

Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, March 16, 2011 — 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 International Francophonie Day

Hon. Mr. Hart: En tant que ministre responsable de la Direction des services en français, je prends la parole en ce jour pour souligner les Rendez-vous de la Francophonie 2011 du 4 au 20 mars 2011 et la Journée internationale de la Francophonie, le 20 mars et désire, par la même occasion, rendre hommage aux Francophones du monde entier, ainsi qu'à ceux du Canada et du Yukon.

Aujourd'hui, dans le monde, plus de 200 millions de personnes s'expriment en français, dont neuf millions au Canada.

Les Rendez-vous de la Francophonie célèbrent la langue française et la diversité culturelle des populations francophones partout dans le monde.

La langue française est enracinée au Yukon depuis plus de 150 ans. Elle fait partie de notre histoire, de notre culture et de notre identité. Les francophones continuent à laisser leurs marques partout au territoire.

En vertu de la *Loi sur les langues* du Yukon, le gouvernement travaille sans cesse à l'amélioration des services en français offerts à la population, en ceci étroite collaboration avec la communauté franco-yukonnaise.

Je suis fier de dire qu'ici, au Yukon, il est possible de vivre et de grandir en français.

J'invite tous les Yukonnais et Yukonnaises à se joindre à moi pour fêter les Rendez-vous de la Francophonie 2011 ainsi que la Journée internationale de la Francophonie. Je vous remercie.

I will also speak in English.

As the minister responsible for the French Language Services Directorate, I rise today to pay tribute to the Rendez-vous de la Francophonie, from March 4 to 20, 2011, and the International Day of la Francophonie, on March 20, as well as to all francophones, in the world, in Canada and in Yukon.

Today, all around the world, 200 million people speak French, nine million in Canada.

The Rendez-vous de la Francophonie celebrates the French language and the cultural diversity of French-speaking populations worldwide.

French language has been deeply rooted in Yukon for over 150 years. It is a part of our history, our culture and our iden-

tity. Francophones continue to contribute greatly to the development of the Yukon.

Through the *Languages Act*, it gives me great pride to say that our government has been working closely with the French community to further the provision of French language services. I am proud to say that in the Yukon we can be raised and live happily in French.

I invite all Yukoners to join us to celebrate the Rendez-vous de la Francophonie and the Journée internationale de la Francophonie. Thank you to all.

Mr. Mitchell: Merci, M. le Président, il me donne le grand plaisir de me lever aujourd'hui au nom de l'opposition officielle et la la partie troisième pour rendre hommage à le Journée internationale de la Francophonie.

Thank you, Mr. Speaker, it gives me great pleasure to rise today on behalf of the Official Opposition and the Third Party to pay tribute to le Journée internationale de la Francophonie.

Comme chaque année, le 20 mars, les francophones du monde entier fêtent la Journée internationale de la Francophonie.

This year, for 2011, the day will be dedicated to the youth. