

**Yukon Legislative Assembly
Whitehorse, Yukon
Monday, March 30, 2009 — 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.

INTRODUCTION OF VISITORS

Hon. Mr. Rouble: Mr. Speaker, I would ask all members to join me in welcoming Mr. Jud Deuling and the grade 11 class from Vanier Catholic Secondary School to our Assembly here today. Welcome.

Applause

Speaker: Are there any further introductions of visitors?

Are there any returns or documents for tabling?

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of 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 present the business case entitled "Healthy People Strong North", a case for the continued and enhanced strategic investment in the health care systems of the territories, to the Government of Canada for the continuation or replacement of funds such as the territorial health access fund, which are designed to meet the unique health care needs and challenges of the north.

I give notice of the following motion:

THAT this House urges the Government of Yukon to utilize the 2009-10 budget to provide economic stimulus, create employment opportunities, maximize benefits to Yukoners and improve the overall quality of life in the territory.

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

THAT this House urges the Yukon government to work with the Salvation Army and Maryhouse by providing them with interim financing to aid them in their ability to provide much needed food services until the Whitehorse food bank is operational.

Mr. McRobb: I give notice of the following motion for the production of papers:

THAT this House do issue an order for the return of the sample electrical bills that officials representing the Yukon

Energy Corporation fully agreed to provide during their annual appearance in the Yukon Legislature, which was on December 8 of last year.

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

THAT this House do issue an order for the return of the relevant part of the Yukon Energy Corporation's capital plan regarding projects related to reliability, as referenced in this House by the minister responsible on March 26, 2009.

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

THAT this House urges the Yukon government to work with the CBC to find an alternative location for their AM transmitter so rural Yukoners can continue to rely on their AM service.

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

THAT this House urges the Yukon government to immediately place a moratorium on any development along McIntyre Creek and its wetlands so as to preserve the integrity of the area while the process of creating a McIntyre Creek park unfolds.

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

This then brings us to Question Period.

QUESTION PERIOD

Question re: Food bank

Mr. Mitchell: Mr. Speaker, in difficult economic times it is quite often society's least fortunate people who must endure the gravest consequences of a downturn. The Whitehorse food bank was to open by May 1 of this year. Indications are now that this timeline may have to be extended.

The Salvation Army has depleted its resources and will not be in a position to continue distributing food to the needy. Maryhouse had planned to cease its food distribution by April 30. This leaves no organization with the capacity to distribute food to the 100 plus Yukoners who are in desperate need of it, so my question is for the Minister of Health and Social Services.

Will the government extend interim funding to Maryhouse until the Whitehorse food bank is fully up and running?

Hon. Mr. Hart: Thank you, Mr. Speaker; I thank the member opposite for the question.

With regard to Maryhouse, we have indicated to them that we are providing additional funding to assist them with their operations over the coming year.

Mr. Mitchell: That is encouraging, but I just want to get some details from the minister as to how much, and is it specifically funding that would be targeted toward continuing to operate a food bank which they had not previously planned on doing?

The Yukon Anti-Poverty Coalition recently did a survey with approximately 250 responses. They found that some 40 percent of the people — approximately 100 — could not afford

their current accommodations. Twenty-five percent had no access to cooking facilities. Under the social services in this minister's department we have seen that the funding for the Salvation Army has been cut from \$218,000 in 2008-09 to \$68,000 in the current main estimates that we are debating, yet we boast that we have a billion-dollar budget and there are people who have no food or a place to sleep.

Will the minister clarify exactly how much money he'll be providing and will he guarantee that he will continue the funding as required until the Whitehorse food bank is up and operational?

Hon. Mr. Hart: To the member opposite, yes.

Question re: Tourism infrastructure

Mr. Inverarity: Mr. Speaker, tourism has been an economic pillar along with mining and government for many years in the Yukon. Tourism is a bread-and-butter industry for many Yukoners. I am, therefore, a little surprised to see so little emphasis being placed on maintaining tourism infrastructure.

Public roads in Yukon are also an integral part of our tourism infrastructure. The Silver Trail from Mayo to Keno is a prime example of this infrastructure.

Last year my colleague, the Member for Mayo-Tatchun, received many concerns about the Silver Trail. One lifelong resident said that it was the worst that he has seen the road in 30 years. Yet the O&M budget shows cuts of almost 47 percent on the Silver Trail.

Why has the minister cut maintenance on this important tourism road?

Hon. Mr. Lang: In addressing the member opposite, we certainly maintain all the highways in the territory up to a very high standard.

We are monitoring the Silver Trail now to contribute more of an investment on the ground in the coming years with the influx of more traffic, and that's being done on a monthly basis. We look forward to investing in that area. Of course, the final decision on that will be based on traffic and other things that will impact that area.

Mr. Inverarity: Mr. Speaker, I realize that highways come under the responsibility of the Highways and Public Works minister, but they also impact directly upon the tourism industry. Sixty-nine percent of Yukon roads will have less spent on them this year compared to last. Very soon, this will start showing up in our visitor numbers, if it hasn't already. Such roads as the Silver Trail, the Top of the World Highway and the Alaska Highway will all experience budget cuts. This is all happening while we are supposed to be expanding our infrastructure. A billion-dollar budget and our roads are being allowed to slip into disrepair. Why has the minister not ensured that these roads are maintained properly?

Hon. Mr. Lang: Again, Mr. Speaker, the member opposite is wrong. We have an average of a 13-percent increase this year in maintenance for our highways. No government has invested in the highway system as this government has done over the last seven years. Millions and millions of dollars have been put into the highway system. We are not cutting our budgets. That budget is growing, and we on this side of the House know exactly how important the highway infrastructure

is to all Yukoners. That is exactly what this government is going to do.

Mr. Inverarity: Well, that is not what this budget says, Mr. Speaker. It is showing a six-percent decrease.

During these uncertain economic times, we cannot afford to have one of our main industries being neglected.

Cutting six percent from the highways maintenance this year will not help our tourism industry. These roads need more funding, not less. The government boasts a billion-dollar budget while allowing our roads — especially the Silver Trail — to fall into disrepair with a 47-percent decrease.

Will the minister restore funding to these roads?

Hon. Mr. Lang: Right after I give the member opposite a study in economics and how to read a financial statement. We are putting a 13-percent increase into our highway system.

It is, in fact, the misrepresentation of the member opposite on the floor of this House.

Some Hon. Member: (Inaudible)

Point of order

Speaker: On a point of order, Leader of the Official Opposition.

Mr. Mitchell: Mr. Speaker, on a point of order, it's against our Standing Orders to accuse another member of uttering a deliberate falsehood. I think that statement implies that.

Speaker's ruling

Speaker: The honourable minister understands full well that those types of comments are not permitted in this House.

The honourable minister has the floor. Carry on, please.

Hon. Mr. Lang: Thank you, Mr. Speaker, and I apologize to the member opposite. There will be a 13-percent budget increase in the highways department. All our highways will be maintained and kept at a high standard. We're looking at putting more money on the ground for the Silver Trail, as the demand is shown. That's what good government does.

Question re: Marsh Lake flooding

Mr. Cardiff: On Thursday I attended a public meeting at the Marsh Lake Community Centre to talk about the 2007 flood that damaged homes at Army Beach, South M'Clintock and other areas. I have some questions the people would like answered, and I'm sure the MLA for Southern Lakes would appreciate the information as well.

I'm aware that a study on flood assessment and abatement options for Marsh Lake and Upper Liard was provided to the government in April of last year. It was a draft, and the final report, with recommendations for dikes, road improvements, as well as cost estimates, was not available for the people who attended that meeting.

Will the minister provide the members of this House, and also the general public, copies of that final report? Will he make them available?

Hon. Mr. Lang: Yes, as soon as we're done with it, we will certainly make that a public document, and it'll be open for the public to address.

Mr. Cardiff: It's my understanding it is a public document. The people at the meeting knew about it; it wasn't there. Residents of Marsh Lake were affected by the flooding in 2007, and they had a lot of questions at the meeting for all of the officials and all the departments that attended that meeting. They wanted to know what structures they can build and where they can build them to protect their property; they wanted to know about the permitting processes they have to go through — they were frustrated by those; they were concerned about the fact that there are lease costs associated with building some of these structures; and they expressed a lot of frustration at the number of hoops and hurdles they have to go through to protect their property.

Will the minister listen to the residents, get all the players together — Yukon Energy Corporation, Yukon Housing Corporation, Community Services, Highways and Public Works, Health and Social Services and Environment — and craft a clear process so that Marsh Lake and Upper Liard residents know where they stand when it comes to dealing with floods?

Hon. Mr. Lang: We are being proactive: that's why we're having these meetings, so the individuals go out to the public meetings and acquire all this information and bring it back to the next meeting. That's what we're doing, Mr. Speaker — we're working with the communities.

Mr. Cardiff: If you were working with the community, there wouldn't have been the frustration there that I witnessed at that meeting. This summer will mark two years since the flood that damaged the homes on Marsh Lake, Upper Liard, Tagish and Carcross. Now the experts are saying they don't expect the same type of flooding, but we still don't know what is going to happen this year, but you never know. We can't control the factors that are at play with this. The draft study on flood assessment and abatement options for Marsh Lake and Upper Liard made recommendations for embankment protection, construction of dikes and raising roads and driveways. It came up with price tags of \$2 million for Marsh Lake and about \$900,000 for Upper Liard. To date there has been no action from this minister on these recommendations.

What is the government's long-term plan for these flood-prone areas, and will they be accessing the Building Canada fund or some other federal funds to implement any of the report's recommendations?

Hon. Mr. Lang: We have had two meetings in the Marsh Lake area and one meeting in Upper Liard as government representation. We are working with Department of Environment on monitoring the snow load. There will be another report out at the beginning of next month, which will be within the next 10 days, on where the snow load is today.

Again, we are working with the communities, and working with them and answering the questions they have at meetings like this.

I am committed, here in the House, to send people out, in unison, with Environment to make sure that people are comfortable with what we're doing and also that we answer the

questions out there that are asked. That's why we have the meetings. We will continue having those kinds of meetings, and we are going to invest in infrastructure in Marsh Lake and Upper Liard to address exactly what the member opposite is talking about — trying to minimize the impact of the flood situation over the years in these specific areas. We're doing that.

Question re: Watson Lake health centre

Mr. Hardy: It's kind of a sad story I'm going to tell here. It's a story of the Watson Lake health care facility and the ongoing saga that just never seems to end and the unbelievable amount of cost that keeps building. Of course, now the new projections are five or 10 times greater than what was ever anticipated, and still no one really knows what is going to be the final outcome.

What it seems to point to regarding the Watson Lake health care facility, hospital — or maybe not a hospital — is that there doesn't seem to be anyone on the government side who wants to take responsibility for the decisions that are being made. Can the Premier tell this House who is really calling the shots on this boondoggle?

Hon. Mr. Fentie: Mr. Speaker, the first response will be: to consider health care in the Yukon Territory "boondoggle" is simply inconsistent with the tremendous amount of investment the Yukon makes in our health care system.

Secondly, I would remind the Leader of the Third Party that Watson Lake has had a hospital since 1978. That's the issue. The existing structure is basically time-expired. The functionality of the existing structure, because of that time expiry, has reduced the hospital's ability to deliver health care down to approximately a 25-percent capacity. Therein lies the decision made. We cannot allow that kind of reduction in health care delivery in a community like Watson Lake and the region of the southeast Yukon. Therefore, the decision was made to build a separate seniors facility and to address the issue of what has been, for almost 30 years — three decades — a functioning hospital in Watson Lake.

Mr. Hardy: Mr. Speaker, I'd like to remind the Premier and the MLA of that area that this project was started approximately four years ago. Money has been spent on it. We haven't got a structure; we haven't got a complete building. People in Watson Lake are waiting to see something happen. What does this government do? They're in trouble; they pass the buck over to the Hospital Corporation. They signed a 13-month agreement to formalize its participation in the management of this.

Once again, what we are seeing is that there is no real study and no real public consultation.

The chair of the Yukon Hospital Corporation, the government's go-to guy when everyone has created a mess it needs cleaning up, says in Friday's paper that he's not even sure the existing shell that we spent so much money on is in the right location for a hospital.

We have also heard — and I have heard personally — from architects saying that this structure that they have been building will not meet the requirements of a hospital.

What will the Premier do if the new consultants who have been hired to look at this say that this shell won't work for a hospital? What will you do next?

Hon. Mr. Fentie: Mr. Speaker, the speculation coming from the Leader of the Third Party is really quite over the top. The work being done to date is to address, as I pointed out, the situation of the functioning purposes of the existing hospital. I emphasize "hospital". Today that function has been reduced dramatically. We are addressing that. The existing structure on the ground has tremendous progress made in terms of the overall outside physical structure being built. The work being done now is to establish what design would have to take place internally.

For the members to suggest that this is a situation where we have decided to pass health care on to the Hospital Corporation, the member should start looking at the Hospital Corporation's mandate and the *Canada Health Act*. That might help him address some of the issues he seems to be somewhat lost on.

Mr. Hardy: I am not lost at all on this subject because it is the Premier, the Member for Watson Lake, who is completely confused around this issue. He is not listening to the questions I am putting directly to him. He is ignoring them. Mr. Speaker, he has ignored them for four years, and we have a debt that continues to grow and now there is great indication from architects, from the chair of the Hospital Corporation, from many people out there — experts — who say the structure they have been building will not meet requirements of the new direction for a hospital.

What is going to happen to the building? What is going to happen to this amount of money that has been spent? What is it going to become if this is what the outcome is? Can the Premier answer that? And who really is responsible for this?

Hon. Mr. Fentie: The member pointed to three specific areas and was wrong on all three counts. The member is being presumptuous. The member is precluding the expertise that is working on the issue to deal with a dramatic decrease in functionality of a servicing hospital in the community of Watson Lake that has been there since 1978. The member should take some time to look at the history here of the Watson Lake hospital, look at the *Canada Health Act* and what's required by that law, look at the Yukon Hospital Corporation's mandate and then the member would understand why we're doing what we're doing.

Question re: Tourism marketing funding

Mr. Inverarity: We're already learned today that the Tourism minister has very little influence at the Cabinet table. Her colleague, the Minister of Highways and Public Works, has slashed the road maintenance budget by six percent. Highways are an essential service for our visitors, but the Tourism minister has sat silently by and done nothing.

Let's move on to something within her own department: the marketing money. Each year the government spends millions of dollars trying to get people to come and visit us here in the Yukon. This year the minister has chopped more than \$400,000 from her budget for North American marketing. We all know tourism numbers are down for 2008; why has the min-

ister cut marketing money for North America by more than \$400,000?

Hon. Ms. Taylor: Thank you so very much to the member opposite for the opportunity to speak about tourism and the investments this government has made in tourism over the last six and a half years. In fact, when one looks at the past number of years, it was this government that reinstated the Department of Tourism and Culture, after the previous Liberal government dismantled the Department of Tourism.

Mr. Speaker, since taking office, this government has increased our investments in tourism and culture by almost \$5 million since the last Liberal government, by the way, who dismantled the Department of Tourism and Culture.

Mr. Speaker, our government is very proud of the investments we have made over the last number of years to grow tourism in the territory and we have done just that.

Strategic investments, such as the tourism cooperative marketing fund, investments in a new Yukon tourism brand, a new Yukon travel Web site, and investments in media relations and product development are but a few examples of some of the strategic investments that have been requested directly by industry over the last number of years in order to position Yukon as the destination of choice.

So, Mr. Speaker, our government has certainly made tourism a priority and we have definitely invested, and this budget alone comprises an almost \$3-million increase, mains over mains.

Mr. Inverarity: I can see the minister is still living in the past.

I recognize the value of tourism and that is why I want the minister to fund tourism marketing. According to the minister's own figures in the budget, marketing operations for North America are down \$400,000. It is down \$1.5 million from two years ago, Mr. Speaker. This government made a big deal earlier this spring about increasing marketing to Europe but what they failed to mention is where the money came from.

It's simple, Mr. Speaker. The money for North American marketing was diverted from North American marketing to European marketing. It's a clear, simple problem of robbing Peter to pay Paul. Why is the minister cutting the marketing from North America? And why wasn't she up front about it?

Hon. Ms. Taylor: Well, again, I'll correct the member opposite. I realize that the member opposite is fairly new to his portfolio of being the Tourism critic, but I will take the opportunity to correct the record once again.

This government has identified an increase of almost 14 percent in the Tourism and Culture budget from a year ago. That is almost a \$3-million increase, much of which includes \$500,000 to be put toward overseas tourism marketing. That's an increase from the existing over a year ago, which includes \$2.6 million in the 2010 Vancouver Olympic and Paralympic Games. That will enable Yukon to undertake one of the largest marketing initiatives this territory has ever seen. Of that \$2.6 million, over \$700,000 will go toward marketing media relations.

We are providing the Yukon Convention Bureau an additional \$100,000 to attract more meetings and conventions to

Yukon. Mr. Speaker, I would just like to add also, this was at the direct request of the Tourism Industry Association of the Yukon, and if the member opposite happened to miss the last *Tourism Times* that was published in one of our local media outlets, that individual, the president of TIA Yukon, gave us nothing but accolades for that.

