

**Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, December 16, 2009 — 1:00 p.m.**

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

Prayers

Withdrawal of motions

Speaker: The Chair wishes to inform the House of changes which have been made to the Order Paper. Motion No. 831, standing in the name of the Minister of Environment, has been removed from the Order Paper, as the action requested in the motion has been fulfilled.

Also, Motion No. 963, standing in the name of the Leader of the Official Opposition, has been removed from the Order Paper, as it is now outdated.

DAILY ROUTINE

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

Are there any tributes?

Introduction of visitors.

Returns or documents for tabling.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Hart: I have for tabling the Yukon Health and Social Services Council annual report for 2007-08.

I also have for tabling the Yukon Child Care Board annual report for 2008-09.

Hon. Mr. Rouble: I have for tabling the 2008-09 annual report for the Department of Education.

Hon. Mr. Kenyon: I have for tabling today a press release from Selwyn Resources Ltd., entitled "Selwyn Resources Announces C\$100 Million Joint Venture Transaction With Yunnan Chihong Zinc & Germanium Co. Ltd."

Speaker: Are there any further documents for tabling?

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motion?

NOTICES OF MOTION

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

THAT this House urges the Premier to live up to the commitment he made to this House on November 3, 2009, when he said, "...we'll bring the Yukon Energy Corporation before the Assembly as witnesses, as we always do each and every year."

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

THAT this House is alarmed by the mounting evidence of the destructive threat posed by climate change to humanity and ecosystems, including the information contained in a recent report by the International Union for Conservation of Nature,

the world's largest and oldest network of environmental scientists, which says that five Canadian animal species — the Arctic fox, leatherback turtle, beluga whale, Atlantic and Pacific salmon and the ringed seal — are among the 10 species destined to be hardest hit by climate change; and

THAT this House urges world leaders to negotiate a climate change agreement that is ambitious enough to prevent greenhouse gas emissions in the atmosphere from reaching a critical tipping point whereby a global temperature rise would unleash a series of devastating impacts, including species extinction.

I give notice of the following motion:

THAT this House supports the 3.2 million members of the Canadian Labour Congress who are calling on the Government of Canada to host a pan-Canadian summit bringing together government, business, labour and other stakeholders to address the inadequacies and inequities of public and private sector pensions.

I give notice of the following motion:

THAT in light of the recent negative advertising campaigns for selling liquor and promoting workplace safety, this House urges the Yukon government to review its social marketing policies to:

(1) responsibly reflect norms in Yukon society;

(2) respect Yukon individuals and groups;

(3) integrate marketing objectives and action frameworks;

(4) utilize advances in communication technology and marketing skills; and

(5) create a positive climate conducive to social and behavioural change.

Speaker: Are there any further notices of motion?

Seeing none, is there a statement by a minister?

That brings us to Question Period.

QUESTION PERIOD

Question re: Carmacks-Stewart transmission line

Mr. Mitchell: There are many unanswered questions about the money for the Carmacks-Stewart transmission line. We have already asked one of those questions in this House. How did this government manage to more than double the cost of the project? Yukoners are yet to get a good explanation for why under this Yukon Party government the transmission line is now going to cost almost \$40 million more than it should. Another question: where is all that money going to come from? Yukoners haven't gotten a straight answer on who is going to cover the cost of the project.

Yesterday the Premier tabled the funding agreement between Canada and the Yukon Energy Corporation. It shows money coming from the Government of Canada, the Yukon government and the Yukon Development Corporation. Unfortunately, there is also an important part blacked out and that is where \$12 million of the money is going to come from. Who is that generous secret investor willing to subsidize the government's energy project to the tune of \$12 million?

Hon. Mr. Fentie: First off, I think the problem here is not straight answers at all; it is straight questions. We all know that the member's inference of a \$40-million overage on the infrastructure that the member refers to is, in fact, incorrect. Furthermore, the Energy Corporation, in its relationship with Canada through the contribution agreement, has made representations on a breakdown of the overall expenditures.

It would be similar to the matter the member refers to as the relationship between the Energy Corporation and another corporate entity that invested in the first phases of Mayo B, which would be the extension of the main line from Carmacks to Pelly and a connector line to the mine site out at Minto, now known as the Capstone mine.

Mr. Mitchell: The Premier said it was similar. He could have just answered the question but didn't. On November 13, the president of Yukon Energy Corporation told the *Whitehorse Star* that the cost-sharing formula for the Carmacks-Stewart transmission line had already been worked out between the Yukon government and Yukon Energy Corporation.

On December 2, the Minister of Energy, Mines and Resources addressed funding for both the Mayo B and Carmacks-Stewart projects. He specifically said there will be only, quote: "Three partners: the Yukon Energy Corporation, the territorial government and the Government of Canada." The contributions from those three parties are listed in the funding agreement. There is another party listed as well. They are putting in \$12 million. In the document their name is blacked out. So again for the Premier, who is the mystery investor putting up the extra \$12 million?

Hon. Mr. Fentie: Mr. Speaker, once again the members are confused about the overall investment and the arrangement between Canada and Yukon. As I referred to moments ago, in the first phase of the Mayo B project, a private sector company — in this case, the mine — invested in Yukon's publicly owned utility's assets. This is similar to what the Energy Corporation will be working on into the future as far as building Yukon's publicly owned, through its public utility, overall infrastructure and assets.

Mr. Mitchell: There would be much less confusion in this House if the Premier would simply answer questions. It's the Premier who tabled this document yesterday with the big black rectangle on it.

Mr. Speaker, yesterday the government side tabled the shareholder letter of expectations for the Yukon Energy Corporation and the Yukon Development Corporation. In that letter, the government reaffirms that it will, quote: "secure appropriate funding for phase 2 of the Carmacks-Stewart transmission line."

This letter also declares that, quote: "the minister and the corporations are committed to enhanced transparency and accountability to the public."

Mr. Speaker, this is clearly at odds. In the same moment that the Premier says he will be transparent and accountable, he blacks out the source of \$12 million of project funding. We know what the Government of Canada, the Yukon government and Yukon Development Corporation are putting toward the project.

It's a very simple question, Mr. Speaker. In the interest of transparency and clarity and accountability, what Outside investor is willing to give the last \$12 million?

Hon. Mr. Fentie: Here we go again, Mr. Speaker. The Leader of the Official Opposition has just made a statement that the Premier blacked something out in the document. Well, that's not what the elected arm of government does.

Secondly, I guess the member opposite has forgotten about the protection of privacy aspect of our legislation. The government side does not confuse the matter whatsoever. That is paramount in the access to information and protection of privacy legislation. Of course, all agencies, departments and public Crown corporations adhere to that legislation, unlike the Official Opposition.

Question re: Mayo B project

Mr. McRobb: For months, the same minister has been deflecting questions about funding for the Mayo B project. We just saw more of that today. On several occasions in this House, the Premier has said the Energy Corporation was taking the lead in negotiating who would invest in the project. On November 3 he said, "The Energy Corporation is working on those very arrangements," and the government "is working through the Yukon Development Corporation to assist and provide support to ensure the Energy Corporation can meet its obligations under the agreement."

But a letter he tabled yesterday stated the opposite. The latest piece of evidence shows that, in fact, the corporations are following the government's lead. Why has the Premier been telling the public the arm's-length corporation is calling the shots when, in fact, he's in charge now?

Hon. Mr. Fentie: I guess the member forgot to look at who the contribution agreement is with. It's with the Government of Canada and the Yukon Energy Corporation, duly signed. That arrangement has resulted in the federal government making a \$71-million investment into this territory's energy infrastructure. I call that a pretty positive result under the leadership of the Yukon Energy Corporation.

Of course, the government was very supportive in negotiating this partnership with Canada, as we will continue to support our Energy Corporation in negotiating further partnerships in building our publicly owned public utilities infrastructure.

Mr. McRobb: When the former chair of the Energy Corporation resigned earlier this year, he warned about the dangers of the Premier and this government getting involved in the negotiations for Mayo B. If the government interferes, this thing will go right off the rails, he said.

He also said First Nations don't trust the Premier and if he gets involved it will be a disaster. Mr. Speaker, for months the Premier has maintained the corporation was in charge of negotiations, but again his own evidence contradicts his own statements. The evidence clearly states the government — not the corporation — is in charge of securing funding for the Mayo B project. Why did the Premier tell the public the corporation was leading the negotiations when in fact he himself was the lead negotiator?

Hon. Mr. Fentie: What in the world is the Member for Kluane talking about? We have presented a contribution

agreement to this House for the benefit of the members and in the spirit and context of transparency and accountability. The agreement, as tabled, is very detailed. The member knows full well that the agreement is between Canada and the Yukon Energy Corporation. To reach an agreement such as that — how does the member think we got there? It was through negotiations between the representatives of Canada and the representatives of the Yukon Energy Corporation.

On the Yukon government's part, we demonstrated a supportive approach to this project as we had in the first phase, and we'll continue to support our Energy Corporation in building these kinds of partnerships, because they are very successful.

As far as a "disaster", how can the member explain that contractors are already preparing the line for the connector to Stewart? How can the member explain that we're in a relationship with another company regarding the turbine at Mayo? How can the member explain that there's a YESAA application before the board? How can the member explain that we have a memorandum of understanding with Na Cho Nyäk Dun? The only disaster is the Official Opposition. They don't know what's going on.

Mr. McRobb: It can be explained easily, Mr. Speaker. These were the resigning and parting words of the former YEC chair.

The public no longer trusts this government, and the Premier's response only fortifies that conclusion. For months the Premier insisted the corporations were taking the lead, yet now we discover, through evidence he filed himself, that his secret, parallel negotiating process has expanded to include arranging financing for Mayo B. There are lot of contradictions. For instance, on November 3, the Premier told the House, "— we'll bring the Yukon Energy Corporation before the Assembly as witnesses, as we always do each and every year." A month later he changed his mind and told us they won't be called in at all this year.

Why is the Premier politically interfering in the funding for Mayo B, instead of allowing the independent Crown corporation to carry out its own business?

Hon. Mr. Fentie: You know, Mr. Speaker, the only contradiction here is the contradiction between the Official Opposition and reality.

The Yukon Energy Corporation is doing a fine job with regard to building its infrastructure with government support. Furthermore, the member keeps referencing a former chair. I would emphasize "former". The government side put its emphasis on those members of the Yukon Development Corporation Board who stayed committed to their responsibilities and duties, and that's why we've achieved success. That's why we're making progress. We didn't quit, Mr. Speaker. We are building Yukon's energy infrastructure and Yukon's energy future in spite of the Official Opposition. They just don't get it.

Question re: Green economy

Mr. Hardy: In April 2008, the Premier said, "The issue of a green economy is very much on the radar screen." He went on to say, "This government has always said that there's tremendous opportunity in dealing with our environment and the economic well-being we can glean from the measures we

bring forward in appropriately managing and conserving our environment." What I want to hear, though, is the government's vision.

We know about the Mayo B. It gets talked about all the time. We know about the super green standards on building construction that this government is trying to measure up to. What is the government's vision, in terms of transitioning to a low-carbon economy and creating green jobs, green businesses and green economy that goes beyond the Environment minister's vision of telling people to change their light bulbs?

Hon. Mr. Fentie: The short answer is it's definitely housed in the Yukon's energy strategy — that is our blueprint. But we go further. The Yukon has entered into the knowledge-based economy. The establishment of our Climate Change Research Centre of Excellence, for example; the research and development that's happening in this territory — these are mechanisms that lead us toward an economy that has much more linkage to dealing with our environment in a more conservative and safe manner.

It's no small feat to reduce our dependence on fossil fuels just for our daily energy needs and great progress has been made in that area. It's not just Mayo B; it's the third wheel at Aishihik and other examples of conservation and programs we have to reduce our consumption, to be more conservative — to conserve our energy, to be more efficient with our energy use. These are all cumulatively dealing with Yukon's ability to progress toward a greener economy.

Mr. Hardy: Mr. Speaker, there's an awful lot of rhetoric about the economic opportunities that climate change presents us. We need to be leery about getting greenwashed, and that's what this is starting to sound like, but there is no doubt that we must shift from old, polluting, fossil-fuel-dependent industries.

Some jurisdictions are very advanced on this. Denmark is cornering the market on wind turbines. Portugal is leading the world in manufacturing tidal-power generators. We know the Yukon is never going to be a world leader in say, solar energy panels — we're not naive in that sense — but there's a lot we can do to stimulate green economic development. The climate change action fund says that the Department of Economic Development is responsible for programs to assist business development in the territory, including ones that may address new threats or opportunities presented by climate change.

My question: what work is being done within the Department of Economic Development to implement the climate change action plan to create green jobs and to promote green business and green technology here in the Yukon?

Hon. Mr. Kenyon: For the member opposite, the cold climate innovation and research centre is right in the forefront occupying space now at Yukon College in a building that is a legacy building out of the Canada Winter Games. They are now getting their feet on the ground. I think they have a director and they are actively working in many areas.

To give an example to the member opposite as well: the Yukon boasts the best connectivity to the Internet, which is a good clean way to go, I would suggest. It is certainly the best in Canada, if not the world.

Ninety-nine percent of Yukon households and businesses have the ability to connect to broadband Internet. When I brought that up during a meeting of ministers of innovation, I compared it to Ontario's 61 percent and I was called short by the minister from Ontario who wanted to point out that they had made great strides and had raised that to 64 percent. Yukon is at 99 percent — a good contribution toward the potential for green businesses in this territory.

Mr. Hardy: Yesterday we introduced a motion calling for the creation of a made-in-the-Yukon climate change investment fund. Funds like this exist in other jurisdictions and the topic has been studied by conservation groups. Such a fund would provide investment to local green projects that wouldn't otherwise receive funding from general government revenue. There is a lot of confusion and concern in the public that the so-called carbon offset funds in other countries are unaccountable and may in fact support unsustainable development.

We could create a fund that is local, transparent and accountable. The public could contribute to it and the government could contribute to it as a form of carbon offset when delegations travel around the world — like Copenhagen recently or to many trips to China. Does the government support this idea and can we get a local climate change investment fund up and running in 2010?

Hon. Mr. Fentie: The Member for the Third Party may resist investment from other countries like China, but we certainly don't. Through the leadership and hard work of our Minister of Economic Development, Yukon is the recipient of hundreds of millions of dollars of offshore investment. Frankly, it's part of our responsibility as a government to build an economy. But we've also taken steps to ensure that we do everything possible that we can in the Yukon to be more environmentally efficient.

The member is talking about a fund that individuals can contribute to. Let me point the member to our *Climate Change Action Plan*. The government has presented to Yukoners, through a great deal of consultation with Yukoners in crafting this document and this plan, some 50 options and items that each individual Yukoner could undertake to even further improve our efficiency, our conservation of energy needs and become greener. I need not read them into the record. I'm sure the member has this document ready and available and he can read them himself. Instead of tapping Yukoners to take money out of their pockets, we're encouraging Yukoners to invest in real, tangible initiatives that will help reduce our emissions, help reduce our demand on energy and be more efficient.

Question re: Placer mining authorization

Mr. Cathers: Seven years ago today the federal Liberal government of the day unilaterally cancelled the Yukon placer authorization. That action threatened to destroy one of the engines of the Yukon's economy: our placer mining industry. The Minister of Energy, Mines and Resources, the Klondike Placer Miners Association and many others worked hard to get the Department of Fisheries and Oceans to recognize the science that clearly demonstrates Yukon placer miners need a standard even higher than that needed to protect fish habitat. He knows what happens when regulatory requirements go too

far and become a ridiculous barrier. Regulations should be strong enough to ensure the environment is protected, flexible enough to enable adaptive management and focused on facilitating evidence based decision-making. Is the minister committed to continuing to improve the Yukon's regulatory processes with the goals of reducing duplication and ensuring regulations are clear, effective and appropriate, and is he connected to the initiative aimed at reducing the paperwork burden by moving toward a single-form application for projects that require approval from more than one regulatory body?

Hon. Mr. Lang: The government, over the last seven years, has been working toward that goal — understanding that Environment and Energy, Mines and Resources have responsibilities, and we're also working with the Department of Fisheries. There has to be a balance between the environment and industry. Certainly, there was an imbalance seven years ago, when the Liberals cancelled the placer authorization.

As a government, we're committed to moving forward, working with our partners, the federal government, the First Nations — Council of Yukon First Nations — to get a workable placer authorization that works for industry and also works to protect our environment, which is very important for all of us.

So, yes, it's work in progress. We have been working with our partners and look forward to working with them in the future to minimize the workload on the different departments, plus on the industry itself. Mr. Speaker, we have an environmental conscience, and as well we are working with the industry itself. It has been a long road and many situations arose as we worked toward this.

But I would say to the member opposite —

Speaker: Thank you.

Mr. Cathers: As the minister knows, complexity and duplication do not necessarily make regulations more effective. They often make them worse. Since devolution, the Department of Energy, Mines and Resources and the Department of Environment have worked together and made some major improvements on how regulators work together to maximize effectiveness and efficiency. One of those improvements is a new approach to managing hard rock mines that has staff of Energy, Mines and Resources doing water testing previously handled by Environment staff. The Liberal Party has attacked this approach and implied that staff at Energy, Mines and Resources are not adequately performing their duty to the public. The minister knows this is not the case and that staff of both Energy, Mines and Resources and Environment, who are entrusted with regulatory duties, take their responsibility to the public very seriously.

Will he assure me that the government will do the right thing and continue to support this more effective, streamlined approach developed by staff of his department and the Department of Environment?

Hon. Mr. Lang: Certainly, Mr. Speaker. Of course, we all witnessed in the House during this sitting the question from the opposition on the qualifications of the individuals who work in the Department of EMR, but I assure the member opposite of this: we are working with our departments to stream-

line many issues, and it does work. As we train and work with our departments, they can do the job, regardless of what the members opposite say. EMR is very highly qualified to work in unison with Environment to safeguard the environment, as well as work with industry to make sure there's not duplication when they go out in the field.

Mr. Cathers: Seven years ago today, the federal Liberal government of the day unilaterally cancelled Yukon placer authorization. Today placer mining continues to be one of the key engines of the Yukon economy, as it has been since the late 1800s. When devolution transferred power and regulatory authority to the Yukon government in April 2003, one unintended consequence was the creation of an overlap between the responsibilities of Energy, Mines and Resources under the *Placer Mining Act* and the responsibilities of the Department of Environment, particularly under the *Environment Act*. This creates duplication and places an unnecessary burden on Yukon placer miners.

Will the government commit to supporting the work of officials to end this duplication of authority and eliminating this unnecessary burden on Yukon placer miners as quickly as possible?

Hon. Mr. Lang: Certainly, we are working internally with the departments and if we can mitigate any duplication then this government is committed to do that as quickly as possible.

Question re: Offenders released into the communities

Mr. Inverarity: Yesterday the Minister of Justice evaded my questions about a high risk offender who quietly moved into a Whitehorse neighbourhood. The minister said, "I can't speak on specific matters about a case that's before the courts at present."

For the record, the matter has already been settled by the courts. This person was convicted in the Yukon Territorial Court last spring for sex crimes and firearm-related offences. He was also previously convicted in the United States for sex crimes against children. Mr. Speaker, this is an individual who has been described as a pedophile with a high risk to reoffend. He quietly moved into a Whitehorse neighbourhood and residents became rightfully concerned when they found out about it. What is the minister doing to address their concerns?

Hon. Ms. Horne: Let me be very clear about this matter. We take safety of Yukoners very, very seriously. I will say that we rewrote the *Corrections Act* of Yukon so Yukoners would be safer in their homes and in their communities. I would also note that it was a judge who decides what restrictions are put on a convict's freedom. Depending on the offence, judges may place restrictions on where an offender will reside and I will not make comments on an individual case.

Mr. Inverarity: Mr. Speaker, I want to thank the Justice minister for tabling the notification protocol yesterday. Section 11 refers to evidence the advisory committee will consider when reviewing high risk offenders — evidence is considered such as the offender's history and patterns, previous victims and whether the offender has access to potential new victims.

In this case the high risk offender certainly appears qualified. When the advisory committee determines that the offender poses a threat to the community then the community will be notified. Again, this case certainly appears to qualify but the notification did not happen. This case obviously fell through the cracks. What is the minister going to do to fix it?

Hon. Ms. Horne: I am glad the member opposite read through our secret document that was tabled yesterday. As I mentioned yesterday, any individual can make a complaint to the RCMP to initiate the board hearing a matter on any of these issues.

Mr. Inverarity: A pedophile is living next door to school-aged children and two doors down from a playground. How does this minister make Yukon safer for Yukoners? What is the minister going to do to protect these children?

Hon. Ms. Horne: As I said earlier, it is a judge who decides where an individual resides and there are very strict restrictions put on this individual and they are checked very carefully and often.

Question re: Teachers contract

Mr. Elias: I have a question for the minister responsible for the Public Service Commission. Yukon teachers have been without a contract since June 30 — almost six months.

On September 17, the talks ground to a halt when the government announced it wanted to have the talks declared to be at an impasse. Since that time, the government has had nothing further to say on the status of these talks. Media reports at the end of October suggested that the government and the YTA were in the process of agreeing on a mediator to try to bring the two sides together. Since then, there has been very little discussion about these unresolved negotiations. Can the minister update the public on where these discussions stand? Are we looking at mediation? Conciliation? Arbitration? What's next?

Hon. Mr. Rouble: This government will certainly honour the collective bargaining process and deal with the matter appropriately and in a very unpolitical type of manner. For the member's information, the Yukon Teachers Association and the Government of Yukon are in mediation. We will allow the collective bargaining process to unfold as it should.

Mr. Elias: Teachers have been without a contract for several months. They want to see this issue settled without further delay. What I'm talking about here is 700 educators who don't have a contract. When negotiations like this go offside, they have the potential to affect each and every Yukoner. That's why I'm asking.

One of the minister's officials told the media, and I quote: "We're not within the same settlement zone on monetary matters." A similar statement was made in the September 17 news release from the government. Maybe the minister can answer this question: how far apart are the parties in terms of money?

Hon. Mr. Rouble: This government will certainly work with the Yukon Teachers Association. We will honour the collective bargaining process. As a government, we recognize the very important role that Yukon teachers play in our society and in our education system and the challenges that they face in the classroom. We very much appreciate the work they do for Yukon students and Yukon's future. We'll continue

to work through our collective bargaining process, honour that process and work with the Yukon Teachers Association to reach a conclusion to this matter.

Mr. Elias: The minister seems very reluctant to provide any information on the public record. Seven hundred educators have been without a contract for six months. We also understand that a mediator has been found and the parties will be returning to the bargaining table early in January. We know the contract for Government of Yukon workers will be expiring shortly as well, in about two weeks' time. Starting in January 2010, Yukon teachers will be operating without a contract and the Government of Yukon workers will be joining them.

When does the minister expect the negotiations with teachers to be completed and what are the outstanding issues?

Hon. Mr. Rouble: Mr. Speaker, the Government of Yukon has a responsibility to its employees; it has a responsibility to Yukoners. We will certainly honour the collective bargaining process and work through that appropriately with the parties involved. I am confident, Mr. Speaker, that we will conclude the negotiations with the appropriate unions, with the Yukon Teachers Association and with the other representatives of other Yukon employees through a proper collective bargaining process. I certainly won't circumvent that type of process here on the floor of the Assembly today.

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

ORDERS OF THE DAY

GOVERNMENT PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 842

Clerk: Motion No. 842, standing in the name of Mr. Edzerza.

Speaker: It is moved by the Member for McIntyre-Takhini

THAT this House urges the Government of Yukon to explore and bring forward civil forfeiture legislation that would allow the Government to seize the proceeds of criminal activity.

Mr. Edzerza: Mr. Speaker, it is with great pleasure that I bring forward this motion today. The Yukon Party government is sincere about making the Yukon a better place to live by taking a stand against those who choose to make a living through unlawful activities. That is why this motion has been brought forward today.

I believe it's important for one to understand just exactly what is meant by this civil forfeiture. The civil asset forfeiture is focused solely on the connection between property and unlawful activity and is not based on any criminal conviction. A civil forfeiture lawsuit does not target any person, and there is no ruling of guilty or not guilty, as there would be in a criminal proceeding. The province sues in civil court, and a reverse onus test requires dependence to prove they did not gain the

asset from unlawful activity. Examinations for discovery are conducted and cases are decided on the civil standard of proof — the balance of probabilities rather than the higher criminal standard of “beyond a reasonable doubt”.

Anyone who claims to have an interest in the property is given the opportunity to respond to the lawsuit, but there is no criminal penalty or sanction against them, whether or not they choose to participate.

Mr. Speaker, when we talk about proceeds of crime, we're basically talking about illicit profits that undermine the social and economic well-being of Canadians and increase the power and influence of organized criminals and their illegal enterprises. The proceeds of crime program focuses on identifying, assessing, seizing, restraining and dealing with the forfeiture of illicit wealth accumulated through criminal activities. Much of this wealth is linked to profits derived from Canada's illicit drug trade, but proceeds from other crimes such as fraud and cigarette smuggling are also involved.

The proceeds of crime program actively pursues investigations related to money that has been laundered by means of Criminal Code offences. The program accumulates financial intelligence and selects organized crime figures with the aim of seizing their unreported wealth. Dedicated integrated resources are assigned to turn information into intelligence that can be used by front-line investigators. Responding to requests for investigative assistance from foreign and domestic police agencies is also a major priority, as is fostering international cooperation on money laundering investigations.

Members in the field and at the policy centre in Ottawa are tasked with educating their local, national and international partners and clients, as well as the general public, in order to identify and prevent money laundering. A lot of what I talk about today in my comments will have to do with what the federal government has accomplished and what their standards are set as. It will lead into other provinces that have similar laws in place and why it's important that the Yukon follow suit.

The RCMP relies primarily on the Criminal Code proceeds of crime provisions to take illicit wealth away from criminals. Other federal statutes, such as the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* and the *Controlled Drugs and Substances Act* also play a significant role in meeting enforcement objectives.

Most sections of the integrated proceeds of crime program work as part of the units that bring together the skills, knowledge and abilities of diverse groups of experts. These groups include the RCMP, provincial and municipal investigators, lawyers from the Public Prosecution Service of Canada, forensic accountants from Public Works and Government Services Canada, tax investigators from the Canada Revenue Agency, and customs officers from Canada Border Services Agency.

Since 1977, the integrated proceeds of crime initiative has helped to pioneer the RCMP's integrated policing philosophy. The United Nations, the UK, Australia and others have studied the initiative to learn from its successes.

There are some pretty alarming facts available on just what extent of money we're talking about. For example, according to the federal government's seized property management director-

ate, since 2003, integrated proceeds of crime has obtained the forfeit of more than \$64,302,893 in cash and property, with an additional \$142,827,625 seized and waiting for disposition.

In May 2009, more than \$3 million in 64 cash seizures and another \$4 million in undeclared currency were detected at ports of entry around the world through Operation Mantis, a multilateral, anti-cash smuggling enforcement blitz conducted at large international airports around the world.

A total of \$612,753 in illegal currency was seized at three Canadian airports. In December 2003, a former Vancouver real estate lawyer was arrested as part of a joint RCMP/FBI undercover proceeds of crime investigation and was sentenced to almost 16 years in prison for laundering \$700,000 U.S. Fifty-four other people were arrested as part of the investigation which was dubbed "Operation Bermuda Short."

Those are just examples of the extent and maybe the amount of cash that can be floating around through unlawful activities. I would probably assume that it may not be that high in the Yukon at this point in time, but I believe if it is left unattended, it could grow to be quite substantial. So it's important to really sort of nip this in the bud right now and make it a deterrent in the Yukon for unlawful activities that could actually accumulate a lot of cash money and/or real estate even.

We do have in Canada some existing laws and as part of its overall strategy to combat organized crime, the federal government has taken active measures to remove illicit proceeds of crime from organized criminal groups with the goal of disrupting, deterring and ultimately dismantling their criminal capabilities.

Criminal organizations as recognized by definition under the Criminal Code are formed for the purpose of committing crimes for material benefit. Therefore, measures that seek to remove proceeds of crime strike a criminal organization's core motivation of illicit economic gain. The proceeds of crime provision of the Criminal Code that allows for the seizure, restraint and forfeiture or proceeds of crime have been in place since 1989.

The scope of these provisions was broadened to apply to most indictable offences under federal legislation as part of the criminal organization and law enforcement legislation that came into force in 2002. While proceeds of crime applications are not limited to organized crime situations, they are especially relevant to combating this form of crime.

The Criminal Code currently provides for the forfeiture of proceeds of crime upon application by the Crown after a conviction for an indictable offence under the federal legislation, other than a small number of offences exempted by regulation. Presently, in order to obtain an order of forfeiture, the Crown must prove, on a balance of probabilities, that the property is the proceeds of crime and that the property is connected to the crime for which a person was convicted. If no connection between the offence and the property is established, the court, nevertheless, may order the forfeiture of the property if the court is satisfied beyond a reasonable doubt that the property is proceeds of crime.

While criminal organizations are believed to be involved in numerous offences leading to substantial illicit material gain,

convictions are typically only sought and obtained in a small number of cases as these particular offences do not necessarily have associated proceeds — for example, homicide and criminal attempts. The Crown often has to rely on the test under the current scheme requiring proof beyond a reasonable doubt and that the property is nevertheless the proceeds of crime. This means that even after a successful prosecution for an underlying offence related to organized crime, there can be significant difficulties in obtaining forfeiture of property which in the organized crime context appears from the outset to be the proceeds of crime.

There were some proposed amendments to the legislation introduced in the House of Commons today — proposed amendments to the already existing proceeds of crime law under the Criminal Code.

The amendments introduced today provide that: one, once an offender has been convicted of either a criminal organization offence or certain offences under the *Controlled Drugs and Substances Act*, the court is directed to order the forfeiture of property of the offender identified by the Crown, unless the offender proves reverse onus, on a balance of probabilities, that the property is not the proceeds of crime; two, in order for the reverse onus to apply, the Crown would first be required to prove, on a balance of probabilities, either that the offender engaged in patterns of criminal activity for the purpose of receiving material benefits or that the legitimate income of the offender cannot reasonably account for all of the offender's property.

These new amendments would apply to all criminal organization offences as directed in section 2 of the Criminal Code where the offence is punishable by five or more years of imprisonment or after conviction or indictment for an offence under sections 5, 6 and 7 of the *Controlled Drugs and Substances Act*.

In addition to the creation of the new reverse onus scheme, the legislative amendments introduced in today's proceeds of crime bill will also clarify the Criminal Code and the *Controlled Drugs and Substances Act* to ensure accord between the English and French versions of provision to more explicitly affirm the Attorney General of Canada's authority to pursue proceeds of crime in certain circumstances to more explicitly affirm the ability of the Crown to seek proceeds upon convictions of offences where the Crown has the option to proceed, either on indictment or by way of summary conviction, and to ensure the applicability of the *Controlled Drugs and Substances Act* warrants investigation of drug-related money laundering and the possession of property obtained by drug-related crimes.

So as you can very well see, Mr. Speaker, this is an issue that exists right across Canada

I would also like to read into the record just a few examples of what other jurisdictions are doing.

For example, in Ontario, *Remedies for Organized Crime and Other Unlawful Activities Act* permits a court, at the request of the Attorney General, to freely seize and forfeit to the Crown assets that are determined to be the proceeds of instruments of unlawful activities. That was challenged and was

taken before the Supreme Court of Canada. The Ontario Court of Appeal decision to uphold the constitutionality of Ontario's *Civil Remedies Act* was appealed to the Supreme Court of Canada. The Supreme Court's unanimous decision in April 2009 to uphold the *Civil Remedies Act* preserves civil forfeiture laws adopted across Canada in recent years to permit provincial governments to attempt to take the profit out of crime. Seven provinces joined the court challenge to side with Ontario in this successful argument that seizing proceeds of crime falls under provincial power over property and civil rights, rather than federal jurisdiction to craft criminal laws.

British Columbia also has the *Civil Forfeiture Act*. This legislation allows the B.C. civil forfeiture office to seize property used in crime or proceeds of crime.

In Manitoba in 2004 — amended in 2007 — the *Criminal Property Forfeitures Act*. Initially police could apply to the court for orders to seize property either bought with profit from unlawful acts, or to be used to commit crime.

In Saskatchewan, we have the *Seizure of Criminal Property Act, 2009*, which provides the property that is acquired directly or indirectly as a result of unlawful activity or has been used to commit a crime may be seized and, when appropriate, sold by an order of the court.

In Nova Scotia, they have the *Civil Forfeiture Act of 2007*. Nova Scotia passed two companion statutes in 2007 respecting civil forfeiture and property management. The *Civil Forfeiture Act of 2007* is patterned largely on Ontario and B.C. models.

So this is not a new initiative that the Yukon Party government is trying to bring forward. This is something that has been looked at right across Canada — and rightfully so — when we have large communities really zeroing in on unlawful activities and making profit and making very big amounts of money from this. One has to just stop to think for a few minutes how many other people are affected. What is the effect of some of these activities that take place? For example, I guess one would often wonder how many families and how many children are affected by someone who is a drug dealer. All of the clientele obviously contribute an awful large sum of money to these individuals.

We have to start someplace. The Yukon Party government believes quite strongly that this is a very important part of making the Yukon a safer place to live. Because of the geographic location and because of the population — with this kind of legislation in place, I think it would probably be the best deterrent that one can establish to force those individuals to think twice about wanting to set up in the Yukon. The population as it stands — this kind of legislation in place could make it not a very safe haven for those who choose to make a living by conducting unlawful activities.

Having said that, Mr. Speaker, I will give others a chance to give their comments with regard to this motion. I do look forward to hearing what other members of the Assembly have to say with regard to this very important proposed legislation the Yukon Party government is trying to obtain.

Mr. Elias: It's a pleasure to rise and debate Motion No. 842 with regard to the Government of Yukon exploring and bringing forward civil forfeiture legislation.

The forfeiture element has been added to the criminal process in many jurisdictions, including our own country, as the member opposite mentioned in his opening remarks. This trend toward civil forfeiture seems to have been prompted by the nature of organized crime. Organized crime heads use their resources to keep themselves distant from the crime they're controlling and to mask the criminal origin of their assets. For this reason it has become extremely difficult to carry out successful criminal investigations leading to the prosecution and conviction of such individuals, with the result that finances derived from crime are often effectively out of reach of the law and are available to be used to finance more crime.

In civil forfeiture cases in the United States, the United States government sues the item of property, not the person. The owner is effectively a third party claimant. Asset forfeiture legislation exists in the United States, the United Kingdom, Ireland, Italy, South Africa, Australia, Fiji and in our own country. For instance, in Ontario's civil forfeiture law, the *Civil Remedies Act* allows the Attorney General to ask the civil court for an order to freeze, take possession of, and forfeit to the Crown, property that is determined to be a proceed or an instrument of unlawful activity.

A proceed is property such as money acquired as a result of unlawful activity. An instrument is property that is likely to be used to engage in unlawful activity in the future such as a house used as a marijuana grow operation. Property includes all types of assets, such as real estate, cars and cash. Ontario's civil forfeiture legislation focuses solely on the connection between property and unlawful activity and is not dependent on any criminal charges or even convictions for that matter. The standard of proof required for civil forfeiture is the same as it is in all civil actions — a balance of probabilities. The process of civil forfeiture begins when a designated institution, such as the police or government ministry, submits a case to the reviewing authority and independent Crown counsel in the Ministry of the Attorney General.

While Ontario set the precedent in Canada with its civil forfeiture legislation, British Columbia, Alberta, Saskatchewan, Nova Scotia, Manitoba, and Quebec have since introduced or passed similar legislation. Under the *Civil Remedies Act* in Ontario, the opportunity for victims to receive compensation and grants to be distributed to law enforcement agencies exists as well in the body of the legislation. For example, approximately \$1 million of compensation has been distributed to direct victims of unlawful activity and more than \$900,000 in grants have been distributed to law enforcement agencies for initiatives to assist victims of unlawful activity and prevent victimization. That's what the jurisdiction of Ontario is doing.

As I mentioned earlier about the Attorney General's responsibilities in Ontario — in Yukon, all of the powers the Attorneys General have in most provinces have not been devolved to our Justice minister, so it will be interesting to see how this will actually be implemented here in the Yukon.

Maybe this concept can be placed within the new victims of crime legislation. That was one thing I was thinking of that is under the consultation of the Minister of Justice. As she's going through her consultation processes with Yukoners, maybe this type of legislation can be embodied in that act.

In speaking to the motion, I don't have very much more to say. I'll allow other Members of the Legislative Assembly to put forward their thoughts and raise issues with regard to Motion No. 842, brought forward by the Member for McIntyre-Takhini.

Thank you, Mr. Speaker, for the opportunity to speak to this motion.

Hon. Ms. Horne: Let me make this very clear. As a government, we are committed to creating a better quality of life for Yukoners by dealing with alcohol and drug abuse through implementing the Substance Abuse Action Plan, by protecting the family and by creating safer communities.

Our goal is to build a better quality of life for Yukoners. Just as building a house takes many tools, building a better society requires as many tools. Our trajectory as a government has been to take a multi-faceted approach to dealing with illegal activity. I want to set the context for how civil forfeiture laws fit the overall approach our government is taking.

We have looked at options to help us promote and build our communities and we have been willing to explore different avenues to tackle the things that cause social disorder. In terms of building our communities, we have rebuilt the economy so Yukoners have more career options. We've invested heavily in Yukoners by providing healthy, positive alternatives, especially for our young people. We have done this by funding arts and culture programs and by funding sporting activities.

We have also explored avenues to shut down the things that cause social disorder. We have added another successful tool in how we address drug dealing, bootlegging and prostitution. To be frank, Mr. Speaker, most people sell drugs or bootleg alcohol because they think they can make a quick dollar, and they certainly do. We looked at these businesses and what they needed to be successful and then asked ourselves what a drug dealer needs to run a profitable business. Then we set about plans to disrupt the things that made drug dealing profitable.

We have partnered with the RCMP to fund the street crime reduction team, which was an innovative pilot project that I think has been a tremendous success. We work with the RCMP to disrupt the supply of drugs into the territory and the communities. We work with the RCMP to disrupt the distribution network within the territory.

In addition to the resources available to the RCMP through the Criminal Code, we added the SCAN unit that uses civil legislation to disrupt the location of where the business of selling drugs takes place.

I think the forfeiture laws would allow us to make drug dealing and bootlegging even less profitable by allowing the government to cease the proceeds of illegal activity. Civil forfeiture legislation is a mechanism that allows the state to seize assets used in or acquired by unlawful activities so persons who

use or acquire property unlawfully are prevented from keeping it. The standard of proof required for such forfeiture is a balance of probabilities rather than reasonable doubt. This makes civil forfeiture another tool with significant potential to further eliminate and deter profit-making crime.

Once a judge decides property is forfeited, the property can be sold and the proceeds can be used to compensate victims of crime, to fund crime prevention programs, remedy the effects of illegal activity and cover the costs of administering civil forfeiture legislation. Right now the forfeiture is covered by the federal government and any funds or property go to the federal government.

As I mentioned, civil forfeiture is based on the civil standard of proof — the balance of probabilities — rather than the higher criminal standard of beyond a reasonable doubt. Civil asset forfeiture focuses solely on the connection between property and unlawful activity and is not based on any criminal conviction.

As I have noted, we have found this approach to be very successful in the SCAN office and I think it would work with the civil forfeiture laws as well. The topic of civil forfeiture is quite a technical and complex one. We will study the extensive research and consider the many experiences of the different jurisdictions where this legislation is now in effect. We will still not be able to seize any property itself. We will have to make an application to a court and that would have to be based on evidence.

The onus is still on the civil forfeiture office to lay out evidence, make a case, and prove that property was acquired by illegal activity. In recent years, provincial governments across Canada have adopted civil forfeiture laws to take the profit out of crime and other illegal activities by ordering the forfeiture of ill-gotten goods and to compensate victims of crime. This is exactly what we plan to do.

The Attorney General or other designated person or office is authorized to make a forfeiture application to a court of civil jurisdiction. Subject to the civil rules of evidence and procedure, the court may order the forfeiture of property to the government if it is convinced that the property is connected in some way to an unlawful activity. At the end of the day it is a judge who makes that final decision. The use of civil forfeiture will continue to be used by the provinces since the Supreme Court of Canada ruling in April 2009 unanimously upheld the *Civil Remedies Act* of Ontario.

I have asked my officials to continue to work with the RCMP to determine how best to work with them during the seizure of cash or other saleable items if civil forfeiture legislation were to be introduced in Yukon. I want to close by emphasizing that civil forfeiture laws could be one component of a broader package of responses to the things that cause social disorder. We as a government committed to create a better quality of life for Yukoners, and I think that civil forfeiture laws are one more way to make that happen — a safer Yukon in which to raise our children and grandchildren.

Günilschish.

Mr. Nordick: I would like to apologize to the members on the government side for jumping out of turn to speak to this very important motion. I just see by the opposition benches that nobody would like to speak, so I guess I will jump in to take their place.

Mr. Speaker, what is civil forfeiture legislation? This legislation would allow the state to seize assets used in or acquired by unlawful activities so that persons who acquire property unlawfully are prevented from keeping it. Once a judge decides property is to be forfeited, the property can be sold and proceeds can be used to compensate victims of crime, to fund crime prevention programs, remedy the effects of illegal activities and cover the cost of administering civil forfeiture legislation. These are ideas of what the funds acquired through this kind of legislation could go toward.

Development of this legislation is another means to reduce the impact on victims of crime. It's another means to reduce the impact that crime has on victims in this territory. This gives governments another tool to deal with criminal activity, like our safer communities and neighbourhoods legislation. This is another step toward protecting our citizens.

Civil forfeiture legislation allows the proceeds of crime to be confiscated and sold and used as the legislation would outline if we proceeded. In recent years, the trend of provincial governments across Canada has been to adopt civil forfeiture laws in an attempt to take the profit out of crime and other illegal activities by ordering forfeiture of ill-gotten goods and to compensate victims of crime. This legislation would allow the government to seize assets used in, or acquired by, unlawful activities, so any person who uses or acquires property unlawfully is prevented from keeping it.

Civil litigation is looking for the ability to confiscate unlawful property under a probable cause to be turned into something good. Mr. Speaker, money received from illegal activities that cause harm can be turned around and used for good, which would take the benefit away from criminals. Moving forward with civil proceedings against the profits of crime will demonstrate our government's attention to the current concern and demand for more action on crime expressed by the citizens of this territory and Canada.

Civil forfeiture has been successful in seven other jurisdictions as an effective legal tool to remove proceeds of unlawful activity and the instruments of unlawful activity from the perpetrators. I'll briefly delve into what other jurisdictions have for legislation in this regard.

Ontario has the *Remedies for Organized Crime and Other Unlawful Activities Act*, which permits a court, at the request of the Attorney General, to freeze, seize and forfeit to the Crown assets that are determined to be the proceeds or instruments of unlawful activity.

Mr. Speaker, British Columbia has the *Civil Forfeiture Act*. This legislation allows the B.C. civil forfeitures office to seize property used in crime or proceeds from crime. Cases are referred to the office by police and regulatory agencies such as British Columbia Securities Commission. Manitoba has the *Criminal Property Forfeiture Act*. Saskatchewan has the *Seizure of Criminal Property Act, 2009* which provides that prop-

erty that is acquired directly or indirectly as a result of unlawful activity, or that is or has been used to commit crime, may be seized when appropriate and sold by an order of the court. Alberta has the *Victims Restitution and Compensation Payment Act*.

Mr. Speaker, the last province that has legislation is Nova Scotia, which has the *Civil Forfeiture Act* and that was passed, I do believe, in 2007.

Civil forfeiture has been successful in the seven jurisdictions that I just outlined. Civil forfeiture legislation will provide the Yukon government with a civil remedy to appropriate the profits of unlawful activity in cases where criminal proceedings may not move forward. A civil forfeiture act will allow the Yukon government to seek court orders to forfeit assets required through or used for unlawful activity in an effort to reduce crime and increase public safety and security.

Mr. Speaker, once again, civil asset forfeiture is based on civil standard of proof — the balance of probabilities — rather than the higher criminal standard of “beyond a reasonable doubt”. Civil asset forfeiture focuses solely on the connection between property and unlawful activity and is not based on any criminal conviction. In recent years, provincial governments across Canada have adopted civil forfeiture laws to attempt to take the profit out of crime and other illegal activities by ordering the forfeiture of ill-gotten goods and compensation for victims of crime.

Mr. Speaker, the use of civil forfeiture will continue to be used by the provinces because in the Supreme Court of Canada's ruling in April 2009, it unanimously upheld the *Civil Remedies Act* of Ontario. Ontario successfully argued that seizing proceeds of crime falls under provincial power over property and civil rights rather than federal jurisdiction to criminal law.

Mr. Speaker, we all know citizens, friends and family members who have been touched and burdened and harmed by acts of violence and crime. Having this sort of legislation in the territory would help the citizens who have been victimized. Just the idea alone that a criminal has the opportunity to profit from crime without any recourse from the government is upsetting to most people. The idea of the motion put forward by the Member for McIntyre-Takhini to look at this kind of legislation for the territory — I'd like to commend the member for this opportunity to debate this today. It is important to our citizens and I think it will be a great step forward for us in the Assembly.

I'd like to see what the NDP and maybe some more of the Liberal opposition members have to say about that. I would also like to hear what the Independent member across the way would like to say about this legislation or the idea of legislation going forward on the proceeds of crime.

I will take my seat and I'd like to hear what the NDP and the Independent member opposite have to say.

Hon. Mr. Rouble: It's an honour to rise in the Assembly today to discuss the motion put forward by the Member for McIntyre-Takhini. Before I start into a discussion about the motion, I would like to take a moment and comment on this approach. It's certainly one that I appreciate in this Assembly.

That's where an issue comes forward and the idea is discussed — and put forward in a matter such as the Member for McIntyre-Takhini has put it forward: that this House urges the Government of Yukon to explore and bring forward legislation. Doing it in this manner allows us in this Assembly to have a thorough discussion about the topic, to hopefully come to a consensus on this, come to an acceptance that it is an issue, and come to an acceptance that this is an appropriate manner to address this issue. It also creates a situation where we don't have any surprises — where members of the Liberal Party or the NDP know what the government is thinking about by way of its legislative agenda. We also find out if they are in support of it or not.

Members in this Assembly realize that we have many pieces of legislation that we have passed unanimously. In fact, there are pieces of legislation in this session where we have demonstrated unanimous support. This is an opportunity for the government to find out the position of members opposite. Do they support this or not? Are there concerns with the approach? If so, what are they? Are there other things to consider or are there different approaches that perhaps should be considered instead of looking at this issue of legislation?

It's an opportunity for members to share their perspectives, their issues and their opinions on the issues so we can work cohesively and cooperatively to address some of the outstanding issues for the territory.

Back on this motion, I'm sure all members will agree that there is a concern of Yukoners regarding crime. It is an issue we face as Canadians — indeed, throughout the world, where we have these concerns. We all want to live in a safer, more secure type of environment, type of community. This is one of those approaches we can use to ensure the safety and security of our communities.

When looking at crime, we have in the past had many discussions about some of the causal factors, some of the influences to it and some of the ways of combating it. But one key way of combating crime is to take the profit out of it — to take the profit motive away from committing the crime. It is extremely unfortunate that today many types of criminal activities are glamorized or blingified. We now have a society that seems to endorse some of the gangster types of scenarios, and we've seen many of those things glamorized. This is a way of taking the glamour out of crime — taking the profit out of crime.

Would it be the absolute deterrent to crime? No, of course not; it won't. But it will be one more tool for the community to use to deter people from becoming involved in crime. That's what we're looking at. I'm wondering if we have the support of all members of the Assembly to do that. This is an additional step where we can take the profits or the proceeds of illicit activities out of the hands of law-breakers, to take away the incentive for people to get engaged in criminal activity and to put it into the public purse to be used for our communal purposes for the purposes for which government exists.

There are some different challenges in this. I have a couple. There is, of course, the civil liberties question when we look at legislation like this. This test is based on the civil standard of proof, that being the balance of probabilities, where

there's better than a 50-50 chance that we think the person is guilty and the person is more guilty than they are more innocent, if I can phrase it that way. That is a very different standard from the much higher criminal standard, which is "beyond a reasonable doubt". I'm sure members appreciate the difference in these two tests.

We do have a civil liberties question that needs to be answered: is this test too weak or too strong? Should it only apply in cases of criminal conviction? These are some of the issues to explore and some of the issues I'd like to hear the opposition parties take a position on so we can address it very early on in this legislative process. It's much more productive to have this kind of debate today rather than during third reading, a year from now, to find out that they have a different perspective or position on it. It would certainly be helpful to the whole process to know their position today.

This civil liberties question is an important one. It has been tested in other jurisdictions. The legislation has been passed in jurisdictions such as Ontario, British Columbia, Manitoba, Saskatchewan, Alberta and Nova Scotia, and I believe has stood the *Canadian Charter of Rights and Freedoms* challenges. I believe the Ontario legislation was challenged under the *Charter* and their legislation did survive that. But it is certainly an important consideration and something that must be taken into context in this debate and in drafting this legislation.

As we have discussed, this legislation has been put into force and effect in other jurisdictions. I would also be interested to see some of the impacts in that community, to see some of the impacts that it has had there on gang-related activity or organized-crime-related activity. I would like to see that come to light in this review and this analysis. Mr. Speaker, I'm sure you, like others, have heard rumours of that type of activity happening in the territory and it would be very beneficial to all Yukoners to nip that kind of activity in the bud while it is small, rather than when it is flourishing because we certainly don't want to see that type of activity here in our community.

This is another way Yukoners can stand up and say, "No, I will not accept that kind of activity here in my backyard." It's one more tool to use in addition to the work that the Department of Justice is doing, the work that the RCMP is doing, the work that Education is doing to educate people, the work that Health and Social Services is doing. It adds one more tool to our enforcement of this issue for Yukoners to use to make Yukon an even better place to live.

I'm certainly going to thank the Member for McIntyre-Takhini for putting forward this motion and for him bringing it to debate today. It is an important issue in our community. It's certainly one worth discussing and hearing some opinions on from the Liberal Party, the NDP and the Independent member.

I thank you for the opportunity to share my thoughts, feelings and perspectives on it and I look forward to hearing more debate.

Hon. Mr. Kenyon: I'd like to join the debate. I agree with the Minister of Education in his comments that, in preparing either legislation or at least policies, if there's a different feeling from the opposition members, we get that out early. It's

with great disappointment that, so far, no one seems to want to speak to this.

There is a —

Some Hon. Member: (Inaudible)

Point of order

Speaker: Member for Porter Creek South, on a point of order.

Mr. Inverarity: I believe a member from the opposition has spoken to this. The member is misstating himself.

Speaker's ruling

Speaker: There is no point or order, just a dispute among members. The Minister of Economic Development has the floor.

Hon. Mr. Kenyon: Thank you, Mr. Speaker.

I have to thank the Member for McIntyre-Takhini for bringing this forward. I have to admit I was a little foggy in terms of civil asset forfeiture versus criminal asset forfeiture, which is under federal jurisdiction. Being a territory and not having the Crown in right of Yukon, federal Criminal Code prosecution is just that — federal.

Civil asset forfeiture focuses solely on the connection between property and unlawful activity and is not based on the criminal conviction, whereas the criminal asset forfeiture permits forfeiture of assets obtained by or used in the commission of an offence, following the conviction of an individual.

I think most people who watch some of the shows on television, look at the U.S. model, where some of the fastest boats and fastest cars are seized in drug operations and reassigned to the police. But in this case, a civil forfeiture lawsuit does not target a person, or there is no ruling necessary of “guilty” or “not guilty” as there would be in a criminal proceeding. The province sues in civil court and a reverse onus test requires defendants to prove they did not gain the asset from unlawful activities. Examinations for discovery are conducted and cases are decided on the civil standard of proof — the “balance of probabilities” as one member put it — rather than the higher criminal standard of “beyond a reasonable doubt.”

Now anyone who claims an interest in the property is given an opportunity to respond in the lawsuit, but there is no criminal penalty or sanction against them, whether or not they choose to participate. My interest in this, Mr. Speaker, is longstanding, of course, because people who have been victims of crime often watch the perpetrator convicted in court, and somehow the courts never seem to address the fact that there was \$5,000 or \$10,000 damage done at the time. That's left to the victim.

The previous speaker mentioned the constitutionality. The Ontario Court of Appeal actually had a decision to uphold the constitutionality of Ontario's *Civil Remedies Act*, which is what it's called there. That was actually appealed to the Supreme Court of Canada. The Supreme Court's unanimous decision in April 2009 to uphold the *Civil Remedies Act* preserved civil forfeiture laws adopted across Canada in recent years to permit provincial governments — and I assume territorial governments — to attempt to take the profit out of crime and to com-

pensate victims by ordering the forfeiture of “ill-gotten goods”, which is the phrase used in the decision.

Seven provinces joined the court challenge to side with Ontario in its successful argument that seizing proceeds of crime falls under provincial power over property and civil rights, rather than federal jurisdiction to craft criminal law.

Now, the policy and communications unit of Justice is researching what happens in Yukon with items seized in criminal prosecutions and has requested statistical information from the RCMP on what happens with items, especially large seizures of cash, when drug dealers are arrested. We know that all items seized are recorded in the individual file and dealt with individually. That's only reasonable. And at this time the RCMP inform us that there is no method of getting aggregate data out of their system for overall numbers on items seized, their values, and how they were disposed of.

In complex or serious incidents, the RCMP may seize hundreds of items — everything from a DNA sample to a house. We will continue to work with the RCMP to determine how best to proceed in drafting the legislation if this project is to proceed.

Being a somewhat avid fan of eBay, a number of times I have found items being disposed of on eBay actually being disposed of by the state or by police agencies that were seized in criminal activities. I suppose that's another option that's available to us. I know the Official Opposition has shown a great interest in the economic development of eBay as an economic driver.

In Ontario in 2001, the *Remedies for Organized Crime and Other Unlawful Activities Act* — shortened mercifully to the *Civil Remedies Act* — permits a court, at the request of the Attorney General, to freeze, seize and forfeit to the Crown, assets that are determined to be proceeds or instruments of unlawful activity. In British Columbia, similar legislation is referred to as the *Civil Forfeiture Act*. This legislation allows B.C.'s civil forfeiture office — they actually have an office that looks after this — to seize property used in crime or proceeds from crime.

Cases are referred to the office by police and regulatory agencies such as the B.C. Securities Commission and others. In Manitoba there is an act passed in 2004 — later amended in 2007 — called the *Criminal Property Forfeiture Act*. Initially, police could apply to the court for orders to seize this property either bought with profits from unlawful acts or used in the commission of a crime. If the police could prove in court that an individual was a member of a criminal organization, the act allowed property owned by that person to be presumed to be the proceeds of crime unless that individual could prove otherwise. It's quite a different approach. By 2007, the act actually was never used. Under amendments to the legislation, the government set up a special unit within the Justice department to go after property used to commit crimes or bought with a profit of unlawful acts. Manitoba modelled its legislation after Ontario and British Columbia.

Saskatchewan took a different approach — the *Seizure of Criminal Property Act, 2009* provides that the property that is acquired directly or indirectly as a result of unlawful activity or

has been used to commit a crime may be seized and, when appropriate, sold by an order of the court.

The 2005 *Seizure of Criminal Property Act* was actually repealed at that time, and the major differences in the 2009 legislation are that it restricts those who can make application for forfeiture and repeals the section of the *Traffic Safety Act*, which referred to possession and management of property forfeited to the Crown pursuant to the *Traffic Safety Act*.

In Alberta, the *Victims Restitution and Compensation Payment Amendment Act* of 2008 was proclaimed on December 16, 2008, and I believe it was amended slightly later. Amendments to the new act include removal of reference to the Attorney General of Canada, allowing disclosure of information to the minister, consistent with the *Freedom of Information and Protection of Privacy Act*, providing a 10-year limitation period for commencing legal action under that act. I've not been able to find any other jurisdiction where there is actually direct reference to a time limitation.

In Nova Scotia, the *Civil Forfeiture Act* of 2007 — you can see that this is all relatively recent that jurisdictions have been looking at this. Nova Scotia passed two companion statutes. The *Civil Forfeiture Act* is patterned largely on Ontario and B.C., and the definition of “instruments” is similar to British Columbia’s in that property that has been used, or is likely to be used, can be adjudged an instrument by the court. The *Assets Management and Disposition Act* of 2007 empowers a statutorily created manager of assets who can bring civil forfeiture proceedings and who can manage property that is subject to a civil — or in some cases criminal — proceeding.

So there are a variety of different acts and a variety of different proposals, so not only do we have to research its relevance to Yukon and Yukon’s position, statutes and background, but also we have to take a close look at what has occurred in other jurisdictions. Who commences the act? What happens? How does it start? I mean, in Ontario, it’s the Attorney General. In British Columbia where there’s an actual office, it’s the director of civil forfeiture. In Manitoba, if the director is satisfied the property and proceeds have been obtained by unlawful activity, it’s the director who may apply to the court. In Saskatchewan, a director is appointed by the Minister of Justice, and the Attorney General may apply to the Court of Queen’s Bench for a forfeiture order — again, slightly different. In Alberta, the Minister of Justice and the Attorney General offers and includes a person acting on behalf of the minister with respect to property and it would go that way.

In the terms of Nova Scotia, the manager of assets created under the *Assets Management and Disposition Act* of 2007 would apply to the court for a forfeiture order, so there are different ways of going about that sort of approach. Some require setting up separate accounts. As I have said, I have not found eBay to an economic situation in any of the Canadian jurisdictions, but I certainly have seen that on eBay for some of the southern jurisdictions.

Also, how amounts are paid out is set up in a different way in each jurisdiction, and there are different ways of defining what the unlawful activities are and in some cases how that relates to road safety even. In British Columbia a vehicle may

be forfeited to the Crown. In Ontario if the court finds that the vehicle was or is likely to be used to engage in vehicular unlawful activity — it gets that specific. So if a car, for instance, is found in the control or possession of a person whose driver’s licence has been suspended, that could be deemed as vehicular unlawful activity and could be subject to something like this.

In British Columbia they expanded that whole act and legislation to deter unlawful activity leading to deaths, injuries and property damage, and there is legislation involved in there to enable the forfeiture of vehicles when risky behaviour, like drunk driving or street racing, is likely to cause serious injury or death. I think all of us who ever watch, listen or read the news from British Columbia, know racing and street racing is a huge problem down there.

Manitoba doesn’t really directly talk about that. Saskatchewan is rather an interesting one. I still have to wonder how they came up with this. The highway *Traffic Safety Act* created an offence of repeatedly driving or parking a vehicle without a lawful excuse in an area that’s frequented by sex trade workers. That seems to be something that would be next to impossible — are they going after prostitution or parking? Up to August of 2007, approximately 455 vehicles had been forfeited in the Province of Saskatchewan — so there’s an interesting and different approach.

What we have to look at in the debate today is how this would relate to the Yukon. Civil asset forfeiture legislation would allow the government to seize assets used in or acquired by unlawful activities, so the persons who use or acquire property unlawfully are prevented from keeping it.

Again, it’s sort of that someone gets a slap on the wrist, but still has the satisfaction of doing major damage to a business or to private property. Once a judge decides the property is forfeited, basically the property can be sold and the proceeds can be used to compensate victims of crime, to fund crime prevention programs, remedy the effects of illegal activity and cover the cost administering civil forfeiture legislation. I think many people are aware — and perhaps many people aren’t aware — that there are victim surcharges on many fines in the Yukon, so that not only is the fine for a particular action, but there is also a supplement put on to that in terms of a surcharge.

Civil asset forfeiture is based on civil standard of proof, as the previous speaker said — basically the balance of probabilities rather than the higher criminal standard of “beyond a reasonable doubt”. Civil asset forfeiture focused solely on the connection between property and unlawful activity and it’s not based on criminal conviction — a very big difference. In recent years, provincial governments across Canada have adopted civil forfeiture laws to attempt to take the profit out of crime and other illegal activities by basically ordering the forfeiture of ill-gotten goods — that phrase again — and to compensate victims of crime. I have just finished reviewing some of the stats on that and some of the different ways of approaching it.

Some of the provinces with civil forfeiture acts have expanded to enable the forfeiture of vehicles — as I mentioned with Saskatchewan and others — when risky behaviour like drunk driving or street driving is likely to cause serious injury

or death. Many jurisdictions have also put that in terms of drunk driving and such, although many jurisdictions don't have it as complete forfeiture but they certainly have it as a seizure for a time.

The Attorney General or other designated person or office is then authorized to make a forfeiture application to a court of civil jurisdiction. Subject to the civil rules of evidence and procedure, the court may order the forfeiture of profit to the government if it is convinced that the property is connected in some way to unlawful activity. The use of civil forfeiture will continue to be used by the provinces since the Supreme Court of Canada, in April of 2009, ruled unanimously to uphold the *Civil Remedies Act* of Ontario. Ontario successfully argued that seizing proceeds of crime falls under provincial power over property and civil rights rather than federal jurisdiction to craft criminal law.

While there is a very big difference on this, it has been challenged all the way to the Supreme Court of Canada and was unanimously upheld. I think that's something very much worth noting in this debate.

The policy and communications unit of Justice is researching what happens in the Yukon when items are seized in criminal prosecutions, especially large seizures of cash when drug dealers are arrested. All items seized are recorded in the individual file and dealt with individually. In complex or serious incidents, the RCMP may seize hundreds of items, including everything from a DNA sample to a house. We have a huge, diverse range of probabilities there.

This government will continue to work with the RCMP to determine how best to work with them during the seizure of cash or other saleable items, if civil forfeiture legislation were to be introduced in the Yukon. At this time, we wish to know if we should proceed with bringing forward a document on civil forfeiture legislation in the Yukon to the Legislative Overview Committee. It is for this reason that it would be very interesting to hear what the Liberal Official Opposition has to say on the matter, and I do encourage them to stand up and add to the debate.

Mr. Inverarity: I think as we look at this particular Motion No. 842 — I've been listening intently to the debate this afternoon — the Liberal position was stated pretty clearly here as the second speaker up this afternoon, the Member for Vuntut Gwitchin who is our Justice critic, listened intently to the mover of the motion and spoke eloquently to the Liberal position with regard to this motion. I think he explained adequately what our position was: that the government should move forward to explore civil forfeiture legislation. We've been pretty clear on that.

I can't speak to what the NDP will say and certainly I'm not exactly sure how the Independent Yukon Party member will speak to this particular issue, but I believe that the Liberals fully support this particular motion. Having listened to five members from the Yukon Party speak — and it certainly sounded like they were in favour of moving forward with this motion — I believe that we probably have sufficient votes to dispense with this particular motion.

However, if there are members opposite who are clearly opposed to this, perhaps they could stand up and speak to this motion and they might be able to change the position of the rest of us in this regard. However, I personally feel that, from our Liberal Party perspective, we're prepared to move forward and, therefore, I call for the question.

Speaker: If the Member for McIntyre-Takhini now speaks he will close debate. Does any other member wish to be heard?

Mr. Edzerza: I'd like to take this opportunity to thank all those members who put their thoughts forward with regard to this motion. As was repeated many times to me in the past, over many years, this idea was being thrown around a bit in the community and in the City of Whitehorse as to why there isn't such legislation in the Yukon.

It's obvious today that the members who spoke to this motion were all interested in ensuring that criminal activities are deterred in the Yukon Territory. It is unfortunate that some members of the political parties in the Yukon chose not to; however, that is their choice. The fact remains that I thoroughly appreciate all those who spoke to it, because, as a citizen of this territory, I believe they do have a sincere interest in ensuring that every avenue is explored to deter criminal activities from getting a good established base in the Yukon Territory. I will close by saying thank you to all those members who spoke.

Thank you.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Fentie: Agree.

Hon. Mr. Hart: Agree.

Hon. Mr. Kenyon: Agree.

Hon. Mr. Rouble: Agree.

Hon. Mr. Lang: Agree.

Hon. Ms. Horne: Agree.

Mr. Edzerza: Agree.

Mr. Nordick: Agree.

Mr. Mitchell: Agree.

Mr. McRobb: Agree.

Mr. Elias: Agree.

Mr. Inverarity: Agree.

Mr. Cathers: Agree.

Clerk: Mr. Speaker, the results are 13 yeas, nil nays.

Speaker: The yeas have it. I declare the motion carried.

Motion No. 842 agreed to

Motion No. 970

Clerk: Motion No. 970, standing in the name of Mr. Edzerza.

Speaker: It is moved by the Member for McIntyre-Takhini

THAT this House urges the Government of Yukon to ensure that Yukoners gain benefits from economic activity in the territory through the development of a locally based skilled workforce in different disciplines of particular importance to Yukon relating to economic development, education, First Nation capacity building, health and social services and social justice by working in partnership with communities, Yukon First Nations, business and industry and Yukon College.

Mr. Edzerza: Mr. Speaker, it is a pleasure to bring a motion such as this forward on the floor of the Legislative Assembly. I say that with sincerity because this motion will affect all Yukoners in a positive fashion if implemented and carried out to its entirety. It speaks to economic development, education, First Nation capacity building, health and social services, and social justice, and all of these initiatives promote employment opportunities.

As one may or may not know, most of the time an individual's life is based on opportunities — opportunity to be able to get education, opportunity to be able to learn how to be independent and how to go forward in the world today, as we know it, in a positive way. Education is one of those tools that assist someone to be able to do that.

I know that over the last several years, the Yukon Party government has promoted and advanced a lot of these areas in quite a large capacity. The Yukon Party government has been very active in improving opportunities for citizens in the Yukon to obtain a better way of life. For example, the Minister of Education recently introduced a new program at Yukon College, called the Northern Institute of Social Justice. Having said that, I think it's important that we put on the record just what is meant by a northern institute of social justice. It is part of the government's commitment to safety and security, training and education.

The departments of Justice and Education, Health and Social Services and the Public Service Commission all had a part in working to implement the Northern Institute of Social Justice. For it to be based in the Yukon at Yukon College is of crucial importance. To be able to obtain such opportunities right within the very territory where you live is somewhat of a blessing because, at the present time, there are a lot of these programs that would fall under this area. One has to leave the territory to obtain the knowledge to be able to work right within the City of Whitehorse or in the communities.

A lot of the social justice issues and programs that will be offered will be a real complement to the new correctional facility, for example, that is under construction as I speak. This new correctional facility having taken a different direction with regard to justice will require many people with training in different areas, right from being an officer on the floor who supervises inmates to nurses in the jail, to probably trades instruc-

tors, to probation officers in the communities. There are several opportunities for a Yukon person to be employed.

I know there has been a lot of work that went into this Northern Institute of Social Justice. For example, there was the securing of funding for the first years of operation. That operation will be followed by an independent evaluation. One must not take it too lightly; to obtain four-year funding is not a real easy challenge. It is very difficult to be able to put something together that is concrete enough to be able to have a commitment of four years of operation funding.

There were a lot of strategic planning sessions and development of a strategic plan, an action plan and founding charter for review and approved by the Northern Institute of Social Justice developments committee — again, really quite a heavy agenda to be able to come up and put all that work on paper.

There were preliminary training needs, identification sessions with some government departments and representatives from some First Nation governments to be followed by discussions with other departments, agencies and organizations. There was the delivery of pilot programs and a correctional officer career exploration program for women. Again, these are very important people who help to create a justice system within this territory.

There is also the preparation for, development and delivery of an FASD training program in the winter and spring of 2010. Again, it's very important to include the majority of citizens in the Yukon in providing a better way of life for them. It has also identified the range of trauma training programs to be delivered. It has identified funds to help support delivery of workshops on women and substance abuse, identifying other potential training programs for delivery in 2009 up to 2011 in response to their preliminary training needs, identification and preparing office space for the institute within Yukon College.

So as one can see, the Northern Institute of Social Justice is just a title, but underneath that title there are ample hours of preparation to be able to produce that in any kind of way, shape or form.

One may wonder why a northern institute of social justice is even needed. The Yukon's public and First Nation governments, non-government organizations and the private sector face two preliminary challenges in delivering programs and services within a justice-related component. Those challenges are recruiting, retaining and training employees and assisting existing employees in assessing additional training opportunities in the Yukon.

There again, the training and advanced training of those who are already employed is a big step to be taken in the Yukon Territory again. Once again, it was much like the other program — the YNTEP is an example — the Yukon native teacher education program. A lot of citizens were wondering why they couldn't go there to get a degree in teaching, until it was opened up to every citizen in the territory. Much the same example exists here. People had to go outside the territory to get a degree in teaching, but are now able to do it in the Yukon. As the MLA for McIntyre-Takhini, I have had much positive feedback on the opening of YNTEP and how good it was to be able to stay in the Yukon to obtain a degree in education.

Well, the same is going to happen with this initiative. It may be exactly what the Yukon needs to be able to recruit individuals to become interested in working in the area of social justice. I believe that every job is important. Every contribution from a citizen is important, right from — and I've said this many times — the people who do the labour work, to the doctors who perform high-quality surgery. They are all needed. They are all of value, so to be able to train a lot of the people in this territory to do the jobs that are required in the territory is somewhat of a blessing.

I want to talk just a little bit about some of the First Nation relationships, because I know from past comments in the Legislative Assembly — whether it be in Question Period or Committee of the Whole — there has been a lot of criticism about not having a good working relationship with First Nations. I would say that probably over the last seven years there has been more progress with First Nations than there has been in the 20 some years odd before that that I was involved with the First Nations. Having served under four different Kwanlin Dun chiefs gives me the confidence to say that. It wasn't because there was a lack of requests by the First Nation to have a good working relationship with the different governments of the day. It just never transpired. There were a lot of requests I remember from different governments — for example, about training and employment within the government system, right to having respite for single mothers or getting support and working out a partnership relationship with regard to child welfare issues, or seeking economic development opportunities with the government in different partnerships. Those weren't new requests.

I know that since 1982 when I first started getting involved with politics a little bit and started keeping track of what was happening within the territory, not only with First Nations but with all different areas — education and extended care homes and all those different major kinds of programs that exist in the Yukon, I realized that First Nations were basically not involved very much.

In fact, I think they were almost to the point where they were just excluded from pretty well every major decision that came within their traditional territory. I remember one of the big issues back then was that all First Nation lands were being alienated because of the snail's-pace negotiation process that was in place.

Having said that, I reviewed a number of things today and I looked at some of the things that are written on paper. I am able to say in earnest that I think things have really come a long way in the last seven years under this Yukon Party government. I know also from experience that it really doesn't make a difference which party stripe is in government.

I think it will always be a challenge to try to please all the different governments in the Yukon Territory today. All the self-governing First Nations now have a responsibility to represent their membership. All those self-governing First Nations have a constitution in place and guidelines that enable them to focus on what their responsibilities really are.

It took many years to be in a position of self-government. There will of course be growing pains. Under the *Umbrella Final Agreement*, there will be challenges. I've never in my

lifetime of 61 years on this earth seen a document that was bulletproof right from the beginning, where it never needed any amendments or updates. Every document I've ever reviewed has had changes to it at some time or another.

Having said that, to believe that because there's an *Umbrella Final Agreement* in place, there will be no more questions — there always will be questions. For every self-government agreement, there will be different challenges. There will be barriers that one would have to deal with in the life of that document.

I can see, quite frankly, at some point in time where there will have to be amendments to some of these documents, whether to the constitutions or the self-government agreements. Even at some point in time, it may be necessary to have some amendments to the *Umbrella Final Agreement*. Who knows?

Having said that, I know that part of this motion speaks to First Nation capacity building. I would just like to maybe touch on a few things. For example, the northern strategy trust fund recommendations — again, most of these went through the Yukon Forum. It's again just demonstrating that there is an interest in being able to work with different First Nations. We can look at one from the Vuntut Gwitchin First Nation with regard to Yukon mine training.

Again, this is training that leads to employment — a project to close the gap between HR needs for new and expanded mining development and the potential labour pool in Yukon. It's an extension of the previously funded training trust fund. That funding was approved to the tune of \$500,000. Again, it's improving the skills of citizens who live within the Vuntut Gwitchin First Nation, which is a good thing.

We can look at another initiative even with Kwanlin Dun First Nation where there's going to be continued work on the land-based treatment centre for the Yukon Territory. Again, that's very important — probably one of the most important projects that could ever take place in this Yukon Territory — being able to provide healthy people to go into education; to go into training to be equipment operators or to be professional people.

I don't know if the public at large is really aware of the cultural clashes that First Nations do have with the non-First Nations. Having been subjected to mission schools, foster homes and the like, it has really deteriorated the will of a lot of First Nation people to even do anything. That is where the land-based treatment initiative comes into play, because it provides the missing link of being able to become a healthy person and even find the will to want to do anything other than be involved with different things, such as addictions, that create harm to their lives as opposed to making them better. It is a very critical component of capacity building and working relationships with First Nations — being able to move forward and deal with issues in one's life that have caused so much disruption. I can go on to another example, like the Teslin Tlingit Council building human resource capacity for today and tomorrow. That is basically to develop capacity to deliver services, manage fiduciary responsibilities of government — again, this is critical. To be able to be self-governing, you have to be able to accomplish those tasks. If you can't accomplish and manage

fiduciary responsibilities, you're going to have a very difficult time being a government. That funding was approved for the amount of \$350,000.

When we look at that kind of support, First Nations can't help but be thankful this kind of support is now happening. It has never happened before. During my time in politics in the First Nation government, I have never witnessed or seen a document like I'm holding today — the northern strategy trust fund — between First Nations and governments. We can look at the Northern Institute of Social Justice and the CTFN — again, there is a \$150,000 contribution there for the establishment of a Northern Institute of Social Justice, which will consolidate, coordinate, develop and deliver justice. Again, it's another initiative that's critical for the self-governing First Nations to be able to obtain that kind of support, especially when they have the ability and the rights to take down the justice program.

Another example of governments' working relationships is the Four Winds Family and Community Literacy with the Teslin Tlingit Council. This program was to further the development and operations of the culturally inclusive family literacy centre to assist in creating literacy and essential skills. Again, this funding support was \$264,463. When we are talking about being culturally inclusive, family literacy is critical. It's important. Again, it's another great step in demonstrating that there is a working relationship between First Nations and government. I've heard so many times that there was absolutely nothing, but there have been — as I said earlier — really great strides in this area.

I know the Chief of the Vuntut Gwitchin — over the years I've known this gentleman — has been a great advocate of land-based experiential education.

To some people, that may just sound like words but I believe to the Chief of the Vuntut Gwitchin it is a very important undertaking that he has been trying for, for years. Under the northern strategy agreement he has obtained \$150,000 to provide a rural First Nation experiential model for K to 9 with emphasis on First Nation culture while meeting educational needs using a collaborative process. Again, there is another clear demonstration that this government is supporting initiatives that different First Nations bring forward and not being just shuffled off and told that they won't have a partnership or working relationship.

When we talk about another example of cooperation, I know that in the Champagne and Aishihik First Nations there has been a lot of talk around the beetle-infested forest. The Champagne and Aishihik First Nations have approved funding of \$350,000 to work on the reduction of forest fuels in affected communities, restoration of access to areas of cultural importance and to support development and capacity for forest-based enterprises.

There again is another example of a working partnership relationship with a First Nation which, in the past, never really had that opportunity, I can guarantee you. Today, government-to-government working relationships take place and these kinds of initiatives are possible. As I go through, I see several very worthwhile initiatives that have gone forward in the northern

strategy trust funding agreement. I'm not going to read all of them in, because there are 11 pages of examples of working arrangements with First Nations.

Mr. Speaker, I'm going to let other members on the floor bring forth some of the examples that they have of what the government has done to date. I know it would be possible for me to stand here today and read into the record collaboration and cooperation by Yukon government and Yukon First Nations, of which there are 34 pages — 34 pages that cover everything from capacity development and training, economic development, governance, heritage and culture, resource management, education, health and wellness, justice, women's issues, youth — 34 pages of collaboration and cooperation with First Nations.

I just wanted to put this on record that as a First Nation person and as an MLA whose constituency includes one of the largest First Nations in the Yukon, I have to say that working relationships with the government of the day have come a long way and there still is probably a long way to go. However, we as First Nation people can no longer say that we have not had any working relationship with the government. I believe this is going to be a high mark for any other government to accomplish if they continue on at this rate — with this government, or other governments to follow. I believe the Yukon is only going to prosper and grow by leaps and bounds with regard to building the human capacity within the whole of the Yukon, whether it's with First Nations or non-First Nations in the Yukon. I'm a firm believer that we all live here. We all raise our families here. We live and work here and there is a lot of intermarriage. We should all continue to work together in collaboration to improve the lives of all Yukoners.

Thank you, Mr. Speaker.

Mr. McRobb: It must be close to the end of this sitting. This motion really is all about platitudes. There's no action in it; it's just platitudes. Listening to the mover of the motion introduce it, we heard a lot about land-based treatment centres and so on. That reminds me that we're still interested in hearing from the member and having him table the secret deal he got from the Premier.

Speaker's statement

Speaker: Order please. Does the honourable member think that accusing another member of a secret deal to access government is out of order? From the Chair's perspective, it is, so please don't do that.

Mr. McRobb: Thank you, Mr. Speaker. I'll just assume you weren't asking me a question there.

The motion —

Speaker's statement

Speaker: Order please. We're not in a debate here. The Chair makes a ruling; the honourable member says, "Yes, sir," and that's it.

Mr. McRobb: Thank you, Mr. Speaker.

The motion is essentially a string of platitudes strung together with no action. If it can be interpreted that there is any action in this motion, then it can be easily assumed it is something government should already be doing. The government side doesn't have to bring a motion like this on the floor of the Assembly and use up valuable time when there are still items on the Order Paper we haven't even started debating yet.

There is essentially nothing in this motion to debate. To say that Yukoners should be ensured beneficial gain from economic activity in the territory, Mr. Speaker, is not an issue of debate. It is a given with any member who has ever sat in this Assembly. The long list of partners who are identified in this motion are again a given. Nobody would dispute that. So really what is the purpose of this motion? Good question.

It is common practice for the government to drop motions this close to the end of a sitting in order that members may constructively proceed through the remainder of the budget. That raises a question and perhaps answers a question at the same time — why we're debating this particular motion today.

In addition, this type of motion has been debated on this floor previously. I would say that since I've been a member here, about 13 years, there have been three or four motions — possibly more — to the same effect that end up being agreed to. During the course of discussion — sometimes quite short discussion — it is pointed out that this is something the government should be doing anyway. That's our point.

The member referred to this motion as an initiative. That raised questions. I reread the motion. What sort of initiative is this motion? Well, it isn't any initiative. There is no initiative in it. This is not something new. This is something old, something that any government should be doing.

I think Yukoners are getting quite leery of platitudes from its government and they want to see more action. This motion falls into the former category. It's just a bunch of words strung together that at best can be referenced as platitudes. If you look at some of the components of the platitudes, you see references to First Nation capacity building. Well, what role does the Yukon government have for capacity building in the totally independent First Nation governments? Well, there are a couple of things the government in the past has acted upon, such as secondment of employees, but under this Yukon Party government, I think that list is near an all-time low. If the government is sincerely interested in capacity building for Yukon First Nations, maybe it would try to work in partnership with the First Nations as they campaigned on doing, instead of ending up in court draining those resources, which further deprives each First Nation of building their own capacities.

I've heard the story several times from First Nations: how can we devote our resources to building our capacity when we have to expend those same resources taking the government to court because they're challenging our rights? The government is not working in partnership. This is a common concern among Yukon First Nations today. Even though the motion is chock full of platitudes, there is reason to contest the legitimacy of those platitudes with respect to how this Yukon Party government does business.

It also mentions municipalities working in partnership with communities. Well, I've talked to several councillors and mayors and they all have a very similar story that I've already outlined from the First Nations. They say this is a very difficult government to deal with. They're basically told what to do. That's not working in partnership. They also want to know when the next election is.

There are all kinds of reasons to suspect the motion and it does not provide any new initiatives. The motion essentially does nothing and achieves nothing that government shouldn't already be doing. This goes back several governments. We're not going to belabour this motion this afternoon. As with the previous motion, it really only deserves to have one speaker from the Official Opposition pointing out our position, which again is that we don't have a problem with this. It's something the government should be doing already.

There's no reason to spend a lot of time on this matter when there are several other items to debate. We don't need the government side challenging us into a debate when in fact there is no debate. How can you debate platitudes? What, in the end, do you hope to achieve other than spinning the hands on the clock? We won't play that game. We want to be constructive and therefore, I will just close by saying we'll support this motion, but it's nothing new.

Hon. Mr. Kenyon: Mr. Speaker, there were some interesting comments by the Member for Kluane when he referred to a "common practice" to give up motion days. I think the common practice has actually been on both sides of the House. What we have seen is the Official Opposition bringing up some rather strange motions, some they knew right from the start they couldn't possibly win and have wasted an incredible amount of time in this House. I think the member opposite forgets that part, but it is interesting to see that he seems to be agreeing that not much has changed, and that is certainly correct. I refer back to his statement in this House on June 22, 2000, and I quote: "It wasn't long ago when the Liberals had all the answers. Now they have none." Nothing has changed, Mr. Speaker. They still have no answers.

The Yukon government understands that in order for Yukoners to fully benefit from opportunities, there has to be a strong and diversified economy. The Department of Economic Development coordinates and facilitates the government's economic development agenda, which is focused on creating a positive business climate in Yukon and is committed to First Nation business development in the territory. The department works with other governments and with the Yukon business community to support business development, trade and investment opportunities in partnerships for the development of the Yukon economy. By supporting and developing a strong and diverse economy, the Yukon government is focused on maximizing economic opportunities for all Yukoners and Yukon companies.

If we look at some of the statistics — and we really do have to paint a picture of Yukon's employment earnings numbers — Yukon has enjoyed a period of strong employment over the past six years with the unemployment rate averaging 5.2

percent over the period from 2004 to 2008, including 4.5 percent unemployment in 2006, the lowest recorded since the Yukon labour force survey began in 1992. I might add that under the Liberal leadership — in 22 months of being in office, the shortest lived majority government in the history of the Commonwealth of Nations — that was up in the double digits.

As a result of the global economic downturn, the unemployment rate rose in 2009, but remains well below the national average. In fact, it's among the lowest in the country. The seasonally adjusted unemployment rate of 7.4 percent in November 2009 was lower than the national rate of 8.5 percent. We placed behind only Saskatchewan, Manitoba and the Northwest Territories. In talking with our statistics branch, there was a general feeling that many Yukoners had been employed in other jurisdictions and were, in fact, coming home and looking for work.

Average weekly earnings for Yukon compare favourably with other jurisdictions in Canada. In 2008, the average weekly wage in the Yukon was \$856.60, significantly higher than the national average of \$810.45 — the fourth highest among the provinces and territories.

I'd like to share one last statistic with the House. The results from the 2006 census indicated that over half — 54 percent of Yukon's population — 15 years or older, had a post-secondary accreditation of some form in 2006. That's the highest percentage or proportion in all of Canada.

These numbers demonstrate that Yukoners are working. They're educated — well educated — and are earning higher-than-average wages. Having said that, we know that not all of our residents have access to opportunities. We're well aware of that. Today I'd like to speak to some of the department's efforts to ensure Yukoners gain benefits from those economic opportunities, but first I would like to talk about the actions of the Department of Economic Development and what the department is doing to encourage investments in Yukon projects, which helps create these opportunities.

Yukon's growing mineral industry continues to present and support great opportunities for employment, training, wealth creation, community-based economic development, First Nations and contracting. The Department of Economic Development is working with Yukon-based businesses to help them secure the investment capital they need to expand their projects. The size of the investments necessary to move many of Yukon's strategic plans forward requires attracting investment dollars from outside of the territories. In the past several years, the department's investment-attraction strategy has included Canada, U.S. and Europe, with a distinct focus on Asia — and China specifically — but also Korea and Japan.

One measurement of the investment attraction success is recent announcements of joint venture agreements and capital investment by Chinese investors in Yukon mining companies. These announcements demonstrate our success in attracting that investment. To be specific, Selwyn Resources has just announced a \$100-million joint venture with Yunnan Chihong Zinc & Germanium Co. Ltd. for development of the Selwyn zinc-lead property — this was announced yesterday — bring-

ing the total investment and economic activity in the Yukon close to and perhaps slightly exceeding half a billion dollars.

What we've heard from the opposition and from the media is constructing a road, upgrading the Robert Campbell Highway — one media outlet or advertising supplement referred to it as a "road to nowhere" that was only in the Premier's riding. Somehow they seemed to have missed a \$400-million mine at the end of that road, but it depends on what you're looking at.

The Selwyn zinc-lead property is a very significant project for the Yukon. Selwyn Resources has stated the project could create as many as 1,100 jobs over its estimated 29-year mine life.

For some time now, Economic Development supported Selwyn's research and/or search for a strategic partner to advance the Selwyn zinc-lead property. The Wolverine mine project provides another example of the good work of the department. The recent investment by Jinduicheng Molybdenum Group and Northwest Non-Ferrous International Investment Co. Ltd. will likely eventually total about \$400 million and will mean long-term jobs and skill development for Yukoners. They have put in the road; they have built the camp — a 225-person camp, I believe — and that alone has had huge employment impacts in that part of the territory.

Yukon Zinc anticipated that the construction expenditures for 2009 alone would reach \$180 million with an additional \$100 million in expenditures in 2010. The impacts of this project are already being seen in the Yukon and they will only increase as Wolverine moves to the production phase. These are just two examples of the considerable economic opportunities facing the Yukon. These major projects will have the maximum benefit to the territory if Yukoners have access to skilled work and business spinoff opportunities.

I give those statistics to you, Mr. Speaker, and refer back to the Member for Mayo-Tatchun who made comment in this House that we had no economy. I guess he missed that part of it.

I will now speak to the government's effort to raise Yukon's capacity to ensure workers are trained in diverse fields and skill sets and to support Yukon businesses to benefit from industrial development, thereby creating and maintaining jobs for Yukoners. It's a commitment of this government to make sure that the economic benefits flow to Yukon and Yukoners. That is essential, Mr. Speaker.

One of our challenges right now — and a very good challenge to have, frankly — is to keep things on a steady keel so there isn't as much or minimal leakage for Outside work and people who would then leave the territory — although I know of at least one contractor who was brought in on the athletes village project from Calgary, and after working that job and taking some complaints from members opposite, that company — with all of its employees — moved to Whitehorse and they stayed here.

An important part of the department's mandate is to support and foster economic development in our communities and the participation of First Nations in the economic development of the territory. That's really what we're talking about here today, Mr. Speaker. The department is committed to First Na-

tions capacity and development by supporting First Nations to build structures for economic development in their communities and supporting the people who will lead economic development initiatives. This work takes place in the regional economic development branch through projects funded under both the regional economic development fund and the community development fund. The total amount the department has devoted to First Nation capacity development in the 2009-10 year thus far is over \$500,000 — half a million dollars, Mr. Speaker.

Here are some of the examples of the ongoing work of the department to support economic activity and benefits for our Yukon communities. The department has approved \$50,000 for the First Nation of Na Cho Nyäk Dun to undertake an inventory of skill sets, work experience, education, qualifications and employment of interest to their citizens and the people living in the Silver Trail region. The information collected will be used to establish appropriate skills and a training strategy to prepare the region to participate in the major projects in their area. I think, Mr. Speaker, that even the Official Opposition is aware of some of those projects.

These projects can be expected to include Alexco's Bellekeno project, the Mayo B project and Victoria Gold's Eagle property project.

The Selkirk First Nation Journey to Self-Reliance is a project that represents a cooperative effort among the Selkirk First Nation economic development department, Indian Affairs and Northern Development — INAC — and the Yukon capacity development branch of the Executive Council. It has turned out to be an excellent project.

Funding for this long-term project will enable Selkirk First Nation to strengthen its governance structures and processes in support of economic development. The Department of Economic Development partnered with Selkirk First Nation and Indian and Northern Affairs Canada to obtain the funding for this project. Always look at a way to partner — that's what this government does. It creates partnerships where we can actually, in the long run, get much more done and be better funded. It's all about partnerships.

The regional economic development fund facilitates organizational capacity development and regional economic development planning. Here are some of the recent projects for the fiscal year that demonstrate the department's commitment to that mandate. The First Nation of Na Cho Nyäk Dun received \$20,000 in funding for a qualified consultant to ensure proper implementation of the Mayo B memorandum of understanding between the First Nation of Na Cho Nyäk Dun and the Yukon government. This includes financial administration, project coordination, communications and reporting in a format acceptable to the chief and council.

The Liard First Nation Development Corporation was awarded \$25,000 for the second annual Liard First Nation Development Corporation pipeline and mining forum and trade show. This forum was designed to assist stakeholders in working together, to ensure that development opportunities demonstrate good stewardship of the environment and economy, develop capacity and provide for ventures that build own-source revenues of the Liard First Nation Development Corporation.

Another event that was funded through the department is the second annual Foundations Conference of 2009. The Yukon Indian Development Corporation was awarded \$17,250 for conference planning and project management. An additional \$25,000 was awarded to the Yukon Indian Development Corporation for day 3 of the conference, and that focused on presentations and panel discussions on the topics of networking opportunities and accreditations in economic development.

To support economic development in Ross River and the surrounding region, funding in the amount of \$50,000 has been awarded to the Dena Nezziddi Development Corporation — I apologize for my pronunciation — in order to explore options to increase the capacity to operate as a regional fuel service provider.

As a final example, the Kwanlin Dun First Nation was also assisted by the regional economic development fund and branch, with funding for the development of a long-term strategic plan. The Kwanlin Dun First Nation is currently making an immediate investment of human and financial resources toward the professional and institutional development of the organization.

The community development fund continues to support First Nation capacity development through its mandate to develop skills, knowledge and experience to facilitate community involvement and to build partnerships in Yukon communities — it's always about partnerships.

Supporting business development is yet another area where the Department of Economic Development is focusing its efforts. Yukon's private sector derives revenues from major projects and creates jobs for Yukoners. The Yukon government is committed to providing programs and services to support, nurture and stimulate the development and growth of Yukon small business.

The Department of Economic Development provides business development support, information and advisory services to Yukon's small business community through partnerships with non-governmental organizations, agreements with industrial organizations and direct assistance, in some cases.

Yukon businesses can access strategic support or funding through various business and industry development programs, including the business nominee program, business incentive program, Canada-Yukon Business Service Centre, Dana Naye Ventures micro-loan program, Dana Naye Ventures business loan program, north Yukon business advisory outreach program, Yukon small business investment tax credit program, the Yukon entrepreneur support program and the Yukon venture loan guarantee program.

Mr. Speaker, one of the important funds I'd like to highlight here is the enterprise trade fund. It supports business development and market expansion of Yukon businesses and has, since its inception in 2004, approved a total of \$2.4 million in funding. Yukon government's continued support for Yukon small- and medium-size businesses creates jobs, stimulates the growth in our private sector and provides business development and market expansion opportunities.

In closing, I'd like to speak to the department's efforts to support the diversified economy and associated jobs in these

sectors. With respect to Yukon's cultural industries, Yukon government, through the Film and Sound Commission, has supported a number of training and marketing opportunities for members of Yukon's film and sound industries. The commission provided financial support for Yukon musicians to attend the Western Canadian Music Awards in Brandon, Manitoba. Funding assistance was also provided to Music Yukon and Magnum Opus Management to organize Showcase Yukon 2009.

This event brought 15 national and international buyers to Yukon to watch performers, performances, provide critiques and give advice to Yukon performers. Yukon's Film and Sound Commission has also funded and presented three sound industry development workshops in the fall of 2009 and YukonFest — a Yukon musical performance event in Vancouver. This support and assistance from the Yukon Film and Sound Commission has provided Yukon performers with expert advice, promotional opportunities and skills development in order to market their talents and expand their careers in the music industry.

With respect to the Yukon's film industry, I'm proud to mention that the Canadian independent feature film, *Red Coat Justice*, was filmed in Yukon in the summer of 2009. This production employed 79 Yukoners and, with the Northern Film and Video Industry Association, provided a week-long training session for directors and producers.

The budget for *Red Coat Justice* was \$1.5 million in total. At least \$900,000 was spent in Yukon and I point out that the \$1.5 million was not our contribution — we contributed significantly less. In fact, our studies by the Film and Sound Commission show that for every dollar that we invest, roughly \$9.80 returns.

I could continue speaking about some of the other activities that we do but I will leave that to other speakers this afternoon. I do hope that the Member for Kluane could see some of the things that we are doing in this field and how we are accomplishing what we intend to accomplish. I certainly hope in the future that people remember what is at the end of the road and not make their criticism quite so humorous.

Hon. Mr. Rouble: Mr. Speaker, it's my honour and pleasure to rise today in debate of the motion tabled by the Member for McIntyre-Takhini that is calling on the Government of Yukon to ensure that Yukoners gain benefits from economic activities through development of a locally based skilled workforce.

Mr. Speaker, this is a very positive and very important objective and goal and I am glad to see that we are achieving a lot of consensus on this direction from members opposite today. This is, of course, a very important issue to the Department of Education and one that really affects all areas of education.

One of the goals of the education system is, of course, to help the individual to grow up to be everything that he or she can be and also to meet the needs of the community to ensure that we have the people with appropriate skills, abilities and characteristics for them to succeed economically, democratically, socially and culturally in our community.

This has been an important driving force in all aspects of education, whether it be some of the early childhood education areas with the Department of Health and Social Services — for example, the partnerships they have participated in with organizations throughout the territory. One of these includes their recent support to the Carcross-Tagish First Nation's new daycare. The daycare opened this past summer and received a contribution of about \$300,000 from this government to work in partnership with that community to provide locally delivered daycare services for the community of Carcross. We've seen that type of thing going on with other organizations and other First Nation governments throughout the territory.

This then continues on through the primary school system. We've discussed many times in here the supports for Yukon's education system, whether it be the creation of new schools — members are well aware of the work we're doing with our partners in education on New Horizons and the school growth plans, and involving others in our education system and in the decision-making in our education system.

We've seen participation from others in looking at our secondary school growth planning process in the secondary school program review, which looked at how we prepare Yukoners for Yukon opportunities and ensure that they have the skills, characteristics and abilities that we want to see in our community.

The secondary school review also realized that there are going to be multiple different pathways for people to reach their level of personal success, and that we do have to respond as a community to help those individuals take those multiple different routes to achieving their futures. Individuals have the driving force as to where they will go in their lifetime, what career they will enter into and also where — what community — they will end up calling home.

We certainly work with a variety of partners and stakeholders and people to provide many different routes of success in our education system. On this, I'll just mention briefly the new F.H. Collins school project, which we're working on with a building advisory committee right now, which is having a significant input into how that new facility will be shaped and crafted so that we can work to help develop the next generation of Yukoners.

Also on the post-secondary side of things, we've seen increases to the Yukon grant and indexed it to ensure that the Yukon grant continues to help to meet the needs of many students as they attend educational institutions here in Yukon and throughout North America. It's very encouraging to see the number of students we have participating in post-secondary education. Recently Stats Canada released some data on this, which indicated that Yukon had the highest rate of post-secondary education participation of any jurisdiction in Canada.

It's also important to note, too, that Canada has the highest post-secondary rate of participation of any jurisdiction in the OECD group of countries. That speaks very well of Yukoners' involvement in post-secondary education. We've also seen a tremendous expansion of people participating in skilled trades and technological occupations. Members have heard me dis-

cuss the number of apprentices we have seen and how those numbers have grown dramatically in recent years.

It's great to see the work that Yukon Women in Trades and Technology and Skills Canada are doing to support these types of initiatives and the work that they do with grassroots people. We are seeing Yukoners preparing for Yukon opportunities, especially by continuing their education.

Here, closer to home, Yukon College has also gone through a significant expansion of programs that are very responsive to the needs of the community. I'm referring to programs such as the survey technician, licensed practical nurse program, the home heating maintainer, the commercial sewing program, the Master of Education program and other programs that Yukon College has launched not only here in Whitehorse at the Ayamdigut Campus but also throughout the territory.

I should also mention their embracing of distance technology to provide many of these courses to rural Yukoners is a significant step forward in helping prepare people in Yukon's communities with some of these educational aspects. I do have to mention the tremendous work the college has made in cooperation with the Government of Yukon and the Council of Yukon First Nations on other projects, such as the Climate Change Research Centre of Excellence.

This is a facility that only opened a few weeks ago that will be encouraging, supporting and assisting national and international researchers to address many of the important issues regarding climate change that we're facing here in Yukon. This is a hot bed of excitement at Yukon College. As it was mentioned earlier, this is utilizing the legacy space that was created when Yukon had the honour and privilege of hosting the Canada Winter Games. We certainly have put that space to very good use. I know some members of the Assembly have accused us of squandering that money; however, I certainly don't share that point of view. The investment that was made has certainly paid off in terms of seniors housing, the Yukon College student residence and now with the expansion of other research space, it certainly is a tremendous asset for this community and one that is going to pay dividends long into the future.

Also, Mr. Speaker, another initiative that Yukon College, various government departments and various Yukon First Nations were involved in was the recent announcement for the Northern Institute of Social Justice. The Minister of Health and Social Services and the Minister of Justice and I had the privilege of attending its opening last week. We were very excited by the variety of different programming that is going to go on there.

I expect the Minister of Justice, who has taken the lead on this initiative, will go into greater detail about some of the programming going on there. But it certainly is going to be an important place for learning, skills development and career development for people involved in the social justice industry.

We know the challenges and the changes that we have been making to our justice system here in the territory and the work we're doing with enforcement people or people involved in any type of conflict situation or conflict resolution centre. The work the Northern Institute of Social Justice will be able to

facilitate will be very important in helping those people develop the skills necessary to pursue their careers.

Mr. Speaker, in order to further develop a locally based, skilled workforce, this government is working very strongly with the community training funds. We've discussed these a number of times, but I'm sure members would like to hear how some of the initiatives such as the industry-based or the community-based training trust funds are working.

I'm very happy to see that they are continuing to be very warmly embraced by our communities and by people in it, that we do have a workforce or a community that is very committed to lifelong learning and to expanding their skills, capacities and abilities. People are certainly utilizing the community training funds in order to build their own personal capacity and the capacity of their employees as well. Also, it was announced earlier this summer, when the Premier signed the labour market agreement with the representatives of the federal government, that the labour market agreement, or LMA, was being devolved to the Government of Yukon. We're very pleased to see the progress that we've made on this front. Earlier this week I had the honour of giving an update to Yukoners about the status of some of the programs under the LMA. In addition to me, there were representatives from a variety of Yukon groups, including Challenge, Kwanlin Dun, the Yukon Tourism Education Council and the Yukon Chamber of Commerce.

These different organizations — these different partners — are working with the Government of Yukon to deliver programming under the labour market agreement. Through the LMA, the Yukon is receiving almost \$3 million for the next five years from the Government of Canada to augment our current efforts to support Yukon's labour market. As part of Canada's economic action plan, Yukon is also receiving nearly \$3 million more over the next two years via the strategic training and transition fund, which will also be delivered through the LMA.

These programs are designed to assist people of First Nation ancestry, women, people with disabilities, youth and older workers, individuals returning to the workforce and people who require skills upgrading to ensure they are developing the skills they need so they can engage more fully in Yukon's workforce.

It was very encouraging to hear the comments from our partners such as Challenge, Kwanlin Dun, Yukon Tourism Education Council and the Yukon Chamber of Commerce in support of these programs and to hear how these programs are helping other Yukoners prepare for Yukon opportunities. We've seen a wide expansion of programs designed to provide assistance to a wide range of Yukoners, whether they're young children, school-aged children, people going on to university, people who are looking at changing careers or for skills and trades training programs, or other people who are looking at expanding their knowledge base so that they can demonstrate additional leadership roles in their business or workplace. An example is the Master of Education program being offered from Yukon College.

