them as a vicious animal and they are shot, which is really unfair.

Animals should be treated as equals and respected for their own sake. Mr. Chair, it has been a traditional belief of First Nation people for many, many years — maybe thousands of the years — that on Mother Earth, all things must be treated equal. The respect for animals is critical. We must respect all of the two- and four-legged animals who walk on Mother Earth. We must respect all of those who crawl and live under the earth. We must respect all who fly in the skies and all of those who swim under the water and live in the water.

Animals always have been a very spiritual component of First Nation beliefs and some of it may have been lost now,

because of the changes in society, where maybe the respect has been diminished from what it used to be.

But even to this day, we still believe very strongly in things like the eagle. We believe very strongly in animals such as the wolf and the bear. They all have a significant spiritual connection to traditional beliefs. I know, over the years, I could almost cringe when I heard such stories that the Yukon government — whether it was NDP, Liberal, or Yukon Party — was about to embark upon a wolf slaughter by helicopter. I actually had nightmares about those animals not having a chance, all to be slaughtered at the hands of mankind and their ingenuity being able to hover above them with the helicopter, lean out the window, and shoot them.

I often thought that if there was going to be such an exercise, that man should get off their butt and walk out in the bush and try to outsmart those animals and do the real work of cutting down on the population. It is so unfair to hear of animals being singled out and shot.

I know there were some comments made by members from the opposite side — the government side — with respect to some of the opening comments I made. Maybe one of the ministers was right when he said it's not inhumane to shoot the animal, that it's the best way to kill them. I don't know about that. I think there are nicer ways to do it. I guess it would depend a lot on where you shot them. If you gut shot them, that wouldn't be a very nice way to dispose of them. I don't know. Maybe that minister had a motive for saying it was all right to shoot them, because that is what happened to the reindeer — 56 of them were shot.

Maybe that justified using a gun as a good way to dispose of animals that you wanted to get rid of. I made some of those comments — they were all directed toward the paper I have in my hand. The headline reads: "Dog slaughter shows weaknesses in protection law." I heard the minister mention something about this issue. As I read through the article, there were a few things that kind of caught my attention — where they said the bodies of the dogs were found in a pile. They had been shot to death a day after their owner was informed that 15 would be seized by the RCMP.

That decision had been made when the animals were found up to their bellies in snow and feces with only gut in their bowels. So when we look at that and we have comments from a gentleman by the name of Michael O'Sullivan, the Humane Society of Canada's chair and CEO, he agreed that this case illustrates the need for a change in federal legislation so pets are not viewed as legal property. He goes on to say that it is too easy under Canadian law for people to murder animals. That is important to recognize that part, to "murder animals." I know a lot of this legislation has to deal with the public at large but the question I'll ask the minister now is what part of this act protects animals from such organizations as the Yukon territorial government?

Hon. Mr. Kenyon: I will not get into a debate with the member opposite when he directly accuses me of making statements and attributing motives.

I merely gave him the results of the Canadian Council on Animal Care, and a professor of pathology at the University of

Ottawa Medical School in terms of humane euthanasia of animals. I wasn't aware that the member opposite has a veterinary degree. I wasn't aware of the fact that he went to one of the 22 colleges of veterinary medicine in the United States or the four in Canada. I wasn't aware that he had training and expertise in that area. Nor was I aware of the fact that the member opposite is a vegetarian — never was aware of that.

But the member opposite brings up the disease problems. For the member opposite, one of the things that bothers me the most is that it's very easy to talk about harvest programs and management of herds on that, but as the Member for McIntyre-Takhini, with his vast veterinary medical expertise knows, the disease status of those animals is incredibly important. The member opposite obviously, from what he just said, wouldn't react when people wanted to turn diseased animals loose into the wild.

The member opposite from McIntyre-Takhini wouldn't care that those animals going into the wild would endanger the wildlife in this territory. He wouldn't recognize the detailed work that our good people in the Department of Environment did to determine the status of those diseased animals and what effect they would have on the wildlife.

Chair's statement

Chair: Order please. I know the debate today has kind of veered off Bill No. 62. I would like to remind both sides — the opposition and the government side — to focus on Bill No. 62. I appreciate the comments back and forth and I know the members are going to work in their explanations of why we're debating the subject we are right now. Mr. Kenyon, you have the floor.