Mr. Inverarity: Well, Mr. Speaker, the Yukon Party government brags about its commitment to the tourism industry, and yet they are cutting the budget for North American marketing by more than \$400,000. Over the last two years, they've cut a million and a half dollars from this budget. The minister's colleagues are cutting the amount of money they're spending on road maintenance for tourists when they come here, and the 2008 tourism season was slow. The statistics up to September, overall, show border crossings decreased by eight percent, or more than 26,000 fewer visitors, and 2009 promises to be more of the same. This is a billion-dollar budget, Mr. Speaker, and yet the government chooses to cut North American marketing by \$500,000. I will ask the minister a simple question: will she put the money back?

Hon. Ms. Taylor: Well, Mr. Speaker, would the member opposite reinstate the Department of Tourism and Culture, after the previous Liberal government actually dismantled the Department of Tourism and Culture?

Again I will correct the record for the member opposite: this government has not only reinstated the Department of Tourism and Culture, we have invested almost \$5 million in new money to go toward tourism marketing in order to market the Yukon as a destination of choice.

That includes new money for overseas marketing, new money for Destination: Yukon, as articulated through the Yukon 2010 Winter Paralympic Games — the largest marketing initiative that Yukon will ever see. It includes \$100,000, in addition to Yukon Convention Bureau, for marketing conventions, meetings and incentive travel.

The member opposite also articulates a lack of investment in infrastructure. I'll just remind the member opposite we're also investing almost \$16 million toward the expansion of the Whitehorse airport terminal building. We are investing in the Tombstone Interpretive Centre; we're investing in cultural centres; we're investing dollars in arts and culture, First Nation cultural centres, Yukon museums. There's a 13-percent increase in roads and highway infrastructure — the list goes on.

Question re: Rate stabilization fund

Mr. McRobb: By now the Yukon Party government must realize it has badly bungled its decisions with respect to the rate stabilization fund. These unilateral decisions made without public involvement have resulted in higher power bills, more frequent power outages, broken promises and no consumer protection against power rate volatility into the future.

For nearly a decade consumers benefited from the RSF program. People appreciated this program because power bills were finally stable after years of great uncertainty and volatility caused by the on-again-off-again effect from major industrial customers, such as the former Faro mine. The Yukon Party has scheduled the discontinuation of the RSF program for July 1. The minister's predecessor bowed to our pressure to extend this

program for a year. What is he prepared to do to keep this popular RSF program alive?

Hon. Mr. Cathers: Again, let me point out where the Member for Kluane is wrong. I know the Member for Kluane's personal attachment to this program is because of his involvement under a previous government, but let me point out that in fact the program should have accurately been titled, "the rate subsidization fund". It did not stabilize rates, as the member indicated. Its purpose, its structure did not encourage system stability. What it encouraged was ever-escalating cost to the taxpayer coming out of general revenue going into the fund and — may I point out — the expenditure of money on subsidizing rates that should have been spent by the NDP, should have been spent by the Liberals, in investing in the system and doing maintenance upgrades and expanding the system to prepare for future needs.

We have, in fact, continued the rate subsidization fund — as it should be accurately named — at half its level. We will evaluate it again this year.

We have done, as previous governments have done, and renewed it only for a set period of time. That decision will be evaluated as it nears its end. What we have done — which they did not do — is invested in capital upgrades and in maintenance of the system.

Mr. McRobb: Mr. Speaker, it is interesting that the minister responsible can't speak to this matter. It is clearly within his domain only. It has become crystal clear that the Yukon Party has never understood the workings of the rate stabilization fund. Soon after it was elected in 2002, it shifted funding for the RSF from the government's budget to the Yukon Development Corporation — a mistake that has contributed to the all-too-frequent power outages and motivation for the program's demise.

Then the Yukon Party abolished the conservation claw-back. This ran up the cost of the program and further hamstrung the corporation's ability to keep the lights on. It also ran up demand for power because it eliminated the program's conservation price signal. Will the minister responsible take the responsible action and cancel the plan to cancel the RSF program?

Hon. Mr. Cathers: Again, the Member for Kluane is wrong, and he ought to know it by now. He says the plan is to cancel the program — no. As I indicated, we have extended the program for a set period of time at half its previous level. We will evaluate that as time goes on, but there is an active process underway right now with corporations going before the Yukon Utilities Board. We'll allow that process to evolve, and we will assess the rate stabilization fund at the appropriate time.

But, again, as I've pointed out, the fund should accurately be titled "the rate subsidization fund". Under NDP and Liberal governments, they took money that should have been spent on maintaining and upgrading the system, and spent it instead on subsidization and pet projects. They chose the quick and popular route of short-term gain through subsidization, rather than the responsible route of investing, maintaining and upgrading the system, at a cost, I may point out, of \$32 million since 1998

— short-term benefit, but they jeopardized future stability of the system.

We are working with Yukon Energy Corporation to invest in the system, including things such as this budget's allocation for the Aishihik third wheel — \$4.25 million, which is newer technology, capable of taking on loads and speeding up quickly. It will enable the system to be more responsive and stable.

I see I'm out of time, Mr. Speaker; I could go on for quite some time.

Mr. McRobb: Two years ago when the former minister responsible made his half-cut announcement to the RSF program and its pending termination, he promised no net bill increases. We now know how hollow that promise was, because consumers have been paying about \$20 more each month since the Yukon Party began tinkering with the RSF program.

The current minister needs to show some compassion for those Yukoners who are having difficulty making ends meet, especially during these times of global economic uncertainty. They need to hear from the minister responsible.

Will he now undertake to indefinitely continue what's left of the RSF program for the future protection of Yukon consumers by funding it from government coffers, as it was originally intended? Will he do that?

Hon. Mr. Kenyon: The rate subsidization fund, as it more realistically is called, is a contentious issue — we give the member opposite that.

The Minister of Energy, Mines and Resources, I think makes a very good point of the number of years that have gone by, and the amount of water under the bridge, so to speak, by previous governments who've spent that money in other places, and not where it should have been — anywhere from the \$17-million transmission line from Mayo to Dawson, which became a \$42-million transmission line, under the Liberal government. Also, we seem to have taken a good deal of money out of various funds that could have been put into that, into things like sawmills under NDP governments.

I'd like to remind the member opposite, we have no trouble in dealing with facts; however, the member opposite, the Member for Kluane, referred in Question Period to a power outage, and the lights going out in Burwash Landing. For the member opposite, Burwash Landing is an isolated community under diesel power and the Yukon Electrical Company — not under the purview of Yukon Energy Corporation. The member opposite needs to get a new pencil — one that's much sharper, and one that has a very good eraser.

Speaker: The time for Question Period has now elapsed.

Government House Leader's report on length of sitting

Hon. Mr. Cathers: I rise pursuant to the provisions of Standing Order 75(4) to inform the House that House leaders have met for the purpose of achieving agreement on the maximum number of sitting days for the current sitting. The House leaders have agreed that the current sitting of the Legislature

should meet for a maximum of 32 sitting days, with the 32nd sitting day being Thursday, May 14, 2009.

Speaker: Accordingly, I declare the current sitting shall be a maximum of 32 sitting days with the 32nd sitting day being Thursday, May 14, 2009.

We will now proceed to Orders of the Day.

ORDERS OF THE DAY

Speaker: We are now prepared to receive the Commissioner of Yukon to grant assent to a bill which has passed this House.

Commissioner enters the Chamber, announced by the Sergeant-at-Arms

ASSENT TO BILLS

Commissioner: Please be seated.

Speaker: Madam Commissioner, the Assembly has, at its present session, passed a certain bill to which, in the name and on behalf of the Assembly, I respectfully request your assent.

Clerk: *Interim Supply Appropriation Act, 2009-10.*

Commissioner: I hereby assent to the bill as enumerated by the Clerk.

Commissioner leaves the Chamber

Speaker: I will now call the House to order.

GOVERNMENT BILLS

Bill No. 68: Second Reading

Clerk: Second reading, Bill No. 68, standing in the name of Hon. Mr. Rouble.

Hon. Mr. Rouble: Mr. Speaker, I move that Bill No. 68, entitled *Act to Amend the Yukon College Act*, be now read a second time.

Speaker: It has been moved by the Minister of Education, that Bill No. 68, entitled *Act to Amend the Yukon College Act*, be now read a second time.

Hon. Mr. Rouble: Mr. Speaker, I am pleased to table Bill No. 68, which amends and updates the *Yukon College Act*.

The changes being proposed here today recognize the importance, role and responsibilities that Yukon College has throughout the territory, and they are consistent with the Yukon College 2008-13 strategic plan. This plan represents the significant amount of work that the college board of governors, administrators, and our partners in education have accomplished in crafting the strategic direction for Yukon's college. The college conducted an extensive planning process, and the final product reflects what the college heard during its 2007 public consultations.

Most importantly, this bill empowers Yukon College to grant degrees, and this is a natural evolution of the college function at this time. From its 1960s roots as a vocational and technical training institution, Yukon College has evolved into a maturing community college that offers a wide range of programs and services in a number of areas.

The college has developed the experience of offering degrees in partnership with other universities, and this has enabled the college to build the strong foundation to move forward, to develop and offer its own degree programs in the future.

These amendments remove any legislative barriers to keep that from happening and, in fact, include the commitment to confer degrees by regulations passed under this act. In addition to enabling the college to become degree granting, these amendments include formally recognizing in legislation a significant number of committees and college practices. In that way these amendments provide for a college framework that is more prominent and formal. These include the position of chancellor. The Chancellor of Yukon College confers certificates, diplomas and degrees and plays an important and public role in community affairs.

The role of the student union, which provides for the voice of students on the board of governors and the academic council, is now formalized in the *Yukon College Act*. The amendments enshrine the role of the academic council. This council plays an important role in establishing degree protocols and in providing for academic excellence.

The finance and audit committees that provide financial management and oversight will now be formally enshrined in the *Yukon College Act*.

Finally, the act includes an amendment that provides for more autonomy and responsibility for Yukon College in establishing tuition fees. Whereas the current *Yukon College Act* provides for the minister to approve all tuition fees, the amendments contained in this bill provide for the college to establish a tuition-fee policy that is then approved by the minister. The college is then empowered to set fees within the context of that policy structure.

Mr. Speaker, collectively these amendments support the board of governors and Yukon College as it continues to evolve. They are intended to foster an atmosphere of academic excellence and strong governance. The bill mirrors structures and powers similar to modern legislation of post-secondary institutions across Canada.

Mr. Speaker, these changes support the college's pursuit of strategic initiatives such as securing research funding, accreditation and attracting international students.

Access to post-secondary education is important in contributing to the socio-economic well-being of a community. These changes build on a community of learners, offering increased educational access to Yukon people and lifelong learning opportunities. In keeping with the trend across Canada where a number of colleges now offer degree programming, this model is responsive to the needs of Yukon students while providing new opportunities to expand on other degree programs as well. For Yukon College, this may include programming in research unique to the north that will draw in students from across Canada.

Mr. Speaker, it will take time to develop the supports required for Yukon College to grant degrees. During that time, the college will continue in partnership with other universities

to offer degrees in education, public administration and social work in collaboration with those universities.

It is anticipated that there will be a multi-year trajectory of work before the college will be in a position to offer its own degree programs. The college will build on its strengths and consider its strategic opportunities.

Finally, Mr. Speaker, this legislation retains the values and traditions of a community college and by removing any legislative barriers, allows for the continued evolution toward degree-granting capacity.

With these highlights outlined, I looked forward to further debate on this bill and the unanimous support from all members of this Assembly to support the changes to the *Yukon College Act*.

Mr. Inverarity: I rise to lend support for this bill that is being brought before the House for second reading today. I think we've all watched the evolution of the college over the past decades — get to this point in their evolution where they are now going to be able to grant degrees. I look forward to when that first degree is actually being granted, Mr. Speaker. I understand it will be perhaps five years to get the program up and running and as they get through the program an additional five years. The time is not the issue here. The time is that we're moving forward in the evolution of the college. I think the one concern that I have that I would articulate at this point in time, Mr. Speaker, is that we must not focus on the good work that the college is currently doing. By continuing to focus on the access program now and into the future, they will be able to ensure the 42 percent of Yukoners who don't graduate from high school will be able to make up that graduation, and get their GED and their diplomas at that point, so that they can then go on to Yukon College or Yukon universities, and get their degree in the future.

I'd like to thank the House for the brief time that I'm going to speak on this bill today, and assure the House that we will be supporting this bill through the second reading.

Mr. Cardiff: Mr. Speaker, it's a pleasure to rise today to speak to Bill No. 68, *Act to Amend the Yukon College Act*. This is going to be a momentous thing for Yukon College to be able to grant degrees.

It's a natural progression for Yukon College to do this, as they've worked with the University of Regina and several other universities — the University of Alaska Southeast — on degree-granting programs for many years. We've seen a lot of graduates from those programs, both in the teacher education program and the bachelor of social work program.

The act puts into place a lot of things that basically were already being practised at the college or are practiced at many other colleges. I think it will help lend credibility and accountability to post-secondary education in the Yukon to have these instituted within the college structure and to give the college the ability to grant degrees here in the Yukon.

I realize that is a ways off — that the college has a lot of work to do in order to be able to do that. They need to work on

things like accreditation and recognition at other academic institutions.

So this is a very important act to Yukon College. The college has a good reputation in the Yukon for providing a multitude of services, ranging from developmental studies right up to degree-granting programs and all the skills programs in the trades area, culinary arts and computer studies at Yukon College currently that are available, not just here in Whitehorse, but in the communities around the Yukon, in person — right in the facilities — and through the use of distance education as well.

So we will be supporting this. We will have a few questions for the minister when we get into Committee of the Whole and look forward to that. So thank you for the time to address the bill.

Mr. Edzerza: I also would like to state that it is a pleasure to rise and speak on behalf of Bill No. 68, *Act to Amend the Yukon College Act*.

I want to put on record that I certainly hope we never, ever lose sight of the importance of Yukon College. I know that there are a number of programs that have been done away with over the years. One that I can think of off the top is heavy-duty equipment operating. I believe there is a real value and need to be able to train Yukoners at home, here in the Yukon, on heavy equipment.

It has been duly noted that, over the years, we've heard a lot from the citizens of this territory about how we need to be able to make tradesmen mobility more available because there is a shortage of operators in this territory. I certainly hope that the new academic council that is being suggested here will be able to come up and ensure that the trade skills are held in the highest priority. I know that degree granting is a good thing, but we must never lose focus on or sight of how valuable the trades people are to this territory.

Mr. Hardy: As my colleague has indicated, we will be supporting this.

It is interesting to note that the evolution of the college goes back a very long time — a time before many of the students in Mr. Deuling's class were even born. It has had an impact on so many people's lives in this territory. It was a tremendous achievement to start the trades and technical institute that used to be across the river — one which I attended and where I received my journeyman papers in carpentry. I was a young man at that time.

I want to point this out, because it's extremely important how this college has influenced and encouraged education in this territory. The institute, when it became a college, was moved up on top of the hill. I was fortunate enough to be able to work on many of the buildings up there, as well as take university courses up there, or college courses up there. I wouldn't say that led me into this position here, but it definitely gave me a greater deal of knowledge to be able to represent the people of my riding, Whitehorse Centre, as well as many people and many issues around the territory. So it has been a benefit that way. It has also benefited my children, who have attended

Yukon College as well, and I would suspect that some of the students in the audience today will also be taking advantage of the opportunities that the college offers.

I can assure you that what the college offers is really quite unique in this country. There are very few institutes that you can go to in which there are only 10 or 12 or 15 students and one teacher. When you go to UBC or Simon Fraser or Concordia or McGill or wherever, anywhere across the country, you are a number. You're one of hundreds and hundreds of students, or thousands of students.

Some of these universities — I think UBC has 60,000 students who attend, twice the population of the Yukon. My children have attended a multitude of schools out there, where they're in classes where there are 300, 400 or 500 students sitting in an auditorium, listening to a lecture from the teacher.

You go up to Yukon College and you have excellent teachers and there are 15 or 20 students there, and you can have a dialogue with them. After the class, you can talk to your teacher and get advice, direction or more information in regard to the classes you're taking.

I always remember my daughter saying — she did one year at Yukon College — that it was the best preparation she ever had to go to the universities of her choice Outside for her degrees, which were not offered by Yukon College. That's high praise, indeed; she went on to get her masters and all that stuff. She was so well prepared to go into that kind of setting after doing Yukon College.

It's really wonderful that now the college will be empowered to grant degrees. Many of the students in the Yukon will not go Outside to do their higher education. This is a great opportunity. It could be for financial reasons that they don't go; it could be because they truly want to stay in the Yukon and they're not enamoured of the Outside university setting at the present time and would like to stay closer to home; it could be health reasons; it could be disability reasons; but the college offers something that is so crucial for the development of this territory and for the future of this territory.

That is why I am very supportive of some of the changes. I'd also like to comment on the statements made by the Member for McIntyre-Takhini on how important it is to go into the trades and to continue to support the trades aspect of the college. As I said at the beginning of this, I'm a product of the trades. It was the trades and technical institute where I did my first year of training in carpentry, and look where it can lead you.

It also gave me a skill that I can always go back to. I think many students — I'm hoping that, within our high schools — are being encouraged to look at the trades again and take up the trades. They are well-paying jobs. They are challenging and fulfilling jobs.

I still consider myself a carpenter first. I am very proud to say that. That came from the college as well. I had good teachers there. As well, I was able to go to school with many of the people I grew up with in this territory and meet many others. That aspect of keeping that strong but also moving into more degree granting and, of course, ultimately into something that the NDP — about two years ago — was hosting the round-

table discussions and public discussions around the college looking at becoming a university down the road, as well, and continuing to expand.

