

Whitehorse, Yukon
Monday, May 14, 2007 -- 1:00 p.m.

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

Prayers

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of Police Week

Hon. Ms. Horne: Mr. Speaker, I rise today to pay tribute to Police Week, held this year from May 13 to 19. During Canadian Police Week, we honour police officers for their contribution to public safety and security and promote the work police do in our communities. During this week, local RCMP detachments across this territory will be holding community barbecues, open houses and family events such as bike safety rodeos.

May 15 is recognized internationally as Peace Officer Memorial Day. I would like to take this opportunity to pay tribute to those officers who lost their lives in the line of duty.

Through community events, Police Week also reinforces the partnership between the police and the public. Without this partnership, police are unable to provide the excellence of service that makes us feel safe in our homes and communities. In the Yukon, policing services are provided by the RCMP. There are 172 people employed by the RCMP, including 122 police officers.

In addition to their enforcement activities on the job, our RCMP officers support crime prevention programs, often on their own time. They take part in youth social development programs such as the Whole Child program, Crew Whitewater, Young Riders, Beat the Heat, Solar Panel, go-carts and many other sport and wilderness programs.

The work of the RCMP is aided by close to 100 community volunteers who are actively involved in crime prevention in their neighbourhoods. These volunteers work as auxiliary constables, as victim-assistance volunteers and as Citizens on Patrol -- COP. This is a true partnership between the police and the public. The Government of Yukon is committed to supporting Yukoners and the RCMP in their efforts to make our communities and homes safe and healthy.

For example, in addition to our existing partnership to ensure the safety and security of Yukoners, we also partnered with the RCMP on its street crime reduction team. To date, the results have been very encouraging: drugs and weapons are being seized and taken off our streets. I ask all members of this Legislature to join me in expressing our sincere appreciation to all the police officers and support staff at RCMP M division.

Gunilshish. Thank you, Mr. Speaker.

Speaker: Are there any further tributes?

Introduction of visitors.

INTRODUCTION OF VISITORS

Mr. Cardiff: I would ask all members of the Assembly to join me in welcoming Colleen O'Brien's grade 5 class from Golden Horn Elementary School. As well, with Colleen and the grade 5 class are five parents who are chaperoning. I would like to welcome them here today and ask you to join me in doing that.

Applause

Speaker: Are there any other introductions of visitors?
 Returns or documents for tabling.
 Reports of committees.
 Are there any petitions?
 Are there any bills to be introduced?
 Notices of motion.

NOTICES OF MOTION

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

THAT this House urges the Government of Yukon to build a new correctional facility that incorporates a correctional philosophy that emphasises treatment and programming support for offenders.

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

THAT this House urges the Government of Yukon to spend some of the \$85 million it has in the bank to provide the resources required to train and retain ambulance personnel in our rural communities.

I also give notice today of the following motion:

THAT this House urges the Government of Yukon to spend some of the \$85 million it has in the bank to increase the annual grant to Yukon municipalities.

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

THAT this House urges the Yukon government to honour the requirement in section 17.7 of the *Tr'ondek Hwech'in Self-Government Agreement* to negotiate shared responsibility for education, as the First Nation has requested; and to negotiate in good faith with any First Nation that has similar provisions in place, if requested to do so.

Speaker: Are there any further notices of motion?

Hearing none, is there a statement by a minister?

This then brings us to Question Period.

QUESTION PERIOD

Question re: Municipal funding

Mr. Mitchell: I have a question for the Minister of Community Services. The minister and I have just returned from the annual general meeting of the Association of Yukon Communities that was held in Dawson. A hot topic of discussion that was something I asked about in this House last week was the annual grant to Yukon communities.

Many community representatives were disappointed that the minister really had nothing new to say on this topic. Given the massive increases in funding that the Government of Yukon has received in the last few years, the municipalities were expecting to be told that this government intends to share the wealth. Instead they were told, "We're looking into it; maybe next year."

This government has an \$85-million surplus. Why are municipalities being told to wait?

Hon. Mr. Hart: If the member opposite was there for the speech, he would have heard that this government is doing its due diligence and reviewing the base grants for all municipalities. I advised the municipalities at that time that increases to their base grant would be taking effect on April 1, 2008.

Mr. Mitchell: If the minister had stuck around for the discussion on Saturday and Sunday morning, he would have heard the disappointment.

The minister said in Dawson that the Government of Yukon is reviewing the amount of money being given to municipal governments. That amount has remained more or less the same over the last several years. At the same time, the amount of money this government has to spend has increased dramatically, thanks to \$200 million more a year from Canada than we had just a few years ago. In other words, this government has the resources to spend.

On Sunday, the Association of Yukon Communities laid out how they want to proceed. They want a review process that includes the full involvement of the Association of Yukon Communities and Yukon municipalities. Is the minister prepared to make that commitment? Will the government do this on its own or will the Association of Yukon Communities be a full partner in the review?

Hon. Mr. Hart: I thank the member opposite for that question. We met with Association of Yukon Communities membership on this particular question and we discussed what our intentions are with regard to the base grant. We have their agreement on the process that we are currently undertaking.

We have indicated that once we have done our due diligence, we will converse with them and discuss the issue of how things are going to transpire over the next five years and work toward increasing our grants to the municipalities to enhance their ability to deal with their operation and maintenance costs.

Mr. Mitchell: I think we got a partial answer, Mr. Speaker -- that they will be included in the review toward the end.

Mr. Speaker, Yukon municipal leaders were disappointed when the minister refused to open his chequebook while he was in Dawson on the weekend. They see the government sitting on the \$85-million surplus and they want to know why the government won't share the wealth. It's a good question, and it's one that the minister didn't have an answer for. Municipalities need the money now, not just next year. This Yukon Party government has an \$85-million surplus. We all know that the contribution to municipalities is going to go up; it's just a question of how much. Will the minister provide an immediate increase in municipal funding this year as a down payment while the review is being conducted?

Hon. Mr. Hart: As I stated earlier, we are doing our due diligence. Once we have completed that review, we will conduct a consultation with the Association of Yukon Communities and work together to work toward how we're going to distribute the money over the next five years, and that will take effect April 1, 2008.

Question re: Nurse shortage

Mr. Mitchell: I have a question for the Minister of Health and Social Services. Last week, the president of the Yukon Medical Association spoke openly and passionately about his concern over the ICU not always being available and about medevac services not always being available. He was very clear as to why this was happening, Mr. Speaker -- because there is a shortage of nurses at the Whitehorse General Hospital. What is this government doing to address this very serious situation?

Hon. Mr. Cathers: I thank the Leader of the Official Opposition for his question. I am sure the member is aware as he asks the question that operations at the hospital are set up by act -- they're set up with the board and with the chief executive officer being responsible for that.

I do thank the member for the question. It allows me to point out how this government has stepped forward beyond what has been done by previous governments by doubling the amount of money invested in the nursing education bursary and increasing the amount per applicant to \$5,000 per student, as well as our new launch of the nurse mentoring program, which is aimed at helping to train less experienced nurses so that the more experienced nurses can transfer their knowledge and help us fill some of the areas within the entire system.

Acute care is one of the areas addressed. Acute care, continuing care and community nursing are the priorities under this program, and this is aimed at assisting us in recruiting people for positions that are difficult to fill.

Mr. Mitchell: I do thank the minister for his answer, but I'm not sure that we've really answered the question.

On May 9 of last week, the president of the Yukon Registered Nurses Association said in an interview on CBC Radio, when asked if there were beds available at Copper Ridge Place, "In fact there are beds available at Copper Ridge Place. There are no nurses to take care of the patients."

Mr. Speaker, I repeat: "There are no nurses to take care of the patients." That is what she said. Last year, I clearly showed this House that young Yukon nurses were being told there were no jobs. These young women are now working elsewhere. What is this minister going to do to protect the health care system and to get more nurses into the system?

Hon. Mr. Cathers: I appreciate the opportunity to again point out what we're doing.

First of all, with regard to some of the reflections the member is making on the comments of others, I do have to point out that we're dealing with the member's opinion here, and considering the member's propensity for quoting people out of context, I will not spend a lot of time debating those opinions.

I enjoyed attending the Yukon Registered Nurses Association AGM this weekend. The recognition occurred there and in

discussions that nursing is a challenge in every area of this country. As well we discussed some of the areas that this government has already invested in, as well as areas they would suggest we perhaps look at. We look forward to continue planning with them around health and human resources.

I would point out that the member's assertions with regard to beds at Copper Ridge Place are in fact inaccurate. In the last report I had, which was about two weeks ago, we had five vacant positions, which were in the process of being staffed, and that's the standard turnover rate.

New nurses will need to be hired to open up the 12 new beds, which we just announced and provided the funding for.

Mr. Mitchell: I will ignore the minister's personal remarks, as there is no point in using time responding to them.

I want to be perfectly clear: the president of the Yukon Medical Association says there aren't enough nurses -- Yukon lives are put at stake. The president of the Yukon Registered Nurses Association says that there are not enough nurses.

I will file a copy of the complete transcript, which was provided thanks to the minister's Executive Council Office -- so I'm sure we won't doubt the accuracy -- as soon as I can get two more copies.

What part of this message is the minister not understanding? It is a simple message with far-reaching implications. There are not enough nurses.

This minister's government is sitting on a large surplus that they like to talk about. Good fiscal management -- \$85 million. We have beds that are empty because there aren't enough nurses. We're hearing from the elected representatives of both the doctors and the nurses -- these aren't just citizens on the street -- that they don't have the resources. What is the minister going to do about it?

Hon. Mr. Cathers: First of all, again we're hearing from the Leader of the Official Opposition his reflection of conversations, and I'm not going to engage in debate with the individuals who are representative of these associations through the Leader of the Official Opposition. I would be happy to sit down and talk with them directly. I have done so in the past and look forward to doing so in the future.

If the member does not realize the fact there is a challenge, coast to coast, with health care professionals -- particularly nurses -- he's doing a disservice to the Assembly. The member needs to recognize that our staffing levels are very good compared to other areas of the country. We do have a shortage, as has been reflected by the CEO of the hospital in areas such as the operating room. As members will be aware, we in the government have a continuous challenge with community nursing, which is why it is one of the priority areas identified under the nurse mentoring program.

Again, I have to reflect for the member opposite that the challenge we're facing within the system in the Yukon today is primarily in specialty areas of nursing, such as acute care and community nursing, and that's why we have stepped forward with the new nurse mentoring program. That's why it's aimed at recruiting some of the nurses who don't have as much experience in those higher levels of experience, as we deal with the national problem of retirement, as our workforce ages.

Question re: Nurse shortage

Mr. Edzerza: We believe this minister is taking a stand-by approach to this serious issue, so I'm going to follow up on the same line of questioning as the Leader of the Official Opposition. After pressure from the public and in this House, the Minister of Health and Social Services suddenly promised the remaining 12 beds at Copper Ridge Place will be opening up sometime in the future. This is good news for seniors who need continuing care they can't get at the Whitehorse General Hospital.

It's also good news for hospital staff, who will be able to focus on their principal mandate of providing acute care. In Friday's paper, the Hospital Corporation was advertising for surgical and maternity nurses, but there were no government ads for continuing care nurses. What are the government's plans to recruit the necessary nursing staff for Copper Ridge, or was the minister's announcement last week just an attempt to buy time?

Hon. Mr. Cathers: Mr. Speaker, I am shocked that after his time as a minister, the Member for McIntyre-Takhini has no understanding of the timelines involved in getting these things in the works. It was last week -- the morning of May 9 -- that Management Board approved the funding for the opening of the remaining wing at Copper Ridge Place, which contains 12 beds. It takes two days to get an ad placed in the local papers, not to mention any time required internally to prepare the text of that ad or the time involved in acting on the Management Board minute. The member needs to realize that these things don't happen just like that. The work is being done. Staff is doing it; they will do it as quickly as they can. I am confident in their ability to move forward in as timely a manner as possible.

Mr. Edzerza: We honestly believe that the minister had ample time to be working on this issue. It wasn't an issue that just started yesterday morning. This has been ongoing for some time. A policy statement from the Registered Nurses Association of B.C. states that at no time should the safety of clients be compromised by substituting less-qualified workers when the competencies of a registered nurse are required.

Is the minister aware that this is already happening in continuing care facilities where the required number of registered nurses is not always available on shift and less-qualified licensed practical nurses are left to cope?

Hon. Mr. Cathers: Again, what we are dealing with here is the member's opinion. That statement he made is in fact not accurate. I would point out to the member opposite again that the Yukon's level of funding for continuing care on a comparative basis, when you look at any place in this country, is very good. We have a very high-level, high-quality program. We have, in fact, the highest level of government subsidization to lower the rates for those who are required to rely on those services.

This government's investment in continuing care has increased every single year. The steps have been taken, and they will continue to be taken. These include an increase to the budget in the 2004-05 fiscal year of 7.7 percent, a further increase in the 2005-06 fiscal year of four percent, another in-

crease in the 2006-07 fiscal year of three percent, and a further six-percent increase in this 2007-08 budget, which has been added to by the \$1.47-million investment, which Management Board directed last week for opening up 12 more beds at Copper Ridge Place. We are very proud of our system, and we will continue to take the steps necessary to provide high-level programming, and it is being done by the staff today.

Mr. Edzerza: Well, Mr. Speaker, the real fact here is that potential long-term Yukon-born, raised and educated students from this territory were rejected from jobs here. What the minister is saying really doesn't add up. Recruitment of nurses is only one side of the coin; retention is the other side. More than half of the nurses in the territory are over 45. Many are looking for early retirement because of the stress involved in their work. The Yukon Registered Nurses Association has suggested a number of recruitment and retention ideas for a decade. Among other things, they suggested hiring and mentoring new graduates, especially those from the Yukon; employing nurses-in-training during vacation periods and hiring more support staff to help with the administrative duties that nurses are now required to do.

What is the minister doing to have the department act on the recommendations from the Yukon Registered Nurses Association?

Hon. Mr. Cathers: I must say I really do appreciate that question since the Member for McIntyre-Takhini has pointed out the fact that programs such as the nurse-mentoring program, which we have now implemented, were requested by the Yukon Registered Nurses Association for a decade. No other government acted; we did. We have implemented the nurse-mentoring program; we have increased the nursing education bursary, and we recognize the challenges that will exist as the nurses within our system retire. We are committed to continuing to work with the Yukon Registered Nurses Association.