Hon. Mr. Kenyon: I do agree with you very much that the debate has strayed dramatically from the purpose of the bill. We should bring it back to that bill, because what we're debating in terms of this bill is the treatment of domestic animals. There have been a number of technical problems in dealing with that — as I mentioned before — in terms of who has the expertise to make those decisions.

We're aware of the fact that the testimony as to the mistreatment of animals by many individuals in court may be questionable, and one of the things that the act tries to do is bring that expertise into court. There are precious few people in the territory who would have the qualifications to do that. I'm still surprised that we seem to have added one today. I would expect that people with expertise in those areas would be involved, which is what the minister responsible for this act has tried to do.

We have a large number of graduate veterinarians — some retired, some actively practising, some working in other areas. One is a farrier — shoes horses. Another one works for the government in a different capacity. Another one does consulting on agricultural issues. There are a number of different people involved who have the expertise to do that. I would suspect that, in reality, we haven't added another one today.

I certainly respect the member opposite and what he has had to say about this, but to basically say that it was a good and reasonable thing to turn diseased — or to threaten to turn dis-

eased — animals loose, I would call that something that's out of order, Mr. Chair.

An interesting thing with this, of course, is that you need someone who is responsible for it, someone who works with us on a day-to-day basis, someone who has proper training, someone who has proper authority — and that has been a challenge in trying to put this part back together again — to someone who has the ability to move around the territory. I can understand there might be concerns that the person responsible under this act, stationed out of one city such as Whitehorse, might have limitations in other rural communities. That, I think, is something that this act and the amendments will address.

I think we do ourselves an injustice, and I think it's an embarrassment, Mr. Chair, to attribute motives to someone involved in this, and to suggest, even remotely, that turning diseases into the wild would be something that would be desirable.

Thank you.

Mr. Edzerza: Mr. Chair, it appears I struck a raw nerve here. I think what is embarrassing was what was just demonstrated by the member opposite on the floor of the Legislature. I can't help but wonder why this member always appears to think it best to attack, attack, attack. I did not ask this member a question; I asked the minister a question. The best way this minister knows how to answer is to just go on immediate attack whether it is personal or whatever.

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Kenyon, on a point of order.

Hon. Mr. Kenyon: The member opposite is imputing motives. That is not appropriate.

Chair's ruling

Chair: I do believe there is a point of order. Mr. Edzerza, I would like you to refrain from that, and please continue with discussion on Bill No. 62.

Mr. Edzerza: Well, Mr. Chair, I believe when we are talking about animals in the Yukon Territory that are on such a thing as a game farm and are owned by people that it is within the confines of questions that one would ask on animal protection. I am going to pursue the line of questioning that I started out here, because this was and still is a very serious issue.

Today the owners of those reindeer are still very emotional about what took place. The reindeer in question were farmed and housed on a very big piece of land in the Lake Laberge area. It just so happens that on March 30, 2005, something happened — I believe — which provided the grounds for the revisions to this act, and it was because of that incident that I raise this question.

The reindeer lived and roamed on over 100 acres of land. The 56 reindeer that were taken on March 30, 2005, were a mixture of bulls, cows, bull calves and heifer calves and of varying ages. Of the cows, there were at least 14 or more that were pregnant with calf to be born. The 56 reindeer were loaded into stock trailers and driven a few miles and released into an eight-acre facility. This was very stressful for them, not

knowing what was happening to them, and being taken away from all that was familiar to them. When these frightened, stressed reindeer were placed into this small eight-acre pen by the Yukon game branch personnel, by orders from the government, there was no feed provided, and that would be for at least two or three days.

Not providing feed for animals is clearly animal abuse and cruelty. Would the minister agree with that?

Hon. Mr. Lang: Of course, this new act, the *Act to Amend the Animal Protection Act*, is looking forward. What does this act do? Bill No. 62 does a few things: it increases the penalty for not treating animals properly; it expands the definition of “distress”; it expands the definition of “abandonment of animals” — it strengthens that; it expands the power to protect animals; it puts in place an animal protection officer to enforce this act; the safe transportation of animals is directed within this legislation, and also if, in fact, an animal is struck by a vehicle, there is an obligation to stop.