This is a very exciting time in Yukon's education environment. It is certainly a time where we're investing in Yukoners and helping to prepare Yukoners for Yukon opportunities.

Additionally, we're committed to working closely with our partners on these issues with our labour market framework. The labour market framework is a collection of strategies looking at training, recruitment and retention, immigration and labour market information. Members will recall that I announced this initiative a little over a year ago and there has been a considerable amount of work put forward by organizations, such as the Yukon and Whitehorse chambers of commerce, many of the organizations I already mentioned, Yukon First Nations, other non-governmental organizations, other employers and Yukon government departments. This is to ensure that we have the appropriate training strategies, recruitment strategies, immigration strategies and information strategies that will carry us into the future. I'm very excited about many of these initiatives. I'm very proud to be part of them and help to encourage them, and to work with others to accomplish our goals. I'm very encouraged to hear that we're receiving the support from the opposition parties in order to once again say that we're going in the right direction with these programs and that we should continue to do the work that we have underway.

Mr. Speaker, I'd like to thank you for your attention and thank the member of the opposition for his attention as we continue on with this debate today.

I would strongly urge all members of the Assembly to support the motion put forward by the Member for McIntyre-Takhini.

Hon. Ms. Horne: You know, platitudes and platitudes we heard from the opposition.

You know what's commonplace is that we are delivering on our platform commitment — that's what is commonplace. This is part of our platform commitment that we are delivering on.

I would like to share with this House that, with the collaboration and cooperation by Yukon government and First Nations, we have this 34-page document on our collaboration working with First Nations. This 34-page document excludes obligations pursuant to the final agreements. These are above and beyond the final agreements. I say that's pretty exhaustive. This does not include all of it. You know, I would like to go over all of this with the members opposite. I'll say some words here first and I'll come back to this document to make it known what we are doing for First Nations. I'm very proud of this government in that we are working in cooperation with First Nation governments. We are working together very well. I don't think that happened with the last government. No, it didn't.

I would like to share with this House what actions we have been taking to ensure that Yukoners gain benefits from economic activities in the territory through the development of a locally based business workforce and different disciplines of particular importance to Yukon, relating to economic development education, First Nation capacity building, health and social services and social justice by working in partnership with communities, Yukon First Nations, business industry and Yukon College.

Again, we are delivering on our platform commitments and that is directly related to this motion. That's the action we're taking. We committed to build a better quality of life for Yukoners by educating today for jobs tomorrow. We committed to provide Yukon students with the fundamental skills necessary to prepare them for jobs, responsible citizenship and lifelong learning. We committed to continuing to expand education and training programs in areas of particular relevance to the north. This motion speaks to social justice and I'm going to say more about that in a few moments. We committed to working with communities, First Nations, Yukon College, and the private sector to train local residents for local job opportunities. We committed to ensure that Yukon communities gain economic benefits from activity in their area through the development of a locally based, skilled workforce in partnership with communities, Yukon First Nations and industry.

We committed to promoting the benefits of local hire for goods and services. We committed to continue to provide Yukoners with the first opportunity for employment and advancement within the public sector. We also committed to dealing with alcohol and drug abuse, to protecting the family and to creating safer communities. We committed to assisting elders and seniors, caring for children and caring for Yukoners. And that, Mr. Speaker, is just a partial list of what we have committed to do. The motion before us today speaks to those commitments.

I would like to share with you our recently announced Northern Institute of Social Justice, which I believe goes a long way to addressing this motion. When I took this portfolio in the beginning, I was amazed at how many different positions in the Yukon have an aspect of social justice. I also wondered why so many of our young people had to go south to get an education in this area. Providing ongoing professional development for employees can also be an expensive undertaking. I wondered if there was a way to bring more of that training north. Discussions with my Cabinet colleagues, my officials and with my northern counterparts confirmed my belief that we would be best served by a made-in-the-north solution for a northern challenge.

That led to the development of the Northern Institute of Social Justice. This will provide training and education for jobs that have a social justice-related component. As well, it will undertake related research. This is part of our government's commitment to help Yukoners achieve a better quality of life by providing educational opportunities today for jobs tomorrow, by addressing substance abuse, by protecting the family, by creating safer communities and by taking care of Yukoners.

Whether in Justice or Education or Health and Social Services, we know the challenges of delivering programs. These challenges include recruiting, developing and retaining employees — providing entry level and career development training and providing staff with the opportunity to learn from one another. The Northern Institute of Social Justice will now be able to play a key role in ensuring that our departments foster a culture of learning and development. It speaks directly to this motion's call for the development of a locally based, skilled

workforce in different disciplines of particular importance to Yukon relating to health and social services and social justice.

By partnering with Yukon College, which is a key aspect of this motion, the institute will provide training and education that is relevant to Yukon, integrated with other programs, and is recognized, accredited and transferable. As Minister of Justice, I see that the Northern Institute of Social Justice will help us move forward on our correctional redevelopment initiative. It is an organization that provides training and education for jobs with a social justice-related component in public and First Nation governments, non-governmental organizations, and businesses. It has the potential to become a pan-northern training, education and research institute over time.

Through such things as joint training and research initiatives, this motion calls for the development of a locally based, skilled workforce in different disciplines of particular importance to Yukon relating to economic development, education, First Nations capacity building, health and social services, and social justice.

Let me share with this Assembly how the institute's vision addresses this motion. Its vision is northerners working together on solutions to the social justice challenges facing themselves and their communities.

Now let me mention the institute's mission which is as follows: drawing on the north's leadership, unique values and diverse cultures, the Northern Institute of Social Justice delivers integrated training and education programs and conducts related research in order to help employers attract and retain a well-qualified workforce, it helps individuals develop careers and provides tools to help support community leadership, capacity development and transformation of service delivery. Clearly, this speaks to the motion's call for the development of a locally based, skilled workforce.

Let me share with you some other ways this institute addresses this motion. We provide integrated training, education and research for working through the challenges facing northerners, finding solutions that can help move individuals, families and communities to equality of opportunity and outcomes.

Social justice is a lens through which we see the challenges facing individuals, families and communities. It is a way of responding that values working together to find solutions, is grounded in reality, respect and resiliency, and that moves to equality of opportunity and outcome. A social justice approach to social policy, education and training promotes equity, fairness and exclusivity. By having northerners providing the programming, we get a made-in-the-north solution for our northern issues. This approach directs attention to root causes of inequity and works toward systemic and institutional change by first strengthening and then empowering disadvantaged and vulnerable populations to address the social problems with which they are confronted.

The Northern Institute of Social Justice was created in response to two primary challenges: the challenge employers face in recruiting, developing and retaining employees from entry to senior levels in jobs with a social justice component, and the challenge employees face in assessing training in the Yukon to get those jobs or develop careers. The jobs are found in many

fields in public and First Nation governments, non-governmental organizations and businesses. For example, some of these jobs are found in corrections, counselling and social service delivery, investigation and enforcement, emergency conservation and environmental protection, to name a few.

In 2007, a market analysis showed that there are at least 1,390 jobs with what we are calling a social justice-related component. This represents just under eight percent of the Yukon labour force. The institute's purpose is to broker, consolidate, develop and deliver social justice-related training and education programs and undertake related research. Again, all of this fits so nicely with this motion which calls for the Government of Yukon to ensure that Yukoners gain benefits from economic activities in the territory through the development of a locally based, skilled workforce and different disciplines of particular importance to Yukon relating to economic development, education, First Nation capacity building, health and social services and social justice by working in partnerships with communities, Yukon First Nations, business, industry and Yukon College. The training and education programs will be delivered by Yukon College, private sector trainers in the Yukon and instructors and trainers from other training organizations, colleges and universities.

Clearly, this is in keeping with the motion. Mr. Speaker, I am so delighted that training programs will be phased in for 2010. The first programs will focus on training on FASD for Justice and other workers whose clients have FASD or who are involved with the justice system, workplace violence prevention and investigation, and report writing.

As you know, how we respond to FASD is so very important to me personally. This is one area where I see that we need a made-in-the-north solution. I absolutely support this motion.

Günilschish.

Mr. Edzerza: I'd like to take this opportunity to thank all the members who did speak to this motion because it is of critical importance. This motion basically is to obtain clarity from the opposition. Where do they stand? Mr. Speaker, the opposition opposes every budget brought forward, so the public at large is confused on where the opposition stands on anything when it appears the extent of their vocabulary is simply "no."

This motion gave the opposition the opportunity to express how they would improve on economic development, education, First Nation capacity building, health and social services and social justice. It gave them the opportunity to put forth some ideas for improvement. However, it appears there is nothing they could improve on, which confirms they can't do any better. In fact, they have a lot of catching up to do. Mr. Speaker, it was a motion that gave everyone the opportunity to bring forth their visions — their views of what is really needed in the Yukon Territory to maintain, improve and give the opportunity for every citizen to develop a very high standard of living.

However, the Member for Vuntut Gwitchin is saying, "How about an election?" Well, Mr. Speaker, it's quite obvious today that the Yukon Party would get a larger majority, because the opposition has no vision — no vision whatsoever.

That's why they can't speak to this kind of a motion. Anyhow, I'll close by just thanking all of those who did speak to it. Thank you.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Fentie: Agree.

Hon. Mr. Hart: Agree.

Hon. Mr. Kenyon: Agree.

Hon. Mr. Rouble: Agree.

Hon. Mr. Lang: Agree.

Hon. Ms. Horne: Agree.

Mr. Edzerza: Agree.

Mr. Nordick: Agree.

Mr. Mitchell: Agree.

Mr. McRobb: Agree.

Mr. Elias: Agree.

Mr. Inverarity: Agree.

Clerk: Mr. Speaker, the results are 12 yea, nil nay.

Speaker: The yeas have it. I declare the motion carried.

Motion No. 970 agreed to

Mr. Nordick: Mr. Speaker, 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 Acting Government House Leader that the Speaker do now leave the Chair, and that the House resolve into Committee of the Whole.

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Mr. Nordick): Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 17, *Second Appropriation Act, 2009-10*, Department of Health and Social Services. Do members wish a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 17 — *Second Appropriation Act, 2009-10* — continued

Chair: The matter before the Committee is Bill No. 17, *Second Appropriation Act, 2009-10*, Vote 15, Department of Health and Social Services.

Department of Health and Social Services — *continued*

Hon. Mr. Hart: As a follow-up to yesterday, I would like to just provide information to the House. We have tentatively targeted February 24 and 25 as the dates for the symposium on social inclusion. That was just confirmed actually as of today, so we're looking at those two dates. We'll be discussing later on this month the invitations to the participants as well as the actual format. We will be heading out early in the new year and hopefully we'll be able to get everything underway at the end of February. We now have a facility big enough to accommodate the process.

Mr. Mitchell: I thank the minister for the information on the social inclusion conference — or anti-poverty conference, whichever it may be called. We do have quite a few more questions to ask here and then normally it has been the practice for just the critics to address each department, but I know after listening to some of the debate earlier today that it apparently leaves questions in the minds of the government side when they only hear from one member, so it's possible that my colleagues will want to ask a lot of detailed questions of the Health minister as we move forward in debate.

We heard in debate yesterday that the minister, in response to questions over the last two days, indicated that the staffing issues regarding nursing were largely resolved and we were having good success in attracting more nurses to the territory and in filling positions. I know these have been constant issues for the Yukon Registered Nurses Association.

In the final report on the *Yukon Health Care Review*, there were submissions made by the YRNA along with lots of other stakeholders. I just want to list a couple of them. One that leaps to mind is the lack of permanent positions that negatively impact retention. "We have a mentorship program but staffing capacity issues are creating a negative impact" was another comment. They also wanted to see improving access to care through collaboration, to see the health professional when you need to — for example, a nutritionist, physiotherapists, et cetera.

Working toward collaborative practice is a priority for the YRNA. There is still a nursing shortage — create more permanent positions and fewer casual positions. I'll get to some of their other recommendations in future questions. Now, we understand from some nurses working at the Whitehorse General Hospital that there is still some difficulty with this. One nurse has described to me that there is a management-induced nursing shortage. The reasons that this nurse has said this is because the Yukon Hospital Corporation and Whitehorse General Hospital continues to hire nurses on term contracts, then lays them off and hires other nurses on term contracts, and then the cycle repeats itself. So, many nurses are hired repeatedly on term contracts, but are not given permanent positions. This leads to dissatisfaction and low morale in the nursing community. One

nurse told me that approximately eight nurses have left Yukon over the past year as a result. She pointed out that the Yukon government is assisting young people financially to pursue a nursing career with subsidies, programs and educational bursaries, but when they return to Yukon, they find it difficult to break through this term hiring policy.

I'm wondering if the minister can comment on what the government is planning to do to move away from this policy — or de facto policy — of nurses being hired on term contracts, then laid off and other nurses being hired — and move toward working with the Hospital Corporation as well as the government itself in terms of offering more permanent positions.

Hon. Mr. Hart: With regard to the nursing situation, when the member was doing his preamble, I was pretty sure he was talking about the nursing situation at Whitehorse General Hospital. We are doing our own review of our nursing situation throughout the Yukon. But all the positions we maintain throughout Yukon are permanent and we have filled those, as I indicated the other day. However, we are also reviewing our situation throughout the Yukon and will be discussing the situation with our nurses on how we can improve the situation for them and us, as well as the citizens that we serve.

With regard to the member opposite's concerns with regard to the nurses at the Whitehorse General Hospital, I will convey those thoughts to the chair of the hospital and convey what came about from the discussion here today.

Mr. Mitchell: I appreciate that the minister will convey those thoughts to the chair and CEO of the Hospital Corporation, because we have no other way of approaching this. This government is responsible for health care and spends tens of millions of dollars a year funding the Yukon Hospital Corporation to provide the services at Whitehorse General Hospital. Since the officials are not called to appear before us here in the Assembly until some future sitting, we will continue to ask our questions of the minister and then the minister can continue to convey those to the CEO at the hospital.

We have also been told that there has been an unfilled maternity nursing position since last summer that was unfilled but was not posted or advertised locally over many months. We now understand that the Hospital Corporation is advertising for this position across Canada — or at least Outside.

It was pointed out that the costs of hiring Outside nurses can be as high as \$20,000 per nurse because there are signing bonuses or incentives that are paid of up to \$10,000 and moving expenses can also be paid as high as \$10,000. We have a situation where we have unfilled positions and according to the nurses we've spoken to, there are qualified people within Yukon who could apply for and serve in those positions, but what's happening is taxpayers' dollars are being spent to look Outside to bring additional people here.

Does the minister have any information about this? Is this reflective of government policy?

Hon. Mr. Hart: Of course, I'm not privy to this one specific case the member opposite was referring to; however, we are fully aware of the incentives that are required because we do provide those incentives ourselves, and we do provide incentives for nurses to come to the Yukon, because it's a very

competitive field out there. As such, we do have to come up with funding to entice individuals to come to the Yukon and to provide their services for Yukon citizens.

With regard to the hospital situation, they have a qualification and human resource department that hires their staff, and they have a policy in which to operate from and a format in which they have to fit their nurses into. Those are the ones in charge of that particular situation. The board is supporting them in that process.

Mr. Mitchell: I have a couple more questions on this general area before I move on to other areas. We also understand that, because of the H1N1 pandemic and the seasonal flu, on several occasions over the past few months, both maternity nurses have called in sick. We've been told that there is no contingency plan developed by the Whitehorse General Hospital management to address this issue, that, in fact, the nursing staff have decided on their own that their response in the future will be to call in the doctors.

Is the minister aware of this and does he have any comments as to whether he feels that this is the appropriate way to be looking at providing maternity care for mothers who are about to give birth?

Hon. Mr. Hart: These are situations, obviously, that the hospital board and CEO will have to deal with. They are human resource issues that they deal with on a daily basis and I am sure that they are fully aware of what is going on over there. I trust them to take care of the situation to ensure that there is good health care provided for all Yukoners.

Mr. Mitchell: There is a lot more I could ask about the hospital, but I think I will move on since there is not a lot of time remaining in the day. We also have nurses who work at the Whitehorse Correctional Centre since that centre has also, of course, been classified as a hospital in order to address certain issues because there isn't a secure place, or hasn't been in the past, elsewhere where patients could be transferred to.

From what we understand, the complement of nursing staff there is two registered nurses working Monday to Friday from 8:30 a.m. to 4:30 p.m. We also understand that they do not allow auxiliary staff to be on-call for these positions, so that it is, in effect, the same two nursing staff people who are on-call after-hours, should there be some emergency develop there. So what you have is people working 8:30 a.m. to 4:30 p.m., and then are on-call for the remainder of the 24-hour cycle. Does the minister or the Justice minister — if she has more information about this — want to explain how this is in the best interests of providing patient care to inmates at the Whitehorse Correctional Centre?

Hon. Mr. Hart: These are obviously very specific labour issues and there are collective agreements in place for both of these facilities. There are collective agreements in place and there are grievance procedures in place to address the situations the member opposite has referred to. I trust that the nurses in question are fully aware of what's there. I know the union is definitely fully aware. So I'm sure that these situations will be handled in the appropriate manner and that the situation can be taken care of by the appropriate human resource department, as

well as a union, which is going to be required in this particular case.

Mr. Mitchell: I'll move on to some other areas. Going back to the *Yukon Health Care Review — Taking the Pulse ... What We Heard: A Public Dialogue on the Yukon Health Care Review*, which is the final report dated July, 2009 from the Yukon Medical Association, and the representatives were the president, Dr. Tadepalli, the past president and, I believe, vice-president, Dr. McNichol, and Dr. Anderson. Some of what they said about what's working and what's not — and again, going back to some of the questions I just previously asked — they cited lack of vision and strategic plan, very limited, from the Hospital Corporation. They cited leadership as an issue. For example, there were no discussions prior to the transfers of Watson Lake and Dawson hospitals. I guess, I'll just break this out into separate questions. Can the minister explain why there would not have been discussions with the Yukon Medical Association prior to the decision to transfer the Watson Lake and Dawson hospital to the authority of the Yukon Hospital Corporation?

Hon. Mr. Hart: For the member opposite, the transferring of the Watson Lake facility and the future Dawson facility to the Yukon Hospital Corporation is an administrative decision and it is decided by the board of directors for the Hospital Corporation. Those are the people who make the approval and decisions on that particular process, but I did talk to Yukon Medical Council members, as well as Dr. Tadepalli, and, quite frankly, I got the opposite review from those individuals. They are very happy with the decision about the process and I talked personally to those individuals. It could be in a statement with regard to that — but I did get a positive reaction to the situation and, quite frankly, I look forward to the transfer when it comes to take place.

Mr. Mitchell: Mr. Chair, these aren't my views. These are the views in the document that has been distributed by the government as the result of the final report of the Yukon Health Care Review Steering Committee. Perhaps if the oversight committee had actually met for more than half an hour in the past 12 months, we might have been able to dig into these issues in some detail, but I'm only reading from the document.

This document has listed — in terms of what is working and what is not — the opinions and there were only these three doctors there who provided these opinions. I just want to clarify that for the record. They are the opinions of the Yukon Medical Association, submitted to this report.

As far as the decision being made by the Hospital Corporation on the transfer of the hospitals, I just want to point out that they are the transferee — I guess you would call them. These hospitals are being transferred to them. They are being transferred from government. Government had to make the decision. The Hospital Corporation can't simply wake up one day and say, "Okay, we're taking these on." So the minister and his department had to make a decision to enter into a discussion with the Hospital Corporation about doing just that.

Other comments that were made in this document — and again, this is from the Yukon Medical Association: "Government has done a poor job in servicing elderly population." It

does say it "Acknowledges difficulty addressing staffing issues." It goes on to say, "Mental health — there is no commitment by government to develop a proper care facility for the mentally ill. Two beds are not enough." That would be referring to the secure beds at the Whitehorse General Hospital. "There are no treatment programs available. A 10-15 bed facility would be nice."

I'm going to remind the minister that I've been raising this issue about the elderly population for four years now. On May 18, 2006, in debate with the minister's predecessor as Health and Social Services minister, I said: "In looking at the statistics, one of the things that caught my eye is the projections for increases in the average number of persons on waiting lists for extended care facilities — Macaulay Lodge and the care facility at Copper Ridge Place." Later on, I said: "I sort of see it almost like an iceberg where there's 10 percent on the surface and 90 percent under the water. As I look in my own neighbourhood, three out of my four immediate neighbours have built their houses to accommodate their own parents living with them. Inevitably, the day may come when the type of care those people may need will no longer be available at home, and we're going to need more home care visits and more extended care and seniors facilities."

And I asked the minister's predecessor to comment on that. The minister of the day — and the day was May 18, 2006 — made reference to the Thomson Centre, after making reference to the additional pod or wing at Copper Ridge Place of 12 beds, which they were making plans to open up later that year. But that didn't happen for quite some time.

He went on to say, "We hope to be in a position in about a month's time to make a determination regarding what usages and what service delivery will be accommodated within that facility. We had a functional review done on what the most effective uses of that space will be." That's in reference to the Thomson Centre.

Now we are three and a half years later and we're still talking about putting on an RFP to make renovations to open up 19 beds at the Thomson Centre when, at the time, the hope was to know within a month or so whether that was going to be feasible. Three and a half years have gone by, our seniors population is increasing and I'd like to know what additional long-term plans this minister and this department have for addressing the need for seniors facilities in Yukon?

Hon. Mr. Hart: I did stipulate several times yesterday with regard to our seniors the fact that we are improving. We have provided new home care positions to assist in our rural areas as well as Whitehorse to increase our care for our senior citizens. In addition, we are looking at the Thomson Centre in a very serious manner.

I did indicate we were hopeful to get moving on the corrections and the repair work as soon as possible. That information is there. I also suggested that, yes, we're looking at the one pod for immediate needs and we're looking at further expanding into the Thomson Centre now that the hospital can't use most of it, for our extended needs with regard to continuing care and long term. We have two more pods into which to expand and we look forward to that particular process. We also

look forward to the fact that once we have the template for the current pod, then we'll be in a much better position to know what it's going to take for us to move into the next two pods. It will also allow us to phase in the process and to make the costing of that facility and providing the services a little bit more amenable to the Minister of Finance as we go through on a staging process with that particular centre.

In addition, obviously our improvements to the Watson Lake facility and the intended Dawson facility will provide improved health care for those citizens in those communities. In addition, once the facility in Dawson City is completed, we'll be looking at commencing the replacement for McDonald Lodge in Dawson City, thereby utilizing and maximizing the facility from the Dawson hospital and ensuring we can share costs as much as possible with regard to McDonald Lodge, thereby getting greater efficiencies from the services of the hospital, as well as McDonald Lodge and still end up providing excellent service to those individuals in senior care.

Mr. Mitchell: Since the minister makes reference to making things more amenable to the Minister of Finance — and we certainly want to do that — perhaps the minister can clarify a few numbers for us.

Yesterday morning, the minister made reference on the CBC to \$5 million to \$6 million as an estimated cost when he was talking about renovations to the Thomson Centre. The minister was talking at the time about getting that first pod of 19 beds open. Can the minister clarify whether that \$5 million to \$6 million estimate is for the first pod only, or was that an overall estimate for all the renovations to fully reopen the Thomson Centre?

Hon. Mr. Hart: We anticipate the repair work in that price range for the pod that's there as well as the pod that's next to it but, again, we won't know what that's going to be until such time as we open up the cavity so we can have a look at what's going to be required. Once the RFP comes in, as I indicated to the member before, once we know what that is, we'll be in a much better position to know what the actual cost of the repair work is going to be and how long it's going to take to complete.

Mr. Mitchell: We want to have certainty and clarity when we talk about these numbers, even if they're estimates. The minister said, "We estimate that for the pod," and then the minister said, "as well as the pod next to it." Does the minister mean "renovate and reopen two pods of 19 or 20 beds each for \$5 million to \$6 million," or is that the estimated cost per pod?

Hon. Mr. Hart: We are only dealing with the first pod, then we will deal with the second pod once we know what the template's going to be for the first 19 beds. We can look at in the long-term future moving into the second and third pods once we have an idea what the template is going to be for the renovations to the facility to bring it up to accreditation code, up to the current standards that are now addressed for continuing care.

That's something that has to be done in order for us to move people into that facility and accommodate them on a 365-day basis, 24 hours a day. That's something that has to be done. We have to do that in order to accommodate the individuals

there in that place. We have had officials working very feverishly on trying to get what's going to be required for equipment and space with regard to the Thomson Centre. I'm very happy to say we're moving very close on that issue. In addition, we are already well underway with recruitment. We are very hopeful that we will be able to provide permanent jobs in that facility to those graduating from our LPN program at the college this summer — either there or at Copper Ridge, as I indicated earlier. I'm very happy with the progress that we're making on this particular centre right now.

Yes, the expenses are there. I think we've all heard the experience with regard to the Thomson Centre. I think it goes back as far as 1995. Ever since this building was built, it has had nothing but difficulties. I know when we first came on, there had been substantial amounts of money spent for the roof repair. There were mechanical and all kinds of other issues. We've had all kinds of people do assessments of the facility and we worked hard on that.

I also mentioned previously the hospital was looking at the facility as a possible expansion. That's no longer the case. They've indicated they can't use that facility for the hospital because it doesn't meet their standards either.

In essence, we're now back to where we can use the facility. We have pressures now with regard to continuing care, so we're going to move forward on the pod — dealing with one pod right away and those 19 rooms. That will be our initial start and we'll be looking at that facility for the next two pods that are included.

Mr. Mitchell: I do appreciate the Health minister is able to maintain his sense of humour so late in the day when he speaks of his officials working feverishly — in any case, if that was his intent.

I also know it's just important we always have accuracy here, because the Finance minister parses our statements on these issues very carefully and he wants the numbers to be accurate, so we wanted to make sure we had accurate numbers on the record.

Yesterday the Finance minister made some comment to the effect that that would be nice. Well, if the Finance minister wants to have accurate numbers on the record, he should make sure he puts them on the record.

We were talking yesterday about the cost of the Watson Lake facility and the minister just made reference to it within his answer. He suggested yesterday he didn't want to get into a heated argument or something to that effect about the cost of that facility, but he did mention that \$4.5 million is what he thought had been spent to date, which is somewhat unusual since it's a couple of years ago — or a year ago in the spring — the former Health and Social Services minister and I believe this Health and Social Services minister actually had provided us with numbers that were just right around \$5 million. I'm not sure where the extra \$500,000 was found, but it's interesting that as the project goes forward it costs less than it did a year earlier.

Does the minister have any idea what completion of this into a cottage hospital is expected to cost, since the minister has to sign the letter of authorization for the Hospital Corporation

to go to the banks? I wouldn't think he will be providing a completely blank cheque?

Hon. Mr. Hart: With regard to the Watson Lake hospital expenditures, I can indicate to the member that the total project cost, including construction and the feasibility study for the Watson Lake facility that's there now, is \$4.8 million.

Mr. Mitchell: I thank the minister for answering that part of the question. So, \$4.8 million — does the minister have any information he could add for the second part of the question, which is this: where are the estimates toward carrying forward to turn it into a useful facility, that being a cottage hospital replacement for the existing cottage hospital?

Hon. Mr. Hart: Again, as I stated, once the RFP comes in and the planning and design have been finished for the Watson Lake facility, they will have a specific cost, including the mitigation repair work that's going to be required. Again, it's something that I indicated previously on this particular question. They will be providing that information and sending it forth.

Mr. Mitchell: I just find that interesting, because that's the same answer the minister gave us during debate two days ago. When I asked questions about the cost for renovating the Thomson Centre, the minister said that we'll know that once we have the RFP in. The following morning, he said we're ball-parking this to be \$5 million to \$6 million. So, does the minister have one of those estimates attached to the Watson Lake facility that gives him some range of expectations of what it might cost — somewhere between \$5 million and whatever the top end is?

Hon. Mr. Hart: With regard to the member opposite's question — the Thomson Centre, yes, we estimated the cost of the repair work is going to be there. I also indicated we have a substantial amount of equipment and purchases for that facility that have to be made, on top of all of the information that's going to be required. So, we are working on that facility. The repair work we're looking at is to deal with one pod, one part of the particular facility, and that's what we're working on currently, because that's the area we need on the interim basis in order to alleviate the pressure that we're having on our continuing care facility. We're looking at the other two areas for our expansion into the future.

Mr. Mitchell: I thank the minister, Mr. Chair, for that answer about the Thomson Centre, but actually I was using the Thomson Centre as an example where the minister was more forthcoming on the second day than he was on the first day and I was asking him about estimated costs for the Watson Lake cottage hospital. Does the minister have some estimated costs for the Watson Lake cottage hospital?

Hon. Mr. Hart: Maybe the member opposite can appreciate that one small facility and one small part of a building is a lot different from an entire hospital that has to be built in Watson Lake and an entire facility for there. So, obviously those situations have to be done.

I believe that the Hospital Corporation will be looking at the plans and working with the consultant on just exactly what is going to be required. They have the expertise — after all, they do operate their own facility here in Whitehorse and we

look forward to the results of that. Of course, I don't have the specific amount for the member opposite and, until such time as we have some further discussions with the Hospital Corporation and we know exactly what some of the mitigations costs are going to be, I will be able to provide him with a more detailed price.

Mr. Mitchell: I do appreciate that the Hospital Corporation has the experience of operating the hospital in Whitehorse but it's the government that has the experience of building these facilities, including the Whitehorse General Hospital. So I thought the government might have some range of numbers. I wish that the minister had been among my customers when I ran a hardware store. I would have enjoyed telling the minister that if he wanted to buy a chainsaw, it might cost \$5 or it might cost \$500 — just trust me and we'll work it out later.

We're not going to get any answers on that, so I'll move on. I did ask the minister before as part of a question, but he didn't respond to that. Under the "what's working and what's not," the Yukon Medical Association's statement that there is no commitment by government to develop a proper care facility for the mentally ill — that two beds are not enough — and they went on to say that a 10- to 15-bed facility would be nice, what we've heard in Yukon, Mr. Chair — and I'm aware of the fact that we have the secure rooms — the two padded rooms that the minister described and the additional rooms at Whitehorse General Hospital — which largely are for acute care.

What we're talking about is for more ongoing residential treatment for people who suffer from mental health issues, where their families may not be able to always accommodate them so that they can receive psychiatric and psychological care on an out-patient basis. There are times when people may benefit from a residential treatment program in Yukon, as opposed to being sent Outside.

Can the minister provide some information — he made some reference to it over the last couple of days in response to another question — where we're at in the planning stages, or in the investigation, on the feasibility of creating such a facility?

Hon. Mr. Hart: Within the department — as I mentioned previously during debate here — we are looking at a full range of mental health issues throughout the Yukon, but I concur actually with the member opposite on some of the issues. Currently we do ship out all of our patients. We don't have the facilities here and we're not big enough.

In addition to the infrastructure that would be required, first of all, getting the staff for this type of facility would be very difficult. In addition, we probably wouldn't generate enough clients for the staff of that facility to maintain their accreditation. They still have to get a sufficient number of hours and time in, plus they have to have a wide range of clients in order to maintain their profession in dealing with mental health clients.

So, yes, we currently do ship our clients out. We are looking at some areas in which we can work with our mental health patients, and we've done it. I've indicated that we're in a review of that process. I'm also cognizant that we have a small population, and it's very similar to many other issues that come up in health. For example, we just can't provide dialysis. It's

very expensive. We send people out. We just can't afford to provide that sort of service here in the Yukon because, first of all, we don't have enough clients and then we still have to get a professional up here and to stay here. It would be very difficult. We're having great difficulties even at our current hospital in keeping technicians for that exact reason — they're not getting enough time and experience on the machine.

Mr. Mitchell: I would beg to differ with the minister's opinion that we're just not large enough and we can't do it, because I think it is a pretty pressing need. I know that the minister knows, as we all do, that it was only a few short years ago that we were hearing statements in Yukon that we were too small to have a CAT scan in Yukon, that the combination of the equipment costs and the personnel costs were not something that we could afford in Yukon and it was more cost-effective to send people out. Since then, the hospital not only acquired, through the good support of the Yukon Hospital Foundation along with the government, the first CAT scan, but now has just recently replaced it with a much more modern one. Now there is talk of the same situation where Yukon may be moving toward looking into having an MRI in Yukon. So these things change over time. I think that the mental health needs are real and they are as real as any other form of disease, in particular for people who are dealing with mental health issues. I think all of us know of neighbours or family members, or what have you, who have been in this situation. Their needs are best met when they can be within reasonable support distance of friends and family, as opposed to being off in a distant city. So, I hope that the minister will continue to look into this and pay attention to the advice of the Yukon Medical Association, which says that it's a needed service.

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

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

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

Speaker: I now call the House to order.

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

Chair's report

Mr. Nordick: Committee of the Whole has considered Bill No. 17, *Second Appropriation Act, 2009-10*, and directed me to report progress on it.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

The House adjourned at 5:30 p.m.

The following Sessional Papers were tabled December 16, 2009:

09-1-146

Yukon Health and Social Services Council 2007-2008 Annual Report (Hart)

09-1-147

Yukon Child Care Board April 1, 2008 – March 31, 2009 Annual Report (Hart)

09-1-148

Yukon Government Department of Education 2008-09 Academic Year Annual Report (Rouble)