I think this kind of a movement is in that direction and that is why I support it because it is definitely something that the NDP really supports.

Thank you, Mr. Speaker.

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

Hon. Mr. Rouble: Mr. Speaker, I am very encouraged by the positive comments coming from the opposition benches today. I am very happy to hear their support for this initiative.

Indeed, I think all Yukoners can be very proud of the institution that Yukon College has become. It is a tremendous asset not only here in Whitehorse but in all of our communities throughout the territory. I believe we are all aware of the tremendous opportunities that Yukon students have. Currently, we have over 1,000 Yukon students receiving financial assistance from the territorial government to attend over a hundred different educational institutions across North America. And while that is a great opportunity, Mr. Speaker, it's also wonderful to see so many of those students choosing to attend Yukon College, not only in the communities but here in Whitehorse.

The college certainly has a significant responsibility to our community. As was discussed earlier, they not only have a responsibility to provide upgrading courses, skill development courses and their traditional community college type of courses, but they've also responded to the challenge of the community by providing additional training opportunities and education opportunities.

Mr. Speaker, not only have we seen a growth in the number of programs offered, such as the licensed practical nurse program, the master of education program, the survey technician program or the home heating housing maintainer program, but we're also seeing significant partnerships and increased relationships with Outside universities. In addition to the degree-granting programs involved through the University of Regina and the University of Alaska Fairbanks, the college has also established relationships with the University of Alberta, Emily Carr, Royal Roads, and of course the University of the Arctic.

Mr. Speaker, the college will continue to be responsive to the needs in the community and, indeed, by offering university-level courses, that does not remove the responsibility to provide the traditional community college programming that they have been so excellent in providing.

I am very happy to see the members opposite using words like "natural evolution", "natural progression", "continuation". Yukon College is certainly an important institution in this territory. We have seen the funding for this institution grow from \$14 million in 2000 to over \$20 million today. This legislation will continue to recognize its role and responsibility in our community and help the college help Yukoners prepare for Yukon opportunities.

Again, I thank all members of the Assembly for their support. I look forward to their ongoing support as we continue through our process in turning this bill into law. Thank you for your attention.

Motion for second reading of Bill No. 68 agreed to

Bill No. 67: Second Reading

Clerk: Second reading, Bill No. 67, standing in the name of the Hon. Mr. Lang.

Hon. Mr. Lang: I move that Bill No. 67, entitled *Act to Amend the Employment Standards Act*, be now read a second time.

Speaker: It has been moved by the Minister of Community Services that Bill No. 67, entitled *Act to Amend the Employment Standards Act*, be now read a second time.

Hon. Mr. Lang: I am pleased to bring forward an amendment to the *Employment Standards Act* to enable reservist leave. This leave will provide job protection to Yukoners deployed as reservists or in training in the Canadian Forces. The amendment will give Yukon employees who are reservists and are covered by the Yukon *Employment Standards Act* the same benefits as those Yukon employees covered by the federal Canadian Labour Code and the federal *Public Service Employment Act*.

Reservists deployed for overseas missions, including pre- and post-employment duties related to the operation, would be eligible for this leave. Both reservists and rangers deployed for domestic emergency or for up to 15 days of annual training will also be eligible. This amendment will assist the federal government to meet its commitment to work with the provinces and territories regarding best practices and the uniform application of the reservist reinstatement policies across Canada.

In Yukon, there are approximately 228 rangers and six reservists who would benefit from this leave to take part in an official military operation or annual training. We will be the 10th Canadian jurisdiction to enable reservists leave provisions in our employment legislation. Reservist leave is similar to the compassionate care, bereavement, maternity and parental leaves, in that the employee's job is protected while on leave. There is no direct salary cost to the employer as these are leaves without pay. Employer and employee groups, such as the Yukon and Whitehorse chambers of commerce and labour unions, Yukon First Nations and the public, were consulted and provided no indication of concern.

Mr. Speaker, in 2004, this government amended the *Employment Standards Act* to include compassionate care leave in order to provide job protection for employees who need leave to provide care for a family member. In 2007, the *Employment Standards Act* was amended to expand the definition of family for compassionate care leave, in order to provide job protection to a greater number of employees.

This amendment will reflect current trends in the provision of job protection brought forward by the Canadian government. This government promises to provide a better quality of life for Yukoners by caring for Yukoners, and this includes recognizing the importance of those serving in the Canadian Forces by providing legislated job protection.

This amendment will recognize the extraordinary commitment of reservists who volunteer for duty in the Canadian Forces.

Mr. McRobb: I am pleased to rise today in support of this bill on behalf of our critic.

A lot of people do realize the importance of the Canadian Rangers across the country and to the Yukon, Mr. Speaker, but a lot of people don't fully understand what the rangers are all about.

Living in a small community like Haines Junction gives us frequent opportunities to talk with the rangers and understand their important mission, as well as see how instrumental they are in the function of local activities such as each Remembrance Day's service in Haines Junction.

I did some checking on the Canadian Rangers Web site this morning, Mr. Speaker. I have some very basic information about the rangers that I would like to share.

First of all, for anybody who may not be aware of who the rangers are: they are adult members of the Canadian Forces who live in remote and isolated communities of Canada. They are part-time reservists who are responsible for protecting Canada's sovereignty as well as defending her coastal interests.

Also, for people who may be unaware of what the Canadian Rangers do, the rangers provide a military presence in support of Canada's sovereignty. They report unusual activities, collect data of significance in support of military operations, and conduct surveillance and sovereignty patrols, as required. In addition, as mentioned already, they are instrumental to the success of local events such as Remembrance Day services.

For those who may not be aware of where the rangers are located, they are located in 163 remote, isolated and coastal communities across Canada. The majority of Canadian Ranger patrols are located north of 60 and along Canada's east and west coasts. For those who may not be aware of the integration between the Canadian Rangers and the Canadian Forces, in fact, the Canadian Rangers are members of Canada's reserve force. They play an important role in assisting Canadian Forces members by providing local expertise, guidance and advice, conducting North Warning System patrols and providing local assistance to search and rescue activities.

Mr. Speaker, this information on the Web site goes to greater lengths, and I would invite anyone who is interested in learning more about the Canadian Rangers to visit that Web site.

Now in terms of the bill before us, Bill No. 67, *Act to Amend the Employment Standards Act* — as mentioned, it is a sensible bill. There is nothing that I believe any employer would be alarmed about in this bill. It basically protects a Canadian Ranger member from being fired from his job. There are a number of requirements that must be fulfilled such as providing notice and ensuring that the reason for the leave is justified.

Mr. Speaker, this seems like a sensible approach. We will be supporting this. I am only dismayed that we are among the last few in the country to pass such legislation. It seems there

was opportunity sooner than this to deal with this protection for the Canadian Rangers.

Mr. Cardiff: I am pleased to rise to speak to Bill No. 67, *Act to Amend the Employment Standards Act*.

It is a bill that amends the *Employment Standards Act*. It provides the ability for those members of the reserve force, under the *National Defence Act*, to take leave from their employment and receive the right to return to that position. It is a very sensible thing to do, I believe. As the Member for Klwane put it — it is too bad that it has taken this long for us to get there.

We have had acts to amend the *Employment Standards Act* several times in the last six years, and I look forward to amending it in the future, as well, to provide for better working conditions for all Yukoners — whether it be types of employment when it comes to the protection of young workers or whether it comes to the level of wages that are paid to employees and the benefits that they receive. In future years, I hope that we can make other improvements to the working conditions of all Yukoners in this territory.

We will be supporting this bill, and I look forward to talking with the minister in Committee of the Whole.

Mr. Edzerza: I'd just like to make a couple of comments with regard to Bill No. 67. Speakers before me have duly noted the importance of the rangers. I know the rangers are pretty well experts in their own environment. Whether or not people from other jurisdictions like farther south, or in other countries, really realize it, you can't basically just come off the streets of somewhere in Chicago or New York and walk into the environment up here and know how to survive and be able to go out and do search and rescue, for example, or whatever the task may be. So they are experts in their own environment.

Many of the ones I know personally who serve on this as a ranger are kind of special people. You have to have that desire to want to go and do this kind of work. I believe quite strongly that not just anyone can really suit this job.

One thing I did notice with this act is under the leave of absence for this reserve force — that's what this amendment is about — but further on, it speaks to the fact that it's at the discretion of the minister — so it's whether or not an employer can afford to let someone have that time off. It's probably something that will have to be discussed in Committee of the Whole, but it seems rather strange to me, as an MLA, that we would be making this available for a ranger to do without any kind of issue with his employer. Then again, we say that if it's going to cause hardship to the employer, this Ranger can be denied going on this excursion. I just thought I would highlight that one part.

Thank you, Mr. Speaker.

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

Hon. Mr. Lang: I would like to thank the House for the support. This is a very important bill, and again I would like

to thank the House and move forward. I understand the timing of this — we did commit to do consultation and work with the community to make sure that every aspect of this was covered. Certainly it was well received out there in the community, and it bodes well for Yukoners to have this kind of bill in place for the rangers to do their good work.

Motion for second reading of Bill No. 67 agreed to

Bill No. 71: Second Reading

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

Hon. Ms. Horne: I move that Bill No. 71, entitled *Act to Amend the Human Rights Act*, be now read a second time.

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

Hon. Ms. Horne: It is indeed my pleasure to speak today about the proposed amendments to the *Human Rights Act*. Human rights are fundamental to society. Human rights legislation provides a foundation of protection for all of us, including our most vulnerable citizens. Such legislation prohibits discrimination based on different personal or community characteristics or personal beliefs. It prohibits discrimination in certain areas of public concern, such as employment, services and accommodation. Human rights legislation provides ways to lay complaints when discrimination is believed to have occurred. It provides for investigation into these complaints and methods to resolve them. It also lays out some roles and responsibilities, including education. Our Yukon *Human Rights Act* also includes a bill of rights and freedoms as part of the legislative foundation.

Yukon's *Human Rights Act* was originally passed by the Legislature in 1987, following significant and vigorous debate. Following more than 20 years of implementing the act, it has become necessary to update and modernize the legislation. The Legislative Assembly agreed with the need for updating. We collectively appointed a three-member Select Committee on Human Rights.

I would like to thank the members opposite, particularly the Member for Porter Creek South and the Member for Mount Lorne, for their work on this committee. I personally appreciate the dedication and commitment they showed to improving the human rights framework. I would also like to thank the Legislative Assembly officials for their hard work on this human rights legislation.

The select committee held advertised public hearings and provided opportunities for submissions or discussions. Public hearings were held in 16 communities over three weeks. Over 100 people participated in the hearings and 24 written submissions were received. My colleagues and I were moved by the various stories of individual experiences with the human rights system.

I was interested in the different perspectives of those who have been involved or have observed others who were involved and I was very thankful to those who took the time to provide such thoughtful input to the work of the committee.

The committee made 25 recommendations based on the submissions. Some recommendations were directly related to the legislation. Others deal with operations or ways to move forward on the more complex changes.

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

The government is anxious to move ahead to modernize the *Human Rights Act* based on the select committee's work.

Three major questions were considered in determining which recommendations could be made via amendments for this session. First, is the recommendation dealing with a major policy issue requiring future research or consultation? Second, is the recommendation intertwined with other longer term recommendations or with a number of other sections of the act? Finally, is the recommendation relatively simple to draft in terms of case law and the rest of the act?

Given this review, eight of the recommendations are captured in the bill tabled in the Assembly.

Overall, the amendment should accomplish four major objective: one, improve access to the complaints process by increasing the timelines and clarifying the basis on which a complaint can be filed; two, simplify the complaints process by increasing the reasons why a complaint is not investigated, allowing for direct referral to mediation or decision without investigation and clarifying the relationship of the human rights complaint process to other procedures and legislation; three, modernize some of the language based on specific wording recommendations by the committee, recognizing there is more work to do in future; four, clarify the language around the panel of adjudication and boards of adjudication, specify the number of members for each and the process, and outline the panel's accountability to the Legislature.

These amendments will address specific recommendations of the Select Committee on Human Rights, particularly recommendation number 1: that the *Human Rights Act* be amended under section 20, Complaints, so that the threshold for filing a complaint under the act is raised from its current level, i.e. that a complainant believes that they have been harassed or discriminated against, to the requirement that there be reasonable grounds for such a belief. This wording is proposed in the amendment before you.

Recommendation 2: that the *Human Rights Act* be amended under section 20, Complaints, to expand the circumstances in which the commission shall not investigate a complaint by adding, after 20.1(c), (a) the commission decides to refer the complaint to the board of adjudication or to mediation; (b) the complaint has either been abandoned by the complainant, or the complainant fails to cooperate with the investigation; (c) the complainant has declined what the director considers a fair and reasonable settlement offer; or (d) the substance of the complaint has been or could be dealt with within another proceeding or review procedure, or under another act. This recommendation is addressed in full.

Recommendation 3: that the *Human Rights Act* be amended under section 20, Complaints, to extend the allowable

time limit for filing a complaint under the act from the current period of six months to a period of 18 months of the alleged contravention.

Recommendation 4: that the *Human Rights Act* be amended under section 20, Complaints, such that if a continuing contravention is alleged, the complaint must be filed within 18 months of the last alleged instance of discrimination.

Recommendation 5: that the *Human Rights Act* be amended under section 20, Complaints, such that the Yukon Human Rights Commission may accept a complaint filed after the expiration of the time limit if the Commission determines that, (a) the delay in filing the complaint was incurred in good faith and, (b) no substantial prejudice will result to any person because of the delay.

This recommendation is included in the proposed amendments, along with the other two recommendations on time limits.

Recommendation 9 is being implemented in part. This stated that the language used throughout the act and in the definitions section of the act in particular needs to be clarified and updated to reflect more modernized language. The whole act is not being changed but those specific changes that meet the criteria are being proposed to specifically: 9(b), remove the term “mental retardation” from the act; 9(c) remove the definition of sexual orientation from section 37, Interpretation. Note that this does not remove protection against discrimination on this basis; it only takes out the definition, which is not found in any other jurisdiction’s legislation; 9(d) clearly define the board of adjudication and the panel of adjudication — this is linked to recommendation 22; 9(e) change seeing-eye dog to guide dog — note that the more current wording is “service animal” and that is what is proposed.

Recommendation 18: that the reporting accountability of the Yukon Human Rights Panel of Adjudication be clarified and that the panel submit the report of its activities and cases to the Legislative Assembly annually.

The proposed amendments will treat the panel of adjudication the same as the Human Rights Commission in terms of submitting reports.

Recommendation 20 — that section 22, Panel of Adjudicators, the part of the act dealing with the size of the panel of adjudication and the number of adjudicators that are seized to a board of adjudication be clarified and that the total number of adjudicators appointed at any one time be clarified.

The panel of adjudication is the roster of all adjudicators. A board is a body set up to hear a specific complaint and consists of members chosen from the panel.

The proposed wording sets the maximum number of panel members at six. The chief adjudicator appoints a board to hear a specific complaint, similar to the current legislation. The amendments specify that the norm will be a board of three members. There are provisions to have boards of any size, up to six members, at the discretion of the chief adjudicator. The chief adjudicator will also sit on every board with the provision for an alternate to be appointed. This will cover possible conflicts of interest or time constraints.

This is a brief summary of what is being proposed for change to the *Human Rights Act* this session. I would like to reassure the House that work on the other recommendations of the select committee will continue. The Department of Justice has been directed to undertake further research and return to Cabinet for policy direction. I want to note there are some non-legislative recommendations that will affect future amendments. These will also need to be addressed, particularly addressing and evaluating process issues for the Human Rights Commission and boards of adjudication, holding further discussion on roles and responsibilities, seeking clarity on how different human rights acts apply to self-governing Yukon First Nations and providing opportunity for comment by public and stakeholders.

Human rights legislation is a major foundation for ensuring a high quality of life for all Yukoners. Human rights are important to all of us. I know that as members of this Assembly, we are working toward a common goal in this regard. The select committee process is one that we do respect.

Mr. Inverarity: Oh, boy, Bill No. 71, *Act to Amend the Human Rights Act* — flash back in time a little bit to April 23, 2007, when I tabled Bill No. 102 here, *Act to Amend the Human Rights Act*.

It was brought to me by a constituent, who had been sexually harassed in her workplace and could not file a human rights complaint because of the drop-dead date in the existing act.

I have to say today that I’m very, very proud of the work that the Committee has done to bring this act this far. I have to say it has taken two years, less 23 days or so, to get to this point, but I think it has been worth it. I think the work that came forward from it — the Member for Klondike brought forward a motion; I think it was Motion No. 374 — to strike a committee to review the whole act. While I had issues with the wording of the motion and around how we were going to implement some of the motion, I think it moved the process forward and allowed us to not just look at the issues that I was trying to bring forward to this House, but the issues of others within the Yukon with regard to a 20-year-old act.

I would like to thank the Minister of Justice for her chairing of the committee and the Member for Mount Lorne for his valuable input over the about six months that we sat on the committee and the two months that we travelled around to all of the Yukon’s communities that proved to be very fruitful. We got to see a lot of different points of view — of both those who would like to see more restricted access to the *Human Rights Act* and those who wanted to see it a lot more liberal in nature.

Last fall, Mr. Speaker, you will recall that on a number of occasions I brought forward questions for the Minister of Justice in trying to fast track some of the suggestions that came out of our report. I wasn’t successful in achieving that last fall but we’ve moved forward this sitting and we are now bringing forward some of the fast-track items. I would say I would have liked to have seen more. Clearly, we had, I think, 50 recommendations in our report. I know that we could not have dealt with them all but I think that as a first step this is a very impor-

tant move forward. As I said, I would have appreciated a few more that could have been put in, but at this point, after two years, I will take what I can get.

However, I'm not going to let up, Mr. Speaker. I think we need to move forward with the second phase of this, once we get through passing this particular bill. We will continue to work toward having the best Yukon *Human Rights Act* anywhere in Canada, if not the world.

One area that is not addressed, either here or even probably in the future — and I brought it up last fall — is the funding arrangements around how the Human Rights Commission is funded. I've counselled the minister on a number of occasions about how I felt about this; I think she has taken my comments into consideration.

The issue here is one of transparency, and I think it's important that we are cognizant of that and that we move toward trying to move the funding arrangement for the Yukon Human Rights Commission out of the Department of Justice and perhaps into the Yukon Legislative Assembly, much like some of the other boards we have.

In closing, I look forward to supporting this particular bill. I think the hard work we've all done is now being brought forward in this bill and I look forward to some serious debate as we move into Committee of the Whole.

Mr. Cardiff: I'm very pleased to be here to speak to Bill No. 71, *Act to Amend the Human Rights Act*. I, too, would like to say that I'm really proud of the work that we did as a select committee, and I would like to offer my thanks to the minister for chairing that committee, to the Member for Klondike for sitting in the minister's place for a couple of meetings, and to the Member for Porter Creek South for his participation on the select committee and the valuable input that everyone provided on that select committee.

I would also like to offer my thanks to the Clerks of the Legislative Assembly and the employees of the Legislative Assembly who assisted us with the meetings and the tour around the territory to gather input from all communities in the Yukon. I'd like to thank the Yukon Human Rights Commission for their submission and their participation as well at many meetings in many communities. I'd also like to thank the many members of the public and the many organizations that attended the meetings and sent in their written submissions, because they were all helpful and gave us a lot to reflect on. This is a very, very important issue. In fact, I believe the Premier has said there's nothing more important than human rights.

I'm very pleased that we've come as far as we have in two years. It would be nice if we could snap our fingers and all these improvements would be made, but that's not the way that it works. We do need to go and talk to people. We can't just act on what we hear on the street and the things that come to us, necessarily. We do have to go out and seek other people's opinions because there were a wide variety of opinions that fell on a number of different sides of human rights — the processes around that and how broad or how narrow the *Human Rights Act* should be. I think that some of that is still up for discussion. I think that is going to be left to phase two.

I think that the improvements that we've made will improve access and will improve the process for both complainants and respondents who are dealing with the human rights process — whether it be at the commission level or at the board of adjudication.

There are changes in here that address some of the concerns and the reporting structures of the board of adjudication and the size and consistency of the panel of adjudication. There are some changes that modernize the legislation. I think that the public is going to be served very well.

I would like to say, as well, that I too will not be letting go of this. This is an issue that's very important. Some of the recommendations that are still to be acted on — and maybe we can do some of this without changing the legislation. One of them is about education, and that's one of the roles that the Human Rights Commission has — public education. We need to ensure that our children understand, not just what human rights are, but what their responsibilities are, given the human rights legislation.

So, we need both public education and we need education in our school system, as well, around human rights and responsibilities that come with receiving those rights: how you should behave, so that you respect the rights of others. That's the part about responsibility — respecting the rights of others.

I think that we may not have to change the act to do some of those things. I think that it is important, though, that we provide an opportunity for our children to learn about that because, as they grow up, they too are going to be faced with discrimination, either being discriminated against or witnessing it. They need to know that they can stand up and say that is not appropriate. I think that that is a very important item that may not need to be addressed through changes to the legislation, but we can do that through our daily lives here in the Legislature. We can encourage the Minister of Education to make it part of the school curriculum and we can lead by example out in our communities.

There are other issues that came up during the review that may require, or that do require, more public consultation. I hope that that process — it says in the explanatory note that this is the first of a two-phase approach — and I hope that the second phase is going to get underway soon. I have some concerns about that, and I look forward to having a discussion with the minister about that when we get into Committee of the Whole.

I, too, have some concerns about some of the — I would like to see the issues of the arm's-length funding for the commission addressed. It is about transparency; it is about the appearance of conflict — and we can have this discussion a little further, maybe, when we get into Committee of the Whole — but it's about the perception of conflict, in that when complainants file a complaint with the Human Rights Commission against the government, against their employer, and their employer is the government, the government is representing them, and it's the Department of Justice that represents the government as a respondent.

So it would remove that conflict — or it would remove the appearance of that conflict, if nothing else — if the funding

was removed from the Department of Justice. One of the areas that was suggested was to put it with the Legislative Assembly through the Members' Services Board. It may be possible and I hope that it is looked at. That is the way other offices like the Ombudsman are — and there is language in the *Ombudsman Act* that would facilitate that.

I would also like to see — as legislators, we went out to the community and we gathered that information. There is a wealth of information in the report and there were a lot of controversial suggestions made — some controversial and some not so controversial — but I think it depends on your point of view. When it comes to human rights, a lot of people have different points of view, but when it comes to modernizing language around prohibited grounds for discrimination or prohibited types of discrimination, I think that we need to think about whether or not we need to narrow it down, or broaden it. We all know that it's not right to discriminate, regardless.

So those are things that I hope will be addressed in phase 2, and with that, I'd like to see, when we get to drafting — the amendments that we have before us are good, but I'd like to see the drafting and some of the work done more at arm's length than with the Department of Justice. That's my understanding of how the original *Human Rights Act* was done: at arm's length from the Department of Justice. So I'd like to see that addressed as well.

One of the other things, one of the recommendations that was made, and my support for this bill — I support the bill, but one of the recommendations that we made as a committee, Mr. Speaker, was that if draft human rights legislation is to be brought forward by the Yukon government, that there be an opportunity for public and stakeholder groups to comment on the proposed legislation. The public and the stakeholders haven't had an opportunity to comment publicly before it appeared here in the Legislature.

I hope that when we deal with future amendments to the human rights legislation, in phase 2, that an opportunity is provided to get more clarity about the legislation before it's presented here in the Legislature.

So I do support it. I view it as very progressive — the people whom I've spoken to in the public are very pleased with the progress that has been made, and I think that says a lot about how good this bill is. But I still believe we have a long way to go.

Thank you.

Mr. Edzerza: I rise today to make some comments to Bill No. 71, *Act to Amend the Human Rights Act*. My comments are going to be the lack of and not what's in here. When we talk about human rights, I think that is probably one of the most critical laws that could ever be developed — that is to protect human rights.

One of the issues that I want to put on record today is the lack of access for First Nations people. I know of several cases where First Nations were being harassed beyond belief at their workplace, which happened to be under a First Nation government. They went to the Human Rights Commission only to be told that they can't do anything for them. I would want to be-

lieve that any legislation that is governing the Yukon Territory would cover every citizen in this territory because it almost appears to be a double standard here, where the legislation protects anyone who is not working on First Nation jobsites, which I find unacceptable.

I mean, it's hard enough for First Nation people to even come up with the funds to access good legal counsel, let alone have to fight their own governments or other First Nation governments. I think that this is something that has been a real issue with First Nations for, I would say, at least 25 years that I know of. We've never been able to get any help in the Yukon when it comes to harassment on the job for First Nations.

The other issue I wanted to raise today was that I feel First Nation people are really being discriminated against when it comes to the First Nation Training Corps in government. First Nation people who are not a beneficiary of a claim in the Yukon cannot be and are not eligible for training positions in government, which I find ludicrous. We're talking about human rights and the protection of human rights, yet First Nation people who are not a beneficiary of a claim in the Yukon cannot apply for jobs here within government. I find that very unfortunate, because First Nations who go from the Yukon and go south — that doesn't apply to them.

This is only a one-way street here. People who come from the south to the Yukon are denied that opportunity, yet First Nations who go from the Yukon south never run into this. So, yes, I personally feel there is a real strong violation of human rights for First Nations who aren't beneficiaries here, which is very unfortunate.

I raise this today in anticipation that the minister will look into this. I know one of the common answers for this is, "Well, it's part of the land claims agreement." Well, then I think that all three parties who signed the *Umbrella Final Agreement* need to go back to the drawing board and get rid of that clause. They need to appeal it, if that's the case, because we cannot have two standards in the Yukon for First Nation people.

Then they're going to say, "Well, it has got to do with the minority clause." Well, we are the minority. A First Nation person is a First Nation person. It really doesn't matter if you're in the Yukon or if you're in Nova Scotia, or if you're in Arizona. We are First Nation people.

So I just bring that to the attention of the minister, and I certainly hope that somewhere in the future there could be some good resolve come to this and to become of it, because again — I can't help but stress it — it really does appear like there are double standards.

Thank you.

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

Hon. Ms. Horne: In closing, I would like to thank the members opposite for their words of advice. I again want to thank the Legislative Assembly staff, Brian MacDonald, and the organizations and the public who took the time to make a contribution to this most important piece of legislation.

Gunilschish. Thank you.

Motion for second reading of Bill No. 71 agreed to

Bill No. 66: Second Reading

Clerk: Second reading, Bill No. 66, standing in the name of the Hon. Mr. Lang.

Hon. Mr. Lang: I move that Bill No. 66, entitled *Corporate Governance Statute Law Amendment Act*, be now read a second time.

Speaker: It has been moved by the Minister of Community Services that Bill No. 66, entitled *Corporate Governance Statute Law Amendment Act*, be now read a second time.

Hon. Mr. Lang: Mr. Speaker, it is my pleasure to speak to this brief and positive bill. The bill proposed amendments to three acts: the *Housing Corporation Act*, the *Liquor Act*, and the *Corporate Governance Act*. The proposed amendments would allow one executive to be appointed to lead the Yukon Housing Corporation, the Yukon Liquor Corporation and Lotteries Yukon. The proposed amendments would also allow one executive to be appointed to lead the Department of Community Services. The effect of this proposed amendment would be enhanced program service delivery to Yukoners.

The current legislative leadership model has one person leading these four distinct organizations with their different mandates, programs and requirements. It is in fact a monstrous task, which has been performed well. The government believes, however, that even better service can be achieved by the department, the corporations and the commission to Yukoners by efficiently and permanently changing the leadership model through these proposed changes.

Since January 26, 2009, the department, corporations and commission have been operated under a temporary model in which two separate deputy heads have been leading the Department of Community Services and the corporations and commission through formal delegation of responsibilities. These legislative amendments will enable this temporary model to become permanent and would support the goal of enhanced service provision to be realized on a long-term basis.

Thank you, Mr. Speaker.

Mr. Inverarity: I'm pleased to stand and respond to Bill No. 66, *Corporate Governance Statute Law Amendment Act*, on second reading.

I suppose my biggest concern about this particular bill, in speaking to it, is that we have not had a briefing on this particular bill. As such, it's difficult for us to try to enter into any meaningful debate on this particular bill. All we have received is the bill itself and a press release from January of 2009. It would have been nice if we could have gone forward and supported this bill through second reading; however, because we've received no briefing, we're a little short on answers to some of our questions.

I have a few questions that I can throw out. Had we had a briefing on this, we might have been able to get through this a lot quicker than we have.

This move creates a new high-level bureaucratic position, with a corresponding high-level salary. While that may be a good thing, I'd like to know where the value in it is.

The minister has talked about doing it for a specific reason — stress and workload of the current individuals doing the job. It would be nice to have some answers around that.

What are the benefits expected from this change — long term and short term? You know, we're seeing another whole department being created and there will be increases in salary. I don't remember what a deputy minister makes — \$180,000 or something like that. It is a lot of money to spend and had we been able to deal with this in a briefing, I think that we could have probably headed off a lot of concern both now and at third reading.

Will these program enhancements offset the cost of a new high-end salary that is being created? I have already touched on this briefly. I think in these times when we're all looking at massive layoffs, and corporations like Chrysler may be going bankrupt, is this the time for us to go out and spend an additional amount of money on creating more bureaucracy? Maybe it is. It would have been nice to be able to talk about it and find out from the department in the briefing.

Expanding the government bureaucracy may be required but we can't support such a move without some justification and we have unanswered questions. I think, Mr. Speaker, the biggest concern that I have with not having a briefing on this is the lack of respect that we on this side of the House receive from not having a briefing or not being considered.

It is a minimum thing that I think that we in the opposition deserve to have — briefings on all of these before they are tabled for second reading where we have no ability to actually talk or speak to them. Therefore, Mr. Speaker, I'm not sure if we're going to be able to support this bill through second reading. Perhaps as we go through third reading, we'll be able to ask these questions and determine the answers.

Thank you.

Mr. Cardiff: Thank you, Mr. Speaker. My comments on Bill No. 66 will be brief.

We understand the purpose of the bill. We hope that these changes will improve the services and programs of these government corporations, and we will have questions about that when we get to Committee of the Whole, and I look forward to asking the minister questions about that, and how he sees the services being offered being improved by making these changes. We'll talk more with the minister when we get into Committee of the Whole.

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

Hon. Mr. Lang: I would like to thank the members opposite for their comments this afternoon on the second reading of Bill No. 66.

Motion for second reading of Bill No. 66 agreed to

Bill No. 65: Second Reading

Clerk: Second reading, Bill No. 65, standing in the name of the Hon. Ms. Horne.

Hon. Ms. Horne: Mr. Speaker, I move that Bill No. 65, entitled *Act to Amend the Yukon Advisory Council on Women's Issues Act*, be now read a second time.

Speaker: It has been moved by the minister responsible for the Women's Directorate that Bill No. 65, entitled *Act to Amend the Yukon Advisory Council on Women's Issues Act*, be now read a second time.

Hon. Ms. Horne: This government recognizes and values both the Women's Directorate's and the Yukon Advisory Council on Women's Issues' advice in ensuring that gender considerations are integrated into all aspects of government policy making.

For that reason, Mr. Speaker, I am honoured to rise today to introduce amendments to the *Yukon Advisory Council on Women's Issues Act*, or what we often call the YACWI act. The eight-member Advisory Council on Women's Issues was established by the YACWI act in May 1992. The council is appointed by Cabinet. At least 50 percent of the members are from rural areas and at least 25 percent are members of Yukon First Nations.

The YACWI act, among other things, mandates the council to: develop public awareness of the issues affecting the status of women; encourage discussions and expressions of opinion by Yukon residents on issues affecting the status of women; review policies, programs and legislation affecting women as directed by the minister; advise the minister with respect to such issues as the minister may refer to the council for its consideration; and encourage organizations and groups that promote the equality of women.

Some of the recent issues the council has been involved in include: the *Children's Act* review; the corrections consultation process; a review of housing needs for women which resulted in the Yukon government decision to construct the Whitehorse affordable family housing project and organizing and hosting a yearly women's forum. In 2007, this forum was co-chaired by the Yukon aboriginal women summits and in 2008 it hosted a women in leadership conference.

The proposed amendments, Mr. Speaker, do not change the mandate, powers or composition of the council. The amendments are purely administrative in nature.

More specifically, I am asking for the Legislature's support to remove barriers to filling vacancies on the Yukon Advisory Council on Women's Issues in two ways: firstly, by removing one section of the act that prevents members from being appointed for more than two consecutive terms; and secondly, by extending the term of appointment to three years.

Mr. Speaker, it is important that experienced council members can continue to help advance the legal, social and economic issues of Yukon women. Combining longer terms with the option for reappointment will provide greater flexibility and fewer vacancies and result in a more experienced advisory council to the minister.

Thank you.

Mr. McRobb: I am pleased to rise, instead of our critic for women's issues, in support of this bill this afternoon.

This is a relatively small housekeeping amendment yet it is important in promoting the continuity of board members, so we of course are in support of that and we will be voting for the bill. In preparation for this — and again I am not the regular critic — I visited the Web site of YACWI and learned further information I was not aware of regarding all of the undertakings YACWI is involved in. I would certainly recommend all Yukoners visit the Web site and enjoy the learning experience as I did.

Thank you.

Mr. Hardy: There are questions to be asked around the changes that are being proposed. We look forward to doing that in Committee of the Whole. We don't feel asking the questions right now where we can't have an exchange of ideas and information is being overly productive, but this is an advisory council that was created by an NDP government in 1992, and it is one that has proved over a course of 26 years to have served Yukon very well. I am very pleased to see this government continue to support it.

Some of the questions I am concerned about — I am not really concerned, I just want more information in regard to what it actually means by "at pleasure to serve for the term specified in the appointment": "Each member of the council shall be appointed at pleasure to serve for the term specified in the appointment" and "any member may be reappointed for a further term". That is my understanding of what happens, anyway, for reappointments. But I just want to know what the proposal is — "at pleasure" could mean four terms or two terms or three terms — I think it is one term right now — and how long that could be, because there could be some problems around that.

I would just like some clarification around the vacancy part of the second part, which says, "Vacancy in the membership of the council does not impair the ability of the remaining members to act." Is there a threshold at which point that vacancy would have an impact? If so, is that being changed?

Mr. Edzerza: It's also a pleasure to rise and speak to Bill No. 65. I just feel it's rather unfortunate that we always have to have legislation to ensure equality in issues like that.

We know that women's issues, not only in this Legislative Assembly but in many across the country — it's unfortunate but I guess some of us men still believe it's a man's world and we make all the rules and regulations.

With regard to this board, I think extending the time limit is not a bad thing but I also believe we do run the risk of having, say for example, one individual reappointed for 16 years. It is a good thing to have change; consistency is good but it's also good to have new visions and new ideas from different people.

I do thank the minister for bringing this amendment forward.

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

Hon. Ms. Horne: In conclusion, I'm very pleased to respond to this request from the Yukon Advisory Council on Women's Issues by sponsoring these amendments to the YACWI act. I thank the members opposite for their comments on Bill No. 65. I respectfully ask that the remaining members of this Legislature also indicate their support for women's equality by confirming these changes to the legislation.

I'd be pleased to answer questions in Committee of the Whole.

Motion for second reading of Bill No. 65 agreed to

Bill No. 70: Second Reading

Clerk: Second reading, Bill No. 70, standing in the name of the Hon. Mr. Hart.

Hon. Mr. Hart: Mr. Speaker, I move that Bill No. 70, entitled *Child and Youth Advocate Act*, be now read a second time.

Speaker: It has been moved by the Minister of Health and Social Services that Bill No. 70, entitled *Child and Youth Advocate Act*, be now read a second time.

Hon. Mr. Hart: Children and youth are some of the most vulnerable citizens in our society. Adults have a responsibility to ensure that children and youth are protected, and receive the care and support they require. The family plays a primary role, nurturing and protecting children and youth, but sometimes children, youth and their parents need help accessing government services. In addition, some children and youth may need help to participate in decisions that affect them, or in voicing their concerns about services they are receiving.

Our role as a government is to support families, children and youth in their efforts to access government services and get the support they need. We do this in many ways: social workers, teachers, health care providers and support staff provide important services to children and youth and have daily contact with children, youth and families. Children, youth and families receive excellent services from caring individuals each and every day, but of course no service system is perfect and issues do arise in the delivery of these services.

There are a variety of informal and formal mechanisms in place for the issues to be discussed and addressed. Some children, youth and families work through issues in this way very successfully; however, there are some children, youth and families who do not know how to resolve issues and may not have the skills to advocate for their interests.

I'm very pleased to rise today to speak to this legislation that will provide support to children, youth and their families, accessing services from the Yukon government. This bill will provide another service to children, youth and their parents to assist them to resolve any issues they may have in accessing Yukon government services.

Tabling this bill fulfills the Yukon government's obligation to develop child advocate legislation. The requirement to develop child advocate legislation is set out in the *Child and Family Services Act*, which was passed in April 2008. Yukon is the first of the three territories to table such legislation.

In developing this legislation, our government is moving ahead to get the child advocate in place as soon as possible.

This position will complement the implementation of the *Child and Family Services Act*. This bill establishes the office of the child and youth advocate as an officer of the Legislative Assembly. While I, as the Minister of Health and Social Services, am taking the lead in bringing this bill forward, the child and youth advocate will be independent from the Yukon government.

This level of independence follows the trend across Canada to create independent offices that report directly to elected members. The primary role of the child and youth advocate will be to support and assist a child and youth in accessing designated services.

Designated services include services provided directly by the Yukon government, school services provided by school boards and services that may be provided by a First Nation service authority providing delegated child and welfare services sometime in the future under the *Child and Family Services Act*.

The child and youth advocate will use a child-centred approach in assisting children, youth and families and other adults who may be supporting the child and/or youth. There are 12 principles in the bill that speak to this approach. The principles will be used to guide the advocate and staff in carrying out their work.

There are a number of ways that the advocate may assist children and youth in providing individual advocacy services. Namely, the advocate may provide information and advice about how to access designated services and how to resolve complaints within the Yukon government; work with a child, youth and others involved to ensure that child and/or youth's views are heard and considered; promote the rights and interests of child and youth, particularly in situations where the child or youth may not be able to speak for themselves, for example in the case of an infant; work with those involved to resolve issues regarding the designated services using informal dispute resolution methods.

In addition to these primary functions, the advocate may also look into and provide advice on systemic or policy issues that come to their attention as a result of their individual advocacy work. For example, a number of youth may come forward with the same complaint about a rule that affects children and youth in group homes. The advocate could then look into the policy issue and recommend changes to the appropriate department. If the systemic issue is beyond the capacity of the advocate to review, the advocate may refer the issue to the responsible department for their attention.

Thirdly, the advocate will be responsible for advertising their services and explaining the role of the advocate to children, youth and the public.

The fourth function of the advocate is to review larger issues that may be referred to them for study by the minister or the Legislative Assembly. These special reviews could include a review of a child death that occurred while a child was in the care of the government. The terms of reference for such a review would be developed by the minister or the Legislative Assembly.

In drafting this bill, we made certain that the advocate would have enough power to carry out the functions set out in the bill. Accordingly, the advocate has the power and the authority to compel government workers to disclose information that the advocate may need in looking into an issue for the purpose of assisting a child or youth. This authority provides the advocate with the “teeth” they need to do their job properly. This was something that was recommended by Yukon First Nations and stakeholders.

It was also recommended by the Ontario child advocate, who does not have the authority to compel information from the government, and is finding this to be a barrier to effectively carrying out his or her job. The child and youth advocate will become a public body under the *Access to Information and Protection of Privacy Act*, or ATIPPA. This means that the advocate will be subject to the confidentiality rules set out under ATIPPA.

In addition, the advocate will take an oath of confidentiality. The bill sets out the exceptions to ATIPPA and the area where the advocate can disclose information, if needed.

The advocate will be accountable to the Legislative Assembly and will submit financial reports and an annual report. The advocate will also distribute annual reports to the First Nations and make the report available to the public.

There are other accountability measures set out in the bill. For example, if an individual has a complaint about the advocate, they will be able to ask the Ombudsman to investigate.

The bill will be reviewed in five years and, at that time, the operation and functions of the advocate may be assessed. This provides a definite time period in which to review implementation and make any necessary changes.

This bill reflects the input we received from some First Nations, stakeholders, the Ombudsman and privacy commissioner. A discussion paper on the *Child and Youth Advocate Act* was released early in November 2008, and the responses were collected until early February. A summary of what we heard is available on the Health and Social Services Web site. The input we receive from individuals, groups and First Nations is reflected in many places, including the guiding principles. As well, some First Nation representatives wanted the advocate to notify the child or youth's First Nation when the advocate gets involved. This has been included. Some First Nation representatives also wanted to see flexibility built into the legislation so that a self-governing First Nation could use the services of the advocate. This was provided in the bill. First Nations and municipalities will be able to request the advocate to take on an issue related to a First Nation or a municipal service for children and youth under a fee-for-service arrangement. A similar provision can be found under the *Ombudsman Act*.

The advocate will also be able to delegate authority to individuals to carry out the functions of the advocate. This will allow the advocate to delegate authority to one or more individuals in the rural communities, if needed.

It was important to address the concerns and the needs of First Nations in this bill. Provincial child advocates told us that the vast majority of individual advocacy work relates to chil-

dren in the child welfare system, and we know that First Nation children are overrepresented in that system. This is why the bill requires the Legislative Assembly to consider knowledge of the First Nation values and history when hiring the advocate.

This bill is truly a made-in-Yukon approach. It avoids duplication with other services in place, and carves out an important role for the advocate in Yukon. The Ombudsman will continue to provide important services for all Yukon people, including children and youth.

This is different from any provinces, which have made their child advocate an ombudsman for the children and youth and have granted equivalent powers and functions.

As well, the existing legal services in place for children will remain. If a child or youth needs a lawyer to represent their interest in a child welfare matter, a lawyer will be assigned using the current process.

I would like to thank the individuals, organizations and First Nations who took part and took the time to provide input on the content of this legislation. The feedback that we have received was instrumental in creating a made-in-Yukon *Child and Youth Advocate Act*.

Mr. Speaker, I believe that the child and youth advocate will make a difference in the lives of the individual children and youth. This office will play an important role in safeguarding the rights and interests of children and youth in Yukon.

I look forward to going through the bill in Committee of the Whole and encourage all members to support this important piece of legislation.

Thank you, Mr. Speaker.

Mr. Mitchell: I am pleased on behalf of the Official Opposition, the Liberal caucus, to rise to speak at second reading to Bill No. 70, the *Child and Youth Advocate Act*.

I thank the minister for his opening remarks in laying out the government's view of what this bill accomplishes. I want to thank the officials for the briefing that we enjoyed this morning — although, to second some comments that I think were stated earlier here today, it would be helpful if we had a little bit of time between these briefings and when we first debate these bills. However, at least we had a briefing.

This act, as the minister said, is the completion of a requirement made in the final paragraph or two of the *Child and Family Services Act*, which was passed by this Assembly last spring. That was a commitment to bring forward, within a year from the passage of that act, a stand-alone child and youth advocate act.

It is important, Mr. Speaker, that every child has someone to speak for her or him. Most often that person is a parent or another family member or perhaps a legal guardian. Of course, sometimes, we already have teachers and other government officials in their more limited capacity who are sometimes speaking in an advocacy position for a child in those more finite roles. Overall, we're talking about someone who can be an advocate for a child in any capacity. Sometimes these natural advocates — parents, family members or legal guardians — are either unable or incapable of speaking on the child's behalf. Sadly, these people who sometimes should be there first and

foremost to protect the child are occasionally the people from whom the child needs to be protected — and perhaps needs an advocate in that process. That is the reason the child advocate is such a crucial role.

I would like to read a few sections and some of the comments out of the *What We Heard* document about the child and youth advocate act. I think they are good at sort of crystallizing some of the reasons why this is an important bill. These are just from the document itself and I'm basically reading them in the order in which they appear, but not reading all of them.

The purpose of the legislation should be to establish a voice for children and youth who are most vulnerable and at risk and who do not have adults who can adequately care for them or advocate on their behalf. It should be clear how the advocate will represent the rights and interests of young children and children who cannot speak for themselves.

The creation of the child and youth advocate should not change the mandate, role and responsibility of the Ombudsman in relation to children, youth and their families seeking or receiving government services. The legislation should be enabling and allow involvement of First Nations. It is perhaps even more important to ensure that the Yukon model reflects best practices and the lessons that can be learned from other jurisdictions' experiences.

A true made-in-Yukon model would provide a child and youth advocate with the ability to receive, review and investigate any concern that a child, youth or concerned individual or group may have with the services being provided or should be provided to a child or youth in the child welfare system.

Individual advocacy is already being provided by other organizations, so the child and youth advocate should focus on legal representation and systemic advocacy. The advocate should represent children and youth in legal matters. The advocate should be able to support the child/youth through court proceedings. At a minimum, the responsibility to appoint lawyers for children and youth receiving child welfare services should be transferred from the public guardian and trustee, Department of Justice, to the child and youth advocate.

Now, not all people agreed with all of these comments. These comments came from individuals, from First Nations, from non-government organizations, but they speak to the broad interest that society has in this legislation that is before us. I think, in reviewing this bill, we can see the merits in this legislation in that it does address a number of these issues, many of them perhaps. It may nevertheless, in some areas, fall short of the mark. Specifically, this legislation does not empower the child and youth advocate to initiate an investigation or a complaint, nor does it empower the advocate to act as legal counsel for a child, nor to initiate a review of a specific matter that is within the scope of his or her mandate. So we do have some questions about how effective the office of the child and youth advocate may be, without some or all of those powers.

We know that last year, when we debated the *Child and Family Services Act*, that debate led to some fairly heated debate in this Assembly, and we in the opposition ranks at the time heard from a number of First Nations who expressed con-

cerns regarding the consultation process at the time and some of the clauses and powers and wording in the act. We are hopeful that the consultation process on this act has gone better — it has been done better this time — but I just want to note for the record that we have heard some of the same concerns expressed in correspondence from the Council of Yukon First Nations and also from the Chief of the Ta'an Kwach'an Council.

We do have sort of mixed feelings about this legislation. We think it is a step in the right direction. We think that anything that enables children's voices to be heard, to make sure that children do not go without representation in the sense of advocacy, not necessarily legal representation, when they are facing difficult or perhaps overwhelming matters at times is an important and positive step. As it says in the explanatory notes of the act, the advocate's primary role as set out in the bill is to support and assist the child or youth to access designated services and to ensure that the views and interests of the child or youth are considered.

As part of that primary role, the advocate may assist the child or youth and others involved to resolve issues related to the designated services.

I guess the concern we have with the legislation is, does it go far enough? Does it empower the advocate sufficiently to stand up for children in need, children who may be in a situation where they're facing harm? We recognize that there are other legislation and other agencies that do that but, nevertheless, for this person to truly advocate for the child, as opposed to simply help lead the path to existing services.

In Committee, we will have substantive questions to ask of the minister regarding this legislation. We will also bring forward concerns that come to us, whether it be from First Nations, NGOs or individuals, to try to be their voice on the floor of this Assembly, as they don't have a direct voice in this Assembly.

With that, I want to thank the officials who have done the work on this act. We do look forward to the debate in this Assembly.

Mr. Hardy: I also have to thank the many people who have worked on this legislation. It has been long overdue and has been advocated by so many organizations, groups, First Nations, individuals in this territory as being extremely necessary to protect the children, especially when they're in very vulnerable situations.

I'm not going to spend hardly any time at all outlining all kinds of areas of our concern. I think the member of the Official Opposition has articulated many of the third party's concerns reasonably well. I'm eager to get into Committee of the Whole, where we can have a debate in regard to some of the issues that have been raised. There are issues that need to be raised, and they're almost all issues that were brought forward last year when we were looking at the child act.

Unfortunately, it seems the concerns that were expressed by many First Nations in regard to consultation and involvement in the drafting of that act, since it involves so many of their children, were not considered and they felt they were not consulted enough.

It's interesting that CYFN has indicated that there has been inadequate consultation by this government on these matters as well. It doesn't seem as if the government has learned much about that. Ta'an Kwach'an, as well, has also indicated that they don't feel that they were involved enough in drafting the *Child and Youth Advocate Act*. I've also heard this from many people, other organizations, and individuals.

I'm going to wrap it up really quickly here, so the minister can move forward and we can get into Committee of the Whole and debate this properly, but I want to put it on record that we have some serious concerns about this, though we do support the movement forward and the promise that is being lived up to that was made last year, in that a child advocacy act would be brought forward within a year. Just a heads-up to the minister that we will be questioning him quite thoroughly on the legislation that has been brought forward.

Thank you.

Mr. Edzerza: I, too, would just like to put on record that once again there is a piece of legislation before this Assembly that is going to be pushed through regardless — I mean, it's going to happen, even though there is a lot of resistance to it from a large number of citizens in the territory. I find it rather unfortunate that, for the sake of just being able to say, "Well, I pushed this legislation through, and there's my signature on it," that it's going to be done.

I would feel much better if this legislation that's being brought forward had the blessings of all the citizens in this territory; however, that's not the case. It would be very, very good if the government were able to say, "Well, you know, because of the letters I'm receiving, based on lack of consultation and other issues, I'm going to defer this until the fall." That would be, in my opinion, a very, very good step for the government to be able to do things like that; however, it appears that this Yukon Party government gets an agenda, and they're going to push it through, whether it's good or bad.

Anyhow, the citizens of the territory will have to live with whatever is pushed through. It is unfortunate; I just think it is so unfortunate that once again it's going to be a very controversial piece of legislation just rammed through.

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

Hon. Mr. Hart: I thank the members opposite for their comments. Again, I will discuss what I indicated earlier in my opening remarks with regard to the legislation: the focus is on the child. When we had our discussions with other jurisdictions with regard to this particular position, that was one of the emphases that they told us if we could strive for was the objective we should try to meet. In other words, concentrate the mandate for this individual or individuals on addressing the interest of the child and the rights of the child. That is our attempt here in this process. I believe that we have succeeded in achieving this process, and I look forward to the discussion during Committee of the Whole.

Thank you.

Motion for second reading of Bill No. 70 agreed to

Bill No. 69: Second Reading

Clerk: Second reading, Bill No. 69, standing in the name of the Hon. Ms. Horne.

Hon. Ms. Horne: Mr. Deputy Speaker, I move that Bill No. 69, entitled *Miscellaneous Statute Law Amendment Act, 2009*, be now read a second time.

Deputy Speaker: It has been moved by the Minister of Justice that Bill No. 69, entitled *Miscellaneous Statute Law Amendment Act, 2009*, be now read a second time.

Hon. Ms. Horne: I am here today to present the second reading of the *Miscellaneous Statute Law Amendment Act, 2009*. This act corrects inadvertent errors in several statutes. This set of amendments does not make substantive changes to the statutes. This legislation makes technical corrections to the following acts: a drafting error in the *Electoral District Boundaries Act*; a numbering error in the *Environment Act*; clarifying wording in the *Executions Act*; modernizing wording in the *Interpretation Act*; modernizing wording in the *Liquor Act*; modernizing wording in the *Public Lotteries Act*; clarifying wording in the *Retirement Plan Beneficiaries Act*; a drafting error in the *Securities Act*; a numbering error in the *Smoke-free Places Act*; two drafting errors, and also clarifying wording in the *Wildlife Act*.

Mr. Deputy Speaker, these are housekeeping amendments. These errors are very minor, but the public expects that the government will keep its statutes in good order. The act will do just that. The correction of errors in legislation enables greater clarity in Yukon laws. The last *Miscellaneous Statute Law Amendment Act* was passed in spring 2008.

Mr. Mitchell: This is one of those instances where we in the Official Opposition can agree 100 percent with the government. This is a housekeeping bill; nevertheless, small errors in legislation can have unintended significant consequences, so we'd just like to thank the officials within the Department of Justice for their work on this and the officials in other departments who have brought these errors to the drafter's attention. We will obviously be supporting this act, and there is no more to say.

Mr. Cardiff: We in the third party will be supporting Bill No. 69 also. We agree — it's housekeeping and clarifies and cleans up the language in a number of acts, and this is pretty standard. I'd like to thank the officials for finding the errors and correcting them.

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

Hon. Ms. Horne: In conclusion, I thank this House for their support of Bill No. 69, *Miscellaneous Statute Law Amendment Act, 2009*.

Motion for second reading of Bill No. 69 agreed to

Bill No. 64: Second Reading

Clerk: Second reading, Bill No. 64, standing in the name of the Hon. Mr. Fentie.

Hon. Mr. Fentie: Mr. Speaker, I move that Bill No. 64, entitled *Act to Amend the Legislative Assembly Retirement Allowances Act, 2007*, be now read a second time.

Deputy Speaker: It has been moved by the Hon. Premier that Bill No. 64, entitled *Act to Amend the Legislative Assembly Retirement Allowances Act, 2007*, be now read a second time.

Hon. Mr. Fentie: The *Legislative Assembly Retirement Allowances Act, 2007* sets out a plan for the provision of benefits to members and former members of the Legislative Assembly and their surviving spouses, children and beneficiaries. In its current form, the act has no provision for the division of benefits in the breakdown of the marriage or conjugal relationship of a member or former member. These amendments expand the act allowing the assignee's spouse to choose instead to receive the actuarial equivalent or the assigned benefit as a periodic allowance under the plan or a one-time, lump-sum payment.

The amendments thus have the effect of allowing the division of a domestic contract, written separation agreement or court order, and allowing the spouse to be a participant — referred to as a “non-member participant” — in the plan for this purpose. The Members' Services Board, which is responsible under the act for the administration of the plan, approved these changes in November 2008. The amending legislation also uses this opportunity to make a few technical and housekeeping changes to the act.

Mr. Mitchell: I'll also be very brief in rising to speak to Bill No. 64, *Act to Amend the Legislative Assembly Retirement Allowances Act, 2007*. I think the Premier laid out the information quite clearly. I would just say, Mr. Speaker, that this act speaks to fairness and dignity. It's only right that former spouses of members, or of former members, receive the money that they may be entitled to, based on separation agreements and other legal documents, without any unnecessary delays or confusion in those amounts, and without having to necessarily be dependent on the member, or former member, to provide those funds. It takes that out of the equation and it is the right thing to do.

I do know that one former member, in meeting privately with me about this legislation, noted that in his mind, he and his former spouse had served in this position. Because it really does, as the Member for Whitehorse Centre said, involve families a great deal and he too wanted to ensure that his former spouse was not in any way dependent on him needing to take specific actions for her to receive the money to which she was entitled. I thank the officials for resolving these issues with this legislation, and we will be supporting it.

Mr. Hardy: I would just like to make a couple of notes on this. One is that the Members' Services Board — and all three people who are speaking are members of that board —

have discussed this and gone over it and have come to an agreement that this was a proper move forward for ex-spouses and the dignity that it would allow them.

I would also make a note that it was an ex-member of the Legislative Assembly that lobbied very well — all three members, I believe — to have this brought about, and I give credit to that person as someone who recognized the significance of this and how important it is that there is truly recognition of the spouse. Though the person may not be elected, they are a very strong part of the ability of an elected member to be able to do their job, and they deserve as much recognition as the people who are elected.

With those comments, I look forward to this moving forward very quickly and us doing the right thing.

Mr. Edzerza: I would just like to make a couple of comments on Bill No. 64.

It is what we might just call “basic life” that sometimes in relationships there are differences and anything that can assist to make either party come to good terms is a good thing. I do support this amendment to this bill.

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

Hon. Mr. Fentie: I want to thank the members opposite for their comments, and also to those who serve on the Members' Services Board, for bringing this forward. I think it is fair to say that this is an example of something maybe that should have been addressed earlier than it was; however, the upside is that we are now addressing it and resolving an issue in this area.

Motion for second reading of Bill No. 64 agreed to

Bill No. 13: Second Reading

Clerk: Second reading, Bill No. 13, standing in the name of the Hon. Mr. Fentie.

Hon. Mr. Fentie: I move that Bill No. 13, entitled *Third Appropriation Act, 2008-09*, be now read a second time.

Speaker: It has been moved by the Hon. Premier that Bill No. 13, entitled *Third Appropriation Act, 2008-09*, be now read a second time.

Hon. Mr. Fentie: I am pleased, indeed, to introduce Bill No. 13, the *Third Appropriation Act, 2008-09*, also referred to as *Supplementary Estimates No. 2*, to this first session of the 32nd Legislature.

By way of a brief preamble, Mr. Speaker, this supplementary estimate serves two general purposes. First, it will detail the expenditure changes that require additional legislative appropriation authority up to this period of the fiscal year. Secondly, it provides the general public and this Legislature with updated information on the financial position of the government to the year-end.

A brief overview — this supplementary budget reflects the projected year-end financial position of the government to March 31, 2009, and as such is a starting point for the 2009-10 main estimates. This supplementary estimate for the fiscal year

2008-09 seeks authority to increase operation and maintenance expenditures by just over \$13.7 million and to decrease capital expenditures by \$7 million, for a gross expenditure increase of \$6.7 million.

The government's revenues, transfers from Canada and other third party recoveries are increased in total by a net amount of just over \$13.3 million. After adjusting for estimated lapses and the effect of changes in tangible capital assets, this results in another year-end forecast annual surplus of over \$2.6 million.

This represents a modest decrease from our projected \$4-million surplus, which was outlined last fall in the first supplementary budget. The decrease in our projected annual surplus is largely due to O&M pressures, including \$6.6 million in the Department of Health and Social Services, an additional \$2.2 million in recognition of environmental liabilities and the need to recognize additional MLA pension severance liabilities totalling \$1 million.

These O&M expenditure increases are somewhat offset by lapses of \$7 million in capital expenditures and increases in revenues. These revenue increases include \$7.5 million in transfers from Canada and \$2.6 million in overall general revenues. After these revenue and expenditure changes are approved, the net financial resources of the government to year-end are projected to be a very healthy \$151.4 million, and the accumulated surplus, as of March 31, 2009, is forecast to increase to just over \$579.8 million.

As I have done in the past and will likely continue to do in the future, I want to take this opportunity to remind the members that it is mandatory to recognize large unconditional recoveries from Canada when we are eligible to receive them. This accounting requirement presents an element of volatility in the annual surplus or deficit recorded in the income statement, a net financial resources position of the government from one year to the next, as large recoveries may become recorded in one year but not expended until subsequent years. That is a reality we have to deal with. We are able to manage this outcome and we present the overall year-over-year impact to the public in the long-term fiscal framework.

I do not intend to speak to all of the details of the supplementary estimates. I will leave that to individual ministers in department-by-department, line-by-line review in general debate. However, I will take this opportunity to identify some of the more significant adjustments included in these supplementary estimates.

Operation and maintenance and capital expenditures: the \$13.7 million net increase for O&M identified in this budget is derived from a few main expenditure areas. Members will recall amendments to the *Legislative Assembly Act* that were passed by the Legislature back in the 2008 fall session. Following these amendments, MLA's salaries have increased and there have been changes to the method by which MLA severance is calculated. Mr. Speaker, based on a revised actuarial evaluation of the MLA pension plan, this supplementary includes \$1 million in order to recognize our obligations under the pension plan.

Under full accrual accounting, the Yukon government must recognize its liabilities when they become known. As a result, this supplementary estimate includes \$2.2 million to record further our environmental liability obligations identified by the Department of Environment. Recognizing this future liability ensures that the Yukon government is in compliance with current accounting standards.

This supplementary provides funding required by the Department of Justice in two significant areas, the first being judicial compensation, where an additional \$452,000 is needed. The second significant pressure addressed is the RCMP police services agreement, where another \$847,000 is provided to cover incremental costs related to pressures such as standby pay and increased fuel costs.

As I noted earlier, through this supplementary we are providing O&M increases to the Department of Health and Social Services totalling \$6.6 million. This funding addresses some significant cost pressures in the areas of physician claims, where an additional \$2.8 million is required, and medical travel, where another \$1.2 million in additional investment is sought.

Our significant investment in the Department of Health and Social Services ensures that Yukoners will continue to receive quality health care.

On the capital side of the ledger, budgetary expenditures are showing some significant lapses within Community Services, Highways and Public Works and Justice. Community Services has identified lapses totalling \$1.79 million, of which \$1.28 million can be attributed to lapses for the Army Beach community well project and \$200,000 under the municipal rural infrastructure fund for the Takhini North infrastructure replacement project. Both of these projects are now reflected in the 2009-10 capital estimates to ensure that they move forward to completion.

For Highways and Public Works, the supplementary estimate reflects lapses of \$3.5 million related to the expansion of the Erik Nielsen Whitehorse International Airport and another \$550,000 related to the Tombstone Interpretive Centre. These lapses have also been identified in the 2009-10 capital estimates.

The Department of Justice is undertaking two significant projects: the women's transitional living unit and the replacement of the Whitehorse Correctional Centre. Although this supplementary estimate reflects lapses in each of these projects — \$527,000 for the women's transitional living unit and \$3.6 million for the correctional centre — these lapses are also identified in the 2009-10 capital estimates.

The lapses are offset by increases in other areas. For example, on December 22, 2008, a special warrant was issued, totalling \$3.71 million, of which \$2.85 million was dedicated to the loans programs administered by the Yukon Housing Corporation. As required by our *Financial Administration Act*, the amount reflected in the previous warrant is detailed in this supplementary estimate.

In total, this supplementary reflects capital being reduced by \$7 million, as previously stated, largely due to lapsed funding. I remind the members of the Assembly that most of the

lapsed funds are just matters of timing and many of the expenditures are reflected once again in the 2009-10 estimates.

These estimated lapses are already identified in the financial summary which accompanies the budget document to ensure that the Department of Finance is being as accurate as possible in the estimate of the government's financial position prior to the year-end accounting done by the Auditor General. The ministers for the departments that I have named, as well as the ministers for other departments who are requesting supplementary budget approval, will be pleased to provide members of the Assembly with the complete details of their expenditure requirements in department-by-department, line-by-line review.

Before I conclude, I will summarize revenue changes in this supplementary. General revenues, which include items such as business and professional licences, lands, mines and forestry licences, oil and gas resource revenue and gains on sale of land have a revised forecast of some \$24.9 million, reflecting an increase in *Supplementary Estimates No. 1* of some \$2.6 million.

With respect to transfers from Canada, this supplementary identifies total increases of approximately \$7.5 million: \$6 million under the Canada health transfer and another \$1.5 million under the Canada social transfer. I would remind members that much of the driver behind this increase is our increased population and our rightful share of both of these national funds. As I noted earlier, ministers will speak to these and other items, of course, when we move into general debate in Committee.

In closing, thank you, Mr. Speaker. As Minister of Finance, I am very pleased with this supplementary budget, and indeed the very strong fiscal position of the government today. Yukoners can take great comfort in our financial strength as we move forward in these times of global uncertainty. We, of course, are very proud of what we have achieved and where we are financially today. We certainly intend to continue our track record of sound fiscal management over the remainder of our mandate. I will be more than pleased to discuss this budget in further detail when we reconvene in Committee for debate.

Mr. Mitchell: I will save the majority of my comments for the main estimates. I do have a few comments to make on this funding.

This bill is a continuation, of course, of the spending in last year's budget. It is effectively money already spent. As the Premier notes, revenue from Canada is up again, some \$7 million. O&M has increased by \$13.7 million. Capital — he has noted the decrease of some \$7 million. Actually, it comes to some \$10.2 million when figuring in less third party recoveries and recoveries from Canada. The net change is \$10.2 million.

The largest lapse, as the Premier, the Minister of Finance noted, is in the Department of Justice and that is largely because of the delay last year in making progress on the new correctional centre and on the women's transitional unit. This money is lapsing but as the Premier notes, it will be revoted, of course, and we now have heard that the total cost will be \$67 million, which we should note is on top of the some \$3-million to \$5 million that has been spent over the last six years to repair

the current facility — a facility that we all know is well past its life expectancy.

Again, money was put in last year's budget to get started but it wasn't spent. The government wasn't able to make progress last year on that commitment. We certainly hope that we will see progress this year. The price tag seems to be going up annually.

Last year, when we voted the main estimates, the Premier was in denial. In the fall, in the previous supplementary, he was in denial that the government needed to deal with financial uncertainty. He noted that there is no correlation between what is happening in the U.S. and what is happening here. As a result, we didn't get a lot of items put into the budget or into this supplementary budget to reflect any sense of urgency, although the Premier seems to have come to a realization since then that we might be impacted by what is going on across Canada and around the world. This spring we have heard: stimulus, stimulus, stimulus. In this supplementary budget, that certainly isn't the case — certainly not with the capital spending going unspent.

The health budget is up by \$6.6 million. I guess the cost increases should be a concern to all members in this House. Costs continue to grow year after year and there are some areas of funding such as the territorial health access fund which will be expiring unless there is a successful negotiation to renew that funding. We do wish the Premier as Minister of Finance and his Health minister — we wish him good luck in the negotiating on that. We do know that health costs do go up on a regular basis. The testing and the procedures become ever more expensive and if there are more people accessing it, it will cost more. That is an ongoing concern.

We are glad to see the increase of I think some \$2 million in the home repair program under the Yukon Housing Corporation. That program ran out of money and we are glad that the government is refilling it to support the need, but the Premier had announced — I thought there was an announcement of some \$16 million to that program to assist home owners with repairs and upgrades at a Business After Hours in January. Perhaps the Premier misspoke himself and meant to say \$6 million, but he repeated \$16 million several times, according to what I heard and what other people noted at the time.

We haven't seen that amount of money in this budget or in the main estimates, and we would appreciate in his closing remarks if the Premier could clarify what he was talking about when he made those statements. Or was it just a slip of the tongue? Either way, we'd like clarification.

On Other Revenue, page S5, the increase of \$1.2 million, again, on the sale of land — we would just like to know which particular land that is, which lots that came out and were sold that that's referring to.

Other than that, we think that our time would be better spent in this Assembly debating money that's yet to be spent, rather than money that has been spent, and so we won't discuss this any longer at this point.

Thank you, Mr. Speaker.

Mr. Hardy: I have almost no comments whatsoever on this supplementary, only because I would much rather, as the Premier has indicated, talk to the ministers responsible for each of the departments, and get more detail in wrapping up that fiscal year and then moving on to the debate of this fiscal year.

Thank you, Mr. Speaker.

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

Hon. Mr. Fentie: Mr. Speaker, of course this supplementary is a requirement. I appreciate the Leader of the Third Party's approach. It's very constructive in debating the detail, department by department. I do express a little bit of dismay regarding some of the comments made by the Official Opposition and the Leader of the Official Opposition relating to this supplementary budget.

You know, I think we have to respond when statements are made of delays in correctional reform, for example, when this territory — I would remind the members of this House — is making significant changes or reforms in our overall correction system. I would remind the Leader of the Official Opposition that, in the past, under corrections and the facility available here in the Yukon — here in Whitehorse — and the proposed facility that the former Liberal government, by the way, had not budgeted for, even though the members opposite continually tell the public that they were building a new jail — warehouse — there was no money in the budget to actually build it.

I would remind the members opposite that the difference in taking the time to make these reforms is reflected in the fact that the existing system and the one proposed by the former Liberals actually came to being in the early 1900s. We are changing the system to more reflect the 21st century, and that is not a delay. That is doing the good work necessary to make changes into something that is over a century old and obviously — absolutely — not very conducive to rehabilitation and an acceptable recidivism rate.

The cash that the member talks about for Yukon Housing Corporation is all duly booked. This is the cash needs of the Yukon Housing Corporation and will certainly be debated and reflected. I think what we have to do is always move into the department-by-department debates to be able to better flesh out the detail and understand it. However, I think we have to recognize that this is an important supplementary, because it is the final opportunity to debate the prior fiscal year before all matters will be turned over to the Auditor General in preparation for a year-end accounting, which will come forward in the form of the public accounts later on this year, formally closing out the fiscal year of 2008-09.

So with that, I'm sure it will be an interesting discussion as we proceed. Thank you.

Motion for second reading of Bill No. 13 agreed to

Bill No. 72: Second Reading

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

Hon. Ms. Horne: Mr. Speaker, I move that Bill No. 72, entitled *Corrections Act, 2009*, be now read a second time.

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

Hon. Ms. Horne: Mr. Speaker, we had a challenge in our correctional system. We had too many offenders cycling into and out of the correctional centre. When we took office, we embarked on a package of correctional reform. What we did was to ask why so many Yukoners are constantly cycling through the correctional centre. We asked: what do we need to have an effective correctional system that actually does corrections?

We didn't believe that we were the only ones with all of the answers. What we did was consult Yukoners. We set up a team to go to work on this issue and we didn't go it along either. Let me share with you some of the effort that went into developing the correctional reform package that we are talking about here today.

The corrections consultation was a 15-month, territory-wide public consultation on the future direction of the correctional system in Yukon. By the time the consultation concluded in March 2006, the consultation received over 200 comments and several formal submissions.

The Department of Justice and the Council of Yukon First Nations released the *Corrections Act* consultation progress report in July. As a result of the initial consultation, a draft act and regulations were circulated in early October to the public and our stakeholders.

The department also held a workshop in October for First Nations to review the act and regulations, and corrections staff went through the package with management in November.

The department also held meetings with individual First Nation governments, stakeholders and continued discussions with the assistance of Council of Yukon First Nations and with First Nation governments on the content of the act until the consultation ended in January.

As a result, we have revised the draft to take into account new comments, and the result has been a package of act and regulations that is thorough and will give the correctional system the regulatory framework it needs.

The consultation was co-chaired by the Yukon government and the Council of Yukon First Nations. A project team representing the Yukon government and the Council of Yukon First Nations conducted the consultation. The co-chairs were Barb Joe, representing Council of Yukon First Nations; Sharon Hickey, representing the Yukon government; the policy analysts were Brenda Jackson, representing Council of Yukon First Nations, and Joanne Lewis, representing Yukon government.

An executive committee representing both Yukon government and First Nations provided direction to the project team. The information gathered by the project team during the consultation helped shape the corrections action plan for delivering correctional programs and services in Yukon. Because all Yukoners are affected by the correctional system, Yukoners

were asked how to improve the system. During the consultation, Yukoners were asked for their views on challenges facing offenders, victims and communities, on opportunities for meeting those challenges, and for suggestions for improving the correctional system. The information developed during the consultation was used by the project team to draft a corrections action plan to guide the delivery of corrections programs in communities and a new correctional centre.

The corrections action plan was reviewed by the Minister of Justice and Yukon First Nation chiefs at the round table on corrections in March 2006. The plans, recommendations and an implementation framework were approved at the Yukon Forum on April 3, 2006.

The implementation structure and office were set up over the spring and summer months in 2006, and implementation planning began at that time. The corrections consultation began in April 2005. We held a correctional summit in November 2005. The corrections consultation final report was issued April 2006. The correctional redevelopment strategic plan was published in February 2007. We began the correctional act consultation in December 2007. That act consultation wrapped up earlier this year, and we have it here before us. The corrections action plan implementation office, otherwise known as CAPIO, has done an incredible job to date, and I see that \$569,000 is in this budget to fund the CAPIO until March 31, 2010.

Mr. Speaker, the approach we are taking is all the stronger because of the extensive consultations that we have done. I think it has been a very long process, but one that is very, very worthwhile. I don't think taking the time to talk to Yukoners is a waste of time.

One of the things we heard loud and clear is that substance abuse is the biggest driver of crime in our territory. If we want to reduce crime, we have to deal with substance abuse. Clearly the old approach to corrections is not working and is not going to work. What was and is needed is a new approach — one that emphasizes treatment and rehabilitation.

In our approach, we are emphasizing that the correctional officers work closely with the inmates. As I said, most of our inmates at WCC have substance abuse issues. They need treatment. Simply putting them in jail was not addressing their needs.

The new Yukon *Corrections Act, 2009* before you is based on principles that provide for the rehabilitation, healing and reintegration of offenders into society. We needed a new act that reflects a modern, sensible, realistic approach to corrections. Our new *Corrections Act, 2009* is the result of an extensive consultation process. The passage and implementation of the new *Corrections Act, 2009*, based on principles that provide for the rehabilitation, healing, reintegration of offenders into society, sets the stage for the new building. Our new act will do just that.

Mr. Inverarity: It gives me a great privilege to speak today, briefly, on Bill No. 72, the *Corrections Act, 2009*. I am not going to get into a lot of discussion. This is an extensive document. I think the minister has done a pretty good job on filling us in on some of the highlights of it. I think we all look

forward to getting into Committee of the Whole to debate the individual clauses. I know that there is going to be a lot of discussion. I have about four or five pages of questions that I would like to get into. Having said that, I think I will commend this second reading to the Assembly.

Mr. Cardiff: I, too, will be brief in my comments to Bill No. 72, the *Corrections Act, 2009*.

I think there has been a lot of discussion in the community. There has been a lot of discussion in this Legislature about the need for improving the correctional system here in Yukon — not just the facility itself — and we do need a new facility.

Thankfully, after waiting for almost a decade, we're going to see the beginning of a new correctional facility that respects the health and safety of the people who work in that facility and the inmates who live in that facility and are detained in that facility.

I think we need to consider the programming. The minister mentioned treatment, but I think it's more than treatment. It's about opportunities for inmates to reintegrate back into the community, whether it's through education or work experience. Whatever it may be, we need to provide that type of programming and experience for inmates. We need it to be a good experience for them to reintegrate back into the community, to encourage them to come back to their communities and participate in society.

We want it to be a humane facility, and I too will have some questions for the minister regarding some portions of the bill when it comes to inmates' rights and disciplinary hearings and the participation of societies and the community in the correctional facility.

I know there is participation by the public and elders at the correctional facility, but I will have more questions for the minister in that regard.

I won't belabour this any longer, but I do look forward to discussing further this Bill No. 72 with the minister when we get into Committee of the Whole.

Mr. Edzerza: I'll be quite brief in my comments, also, because I believe in Committee of the Whole there will be numerous questions asked around this bill. I too want to put on record that this is all part of the big picture to have a good correctional piece of legislation.

We tend to think sometimes that because a person is having difficulties in life that they are not as human as others, when, in fact, I think everybody is human. Because people are incarcerated, there sometimes is just a little bit less of a priority put on the conditions that they are expected to live under. There will be a lot of questions around the involvement of First Nations in the system. Unfortunately, First Nations are usually the highest percentage of inmates, so it is good to know that we are going to finally start trying to deal with the underlying issues that keep people at odds with the justice system.

I know there are numerous, numerous theories as to why First Nations seem to have an awful lot of problems with being incarcerated, and I would like to just maybe put one more theory out there.

Over and over, Mr. Speaker, I've heard people in the Yukon and across Canada say, "Mission school is history. Get over it." Well, you know, Mr. Speaker, when you're taken into an institution when you're five years old and you stay there until you're 12 or 13, what else does a person know but to live under those conditions of an institution? Part of my theory about why so many First Nation people are incarcerated is because they're searching for that same environment that they were raised in, which is a mission school, where there're all kinds of disciplinary structure, where, when you sit down to have supper, you're going to eat it with 100 or 150 other people. When a person is raised in that environment, they have been conditioned to live in that environment. I strongly believe that a lot of our people — First Nation people — are searching for that home that they lost, which was the mission school.

It is going to be very difficult to overcome some of those behaviours that have been learned over several years. There is one thing that one should never give up on, and that is hope.

For as long as I am on the face of this Earth, I will always try to make a difference in that whole system of the revolving doors of an institution. I know that several of my friends whom I went to school with are not here today. They left us at a very early age — a lot of them before they were even 30 years old. So those are the harsh realities that we deal with when we talk about a justice system.

I talked about a collateral agreement that the government had that was developed under my watch when I was a minister. It enabled all departments to work together — Justice, Education, Health and Social Services and even the Women's Directorate was part of it.

It was an agreement that got everybody talking about the overlaps we have in the system. Almost every justice issue has a social issue — and there is probably an education issue in there somewhere — but Health and Social Services and Justice are very, very closely connected. By talking about repairing the spirit and healing, we may finally start to look at addressing some of the real social issues that have gotten a person into the correctional system to start with.

I'll close with that, Mr. Speaker. I have a lot more I can talk about in Committee of the Whole when we debate this bill.

Thank you.

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

Hon. Ms. Horne: I sincerely thank the members opposite for their comments and support of Bill No. 72, *Corrections Act, 2009*. I look forward to more discussion during Committee of the Whole.

Thank you.

Motion for second reading of Bill No. 72 agreed to

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Mr. Nordick): Order please. Committee of the Whole will now come to order. Do members wish a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 15 — *First Appropriation Act, 2009-10*

Chair: The matter before the Committee is Bill No. 15, *First Appropriation Act, 2009-10*.

Hon. Mr. Fentie: Mr. Chair, I am indeed pleased to rise in Committee to present the introductory remarks for *First Appropriation Act, 2009-10*, more commonly referred to as the 2009-10 main estimates.

The budget speech to the Legislative Assembly on first reading outlined in great detail the highlights of this appropriation for 2009-10. Before I provide a summary of those highlights and recap the fiscal position of the government, I would like to take this opportunity to comment on the current state of the economy, its effects on Yukon and Yukoners in general and our government's response to the current global economic downturn. At no time in history has it been made so abundantly clear how interconnected economies have become locally, nationally and globally. Unfortunately, Canada has not been insulated from the global recession.

Our federal government has undertaken a consultative process with all provinces and territories to assist in responding to this very serious economic challenge. Over the last six months, Yukon has participated in discussions at first ministers and finance ministers meetings. These discussions have resulted in the creation of a number of federal, provincial and territorial committees to provide advice on issues such as labour market mobility, access to business capital and infrastructure investment.

Taking a similar approach in Yukon, we have also structured deputy head committees, two of which I serve as chair. We have one committee focused on the economy with its mandate to monitor and assess economic trends, identify and analyze Yukon opportunities to address impacts and identify key strategic investment options. The second committee provides oversight on major capital projects. This committee is key, as it provides strategic advice on the implementation of our government's capital investment plan in order to maximize benefits to the Yukon and Yukoners.

We sought advice from a very broad spectrum of economic stakeholders here in the territory, and their advice informed to a great degree our 2009-10 budget. Having topped the \$1-billion threshold, this is a significant budget for Yukon, not only in terms of dollars, but also in terms of impact on our economy.

This is a stimulus budget. This budget is designed to assist Yukon's private sector economy by investing in economic, social and public infrastructure to stimulate the Yukon's economy in the near term while contributing to the territory's longer term economic future.

As we face the challenges of the global economic situation, our budget is maintaining a high level of stimulus in the Yukon, while at the same time making further investments in both infrastructure and in people. This budget is responsive to the current economic situation by making strategic investments that accomplish two objectives. These targeted investments create local employment and provide spinoff benefits to local retailers and suppliers in Yukon in the short run. For the longer term, these investments support our plan to grow, develop and diversify the Yukon economy.

We are able to provide this very significant budget without mortgaging the future. The Yukon continues to be one of the only two Canadian jurisdictions that are not in a net debt position, and this is something all Yukoners can take pride in. This budget continues with our government's theme of prudent and sound fiscal management. Prudent spending decisions have allowed our government to kick-start the economy over the past six years, and sound fiscal management will allow us to continue to provide significant stimulus to the Yukon economy.

The legacy of our stimulus is reflected in our own-source tax revenues for 2009-10. While corporate tax revenues are expected to decrease, well over half of corporate tax revenues are based on Yukon's share of national income of national regional corporations. This decrease is really representative of national events as opposed to local events. What is indeed indicative of the strength of our economy and reflects stimulus action is that personal income tax and all other tax revenues are expected to increase. This is generally seen as a very good indicator of strong local economic conditions, and Yukoners can take some measure of comfort in this fact.

With a forecast 2009-10 annual surplus of \$19.3 million, our government projects an annual surplus for the seventh consecutive year. Further, we project our net financial position as of March 31, 2010, to remain extremely positive at just over \$122 million.

As Minister of Finance, I am pleased that we have been able to deliver an annual budget that ensures our net financial resources have remained in the positive position.

Our strong financial position is significant. Not only have we provided significant immediate investments in 2009-10, our strong fiscal framework affords us the flexibility to be responsive to emerging priorities and opportunities as they present themselves to Yukon. Our government is extremely well positioned to be responsive and make effective strategic investments on behalf of all Yukoners.

Mr. Chair, I will move on and provide the Committee with some of the budget highlights. On the expenditure side, we

have exceeded the \$1-billion threshold with a budget of \$1.3 billion in total, both for O&M and capital expenditures. O&M expenditures total \$762.6 million on a gross basis while capital expenditures total \$240 million. This is a significant increase in capital investment in the territory, strategically targeted to create stimulus and long-term economic benefit.

Not only is this the largest ever total budget for Yukon, it does represent the largest ever capital investment for Yukon. I have spoken frequently about the investment our government is making to provide stimulus to the Yukon economy. I want to take this opportunity to highlight a few of these measures, starting with the capital side of the ledger. This budget provides for significant investment in buildings, both from the development side and on the maintenance side. In total, the capital budget includes \$61.9 million specifically related to construction and maintenance of government buildings. For new construction, which totals \$49.2 million, projects include the Whitehorse Correctional Centre of \$21.6 million, the Erik Nielsen Whitehorse International Airport expansion of \$7.4 million and the family-focused housing project of \$6.2 million.

For building maintenance work, this budget provides another \$12.7 million. This represents work that can be readily taken on by small- to medium-sized contractors. Individual ministers will certainly be pleased to address specifics during department-by-department debate.

In addition to these investments in government-owned facilities, this budget makes significant fiscal resources available to homeowners and prospective homeowners through the suite of loan programs totalling \$11.5 million, which are administered by the Yukon Housing Corporation.

Moving on to the transportation-related projects, we are providing \$56.6 million for a number of important projects, including the Campbell Highway, \$10.5 million; the Atlin Road, \$2.9 million; and Front Street in Dawson City, \$3.5 million.

The Department of Economic Development advises that each \$160,000 invested on road construction supports one full-time job. I am sure members can appreciate the significance of this level of investment to the road construction industry.

Consistent with recent years, our government remains committed to supporting the local IT sector. We continue to provide \$6.5 million for equipment purchases and systems development and, in addition, another \$939,000 is provided for school-based IT requirements. This budget also provides for a number of projects that could not be completed during the 2008-09 fiscal year. In total, the 2009-10 capital budget provides another \$9.1 million for IT-related expenditures.

Of great interest to Yukoners will be our investment in municipal infrastructure, where we are providing another \$52.5 million. Planned projects include completion of the Hamilton Boulevard extension, for \$1.79 million; the Whitehorse waterfront, for \$3.4 million; Carcross waterfront, \$735,000; Dawson City sewage treatment, \$3 million; and land development projects which total \$29 million.

Finally, on the capital side, our government continues to provide for a number of applicant-based funds and initiatives. Education has \$1.5 million for the community training trust

fund; Tourism provides \$500,000 for the tourism cooperative marketing fund; Economic Development has identified \$6.5 million for its various funds, including another \$3.3 million for the community development fund; Community Services has another \$1.5 million for FireSmart; and Energy, Mines and Resources has increased the Yukon mining incentive program to \$1.8 million.

On the O&M side, reflecting our commitment of ensuring quality health care is provided to Yukoners, our government has increased the Department of Health and Social Services by \$20 million over the 2008-09 main estimates level. This includes an increase to the base funding of the Yukon Hospital Corporation by some \$3.5 million. In addition, we continue to allocate funds previously received from Canada, with \$6.6 million dedicated under the territorial health access fund and another \$2.5 million under the medical travel fund.

Our investment in O&M-related initiatives is no less important than our capital investment and is significant as evidenced by our \$762.6 million O&M expenditure investment.

There are a number of other significant spending initiatives included in our O&M targets; however, there are too many to detail in the speech for Committee of the Whole and much better debated during department-by-department, line-by-line debate, which individual ministers will be more than pleased to engage in.

On the fiscal framework, Mr. Chair, I would like to quickly turn my attention to the long-term fiscal framework. The projections are provided as supplementary information in the budget documents. This government is committed to prudent and sustainable fiscal management and I am very pleased to present a very positive, long-term fiscal forecast. For the current year of 2008-09, and the next four years, the government is projecting a surplus in each year. As well, the government is projecting to have a healthy net financial position in each succeeding year. This framework projects that the Yukon government will maintain a healthy and positive net financial resource position in each of the next three years.

I'm also pleased with the efforts our government and departmental officials are making in delivering effective services and programs to Yukoners while continuing to maintain this very healthy long-term fiscal position. Once again, the Yukon is very well positioned financially for the future, and I'm now more than prepared to entertain discussions on this record budget for Yukon.

In closing, Mr. Chair, I'd like to point out a few things, time permitting. Stimulus is nothing new to this government. In fact, this government undertook stimulus investment with budgets by using our budget as an economic tool in our very first budget after coming into office in 2003-04. If the members opposite were to take the time to look at the statistics, with that increased stimulus investment by increasing budget capacity for Yukon each and every year since 2003-04, there are some interesting results.

There is a corresponding effect on the unemployment rate. We've gone from double-digit unemployment to single-digit unemployment. There's a corresponding effect in the population. We've gone from an exodus of our population under the

former Liberal government's watch to an increased population, where we are reaching for record levels.

There is a corresponding relationship to the increased number of people in Yukon's labour force. There is nothing but good and positive that has come out of this government's fiscal plan and economic plan for the Yukon.

I know the Leader of the Official Opposition and the opposition in general earlier on in the fall sitting had a lot to say about the economy. But now is the time for them to deliver on what it is they actually think is happening in the economy and what it is they believe to be the correct course of action. They are going to be challenged every step of the way, given the significant investment that this government is making in the coming fiscal year, while at the same time maintaining our future capacity fiscally, should other challenges arise.