So this act — the member opposite is talking about an incident that happened three years ago. What I’d like to do is get back on to Bill No. 62, *Act to Amend the Animal Protection Act*.

Let’s look into the future here, debate the act we have in front of us and go forward with this act.

Mr. Edzerza: If the minister would answer the question, there would be no need to go into this. The minister refuses to answer the question that I originally asked: what protects the animals from bigger organizations like governments? This act clearly sets out regulations for the average citizen on the street. But I want to know what really prevents this incident that happened three years ago from ever reoccurring? All of these reindeer that were basically put on an eight-acre piece of land — I could read all of this into the record and this is all of the statements that were sent to me by the owners of this farm and their experience.

What they personally went through — to witness the government coming in, taking pots and pans or sticks and bashing them, terrorizing the reindeer and then shooting them, according to this whole document. I think the minister probably has a copy of this because it was sent to a number of people; there was a copy cc’d to the Premier. So they are aware of this document.

What I find unbelievable is that these reindeer — it took 20 hours to shoot them; 56 animals. The minister still didn’t answer the question about what justifies the government to go in and perform such an act. Apparently, it was really questionable whether they were diseased — the owners believed they weren’t.

Does the minister have an answer for that question?

Hon. Mr. Lang: Mr. Chair, bringing us back to the subject at hand, this is the *Act to Amend the Animal Protection Act*, and certainly Bill No. 62 here in the House.

There are also provisions in this act that give animal protection officers and the RCMP the right to enter into the premises when animals are in distress. In other words, this certainly tightens up what happens. The member opposite is talking about what is the question about government participating in

these acts. I hope that the government would be part and parcel of this act, and certainly would follow this act to the letter. That’s what governments do on a daily basis. But again, we’ve expanded the power to protect animals. This act puts in place the animal protection officer to enhance and educate on the issue of this act, to expand the definition of an animal in distress, expand the definition of distress, and define the definition of what is an animal that’s been abandoned, what’s the legal description, increase the penalty for not treating animals properly. All of this is part and parcel of this new act.

The transportation of animals that is dealt with in this legislation — what happens with animals that are travelling in open vehicles? And what is the process for making sure that these animals are protected? If an individual out there hits an animal, he has an obligation in this act to stop. And if he can’t take care of the animal, he has to notify somebody that the animal has been struck, and if there is a question about taking care of an animal, it’s done.

So this act is certainly a modern act for the territory, and it covers all of the bases. The government will follow this act, like everybody else in the territory will have to.

I think the strongest part of this act is the animal protection officer. I think that without that kind of expertise, and without that kind of full-time overview of this act, it would just be an act that would not really be able to unfold the way it should. I think this animal protection officer will be enlightening to our communities, municipalities and, of course, the Yukon as a whole. This individual will not only go out and enforce the act, but also educate and work with communities to make sure they understand the act.

I look forward to this unfolding in the near future. I think it is time this thing moved through this House. In my riding, there have been lots of questions asked of me about this *Animal Protection Act*. The situation was that — there’s very much of a concern of the general public out there to make sure that animals are taken care of in a proper fashion. The 1977 act was a start. It certainly is not adequate for today. This is what this act will do.

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

Chair: It has been moved by Mr. Lang that Committee of the Whole report progress.

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 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. 62, *Act to Amend the Animal Protection Act*, and directed me to report progress.

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

All Hon. Members: Agreed.

Speaker: I declare the report carried.

Hon. Mr. Cathers: Mr. Speaker, 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. tomorrow.

The House adjourned at 5:21 p.m.

The following Sessional Papers were tabled November 3, 2008:

08-1-84

Yukon Development Corporation 2007 Annual Report and audited financial statements (Kenyon)

08-1-85

Yukon Energy Corporation 2007 Annual Report and audited financial statements (Kenyon)

The following document was filed November 3, 2008:

08-1-68

Forest Resources Act (Bill No. 59), letter (dated October 31, 2008) re: from Drew Mildon, Woodward & Company, Barristers & Solicitors to the Hon. Brad Cathers, Minister of Energy, Mines and Resources (Hardy)