I had several personal conversations with the president and the executive director of the YRNA at their AGM on the weekend and again emphasized to them and expressed our desire to continue working with them to address the challenges that we will face as the entire health care system from coast to coast deals with the issue of nurses retiring and the fact that a significant percentage of the workforce will soon be retiring.

With regard to the member's comments, again we are the first government to act in this area with the nurse-mentoring program, and we look forward to working with the professionals to act further and to address the challenges.

Question re: Education reform

Mr. Cardiff: Last week the Premier was adamant that his government was not prepared to share responsibility for education with First Nation governments. On Friday, the Kaska representative on the executive committee of the education reform project said his First Nation considers governance part of the education reform. The Chief of Tr'ondek Hwech'in said he wouldn't have participated in the education reform process if he had known that governance would be off the table. The Grand Chief of the Council of Yukon First Nations wants to

meet with the Premier to discuss what is happening with the project.

Does the Premier recognize that he has some serious fence mending to do as a result of statements he made in this House last week?

Hon. Mr. Fentie: First, the discussion last week was not about sharing responsibility; it was about devolving public jurisdiction and that this government would not devolve public jurisdiction. Let's be clear on that. Second, when we speak of responsibilities, let's look at school councils, for example. There are guaranteed seats for First Nation representation on school councils. In communities, school councils have a tremendous responsibility with respect to the education system. I'm not sure where the member is coming from other than to point out that the third party is now rapidly backtracking from their original position of sharing power, which can only be sharing authority, which can only be done by devolving public jurisdiction.

Mr. Cardiff: That's a strange answer from the Premier. The Premier isn't willing to recognize that partnership is a two-way street. What he is saying to First Nations is, "You can come to the banquet, but you can't sit at the grownups' table." Now the Chief of the Liard First Nation says that all possible solutions to problems in public education must be considered, including governance. He called the Premier's decision to refuse to allow Yukoners to consider governance of the public education system in the project, premature.

Will the Premier now agree to put governance back on the education reform agenda and will he also allow Yukon people to consider all the information the project team has compiled to date as part of the current round of public consultations?

Hon. Mr. Fentie: Mr. Speaker, now that the member has brought it up, let's begin with repeating for the member's benefit. We're not going to devolve public jurisdiction in the education system, but there is a tremendous partnership in this territory and the education reform process is indeed complementing what I call a productive partnership that has been going on for some time. The whole purpose is to enhance the partnership and improve our ability to educate our children. I also would point out that the members on the government side believe it's very irresponsible to point the finger at the education system and our teachers and our education assistants as if they were failing First Nation children. The government doesn't agree with that -- never will. When you consider, Mr. Speaker, that in our schools we have 41 aboriginal language teachers, there's an example of partnership. When you consider that we have 31 remedial tutors in our system and 109 educational assistants in our system, all these are contributing to partnership and all these are contributing to better enabling the Yukon to educate its young people through what I call a very good educational system, thanks to all those people.

Mr. Cardiff: Mr. Speaker, the Premier is not even on the same page.

Mr. Speaker, the Tr'ondek Hwech'in have a provision in their self-government agreement allowing them to negotiate -- and it says the government shall negotiate shared responsibility for education. For the past five years, they've tried to get the

Yukon government to negotiate with them, but the government has refused. The only option left for the Tr'ondek Hwech'in and for other First Nations in the same position is to take over responsibility for education themselves. I don't think that they would have negotiated section 17.7 in the agreement if they wanted to take down education. They want to share responsibility for education.

Why is the Premier forcing a take-it-or-leave-it position on First Nations, or does he believe separate school systems are the only way to address the education needs and priorities of First Nation students and parents?

Hon. Mr. Fentie: The member opposite is not on the same page when it comes to education in the Yukon. In fact, the member is not even in the same book. We already share responsibilities.

Secondly, First Nations negotiated over many years, along with Canada and the Yukon, the self-government agreements, which give those First Nations that have settled the right to take down this authority. They negotiated that. Canada and the Yukon agreed to that. That is an option they have.

Thirdly, section 17.7 is a unique and substantive clause in the *Tr'ondek Hwech'in First Nation Final Agreement* and we are negotiating with them.

I want to be clear once again: it is not about devolving public jurisdiction. The Government of Yukon -- and I hope the members opposite recognize this -- has an obligation and a responsibility to deliver a public education system for all Yukon children, regardless of their nationality or where they descended from.

Question re: Whitehorse Correctional Centre rebuild, Kwanlin Dun MOU

Mr. Inverarity: In February 2003, the Yukon government and Kwanlin Dun signed a government-to-government agreement regarding, among other things, the planning and construction of a new correctional facility. This agreement followed on an earlier agreement that guarantees Kwanlin Dun the right to benefit from any Yukon government projects with capital costs of more than \$3 million.

At the time, this government agreed to consider such options as building a new corrections centre on First Nation land and potentially have First Nations own and construct the facility.

According to the news release last week, alternative sites were reviewed but rejected in favour of the current agreement. Does the Minister of Justice feel the agreement with the Kwanlin Dun has been kept in good faith? Have the terms and conditions they agreed upon been met?

Hon. Ms. Horne: Our government is actively working to honour the intent of the MOU with the Kwanlin Dun First Nation. Officials from the Department of Justice have been working with officials from KDFN to explore ways in which the MOU can be operational.

Mr. Inverarity: Last week's news release stated that other sites for the corrections centre were considered, but would require consultation, zoning changes and land development costs. Now I'm really puzzled. After 15 months of consultation and five years of planning, we hear that choosing an al-

ternative site for the corrections centre is too expensive, too much work and would require consultation.

The minister is quoted as wanting "to create the best correctional system in Canada." The Premier has stated, "This is potentially a very large capital project that will benefit many Yukoners, as well as members from the Kwanlin Dun First Nation."

My question for the Minister of Justice: will she commit to ensuring that Kwanlin Dun will receive the direct benefit from this project, as per the agreement?

Hon. Ms. Horne: As the member opposite has said, we have considered alternate sites within the Whitehorse area and have concluded that the best option is to build a correctional centre on the existing site, and we are honouring the memorandum of understanding with Kwanlin Dun First Nation.

Question re: Watson Lake Health Centre

Mr. McRobb: My questions are for the Minister of Highways and Public Works, whose department is responsible for managing the construction of government buildings. Earlier this year, the Auditor General released a report that was very critical of the Yukon Party's mismanagement of Yukon taxpayers' money.

The report examined a random sample of 10 projects, all under the management of this government. The auditors revealed the overexpenditure of more than \$8 million of taxpayers' money on those projects alone. One of them was the Watson Lake Health Centre.

As mentioned, the minister's department is supposed to manage public works. Unfortunately, that was not done with this project and, according to the Auditor General's report, the minister declined responsibility for this project in 2005.

So let's hear from the minister responsible: just who is responsible for this project?

Hon. Mr. Lang: I would remind the member opposite that we are the government that brought the Auditor General in to do an overview of the Department of Highways and Public Works. It was our government that did that. Now we are working with the report, and we are moving forward to address the issues that were brought up in that report. I remind the member opposite that it was brought in by this government -- we brought the Auditor General in to review the department, and we are going ahead and addressing the issues that were brought up in that audit.

Mr. McRobb: The minister failed to answer the question, "Who was responsible for it?" The Auditor General was sharply critical of this government's inability to bring in projects on budget. That criticism was echoed by some of the minister's own colleagues earlier this year at hearings held in this very Assembly. The Yukon Party government is wasting millions of dollars, because it is not managing the construction of projects in a proper way and not in the public interest.

It seems the Yukon Party ministers like to interfere in projects, much the same as the former Deputy Premier who micromanaged the Dawson facility to the extent of choosing drapes and carpets. According to page 22 of the Auditor's report in 2005, the minister's department threw up its hands and declined responsibility for this fiasco. Again, let's hear from the

minister responsible. Why was it necessary to politically interfere?

Hon. Mr. Lang: As I remind the member opposite, we are the government -- the government that is here today -- that brought in the Auditor General to do an overview of the Department of Highways and Public Works. That's what we did; that's what was done. At the end of the day, we are working with that assessment to improve the Department of Highways and Public Works. That's what we will do in the future.

There were issues in the department, and the Auditor General was the one who highlighted the issues. This government is going to go to work and address those issues, and improve the Department of Highways and Public Works.

Mr. McRobb: Well, now he has three questions to answer. The original budget for the new Watson Lake Health Centre was \$5.2 million. The latest tabulation of costs puts it close to \$10 million. What great fiscal management from this Yukon Party government. In testifying before this House earlier this year, an official from the Department of Highways and Public Works said they gave up on the project because, "The department did not feel it had control over the contract or the design consultant, and we felt we couldn't be held accountable for the project." Simply put, Mr. Speaker, for some reason, the department lost control. Clearly, there was interference in the project from the political level. Officials were unable to do their work because of the Yukon Party's political interference.

Can the minister explain why he and/or his colleagues interfered with this project, and who is now managing the project where the original cost estimate has doubled?

Hon. Mr. Lang: Mr. Speaker, in addressing the issue on the Highways and Public Works, I have to repeat: we were the government -- the government of the day -- that brought in the Auditor General. The Auditor General's Office did its good work, came back with the report, and we are going to work with that report to improve the Highways and Public Works department. That is all I can say in the House today. I will remind the members opposite, our responsibility as government is to work with the Auditor General. The Auditor General's Office is an intricate part of this government or any government in Canada, and it did its good work, and we are going to work with that report. By this time next year, we should be able to report to the House that the Department of Highways and Public Works has addressed all the issues and concerns brought forward by the Auditor General in that report.

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

ORDERS OF THE DAY

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

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

Some Hon. Members: Agreed.

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. 6, *First Appropriation Act, 2007-08*, Vote 8, Department of Justice.

Do members wish to take a brief recess before we begin?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 6 -- *First Appropriation Act, 2007-08* -- continued

Department of Justice -- continued

Chair: The matter before Committee is Bill No. 6, *First Appropriation Act, 2007-08*, Vote 8, Justice. We will now continue with general debate.

Hon. Ms. Horne: I commend this budget to my colleagues opposite. It reflects our directions, our goals. Mr. Chair, *Building Yukon's Future Together: A Clear Vision for a Bright Future* is what we stand for as a government and this budget reflects our vision.

As I have listened to the debate unfolding regarding the budget, I have been reminded of the importance of having a government with a clear vision. As the Commissioner identified previously in the throne speech, this government is committed to achieving a better quality of life by building a healthy, safe community with skilled and adaptable people. We committed to practising good governance with strong fiscal management in a climate of cooperation, collaboration and partnership with our First Nation governments, our two sister territories, our provincial counterparts and the federal government.

Mr. Chair, these items are a continuation of the work that was initiated by this government in its first mandate. From time immemorial, good governance has been marked by providing safety, security and stability for its citizens. Under this government's watch, we have worked to ensure people's safety, security and stability. We are committed to ensuring people are safe in their homes or communities and in their travels. We are ensuring people are safe in their homes. We are committed to making our communities safer by implementing several new initiatives.

As I have said previously, when I was preparing for this portfolio I read a great deal about the impact of substance abuse on Yukon communities. I feel comfortable in saying that it is, in my mind, the single largest contributor toward criminal activity in the Yukon. To reduce criminal activity, we must address substance abuse.

Mr. Chair, 2007-08 will represent the first full fiscal year for our safer communities and neighbourhoods office being in

operation. We have enjoyed great success to date with this program. It empowers the community in an appropriate avenue to deal with undesirable activities in our neighbourhoods.

I am also very pleased to see the street crime reduction team is up and running. I am elated to help address the problem of substance abuse in our communities. Drug and alcohol abuse have a devastating impact in our communities. By reducing the availability of drugs in our communities, we reduce the harm that they do, and that's a good thing.

In reviewing some recent news releases from the RCMP, I see that they have seized 51.4 grams of marijuana, eight grams of hash, 50 pills of ecstasy, 102.5 grams of powdered cocaine, and 608 rocks of crack cocaine. In addition to this, they have seized 14 firearms. Of those 14 firearms, 10 were rifles, one was a shotgun, one was a machine gun, one was a military assault rifle, and one was a handgun. They also seized three units of bear spray, 11 swords, ammunition, two knives, and two pellet guns.

Mr. Chair, I applaud this government for bringing forth this budget. It reflects the values and priorities of this government. It speaks to the areas that we committed to address. We committed to achieving a better quality of life by building healthy, safe communities with skilled and adaptable people. This budget delivers on that commitment.

We stand for building Yukon's future together -- a clear vision for a bright future. Imagine tomorrow. When I imagine tomorrow, I see a place where offenders get the help they need, in a facility that is designed with programming and treatment in mind.

During our first mandate, we conducted thorough, meaningful consultations that resulted in the substance abuse action plan and the correctional redevelopment strategic plan. What we are doing in this mandate is the result of that consultation.

The Yukon requires a modern correctional centre that will allow corrections professionals to carry out their responsibilities in a positive environment and that will support the provision of programs to offenders. This government realizes the importance the centre will play in ensuring safety and security for all Yukoners.

This government was not content to build a warehouse. We were not content to build a facility that was proposed by the Liberal government. That is why this government undertook an extensive consultation on corrections -- because we know that the building is only part of the story. To make meaningful change in offenders' lives and provide security for Yukoners, we need to change the correctional system as a whole.

Our government's philosophy on correctional reform is summed up best in the correctional redevelopment strategic plan. In order to achieve a vision of becoming the best correctional system in Canada, the Department of Justice is committed to working collaboratively with First Nations and other service providers to achieve the following goals: one, to substantially improve the quality of correctional programs offered to victims, offenders and community members; two, to fundamentally change the operation of the correctional system so the Department of Justice, First Nations and other service provid-

ers are better positioned to participate in the delivery of high-quality correctional programs.

We are aware of the central role the new correctional centre will play in delivering high-quality correctional programming. I would like to provide an overview of some of the factors that were considered by the building advisory committee when it examined design options for a new facility.

The following are some of the many offender trends that influence the planning of a new correctional centre for the Yukon. Most Whitehorse Correctional Centre inmates presently come from Whitehorse. Some 70 to 80 percent of inmates report First Nation ancestry. Some correctional clients were likely drawn from the rural areas of Yukon to Whitehorse for employment, education, social, health and justice services and subsequently became ensconced in an urban lifestyle.

This relocation may have some detrimental aspects for these individuals. However, the return to the rural family and home community may not be an option without some form of intervention.

