

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Wednesday, November 3, 2010 — 1:00 p.m.**

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

*Prayers*

## DAILY ROUTINE

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

Tributes.

## TRIBUTES

### In recognition of Skilled Trades and Technology Week

**Hon. Mr. Rouble:** Mr. Speaker, I rise in the House today in honour of Skilled Trades and Technology Week, which this year will be held from November 1 to 7. Skilled trades and technology careers are important for our economy and are an excellent career path for many young Canadians.

In Yukon, education and advocacy groups like Skills Canada Yukon and Yukon Women in Trades and Technology are dedicated to promoting and assisting in the recruitment, training and retention of Yukoners in the skilled trades and technology sectors.

Skills Canada Yukon provides Yukon youth with hands-on, trade-related workshops and skills clubs to explore trades and technology as viable career options.

The group also holds annual skills competitions to prepare participants and apprentices — with great success — to attend national and world competitions.

Yukon Women in Trades and Technology's goal is to increase the participation of women in well-paying, in demand and respected trades and technology jobs through ongoing projects and workshops. These projects and workshops are designed by women, for women, and thus expose them to lucrative and exciting fields of trades and technology.

The Advanced Education branch provides annual funding and support to enable Skills Canada Yukon and Yukon Women in Trades and Technology to deliver their trades and technology-related workshops. Advanced Education also plays a key role in helping Yukoners prepare for Yukon work opportunities by promoting industrial and apprenticeship training programs and by promoting the interprovincial standards Red Seal program.

Advanced Education branch provides for the registration, monitoring, arranging of in-school technical training and coordination of an individual's apprentice training in any of the apprenticeship occupations in Yukon.

For the 2009-10 academic year, there were a record number of 520 registered apprentices, including 110 First Nation people and 55 female apprentices.

Advanced Education will be holding an apprentice graduation and an award of excellence banquet on November 19 to recognize the 56 apprentice program graduates who have become certified journeymen. Advanced Education will also

provide 70 awards to apprentices who have achieved a mark of 85 percent or higher on a level or interprovincial exams. Attendees to the banquet include apprentices who are being honoured and their employers, as well as Skills Canada Yukon, Yukon Women in Trades and Technology, Yukon College, and others who support apprenticeship in Yukon.

The next territorial skills competition is being held at Yukon College on April 29, 2010. This event is now in the school calendar, and I urge all who are listening to attend and to show support. I know that there will certainly be members of the Assembly there, as they have been there in past years.

Finally, I would also like to recognize the Yukoners who participate in the many trades- and technology-related boards, working groups, and committees for their contribution toward the success of trades and technology in Yukon. Together we're building a skilled workforce that will meet the current and future needs of Yukon.

At this time, I would like to ask members of the Assembly to join me in welcoming a couple of guests to the gallery today: with us today are Melissa Craig, the program coordinator for the Yukon Women in Trades, and Dan "The Man" Curtis, the executive director for Skills Canada Yukon. Welcome.

*Applause*

**Mr. Cardiff:** Today I rise on behalf of the New Democrat caucus and the Official Opposition to pay tribute to Skilled Trades and Technology Week. As difficult as it may be, I'm going to try to keep my comments brief, as many of the remarks made by the minister — or maybe I should say "Rube X" — were on the mark. The minister should be applauded for being a good sport, although I've been advised by a hip hop enthusiast in my office that he's no Chuck D.

I would like to acknowledge the outstanding work of Skills Canada Yukon and Yukon Women in Trades and Technology. As a tradesperson, I am honoured to be associated with both of them and to be able to stand up in the Legislature and pay tribute to the work they do.

I'm looking forward to the Young Women Exploring Trades workshops on November 26 and the fundraiser that will follow after that. I also would like take the time — because I haven't had the opportunity — to acknowledge the outstanding work of the Skills Canada team that went to Waterloo earlier this year.

They were Whitehorse's Nathan Peterson, who took a gold in heavy-duty mechanics; Dawson City's Greg Fischer, who won a bronze in small-engine repair; Molly Jenney, who became the first female Yukoner to medal in 2009 and took a second in the sheet metal category. I'd be remiss if I didn't say that I've had the pleasure to work with Molly, with the tools in the shop. I admire her for her dedication to the trade, her dedication to her fellow workers and to doing a good job and taking pride in the work that she does.

As well, Whitehorse's Dennis Godin won the Yukon's first gold medal last year and took a silver this time around in the mechanical category; Tyler Martin won a silver in electrical wiring; and first-time competitor Jodie Thompson won a bronze in graphic design in the post-secondary level.

Yukon's team won six medals and we're very proud of all of their efforts. There are a lot of statistics out there about the value of skilled trades and the problems that are on the horizon with the shortage of skilled workers to fill those positions.

I'd just like to conclude my remarks with a quote I read in *The Globe and Mail* today from Thomas Hurka, who has written a book called *The Best Things in Life: A Guide to What Really Matters*. This is what he said: "If you ask what are the things that make life worthwhile, one of them is pleasure, satisfaction, feeling good. But another one is achievement. If you have work that is challenging and calls on your abilities, and then you succeed at it, that's worthwhile in itself. So it's a mistake to talk about work versus your life – work is a valuable element in your life."

All tradespeople and those active in skills clubs know this feeling of achievement. As a tradesperson, I certainly know that. I think that's what is a big attraction to enticing young people to get into those trades positions and explore the possibilities.

**Speaker:** Are there any further tributes?  
Introduction of visitors.

## INTRODUCTION OF VISITORS

**Mr. Cardiff:** I'd like to introduce a couple of wilderness tourism operators from Faro. Please join me in welcoming Angelika Knapp and Eric Dufresne.

*Applause*

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

Returns or documents for tabling.

## TABLING RETURNS AND DOCUMENTS

**Hon. Ms. Taylor:** I have for tabling the annual report of the Yukon Arts Centre 2009-10, and the annual report for Yukon Geographical Place Names Board 2009-10.

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

## NOTICES OF MOTION

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

THAT this House urges Yukon's Member of Parliament, the Hon. Larry Bagnell, and all Members of the Yukon Legislative Assembly, and in particular the Members of the Official Opposition and the Third Party, to read the report entitled, *Yukon Mineral and Coal Exploration Best Management Practices and Regulatory Guide*, available at <http://www.ycmines.ca>, recently released by the Yukon Chamber of Mines, that was prepared in consultation with the following: the Council of Yukon First Nations; Environment Yukon; Fisheries and Oceans Canada, Whitehorse office; Tourism Industry Association of the Yukon; Whitehorse City Council;

Yukon Conservation Society; Yukon Environmental and Socio-economic Assessment Board, Whitehorse office; Yukon Heritage Resources; and the Yukon Outfitters Association.

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

THAT this House urges the Premier to call a by-election in the riding of Whitehorse Centre this week.

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

THAT this House urges the Government of Canada to immediately issue orders-in-council appointing a 12-person board of directors to the Canadian Polar Commission in order that:

(1) this federal advisory body, which was created in 1991 and has been without a board of directors since October 2008, can continue its important work of monitoring, promoting and disseminating scientific research on Canada's Arctic; and

(2) Canada's lead polar research agency can ensure public funds are not misspent and opportunities are not missed in the field of northern research.

**Speaker:** Are there any further notices of motion?  
Is there a ministerial statement?

## MINISTERIAL STATEMENTS

### Nordenskiold (Tsâwnjik Chu) HPA management plan signing

**Hon. Mr. Edzerza:** Last Friday it was my pleasure to sign on behalf of the Government of Yukon the management plan for the Nordenskiold habitat protection area. This was an important occasion on behalf of the Little Salmon-Carmacks First Nation government and the Government of Yukon. The Nordenskiold Wetland is the breadbasket for the Little Salmon-Carmacks people. This beautiful valley has fed people for many, many generations. Swans, ducks, geese, berries, fish and game can be found in this rich habitat. It's a good place to build a village next to land that will help feed you.

I would like to recognize the vision and the hard work that went into protecting the Nordenskiold Wetland for generations to come. This work began before the *Little Salmon-Carmacks First Nation Final Agreement* was signed in 1997, when the elders had the vision to see that special protection would be needed. Special honours were given at Friday's ceremony to the work done by elders no longer with us, including George Billy, Walter Charlie, Billy Peter and Happy Skookum, to name a few. Credit was also given to former Chief Roddy Blackjack, former Chief Eric Fairclough and councillors or negotiators Mike Vance, Joseph O'Brien, Leta Blackjack, Johnnie Sam, Joe Bellmore — again, to name a few.

It was also recognized that many Yukon government people worked together with the Little Salmon-Carmacks government over the years to make this vision a reality. I was very proud to be a part of this special event; it showed what power land claims have and what can happen when people share a vision and are willing to work hard to see it come true.

The Nordenskiöld habitat protection area is now the fourth HPA to be designated in Yukon. Together, Nordenskiöld, Old Crow Flats, the Lhutsaw Wetland, and the Horseshoe Slough habitat protection areas protect almost 490,000 hectares of habitat. Work continues with First Nations on establishing five more HPAs: Ddhaw Ghro, covering the area formerly known as McArthur Wildlife Sanctuary; Devil's Elbow/Big Island along the Stewart River; and important waterfowl staging areas at Pickhandle Lakes, Lewes Marsh and Tagish Narrows.

The Yukon government is also working with First Nations on three new territorial parks called for in their final agreements: Agay Mene, which is south of Jake's Corner and encompasses Tarfu Lake; Asi Keyi, which incorporates much of the former Kluane Wildlife Sanctuary; and Kusawa, near Whitehorse.

Through national and territorial parks, ecological reserves, habitat protected areas, wilderness preserves and national wildlife areas, approximately 12 percent of the Yukon's land mass is protected — about 57,000 square kilometres.

Environment Yukon encourages public appreciation of and access to these special areas. We have 52 roadside campgrounds and picnic areas across the territory, a superb wildlife viewing program, a popular campground interpretation program and some amazing interpretation centres.

Working with the tourism sector, Yukon offers numerous back-country wilderness hiking, canoeing and rafting opportunities and a wilderness tourism regulatory regime, which ensures clients will have a safe and enjoyable experience.

As I said at the signing ceremony on Friday, we all have a duty to respect our environment so the generations to come can have a healthy world to call their own.

**Mr. Fairclough:** It's my pleasure to respond to the Environment minister's statement regarding the Nordenskiöld habitat protection area management plan. Like the minister, I believe that Yukon government has an important role to play in protecting Yukon's wilderness bases. It's good to see the Environment minister speak out on the matter of protection and I thank him for his comments.

The Nordenskiöld area, also known as Tsâwnjik Chu, has been important to the Little Salmon-Carmacks First Nation for many generations. It's an ecologically rich area that people have relied on for fish, birds and game even in the leanest times. Like the minister said, it's considered LSCFN's bread basket.

The vision for the Nordenskiöld area includes not only its protection so that these traditional activities may continue, but it also can be used as an environment where youth learn about their heritage and culture. This management plan will help to ensure that.

There are many people over the years who have guided the creation of this protection and I think thanks need to be given to them. First of all, the first person that comes to mind is George Billy. Why do I name him here? It's because he was the chief at the time in 1972 who took the fight to Ottawa to have land claims negotiations take place here in the territory.

In the famous picture of the Yukon chiefs on the steps of Ottawa, he was one of them. He had a vision back then for protection, too, and he needs to be mentioned and special thanks need to be given to him. Our many elders who have passed away — Wilfred Charlie, for example, and his vast knowledge of the area; Billy Peter; Happy Skookum; Johnny Sam, who is still with us and signed the agreement with the minister in Carmacks on Friday — which I was there to witness; and others who were well-spoken and very well respected — people like Taylor McGundy who has passed on now, but who knew the area very well; Jackson Bill who we call our "Carmacks Cowboy", who lived in the area and trapped in the area all the time that I knew him — he has also passed on.

I also have to give gratitude to the government officials who were involved in the development of this management plan and to the regional biologist, Mark O'Donoghue, for his contribution.

I want to go back to that in a second, but this special management area is the result of traditional knowledge being gathered over the years, starting right back from before 1972 but through our elders, like Taylor McGundy and Wilfred Charlie, and so on. Mark O'Donoghue, a regional biologist who came into the area in 1997, used traditional knowledge. He believes in it; he uses scientific knowledge, but it's a result like habitat protection that we see in that area. He uses traditional knowledge and I thank him for that.

This SMA is also on an R block. Why would that be? I don't think you would normally see that in many land claims agreements around the territory. At the time, the First Nation wanted maximum protection and they put an SMA over the R block. At the time, the government of the day, there was no trust there, so we went to that extent.

There are a couple more people I want to thank here. One is Roddy Blackjack, and all the government officials who have been part of the negotiations. They also need to be thanked. Roddy Blackjack always used the words over and over again, and we can hear them: this is all about future generations. This habitat protection is that.

Another person who guided us and helped put calm to the negotiations, all the way through, was Harry Allen. He was there right to the last minute of negotiations and it was the last land claims agreement we saw.

Mr. Speaker, in closing, this management plan is a result of the Little Salmon-Carmacks First Nation land claims agreement, and we have to thank LSCFN for all of their contributions and hard work over the years.

**Mr. Cardiff:** It's with pleasure I rise today, as well, to respond to the ministerial statement by the Minister of Environment. I would like to thank the Member for Mayo-Tatchun for his words and his contribution today as well.

Mr. Speaker, conservation of wetland ecosystems is essential not only for sustainable fresh water supply, but also for preserving biodiversity and ensuring other services necessary to the health and well-being of all people.

Wetlands are disappearing in most parts of the world, so it is very encouraging to see the Little Salmon-Carmacks First

Nation working so hard and for such a long time to ensure the long-term viability of these important wetlands within their traditional territory. I know it has already been said, but I think we need to thank them for the hard work and their commitment on behalf of all Yukoners.

Wetlands play an important part in fresh water cycles. They are the link between water and land. They act as filters, thereby protecting sources of drinking water.

Wetlands also provide important habitat for many species of plants, birds and animals. As the pressure to develop the Yukon increases, it's important that we continue to take all necessary steps to protect those special places like the Nordenskiöld Wetland.

I want to, again, thank the Little Salmon-Carmacks First Nation for having the vision and the wisdom to say that this valley is beautiful and that it should stay that way forever. As well, I would like to echo the comments of the Member for Mayo-Tatchun and thank all the officials involved in this process.

Yukon First Nations have told us time and time again that they do not want to see the lands and waters their ancestors prized so highly and loved so strongly compromised for short-term gain. We need to pay closer attention to what they are saying. We still have much to learn from them, especially when it comes to recognizing the true value of pristine and intact ecosystems.

**Speaker:** This then brings us to Question Period.

## QUESTION PERIOD

### Question re: Arctic drilling

**Mr. Elias:** A couple of weeks ago, British Petroleum and Imperial Oil announced that they will be conducting community consultations with the residents of Inuvik, Aklavik and Tuktoyaktuk in the Northwest Territories to discuss the possibility of exploring for oil and gas in the Beaufort Sea.

On the other side of the border, the American government recently sold 21 parcels in the Beaufort Sea to big oil companies for \$9.5 million. Public consultations are also being conducted by the federal departments and the big oil companies this week with communities in Alaska on the issue of Arctic drilling. Yukon tidewater is connected to the Beaufort Sea, so any drilling activity that takes place in this region will have serious implications for the Yukon.

Why isn't the Environment minister doing anything to ensure that Yukoners can have a voice in this important matter?

**Hon. Mr. Rouble:** I can certainly assure members opposite that the Government of Yukon is in very close dialogue with the federal government on these issues. There is a memorandum of understanding between our two jurisdictions addressing this area. We also recognize that this area is affected or under the permitting of the National Energy Board.

As the member opposite has quite rightly stated, federal officials have been in contact with people living very close to the area, and if there are any comments that the member opposite or others would like to put on the record for the National

Energy Board, I'd be happy to provide an avenue where they can submit those comments.

**Mr. Elias:** This is about Yukoners having an ability to have a say in this important matter.

I just spoke with a representative from Imperial Oil this morning and she confirmed that no consultations are scheduled to take place in the Yukon as part of their northern tour. Mr. Speaker, the National Energy Board has placed a moratorium on offshore drilling in the Arctic until they complete their review this fall. In June of this year, following the oil catastrophe in the Gulf of Mexico, the National Energy Board invited registrations from those wishing to participate in the review. According to the National Energy Board's website, there were numerous comments provided to the National Energy Board by more than 110 registered participants. Surprisingly, there is no minister from this Yukon Party government on the posted registration list.

Are there any ministers who are registered participants in the National Energy Board review and, if so, can he inform Yukoners when these public consultations are scheduled to happen in this territory?

**Hon. Mr. Rouble:** Mr. Speaker, the Government of Yukon remains committed to addressing the issues of Yukon in this matter. We are committed to enhancing our role in offshore oil and gas management that's consistent with our 2008 offshore oil and gas memorandum of understanding that Energy, Mines and Resources signed with INAC.

Mr. Speaker, we are in close consultation with the federal agency. We certainly appreciate the work done, not only by the committee the member opposite mentioned, but also the other senate committees that have reviewed this. Canada has a very strong offshore oil and gas regulatory process, and I expect that through this ongoing work they will continue to strengthen it to ensure we have responsible development opportunities that recognize the value and protect the environment they work in.

**Mr. Elias:** Mr. Speaker, I am very concerned that this government's Environment minister has absolutely nothing to say on this matter. I have for filing a letter dated June 22, 2010, which I wrote to the National Energy Board requesting public hearings in this territory.

We need to pay very close attention to what these big oil companies are proposing in terms of their long-term planning, like environmental safety, relief wells and spill technology, yet Yukoners won't get the chance to listen to these proposals if this government doesn't give them the opportunity.

Marine life such as beluga whale populations could be impacted. It could also affect neighbouring ecosystems that sustain terrestrial and marine wildlife. This potential activity will happen offshore of my riding. It's essential that Yukoners have a say in any potential plans for this area. There are consultations being carried out on both sides of Yukon's borders about oil and gas activity. Yukoners care about this issue and want to get involved in the discussions. Why doesn't this government get on their feet and ensure Yukoners have their say?

**Hon. Mr. Edzerza:** Mr. Speaker, Environment Yukon participates in the integrated ocean management plan Regional Coordination Committee.

It has been active in the federal-territorial technical committee that is working on developing the framework for Canada's national network of marine protected areas.

Pursuant to the *Inuvialuit Final Agreement*, Environment Yukon has membership on the Environmental Impact Screening Committee and various subcommittees. Environment Yukon works with Canada, the Government of the Northwest Territories, the National Energy Board and the Inuvialuit to review Arctic safety and environmental offshore drilling initiatives as part of the Beaufort Sea regional environmental assessment in order to implement the integrated ocean management plan for the Beaufort Sea.

#### Question re: Youth violence

**Mr. Inverarity:** I have a question for the Justice minister about organized violence involving Yukon students. Students at Yukon schools are taking part in pre-arranged fight-nights for entertainment purposes. These are not unorganized schoolyard scuffles or private disputes; these are planned events, after hours, both on and off school grounds; and they are designed to draw crowds of their fellow students. Videos of these fights are even being posted on YouTube and on-line.

We know teachers educate the students about appropriate behaviour and about the dangers of violence; however, teachers are not and cannot be responsible for what happens after school and on weekends. However, children are in danger and we need to do something about this. Is the Minister of Justice aware of these fight nights?

**Hon. Mr. Rouble:** This is a very serious issue that has just been brought to the floor of this Assembly. I will certainly look into this. If there's any validity to this, we will immediately take steps in the Department of Education to address this. I just have a word for the member opposite: if he sees things like this, don't wait until Question Period to put a stop to it. Take a stand and bring an end to this immediately. To make this a political issue and get up and grandstand about this as opposed to taking immediate action and stop it —

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

#### Point of order

**Speaker:** One of you — which one?

Member for Copperbelt, on a point of order.

**Mr. Mitchell:** We have the same point, Mr. Speaker. The member, in our opinion, is out of order under 19(g), imputing motive. We're on this floor bringing it to the government's attention.

**Speaker:** On the point of order, Minister of Economic Development.

**Hon. Mr. Kenyon:** On the point of order, the minister is giving, I think, very sound advice to the member opposite —

#### Speaker's ruling

**Speaker:** The Chair is seeking advice on where the Standing Orders have been breached and, from the Chair's perspective, there is a point of order with regard to the term "grandstanding". The honourable member knows better than that. The Minister of Education has the floor.

**Hon. Mr. Rouble:** Mr. Speaker, I apologize for my outburst. If there are issues like this that the people become aware of, I would appreciate being informed of this immediately so that the department can take appropriate steps. We will look into this immediately.

**Mr. Inverarity:** My question was directed to the Minister of Justice and I think that it has been actually brought forward to principals and teachers and certainly parents have called us and this is the first opportunity we've had to bring this forward.

These are not spontaneous scuffles. These are not schoolyard fights. This is about organized violence for the purpose of entertainment. What that means is that these fights are being conducted to draw maximum attention. That means showmanship and violence. These fights are about large audiences, both in person at the time and later on the Internet when children are posting videos of these confrontations. This is a public safety issue and we need to draw on all of our partners and all of our resources to help our children.

Has the Minister of Justice met with the department or with the RCMP to discuss how to stop these organized fights?

**Hon. Ms. Horne:** I would suggest to the member opposite that if he sees these situations happening, for heaven's sake, please call the RCMP. The Department of Justice in Yukon is changing the way we do business in Yukon and, of course, the safety of Yukoners is paramount, and it is to the RCMP.

I would suggest that the members opposite call the RCMP and ensure they are aware, if this is in fact the truth.

**Mr. Inverarity:** Well, it's clear that the Minister of Justice has no idea what is going on within her department. We have a public safety issue on our hands —

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

#### Point of order

**Speaker:** The Minister of Justice, on a point of order.

**Hon. Ms. Horne:** The member opposite is saying that the Minister of Justice does not know what is happening in her department.

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

#### Speaker's ruling

**Speaker:** Order please. There is no point of order. However, I want to caution all members here: do not start to personalize this debate. If you don't want this Chair involved every 15 or 20 seconds here folks, don't do it. The Member for Porter Creek South has the floor.

**Mr. Inverarity:** Thank you, Mr. Speaker. We have a public safety issue on our hands; it affects our children and it's essential that we stop these organized fight nights before we are back in this House discussing the tragedy of a young adult who has been seriously hurt. These children are not fighting to settle a score; they're fighting for 15 minutes of fame and it's about time and — I'm sorry, but I am very upset about this today — this is about these students getting out there and the ground-and-pound attitude.

This is not good and it has to stop. Violence and its impact on our children is a matter for the Justice minister. What is she going to do to prevent these fights?

**Hon. Mr. Rouble:** This is a very serious issue the member has brought forward today during Question Period. I've made a commitment on behalf of the Department of Education to look into this. The Minister of Justice has made a commitment to have Justice look into this. We certainly find this type of behaviour that the member opposite has alleged to be abhorrent and it should not take place in our society.

We've made a commitment to look into the allegations that he has brought forward. I would ask again that, if members in this Assembly find illegal activity happening in their community, that they — as any responsible student would do — take action to involve the RCMP, to involve local officials, to bring it forward to the ministers' and the government's attention as soon as possible.

This government has made a commitment to look into this issue and we will do so immediately.

#### **Question re: Lobbying legislation**

**Mr. Cardiff:** I'd like to turn to some of the New Democrat Party's constructive proposals about improving our democracy. One thing we must guard against in order to protect our democracy is private interests having undue influence and access. I'm talking about ensuring there is transparency and disclosure when it comes to paid lobbying. Every jurisdiction in Canada has or is addressing this issue through lobbying rules and registration. The Yukon's Conflicts Commissioner has said the Yukon should do that too.

Is this piece of improving our democracy a priority for this government?

**Hon. Mr. Fentie:** Mr. Speaker, the priority for the Yukon Party government is always to ensure we are improving governance in the Yukon and, of course, that's very much part of the democratic process.

I certainly don't take issue with the Third Party's position on the issue of paid lobbyists and his inferences that that may cause influence of government in a manner that would be inappropriate. Our concern as a government, however, with those inferences is that it leaves the perception that is indeed happening in today's Yukon, and I emphatically inform the member that is not the case. Government and ministers meet with all kinds of Yukoners — individuals, corporations and NGOs. Many of these meetings and discussions are based on the premise of proposal of ideas and suggestion.

We certainly have never, ever experienced an issue of a paid lobbyist trying to influence the government, Mr. Speaker. In fact, I think we are a shining example of good governance in this territory. We are close to our citizens.

I see the members opposite find it humorous that good government includes being in close contact with our citizens. Unfortunately, it's obvious the Liberals aren't.

**Mr. Cardiff:** I'm not sure if the Premier gets it, but we are going to talk about another area of democracy in our community. In 1998, the then minister responsible for municipal affairs had this to say, "The new *Municipal Act* replaces ministerial control and approvals with a system that empowers voters

to provide direction to municipal governments. The provisions for petitioning and public votes put the checks and balances into the hands of the electorate."

But, Mr. Speaker, court rulings have weakened these provisions and have stripped Yukon citizens of their democratic rights under the *Municipal Act* to organize referenda on any matter of importance. We have raised this issue many times during this sitting and in previous sittings.

We want to see the intent of the legislation respected. We don't want to see Yukoners' democratic rights just thrown away. How will this government ensure that the checks and balances through petitioning and referenda remain a key piece of local democracy at the municipal level?

#### **Speaker's statement**

**Speaker:** Before anyone answers the question on the government side, the Chair is having a problem linking your first question to your supplementary, which is based on the proposition from the first question. Now, because the honourable member has only one opportunity here, I'm going to allow him to proceed. But please keep that in mind in the future because I would be loath having to, in fact, cut back your question. Please carry on but keep that in mind for the future, please.

**Hon. Mr. Lang:** In addressing the member opposite on the floor here this afternoon, we certainly work with the *Municipal Act*. We have made amendments to it over the years. But also, I remind the member opposite, the court is always available to all citizens and the courts do make decisions and we're obliged to live with those decisions.

**Mr. Cardiff:** Another example of how the government doesn't get democracy. So I'm going to talk about some other ways to improve democracy. During this government's two terms, New Democrats have consistently brought forward serious proposals about improving democracy. There was the *Democratic Reform Act*, there was the *Electoral Reform Act*, and there was the *Legislative Renewal Act*, which has led to the creation of a select committee. We're optimistic that this committee will put forward some key recommendations, and we await the government to appoint a member.

Today we will debate Bill No. 111, a small piece of legislation that would shorten the time frame for the public to have representation, even when a seat becomes vacant. Will the government be supporting what is arguably a small improvement for our democracy, but an improvement nonetheless?

**Hon. Mr. Fentie:** First off, one must question the Third Party's reference to "the government doesn't get democracy" because, frankly, if any government doesn't get democracy, they won't be a government for eight years.

Furthermore, the member talked about all the constructive input from the New Democrats, and now the member of the Third Party is referencing the bill that's tabled before this House on amending the *Elections Act*. Let me remind the member of the Third Party who brought the existing *Elections Act* in, as it is today. It was the New Democrats of this territory.

Furthermore, in voting in this Assembly on those amendments and the act that references, for example, that by-elections

must be called within 180 days of a vacancy in this Assembly, even the former Member of Whitehorse Centre voted in agreement of that and furthermore, so did the Member for Mayo-Tatchun, who now sits with Liberals and so did the Member for Kluane, who now sits as a Liberal. It appears that the opposite benches are changing their minds. That's not practising democracy or good government.

**Question re: Takhini Hot Springs Ltd., zoning regulations**

**Mr. Cathers:** I'm going to continue trying to help the Minister of Energy, Mines and Resources understand why government should reject Takhini Hot Springs Ltd.'s application to rewrite the rules.

The minister began with an attitude that the people of the area just didn't understand when in fact the minister had his facts wrong. Hot Springs Road zoning regulations contain a provision that allows an owner of property zoned CMT to apply to transfer residential development potential from several lots on to one lot. CMT zoning was created specially for four lots owned by Takhini Hot Springs Ltd.

Is the minister aware of any other Yukon zoning regulations that give a business or individual the chance to transfer residential development potential from several lots on to one lot?

**Hon. Mr. Rouble:** The member opposite has just gone through some of the existing regulations. We've been through this several times in this Assembly. We're trying to keep this constructive.

I do have a question for the member opposite. He has often phrased his opposition to condo developments. I would appreciate getting some clarity from the member opposite, because we are trying to consider his comments in this whole process. Is it the condominium ownership structure that he is opposed to? Or does he have other interpretations of what a condo development means? I'm trying to find out the crux of his opposition to this. If it's a condominium ownership structure; if it's an interpretation of what a condo is supposed to look like; if it's the thought that it's going to be a condo development like one might see in Puerto Vallarta — if he could provide a bit more clarity on this issue.

**Speaker:** Thank you.

**Mr. Cathers:** I will continue to try to be constructive with the minister and explain the situation to him. Starting alphabetically, Bear Creek, Carcross, Destruction Bay, Golden Horn, Klondike Valley — none of these zoning regulations allow anyone to move development potential from one lot to another, and I challenge the minister to find any that do.

It appears to be something special for one corporation. My constituents were assured by government that regulations would allow a small co-housing project, but prevent misuse of that provision. Then in 2008, government representatives effectively told residents they had already agreed to allow 24 condo units.

People feel government wrote the rules the way the corporation wanted and seems willing to reinterpret the rules for the corporation. The most common themes in comments at public meetings were that people felt government was biased toward

the applicant and that the consultation was just for show. Can the minister explain why the minutes don't mention that?

**Hon. Mr. Rouble:** I am trying to respect the comments coming from the Member for Laberge, but when he put on the record that the land planning consultation was a sham and that government was biased toward the applicant, and now he has just said that government broke the rules and that they're giving special consideration, I am amazed at his characterization of the actions of the department that he once led. This is outrageous, as the member to my right says. No one would accuse that member of being to the left. This is outrageous: to make these kinds of accusations about government officials on the floor of this Assembly is simply ridiculous. To make comments about people being treated specially or differently — the member opposite just has to pick up the regulations to see what's in the text, to see what's in the print and to recognize that these are the regulations we are working with.

**Mr. Cathers:** Mr. Speaker, let me point out to the minister — I am talking about process problems. If he chooses to ascribe those process problems to employees and blame employees, that's his choice, not mine. I'm talking about serious concerns my constituents have with the process and how this file has been handled.

Many of my constituents feel government wrote the rules the way Takhini Hot Springs Ltd. wanted and that government seems to be willing to interpret or rewrite the rules for this corporation. Local residents who were involved in developing the plan and regulations, including lawyers and people with technical knowledge of land planning, believe government is biased toward the applicant. If government is biased, that's a problem. If government appears to be biased, that is also a problem. What does it say when over 100 residents of the Hot Springs Road area think land planning consultations were just for show, and government is biased toward the applicant?

If the minister still thinks the public is wrong, will he hold a public meeting, look them in the eye and explain it to them?

**Hon. Mr. Rouble:** Mr. Speaker, to say that land planning consultation was a sham and to say that the government is biased and to make these kinds of accusations — when the member opposite was the minister responsible for the department.

Who was running the show? What was the member opposite's role as minister? How can he stand up and say that the consultation that his department was running was a sham? Maybe if —

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

**Point of order**

**Speaker:** Go ahead, on a point of order, Member for Lake Laberge.

**Mr. Cathers:** The minister is imputing motive and also, Community Services was in charge of the consultations, not Energy, Mines and Resources.

**Speaker's ruling**

**Speaker:** The Chair depends on a point of order being directed through the Standing Orders so, from the Chair's per-

spective, there is no point of order, it's simply a disagreement among members.

Minister, you have the floor.

**Hon. Mr. Rouble:** Thank you, Mr. Speaker. The Department of Energy, Mines and Resources will continue to do the good work on this process. We respect the right of a landowner to go through this process. We have conducted consultations with the public and have considered the comments. The application is still going through the process stage now. I appreciate the comments coming from the member opposite in some areas; some are simply outrageous and ridiculous.

I've asked for some clarity as to whether it's a type of ownership structure that he objects to, but now he's simply insinuating that we should go through and throw out the previous regulations —

### Speaker's statement

**Speaker:** Thank you.

Just before the next question, honourable members, characterizing one member's statement as "outrageous" — from both sides of the floor — does not add to the quality of the debate in this Assembly. So, honourable members, just keep that in mind. Next question, please.

### Question re: Fiscal management

**Mr. Mitchell:** I have questions for the Minister of Finance. While this government has been too busy to call a by-election for downtown residents, it has not been too busy to run up the Government of Yukon's credit card. Last summer, the Government of Canada increased the Yukon's borrowing limit to \$300 million. Before the ink was even dry, this government started borrowing and running up additional debt. There is \$100 million at the Energy Corporation, and that comes with another \$150 million in interest over the next 30 years. There is \$67 million authorized to the Hospital Corporation and another \$50 million soon to come for a new emergency room. This borrowing is adding up quickly. Can the Premier tell Yukoners, how close are we now to our new \$300 million borrowing limit?

**Hon. Mr. Fentie:** I guess if I were to put my answer in the context of the Liberal leader's question, it would be far off the limit — as far off as the leader is from the facts. Let's reflect on the true and actual financial position of the Yukon — one of only two jurisdictions in Canada that has a net financing resource position versus net debt.

I presented to the Liberal leader the other day in this House comparisons to other provinces in regard to that very important issue. What does that mean? To have a net financial resource position means a government has more financial assets than liabilities, readily available to finance its future operations. What the member is suggesting is we are borrowing on the future. The Auditor General's opinion of our books — the public accounts — states otherwise. We have a financial position that is readily available to finance future operation — Liberal leader, nothing; Yukon Party government, one.

**Mr. Mitchell:** While the Premier is keeping score, let's score the fact that he failed to answer the question.

Mr. Speaker, over the last two years, the Government of Yukon has spent the savings account down dramatically. When the government realized it would eventually run out of its own money, it approached Ottawa and asked for an increase in its borrowing capacity. The federal Conservatives said yes and upped our limit to \$300 million. As soon as the increase was approved, this government started borrowing. To date, it has racked up over \$200 million through the Yukon Development Corporation and the Yukon Hospital Corporation. Yukoners don't trust this government with their money and with good reason: money doesn't buy trust.

Can the Premier consult with anyone in the Yukon, such as the chambers of commerce, before racking up this huge additional debt burden?

**Hon. Mr. Fentie:** You know, the Liberal leader has just stated that money doesn't buy trust, but let me inform the Liberal leader: neither does empty criticism. In fact, if it took 10 cents to go around the world, the Liberal leader with his empty criticism couldn't get out of sight. Frankly, we have one of the best financial positions in the country —

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

### Point of order

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

**Mr. Mitchell:** Under Standing Order 19(i), personalizing debate using abusive or insulting language; you have repeatedly asked the member, so I'll just remind.

### Speaker's ruling

**Speaker:** I agree. Hon. Premier, you know better than that. You have the floor.

**Hon. Mr. Fentie:** Well, in the context of his inferring that the government is not trustworthy, I must inform the Liberal leader that trust is earned. Empty criticism does not earn trust. The member has made statements on this floor reflecting the financial position of the Yukon and that is, in fact, incorrect. That is not trustworthy of the Official Opposition to do so.