The point being, the government has succeeded over the last six years and will continue to succeed during the course of the next fiscal year in addressing our economic challenges and continuing to stimulate the Yukon economy, continuing to invest in a health care system where Yukoners have access to health care such as other Canadians would have access to, continued investment in education and improving and reforming our education system, continued investment in reforms in the correctional system, continued investment in people, whether it be training, apprenticeship, and just overall involvement in Yukon's development and growth.

Mr. Chair, I look forward to the members' opposite comments in the coming debate.

Mr. Mitchell: Mr. Chair, I thank the minister for his opening remarks.

I want to welcome the officials once again, and thank them here for the briefing we received a week ago, which is always helpful. If we could speak with the officials more frequently, we would probably get more answers, because in this Assembly what we tend to get is responses, more than answers, from the government side.

Now, I sometimes wonder what we gain by this process, because the Premier stands up and says all is well in the world and everything that his government is doing, has done, and will do is working out perfectly, and the numbers are wonderful. And if they're not wonderful, it's because of some impact from Canada-wide issues, not from local issues.

And then we stand up and ask questions and point things out, and the minister stands up and says, "Well, they're just all wrong." I'm sure it's frustrating for people to listen to this process and, at the end of the day, we know that we're in the final half hour of today. Following today, we have some 26 days left in this sitting and on the 26th day, if not before, but likely on the 26th day, this budget will pass this Assembly, based on the government's majority.

So, really, all we're doing is trying to probe and ask questions and see if we can find out information on behalf of Yukoners. That's our job.

It is a large budget, as the Premier points out, having finally crested the \$1-billion mark. Roughly, it means that if you were to divide it over the following 26 days, we're debating

some \$38.5 million per day, if you want to look at it that way, and it's a lot of money.

We do know that officials have worked very hard on this budget and that much good will come of it. I don't think it's possible to spend one billion dollars in this territory without assisting non-government organizations, without having some capital projects that will hopefully improve our transportation and communication infrastructure and without helping people to have a better quality of life, as the Premier says.

Despite the Premier wanting to often characterize us or frame us as being opposed to everything and for voting against budgets — although he did so himself when he sat on the opposition benches and I'm sure he wasn't opposing everything that was going to happen in Watson Lake but, rather, the absence of things that he wished would be happening or that he felt needed to happen. And that is what the Official Opposition does.

Perhaps we will have less of the sort of partisan rhetoric this spring. I think the public is tired of it in all directions. Perhaps we will actually accomplish something — we certainly hope so.

Looking at this budget and just an overview — the Premier has given us an overview of the finances. Of course, he's going to be largely correct, since he has the deputy minister and all the officials working in government to provide the information, so it is really only a matter of perspective.

There are some things that I would point out for those people who are listening — and there might be a few people listening even this late in the day — if we look at revenues projected for 2009-10, which is an estimate, and the total revenues from taxes and general revenues, third party recoveries, recoveries from Canada — transfers from Canada — are some \$962 million. That is \$962,102,000. The total expenditures on operation and maintenance and capital add up, as the Premier has told us so frequently, to \$1,003,231,000. What that basically does say is that we are going to spend, if all this money in fact is spent and gets out into the economy, some \$41.2 million more than we are taking in this year, no matter how you look at it.

The Premier has pointed out that it is a surplus budget and of course from a technical perspective it is because of the effects of the changes in tangible capital assets, adding in acquisitions, less amortization expense, less deferred capital contributions and so forth. That adjusts it by \$48,674,000. There's another \$19,388,000, and so — excuse me, there's another \$36,901,000 in estimated year-end lapses, less estimated revotes of prior years, but the surplus for the year will be \$19,388,000. We actually can agree on the numbers, because the numbers are there on the page.

The only thing I would note is that we are spending more money than we're taking in; we did so last year as well, and in fact, one can only do so for so long. We won't always be able to spend more money than we're taking in on a cash-flow basis because you'd eventually run out of money. Regardless of how you're having the surplus resulting from the change in tangible capital assets, you actually have to take in the money to offset the expenditures eventually.

We don't disagree with what the Premier has laid out here because we've been saying for some time that Canada and the

world was heading into recession, and that we needed to have a stimulus budget. It was the Premier who told us in the fall that it was simply "stay the course," there was no need to look at it from that perspective, that what was happening in the United States was completely different from what was happening in Canada, that Canada was fundamentally sound. Certainly, our banking system, I would agree, is far more sound than the U.S. banking system. We don't have the amount of leverage in the system resting on a lot of shaking financial instruments that they have in the United States. Obviously we were right when we said last year that we didn't live under a force field and inevitably these things would come to impact on us here.

I want to provide some information to the public who may be listening and to the Finance minister, because we said when we anticipated this budget that we were going to judge this budget was in the end on three broad areas. One was that this budget going to create new jobs in Yukon and increase employment and, in fact, combat the effects of the recession in terms of projected downturns in the mineral exploration sector of our economy and projected downturns in the tourism side of our economy that would be impacting on Yukoners. We said that we would like to hear some hard numbers. Now the Premier did give us a number which I found interesting when he was on his feet.

He said that the figures that the government uses based on economists' projections is that for each \$160,000 in road construction, it equates to approximately one full-time job. So, we can look at the total amount that is being projected to be spent this year — that's estimated will be spent on road construction. We can do the division, and we will see how many jobs that can create.

I do note that premiers and finance ministers both in other jurisdictions in Canada and the United States tend to give actual numbers. This Premier tends to talk in generalities. He talks about the effect of stimulus; he talks about how all the numbers will be improving. We don't get a lot of details sometimes.

For example, in Ontario, in Premier McGuinty's 2009 budget, they laid out a plan in Ontario to help families affected by the global economic crisis and to position Ontario to become more competitive for a more prosperous future. The Ontario government is investing some \$34 billion over two years to stimulate their economy. This timely and targeted investment includes \$32.5 billion in infrastructure spending and nearly \$700 million in additional funding for skills training. They have announced this will preserve or create more than 300,000 jobs over the next two years to support Ontario's families and communities — that was on March 26.

In Quebec, on March 19, the minister there said that the measures that they are employing would create some 100,000 jobs. In Nova Scotia, on March 11, they have a plan representing an investment of some \$1.9 billion and they are to create and maintain jobs, to invest in strategic priorities, to maintain fiscal stability to help people get jobs. Over the next three years, they said that they plan to create or maintain approximately 20,000 jobs.

In the United States, federally, they are saying that, by the end of 2010, their stimulus budget from their \$9-million version of a stimulus bill would create some 1.3 to 3.9 million jobs. So I am hoping that when the Premier is next on his feet he can enlighten us with some numbers regarding what the actual job projections are that his department is using on a go-forward basis. That would help us to judge this budget a lot more than just slogans and buzzwords, so to speak.

When the minister was on his feet, he was indicating — it is sort of an interesting pattern that we've seen before that, when something positive appears in our statistics, then that is the result of his good fiscal management; when something not so positive occurs, it is the result of somebody else's activity. For example, it wasn't in our view good, prudent fiscal management to invest \$36.5 million in asset-backed commercial paper — despite the fact that the investment wasn't compliant with the *Financial Administration Act*. But that turned out, in the minister's view, to be the result of bad faith from the banks — between the banks and the investment companies — and not anything that was done by the minister. When there is revenue earned by investments, then it is good fiscal management; when there is revenue lost by investment — not so much.

It will be interesting, come the fall, to see what the next writedown is on that investment, and whether that writedown will put us into a total negative position on investment income, because it's likely going to be a writedown of more than all the other revenue that we're earning with our investments this year. So we look — I don't know if looking forward is the right word, but we are interested to see what those numbers will be in the fall, because of course a portion of the net financial resources that we see here are not really available to us to spend in any way, because they are — that portion of the \$36.5 million, less the \$6.2 million that was written down last year remaining, that's not actually available to us for some eight years, and no one really knows what amount it will be worth at the end of the eight years.

What is clear is that if that money were all available now, the trust companies would simply have paid it back out. It's fine for the minister to say, well, we have a piece of paper that says it's all there. Well, if it were all there, they could just distribute it. They can't distribute it, because when you slice up the pie, you'll run short of pieces before everybody has theirs. So that's the bottom line on that poor investment.

Now the minister has made a lot of comments about good, prudent fiscal management, and yet we have asked and the third party has asked about the money spent on the Watson Lake health centre/multi-level care facility/new hospital of somewhere in the order of \$5 million. The Minister of Highways and Public Works indicated to us in the spring sitting at the beginning of the fiscal year that we were getting to somewhere around \$4.9 million and money has been spent since then. Now, we haven't heard any clear answer as to what or if that building can be used.

What we do know is that the government spent that much money without a clear plan. They spent that much money heading down a road on a project that started out with one purpose and now they appear to be hiring their second consultant to

determine its future purpose, because we saw a local architectural firm listed on the contract registry a number of months ago as doing a review to see whether the building could be used toward a portion of a future hospital project.

We now have heard from the Premier today, actually, in Question Period about the Outside firm that is doing another review to determine whether it will be functional for that purpose. In fact, we heard the chair of the Yukon Hospital Corporation, the corporation to which the government has now transferred responsibility — at least, on a trial basis of 13 months, I think it was — for the Watson Lake hospital. It will be interesting to see if the trial ever gets reversed. That has been transferred to the Hospital Corporation, and the chair of the corporation indicated they weren't certain exactly what purpose the building would be useful for — whether it would be functional or whether it was even located in the correct location in order to be used as a hospital.

We didn't think that was a good and fiscally prudent use of the public's money and we said so. The minister chastises us for those comments when we make them, and says that those of us on this side don't think that the people of Watson Lake are deserving of good health care. That simply isn't so. We felt, of course, that they're deserving of good health care. We can probably all agree that the existing hospital is outdated, outmoded, and does not serve the people there well any more. The question was, why didn't they set out to build a replacement, instead of determining after the fact that a building they built for one purpose might perhaps be used for another?

It also begs the question: when we have right now a health care task force out consulting with the public on the future of health care in the Yukon, and we expect they will report back perhaps by the end of April — I believe that's when they're supposed to — to this Assembly, and then those of us on the oversight committee will be tasked with looking at the information they bring back, why are some of these decisions being made in advance of a consultation? That is a question that Yukoners want an answer to.

In the previous report on health care that was produced by officials within this government and tabled by the Health minister, the possibility of transferring the hospital in Watson Lake to the Yukon Hospital Corporation was simply cited as one possibility. So we would wonder why the Premier and the minister would make the decision to do so in advance of the task force that's actually out consulting with Yukoners, making it a recommendation or a finding of what people think.

These are some of the questions we have, Mr. Chair. We are seeing the mining community project a smaller amount of exploration money. We see that the Premier points out that — he characterizes us as saying that we don't deserve, we don't want the transfers from Canada. That's not what we're saying. We're saying that the trend of watching our own-source revenue as a percentage of the whole continue to diminish to where it's 11.4 percent, according to the figures in this year's budget — it concerns us — not the transfers from Canada, but rather the diminishment of own-source revenue. When the Premier says that the portion of that revenue that comes from national corporations is the result of national spending, we would point

out that the formula does include a lot to say about the Yukon's percentage contribution on those national corporations that do business here.

Thank you, Mr. Chair.

Hon. Mr. Fentie: Where to begin?

Mr. Chair, I think that we have to focus in on some of the factual information. To state on the floor of the House that our own-source revenues are decreasing is not the case at all. In fact, our own-source revenues are increasing.

The member seems to be fixated on the transfer from Canada. Is the member aware that a province like Alberta, whose own-source revenues are second to none in the country, receives 12 percent of their budget from Canada? The territory of Nunavut receives 93 percent of total budget from Canada. The Province of Prince Edward Island receives 41 percent of their budget in transfers from Canada. The Province of Ontario receives 17 percent of their budget from Canada. Nova Scotia receives 36 percent of their budget from Canada. Why am I relating these figures to the Leader of the Official Opposition? It is a demonstration of how the share of the national wealth is divided among provinces and territories.

At the risk of being repetitive, I will go over the scenario again. It has to do with the fundamental principle of comparable services. It has nothing to do with the percentage of own-source revenues versus transfer from Canada. It has to do with the fundamental principle of comparable services based on comparable levels of taxation. When provinces that have own-source revenues do not meet that bar, as set nationally, of comparable services, then the gap that is existing is filled with equalization. In the territories the gap is filled through the territorial funding formula. The purpose of the fiscal arrangement in the country is to ensure that the fundamental principle of comparable services is being applied fairly and consistently across the country, no matter where you choose to live.

So the member's argument is actually a moot point because it has nothing to do with how the fiscal relationship in the country actually operates and exists. The real problem began when a former federal Liberal government decided to transfer the national deficit on to the provinces and the territories through the major cuts in 1995, and finally we have a government in Ottawa that is now replacing that significant gap created by those cuts to fiscal transfers in addressing the deficit.

Now, the member is suggesting that own-source revenues haven't increased. Facts are, in this budget, we are projecting — because what we have before us is estimates, until the Auditor General does the year-end accounting and produces the public accounts, which we present here and publicly — that the increase of own-source revenues will be 12 percent this coming year.

Now why is that? Well, there is a situation evolving in the Yukon that I think is very important, and the member either doesn't understand it or conveniently ignored it. It's the number of people in our workforce, the amount of taxes we're collecting, the amount of corporate tax that's evolving here due to increased business opportunity and development. So let me go over some figures.

In the final year, when we took office in 2002, the unemployment factor was 10.2 percent in the Yukon, with a substantially lower number of people in the labour force.

In 2003-04 — in 2003, we decreased the unemployment factor here to 8.9 percent; subsequently, in 2004, down to 5.5 percent; in 2005, down to 4 percent; in 2006, 2.3 percent; in 2007, 5.6 percent; in 2008, 5.5 percent — all within the top five jurisdictions in the country when it comes to the unemployment rate. Why is that? That's because of an ever-increasing economy and growth, in diversification, and in the number of people in our labour force, the number of people moving to the Yukon, and the number of people who have jobs available.

The member opposite speaks about jobs created. Well, in those years, thousands of jobs were created — literally thousands of jobs were created in the Yukon Territory — thousands of jobs that reflect an increase of population, and let me go over that briefly for the member opposite.

These are averages — but in 2003, just after the 2002 fiasco of the Liberal budgeting, the population had decreased to 29,000 people. However, in 2004, we increased somewhat to 30,000 people; in 2005, 31,000; in 2006, 31,000; 2007, 32,000; and in 2008, 33,000 — and we are heading to record levels. That is because we have an economy today, Mr. Chair.

It also shows that we have increased the total by some 1,214 persons in the Yukon. Does the member not understand that reflects an increase in transfer from Canada in the CHT, in the Canada social transfer, to meet that fundamental principle of comparable services?

The member is making arguments that are not reflective of exactly what is going on. It is very difficult to debate any sort of budgetary items. Frankly, it is difficult to debate most anything with the Leader of the Official Opposition but I want to try to continue on.

We recognized early on last year that there was a global situation developing. I don't know how the member can explain this but long before the fall sitting, the provincial, territorial and federal governments were engaged in detail on what do about coordinating our response to the global situation, the unknowns, the turmoil and all the challenges that we expected to take place. No one on the government's side ever said we would not have impacts. What we did say, however, is the Yukon is well positioned to manage its way through this global cycle — well positioned in what we have been able to establish over six consecutive budgets in increasing the population, lowering the unemployment rate, increasing investment in many sectors of the economy, increasing the number of people in the labour force, increasing private-sector investment, such as the tremendous efforts we have been making beyond our borders, led by the Minister of Economic Development, in today's Yukon.

While the member stands on the floor of this House and provides a very negative picture to Yukoners about the mining industry, we are one jurisdiction in the country — thanks to that effort by the Minister of Economic Development and the department in soliciting investment from China, for example — that is experiencing increased investment in the mining sector.

The Yukon is one jurisdiction in the country that actually has two mining projects in development and an existing mine continuing to produce and ship concentrate to the Asian marketplace. We understand that there will be a challenge in mining exploration. That's why this budget has a significant increase, for example, in the Yukon mining incentives program.

And furthermore, Mr. Chair, consider what we were working on many, many months ago. What are we doing about the challenges before us and the global economic turmoil? Well, what we are doing about it is before us. It is a \$1.3-billion budget — a record-sized budget, Mr. Chair — an investment in Yukon's infrastructure, investment in Yukon's institutions, like education and health care, and investment in people. It is a stimulus budget, Mr. Chair. That's what we're doing about it, and that's the interesting part of the debate we hope to have, especially with the Official Opposition.

So, Mr. Chair, even the comments about our corporate tax revenues — it is relative to what's happening outside the Yukon borders. That's why we've structured the territorial funding formula the way it's structured, so that that level of comparable services can be realized here in the Yukon.

Mr. Speaker, it is clear that we are experiencing less and less dependency on the federal government. Let me remind the Leader of the Official Opposition that prior to our negotiations with the federal government on a new principal-based funding formula, we had what was called the perversity factor, where more than a dollar earned was returned to Canada, creating 100-percent dependency. Today, we retain 30 percent of our own-source revenues. Thirty cents of every dollar earned now stays in this territory to build self-sufficiency.

That's part of what we've achieved as a government in our negotiations with the federal government, and we continue to do our good work.

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

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

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

Speaker: I 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. 15, entitled *First Appropriation Act, 2009-10*, and directed me to report progress.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

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

Motion agreed to

Speaker: The House now stands adjourned until 1:00 p.m. tomorrow.

The House adjourned at 5:30 p.m.