The incidence of mental disorder among correctional clients is three times the non-correctional population. Upward of 86 percent are substance users; 51 percent use both alcohol and drugs. Remand prisoner count, which is generally considered a secure population group, is now a significantly greater proportion in daily count than sentenced offenders. Sixty-five percent of the population is remand, compared to 36 percent sentenced.

The security profile of sentenced prisoners is relatively constant. Nine percent of offenders are maximum security; 78 percent are medium security; 11 percent are minimum security; and two percent are in protective custody. Women make up eight to 10 percent of the inmate population. Most offenders have relatively short stays at the facility. For example, 49 percent of remand offenders stay less than seven days; 62 percent stay less than 14 days; and 75 percent stay less than 30 days.

The average length of stay for a remand offender is 34 days. Similarly, 40 percent of sentenced offenders stay for less than 30 days. The average length of stay is 72 days. Count trends suggest a need for 72 sleeping rooms, exclusive of special purpose rooms, like mental health protective custody, et cetera.

There is uncertainty about future inmate population trends. Current data suggests a long-term decline in the crime-prone age group. However, discussion at the federal level about possible future criminal legislative changes might significantly alter sentencing patterns. Therefore, the new facility should be flexible enough to accommodate growth in the inmate population into the future; for example, through double occupancy.

The following are some of the justice principles that will influence the design of the new facility. The new correctional centre will be client-focused, with a healing- and accountability-based approach. Continuing participation of First Nations is an integral part of a new approach to client-focused correctional programs and services. The correctional system will work in partnership with First Nation communities and others. A range of community resources, particularly traditional healers, helpers and elders that provide services to the facility will require access to office and program areas. Security require-

ments will not prevent nor preclude the opportunity for inmates to participate in healing and promote accountability.

Other factors were also considered. For example, the facility must have the ability to separate remanded and sentenced offenders. The level of correctional staffing cannot exceed the current facility. The design should inherently provide for a future expansion. Long-term operating costs will be developed to assist with evaluating the options. A secure public mental health ward operated in conjunction with the Department of Health and Social Services may be developed.

There are additional pressures influencing the development and design of a new correctional facility. The existing facility was built in 1967 to house 39 offenders. It had to be modified extensively over the years to accommodate more and more prisoners.

The facility is now modified to such an extent that it is crowded and lacks basic programming space, which was largely sacrificed to increase capacity. Such crowding results in noisy, cluttered dormitories and very limited program or visiting space for inmates. Upgrades to the electrical, fire and security systems are mostly exposed, giving the facility an industrial retrofitted appearance. Collectively, the limited space and atmosphere impedes corrections services' ability to make desirable programming and service improvements.

The current correctional centre reflects other public institutions not recognizing First Nations. This may be a reminder of the residential school experience and its negative impact on First Nations' culture and family life.

Land-based camps hold an esteemed role in Yukon First Nations' health and culture and present a more constructive and meaningful option for future correctional programming. These kinds of background influences are now being brought to the planning table with the active participation of First Nations in the facility planning process along with Yukon justice and corrections professionals, who are reflecting changing values.

In summary, a number of factors were considered essential in the design of a new facility. It must accommodate both remand and sentenced, male and female, offenders. It must accommodate varied risk levels. It must have multi-level security. It must provide additional space for special use accommodations such as medical, mental health, segregation, special handling and FASD. The new facility must focus on healing and accountability. The new facility must reflect Yukon First Nations' culture and values. The new facility must enhance the community's capacity to partner in non-residential programming and services. The new facility must provide a continuum of programs and services supported by a system-wide case-management practice that is focused on clients.

Thank you, Mr. Chair.

Mr. Inverarity: I have just a couple of quick questions right off the bat.

I was wondering if the minister could verify a couple of numbers for me. What is the current capacity? How many inmates are currently in the old jail? And the number in the new jail -- is it expected that 72 will be the maximum capacity?

Hon. Ms. Horne: Right now, the Whitehorse Correctional Centre accommodates 60 to 80 offenders. The new

Whitehorse Correctional Centre will have 72 rooms, and that would be double-bunking, plus special purpose rooms.

Mr. Inverarity: Okay, so right now there are 60 to 80 inmates in the facility at any one time, based on remand and that kind of stuff. Did the minister say 72 rooms or 72 beds?

Some Hon. Member: (Inaudible)

Mr. Inverarity: 72 rooms. So, approximately 144 beds, then?

Some Hon. Member: (Inaudible)

Mr. Inverarity: Great. I appreciate that very much.

I was also wondering if the minister could, by way of a legislative return, provide the recent announcement about the building of the new correctional facility. The minister had struck a committee, and they came forward with, I think, four choices. One choice was selected for a site. What I'm looking for are the reasons behind that specific site, but I'd also like to see the reasons why the other ones were rejected, so that I can follow the logic for the selection of the current site for the new correctional facility. If the minister doesn't have it handy, that could come back as a legislative return.

Hon. Ms. Horne: Mr. Chair, I would refer the member opposite to the background material that went with the press release. It is quite long and involved and it would be easier to follow the press release -- with the recommendations and the reasons why they were not chosen.

Mr. Inverarity: I guess I didn't see the addendum to the press release when it came into my location, but if that is all there is, I would like to see the actual point structures or how you rated it so that one would be selected over another one. I might have a couple of questions regarding that. If I can get a copy of it, I will see if I can -- from my office.

Also, we talked on Friday about the \$577,000 regarding the programming and services. I had asked a question regarding what that was for, and I don't believe we got an answer to that on Friday before we ran out of time.

Hon. Ms. Horne: As this House is well aware, the Yukon government and the Council of Yukon First Nations conducted a Yukon-wide public consultation on corrections. The information gathered during the consultation was used to develop a corrections action plan that in turn provided the basis for the implementation framework.

The correctional strategic development plan identifies the main goals as desired outcomes for implementing the recommendations stated in the corrections action plan for redeveloping the Yukon's correctional system.

The strategic plan sets out a vision for a new correctional system, the vision of becoming the best correctional system in Canada by delivering high quality, client-focused programs, reducing repeat offenders and increasing the safety and security of Yukoners. The Department of Justice will continue to work with First Nations, other government departments and non-government organizations to develop detailed implementation plans to carry out the actions outlined in the strategic plan.

The Yukon government has affirmed its commitment to Yukoners by budgeting \$3.2 million in this fiscal year to ensure planning continues toward a new facility that reflects the needs of the population it serves.

To ensure that we keep moving forward to accomplish this vision, the Department of Justice has established the corrections action plan implementation office. The Yukon government has allocated \$577,000 for the 2007-08 fiscal year to cover the expenses this office will incur.

\$348,000 will be used for personnel. The corrections action plan implementation team is comprised of four full-time employees: a director of strategic planning and special projects, two correctional framework project managers and an administrative assistant. There is \$108,000 for operational costs such as communications, program materials, office space and supplies, honoraria and travel expense. The remaining \$121,000 is for the contribution agreement with the Council of Yukon First Nations, which includes the cost to employ a corrections action plan First Nation implementation officer who will represent the Council of Yukon First Nations, travel expenses, professional fees and honoraria.

A new correctional centre is important. Even more important is a correctional system that satisfies the needs expressed by Yukoners. For this, a significant amount of work has been accomplished to date, but there is still more work ahead of us. The Yukon government will continue to work closely with our partners to ensure the success and the implementation of this strategic plan.

Mr. Inverarity: I'm just going to move on to a different area. I might come back to Whitehorse Correctional Centre in a minute. I was wondering, regarding legislation coming up in the fall sitting, if the minister could outline what her current agenda would be for the fall Legislative Assembly and/or anything coming up in the spring sitting, beyond what we know about at the moment?

Hon. Ms. Horne: The Department of Justice is responsible for drafting all the legislation that the various departments require through the legal services legislative counsel branch. Department of Justice legal drafters work with the various departments to provide drafting and related legal services, as required. It is not the Department of Justice's role to decide or assist in crafting the legislative agenda of the Government of Yukon.

The role of the Department of Justice is to develop the legislation that the departments require to carry out the work of government. The coordinating role for the Yukon government's Legislative Assembly is carried out through the Executive Council Office. The Department of Justice is responsible, in whole or in part, for 76 different pieces of legislation.

One of the more notable additions to our legislative list has been the addition of the *Safer Communities and Neighbourhoods Act* that we have been hearing a lot about lately. Another of the department's notable changes are the changes to the *Small Claims Court Act*, which brought us into line with jurisdictions such as B.C. and Alberta by increasing the upper limit of this court from \$5,000 to \$25,000. As a result, this improved access to justice for persons seeking relief under the court system from debtors.

In the upcoming months, you will hear more about changes to the *Corrections Act* as the Department of Justice gears up its public consultation on this act.

As you know, the government is deep into a correctional redevelopment process that provides opportunity to take a close look at the way in which we are currently operating and to make changes that reflect Yukon's current environment and the clients of today.

Correctional redevelopment is about taking into account Yukon's unique social context so we can develop a correctional system that can facilitate offender rehabilitation and healing and help offenders rebuild identity and renew relationships with family and community.

This government has made a commitment to make changes to ensure safer communities and to increase the quality of life for all Yukoners. This government has committed to ensuring the correctional system is more adequately meeting the needs of offenders, victims and communities.

We will meet these commitments by working with Yukoners to develop a correctional system that can facilitate offender rehabilitation and healing, respond more effectively to victim and family needs and build and sustain community capacity to address local issues and needs. As such, our government has committed \$115,000 in the 2007-08 budget to carry out consultations on a redraft to the *Corrections Act*. The Yukon *Corrections Act* has not been modernized to reflect developments on such laws as the *Canadian Charter of Rights and Freedoms* and the *Young Offenders Act*, as well as developments in the field of corrections.

Some of the issues that will be addressed during the consultation with Yukoners will be inmate discipline, staff powers and functions, cultural programming, mental health and general health issues. The *Corrections Act* was identified in the consultation on corrections as needing revision. The new strategic plan included it as a priority for revision. Our government is committed to correctional redevelopment and this act will be one of the tools that will help facilitate that redevelopment.

It is expected that the new act will have a strong First Nation recognition in it, as well as provide the legislative framework for a redesigned correctional system. We must ensure that we have a regulatory environment and organizational framework that supports the delivery of high-quality correctional programs to Yukoners.

It is anticipated that this legislation will be tabled in the fall of 2008. It is our hope that all members of this House will join us in helping make the Yukon correctional system one of the best in Canada.

Mr. Inverarity: Just on the press release from Friday - I did receive those additional pages. My apologies. What I would still like to do is get the logic behind the four options and why the option chosen was clearly the superior one. If that could be coming, I'd appreciate it.

Moving on, while we were talking about upcoming legislation -- and I thank the minister for her response. I appreciate that.

I believe, a week or two ago, I had put a motion on the floor regarding human rights legislation, and specifically a couple of amendments to that. I understand the minister was on "talk radio" in the morning and, unfortunately, I didn't catch it. I was wondering what her position was on the Human Rights

Commission's suggestion to review the act and, if so, what her time frame might be for that particular piece of legislation.

Hon. Ms. Horne: This government is aware that the act is in need of updating and is in the process of reviewing the entire act for revision, where necessary. The fiscal capacity has already been increased by this government. This government will continue to promote the rights of every individual and ensure that each Yukoner is free and equal in dignity and rights and to discourage and eliminate discrimination.

Mr. Inverarity: The minister didn't answer the second part of the question, which was: in what time frame would the new legislation be brought forward?

I'm assuming that, like a lot of legislation, it takes a long time to bring forward -- at least, with the current government. I'm wondering, in light of the fact that they're just starting the process for updating the human rights legislation, if the minister would be supportive of my amendment, in the short term, to assist in getting my motion through the House -- if she would support it, as it's pretty important that it should go forward.

I know that, in the past, minor changes have been made to other pieces of legislation, like the *Liquor Act*, among others. So I'd appreciate if the minister would comment on whether she'd be supportive of my motion to make a couple of house-keeping changes.

Hon. Ms. Horne: The Department of Justice has begun work toward a review of the *Human Rights Act*. The timeline would depend on the process we use to review the act. We are looking at these options now. We want to ensure that Yukoners and our friends in the opposition are involved in this process.

Mr. Inverarity: Would her department support my amendment on the short term?

Hon. Ms. Horne: This question is still under review, and it's too early to make a decision on that.

Mr. Inverarity: I appreciate that consideration. When it is brought forward, perhaps we would be able to obtain the minister's support. I think it's a very worthwhile piece of legislation and it's just a couple of amendments.

I would like to ask about the government's position on introducing a policy or piece of legislation on a term called "practical obscurity".

Hon. Ms. Horne: Would the member opposite clarify his question with more detail?

Mr. Inverarity: "Practical obscurity" isn't a new term, but it is something that is starting to become more and more important in the world of human rights legislation and in the issue of privacy legislation. Just a little bit of history -- in the old days, back before the war, when there were no computers and technology like the Internet, if an individual went to court for a family matter for example, let's say a divorce, and the individual had to present income tax returns, personal filings, those kinds of pieces of information, they were recorded into the judicial system. Anyone could go to the courthouse and look up that information.

Now, generally speaking, the only people who were interested were usually newspaper reporters or other types of individuals who would spend the time to go down and search through all the court documents. It became such a burden that

that information became obscure, just because of a person's inability to get at it. However, in light of today's current computer systems and the Internet specifically -- the judicial system has a tendency to put anything and everything on the Internet -- by simply going and doing a Google search on an individual's name, it might be possible to find a social insurance number. It might be possible to find income tax filings that one may have had to include or anybody could have included in, say, a divorce hearing. So we have lost that bit of obscurity just by the simple fact that we have become more and more automated. That term is called "practical obscurity". What's happening now is that people are going out and data mining the Internet, harvesting this kind of information so that we as individuals lose a lot of our personal identity. In fact, computer fraud, credit card fraud and all these kinds of things can fall out of this particular concept.

Judging by the fact that I need to explain it, it probably hasn't been considered here locally. But I think it's important, and if you haven't put it on your radar, I think you should. If you have thought about it, then that would be great. Perhaps one of your aide could help you out with that.

Hon. Ms. Horne: Mr. Chair, it's a very interesting question that the member opposite brings up. I've heard it discussed before. But I would suggest that he contact the Information and Privacy Commissioner to determine the extent to which this issue is of concern to Yukoners.

Mr. Inverarity: I have just a couple more questions. Maybe I should be bringing forth a motion on the floor. I haven't yet, assuming that it would have been on somebody's radar, but we'll see where it goes from here.