Now, I have articulated to the Liberal leader — and I'll do it again — what the financial position of the Yukon government and the Yukon Territory actually means. It means that the Yukon has the financial means to finance future operations.

Do you know why we have that, Mr. Speaker? Because we created a savings account. The Yukon Party government created a savings account for this territory for its future through sound financial management. What a difference to the Liberals.

**Mr. Mitchell:** This government has gone on a massive borrowing spree. It did so with no public consultation whatsoever. Yukoners weren't asked for their opinions. They just started reading in the paper that their government was piling new debt onto their backs, and the Premier won't even stand on his feet in this House and tell us how much.

After spending down the savings account, the Premier went to Ottawa and asked for an increase on the Government of Yukon's credit card limit. The federal Conservatives said yes and the borrowing frenzy began. Now last year this government



ran a deficit budget and this year we're on track to do it again for the second year in a row.

Earlier this sitting, the Premier said we're far from our debt limit. How much has this government borrowed to date before he reaches his "debt limit"?

**Hon. Mr. Fentie:** I guess this massive document called the "public accounts" doesn't mean a whole lot to the Liberal leader. The Official Opposition, the Liberals in this House, actually suggest to Yukoners that they are trustworthy in managing the finances of the Yukon? The member has not even bothered to reference duly audited public accounts.

The member has just stated on the floor that we are \$200 million in debt. Well, Mr. Speaker, those public accounts show that, after a short-term debt, when you calculate that subtotal, we have a \$300-million limit — as provided by order-in-council by the federal government — and we have a debt situation of \$146 million.

Remember this, Mr. Speaker, we are investing in infrastructure, health care infrastructure and hydro infrastructure. Past governments invested in failed enterprises. We'll stack up before Yukoners our financial management and investments against the members opposite any day.

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

## ORDERS OF THE DAY

### OPPOSITION PRIVATE MEMBERS' BUSINESS

#### BILLS OTHER THAN GOVERNMENT BILLS

##### Bill No. 111: *Act to Amend the Elections Act* — Second Reading

**Clerk:** Second reading, Bill No. 111, standing in the name of Mr. Cardiff.

**Mr. Cardiff:** I move that Bill No. 111, entitled *Act to Amend the Elections Act*, be now read a second time.

**Speaker:** It has been moved by the Leader of the Third Party that Bill No. 111, entitled *Act to Amend the Elections Act*, be now read a second time.

**Mr. Cardiff:** It's indeed a pleasure to be here today to speak to Bill No. 111 in second reading. In summary, the bill would shorten the length of time that a government — any government — would have to issue a writ that would launch a by-election. It would shorten it from 180 days to 90 days.

I want to be clear: it's not about changing the rules on the fly, as we go, in order to change what's going to happen today or tomorrow or next week. This is about the future. We're not talking about changing the law so that something can happen right now; we're talking about the future of democracy here in the Yukon.

I'd like to talk briefly about a little bit of the history. I could probably talk at length about this, because, having been here for close to 35 years now, I've witnessed a lot of elections. I've participated as a person who has worked on campaigns as well as run election campaigns for at least 25 or 30 years —

and worked at every level of the political organization, right from knocking on doors, putting up signs, phoning people, to actually running as a candidate and being successful in being elected as an MLA. So I think I have got a little bit of a grasp of what's involved when it comes to elections and by-elections — because I've worked on a few by-elections as well.

There are a number of reasons for by-elections. Most recently, we all remember the passing of my colleague, the Member for Whitehorse Centre. There are other examples of vacancies occurring because of the untimely passing of members of this Assembly — most notably, the ones that I remember, the Minister of Justice, Andrew Philippsen, and the Member for Old Crow, Johnny Abel, lost in a boating accident. There are also other causes for by-elections to be called, for vacancies to occur in this Legislative Assembly. They can be because of resignations — and we've seen a number of resignations over time — one recently, I guess, not within the last four or five years, but certainly within the last six years — when the Member for Copperbelt resigned his seat. The Member for Lake Laberge back in 1999 resigned as well, and the Member for Faro resigned in 2000.

There have also been election results that have been overturned, where after review the Elections Office has decided that the results of the election weren't validated, for whatever reasons — there were irregularities, votes that were cast that shouldn't have been cast, or votes that were counted that shouldn't have been counted — and that has caused a vacancy to occur.

In all of the by-elections, the many by-elections that have occurred here in the Yukon during my time, the majority of them have been filled within one or two months. By-elections have been called within one or two months and the vacancy has been filled after an election has been held.

That's a little bit of a brief history and overview, without getting into a number of details of all of the by-elections that have occurred, because I don't think that it's going to really add to the conversation and I'd like to see this bill move along quickly, if possible. Admittedly, in most Canadian jurisdictions and federally, 180 days is the norm, but there are other examples internationally, and I'll talk about a few of them.

Currently in Ireland, there's a court case about the constitutionality of delays in calling a by-election. Sinn Féin Senator Pearse Doherty is seeking a declaration that there has been an inordinate delay in moving the writ caused by a vacancy that was created in June of 2009, and the government has said that it will hold by-elections in the first quarter of 2011.

That is clearly a delay in democracy and it is clearly delaying the ability for the citizens of that constituency to have their own representative, their own voice in that Legislative Assembly or House of Commons. In the United Kingdom, a writ for a by-election is usually issued following a motion in the House of Commons for the Speaker to make out a warrant for the issue of a writ. That motion, by parliamentary convention, is usually made by the chief whip of the party that experienced the vacancy. They will usually arrange for that motion to be moved. There is a convention there, in the United Kingdom, that the writ should be issued within about three months of the

seat becoming vacant, although it's not a statutory requirement. In my research I came across other examples in other countries where writs were issued immediately upon the seat becoming vacant. I think that in some countries that might be valid. Here, in the circumstances that we're in, I think we need to take another look at that. I will get into the reasons and the rationale for our motivation around bringing this bill forward.

There's another type of elected assembly as well, and I just want to briefly touch on that. That is, where members of Legislative Assemblies or Houses of Commons are elected proportionally. We don't have that here in the Yukon, and I'm not going to get into a debate about electoral reform and how we conduct our elections. Where members are elected proportionally, in some instances, seats are filled almost immediately from a list of candidates who weren't successfully elected through the proportional system but were kind of the number one loser or unsuccessful candidate in the most recent election. They're promoted based on their party affiliation so that the party affiliation stays with the seat. That's one other way of doing it but it wouldn't be applicable here in the Yukon.

The motivation behind tabling this bill is that we feel, and citizens in the Yukon — I heard the Premier during Question Period today saying that democracy is about talking to people — when we were asking questions about lobbying. The Premier believes that democracy is about talking to people and about people talking to politicians. I can tell other members of this Legislative Assembly that people have been talking to us and we've been listening. Loudly and clearly what we're hearing is that six months, 180 days, is too long to go without representation. Just because it may be standard practice doesn't mean it's good practice.

The Premier also mentioned earlier today that the current *Elections Act* was brought forward by a New Democratic government and that now we're saying it's flawed. The act was brought forward a number of years ago and oftentimes it takes what's occurring now to bring to the attention of Yukoners and Members of the Legislative Assembly that there's something that needs to be addressed. We're not opposed to fixing things or making something better for Yukoners. We think that the current law gives the government too much power.

I'm not criticizing the Premier for how he has acted in regard to the calling of a by-election. He is operating within the current law. He's perfectly fine to do that, if that's what he so chooses to do. But what we're suggesting, once again, is that we change the law for the future — not for today, but for the future.

The current law appears to be weighted in favour of the government of the day, as opposed to the rights of citizens, by delaying their right to representation in this Legislative Assembly longer than what is necessary or is required. We think that a three-month time frame balances several needs. It balances timely representation. We think that it's a reasonable time to wait. We think that it gives time for communities to grieve, in the case of the vacancy being due to the death of a Member of the Legislative Assembly. It gives flexibility and time for communities to organize and for the political parties to organize so that they can get candidates ready to run in a by-election.

I think that you don't need six months, necessarily, to do that. I think that 90 days is adequate. If you look at past practice, it has been done many, many times here in the Yukon in one to two months. There's no reason why we can't ensure that that happens in the future.

We think that it's enough time to actually organize an election. There are no foreseen constraints for the Elections Office here in the Yukon, basically because there is no notice given to the Elections Office when a general election is called. The Premier could call a general election tomorrow if he wanted and the Elections Office would not have any notice, so there's no reason to foresee any constraints in that area.

Three months also allows — and arguably, I know — some flexibility to ensure that they don't conflict with other public needs. Examples would be in the middle of the summer, the hunting season or major public holidays. I think that 90 days is flexible enough that you can work around that.

I heard some inferences the other day about weather and the constraints that weather can play on elections and by-elections. I can tell Members of this Legislative Assembly that, having worked in elections and by-elections in all seasons — winter, spring, summer and fall — there are challenges, but they are not challenges that can't be overcome. From my experience of knocking on people's doors, listening to what they have to say, I think their concerns are about the democratic process and the issues that are important, which they're asking canvassers and candidates to take back to this Legislative Assembly, to raise those issues.

That is what Yukoners are concerned about: they're concerned about democracy; they're concerned about the issues that are important to them, regardless of what they are — it can be the economy, it can be the environment, it can be education, it can be health care. If there's one thing that I've learned in 25 years of knocking on doors and participating in the democratic process, it's that Yukoners have opinions on a wide variety of things and they expect you to take the time to listen to them. They're more than likely going to welcome you into their homes so that they can express their points of view, regardless of the weather. If it's cold outside, most Yukoners will invite you in the door. I don't believe that weather — inclement weather — plays a role in the question.

We also think that Yukon's small population makes shortening this time frame doable. Our ridings aren't that large. It's not that hard to organize and get ready for a by-election and for all the logistics to happen.

Mr. Speaker, in October of 2004, the New Democrats tabled legislation — a democratic reform bill — that had two pieces. It had electoral reform and it had legislative renewal. Unfortunately, the bill did not meet with the approval of the Legislative Assembly. We have since re-tabled the legislative renewal piece of that bill and a legislative committee is going to be going out to talk to the public about improving our Legislature and our democratic institutions shortly.

I would envision that matters like this may be addressed in the legislative renewal process as well, as bigger picture issues. But when we see problems and we can find solutions, I don't think we should wait to try and improve the system when the

opportunity is presented to improve it. This is one small measure, but I believe it's a constructive solution that will depoliticize the process when a vacancy comes up.

When it come to the consultation part of it — I know the Premier may get up and say there hasn't been any consultation done on this. But I want to go back to the Premier's remarks in Question Period and what we've heard him say over and over and over again — that they consult Yukoners on a regular basis through their community tours, on the street, in the grocery store, in their offices.

Well, the Premier and his colleagues don't have a handle, or the corner, on democracy and consultation. I'd like to inform him that members of the public come and speak with us, too, and what we're hearing are a lot of comments about the delay in calling a by-election for Whitehorse Centre. We listen to those people, and some of those people were foot canvassers who were going door to door. That is our candidate for Whitehorse Centre going door to door, listening to what people are telling us. That's this member of the Legislative Assembly talking to his constituents who don't live in Whitehorse Centre. It's other people who are talking among themselves in other constituencies — in Southern Lakes, in Pelly-Nisutlin, in Mayo-Tatchun, in Porter Creek South and in Copperbelt.

There are people, not just in Whitehorse Centre, who feel that this needs to be changed; there are people from a wide variety of ridings, from all walks of life, from all political philosophies who have spoken to us about the delay in calling a by-election. I'll say one more time: this is not a criticism of the Premier, because he is operating within the existing law. This is an opportunity to make it better the next time. That's why we got to work on this; we drafted a bill after listening to what Yukoners were telling us and we believe the bill provides that small improvement to our representative democracy. I can see no reason why it should be opposed, and I don't believe that it's controversial.

I have attempted to keep my comments brief. I want to hear what other Members of the Legislative Assembly have to say about this, but I also would like to think that I would get their support as well for moving this forward so that we can make a change for future vacancies when they occur here in the Legislative Assembly. Thank you, Mr. Speaker.

**Hon. Mr. Fentie:** Mr. Speaker, first, I want to emphasize — and most certainly put on the public record — that the government side does not take issue with the Third Party member's bill as put on the floor of the Legislature in terms of the merit and the context within which it has been presented.

In fact, the government doesn't take issue with whether this Assembly determines at some point that timelines for a by-election are 90 or 180 days. I think, though, that we have to reflect on some very important points here, and always, to know where you're going, you have to know where you've been. There has been, in the past — and I recognize as far back as 1999 — a very lengthy discussion and debate on this very matter.

So the first thing I want to point out — and it's in the same context as the Third Party member's point in researching other

countries in the world and how their democratic practices are instituted and implemented and how they conduct their democratic processes. I want to bring it back home to Canada first, and reflect on those practices right here in this country — this federation of which the Yukon is certainly a major part. As we all know, Canada is the sum of its parts and those parts are 10 provinces and three territories. With that said, there are a number of other jurisdictions in Canada that have this same timeline — Alberta, British Columbia, Saskatchewan — also Nunavut and Ontario. These are all examples, closer to home, of how democratic processes are conducted in this country among those parts of our federation. I think there's good reason why 180 days has been the practice. It includes a number or rationale that would go with that, not the least of which is the work that the chief electoral officer must do, timing-wise, in preparation. That is important and one should not ignore that or circumvent that very important individual in our democratic institution. There are reasons for that that I'll get into very briefly in a moment, because there is a process that is in conjunction with that role and responsibility of the chief electoral officer, and it includes this Assembly and it includes past practices and it even includes the most recent amendments made to the *Elections Act*.

Let me, just for a moment, focus on motivation, and I have to really take issue with that point. I understand that the Third Party member is genuine in the assertions that the motivation here is about democracy, but there are a lot of statements being made by many in this House that are very political and are really not reflecting good, solid democratic practices. Let me give you an example — even the Leader of the Third Party has reflected on this, and that reflection included as recently as this morning the possibility of protocol that, I guess, exists in our democratic history of where a leader of a party seeking a seat in a democratic institution like ours would not face a campaign in an election, but by protocol would simply be handed the seat.

That statement is as recent as this morning. In the motivation of good democratic practices, I have to ask the question: how does that reflect good democratic practices? Those musings —

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

#### Point of order

**Speaker:** Member for Mount Lorne, on a point of order.

**Mr. Cardiff:** Just to bring a little clarity to the situation, I think the Premier has it wrong. It wasn't the Leader of the Third Party; it was the leader of the party that is yet to be who made those comments. I heard them myself this morning.

#### Speaker's ruling

**Speaker:** On the point of order, this is simply a dispute among members.

**Hon. Mr. Fentie:** I have here for reference, if it helps the Member of the Third Party, transcripts that state his very leader found that concept very interesting. The question that surrounds motivation is this: how then does that provide — in this case the citizens of Whitehorse Centre, or any citizen for

that matter — democratic process and choice? These are the kinds of things that are being discussed today in the Yukon.

The fact of the matter is, the act is clear. There is a 180-day timeline. There have been instances of by-elections in the past and it's pretty much a mixed bag in timelines or when elections actually are called and happen within that 180 days.

We have to also be very careful — and I want to reflect briefly on the public interest. When one considers the situation that the Yukon is in today — and I think we all were very upset, if you will, and I think we all reflected on the loss of a colleague of this Assembly. But when one looks into the matter in terms of what government's responsibility is to the public interest, we have to reflect on the issue of timing also — beyond just the by-election — but in the public interest, when we are compressed to the point where a by-election and a general election are going to be held in a few short months of each other. That requires deliberation and that's exactly what the government is doing. That's another reason why 180 days has been implemented in our act and many other jurisdictions' elections acts.

Now, let me reflect on the discussions that took place back then, which were quite detailed and in-depth. I think we all have to understand that democracy includes a voting record. There are a number of members in this House who are still here who voted on this very point — the timeline. They include the former Member for Whitehorse Centre. They include members of the Liberal Party and they included all the Liberal members of the day in this House who voted in favour of this particular timeline. All had their say, if they chose to, but all agreed at the time that this was an appropriate timeline to be put in place. Therefore, the government is working within that timeline as directed by its Assembly and its members. That voting record is very important in our democratic process. One cannot vote in this House and take a position and put that on the public record and then walk out these doors and take another position for whatever reason, including whatever might motivate an individual to do so.

That is very fundamental to democracy. There is a need here to reflect on what I originally pointed out when I referred to the chief electoral officer and due process. There is a process for this, and I understand the genuine intent of the member of the Third Party, but there is a process for this and it includes sound, democratic practices. It was not long ago that this member tabled an amendment in this House that spoke to the need to be much more specific in following our required democratic processes and that further consultation on the particular bill before this House was required. By the way, that was supported here in this House. In that context, is it not the case then that the member of the Third Party — would the member actually in this instance ignore that very important linkage and interaction with the public and simply ask this Assembly to pass something without that engagement?

I don't think so; I think the member is truly genuine in intent and did not want to ignore in any way, shape or form the appropriate democratic processes that this country and this territory, by the way, have been practising for some time; therefore, I think that we have to reflect on that due process.

Amendments to this particular act have been done, and they have been done through a process that includes the chief electoral officer, thorough discussions, possible public consultations, and usually past practices have demonstrated that this occurs at the end of each election. I emphasize and repeat — at the end of each general election. The government recognizes that and does not want to circumvent that due process.

There's another section to the act and always, when we make amendments to legislation, one must reflect on the possible impacts that could occur in other areas of law. There is a situation here that we should reflect on, and that happens to be clause 317 of the very same act where the Third Party is suggesting we amend clause 421, and I will refer to that.