Just going back to the jail, could you tell me if the Whitehorse Correctional Centre is in compliance with the fire marshal at this point?

Hon. Ms. Horne: Mr. Chair, requirements were brought before the board, and these requirements have been met. It is up to the safety standards.

Mr. Inverarity: Can the minister confirm that the asset construction agreement with the Kwanlin Dun First Nation that was talked about earlier today in Question Period will be put into place prior to and in conjunction with the construction of the Whitehorse Correctional Centre?

By the way, do we have a new name for that or will it continue to be called "Whitehorse Correctional Centre"?

Hon. Ms. Horne: It hasn't been decided if the name will change or stay the same. As far as we are concerned it is Whitehorse Correctional Centre. It is a correctional centre.

As I said earlier, our government is working to honour the intent of the memorandum of understanding with Kwanlin Dun First Nation. Officials from the Department of Justice have been working with officials from KDFN to explore ways in which the memorandum of understanding can be made operational. Yukon and KDFN have engaged in discussions related to site location options. KDFN officials proposed Lot 226 in the Marwell industrial area of Whitehorse -- referred to as the "old village" in the *Kwanlin Dun First Nation Final Agreement* -- for consideration. To facilitate Yukon's consideration of this property, KDFN provided Yukon with copies of a map of the

property and phase 1 and 2 environmental assessment reports that were written by EBA Engineering Consultants between 1999 and 2004. While it was not possible to determine the nature and costs of the project for the development of Lot 226, it is likely that significant measures would be required if the government chose to build the new correctional facility on the lot.

Order of magnitude costs can be anticipated for budgetary purposes as follows: miscellaneous site cleanup, \$50,000; foundation sub-excavation and structural backfill, \$1 million to \$1.5 million; deep-driven pile foundation, \$1.5 million to \$2 million over the cost of conventional footings; preloading site consolidation, \$200,000. These amounts would depend on the actual building location on the site, found conditions below grade and design loads for foundations, and they would be subject to further analysis, including a proper functional program. In addition, substantial dewatering of the site would be required and would increase the construction cost. So, the cost of building in Lot 226 would increase anywhere from \$3.2 million to \$5.2 million.

On May 11, I announced that our government would build a new facility at its current location. Kwanlin Dun First Nation was aware of this decision. The memorandum of understanding with KDFN is about more than just the building or the location of the building. The MOU outlines many opportunities for Yukon and KDFN to work together in the correctional redevelopment process. KDFN and Yukon officials are working together to bring these opportunities to life and address the commitments made in the MOU. KDFN is an active member of the building advisory committee and contributed to the development of planning options for a new correctional centre.

We expect KDFN to continue as an integral part of the planning and design work related to the new facility. Yukon is also committed to explore training and employment opportunities for KDFN people at the facility and in connection with the delivery of correctional programs.

A correctional program and services redevelopment advisory committee is in the early stages of being set up. This committee is being established to provide advice to the oversight committee regarding correctional programs and services. This committee will also provide advice to the Department of Justice on the development and implementation of the client-focused program delivery model. KDFN will be invited to participate on this committee and will be encouraged to contribute on initiatives of particular interest.

The MOU overlaps with Yukon's obligation to negotiate a Yukon asset construction agreement. Through the negotiation of a Yukon asset construction agreement, it is possible that we will address several elements of the MOU including, for example, identifying contracting and business opportunities for KDFN.

So, you see, Mr. Chair, our intent is to honour the spirit of the memorandum of understanding and work with Kwanlin Dun First Nation to redevelop our correctional system.

The Department of Justice must work in collaboration with First Nations and other service providers to create an environment that encourages the development and implementation of effective correctional programs.

The correctional system must provide a clear role for First Nations. First Nation individuals constitute about 70 percent of the inmate population at Whitehorse Correctional Centre. The Department of Justice, in collaboration with First Nations and other service providers, must work toward a correctional system whose operation reflects those whom it serves.

Administration tools, such as risk needs assessments and security classifications, need to be developed and validated with reference to a First Nation population. Programs need to be developed specifically for First Nation offenders. First Nation offenders are overrepresented in the correctional system. They are also more likely to become victims of crime. The correctional system must therefore further develop its client-focused orientation toward victims, specifically as this relates to providing services to First Nation victims.

While First Nation individuals are overrepresented among victims and offenders, they are under-represented as employees and volunteers. The Department of Justice, in particular, must actively seek out First Nation individuals to work in the correctional system, either as employees or volunteers.

The department must also work with First Nation communities to help build capacity so offenders can receive correctional programs in their home communities.

Mr. Inverarity: I guess the answer is yes.

In light of the great things that will go on with the new correctional facility and the client-focused approach to assisting the inmates in rehabilitation, I wonder what impact this will have on the actual court system and the direction the minister may take -- I'm not sure if "direction" is the right word, but obviously it starts with a crime, then it goes through the court system and ends up in the Whitehorse Correctional Centre facility. Obviously that will have some impact on the end result. I wonder if there will be some change to the actual judicial system to assist in this process. I'm specifically wondering about the victims involved in the crimes committed by the inmates in the Whitehorse Correctional Centre and what impact this whole system will have on them, because they are as big a part of this whole process as the people who are committing the crimes.

Hon. Ms. Horne: This is an interesting question because it runs into our new program with the Community Wellness Court, which we announced in the past two or three weeks. We also take offenders from the court system and refer them to the Community Wellness Court, which has a more therapeutic approach to the regular court system.

With the assistance of the Department of Health and Social Services, we have established this special therapeutic court called the Community Wellness Court, which is at present only operating in Whitehorse. If it runs effectively, it will be moving to the communities.

It is designed to make a concerted effort to break the cycle of substance abuse and criminal recidivism by providing a court-managed therapeutic alternative to the regular court system.

It is ready to deal with offenders who have drug and alcohol abuse problems and are affected by fetal alcohol spectrum disorder. It should not have a large impact on our court system because it is a special court.

As to the victims of offences, it is a part that has been neglected in the past. As we announced just recently, we are also concentrating on the victims of crime. The Department of Justice offers many services to victims, their families and communities throughout the Yukon. As I believe I mentioned here before, we have the VictimLINK crisis line, which is available 24 hours a day and is a toll-free service provided by professional staff. We have the DVTO Court, or the Domestic Violence Treatment Option Court, that recognizes that family violence is a serious offence. We have children who witness domestic violence and the DVTO Court is a crucial service to children who witness violence. We have the victim services and family violence prevention unit. In every Yukon community, there are counsellors assigned to work directly with both victims and offenders. We have formal training for all the workers in the Yukon, and we have JPs and the RCMP, who are also educated on referral to our services.

Mr. Cardiff: This is my first opportunity to get up in this department, and I think I'd like to start off by saying we really would like to have concluded general debate of the budget before moving into the department but, given that this is the only option that the government is providing us, we'll proceed.

I'd like to thank the officials for being here today to assist the minister and to provide information.

The minister was talking about the Community Wellness Court, or the therapeutic court -- it has been referred to by a number of different terms over the years. I'm just wondering if the minister could provide me with some information about what is anticipated with the Community Wellness Court. Right now, by the sounds of it, it's only going to be operating in Whitehorse. It's not going to be going to the communities. It's called Community Wellness Court and it makes sense that it would go to the communities, other than Whitehorse. But if that's the way the government sees fit to operate it, that's the way it will be.

I'm wondering if there is going to be one consistent judge in the Community Wellness Court, or is there going to be a rotating judge? What is the anticipated uptake on the usage of this? Does the department have any idea of the number of people who will be taking advantage of the therapeutic court?

Hon. Ms. Horne: I'll go over a brief description of our Community Wellness Court because it is so new in our system.

Whitehorse is also a community, and this is where we are having our pilot project. It will move to the communities. We have one judge who sits on the Community Wellness Court.

For a description, the Community Wellness Court is one of the initiatives that came out of our substance abuse action plan. It was designed, as I said, to make a concerted effort to break the cycle of substance abuse and criminal recidivism by providing a court-managed therapeutic alternative to the regular court process.

It's interesting to note that this is the first court across Canada that recognizes that offenders may have multiple problems that bring them into conflict with the law and prevent them from being productive members of society.

The court will deal with offenders with drug and alcohol abuse problems and those who are affected by FASD, or those offenders with other diagnosed mental health issues, and will refer them to treatment to address those problems.

The Territorial Court will oversee the court, and the departments of Justice and Health and Social Services will provide services for offenders who go through the court. A steering committee has been formed, made up of the judiciary and representatives from Health and Social Services, to design the court functions and to guide the support programs that will facilitate the therapeutic approach for each individual who will come before the court.

An evaluation mechanism is also devised to assess the effectiveness of the court, similar to the one designed for the innovative Domestic Violence Treatment Option Court, which was also pioneered in the Yukon. It is co-funded by the Yukon Department of Justice, Department of Health and Social Services and the federal Department of Justice.

I am so proud that our government is pioneering these new programs to help our victims and offenders.

Mr. Cardiff: This is really frustrating. Earlier, I paid the minister a compliment about not doing things the way that other ministers do when it came to casework. I think that was during the budget response. I was just read a prepared written statement that I don't believe had the answers to the questions.

What are the anticipated numbers of clients for the wellness court? What kind of numbers does the department anticipate? How many people are going to make use of this court?

Hon. Ms. Horne: Mr. Chair, I thought it would be understood, since I said this is a pilot project and it is pioneered in the Yukon. We cannot give numbers at this time. It will start to be relatively small in numbers, and we can't say where it will go.

Mr. Cardiff: Well, I don't understand how you can budget for something when you don't know how much use it's going to get. If it were like driving a vehicle, you'd have to know how far you were going to drive it in order to know how much to budget for fuel, oil and maintenance. There has to be a budget line item in this budget for the Community Wellness Court. In order to budget money, there has to be some idea. There must have been a projection of how much uptake there would be on the court. That's all I'm asking. There must have been something projected for how much anticipated use the court would get.

Now, it's my understanding, if I recall, and maybe the minister can clarify this, that it was going to be held every second week, so that gives you a time frame of when the court will be in session. What's the anticipated caseload for the court?

Hon. Ms. Horne: Mr. Chair, again, I can't give a positive or definite number there. It depends. Our next court sitting is June 4. There are people coming forward. It depends how many people are referred to the Community Wellness Court. The budgeted costs are for referrals. It also covers probation. It just depends how many people opt to use this system.

Mr. Cardiff: Can the minister tell us where in the budget for the Department of Justice we would find what addi-

tional resources -- what new resources, dollar resources -- have been brought to bear for the therapeutic court?

Hon. Ms. Horne: In this budget we have \$522,598 and that covers family violence treatment, probations and courts.

Mr. Cardiff: Mr. Chair, if we look at the budget we can find that out. I'm asking what new money in the budget is dedicated to providing the Community Wellness Court. What is in this budget that wasn't in last year's budget? I think that is a pretty simple question.

Hon. Ms. Horne: Mr. Speaker, \$522,598.

Mr. Cardiff: Is that all new money? That is money that wasn't there last year to provide services. So, the new dollars in the budget are \$522,000 for the Community Wellness Court.

Hon. Ms. Horne: Mr. Speaker, last year we had \$252,657 in the budget.

Mr. Cardiff: Thank you, Mr. Chair. It's a little frustrating.

If this wellness court, or therapeutic court, becomes really popular as an option to the regular court system -- which would probably be a good thing, actually, if it did become an option and resolved problems outside of the regular legal system -- what contingency plans does the government have if the \$522,000 isn't enough?

Hon. Ms. Horne: That would depend on the evaluation process. A full evaluation will be done within the first two years and will look at whether the court program was implemented as planned and if we need more money. We'll go from there. We don't anticipate a huge amount, and it would be wonderful if we did have a lot of referrals. But I would not imagine it would be a huge amount in the first two years.

Mr. Cardiff: Well, I wasn't talking about the first two years. I'm talking about this year. Is the minister certain there is enough money in the budget to handle a huge uptake in the Community Wellness Court if there are lots of referrals?

Hon. Ms. Horne: As I said earlier, we don't know the numbers that will be using this court. We have budgeted enough for what we think is sufficient to cover the first year. It will be evaluated, and decisions will be made if there are more.

Mr. Cardiff: Maybe the Government House Leader would like to answer these questions.

Could the minister tell me what resources are available in other departments to support the Community Wellness Court? Arrangements must have been made with some other departments to assist in this endeavour. I'm just wondering what additional resources other departments are committing.

Hon. Ms. Horne: The reason the House leader is giving the information here is because we work cooperatively with Health and Social Services. We also have \$86,240 for alcohol and drug services counselling.

Mr. Cardiff: We will move on a little bit, but I would like to stay with the court system. I am just wondering if there are any training programs specifically for Yukon judges in relation to, I guess, the latest, best practices -- especially in dealing with addictions or family violence in the courts.

Hon. Ms. Horne: Yes, judges are actively trained in the Yukon system. We sent a large contingent to Edmonton to

train for therapeutic courts. Judges have their own budget and are involved with national judicial programs for training.

Mr. Cardiff: One of the things that came out of the corrections consultation -- I believe the minister announced at one point that the *Corrections Act* would be reviewed. I am just wondering if she has a workplan or a time frame that she could let us know about. When will the review start? Is there a workplan? Is it available? When is it going to be completed?

Hon. Ms. Horne: We have a workplan that is being prepared, and there is a committee being formed to lead the consultation. We anticipate carrying out this consultation this fall. We have \$115,000 set aside in the budget for this purpose.

Mr. Cardiff: Maybe when the workplan is complete, the minister could provide a copy of that to members on this side of the House, as well as the names of the people who are going to be involved in that committee and in that consultation.

In the same vein, the minister also said they were going to take a comprehensive look at restorative justice in the Yukon. I'm just wondering if she could tell us a little bit more about what her plans are for that comprehensive look at restorative justice. What exactly does it entail and what are the time frames for that project?

Hon. Ms. Horne: Mr. Speaker, I presume we are speaking about the community justice funding.

Some Hon. Member: (Inaudible)

Hon. Ms. Horne: Yes, it is the community justice. As this House is aware, the aboriginal justice strategy was first introduced in 1996 by the federal government to address the overrepresentation of aboriginal people in the criminal justice system and to respond to the desire of many First Nation communities for greater involvement in justice services that were having such an impact on the lives of their citizens.

The Yukon government is very pleased to see that the federal government has again committed to the aboriginal justice strategy for the next two years. As part of our commitment to match the funding from the federal government, we expect to provide just over \$430,000 of in-kind financial support to the nine communities involved in the justice projects. All told, the community justice project should approximately \$870,000 over the course of this fiscal year from the federal and territorial government to support community justice projects.

Due to the fact the federal government has not yet flowed the money for their share of the contribution, it has become necessary to respond to this delay by adjusting the contribution agreements we have with community justice groups in order to flow the money. This has resulted in a need to alter how we complete the process of finalizing contribution agreements with the community justice committees.

The Department of Justice has worked diligently with the community justice groups to expedite this process as much as possible. As a result, I am pleased to report that Dawson City's community group, where there has been a problem getting the funding over to them, has signed an agreement with the Yukon government that will allow funding to flow to them. They could possibly have those funds.

The Southern Lakes Justice Committee is a society that has also signed a contribution agreement, and we expect funding to

flow to them very quickly. Government officials are working with other community justice groups to put together the necessary information needed to complete the contribution agreement process and flow funding to them as soon as possible so they can continue with their work.

As I mentioned previously, the impetus behind the creation of the aboriginal justice strategy was to address issues such as the rates of crime and incarceration among aboriginal people and to ensure the mainstream justice system is more sensitive to the needs and culture of First Nation communities.

This ties directly to our current goals with correctional redevelopment. The Government of Yukon, through the corrections redevelopment strategic plan, is committed to working with communities to prepare capacity development plans. As part of the correctional redevelopment strategic plan, we will be implementing a client-focused correctional program delivery model.

This model will reflect the values and mission of the Department of Justice to be client focused and be reflective of First Nation culture. The model will also address how programs are delivered in terms of who should deliver them, the role of First Nation volunteers and others in the communities, the type of training required to deliver the program and the values and approaches that are required to support the delivery of effective correctional programming.

These programs will target the specific needs of Yukon offenders, whether they are delivered at the Correctional Centre, in transition facilities or the community, delivered by department employees, Yukon First Nations, non-governmental organizations or volunteers. The program will consider those who are of First Nation ancestry, female offenders and offenders with fetal alcohol spectrum disorder, mental health issues or addictions. This government must ensure that the particular characteristics of the Yukon population, the risk-needs profile of inmates and the department's capacity to deliver programs is considered to ensure that resources are directed where they are needed most.

Included in the development of a correctional program delivery model will be a system of evaluation to ensure that we are obtaining the results we expect to achieve. That is why we have committed to conduct a review of the community justice project funding and activities in order to best determine how to support this work in all communities to the best extent possible. Indeed, we are moving forward with this commitment. A contractor has been engaged to carry out the necessary work related to the review and the department is planning the first meeting with key stakeholders to take place starting at the end of May.

Mr. Chair, as with other initiatives related to correctional redevelopment, we are moving forward with this commitment. It is our belief that, through this process, Yukon will soon become the home of one of the most progressive and responsive correctional systems in Canada.

Mr. Cardiff: I thank the minister for that. I am wondering what the time frame is for the completion of this review.

Hon. Ms. Horne: We hope to have this review completed by the end of September 2007.

Mr. Cardiff: Will a report be produced? Will that be available to the public?

Hon. Ms. Horne: We anticipate reports will be available for the public at that time.

Mr. Cardiff: One of the vital things in restorative justice -- and the minister touched on it -- is the community justice committees. We've all heard about how strapped they are -- not only strapped for funding but, in some instances, strapped for volunteers. It's a case of people basically volunteering their time for a number of things in their communities. Unfortunately there is only so much that people can do. I'm just wondering if the department is doing anything to address the issue of volunteer burnout, especially with the community justice committees.

Hon. Ms. Horne: This is one of the issues that will be undertaken with the evaluation that will be completed by the end of September. It is a sad fact that most of the volunteers do burn out. We have the same volunteers re-volunteering on different boards, and we will address this problem.

Mr. Cardiff: I'm going to change topics here a little bit.

The minister recently announced -- and she read a long statement about the new correctional facility earlier and I don't want her to read it again -- a decision about the location of the jail. Could the minister quickly give us a yes-or-no answer and a number, I guess -- how many options were presented, other than the current location, to the group deciding on the new location?

Hon. Ms. Horne: Mr. Chair, I'll try to keep this brief but, over the last couple of years, we've had over a dozen options presented to us. We decided to build on the current location after careful consideration of a number of factors. Some of the criteria that factored into the decision-making process included proximity to the courts, the RCMP detachment, the hospital, emergency services, the availability of vacant land, the site size and suitability for this type of development -- that is, the general terrain and ground conditions -- whether water, sewer, electrical and other utility services were already available or would have to be installed, the anticipated development cost for access and utility services to the site, main traffic routes and site accessibility, compliance with the City of Whitehorse official community plan and zoning, public transit routes and stops, and a commuting distance from the downtown area that is no more than a 30-minute drive.

Based on our review of these sites, we believe that it makes the most sense both economically and operationally to build the new facility at its current site.

Mr. Cardiff: I seem to recall the argument being made a number of years ago that all the infrastructure was there, all the site preparation work had been done, and it was probably the most logical location. It seems that it has taken the government millions of dollars and many years to come to that decision. I'd be interested in knowing, just briefly, if we were able to find out what 12 other locations were looked at.

Hon. Ms. Horne: I didn't name those because I said I wanted to make it as short as possible.

For the purpose of this study, the following sites were considered: east of the Alaska Highway between the areas of Crestview and Forestview. There are two possible sites -- generally northwest or south of the Cousins Airstrip, dependent on topography and soil conditions. The zoning for this land is UR, undesignated rural. It is approximately a 30-minute drive to downtown courts and RCMP, over a 30-minute drive to the hospital, and the nearest utility service was in Crestview. Access from the highway would be required, city transit services are not currently available, and anticipated access and utility development costs were estimated in excess of \$1 million.

North, south and west of the Kulan subdivision, three possible sites were available, dependent on topography and soil conditions. Zoning was PE, environmental protection, so no further consideration was given to these sites.

North of Alaska Highway, near McIntyre Creek, one possible site was available, dependent on topography and soil conditions. The site was zoned PE, environmental protection, so no further consideration was given to this site.

Fish Lake Road area had several possible sites, depending on topography and soil conditions. Zoning was UR, undesignated rural, and PE, environmental protection. There are no utility services at these sites. It is more than a 30-minute drive to downtown and emergency services. No further consideration was given to these sites.

West of Alaska Highway, opposite the airport, one possible small site was examined, dependent on topography and soil conditions. Zoning was FD, future development. It is approximately a 10-minute drive to downtown courts and RCMP and approximately a 15-minute drive to the hospital. The nearest utility service is in Hillcrest. Access from the highway would be required. City transit services are available. Anticipated access and utility development costs are \$500,000 to \$1 million.

West of the Alaska Highway, from the approximate location of Ice Lake south, there were several possible sites dependent upon: topography and soil conditions; multiple zoning -- FD or future development, CH or highway commercial, UR or undesignated rural; RC1 or country residential one, and PE or environmental protection; no utility services; approximately a 10-minute drive to downtown courts and RCMP; approximately a 15-minute drive to hospital; nearest utility services in Hillcrest; access from the highway would be required; city transit services available; so the anticipated access and utility development costs were \$500,000 to \$1 million.

A separate assessment of a property described as Lot 226 in the Marwell industrial area was carried out. The assessment of Lot 226 in Marwell was done at the request of the Kwanlin Dun First Nation. To facilitate Yukon's consideration of this property, KDFN provided Yukon with copies of a map of the property and phase 1 and 2 environmental assessment reports that were written by EBA Engineering Consultants between 1999 and 2004.

Yukon requested a desktop geotechnical evaluation from EBA to assist in determining the next steps on this issue. While it was not possible to definitively determine the nature and costs of the project for the development of Lot 226, it is likely

that significant measures would be required if the government chose to build the new correctional facility on the lot.

Order of magnitude costs can be anticipated for budgetary purposes as follows: miscellaneous site cleanup, \$50,000; foundation sub-excavation and structural backfill, \$1 million to \$1.5 million; deep driven-pile foundation, \$1.5 million to \$2 million over cost of conventional footings; and preloading site consolidation, \$200,000.

These amounts would depend on the actual building location on the site, found conditions below grade, design loads for foundations, and would be subject to further analysis, including a proper functional program.

In addition, substantial dewatering of the site would be required, which would increase the construction cost. So the cost of building on Lot 226 would increase anywhere from \$3.2 million to \$5.2 million.

Each of the alternate sites considered -- Lot 266, as well as the other sites -- would require consultation and may require changes to zoning and/or the official community plan designations.

Significant time would be required to address all requirements, resulting in escalated project costs potentially upward of several million dollars. Development costs for provision of utility services and access roadways would also increase the total project cost by upward of \$1 million for each alternate.

I would like to point out that areas on the east side of the Yukon River were not considered due to the lack of utility services, RCMP and emergency response capabilities with respect to crossing the bridge. Areas south of the intersection of Robert Service Way were not considered due to the lack of utility services and associated costs to extend existing infrastructure.

For all of these reasons, and with respect to the timing and potential cost increases, this government decided the existing site be redeveloped and that no further consideration of alternate locations be undertaken at this time.

Mr. Cardiff: I thank the minister for that. It was a little more detailed than what I was looking for, but it provided a lot of information.

Could the minister tell me -- she mentioned that Lot 226 in the Marwell area was a Kwanlin Dun land selection. Were any of the other sites looked at Kwanlin Dun or Ta'an Kwach'an land selections?

Hon. Ms. Horne: Mr. Chair, lot 226 was the only land site put forward by KDFN.

Mr. Cardiff: I'm just wondering if there is a policy about whether or not government infrastructure can be built on First Nation land.

Hon. Ms. Horne: Mr. Speaker, I'm not prepared to comment on that question at this moment. We did consider over a dozen sites, and we picked the site that was most economically and operationally feasible at this time.

Mr. Cardiff: There was some talk about separating the general population from the remand population in Whitehorse Correctional Centre, and I'm just wondering if a decision has been made on that.

Hon. Ms. Horne: Mr. Chair, yes, it is in the plans to separate the remand population from the sentenced population.

Mr. Cardiff: So would that be a separate facility or on the same site?

Hon. Ms. Horne: Mr. Chair, this is same-site. Each area is secure from the others.

Mr. Cardiff: While we're still dealing with the corrections facility, could the minister tell us what follow-up counselling or treatment is available to inmates who are discharged from the correctional facility when they go back to their communities? Is there some sort of counselling or treatment for those inmates who are referred by the corrections officers? How is that monitored by Justice staff?

Hon. Ms. Horne: Each individual who comes out of the Whitehorse Correctional Centre would have an individual programming package geared to that person. We have drug and alcohol counselling. We have psychiatrist services. We have mental health counselling and victim services, and we monitor through the extent of the probation. There are probation officers located in three regional centres of Whitehorse, Watson Lake and Dawson City. There are 16 probation officers in total who monitor the people who leave WCC. They monitor the people who get out, as required.

There are approximately 450 people on probation at any given time in the Yukon. With our new WCC programming, we hope to have more follow-up -- we will have more follow-up -- when they are released.

Mr. Cardiff: Maybe I'll move on here. I'd like to know what special help there is currently for those people at the correctional facility who have problems with addictions, or perhaps they are FASD or mentally handicapped or ill. What help do we have for those people at the correctional facility?

Hon. Ms. Horne: Mr. Chair, it would go back to the list I gave earlier. We have those services and counselling available for drug and alcohol abuse, psychiatric services, victim services and the monitoring.

As for mental health services, the Whitehorse Correctional Centre has increased its ability to manage mental health cases with the completion of its mental health room last year. This room is capable of holding one or two offenders in a bright spacious area. It also has hospital beds and is equipped with a camera for monitoring the occupants.

The Department of Justice currently has two nurse commissions with psychiatric backgrounds -- one full-time and one part-time -- working with the inmate population. There are currently a number of clients, both at the Whitehorse Correctional Centre and in the community, managed by the new initiative.

The Whitehorse Correctional Centre continues to have a contract with a local psychiatrist to provide comprehensive psychiatric services to offenders. The FASD persons are dealt with in the courts. For First Nation offenders, we have an array of traditional programming at WCC, and we do more for the First Nations than is listed here. We have the white bison medicine wheel, the 12-step program, individual counselling through the Committee on Abuse in Residential Schools, a Council of Yukon First Nations liaison worker, Council of Yukon First Nations solstice gatherings and feasts, traditional parenting, traditional medicine, elders circle and wood carving.

I hope that answers some of the questions. We also contract local services to provide counselling services to female First Nation inmates with personal issues.

Mr. Cardiff: I would like to ask the minister a question. There was a review conducted -- funded at least in part by the federal government -- with respect to policing across the north. It seemed to take a long time for that report to come out, but we have it. I'm just wondering if the minister is going to be actively responding to some of the concerns that were raised by communities. Specifically, the ones I would be interested in for the outlying communities are things like responding to issues around bootlegging, the timeliness of responses to calls -- the time it takes for police to respond to a call was one that was highlighted -- and the need for cross-cultural training for dealing with fetal alcohol spectrum disorder.

Hon. Ms. Horne: As the members opposite know, Canada provided the territory with \$100,000 to conduct a review of the policing services. During this review, Yukon citizens provided their views about policing services in their communities. A report summarizing what was heard during the policing review in each territory, as well as across the territories, has been prepared. Canada has now provided funding to the three territories to complete work on a territorial policing policy framework intended to enhance policing in the territories. Work is underway on this project.

To address problems with alcohol, bootlegging, and drugs, we have in place safer communities and neighbourhoods legislation and the street crime reduction team, which is doing a terrific job already on these issues.

Mr. Cardiff: The minister mentioned, when it came to things like bootlegging and drug trafficking, the safer communities and neighbourhoods legislation. She also mentioned the street crime reduction team. Is the street crime reduction team going out to communities, other than Whitehorse, to address problems like that? And what statistics do we have on the success of the safer communities and neighbourhoods legislation and that unit in rural Yukon? We hear lots about what's happening in Whitehorse and the minister likes to brag about how well it's doing here in Whitehorse, but what is it doing in rural Yukon?

Hon. Ms. Horne: Mr. Speaker, as we know, safer communities and neighbourhoods legislation is Yukon-wide. Calls from the communities are handled in the same way as for those made in Whitehorse. We have had approximately 70 complaints. We've had, I believe, five houses that have been closed down. It would depend on where the complaints are coming from and the investigations in the communities, but it is a community-wide project.

As to the street crime reduction team, as we well know from the news we have had work done in Watson Lake. The street crime reduction team began operations on April 1 and has six police officers, a criminal analyst and a communications strategist. That was developed under the Yukon substance abuse action plan to address the visible social disorder that is caused by substance abuse.

I think that answered all the questions.

Mr. Cardiff: Almost. I asked about statistics. The minister said that it depends on where the complaints come from.

I know it has only been up and running for a little while, but how effective and how many complaints are we getting from communities? This is an issue that was raised in the policing review. I can't remember the gentleman's name, but he went around the Yukon to all the communities and it was a review of policing services in the Yukon and across the north. I was asking about what we were doing to respond to things like bootlegging and timely responses to calls, and what kind of training was being made available to police as far as cross-cultural or fetal alcohol spectrum disorder training.

Now, when the minister answered, she talked about SCAN and the SCAN unit. I'm asking what the statistics are. Is SCAN doing anything out in the communities? How many complaints have been registered, and what actions have been taken on those complaints in the communities?

Hon. Ms. Horne: Mr. Chair, I am not at liberty to discuss complaints from the communities or if there are investigations ongoing in the communities. We will be doing an annual report on SCAN and it only makes sense that we can't discuss issues such as that in the House.

As I answered before, we are in the planning stages of the policing review and work is being done on that front.

Mr. Cardiff: Well, I didn't expect the minister to discuss individual cases with me. I was asking for statistics, numbers -- 1, 2, 3, 4, 5, 6. That is what I was looking for; I wasn't expecting to get a blow-by-blow description of what the SCAN unit's activities were in the communities, but it appears that that information is probably not available.

It has recently been in the media a little bit the fact that, over the years, there has been an increase in the uptake and the use of the Yukon Human Rights Commission and the human rights legislation. Unfortunately that has created a backlog of cases for the commission. The funding for the commission has remained relatively static. It hasn't seen any huge increases, compared to the amount of use that it seems to be getting and the number of cases that are out there.

I am wondering how the minister intends to deal with that problem, because there seems to be a lot more awareness in the public about human rights issues and a lot more willingness on the part of the public to bring forward issues, as they relate to violations of human rights. So we can anticipate, as the public becomes more aware of human rights and their rights, that there will be even more -- unless we do something to change people's attitudes -- there will be more and more cases coming forward, which will put increasing strain on the Human Rights Commission and their staff. I am wondering how the minister intends to deal with that.

Hon. Ms. Horne: I don't know where that information is coming from -- that we have not extended funding to the Human Rights Commission. The 2007-08 Yukon Human Rights Commission grant is \$451,000 in base funding. Over the past six years, the commission's core budget has increased by 178 percent.

In addition to these core budget increases, there have also been two one-time supplementary grants totalling \$168,700. Over the past several months, the Department of Justice has been working with the commission to address their current financial funding issues. An analysis has been conducted and additional funding will be provided during the 2007-08 fiscal year to address the current financial pressures that have been affecting the commission.

There have been several reasons for the funding crises and the Department of Justice will continue to work with the commission to help them stabilize their expenses. This will be done while ensuring the commission maintains independence from the government.

As to the increase, I would say it's from educating the public on human rights issues and their abilities to use the Human Rights Commission.

We will ensure the commission has the appropriate resources to carry out their important responsibilities. Where there has been a demonstrated need, the government has increased their funding. One of the first steps we took was to increase their financial capacity and to deal with their deficit. We have done that, and our objective is to enhance their ability to address human rights.

We are already doing this by looking at different ways to improve this area. Departmental officials are working on options to review all aspects of human rights.

With respect to concerns about the legislation, we are already working on a process to do a review of the *Human Rights Act*.

Mr. Cardiff: With respect to the review process, can the minister give us a timeline on when we could expect to see a workplan, a consultation process and a completion of that consultation process?

Hon. Ms. Horne: I answered this question earlier for the opposition -- it depends on the process that we use to review the act.

Mr. Cardiff: Does the minister have any idea? Is it going to be six months, one year, two mandates? What is the time frame? There has to be an idea of a time frame. I know it depends on the process. When would the minister like to see a review of the human rights legislation completed and new legislation brought into the Legislature?

Hon. Ms. Horne: It could be any of the above or all of the above. As I said, it depends on the process we use and the consultation that is used. Our objective is to enhance our ability to address human rights. We want to consult with all Yukoners, the opposition and the stakeholders to use the best possible process.

Mr. Cardiff: Well, I've got one recommendation for the minister: let's not go down the road of the education reform consultation or the *Children's Act* review process, and hopefully we'll see some product before the next election.

I think I'm going to hand it back to the Member for Porter Creek South, and we'll see what happens there. I may have some questions later, or I will have questions in line-by-line.

Chair: We will proceed line by line with Vote 8, Department of Justice.

Unanimous consent re deeming all operation and maintenance lines in Vote 8, Department of Justice, cleared or carried

Mr. Inverarity: We would like to request unanimous consent to deem all operation and maintenance lines in Vote 8, Department of Justice, cleared or carried, as required. I do have some questions on the capital expenditures.

Chair: Mr. Inverarity has requested unanimous consent to deem all operation and maintenance lines for Vote 8, Department of Justice, cleared or carried, as required. Do we have unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

On Operation and Maintenance Expenditures

Total Operation and Maintenance Expenditures in the amount of \$42,786,000 agreed to

Chair: We will proceed to the capital budget.

Mr. Inverarity: With regard to the capital side, we could probably clear them all. I only have one question on one item. If the minister would entertain a question regarding that particular item, then I would be prepared to clear the rest of them as being deemed as read.

Chair: We'll proceed with general debate on capital in the Department of Justice.

Mr. Inverarity: All right. In the program objectives, under community and transportation services, corrections infrastructure, I was wondering if the minister could give us a breakdown on how that \$3.24 million is going to be spent.

Hon. Ms. Horne: Property management consulting design, \$3 million; property management fees, \$150,000; justice project management, \$90,000; for a total of \$3,240,000.

Mr. Inverarity: Could you just clarify? You were saying \$3 million. Was property management \$3 million or \$300,000?

Chair: Order please. Ms. Horne.

Hon. Ms. Horne: PMA management fee, \$150,000; Justice project management, \$90,000; and PMA consulting design, \$3 million, for a total of \$3,240,000.

Mr. Inverarity: Thank you very much, Mr. Chair. We can proceed with clearing the capital side too.

I request the unanimous consent of the Committee to deem all capital lines in Vote 8, Department of Justice, cleared or carried, as required.

Unanimous consent re deeming all capital lines in Vote 8, Department of Justice, cleared or carried

Chair: Mr. Inverarity has requested the unanimous consent of Committee of the Whole to deem all capital lines in Vote 8, Department of Justice, cleared or carried as required. Are you agreed?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

On Capital Expenditures

Total Capital Expenditures in the amount of \$3,772,000 agreed to

Department of Justice agreed to

Chair: Do members wish to take a brief recess?

All Hon. Members: Agreed.

Chair: We will take a 15-minute recess.

Recess

Chair: Committee of the Whole will now come to order. The matter before the Committee is Bill No. 6, Vote 10, Public Service Commission. We will proceed with general debate.

Public Service Commission

Hon. Mr. Hart: Thank you, Mr. Chair. I'm pleased to have the opportunity to speak to Public Service Commission operation and maintenance and capital budgets for the 2007-08 year. I will provide an overview of both the operation and maintenance and capital budgets. I will provide more than just detail.

The operation and maintenance budget for the Public Service Commission is estimated at \$30,781,000. This is an overall decrease of \$415,000, or approximately minus-one percent from the forecast in 2006-07, and it is due mainly to the workers' compensation fund one-time lump sum payments to pre-1993 clients that were made in 2006-07, and none are forecast for 2007-08.

Employee future benefit decreases relate to the go-forward change in retiree extended health cost sharing and has reduced the actuary liability calculation and finance administration's one-time planning contribution of \$50,000 in 2006-07 to the Yukon Federation of Labour toward the construction of the workers memorial, which is not required for 2007-08.

Second, the 2007-08 capital budget of \$66,000 is a decrease of \$28,000, or 30 percent, from 2006-07. The 2007-08 budget is a return to the regular budget levels for the Public Service Commission. The 2006-07 budget included \$25,000 for start-up equipment for the corporate shredding and recycling pilot project, including the industrial shredding machine, which will continue to be used if the program continues beyond the pilot stage.

Under the *Public Service Commission Act*, the Public Service Commission, in its role as the employer on behalf of the Yukon government, provides strategic analysis and assistance to departments, delivers human resource services, delivers staff training and workplace wellness services, manages corporate compensation for employees, manages staff relation functions, including negotiating collective agreements, provides for work-force planning information analysis, workplace harassment prevention, education and representation of public service planning, policy and communication development and implementation.

While doing this everyday work, the Public Service Commission has also taken on significant corporate projects. As you heard from the Minister of Finance in his Budget Address, the Public Service Commission developed and managed the corporate shredding and recycling/shredding project that is helping to divert paper waste from the landfill and employs people with disabilities.

You also heard that the First Nation Training Corps is receiving an infusion of \$300,000 to support more training and development positions for the Yukon First Nation people within the Yukon government.

The Public Service Commission also developed and provided support for the Canada Winter Games participation policy that helped make it possible for employees to sign up to help with the games.

The auxiliary on-call list developed by the Workplace Diversity Employment Office and the corporate human resource branch has been well received by the human resource community.

One of the most significant initiatives undertaken by the Public Service Commission is called *Investing in Public Service: Serving Yukon People*, known as IPS. IPS is the centrepiece of succession planning programs, career development opportunities, employment health and safety initiatives and improvements to the building blocks of the organizational culture.

Mr. Chair, with just over 31 percent of the Yukon government employees in the 50- to 59-year age bracket, we can anticipate an increasing number of retirements in the next few years. In fact, almost 100 employees retired in 2006 compared to 63 in 2001.

The IPS initiative is all about workforce planning. It is an investment in our future that supports the sound human resource goal of Yukon government to be an employer of choice so that we can attract and retain top-level people to provide quality service to the Yukon public.

With a commitment of \$1.382 million annually, this government, the Public Service Commission, is spearheading IPS efforts that will contribute to making the Yukon government a place where our young people will want to come for a public service career and where existing employees want to be the best they can be in serving Yukon people.

Some of the IPS programs, like the employee development assignment program and the supervisory success program, are for professional development and training of employees. Other IPS programs like the GradCorps and the internship program for Yukon students who have recently graduated from post-secondary studies are for people who need some experience as they take their first steps in a career in their chosen field of study. After the work experience, they may choose to work in the public service or they may want to pursue challenges in the private sector. Either way, we are all winners if our young people come home to work.

The third intake of GradCorps is underway with 13 internships being advertised. Seven of the eight interns from the first intake are still working with this government. The second intake finishes this June as the third begins. This is just one piece that contributes to the overall succession planning picture and attracting younger people into the public service.

Besides these development programs, we also have the healthy workplace component of IPS. Our public service is enriched when we strive to improve return-to-work processes for employees who experience disabling conditions and need accommodation in the workplace. Education programs and

services that support healthy and safe work practices are a foundation of a healthy public service work environment.

Another IPS component is built on the awarding people for excellence framework for employee recognition. This is a cornerstone of our positive work environment where the recognition of excellence helps to promote pride in the public service.

Known as APEX, this framework was developed by a class in the Yukon government leadership forum. Using APEX principles, the Premier's award of excellence was initiated in 2005. The department's recognized programs have also been developed.

As an aside, I want to note that in 2005 and 2006 the Premier's award of excellence processes were very successful. The 2007 nominations are underway and we look forward to hearing more about who has been nominated during the national Public Service Week in June. Decisions on who will receive an award are made by a committee that includes a representative from the public.

Now, while maintaining a focus on succession planning and excellence, I will move away from IPS to speak about the Yukon government leadership forum. I mentioned the Yukon government leadership forum a moment ago. This is another succession plan initiative that focuses on leadership development. Candidates for the fourth Yukon government leadership forum intake have just been selected. This is an 18-month graduated level program that requires a great commitment on the part of individuals, departments and the government as a whole. Originally funded by the Public Service Commission alone, departments are now cost-sharing in this program.

All this work is carried out by seven branches in the Public Service Commission, and operation and maintenance dollar amounts in the budget for the program changes cover all these branches, as well as the workers' compensation fund and the employee future benefits.

Finance and administration shows a decrease of \$43,000, or seven percent, due to a 2006-07 one-time approved contribution of \$50,000 to the Yukon Federation of Labour toward the workers memorial statue. The balance change of \$7,000 is related to actual wage levels of the current staff complement.

Corporate human resource services has an increase of \$183,000, or eight percent, due to increased funding of \$300,000 for approximately five training positions under the First Nation Training Corps. This is offset by a one-time revote budget in 2006-07 related to the GradCorps and the corporate shredding and recycling pilot project, as well as actual wage levels of the current staff complement.

Employee compensation shows a decrease of \$5,000. Slight changes are related to the actual wage levels of the current staff complement. Staff relations show an increase of \$15,000, or one percent, due to actual wage levels of the current staff complement and agreed cost sharing for the Yukon Employees Union.

The human resource management systems branch budget has decreased by \$7,000, or one percent, due to changes in the staff complement. Policy and planning has a decrease of \$5,000, or one percent, due to changes in staff complement.

The staff development budget shows an increase of \$56,000, or two percent. This budget includes increased funding for the employees assistance program of \$50,000. The EAP serves employees and their family members. The program has maintained its service over several years without a budget increase until now.

Besides the branch activities and collective agreement adjustments, the Public Service Commission budget covers two significant areas of corporate responsibility. The first is the workers' compensation fund. The Yukon government pays assessment premiums to the workers' compensation fund to provide coverage for the government employees who suffer work-related disabilities.

This is a legislative requirement under the *Yukon Workers' Compensation Act*.

This budget shows a decrease of \$280,000, or five percent. A number of one-time lump sum payouts were made during 2006-07 to the pre-1993 claimants, either accepting a cash settlement or transferring their benefits to a pension plan. These costs are not anticipated for 2007-08.

The second significant corporate expense in the Public Service Commission budget is to cover changes in future employee benefit liabilities for leave, termination, pension and retirement. The employee future benefits program shows a decrease of \$329,000, or two percent. The decrease relates to a go-forward change in the retiree extended health benefit cost sharing on premiums. The change in cost sharing has reduced the actuary future annual liability calculation. This budget provides government-wide benefit costs for employees that are non-discretionary and not directly attributed to the departmental operation. It includes employee leave and termination benefits liability, non-pension post-retirement and post-employment benefit liabilities, and the employer's pension plan contributions related to employee pension buy-backs and transfers.

The employee leave and termination benefits liability records the accounting liability for the Yukon government to pay out vacation and severance benefits when employees terminate or retire. Each year, PSC adjusts the balance of the account to pay out departments for employees who have retired and to reflect changes to the actual liability based on the actuary estimate. At March 31, 2006, the estimated liability was approximately \$46 million.

Non-pension post-retirement and post-employment benefit liability includes the government's future liability for extended health and life insurance for eligible retirees and for employees who will retire in the future. This is a required change in the accounting practice that started in January 2005. Again, amounts are determined by the actuary estimates.

At March 31, 2006, this amount was close to \$33 million.

Finally, there is the employee's share of the pension contribution related to employee buy-back and transfers. These buy-backs arise when employees elect to buy back their past service or when the Yukon government transfers service from other employers where service can be transferred within the plan.

The federal Treasury Board has ruled that the employer must match the elected payments at rates that the board deter-

mines. The total for both buy-backs and transfers is estimated at about \$3.2 million for 2007.

Mr. Chair, I will conclude by saying that I believe that, given its significant corporate financial responsibilities and its corporate role in major policy initiatives, human resource services and planning, compensation and staff relations, the Public Service Commission manages its budget well on behalf of the Yukon government and its people.

Thank you for the opportunity to speak about the Public Service Commission's financial responsibility and to provide an overview of a few of the commission's accomplishments.

Mr. Fairclough: I thank the minister for that information. Although he didn't sound too energetic or enthusiastic about the department, he did provide some information to us. I do have some questions, but depending on how it goes, I'm hoping to finish fairly quickly here.

Obvious questions that we've been asking here over the number of years that the Yukon Party has been in government are with respect to whistle-blower legislation. I'm wondering if the minister can give us an update on whistle-blower legislation -- where it's at and how soon we can see it before us in this House.

Hon. Mr. Hart: There has been a great deal of activity around whistle-blower protection, both federally and in other jurisdictions, such as the federal government's new federal accountability bill, Ontario's new public service of Ontario bill, and Saskatchewan's legislative amendments. We hope the Yukon can learn from these models that are being proposed by different governments.

The role of the Public Service Commission is to keep the minister up to date with respect to legislative activity in other jurisdictions across Canada, and we're doing that. I understand there is a committee being set up that will deal with whistle-blower legislation here in the Legislature also.

Mr. Fairclough: It doesn't sound like very much is happening locally. The minister said there is a committee set up -- out of what? He elected members in his department to deal with this matter. We would like to be a little clearer on where the government is going with this legislation. How soon can we see it before the House here?

Hon. Mr. Hart: With regard to whistle-blower legislation in the Yukon, the intent is to have a standing committee of members of the Legislature set up to go forth on that particular item. I understand that the makeup of that has not been determined yet.

Mr. Fairclough: Is the minister relying on that to bring the legislation forward to this House? That a committee will actually be working and dealing with this matter -- is the minister relying on that?

Hon. Mr. Hart: That is the intent, yes.

Mr. Fairclough: So, as long as there is no committee dealing with this matter, the minister will not be bringing any legislation forward on this floor. Is that correct?

Hon. Mr. Hart: When this committee gets set up -- it was a committee that was agreed upon previously -- we will go forward on this issue. In the meantime, we will continue to monitor other jurisdictions to see what is coming from their

results. I get an update regularly with regard to the federal legislation as well as Ontario's. We are keeping an eye on what is happening there. In Ontario, for example, they are also having some difficulty getting their legislation through their process. In the meantime, we will wait to see what happens in the committee and we will go from there.

Mr. Fairclough: Well, the minister is stalling on this matter and he knows it. The government side knows it. They are stalling on this matter -- four and one-half years now. The government basically made a commitment to bring this forward, but nothing has happened. The committee is not working. How is the minister going to resolve this matter with regard to the committee bringing it forward? We must have some solutions.

Hon. Mr. Hart: I think the member opposite is well aware of all the meetings that have been going on with regard to whistle-blower legislation, both when he was with the other party, as well as in his current party.

We have had great difficulty in trying to get this committee together. We had an agreement at one point and then one of the parties pulled out at the last minute. In essence, I believe that, as I stated before, the committee will be formed, and Members of the Legislative Assembly will go forward. Once they do, we will be looking at the results when they come back and preparing for legislation changes at that time.

Mr. Fairclough: Well, the minister just admitted that the committee process is not working. One party pulled out. He must have a solution.

Is the Yukon Party committed to bringing forward whistle-blower legislation on its own? They do this with other legislation where they don't have all-party committees dealing with the matter. Is the Yukon Party -- the government side -- willing to bring forward whistle-blower legislation on their own and deal with it? They have all the information they need. They don't need anyone on this side of the House to guide them through this. Is the minister willing to do that? Are we going to see this not move and die under his watch as well?

Hon. Mr. Hart: We made a commitment to work with the other two parties to resolve this issue. We will continue to do so.

Mr. Fairclough: Well, that's not good enough and the minister knows that. It is a stalling tactic. Obviously, the Yukon Party is afraid of employees speaking out. It is obvious, because we have been hearing it on this side of the House. It looks like we're going to go four more years under the Yukon Party without having whistle-blower legislation. That is what the minister is saying, because there is no committee and they are not working. Nobody is on a committee, and there hasn't been a meeting.

Can the minister tell us when the last meeting took place to deal with this matter?

Hon. Mr. Hart: As I stated, we will continue to monitor other jurisdictions on the progress that they are making with regard to their legislation. We look forward to anything that comes out that is applicable to the Yukon. We will keep that in mind. In essence, as I said, we will follow through with the committee and we will go from there.

Mr. Fairclough: We are not asking whether or not the minister will monitor this. That's the job of the department. Of course they will.

Can the minister name the members of this committee so we all know who is sitting on this committee?

Hon. Mr. Hart: The member opposite knows full well that the offer has gone out and committee members have not been identified.

Mr. Fairclough: A stalling tactic by the Yukon Party government -- they are getting really famous for this, Mr. Chair, on a number of things. They are not willing to do the hard work that government does -- bringing forward legislation to this House.

Let's move on, because the minister is not going to make any commitment to that. He basically said that over the next four years, the Yukon Party is going to stall on this matter because they don't want government employees to speak out on government inefficiencies and so on. That's what the minister is saying, otherwise he would commit to this.

There are lots of government officials who want to talk but they are afraid of the repercussions of this Yukon Party government. That's the truth, and the members opposite know it and they don't want to go there.

I will move on to another question. I would like to know how many Yukon government employees there are now -- if the minister has that information -- and how many there were a year ago. If possible, could we go back five years? I would like to see the increase in government employees over that length of time. If he doesn't have that information, could he provide it to me?

Hon. Mr. Hart: With regard to the previous question, I would advise the member opposite that employees have many avenues available to them to report on situations within their department through the Public Service Commission. I don't have information from five years ago, but I can provide it.

Mr. Fairclough: I thank the minister for that. Along with that information, I would like know from the minister what the payroll is, what it was a year ago and, if we can, go back five years to get that information.

Hon. Mr. Hart: The member opposite could obtain the information from the budgets from the last while, but in essence, if he wants, we can see if we can pull out the information for him.

Mr. Fairclough: Can the minister tell us what the O&M cost is for the recent agreement signed by the Employees Union, what it means to government and what was the settlement?

Hon. Mr. Hart: It is approximately nine percent over three years.

Mr. Fairclough: What does that mean in dollar figures?

Hon. Mr. Hart: It would be nine percent over last year's gross budget.

Mr. Fairclough: What does that mean for increase in this year's budget?

Hon. Mr. Hart: It's going to be three percent this year, three percent next year and three percent the following year.

Mr. Fairclough: We understand that, and the minister would not bring the numbers out. Can the minister confirm that this is not voted on? This money will come by supplementary budget in the fall?

Hon. Mr. Hart: That is correct.

Mr. Fairclough: Can the minister provide us with statistics on First Nation employment in the Yukon government, and is he also able to make this a report that he can table in the House?

Hon. Mr. Hart: I don't have a briefing note on that particular item, but I can provide it at a later date.

Mr. Fairclough: I thank the minister for that. I asked also if the minister could make this part of a report to the House -- about how many First Nation people are employed in the Yukon government. Is he able to commit to that?

Hon. Mr. Hart: We will report back to him on that.

Mr. Fairclough: No commitment there again, Mr. Chair.

Can the minister provide statistics on results of job postings saying that preference will be given to persons of First Nation ancestry? Can he do that and can he tell us if this is actually increasing the number of First Nation hires in government?

Hon. Mr. Hart: This would entail a lot of work by the department and take some time to get out so it won't be available shortly, but we can endeavour to get it to him at a future date.

Mr. Fairclough: I am asking these questions because others have come forward seeking the same information, so I appreciate the minister digging in and providing that information to us.

Now, the representative public service plan is a Yukon government initiative to increase aboriginal representation in the Yukon public service according to First Nation land claims agreements. We would like to know how it is being implemented and whether or not it is working.

Hon. Mr. Hart: We are working with many First Nations to provide training. We had the First Nation training program and we are continuing to work with other First Nations to enhance training programs, either to enhance their capacity or to provide opportunity for First Nations to work for the government.

Mr. Fairclough: I know about the First Nation Training Corps, but the question was how it was being implemented and how well it is working now.

Hon. Mr. Hart: As I mentioned, we have been working with the First Nations. They attend our training meetings and we assist them in that. We are also working with the land claims secretariat on monitoring how we're doing with the program.

Mr. Fairclough: Well, thank you -- if the minister is saying that this is how it is implemented, then I will have to take his word for that. I would like to know how well it is working.

Hon. Mr. Hart: A review is currently underway. We anticipate that it will be ready in the next six to eight months.

Mr. Fairclough: Is the minister able to provide that information to members on this side of the House and make it public?

Hon. Mr. Hart: This review is going to be done as part of a tripartite review with the federal government, the First Nations and our government. I can't say at this moment whether or not it will be made public. Right now, it is being made between the three governments, so they will all be involved in the results.

Mr. Fairclough: Well, I have a request for the minister to try to gather that information and have it made public. I've been asking questions regarding First Nation hire in the Yukon government, and there are people out there who are seeking this information. I can't see why it would be held confidentially between the three parties. I know the minister can go back and ask that this information be released in this House.

Hon. Mr. Hart: Obviously, I can't release the report on my own. It would have to be done through the other two parties. Until such time, I can make a request and we can see where it goes. But, like I said, I can't do it on my own.

Mr. Fairclough: I realize that and I appreciate the minister's efforts with respect to that. It is information the public is looking for, particularly First Nation people.

I'd like to move on to other questions and hopefully wrap up soon.

With respect to telecommuting, is there a policy that the department has?

Hon. Mr. Hart: There are a couple of pilot projects underway and the Yukon leadership program is currently doing a whole review on the program. Something will be coming forth to the deputy ministers in the next couple of months, and we'll see what the results are.

Mr. Fairclough: Can the minister elaborate a bit more and tell us what is involved with this pilot project? He said we'll see some of the results in the fall. We are interested in that.

Also, if the minister is up on his feet answering questions regarding this, can he tell us how many use this pilot project and whether or not it is something that government is now looking at expanding?

Hon. Mr. Hart: The current program involves three departments with one individual from each of those departments. The leadership program is doing research and investigation in other jurisdictions on how the program is running, and they will compile that information and provide a report a couple months down the road.

Mr. Fairclough: It is something we are very interested in, and I look forward to the final report. Hopefully the minister can share with all members the final report on this pilot project.

I just have a few more questions. In the departmental objectives it says to "positively contribute to improving the health and well-being of employees". Some of the employees have asked this government whether or not the CHIP program could be a course that they take in government. It is a two-hour course. For one hour the employees would use their lunch hour and the second hour would be donated by the government. I would like to know where the government is going with this,

whether there is any interest in having the CHIP program provided to employees, and what they have done with it.

Hon. Mr. Hart: We have had discussions with some employees. If they are interested, we are asking them to come and talk to us with regard to utilizing the program over the lunch hour.

Mr. Fairclough: So, over the years, nothing has been done. There has been no policy created.

This is an objective of the department and one that many employees are very interested in. How much is the minister going to push this? Is this a bit of a priority for him, or is he going to be led by the employees with regard to the CHIP program?

Hon. Mr. Hart: The CHIP is only one program. It is a very specific program.

We have to look at all the options available to us with regard to providing a healthy and safe workplace for our employees. We are looking at all the options open to us to deal with it.

As I said, if members want to come and talk to us over the lunch hour with regard to the CHIP program, that is fine -- they can come and talk to us.

Mr. Cardiff: I have a few questions for the minister responsible for the Public Service Commission.

The government recently negotiated a new contract -- I don't know if it has been signed yet -- and it appears that it has been ratified. It included a cap on the number of sick days that could be accrued. I was wondering if the minister could tell us, to start, how many current employees have already accrued more than the maximum 180 days for the cap.

Hon. Mr. Hart: The agreement has been signed. There are approximately 200 to 210 employees who have reached the cap.

Mr. Cardiff: Can the minister tell us the total number of sick-leave days involved that would go beyond that 180-day cap? So there are 200 or 210 employees who went beyond the cap -- what would be the total number of days that went beyond the cap? I would think that analysis got done.

Hon. Mr. Hart: That would be something that is handled by the collective bargaining units and is something the union has agreed with.

Mr. Cardiff: This is more a question of interest. I'm not asking the minister to go back and open up the agreement and renegotiate it. Can the minister tell me, then -- I don't know whether this analysis was done or not, but it would have made sense to have done the analysis. What would it cost the employer to grandfather employees whose sick-leave accruals had already exceeded the 180-day cap? Was there any thought given to that? The question is: was there any thought given to freezing the accruals and allowing those employees who had above 180 days to receive that so they don't lose something they are entitled to under previous contracts? What would the cost of that have been?

Hon. Mr. Hart: As the member indicated, I am not about to reopen the negotiations of the contract here on the floor of the House. Negotiations provide give and take on both sides of the ledger. The union has accepted the offer and submitted it to its members and it has been ratified. As I said, the

agreement has been signed and we are living by that agreement.

Mr. Cardiff: So the minister is not going to provide the answer, I guess. That's pretty typical of the government; he's getting his direction directly from the Premier -- "Don't give them any information."

Let's move on to something else. Last week or the week before, my colleague from McIntyre-Takhini raised a question about the status of the employment equity program. Now that the Yukon's unemployment rate is lower than the Canadian rate, it may be challenged under the *Canadian Charter of Rights and Freedoms*. I'm not asking him for a legal opinion, but I'm just wondering if the minister has sought legal advice. I don't want the opinion; I just want to know if they have sought any advice.

Hon. Mr. Hart: To answer the member opposite's question, yes.

Mr. Cardiff: We definitely support affirmative action programs that help traditionally disadvantaged groups of people gain access to employment with the government. I'm wondering if there's anything being done, or if there's something that the government can do or is doing, to ensure that employment equity programs don't run afoul of the mobility provisions in the *Canadian Charter of Rights and Freedoms*?

Hon. Mr. Hart: The *Canadian Charter of Rights and Freedoms* guarantees several rights and freedoms for each application and rule. Mobility rights are under section 6(2)(b), which states that every citizen of Canada has the right to pursue the gaining of a livelihood in any province.

However, section 6(2)(b)'s rights are limited by section 6(4), which allows special programs for people who are economically disadvantaged if the provincial employment rate is below the national average. Under "Equality Rights", section 15(1) prohibits discrimination on the basis of designated grounds, including race, colour, religion and others.

However, section 15(1) rights are limited by section 15(2), which allows for affirmative action programs to ameliorate the conditions of disadvantaged people based on section 15(1) on designated grounds.

So, the employment equity policy is allowed under section 15(2) of the *Charter*. It was adopted to ameliorate discrimination on the basis of designated grounds. It does not rely on the jurisdiction's employment rate, and changes in the rate have no impact on the legality of the policy. It is only the mobility rights under section 16(2)(b) that are impacted by the employment rates in this matter.

Mr. Cardiff: Does the government have a plan in place in case there is a *Charter* challenge? Do they believe there could be a *Charter* challenge? Is there a plan in place in case there is a *Charter* challenge to the employment equity program?

Hon. Mr. Hart: We don't believe there is an opportunity for a *Charter* challenge.

Mr. Cardiff: That sounds like it might be good news. Can the minister provide some statistical information about how some of these equity programs or how workplace diversity is working? I'm just wondering if he could give us the percent-

age of government jobs that are currently occupied by women, persons with physical and mental disabilities, and by First Nation people.

If the minister doesn't have this information at his fingertips, he can provide a legislative return. That would be fine.

I'm just curious as to how that compares to, say, five or 10 years ago or both. Are we making a difference in society through these programs?

Hon. Mr. Hart: I wish to inform the member opposite that I already committed to get the information for the Member for Mayo-Tatchun. I can provide him with the same copy and information.

I will tell the member that we have increased female gender employment within the Yukon government.

Mr. Cardiff: The other request for information is about persons with physical or mental disabilities and about First Nations in the workforce.

Hon. Mr. Hart: Results of the 2006 workforce census have been published and made available to Yukon government employees. The purpose of the census was to collect data to support the government's goal of a representative workplace. As stipulated in our land claims agreement, the census was conducted in November 2006. New employees will also be asked to fill it in. Participation is voluntary and confidential. Obviously, in some cases, not everyone reported, but a majority of them did.

Mr. Fairclough: I have one more question for the minister. It is with regard to mental illness. Recently there was a government employee released from his job. He has bipolar disorder. Departments across government have accommodation policies. I suppose the Public Service Commission has the same thing. This is of quite a bit of interest to many people, and I think that the members opposite know the case I'm talking about. Due to this particular issue going right up to the human rights level, is the department now reviewing its accommodation policies? How are we going to make improvements so this does not happen again?

Hon. Mr. Hart: For the member opposite, this case is currently before the Human Rights Commission. It has just gone through two weeks and they are expecting to go through two more weeks. Depending on the results of the commission's review of this case, we will do an assessment after the report that comes in and make the appropriate adjustments through the government to avoid the situation happening in the future.

Mr. Fairclough: I am not sure how long this type of thing takes to go through court and through the human rights system, but it's obvious that government needs to make improvements. The minister said that the department will make improvements to their accommodation policies. In the interim, is the government continuing to use the same policies? Or are there interim measures and improvements that this department is making now?

Hon. Mr. Hart: As I mentioned previously, currently this is a very special case. It is before the Human Rights Commission. It is definitely a personnel matter. I think I have responded appropriately. We expect two more weeks of review

on this by the Human Rights Commission. Depending on the results of that, we will make adjustments for the future.

Mr. Fairclough: I thank the minister for his answers on that. I expect that, in the interim, this particular department would look at ways of making improvements to their accommodations policy.

I thank the minister for his answers and I hope to see the improvements. I will be asking this question again in the fall, and hopefully the minister has some new information for us.

That's it for general debate from me. I am ready to go into line-by-line.

Mr. Cardiff: I just have a quick question for the minister. In his opening remarks he talked about levels of various funding. One of the ones he mentioned was employee future benefits. I believe I asked this question in general debate when we were still allowed to do general debate here in the Legislature. I asked the Premier, and I would like the minister to confirm, seeing as how it is in his department: where is that money held, because it is a sizable sum of money? Is this the money that is necessary because of the Auditor General's requirement for full accrual accounting? It is a substantial sum of money in that line. Where exactly is that money held? Is it held in a fund that accrues interest, or where exactly does that money sit?

Hon. Mr. Hart: Employee leave, as I say, is something we have to set aside. The records and accounting liability for the Yukon government -- there are payouts, as I mentioned, for vacation and severance pay if and when an employee retires or terminates. Each year the balance is adjusted through this account to pay out departments for employees who have retired and to reflect the changes in the actual liability as per the actuaries estimate. It is an amount that we set aside every year and we identify that amount for the Department of Finance.

Mr. Cardiff: Where is it? Is it in a separate account? Is the money held in an account that accrues interest or is it sitting in a vault somewhere?

Hon. Mr. Hart: I'm not sure of the actual status of this account, but the money has to be accounted for under our new accounting system. I can only indicate that he can ask the Minister of Finance and find out specifically where it is.

Mr. Cardiff: I will ask one more question. Does the minister know how much is in the account? I think it says it's \$15,065,000 that they're budgeting for or estimating this year. What's in the total account for employee future benefits? This is what we're putting in this year. It looks like we put in that much last year, and for 2005-06 it was \$10,690,000. What's in that account now overall?

Hon. Mr. Hart: For leave and termination, the amount for 2006 is \$45,730,000.

Chair: Is there any further general debate?

Seeing none, we will proceed with line-by-line of Vote 10, Public Service Commission.

Mr. Cardiff: I would request the unanimous consent of the Committee to deem all lines of Vote 10, Public Service Commission, cleared or carried as required.

Unanimous consent re deeming all lines in Vote 10, Public Service Commission, cleared or carried

Chair: Mr. Cardiff has requested the unanimous consent of Committee of the Whole to deem all lines in Vote 10, Public Service Commission, cleared or carried as required.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

On Operation and Maintenance Expenditures

Total Operation and Maintenance Expenditures in the amount of \$30,781,000 agreed to

On Capital Expenditures

Total Capital Expenditures in the amount of \$66,000 agreed to

Public Service Commission agreed to

Chair: Considering the time, do members want to proceed with the Women's Directorate?

The matter before Committee of the Whole is the Women's Directorate.

Women's Directorate

Chair: We will proceed with general debate.

Hon. Ms. Taylor: I am very pleased to be able to present the 2007-08 operation and maintenance and capital budget for the Women's Directorate. This year's O&M budget is \$1,161,000, the highest main estimates the Women's Directorate has seen since its reinstatement.

The 2007-08 main estimate budget has increased from last year's forecast by \$67,000. This increase in the main estimates will certainly further enhance the Women's Directorate's work in the area of policy development, public education and women's equality programming.

This year, the Women's Directorate has three strategic goals: to enhance aboriginal women's equality; to increase women's health, security and well-being; and to promote gender and culturally sensitive programs and services.

We have a few key activities that will support our goals, which I would like to briefly highlight. First, the Women's Directorate is collating with the Department of Justice a long-term public education campaign, which is now in its third year. For this phase, our government has provided an additional \$208,000 to produce Yukon-relevant training videos for front-line professionals who work with women and children. This campaign is designed and developed by a talented interagency committee of 19 representatives called "circles of respect and equality", or, CORE, which is the acronym.

They have successfully produced an effective series of posters. They have conducted workshops on the prevention of sexualized assault. They have also created gender-specific pamphlets for youth.

Second, we have committed for the fourth consecutive year \$100,000 to continue to support wellness and violence prevention initiatives designed and delivered by aboriginal women. Over the last three years, this funding has contributed to over 13 successful projects in Whitehorse and rural communities, aiding First Nations and aboriginal women's organiza-

tions in accessing resources to address the most pressing social issue in the north -- family and sexualized violence.

Third, as a new initiative, the Yukon government has committed \$175,000 per year for three years for enhanced sustainable funding for women's equality work. Over the next three years, we are investing a total of \$525,000 directly to Yukon organizations to identify and mediate barriers to women's equality in the Yukon. The new women's equality fund will support projects that meet one of more of the four funding program objectives.

These four funding objectives are: one, to support direct services and programs that provide advocacy and support for women; two, to advance women's equality through research and policy development; three, to support initiatives that enhance awareness, education and social action on women's equality issues, and four, to support the development and capacity of women's organizations.

This fund will fill resource gaps that have recently opened, particularly with respect to research and advocacy due to recent changes to the women's program at Status of Women Canada.

So while providing longer-term sustainability and addressing gaps in resources, our fund will also aid organizations in leveraging additional funding from federal sources.

With these new and successful initiatives, I believe that the budget for the Women's Directorate demonstrates our government's commitment to women's equality in the north in the three strategic areas of aboriginal women's equality, women's health, security and well-being, and the promotion of gender- and culturally-sensitive services and programs.

I am very pleased and encouraged by the very successful work conducted by the Women's Directorate to address emerging women's issues through the engagement and collaboration of our respective government departments and non-profit organizations.

Thank you and I look forward to questions brought forward by the members opposite.

Mr. Fairclough: I thank the minister for her comments in this department. I know it is a very small department, but it does symbolize that government is trying to work with the women in this territory and trying to look at things like equality, and so on.

I was interested to hear the minister say that part of the four objectives of the department was to enhance aboriginal equality. I've asked some questions in Public Service Commission in regard to First Nation hire and so on. I know this is broader and expands to all of Yukon in equality of women and, in particular, aboriginal women.

I would like to know from the minister how close she is working with First Nations on this issue, how much discussion she has had with CYFN in regard to equality for aboriginal women and whether or not she has had government employees -- First Nation women -- coming forward and looking for answers in regard to equality in the workplace within the department? Could she answer those questions, please?

Hon. Ms. Taylor: Our government, through the good work of the Women's Directorate, has been actively engaging a number of women's organizations over the course of the last

four years. We continue to meet with our respective organizations, whether that be the Whitehorse Aboriginal Women's Circle, Yukon Aboriginal Women's Council -- we have the Liard Aboriginal Women's Society. We also have organizations such as the Yukon Advisory Council on Women's Issues, which is actually mandated under legislation in the territory. They are representative of various women and various interests in the territory as well.

We have certainly been very active on this particular issue in terms of advancing aboriginal women's equality in the Yukon. It was about a year ago when I had the opportunity to take part in a forum on aboriginal women and, in particular, violence against aboriginal women. We, from the Women's Directorate, were able to take a delegation of aboriginal women with us to Ottawa.

Again it was a collaboration -- I think it was just over 200 to 300 aboriginal women representing all parts of the country -- to discuss and to bring forward suggestions for further advancing women's equality.

Of course, in the north, whether in the Yukon, the Northwest Territories or Nunavut, we have our degree of issues when it comes to violence against aboriginal women. Certainly here in the Yukon we continue to have one of the highest rates of sexualized violence, assaults against aboriginal women, and for that particular reason we remain engaged on the national front as well as on the domestic front in the Yukon.

Just getting back to the aboriginal women's summit that took place a year ago, a number of very astute and well-thought-out ideas came forward in the area of violence prevention, right down to providing programming and culturally relevant services to address these issues. Subsequent to that summit, there will be a further forum taking place in June in Corner Brook, Newfoundland. That flows out of the council -- a federation headed up by the Premier of Newfoundland. Again we will be taking forward a delegation of aboriginal women to Corner Brook, Newfoundland, to further discuss these various issues, but more importantly to come up with a national action plan to address issues of importance to aboriginal women, one of which includes actions to address and prevent violence against aboriginal women.

We have also been able to come up with funding for specific initiatives that are designed and programmed by aboriginal women here in the Yukon. We have made \$100,000 worth of new initiatives available. This is the fourth year that it is running, so we have made \$400,000 available over the last few years. This provides peer support and a network of circle support in our communities; it helps to find ways to unveil the silence that continues to remain very prevalent in our communities when it comes to violence.

Those dollars are very well utilized by various organizations. It's not even just organizations; it is to the respective First Nation governments that have come forward -- Vuntut Gwitchin, for example, was one of the First Nation governments that subscribed to funding over the last fiscal year, and they did a very good job.

We also hired, in May 2005 -- almost two years ago -- a First Nation individual as a First Nation liaison coordinator

with a mandate to specifically work with aboriginal women in the communities and with aboriginal organizations to help build up capacity in our communities, help further support and strengthen that network of peer support.

Of course, among other things, this position is also responsible for co-facilitating the development of our long-term public education campaign on violence prevention -- and that's against women and children -- as well as working with women across the board on respective policies and programs delivered here in the government.

As I mentioned earlier, we are working on the public education campaign for the prevention of violence against women and children. We are actually in the third year of this campaign.

Again, we focused on a number of things from posters to radio advertisements and Web sites. We have also focused on the prevention of sexual assault against young women through training workshops for front-line workers. We have done that over the course of the last three years. We have also been able to provide additional monies in this year's budget -- well over \$200,000 -- for the design and development of a Yukon-relevant video series.

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

Chair: It has been moved by Ms. Taylor that we report progress.

Motion agreed to

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

Chair: Mr. Cathers has moved that the Speaker now resume the Chair.

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Mr. Nordick: Mr. Speaker, Committee of the Whole has considered Bill No. 6, entitled *First Appropriation Act, 2007-08*, and directed me to report progress.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

The time being 5:30 p.m., the House now stands adjourned until 1:00 p.m. tomorrow.

The House adjourned at 5:30 p.m.