Clause 317: "The chief electoral officer may, at any time, deliver to the Speaker of the Legislative Assembly a report..." and I'm going to stress this point: a report to this institution — that's critical to this issue of motivation, democracy and indeed, why we are all here — "...a report setting out (a) any matter that has arisen in connection with the duties of the chief electoral officer that the chief electoral officer considers ought to be brought to the attention of the Legislative Assembly; or (b) any amendments that, in the opinion of the chief electoral officer, are needed to improve the administration of elections under this Act."

I can only conclude that meant general elections and by-elections. So we're missing a step for sure, though we do not take issue with the member's point that 90 days may very well be a better choice than 180 days. But under the existing legislation today, the act is clear: it is 180 days. The government has a responsibility to ensure that that particular requirement in the *Elections Act* is being met and I can assure all members of this House and all Yukoners that's exactly what the government will do. But it will reflect on due democratic process. It will reflect on other requirements, such as the aforementioned chief electoral officer's role and this Assembly's role that comes out of any report tabled here. It will reflect on the possibilities of what happens due to the public interest with elections called so close together. It will also reflect on the fact that we have witnessed time and time again in this House, in the context of representation, how the opposition in this House has opposed by their voting record — which I have just pointed out is a critical, fundamental element of democratic institutions and processes. By their voting record they have opposed any and all representations to the citizens of Whitehorse Centre. There is indeed a litany of initiatives that are being delivered to the citizens of Whitehorse Centre.

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

**Hon. Mr. Fentie:** Kibitzing away is the Member for Kluane, suggesting something is incorrect. I challenge the Member for Kluane to start correcting the public record. We would need a lot more than 180 days, I can assure you. It would take a lifetime, because the Member for Kluane and his colleagues have got a lifetime of incorrect statements on this public record.

It is clear that the government side will not take issue with timelines; the government will follow due process, especially fundamental democratic principles that we are required to fol-

low, not the least of which are the existing laws that we are responsible to uphold.

Therefore, in the context of what it is we must do, should we want to amend — and I'm not suggesting that we shouldn't — but should we, this Assembly, choose to amend the *Elections Act*, to change timelines or any other matter within the *Elections Act* to enhance and strengthen democracy, it is very important that we allow due process to unfold.

### Motion to adjourn debate

**Hon. Mr. Fentie:** I move that the debate be now adjourned.

**Speaker:** It has been moved by the Hon. Premier that debate be now adjourned.

**Some Hon. Members:** Division.

### Division

**Speaker:** Division has been called.

### Bells

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

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

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

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

**Hon. Mr. Kenyon:** Agree.

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

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

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

**Hon. Mr. Edzerza:** Agree.

**Mr. Nordick:** Agree.

**Mr. Mitchell:** Disagree.

**Mr. McRobb:** Disagree.

**Mr. Elias:** Disagree.

**Mr. Fairclough:** Disagree.

**Mr. Inverarity:** Disagree.

**Mr. Cardiff:** Disagree.

**Clerk:** Mr. Speaker, the results are nine yea, six nay.

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

*Motion to adjourn debate on second reading of Bill No. 111 agreed to*

*Debate on second reading of Bill No. 111 accordingly adjourned*

### Motion No. 1179

**Clerk:** Motion No. 1179, standing in the name of Mr. Elias.

**Speaker:** It is moved by the Member for Vuntut Gwitchin

THAT this House urges the Government of Yukon to address the unknown health implications of the consumption of energy drinks on youth under the age of 18 by:

(1) immediately prohibiting the consumption, distribution and possession of all energy drinks in all Yukon schools and within their jurisdictional boundaries;

(2) developing legislation to ensure only persons over the age of 18 can purchase energy drinks in the Yukon; and

(3) working with Health Canada to ensure the consumption of energy drinks by adults only is being properly regulated in Canada.

**Mr. Elias:** Caffeine is a drug that leads to addiction and dependence. When the lives and health of children are at stake, bold leadership is required. The term “energy drink” refers to a unique category of beverages that claim to stimulate and energize the user. On many products the labels claim and declare “developed for periods of increased mental and physical exertion” and “helps temporarily restore mental alertness or wakefulness when experiencing fatigue or drowsiness”.

I implore this government to do everything in its power to ensure that caffeinated energy products are kept out of the hands of minors through legislation, that outdated, unenforceable regulations are replaced by legislation that protects the Canadian public — Yukoners — and offers sustainable consequences to offenders for abusive marketing. The government must ensure that marketing and advertising no longer target youth and children; and can labelling is replaced so that clear, large-print warnings are obvious to the consumer; ensure that labelling is mandated and standardized with up-to-date warnings about the potential consequences of mixing with alcohol, listing the known adverse effects. The government must ensure that an effective program is put into place to promote awareness to all Canadians.

In the Yukon, I implore the government to take the cautious approach and (1) immediately prohibiting the consumption, distribution, and possession of energy drinks in all Yukon schools and within their jurisdictional boundaries, including school buses to and from school; (2) developing legislation — our own territory's legislation — to ensure only persons over the age of 18 can purchase energy drinks in the Yukon; and (3) working with Health Canada to ensure the consumption of energy drinks by adults only is being properly regulated in Canada.

I'll begin by referencing a letter that I received from the Education minister, I believe it was last week in his response to my question in Question Period. I thank the minister for his prompt response. However, there is a sentence in the letter that concerns me a bit, and I'll just quote the sentence. It says, “As well, a number of schools have banned energy drinks from their premises.” My concern there is “a number” of schools and it doesn't say “all” schools in our territory. I'll get back to that later, Mr. Speaker.

I want to address my motion today by making a direct comparison with that of tobacco. I rise today to speak in favour of this motion, obviously, which is essentially asking that legislation be enacted that restricts the sale and consumption of energy drinks to persons 18 years and older. We would like the wording of this motion to be as good as it can be and we would also like to get this right the first time. In the spirit of cooperation and meaningful debate, we will welcome constructive amendments. There are many precedents for this request. Many times throughout history, corporate profits have become more important than human health. The most blatant example of this is cigarettes. In my comments today, we will rely heavily on

the mistakes that were made with cigarettes in an effort to help avoid the same mistakes being made with energy drinks.

Tobacco cultivation and consumption has been around forever. No one really knows when it started. It is deeply rooted in our culture and belief system. Cigarettes, however, are a different story. What I mean is that cigarettes as a tobacco product were introduced as a novelty product in the late 1800s, more than 100 years ago. At that time there was little scientific understanding of the health consequences of smoking cigarettes. There were, however, a number of anecdotal observations about the ill effects of tobacco use.

In 1904, the Canadian government had enough anecdotal information and political support to debate tobacco control legislation in Parliament. That legislation failed to pass on the first attempt and the cost of that failure has plagued us ever since. After 100 years of learning, we can see now that we did have an opportunity to prevent the cigarette epidemic.

Canadians had the chance to enact tobacco control legislation 100 years ago but failed to do so, and we have been paying the price for that ever since. If only we had known then what we know now about cigarettes, we might have made different choices. We did get something achieved back then. We did recognize that children were specifically vulnerable to the ill effects of smoking.

In 1908, the *Tobacco Restraint Act* was passed by Parliament, which prohibited the sale of tobacco to minors. This is the point I'm making today. Adults can choose their poisons, and there are many poisons that are cleverly disguised as safe and delicious consumer products. Energy drinks are no exception. They contain excessive levels of caffeine, sugar and other unpronounceable ingredients, to tell the truth — so much so that they qualify for the term “chemical cocktail”. I don't think we should be feeding our kids these chemical cocktails without a better understanding of the long-term health effects, especially on growing children.

Another lesson we learned about cigarettes is how costly it can be when we don't get it right the first time. After the initial failure to enact tobacco controls, Parliament did not debate tobacco control legislation for another 60 years, and it actually took 85 years to put into place effective tobacco control legislation in Canada.

We are all familiar with the *Smoke-free Places Act* that has recently been put into effect here in the Yukon. It took more than 100 years to get here, and I don't want to make the same mistake with energy drinks. A big lesson we learned from cigarettes 100 years ago is that, without any legislation controls in place, addiction to the product became widespread very quickly and profiteering took over.

Profit-seeking suppliers perpetuated and increased sales and tobacco use through many strategies, and not all of these strategies were ethical. We don't have enough scientific information about energy drinks to conclude that they are, in fact, addictive, but I am prepared to err on the side of caution. We can certainly see with our own eyes the effect that energy drinks produce when consumed. We are getting the early warning signs that the downside of energy drinks may be more serious than we thought. The problem is that once these products

become widespread and socially acceptable, that ill health effects will become a problem that won't be solved easily or quickly, even with the best strategies and the best circumstances. We can take the lessons that we have learned from cigarettes and apply them directly to energy drinks. The health effects of smoking remained virtually unknown until the 1950s; for 50 years, people were smoking cigarettes without knowing how harmful they were, and it was only in the first half of the 20<sup>th</sup> century that control of the harmful substances became a systematic enterprise driven almost entirely by health concerns. Today we know that cigarettes, as a consumer product, have caused more damage to public health than any other consumer product in history. Fortunately, tobacco use is declining in Canada. Unfortunately, the consumption of energy drinks is on the rise, and until we know the full effect of these chemical cocktails, we should control it like we do other harmful substances. Until we know the long-term effects, we should at the very least keep it away from our children like we do cigarettes.

There was a short period of time in the early 1900s when tobacco was outlawed in the United States. Seven American states had tobacco restrictions by 1909, and by 1922 a total of 16 states had banned cigarettes outright. As always, enforcement was the critical success factor and, in this case, the key reason for failure. By the time World War I started, it was too late. Cigarettes were socially accepted and growing in popularity. The prohibition on cigarettes was not being enforced and after a few years, the laws were essentially dropped. As a novelty product, cigarettes were not that popular at the turn of the 19<sup>th</sup> century. World War I was the real turning point for the fledgling cigarette business. Tobacco companies became corporate giants by donating large amounts of money to the war effort and sending free cigarettes to the troops in Europe. The tobacco industry then linked cigarettes to patriotism in their advertising and sales boomed as a result. By the time the war was over, everyone was hooked. Cigarettes were barely a novelty item in 1896, with total sales of 87 million sticks and by the early 1920s, sales had increased by 28 times to 2.4 billion.

Mr. Deputy Speaker, energy drinks are following that exact same pattern. These drinks are advertised as energy boosters. These drinks have no health benefit. They contain nothing that is nutritious. They are full of chemicals that give you a temporary rush of energy and a corresponding down cycle after the effects wear off.

Suppliers are using targeted advertising to give our kids the false message that these energy drinks will make them feel good and improve their performance at sports, and that is of concern to me.

We are also finding out that these energy drinks can be dangerous when young people drink too much. Kids are collapsing on the gymnasium floor in the middle of a variety of sporting events, and these energy drinks are believed to have caused a number of seizures and deaths across North America.

If we had known 100 years ago what we know about the health effects of tobacco, we would have made different choices. We can practise what we've learned from this wealth of experience and recognize the dangers of energy drinks, es-

pecially to our children and at least keep our kids from being poisoned unknowingly.

In the early 1950s, it was believed that people would stop smoking when it became known that smoking was strongly linked to lung cancer. The lessons we learned is that the mere existence of such knowledge is not enough. Truly effective government legislative action and enforcement is required to ensure that we are not feeding our kids harmful chemicals for the sake of corporate profit.

We allowed that mistake with cigarettes; we don't have to repeat it with energy drinks. These energy drinks are, to me, chemical cocktails. The main ingredient is a massive dose of caffeine. We're not talking about a cup of coffee or a can of Coke. Many of these drinks can have 10 times the caffeine that a soft drink has and, by the way, they come in a concentrated form, as well.

We know that a healthy diet for children and teens does not include caffeine, so I'm asking the question: why would we allow an uninhibited access for our kids to a concentrated dose of energy drinks?

Health Canada is suggesting that energy drinks can be safe for adults if used in moderation. Moderation in this case is one drink per day and not mixed with alcohol. This stuff is high-octane fuel and we are now seeing the warning signs that our children can literally burn out if they drink too much of it.

I am asking that we as lawmakers ensure that energy drinks are treated like cigarettes and do not become off-the-shelf consumer products that are readily available to our children. I am asking that we restrict the sale, distribution, and consumption of these energy drinks to persons 18 years and older, just like we do cigarettes. We have learned from cigarettes that when there were no control measures, consumption increased, making future control even that much more difficult. On the other hand, when tobacco control has been active and enforced, consumption went down, even to the point of reversing previous increases in alcohol consumption.

Health education on its own was largely ineffective at controlling tobacco and we can presume the same will hold true for energy drinks. Health Canada has established a list of warnings associated with energy drinks. This list is actually quite extensive. The first warning is crystal clear: children should not drink these drinks. If that isn't clear enough, the list goes on: don't drink this if you are pregnant; don't mix this with alcohol or prescription medications; don't drink energy drinks when exercising or playing sports; and teens are more likely to have side effects from a high caffeine intake. There are more warnings, but I think that we can all get the picture here.

The first issue is that we know enough about this product to understand the potentially harmful effects of it. Second, there are no controls or restraints in place yet. Third, advertising for energy drinks often targets teens and young adults, and some of these companies actually give these drinks away for free at a variety of events across North America.

From what we know of cigarettes, this looks like a recipe for disaster. I for one do not want to be standing in this House 10 years from now trying to deal with an energy drink epidemic because we failed to get this right the first time.

Mr. Deputy Speaker, we have the opportunity, right here, right now, to practise what we've learned from cigarettes. We have learned that we need to keep harmful substances away from our children, at least until we know more about energy drinks and how they affect our youth. Let's get this right the first time. If in the future it turns out to have been a mistake, then we have at least erred on the side of caution for the health, well-being and safety of our children.

Energy drinks that are produced by the Coca-Cola Company include BPM Energy, Burn, Full Throttle, Mother, NOS, RAC 124, Relentless, Tab Energy, Vault and Von Dutch.

The Pepsi Company produces AMP Energy, Josta, Mountain Dew Energy, and independent companies produce Bawls, Boo Koo, Cocaine, Coolah Energy, Crunk, Dark Dog, EJ-10, Emerge, Explosade, Four, Joose, Kore, Lost Energy, Monster — I can't even pronounce that one — Pimp Juice, Piranha, Powershot, Red Bull, Red Eye, Red Rooster, Rockstar, Semtex, a simple capital V that's underlined, Venom, Wired and XS Energy.

It seems energy drink companies are cramming more and more ingredients into their products. A common question among consumers is: what do all these ingredients supposedly do for the young body? Here's a list of the most common ingredients and their alleged effects on the body.

Caffeine, the most common stimulant found in coffee, Coke and Mountain Dew, is found in much higher quantities in energy drinks. "Most energy drinks contain between 70 and 200 milligrams. An eight-ounce cup of coffee contains about 110 to 150 milligrams for drip, 65 to 125 milligrams for percolated and 40 to 80 milligrams for instant. Dr. Pepper gives you 41 milligrams and a can of Coke provides 34 milligrams. A full can of Rock Star has 160 milligrams of caffeine. Caffeine stimulates the central nervous system, giving the body a sense of alertness. It can raise the heart rate and blood pressure while dehydrating the body." A lot of people experience side effects above the consumption of 200 milligrams or more of caffeine, "which include sleeplessness, heart palpitations, headaches, nausea and, most commonly, the jitters. We're tracking the caffeine levels of virtually all energy drinks."

Another ingredient is taurine. "Taurine is an amino acid that your body naturally produces. It helps regulate heartbeat, muscle contractions and energy levels. Usually your body makes enough that you don't need to supplement. It's thought, but not proven, that under 'stress conditions', like illness, physical exertion, or injury, the body does not create enough and supplements can help. Taurine might be a 'mild, inhibitory neurotransmitter'. Some studies show it helps the excitable brain states." While this isn't exactly what may or may not happen, it helps us understand what that ingredient does to the body.

The next ingredient is guarana. "Guarana comes from plants in South America. Amazonians have used it for a long time to increase alertness and energy. It's more dense in caffeine than coffee beans — three to four percent versus one to two percent. It's not just called 'caffeine' because it contains a couple of other things: theobromine and theophylline. They're which are found in coffees and teas, and are known stimu-

lants.” Marketing efforts will sometimes call this one guaranine — as if it is something else, when it’s not. It’s actually the same thing.

Another ingredient in these energy drinks is B vitamins. They “are essentially the things that help you convert food to energy, like sugar, which is found in abundance in energy drinks. The jury’s still out on whether or not they increase energy levels via supplementation... Common names for B vitamins are inositol, niacin, riboflavin, cyanocobalamin and pyridoxine-hydrochloride.”

The next ingredient — and these are all in the same drinks — is ginseng. Ginseng is an adaptogenic herb and it’s known to increase energy. It has some anti-fatigue components that supposedly relieve stress and increase memory. “Right now, it’s suspected that ginseng helps stimulate the hypothalamic and pituitary glands, which then secrete something called adrenal-corticotrophic hormone. With a name like that, it can’t possibly be bad” — right? I don’t know about that.

Ginseng is nothing that is naturally created by the human body, so having this in your drink certainly won’t hurt, they say. Two hundred milligrams a day seems to be the standard dose but you can safely drink up to 2,700 milligrams a day. There are rare side effects like an upset stomach, diarrhea and headache that have been reported with ginseng consumption.

Another ingredient is called ginkgo biloba. “This ingredient is named after the rare tree it originates from. It is believed to help with memory retention, concentration, circulation, and acts as an anti-depressant, and even shows signs of helping people with Alzheimer’s. The German government recognizes it as something that helps with memory loss, concentration and depression. Sixty milligrams is a standard supplementation dose, and you can easily take 240 milligrams. It is advised, however, that most energy drinks do not contain enough ginkgo to be of any benefit “whatsoever”. People on anti-depressants shouldn’t take ginkgo and some of the other side effects include blood thinning, nausea, vomiting, diarrhea, headaches, dizziness, heart palpitations and restlessness.”

Another ingredient is called L-carnitine. An amino acid usually created by your liver and kidneys, this stuff helps increase your metabolism and energy levels. Because of the way it interacts with your body, it may act as a thermogenic and help increase weight loss and endurance during exercise. The jury’s still out on whether or not you need to supplement unless you have an unusual diet, but you can take two to six grams without worry.”

Sugars — glucose is the body’s preferred fuel; it’s another ingredient. “That’s why you get hyper with a lot of sugar. Energy drinks contain a ton of sugar. Therefore energy. It’s a carbohydrate, and a lot of exercise regimens suggest a good dose of carbs for working out more than an hour. However, too much sugar intake can be linked to diabetes.”

Antioxidants are another ingredient. “Antioxidants are things that help your body gracefully recover from the damage of free radicals. Vitamin C is an antioxidant, so claiming that your energy drink has a lot of antioxidants is like saying you’re buying really expensive orange juice.” But it is suggested that

they are going to help prevent illness and prevent cellular damage.

I’m not even going to try to pronounce this one; I’ll just spell it out. Another ingredient is glucuronolactone, which “occurs naturally in the human body as glucose and is broken down by the liver. All connective tissue contains this compound. DGL is believed to aid in detoxification, freeing hormones and other chemicals, and the biosynthesis of vitamin C. It is placed in energy drinks because it is believed to help with glycogen depletion by preventing other substances from depleting glycogen supplies in the muscles.”

Another ingredient is yerba mate. “This substance is derived from leaves of a shrub in the holly family. It is a natural source of caffeine, but some believe that the form of caffeine in yerba mate doesn’t produce the negative side effects like caffeine in coffee and guarana.”

Another ingredient, creatine, “is naturally obtained by eating meat. Creatine helps with supplying energy to the muscles and is usually found in energy drinks and products that are marketed to bodybuilders.”

The acai berry is an ingredient that “is finding its way into more and more energy drinks. The acai berry comes from the acai palm tree, which is found in South America. The berries are rich in antioxidants, but not as much as a Concord grape or blueberry. Most of the acai berry benefits have no scientific basis and are attributed to a marketing hype.”

Last but not least is milk thistle. This ingredient, mainly found in the energy drink Rockstar, and a few other drinks, “is used as a liver-detoxifying agent. It is placed in energy drinks not really for any energy enhancing properties, but as a counteragent to mixing energy drinks with alcohol, as milk thistle is supposed to help with hangovers and detoxifying the liver from alcohol. However, studies show that the amount put in energy drinks would be of hardly any benefit to consumers.”

You see, why, when I say many of these energy drinks are a chemical cocktail that are being consumed by our Yukon children who have uninhibited access to these energy drinks is of concern to me.

Again, caffeine is a drug that leads to addiction and dependence. Specifically, under Health Canada’s new recommendations, for children age 12 and under, Health Canada recommends a maximum daily intake of no more than 2.5 milligrams per kilogram of body weight. Based on average body weights of children, this means a daily caffeine intake of no more than 45 milligrams for children aged 4 to 6; 62.5 milligrams for children aged 7 to 9; and 85 milligrams for aged 10 to 12. Those recommended maximums are equivalent to about one or two 12-ounce, 355-millilitre cans of cola per day.

Health Canada has not developed definitive advice for adolescents 13 and older because of insufficient data. Nonetheless, Health Canada suggests that daily caffeine intake for this age group be no more than 2.5 milligrams per kilogram of body weight. This is because the maximum adult caffeine dose may not be appropriate for lightweight adolescents or for younger adolescents who are still growing. The daily dose of 2.5 milligrams per kilogram of body weight would not cause adverse health effects in the majority of adolescent caffeine consumers.



This is a conservative suggestion since older and heavier-weight adolescents may be able to consume adult doses of caffeine without suffering serious adverse effects. For women of childbearing age, the recommended maximum daily caffeine intake is no more than 300 milligrams or a little over two eight-ounce, 237 millilitre cups of coffee. For the rest of the general population of healthy adults, Health Canada advises a daily intake of no more than 400 milligrams.

I'm going to go over a list of energy drink concerns by health professionals and jurisdictions that go over the history of this issue from around the world with regard to studies, news releases and investigations. In July 2001, the Swedish National Food Administration issued a public warning about energy drinks. In 2007, the University of California issued a fact sheet on energy drinks with recommendations suggesting no one use energy drinks during exercise and that they should not be used by children and adolescents.

In July 2008, France was forced to lift their 12-year ban on sale of energy drinks because the European Union regulations state that a product made or sold in another European Union country cannot be banned unless a health risk is proven.

In February of 2009, the Standing Committee on Health, Social Development and Seniors of the Legislative Assembly of Prince Edward Island was given the mandate to consult with Islanders regarding the health risks of high-energy drinks, while seeking direction on the possible restrictions on the sale of these drinks to youth.

In 2009, the *Medical Journal of Australia* conducted a clinical review of a 28 year old who had a cardiac arrest over the consumption of an energy drink.

In October 2009, the European Union regulator targets a food health claim that found that the so-called "taurine" ingredient found in energy drinks such as Red Bull, does not stimulate the mind and body to the extent that the company claims it does. In November 2009, the Food and Drug Administration of the United States of America asks 27 makers of alcohol/caffeine beverages to prove their safety. In December 2009, the health risks of the excessive intake of energy shots in Germany — they called for a study and actually called for a ban on energy drinks and alcohol products that are mixed.

In January of this year, in New Delhi, India, in a news release, it says there will soon be a strict standard for energy drinks like Red Bull, which are fast catching the fancy of youth for fighting fatigue and getting a caffeine high.

In January 2010, just one energy drink can cause serious heart conditions, a world-first South Australian study has found. This was also documented in the *American Journal of Medicine*. In February 2010, a new bill was put forward to prohibit the sale of alcohol energy drinks in Washington. Again in February 2010, a University of Florida study showed that mixing energy drinks with liquor can be a cocktail for disaster. In March 2010, in North Louisiana, energy drink sales to children were targeted in a legislative proposal. In April of this year, in Dubai, the United Arab Emirates government began an investigation of the impact of high-caffeine energy drinks on the public health.

In May of 2010, the Texas poison centre had a review of the calls to the poison hotline, and about 26 percent of those calls were kids under the age of 13 and two-thirds of those were under the age of five. These were children who said they actually consumed an energy drink and felt that they were poisoned. In June 2011, the New Zealand Food Safety Authority found that energy shots and energy drinks containing high levels of caffeine are not suitable for children, young adolescents, pregnant women and people sensitive to caffeine. So those are some of the stories I've found from around the world, basically.

If I could take a moment to touch on marketing and advertising — the marketing of energy drinks mirrors what cigarette companies did before regulation of their creative marketing, such as running events that attract youth, web pages and advertisements that appeal to the young and giving out free samples — allegedly — even to children. Actually, this has now been proven. It has been on several national TV programs. In the early days of cigarette marketing, regulations became necessary, as it was clear that marketing wasn't being done responsibly.

It is no different from many of the energy drink marketers. From the research that has been compiled, it is easy to conclude that energy drink manufacturers are attempting to get the youth hooked on their products early in order to reap the benefits of creating a lifetime of consumers. Unbelievable.

I'd like to quote a couple of parents around North America who have submitted their testimony in letters to various governments and standing committees. I'll begin with Mr. Jim Shepherd who, in his submission to the House of Commons Standing Committee on Health in Ottawa on July 6, 2010, said: "In one 12-hour period, from 7:30 am to 7:30 pm, on January 6, 2008, I lost a vibrant, healthy and much-loved 15 year old son. My son, Brian, died from an unexplained arrhythmia several hours after being witnessed drinking a Red Bull energy drink given to him by Red Bull representatives. I buried him and then I began to do some research and I learned a lot. I learned that my late son is one of an ever-growing number of deaths where no one can find a definitive cause of death but, given the intake of an energy drink the day he died, I suspect that energy drinks were at least a contributory factor to his death, if not the whole cause."

As I said earlier in my statements, the bottom line is that caffeine is a drug, and when the lives and health of our children are at stake, bold leadership is required. I'll also quote from a May 21, 2000, letter from a Ms. Cheryl James in Bryceville, Florida. She writes to Jim Shepherd: "Dear Jim: On January 19, 2010, my son Andrew (Drew) James collapsed and died due to cardiac arrhythmia shortly after consuming one-half of a can of Monster Nitrous Super Dry energy drink. The autopsy was inconclusive as to the cause of that heart arrhythmia. I was told nothing in his toxicology was related to his demise, other than the possibility of caffeine. I am presently having another doctor examine the post-mortem results for a second opinion at this time and I do not have those results. Drew was a healthy young man who never displayed any symptoms to suggest a heart problem, even as he played sports growing up. In the United

States we do not have caffeine quantities listed on the can, but one half of a can was considered one serving.”

I won't read the whole letter, but that is another parent in Bryceville, Florida, in May of this year who lost her son. She also believes that it was due to the consumption of an energy drink.

Energy drinks are loaded with caffeine and aren't safe for children in my opinion. We don't know enough about the health risks of these somewhat popular drinks and they should be, as far as I'm concerned, prohibited from within our Yukon school system and we should be taking some aggressive action in terms of dealing with Health Canada on the proper regulation of these drinks.

We should be doing all that we can as parliamentarians to protect our children from this. I think that, again, they should be treated like cigarettes. You have to be 18 years or older to consume these things, based on the precautionary principle and not knowing exactly how 14 different ingredients react with a young person's body.

In our territory, I know that youth under the age of 18 are consuming these energy drinks. There are no scientific facts that say that they're safe for children to consume. When I coach hockey — and I hope this is for all sports — those drinks are not allowed in the dressing room. If I see one of our team members consuming these drinks before they lace up their skates, they're not allowed to play. I think we need to ban these drinks immediately from the school system altogether to ensure that the youth of the Yukon are protected because we have absolutely no idea of the health indications associated with their consumption. I believe that developing legislation to ensure that only adults are able to purchase energy drinks in the Yukon will go even further to protect our youth, because there have been incidences, as I have shown on the floor of the House today, where deaths and seizures in North America, in our own country, have been associated with youth consuming these drinks.

Most of these energy drinks do print a recommendation of “consumption by adults only”, but Health Canada, as far as I'm concerned, should make this mandatory until there's absolutely conclusive, scientific evidence that children under the age of 18 won't be harmed by consuming these drinks. Again, most energy drinks contain 70 to 300 milligrams of caffeine compared to 34 milligrams in a can of coke.

I will go back to some of the other research that I found. It's coming out of Dubai actually, and this was in May. The United Arab Emirates' Ministry of Health has developed some strong regulations that are going to come into effect in a couple of months. On October 29 — just a couple of days ago — the regulations were to come into effect prohibiting the sale of energy drinks to youth under the age of 16.

So, there are jurisdictions around that recognize that these are very harmful to young people. I think that our jurisdiction should take the cautious approach, to err on the side of caution and to do the same — because there's no science out there that says it's safe for children to consume these energy drinks. There are unknown toxic health effects of these drinks on children.

Again, I thank the Minister of Education for replying to the letter I filed during Question Period. But, again, it's a concern. It says that a number of schools have banned energy drinks from their premises. It doesn't say “all Yukon schools”. It says “a number”. I urge the government to do everything that it can to protect the health and well-being of our Yukon youth. I think the motion I put on the floor today is workable.

I am more than willing to listen to constructive, friendly amendments to this, but I think that I have said, for the most part, enough right now and I would like to hear other members in the Legislative Assembly discuss this very important issue. I think that we have a responsibility to protect our youth from these — what I have labeled — chemical cocktails. I look forward to hearing what other members have to say. Thank you for the House's time.

**Hon. Mr. Hart:** First of all, I would like to thank the member opposite for bringing this very important issue related to childhood nutrition here before the House for discussion. I will advise the House that I am not going to go through a long dissertation; I will not be doing a breakdown of what is contained in each and every drink; I will not be doing all of chemistry 101. I will generate some overall comments as they relate to the energy drink itself.

I may repeat a few numbers that the member opposite utilized in his presentation here this afternoon. I will try to be reasonably brief and allow other members to bring forth their comments brought forth on this issue.

I believe as individuals all of us here take the health of our young people very seriously and recognize the valid concerns raised by the member opposite. This is an issue that has begun to attract some attention right across the country, as the member opposite indicated — in fact, right across the world, in the examples he provided to us in the House today.

Most energy drinks contain high amounts of caffeine. Some have more than five times the amount of caffeine than a can of cola, or nearly double the amount in a cup of coffee. This amount of caffeine can pose serious health risks to children and adolescents. It hardly needs pointing out that this has grave downstream consequences, not only for personal health concerns, but for the health care system itself.

The Canadian Medical Association journal is calling for stronger warning labels on these drinks and strict regulations on the sales of same.

The House of Commons Standing Committee on Health has been investigating the use of caffeine in energy drinks and, as the member opposite indicated, the Prince Edward Island Medical Association has begun pushing to restrict the sale of these beverages to young people. We have likely read the stories of young people who have unexplained health issues, arrhythmia, heart palpitations, and sadly, in some cases, as the member opposite indicated, unexplained deaths.

Health Canada has received dozens of reports of adverse reactions to energy drinks, including cardiac arrest. We get how serious this is. As adults, we know that excessive caffeine consumption can lead to irritability, loss of sleep, and nervousness. We can explain those away, and we generally have sense

to know when to cut back and when we've had too much. I don't imagine there is one person in the House who hasn't gotten through a rough period existing on coffee, but most recognize the warning signs and know when enough is enough. But children and adolescents are very different. They are not yet mature enough to make those judgment calls. Health Canada says that children between the ages of 10 and 12 should not consume more than 85 milligrams of caffeine a day; children between four to six years old should not exceed 45 milligrams, and those seven to nine should have no more than 62.5 milligrams a day.

Keep in mind that a 250-millilitre bottle of Coca-Cola contains 26 milligrams of caffeine; a 75-millilitre bottle of Rock Star Energy Shot has 200 milligrams of caffeine; and a 355-millilitre can of Red Bull, the perennial favourite, contains 113.5 milligrams of caffeine. A regular cup of coffee, as the member opposite indicated, ranges anywhere from 75 to 115 milligrams of caffeine.

I say nothing here about the sugar and sodium content, which, in excess, have their own negative impacts. The member opposite went through a whole dissertation of what's involved in each ingredient. I'm sure that many of those items not only can't be pronounced, but would be difficult to dissect out of the whole chemistry of each individual drink. But it's also very important to note that sodium is a very important issue across all jurisdictions in Canada.

In fact, all jurisdictions in Canada agreed to look at reducing sodium, at the national level, from its current level to 2,300 milligrams per day. With regard to dealing with sodium, as well as sugar content, as the member opposite indicated, it's at a very high level in these energy drinks, so it is something we have to look at also.

Healthy adults are recommended to consume no more than 400 milligrams of coffee a day. The producers of the products are very smart, Mr. Speaker. They target young consumers by sponsoring events, creating promotional materials and making sure their products are available at every corner store, gas station and at bars. As the member opposite indicated, they provide them as incentives for young people to have available and consume on a regular basis.

Mr. Speaker, they are also often displayed alongside soft drinks, water, juice and sports drinks. Again, that is a very clever marketing tool, basically saying that if you drink water and sports drinks, then this is just as good.

We must be careful not to confuse energy drinks and sports drinks such as Gatorade and Powerade, which have their place in the market and also provide a very important supplement replacement, especially for those athletes involved in heavy running sports such as soccer, football, et cetera.

These drinks rehydrate the body and provide sugars to create energy and replenish electrolytes when one has been physically active. These drinks help maintain salt and potassium balances in the body and serve a very valuable purpose. Energy drinks are meant to supply mental and physical stimulation for a short period of time. I think the member opposite also indicated there is not a lot of information available to ensure that some of these drinks do provide that kind of service. However,

as he also indicated, there is very little known about the energy drinks on a scientific level regardless of the situation and, therefore, it's difficult to ascertain one way or the other whether the energy drink does meet any of the requirements it says it's supposed to.

One of the concerns expressed by many — and I'm sure by most parents of teens — have had to do with hard conversations with their kids about the serious health concerns around mixing energy drinks with alcohol. The member opposite also brought this forward.

I know this motion speaks to prohibiting the sale of energy drinks to individuals under the age of 18, which is to say that the consumption of such products should be against the law. We know that some young people under 19 drink alcohol, which is also illegal. We have young people smoking cigarettes, which are also not to be sold to individuals under the age of 19. We can't entirely and successfully prevent these two things from happening. What are our realistic chances of preventing the purchase of energy drinks?

I worry a little about creating more crimes out of behaviour that is unwise, unhealthy and harmful in other ways. Fundamentally I believe the government should intrude into people's lives as little as possible and only resort to criminalizing behaviour when it is absolutely and demonstrably necessary. It seems reasonable to insist that if there are other measures that should be done, they should be tried first.

Mixing of alcohol and energy drinks is dangerous. The stimulating effects of caffeine together with alcohol can allow a person to drink more over longer, which can lead to alcohol poisoning and often other risky behaviours. Also, it's often very difficult to deal with adults who are mixing the energy drinks along with alcohol. In many cases after sporting events involving these adults, this situation occurs in many jurisdictions throughout Canada. In some cases, we have heard about situations where individuals, adults in particular, who have suffered situations and no one can clarify why. But in many cases, they've been linked to having had an energy drink of some sort. As the member indicated, and I've heard also, the mixture has become a popular — I guess the nickname used was "chemical cocktail", I guess.

It has been very popular at parties, bars, clubs and when people drink them to keep up their energy. Some people use them as alternatives to sports drinks or use them to rehydrate themselves and, in fact, it does just the opposite.

Energy drinks are sold as a natural health product in Canada and they are reviewed by Health Canada for safety and quality. They must display recommended conditions for use and cautions on their labels. They contain warnings against the use by children, or pregnant or nursing women. By definition, natural health products can be sold legally without restriction or prescription. Health Canada is now monitoring the use and reported adverse reactions of energy drinks and will take appropriate measures to safeguard the health of Canadians.

It is clearly stated the role of provinces and territories is to determine how and where these products will be sold in their jurisdictions, which is mainly why we're here today. I would like to provide assurance to the members of this House that the

Yukon is already involved in a number of initiatives at the national level addressing this issue. We will benefit from the work that is being done on these initiatives. However, recognizing that the work needs to begin now at the local level, the health promotion unit, in partnership with Alcohol and Drug Services, has developed a teacher education bulletin on the topic of energy drinks.

This bulletin will be distributed to all Yukon teachers by the end of this month and outlines for teachers what energy drinks are, what they contain, are they harmful, marketing influences and what teachers can do. We will also post this information on the Health and Social Services website as another resource that parents can access throughout the Yukon. As well, Health Canada has recently updated the *It's Your Health* article on safe use of energy drinks with new information and this is now currently available.

The motion before us today calls for legislation prohibiting the sale of energy drinks to individuals under the age of 18. I'm not so sure that this is a solution to the problem. As an alternative to implementing legislation, the Department of Education, in cooperation with school councils and in partnership with the Department of Health and Social Services, will recommend that schools develop school nutrition policies. Within a school nutrition policy, caffeinated products could be or will be prohibited from schools. This is work that is underway and ongoing currently. We now know from research in the Yukon and elsewhere in Canada that the government is not necessarily the most trusted voice when it comes to telling young people what to do.

I would propose that, rather than enforcing legislation at this time, we develop tools and credible sources and get the information into the hands of parents and the youth of today, which will give them the knowledge to make their own informed decisions.

Legislation is a simple response; I don't think it is the right one at this time. I am not a doctor or a physician of any kind; I don't feel I'm in a position to make a decision on what is good or what is bad. I can believe it's important that I make all the information available and the need for education for parents, especially of teens, so they can work with their teens and make an informed decision among themselves.

In addition, I believe it's something we can do in conjunction, as I stated earlier, with the Department of Education and the school councils on dealing with the actual energy drinks in our schools. No one can argue against the negative effects that energy drinks can have when used improperly. The member opposite just went through a long dissertation of examples and issues with regard to young adolescents who have consumed energy drinks. My concern is: do we draw the line at what may be generally termed "harmful products"? Where is that line? Do we stop at energy drinks? Do we deal with chocolate? Are we dealing with potato chips? French fries? All of these things have negative impacts when consumed in excess. My government is actively involved in work at the national level on the initiative to curb childhood obesity, which is a federal, provincial and territorial framework for action to promote healthy

weight. Officials have only recently returned from meetings and will now be working to address this very serious issue.

There's much more to this than energy drinks; I believe that we need to move more cautiously as we move ahead. Although I support the efforts of the member opposite, the motion contains items that we, as a government, have limited impact or control in administrating. As indicated, we are working with other jurisdictions and we are also working with the Department of Health on this issue. I have indicated that Health Canada is monitoring this situation currently; other jurisdictions are also monitoring the situation. I believe the member opposite gave several examples of people looking into the situation in other jurisdictions as well as other countries throughout the world. I want to say that this is not exclusively a health issue; we will be working with a multitude of partners as we move forward. As I stated, I respect the intent and the concern from the member opposite with regard to this issue and I look forward to moving ahead on this issue and addressing the situation where we can, here in the Yukon, following through with very important education issues.

I think it's very important that we reach the parents, the adolescents and youth of the Yukon, and we do it in such a manner that they can make the decision and they are working with those who they need to work with to ensure they utilize energy drinks when necessary and only at the volume as indicated.

I thank you for your time today and look forward to other comments.

**Mr. Cardiff:** I thank members for their comments and for giving me an opportunity to speak to this motion. I'd like to thank the Member for Vuntut Gwitchin for bringing this motion forward. Most of us in this Legislative Assembly are parents. We all have concerns about the health and well-being and safety of our children.

I think when it comes to a situation like that, in most instances, a parent's first instinct is to err on the side of caution and I think that, as legislators, we're all parents because we're all parents of the children who we're responsible for as a government — to provide adequate health care, to provide education, to provide safe places to live, adequate housing. In a lot of ways, every person in this Legislative Assembly is a parent because we bear a heavy responsibility for all children in this territory.

I'm going to offer today my qualified support of the member's motion. I think that it's important that we discuss this issue. He raises the unknown health implications of energy drinks and I think that there's probably a lot more information out there.

He cited numerous examples and both he and the minister had all kinds of information about what's in energy drinks. The operative piece or ingredient is caffeine. We all, either as teenagers or adults, have at one or another I suspect, experienced the effects of caffeine, whether it was drinking coffee or espressos or maybe even energy drinks — although they're relatively a new phenomenon. I know that I have concerns about my adult son. I definitely have concerns about my grandchild-

dren and what it might mean to them when it comes to consuming energy drinks or other things, for that matter.

I think, as I said, I can accept the preponderance of energy drinks is a relatively new phenomenon and that it could be problematic, but so is our children consuming too much of anything that's not good for them. That could be just soft drinks or candy; we're talking about the intake of sugar and its effects on our children; we could be talking about fast food with high sodium content and the presence of trans fats. There is an overall general concern for the health of our children.

I have yet to hear or determine really what the extent of the problem is. I'd like to hear what parents, teachers, principals, school councils, youth organizations, children and young people have to say about the energy drink problem and what they have to say about this motion and the Member for Vuntut Gwitchin's proposal.

I can say for sure that we support making our schools healthy; I like the idea, quite frankly, of prohibiting the consumption of energy drinks in schools, as well as looking at how our schools can improve in providing nutritious food and drinks, tackling those high levels of sodium, sugar, and trans fats intake; I think that there needs to be public education around this issue. I think I heard the Minister of Health and Social Services indicate that the government was trying to address it at the school level. I would encourage them to do that or continue doing that and make every effort to ensure that our children are eating healthy — not just at school, but provide education about what those healthy choices are.

It's a discussion that needs to happen with the public, especially given issues like the high rate of child obesity. I'm reminded of the example of Jamie Oliver. He's a British TV chef and he has done much work in Great Britain to change the food system in British schools. He has done this of his own accord. This is something that he saw as an issue, as somebody who is involved in the preparation of food and trying to teach people through the medium of television how to prepare meals and do it in a healthy manner. He took it that one step further and actually created a movement in Britain to change the food system in British schools, to ensure that children were getting healthy food and that they were making those right choices. So I think that looking at energy drinks in schools is part of an investigation of how we make our schools healthier.

I understand the Minister of Health and Social Services' problems with the part of the motion on creating legislation. I have some problems as well and some questions about that. I'm not sure that a general prohibition is necessary to address the concerns. I don't know if it is the most effective way to deal with this problem. Sometimes when we forbid something for our children, we have to be careful that we're not creating that forbidden-fruit situation.

I can tell you that my experience, both as a parent and as a former young person, that that is exactly a potential to happen here — because when you tell your child that they can't have something, or that they're not allowed to do something, it's almost like saying, you're forbidden to do this, and that's going to be the first thing they go out and do.

I'm speaking from the perspective of being both a parent and as a former young person who didn't always take the advice or listen to what my parents said. I'm sure — I see other members nodding their heads — that they can also relate to that experience. Quite frankly, there can be serious health consequences for that.

A recent interview with the Candy Professor of New York — this was prior to Halloween and it was an interview that was done on CBC — suggested that parents need to involve children in decisions about candy. Rather than ban or restrict or try to control the child's candy, it's better to try to have the child actually self-regulate their behaviour, because they gain a better understanding of the consequences of their actions if you explain it to them.

I'm on record as saying that I support banning these beverages from our schools, because I think that we want our children to be able to make the best choices possible when they're in our care at school. I'm not sure whether decisions about the consumption of energy drinks should be a decision that's made between parents and children. I know that something needs to be done. We know that — and I've raised this before in this Legislative Assembly — young peoples' brains are still developing and they don't necessarily have the cognitive skills or the abilities to make wise decisions about their actions. That's why one of the initiatives that I tried to champion in this Legislative Assembly was the protection of young workers. It's one of the reasons for doing that, because young people don't always make the best choices. So, I am offering, as I said, my qualified support for this motion.

I will vote in favour of the motion. As I said, I do have a concern about whether or not developing legislation is necessary at this time, but I know that we do need to take action and we do need to provide information to parents and young people on how they can make the best possible decisions. We need to do what we can do as legislators to look after all the children who are our responsibility. I think that if the government, rather than voting against the legislation — I don't have an amendment prepared but I think the Member for Vuntut Gwitchin may be agreeable to an amendment. I can't speak for the Member for Vuntut Gwitchin, but I suspect that he may be, in the interest of making progress and moving forward on this issue, willing to entertain an amendment to the motion.

That might make it actually more acceptable to me. But I will vote for the motion as it stands, because I do believe that we need to do something. As I said earlier, as a parent, when it comes to the health and safety of my children and of our children, the children we're responsible for as legislators — quite frankly, I think that it would be irresponsible not to err on the side of caution, so I will support the motion. I will listen to what others have to say. I will give my consideration to everybody's thoughts and contributions to this conversation this afternoon.

**Hon. Mr. Rouble:** It's my honour and privilege to enter into the debate today. I appreciate the comments coming from the Member for Mount Lorne. I listened intently to his

introduction when he likened our role as MLAs to that of parents.

A couple of months ago, I was introduced by a First Nation elder at a conference as “Grandpa Pat.” He gave me that honorific to indicate the role that he saw that I played as Minister of Education — that I didn’t have a direct, day-to-day responsibility that a parent has. It wasn’t my role to watch each situation all the time, but it was my role, as the grandfather, to ensure that things were being directed appropriately, to intervene when I saw necessary, and to try to introduce additional wisdom into the system.

Since that time, I’ve had a number of discussions with that gentleman about the honorific. I certainly appreciate the comments that he made and the reference that he was establishing.

I’m very much honoured and moved by that title. It’s not one that I have by way of the family structure, but I certainly appreciated his comments. Also, I certainly appreciate the comments coming from the Member for Vuntut Gwitchin and the zeal with which he has pursued what is obviously a very important issue for him.

He has previously raised the issue with me in Question Period and I have responded to him in writing. On the floor of the Assembly earlier, he put out some of the contents of the response that I provided to him. Just to further provide the appropriate background to the debate, I’d like to include all of the comments that were made in the letter.

It’s addressed to the Member for Vuntut Gwitchin. It starts by saying, “Thank you for your October 12, 2010 letter requesting a ban on energy drinks in Yukon schools. First, I am pleased to inform you that each Yukon school community has already decided that energy drinks should not be made available in their school. As well, a number of schools have banned energy drinks from their premises.

“The Department of Education’s school nutrition policy states that schools should develop their own school-based nutrition policy and guidelines. The first principle of this policy is that the school community has a shared responsibility to take a leadership role in promoting good nutrition and healthy food choices to our students. Good nutrition is vital to the mental and physical health of all students and increases the learning potential of each student.

“The particular decisions around energy drinks are in keeping with the policy and principles. They also demonstrate that all our schools take an interest in nutrition promotion and leadership of good nutrition and healthy food choices for students.” It ends with “sincerely” — and it’s signed by me, the Minister of Education, and copied to the Minister of Health and Social Services. The school nutrition policy, which is policy 1025, is available on-line. I would encourage members to take a look at it. It is in keeping with the government’s desire to work with our school councils and with our school communities, and it is in keeping with the decision to involve local people in issues affecting their schools.

The policy addresses issues such as home-prepared foods, fundraising policy, field trips policy, the school health promotion, the Yukon Health and Social Services Yukon nutrition framework, the Health Canada Eating Well with Canada’s

Food Guide and the Council of Yukon First Nations Food from the Land guide.

We’re working with our school councils, involving them in the decisions, respecting their input on these processes. That is why the principle of this policy is that the school community has a shared responsibility to take a leadership role in promoting good nutrition and healthy food choices to our students. Indeed, it is recognizing that shared responsibility. That responsibility is shared among the students, the parents, the staff, the administration, temporary staff, visiting professionals, student teachers, the school council, the school boards and school committee members and other volunteers. We are trying to establish a very inclusive, locally driven manner of introducing policies into our schools.

Also, the Department of Education works very closely with the Department of Health and Social Services on the issue of nutritional education and some of our promotional practices for our public schools. I’m sure all members are aware of the Drop the Pop campaign. In fact, only the Wood Street Annex serves pop in its school. The other schools have all dropped the pop. Also, I should just mention specifically that none of the schools provide energy drinks. You can’t buy these types of things from vending machines on our school premises. You can’t acquire these types of drinks at school.

Also, we’ve worked very hard to provide information — the Minister of Health and Social Services touched on this as “thinking outside the lunchbox” — on nutrition and how to provide a variety of satisfying, yet nutritionally well-balanced, meals, not only to look at options that are low in fat and sugar, but also to avoid products that are high in salt.

We take this issue very seriously and provide a significant amount of information to parents, and our school councils work on their nutritional policies. Really, it is different from school to school to school and that certainly recognizes the input the different schools have. In some of our schools, there is a hot lunch program that includes country foods, and then other schools have different programs.

Currently — and this note that I’m referring to is dated from earlier in October, which was just after the member opposite raised the issue with me — I was advised that Christ the King Elementary School, Golden Horn, Ghùch Tlâ Community School in Carcross, Chief Zzeh Gittlit School in Old Crow, Eliza Van Bibber School in Pelly, J.V. Clark in Mayo have all prohibited energy drinks already. This is among other items that they have identified, mostly peanut-related products.

Already, prior to the issue being raised in the Legislative Assembly, a number of our schools — through their school-based nutritional policy — have taken actions to address this and, now that we have seen additional interest and awareness coming to this issue, I am quite certain that other school councils are much more aware of the issue. Now that we have recently concluded the school council election process, that our school councils are up and running again with full steam and are planning additional school council education sessions, that this issue will come more and more to their attention. In fact, I will commit to bringing it to their attention and trust that our

school councils, which are the appropriate vehicle to do this, can take the appropriate steps.

I think we've found a way to address one of the issues, or one of the bullets in the motion, through using our current processes. I will work to ensure that the school councils are made aware of the information that has been brought forward so that they may change their school-based nutrition policy. However, I will — just for the member's clarity — the decision to change the policy rests with the school council.

That's a process that I also need to value because I need to value and recognize the input that our school councils are making.

So we have a way of addressing many of the concerns coming from the member opposite. As well, the Department of Education does not allow the sale of these types of drinks in the schools.

There is also —

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

**Hon. Mr. Rouble:** The member opposite now is talking and prompting me to continue, so I'll do just that.

There is a bit of confusion when talking about this issue. It has certainly come about in different discussions that I have had. When you mention an energy drink — I don't believe there's an established category defined as "energy drink." I stand to be corrected, but I don't believe there's a definite, all-encompassing or excluding definition as to what is meant by an energy drink. So when I reference this to some people, they say, "Well, an energy drink is anything with caffeine, so that's coffee or tea."

Or they think that it's something like a sports drink, like a Gatorade or a Sportade — the member opposite is shaking his head on that one. Well, is it things like a Starbucks Frappuccino? That has lots of caffeine in it and lots of sugar — I won't add on to the record the comments that I just heard. Does it include the 5-Hour Energy that brands itself as being different than some of the other energy drinks like — some of the brand names being — Red Bull, Rockstar, Monster, or even the old Jolt Cola that came out a number of years ago.

Also, there is some confusion about things like what the offending ingredients are. What is good and what isn't? We heard the Member for Vuntut Gwitchin read the entire label of a can of one of these drinks and members in the Assembly had trouble pronouncing the words, let alone understanding the impacts that they have.

There is a bit of confusion out there as to what these actually mean. I don't have the medical background or the chemical background to know what amount is good or what amount is bad or what's a proper threshold to set or what's not a proper threshold or what is the maximum allowable daily intake of guarana. I do know that the Canadian Health Agency and Health Canada does do a lot of work in those areas. I would suggest that we also need to seek the guidance of some of Canada's national regulators on this issue in order to further define this, further regulate this, and further work to inform us so that we can inform others about the impacts of this, because this issue, like many of the others that we face, comes down to education and then trusting people to make smart and wise deci-

sions. We face this on a number of different issues, ranging from distracted driving to ATV use to the consumption of alcohol.

I have heard some of the comments coming from the previous speakers, coming from the Minister of Health and Social Services, coming from the Member for Mount Lorne, and I think I can propose some amendments to this motion before us that will address some of their concerns.

As I mentioned, we have another process by which we can address section (1), by working through our school councils. The Member for Mount Lorne indicated that he had concerns with section (2) and had problems with legislation and questions about prohibition. We also have the work that Health Canada, as a national body, can and should do on this issue.

*Amendment proposed*

**Hon. Mr. Rouble:** I would like to propose a friendly amendment to this motion that's before us.

I move:

THAT Motion No. 1179 be amended by deleting:

- (1) the colon after the words "18 by";
- (2) clauses (1) and (2);
- (3) the number (3) where it appears; and
- (4) the words "by adults only."

If you would like, Mr. Speaker, I can read the motion that would be as amended. If the motion to amend the motion was adopted, the motion as amended would read:

THAT this House urges the Government of Yukon to address the unknown health implications of the consumption of energy drinks on youth under the age of 18 by working with Health Canada to ensure the consumption of energy drinks as being properly regulated in Canada.

**Speaker:** The amendment is in order, and the Minister of Education has three minutes left in which to speak to the amendment.

**Hon. Mr. Rouble:** I will be brief. I think the motion, as amended, still maintains its original intent. It has certainly served to bring attention to the issue. The Department of Education will work with our school councils through the channels and processes we have already established to address issues of food consumption in our school system.

It addresses the concern that was voiced by the Member for Mount Lorne about the issue regarding prohibition of something, and I believe he mentioned the forbidden fruit that tastes much sweeter — I'm probably not doing justice to the quote that he used.

Also, it calls upon us to work with the Government of Canada — with Health Canada — which is the appropriate agency, I believe, to address this. The last edit was merely done to improve the readability or the flow of the motion as it certainly speaks to youth under the age of 18.

I hope that members opposite will accept the amendments that I would like to pass today. Then, once we've concluded that, we can continue with the public's work of debating the budget and the other legislation that's before us.

**Mr. Mitchell:** I am pleased to enter into the debate. I have been listening intently all afternoon to the debate on Motion No. 1179, brought forward by my colleague, the Member for Vuntut Gwitchin. I was hopeful when the Education minister indicated that he was going to propose a friendly amendment, and I do believe that all of the debate here has been genuine debate based on the belief of every legislator — that we're here to do the best job possible. I am not going to be slamming the minister for the amendment, but rather just expressing my concerns of what this does — because it may be friendly, but certainly diluted in what it will and won't do. The initial motion, of course, had three sections after the words that remain, and they had a very specific purpose.

One was to prohibit “the consumption, distribution and possession of energy drinks in all Yukon schools and within their jurisdictional boundaries.”

The minister did explain that there are other methods that can exist to do this in consultation with the partners in education. I think he mentioned first and foremost those involving school councils and policy. He mentioned school councils, school boards, principals, teachers, parents and other stakeholders. I don't know if he mentioned First Nations, but basically the partners. He did explain that there are policies that are in place and that the majority of schools — perhaps with the exception of the Wood Street School — already don't allow for the sale of those drinks on the premises. However, they're silent regarding the possession and therefore the consumption on the premises.

The second part of the motion really is just gone: “developing legislation to ensure only persons over the age of 18 can purchase energy drinks in Yukon.” It rather leaves it to Health Canada. So it's basically saying let the federal government be the decision-maker, which is one possible approach to the issue.

But, as we know, there are other issues where we have not waited for the federal government, such as the issues of the cellphone, distracted driver legislation or, for that matter, our smoke-free places legislation. In some cases, such as the smoke-free, there is federal jurisdiction in terms of some aspects of advertising and other aspects of tobacco consumption, but yet we still went further.

I would like to address some points in speaking to the amendment, because I think the amendment comes partially from a philosophical approach on how to best treat this issue that the Health minister raised. He basically said that he was philosophically opposed to creating any more legislation that makes things or activities illegal than that which is absolutely necessary, and he may be surprised to learn that I share that same reluctance. I think that we always have to be careful that we don't get overly enthusiastic in what we prescribe or proscribe through legislation. I would like to go back to the cigarette analogy that my colleague from Vuntut Gwitchin was using in his presentation and I think others made some reference to it.

I think it's very relevant because, for all of the education that we've seen over the past 50 years regarding the health

dangers of cigarette and other tobacco use, and particularly the concerns that have been expressed toward young people, the facts are that the greatest increase in smokers over the past decade has been among teenagers and young adults, and in fact, specifically among females more than males, but it's among young people. That's not by accident because, in fact, the tobacco companies have always focused on the attitudinal aspects of smoking and they have tried to make it cool. Back from the days of *Cool Hand Luke* and Paul Newman, it has always been associated with somehow you're an adult if you can smoke and it's kind of a cool thing to do.

They do that, not by accident, but because they're looking to create new customers. These energy drinks, as the Member for Vuntut Gwitchin I think pointed out, are being marketed much the same way and in fact, in some cases, by the very same international conglomerates. The very same corporations that have marketed tobacco for years are marketing these drinks, and they're doing it in the same way. They show young men knocking back these drinks, and somehow attracting attractive young women. They're basically just looking to replace lost revenue with a different product. These products don't have a health benefit; they're completely a creation of companies for marketing purposes.

So while I'm also reluctant to rush forward into legislation, I still think that, ultimately, there may be a legislative requirement if we're going to achieve these goals. History shows that young people are the most immune to concerns that others express to them about their safety — that they should drive more carefully, that they shouldn't be doing outrageous stunts on motorcycles, that they should be careful because driving too fast kills, et cetera. For that very reason, we have restricted drivers' licences for young people and have laws we do impose for the benefit of people who don't necessarily make the best decisions for themselves.

We see evidence that these drinks — and there has been lots of evidence put on record — can be dangerous.

It's interesting, in fact, that the Health minister, when he was speaking, was noting the distinction between the so-called legitimate athletic drinks that are meant as restorative drinks to replace essential electrolytes after strenuous sports or other athletic exercise, and the energy restorative drinks. Where the one replaces potassium and calcium and other things that are lost during exercise, the others are loaded up with caffeine, excessive sugar, and all these other chemicals that were cited by all the members, including caffeine, taurine, guarana, B vitamins, ginseng, ginkgo biloba — I'm not going to read them all — sugars and antioxidants. But with a few of these, it's not the ingredients, it's the quantity. People used to think, well, vitamin B — it's a vitamin; it's good for you; you lose it, so you should replace it. Vitamin D is the same way, but we have all heard of vitamin D toxicity. We have heard of people who are eating pure liver taken from some animals who actually overdose on some vitamins, because it's in too concentrated a form. The problem is that these drinks are not being regulated and the ingestion of them is not being regulated — until or unless we act — among young people.



So there are concerns about that. For example, most energy drinks contain between 70 and 300 milligrams of caffeine compared to 34 milligrams in a can of Coke. I'm not sure people realize that they may be ingesting 10 times as much. There have been cases of unexplained arrhythmia and unexplained deaths. One would wonder, for example, when, a few weeks ago, I think we all probably saw news footage of an NHL goalie — I think it was the San Jose Sharks, but I'm not positive — who simply collapsed in his goal. There was speculation — he collapsed and had to be revived; it was a sudden collapse and quite dramatic, because he was standing there and wasn't exercising in any way. So there was some talk that this may have been the result of ingestion of a number of cans of these drinks. We haven't heard the results of that yet, but there have been other cases of sudden collapses in young people and athletes that have been attributed to it.

So there are dangers involved here. There is a lot of literature and the Member for Vuntut Gwitchin spoke to some of it.

I'll read some excerpts from an article that he didn't use, entitled, "Energy Drinks: Is It Time to Tighten Regulation?" from November 2, 2010. It says, "Concerns about energy drinks have been gathering pace..." — excuse me, I think it was yesterday — "with some groups, particularly in the US and the UK, now calling for them to be more tightly regulated and for greater public awareness of what they contain, their potential side-effects and risk of addiction." Speaking to some of the comments made by the Health minister about which are energy drinks and which are these more athletic drinks, this article says, "Although their history dates back to the early 1900s, energy drinks started coming into vogue in the 1970s and 1980s as performance-enhancing products sought by young people who wanted to prolong their enjoyment of physical activities. In the US, Gatorade was probably one of the first performance-enhancing drinks to be manufactured as such: it was originally produced by a team of researchers at the University of Florida in the 1960s in response to a request from the Gators football coach who was fed up with his team's performance during practices. The first Gatorade thirst-quenching formula included water, sodium, sugar, phosphate, lemon juice and potassium." You'll note, Mr. Speaker, not high quantities of caffeine. So it was more of a restorative drink compared to the ones that have become popularized by Boost and these others today.

I'm going to skip through and not read all of this, but the key points are: "However, since then, public perception and consumption of energy drinks appears to have shifted from dietary supplementation to recreational use, and some might now even say, recreational abuse, with the latter perhaps boosted by the arrival of alcoholic energy drinks, the dangers of which have been illustrated with the recent hospitalization of nine US students aged 17 to 19, allegedly for consuming too much Four Loko, an alcoholic energy drink that is colloquially referred to as 'blackout in a can' or 'liquid cocaine'".

Later in the article, it says, "So, if energy drinks aren't necessarily supplying us with energy, what is their appeal? The answer is, caffeine. And that is where the concern arises, for caffeine in excess, particularly for young people consuming too

much too soon, can lead to some unpleasant, and dangerous symptoms.

Consider the story of "Amy", whose first and she says now last, experience with energy drinks, was posted recently on the website of Think Before You Drink, a watchdog organization.

"Amy tells of when she finished high school and was asked to make the valedictorian graduation speech. She spent weeks preparing the speech, and because she could not sleep the night before the big day, she felt 'groggy' the next morning.

"As the moment to deliver the speech grew nearer, she felt her brain become 'completely scattered.' So she went to the vending machine and bought three cans of energy drinks and drank them all. She said she felt "great", like "a light bulb turned on in my brain", as she stepped up to the podium. She remembers greeting all her classmates, but then ... the next thing she knew she woke up in hospital."

I guess the concern is that we can educate kids and we can point out the potential dangers, but kids are just that — they're kids. We do pass legislation; we don't allow 12 year olds to drive down the streets. We have a licensing system that starts at 16 and is graduated until kids are older. We haven't taken the approach — even though as the Member for Mount Lorne says and as the Education minister, the Member for Southern Lakes has said, that sometimes making something illegal or banning it leads to the desire to taste the forbidden fruit. That is true, it does happen and yet sometimes we say we're going to do it anyway, knowing that we can't necessarily reach all kids that way and some kids will very much go outside of the rules or the laws to try and obtain that which we restrict, but we do it because we think that it's in their best interests.

This motion, and the portions that have been removed by the amendment, is simply urging the government to take action on it. It's not legislation. Well, actually we did have legislation today that was even briefer than this, but that was an amendment that only needed to be brief. We recognize, and the Member for Vuntut Gwitchin recognizes, that there has to be consultation with experts; there has to be some public consultation. That's all part of legislation. He certainly wasn't asking the government to bring back legislation tomorrow, ask for unanimous consent, and pass it. He recognizes that there are steps that need to be taken, but he's urging the government to move forward with doing just that. I think the reasons are good because education will only address part of it. The second part of the three points — "developing legislation to ensure only persons over the age of 18 can purchase energy drinks in the Yukon" — is really completely ignored by the amendment. The rationale for the amendment about working with school councils and other partners is good rationale and maybe as part of the process of developing legislation that is an obvious important step and we should not skip those steps.

Nevertheless, it may require legislation in order to protect young people from having unexplained arrhythmias or unexpected collapses. The fact is, in terms of the statements that the Health minister made that we're not doctors — no, we don't have that expertise. We're not driving instructors either, but we passed legislation having to do with the restriction of automobile use. We weren't doctors when we addressed the issue of

smoke-free places. We relied on the literature that was out there that talked about the health impacts of smoking in restricted places such as restaurants or bars.

There are examples of legislation in places as unusual to us as, I believe it's the United Arab Emirates, and other parts of the world where they have looked at it. The process may not be quick, but I would support the Member for Vuntut Gwitchin in saying we need to start down the path. Yes, we do need to do our homework. We can't just create legislation on the fly — that wasn't the intent — but I don't believe that simply asking Health Canada to look after this is going to necessarily be sufficient. Therefore, I think that this amendment doesn't go far enough.

Perhaps someone else can bring back another amendment that would restore some of the essential missing ingredients in the original motion. But I don't think this amendment does, and I therefore can't support it as it currently reads. Thank you, Mr. Deputy Speaker. I know there are others who want to speak to the amendment, and I look forward to additional debate.

**Hon. Mr. Kenyon:** I don't want to go on at length on this. I really do want to get this to a vote, because I do agree with the Member for Vuntut Gwitchin that it's an important thing.

We do have to do things in a reasonable way. I was in a bit of pain upstairs with the Member for Vuntut Gwitchin's Latin awhile ago, but the thought was there. I do agree with what he had to say. The problem is knowing a bit more about it and just to get on to that.

Caffeine is what is called a xanthine alkaloid. It can be very useful; it can also be very dangerous. But when you look at the whole class of xanthine alkaloids, that includes another alkaloid, other than caffeine, called theophylline, which is the dominant agent — a little bit of caffeine — but it's the dominant agent in tea and other things. So, really, we have to start looking at tea as a possible effect in here or some types of tea.

We also have another xanthine alkaloid called theobromine. Theobromine is the dominant xanthine in chocolate, so somebody who drinks very strong hot chocolate and has a number of cups of it is subject to much the same thing, but I would suggest that maybe the intention isn't to ban all xanthine alkaloids.

The problem here is that we don't know that much about it. The Liberal leader says we have to rely on literature. He's right to a degree, and there is overwhelming literature. When I say literature, I mean medical literature — not newspaper articles the member opposite read; not somebody said they know somebody who knew somebody who used to go to school with someone who had — no, proven literature. Otherwise he would be going out and banning all sorts of crazy things. You have to deal with that literature, and I think there is overwhelming literature with tobacco.

There is a problem there that it has been in all cultures — certainly First Nation cultures and western culture and Asian culture and everything else — of the use of tobacco for a variety of things.

It's difficult to now turn around and outright ban it, but we can at least put restrictions on it: where you smoke and who chooses not to be exposed to it — the literature would support that. With alcohol, even more problematic because I would agree with the members opposite that this is perhaps one of the most dangerous drugs that we deal with, but if you look at the medical literature, there is very good evidence to show that around an ounce a day is beneficial to the heart.

That original study, and subsequent studies, were done in both the United States and the United Kingdom and were based on red wine. There have been further investigations to show that this may go out into any form of alcohol. The problem with that is how do you make that recommendation to a patient and not promote drinking, which is clearly harmful.

So, dealing with and relying on the literature is not as easy a thing as you would suspect. Again, with all the right intentions, I think the members opposite are trying to look at an issue and evaluate it, but they're doing it through a lens that really doesn't stand the test. That's what this motion addresses: we should work with Health Canada to ensure the consumption of energy drinks is being properly regulated in Canada. We don't have anyone in the Yukon, and I include the members opposite and I include myself. We don't have the people here, the expertise here to make to make these judgements, but you do have to look at all of these issues with proper training and with proper expertise and under proper conditions.

I give a very famous example of misinterpretation and jumping to conclusions like this — during World War II, there was a huge problem in the Pacific theatre with a disease called yellow fever. It was causing fairly major illness and fatalities in the troops and it was getting to be a huge problem, and researchers in the United States were tasked with trying to find something that could be utilized as a vaccine for yellow fever.

In mice, at a university in New York, there was a sudden outbreak and illness and death in a mouse colony. The agent was identified, what had come in, and the samples that had come in were from yellow fever patients in the Pacific, so they thought they had something here. It was wartime, things were rushed; the agent was quickly identified. A vaccine was promptly made; it seemed to work back into another germ-free mouse colony that were then exposed to this agent live and the vaccine was immediately released primarily to United States troops in the Pacific theatre. To this day we have — of the survivors anyway — up to 120,000 U.S. troops who were vaccinated against mousepox. It had nothing to do with yellow fever. It was a disease of mice.

Deal with fact — we don't have the expertise here. Just to clarify one thing that has come up here with the Gatorade and other of these so-called replacement drinks, what Gatorade and other drinks of that sort do is replace the electrolytes that you use when you sweat during exercise or during athletic events — sodium, potassium and sodium chloride. All of these things are lost when you sweat and things like Gatorade replace that. Drinking straight water does not do it, unfortunately. So this is why your marathon runners and everybody else are insistent on this. It's also for anyone who runs dogs, skijoring, mushing or anything else.

Dogs only have a limited number of sweat glands in the pads of their feet. It's pretty obvious when you put a dog on the table — you can see if the dog is nervous because you have these little wet paw prints all over the table. They don't have sweat glands in the rest of the body, so when a dog is exercising, they put heat out through their tongue and through their mouth. That's why you see the tongue hanging out. So they're not losing these electrolytes or at least not losing them as fast. Therefore, you give the dog water. You don't overload them with Gatorade or anything like that because you're giving them stuff they don't need and that's going to get them into trouble. So again, deal with what you have.

I think, with all due respect to the members opposite, by putting this in the hands of people with knowledge and information, and working with them, and not reacting to something about which — they may well be right; I don't know; I don't think anyone knows — but let's do it in a way in which it should be done. Again, I will give one example of that, going back into my former life and 20 years in medical research and surgical research. I remember on a regional 50,000 watt clear-channel radio station getting into a debate with someone who felt that humane societies should have the dominant force and dominant seats on a committee to evaluate the validity of medical research. My immediate response was, "Gee, I've got a proposal on my desk looking at potassium and calcium balance in hypertrophic pulmonary osteoarthropathy," and this poor woman's jaw just about hit the table. She said "I have no idea what that means." I said, "Well then, how can you possibly judge if this is a valid process or not?" How can we validly judge that these drinks are that dangerous? They may well be, but let's let the people who have that knowledge do the evaluation.

I think that what we have heard from the Minister of Education is that already these are not available in the schools.

Are you going to carry that into the general public? If you are going to do it, know what you're talking about on that. That's what scares me about the act as it starts out, but I do support the thought and the concept. By amending it and saying that we're to work with Health Canada to ensure the consumption of energy drinks is being properly regulated — leave it with people who know what they're doing and react to what the information is.

Unfortunately, while we do have to rely on the literature — as the Liberal leader has said — there is precious little on the dangers of these drugs. One anecdote is there was a death I was aware of, of a young child who suddenly dropped dead, cardiac arrest. Rather than go back and look at whether he had a sports drink beforehand or ate a certain food or had an almond allergy or whatever, after careful analysis, that one turned out to be an unusual genetic position of the right coronary artery.

Again, going back to my previous life when I worked the Iditarod for a number of years, I flew around with a cardiac surgeon who was volunteering for the Iditarod air force, and I mentioned this case and how rare it was. He just laughed and said he had six of those patients in Anchorage. It's not as rare

as you think. So deal with fact, deal with data, don't jump to conclusions.

I certainly support this motion that puts it back to Health Canada and encourages them to get on with studying this because it is a reasonable issue; the Member for Vuntut Gwitchin is right on that.

**Mr. Elias:** In speaking to the amendment, well first and foremost I don't support it because the government is basically urging itself to do what the Health minister already said they're doing. I want to address a couple of issues here. It is obvious to me now that the Yukon Party government is not prepared to take bold action to protect Yukon children from these energy drinks. I am concerned about something that I'm hearing about — I'll go back to my original motion and where it says, "immediately prohibiting...". How the government immediately prohibits — whether it's through discussions with school councils, the administration of every school, public meetings with parents — that is up to them. And with regard to number (2): "developing legislation...", implicit in that request is a process — and I'll use the distracted driving: the Minister of Community Services sent out a Yukon-wide questionnaire and asked Yukoners what they thought about distracted driving as part of them developing legislation.

Why can't that be done here? I challenge them to do the same thing and canvass Yukoners about whether they think it's safe for children under the age of 18 to consume these energy drinks. The definition of those energy drinks can come from Yukoners themselves.

The minister who just spoke said there is no expertise here in assessing these energy drinks. You know what? The expertise is here in this territory — it's common sense. I'll tell you what — the United Arab Emirates; the State of Florida; the country of Australia; the European Union; our own provinces of Ontario and Prince Edward Island; the country of France and the State of Alabama — you know what they all have in common? They waited for one of their citizens to die until they considered legislation of these energy drinks. I don't want a parent in this territory to have to conduct themselves like Mr. Jim Shepherd and wait for one of their children to die, to go to Ottawa on a regular basis and submit in front of a standing commission — to Health Canada — about protecting their children — taking the cautious approach, erring on the side of caution — because around this planet, youth are collapsing and dying, having seizures, having heart palpitations.

That's what I tried to adjust in the original motion.

Do I support the amendment? No, and I hope that this issue gets recognized a little bit more seriously by the government members because I'm willing to put this in the hands of Yukoners. That was my intent here. How they achieve the bullets (1), (2) and (3) — put it in the hands of Yukoners.

Whatever happens here today, I want to put all Members of this Legislative Assembly on notice. I'm going to ensure that this issue doesn't go away because when I go to the hockey rink I see kids drinking these drinks. I talk to parents who are concerned about these drinks being consumed by youth. The issue is out there. Again, I challenge this Yukon Party govern-

ment to canvass Yukoners and to listen to what they think when developing legislation.

I think this is an important issue and I don't want to be in the same category as countries, states and provinces that had to wait for one of their citizens to die before they looked at legislative options as the first order of business to protect their youth. That's what I'm trying to accomplish here. They are urging themselves in the amendment from the Minister of Education to work with Health Canada, which the Health minister already said they're doing. So the amendment's redundant. So I'm not going to support that. But believe me when I say that this issue is not going to go away, because I'm not prepared to be in the category of those other nations and those other states and those other provinces — to wait for one of our Yukon citizens to get hurt or to die or to have a seizure or to have an incident. We don't know enough about how this chemical concoction in energy drinks is affecting our youth. All I tried to do here today was take the cautious approach. I don't support this amendment. It looks like I have a lot more work to do to address this issue. I will do that.

**Mr. Cardiff:** On the amendment — well, I know I invoked the idea of a constructive amendment but, in listening to what has been said, I can't support the amendment to the motion. I think they may have missed the point because I did say that I would support the motion as it stood. One of the things that I said — and I heard the Member for Vuntut Gwitchin as well — is that when it comes to the health and the safety of our children, I believe that we should be erring on the side of caution. He made some valid arguments about why deleting clauses (1) and (2) aren't necessary, or aren't valid. We have had a number of conversations in this Legislative Assembly where the government talks about due process.

The Member for Vuntut Gwitchin brought up the distracted driving survey and how fast the government reacted to what was a concern out there in the public. I don't believe that the government either doesn't have the tools or they don't want to use the tools that they have that they already have used in other processes to consult Yukoners to find out what they think about whether or not this should be legislated or to consult with parents.

The Education minister indicated that there are processes where they can consult with the partners in education around prohibiting the consumption and distribution of energy drinks in all Yukon schools and within their jurisdictional boundaries. I would encourage them to have that conversation, but there are ways of allowing that to remain in the motion to ensure that Yukoners get the message that we take this seriously. We take the health and safety of our young people seriously. We take our responsibilities for their education, for guiding them and counselling them.

I agree; I don't want to legislate everything out of existence either because, as I said earlier, there's that whole idea of forbidden fruit and I don't want to be legislating something which, by doing it, is actually encouraging young people to take risks because we've said that it's forbidden. At the same time, though, I think that it's valuable and I'll go back to a

conversation we had about housing and the definition of “develop.” I better understand the Member for Vuntut Gwitchin's intent and the wording. When I read it again, when I listen to his words, I understand it a little bit better. It said, prior to the proposal of the amendment, “developing legislation.”

I'll go back to about a week ago, when the government brought forward a motion about housing and it was to develop a homeless shelter. The definition of “develop” in the dictionary is to make progress. There is a process for making progress. The government has used it several times — it's called consultation. But the government only chooses to consult when it's in their best interests to do so. When it's not in their best interests to do it, then they don't. I can hear the groans on the other side. It's unfortunate that they don't see it for what it really is.

So I find it hard to support the amendment to the motion because, as the Member for Vuntut Gwitchin has quite rightly pointed out, it turns it into another motion that urges the government to do something that it already said that it was doing. I don't think we need to do that. I think we need to make progress. I think we need to err on the side of caution.

The government could have been more constructive and I think it's the government's responsibility to be more constructive. I don't think that all the constructive ideas have to come from this side of the House. I think that they could have been more constructive and, instead of urging themselves to do something they're already doing, they could have urged themselves to actually take some action — to make progress on this issue and to err on the side of caution when it comes to the health and the well-being of our most valuable resource — the ones we're not doing a good enough job for, the ones who are out there struggling. They are our most valuable resource and they are all our children. We have responsibility for all those kids out there. They're in the education system. They're in the childcare system. They're in the health care system. We have a responsibility.

I think that the Member for Vuntut Gwitchin's intentions were good and honourable. I think that the government has diluted the motion and the intent of what was trying to be done.

I don't see where the government would be making progress by continuing down the same path that it is already going. I think that it needs to engage Yukoners in the discussion about this, and I see nothing in the amended motion that would encourage them to do that. I won't be supporting the amendment to the motion. Thank you.

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

**Hon. Ms. Horne:** I would like to speak to this amendment for a few minutes. I think we all agree that we remain deeply concerned about things that are potentially dangerous to our children. Speaking as a mother and a grandmother, I know how much I want to protect my daughters and granddaughter from anything that would be detrimental to their health. My daughter and my granddaughter are in university and I know that it's a tendency to drink these when they're on an “all-nighter” studying. Young people are increasingly turn-

ing to energy drinks to fuel all-night study sessions. Anything that's overdone can be dangerous.

In our campaign, we talked about building a better quality of life. We spoke to caring for Yukoners and caring for our children. We have been pretty clear that we are deeply concerned about caring for our children. As a parent, I know that some kids will push themselves, push boundaries, push limits. It's just the way we are when we're young.

Think about it — anything used to excess is dangerous. Water, for example — if you over-drink water you can potentially die. I can understand why parents would be concerned about their children consuming these energy drinks. As I look at these energy drinks, I think it's fair to ask ourselves: what is the responsible course of action?

I see that some European jurisdictions — as the members opposite noted — like France and Denmark, moved to ban or to limit the availability of them, but other countries like Britain simply offered warnings about these drinks being consumed by children and pregnant women. I understand that Denmark has since repealed the ban that they placed on energy drinks.

As I reflect on this issue, it is clear that more information is needed. Let's not be hasty. When I look at some of the steps that the original motion called for the government to take, I really wonder if this is the right approach that we should take.

I see that the amendment to the motion has now changed that. It is common sense. I'm not clear what the member opposite meant originally by "jurisdictional boundaries," or what this clause was meant to do.

I also see issues —

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

**Hon. Ms. Horne:** Excuse me, do I have the floor? Thank you, Mr. Speaker.

I also see issues with the second clause in the original, which called for Yukon to develop legislation to ensure that only people 18 years or over can buy these drinks. I see several issues. What is the definition of an "energy drink"? Speaking just for myself, I have to say that I sure enjoy a cup of coffee in the morning; it gets me going. Are we going to tell people that they can't have a coffee because they are 16 or 17 years old? I think not. That would be the wrong approach. We have to do more study on the subject.

The member opposite's opening comments indicated that caffeine is a drug that leads to addiction. Given those comments, I'm just not clear where the member opposite wants to take this. According to the Government of Canada's Health Canada website, due to their ingredients such as caffeine, taurine and vitamins, and the claims they make, energy drinks are regulated as natural health products under the natural health product regulations.

Like all natural health products, energy drinks are reviewed by Health Canada for their quality and safety. They must display recommended conditions for use and cautions on their labels. Consumers can identify energy drinks authorized for sale by Health Canada and by looking for the natural product number, or NPN, on the label. We need to work more on this subject and we need to work with Health Canada on the subject. The more I look at the original motion, the more I

think that we need more information and, therefore, I recommend the amendment to the motion.

I also think that we need to work in conjunction with the national government. I agree with the clause calling for the government to work with Health Canada "to ensure the consumption of energy drinks by adults only is being properly regulated in Canada." I appreciate the member opposite's desire to work on this and his indication that he was willing to accept amendments.

I would like to share these warnings from Health Canada's website. If you drink energy drinks, be aware of the following: "Carefully read the labels of all health products you consume, including energy drinks and follow label instructions. Authorized energy drinks will have an eight-digit natural product number, NPN, on the label. Energy drinks should be consumed in moderation." That is the key: moderation of any item. Over-use of any item could possibly harm or kill you.

"Energy drinks should not be taken on an empty stomach and should not replace food. Do not mix energy drinks with alcohol." This is a problem with many of the young people, as they are taking energy drinks mixed with alcohol, and that is a deadly combination.

"If you engage in intense physical activity or exercise, drink water to help rehydrate your system." This is a major concern with energy drinks mixed with alcohol — the dehydration of the body, and it causes severe damage to kidneys.

"If you have an adverse reaction to an energy drink, report it to Health Canada, as outlined in the 'Need more Information?' section."

Again, I want to close my comments by saying that I understand and appreciate the concerns shared by parents who want to protect their children from potential harm. I think that what is very, very important here is to talk to your children about the harm in consuming energy drinks. Let them know that it's not good for them in the long run, even though it may make them feel good right now.

Again, if we ban energy drinks, it is the forbidden fruit that is always sweeter. As is important with anything that's dangerous and could possibly harm our children, we have to talk to them about it. It's very important to have that rapport with your children and to engage in conversation with them.

That's about all I have to say, Mr. Speaker, but again, I stress that it's common sense. We have to study this further and work with Health Canada. Thank you.

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

**Hon. Ms. Taylor:** Mr. Speaker, my remarks will be brief, seeing the time of day. A lot has been said on the floor of the Assembly here. I want to thank all members for the contributions they have provided to this debate today.

I also want to say thank you to the Member for Vuntut Gwitchin for bringing forward this motion. I've often said that as legislators and as members of the Assembly it is our job to bring forward issues of importance to the respective ridings and the constituencies. There is no question that an issue such as

this, the energy drinks, does deserve discussion. It deserves attention and it has generated a lot of discussion and action on all parts — in just about every part of this country.

I want to say that a lot has been said on the floor about energy drinks and how they have actually evolved over the years. I recall going to university and, of course, at that time a Jolt was the flavour of the day. In fact, I think it was the one and only energy drink to come forward at that time. I could be wrong. I recall that it was indeed the rave among students.

I can say that it only took me — I think it was one Jolt and that was enough to say no to more Jolt down the road. What I can say is that since that time, energy drinks, as has already been outlined, have very much evolved and advanced in terms of their content and in terms of their effects.

As to the motion, and the amendment that was put forward by the Minister of Education, I just want to say that the Minister of Education has already eloquently outlined the rationale for the amendment as put forward. He has already stated the importance of involving our partners in education — our school councils, parents, administration and many others involved in the Yukon's education system — and how many of the school councils across the territory have already taken substantive action in terms of prohibiting the use of these drinks within their schools. As the Minister of Education has already said as well, to be sure, there will be additional steps taken on all fronts.

I'm sure that it's not just inclusive of energy drinks. We have seen many steps taken over the years as education evolves in the territory. I think that it is very critical that we do pay credence, that we do adhere to our obligations by having the inclusive discussions and consultations with school councils, the parents, the administration, and all of our stakeholders in education. I think that's of utmost importance. Again, I applaud the many councils that have taken action. As I said, with all the discussion that continues to be generated, there's no question that more action will be undertaken.

In terms of developing legislation, I think that — correct me if I'm wrong, but there has been nowhere else in the country that has undertaken to implement legislation at this time, to actually take these steps, that which is being purported by the motion.

I think that, in terms of working with Health Canada, as we have already heard, there is an assessment underway at this time by the Government of Canada. There are discussions being held throughout the country and it is an evolving debate.

Again, we have to pay attention to how these assessments unfold. That's not to say the outcome may be legislation down the road. At this time, legislation is not being proposed. What the amendment speaks to is working with Health Canada. It's not solely throwing this issue into the lap of Health Canada, but working in partnership with Health Canada to ensure the consumption of energy drinks is being properly regulated in Canada. That's not to say that the territorial government or provincial governments don't have a role in this.

Health Canada has been undertaking a substantive level of work and effort over the last number of months on this issue, as the Minister of Health and Social Services has already outlined.

It's very important to take heed of that work and to make a determination upon that work being concluded.

It is a work in progress and I just want to say that working in collaboration with the Government of Canada is not simply throwing the issue into their hands. It is a work in progress and that's not to say that we are not supportive of legislation or not supportive of an outright ban. What we are saying though is that we do need to take the time to work with our partners in education, whether that be our school councils, parents, administration. We also do need to take the time on the federal-provincial-territorial level to let those discussions unfold, as was already said here earlier today.

We're certainly not physicians on this side — at least I can speak for myself — but there is a very high degree of technical analysis being done on these drinks, as has already been stated.

Again, it has to be said that this amendment does recognize that there is an issue; it recognizes the fact that these drinks have evolved over the years; it recognizes that work is already being undertaken at the federal level as well as the provincial-territorial level; and that additional work needs to be undertaken. That is working with our partners to ensure that these drinks are properly regulated in the country.

So, just to be very clear, I want to again thank the members opposite, especially the Member for Vuntut Gwitchin, for bringing forth the motion. I also want to thank the Member for Southern Lakes for bringing forward the amendment, as well as for the comments made by the Minister of Health and Social Services. I appreciate all the comments and I think we do want to do what is best for all individuals who live in the territory. I think a substantive level of work is being undertaken, but it is clear that there is more to be done before legislation is tabled in this Legislature — or whether it is at the federal level, as well. We have to be responsible and attuned to the work and the assessments that are being undertaken.

We also have to be inclusive in how we go about that level of work. So it's not to undermine what has been said by members opposite, but it is to take into account the level of work that continues to unfold.

So I will perhaps conclude my remarks and just thank all members again for their many contributions to this debate.

**Mr. McRobb:** I'll be brief, unlike some of the other members who said they would be brief, yet spoke for pretty much the maximum allotted time. I'm just going to take an overview of what has happened here this afternoon. If I can sum it all up, this is a government that is defending the status quo and is unwilling to accept any change. It exhibits the father-knows-best attitude. It rejects any suggestions from the opposition side for improvements that could be made for Yukoners' lives. We saw it this afternoon on this energy drink motion, in which this Yukon Party government changed the intent of the whole motion.

Essentially, the Yukon Party says, "Hey, the status quo is good enough — no need to change anything." We saw it on the previous bill about the *Elections Act*. "The status quo was good enough," said the Yukon Party.

Mr. Speaker, I know my time is almost up. I'm pleased to be able to have two minutes to speak today after listening to all the other speakers in order to put these comments on the record, because for anybody listening, they might be a little confused after all the verbiage that went into *Hansard* this afternoon. They might be confused that the Yukon Party was supporting democracy or supporting healthy living, when in fact the Yukon Party has voted against both of those undertakings as brought forward by members of the opposition today in a very constructive way.

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

*Debate on Motion No. 1179, and the amendment, accordingly adjourned*

*The House adjourned at 5:30 p.m.*

**The following Sessional Paper was tabled November 3, 2010:**

10-1-182

Yukon Arts Centre 2009-2010 Annual Report (Taylor)

**The following documents were filed November 3, 2010:**

10-1-162

Yukon Geographical Place Names Board 2009-2010 Annual Report (Taylor)

10-1-163

Arctic offshore drilling, National Energy Board public hearing in Yukon: letter (dated June 22, 2010) from Darius Elias, MLA, Vuntut Gwitchin, to Anne-Marie Erickson, Secretary of the Board, National Energy Board (Elias)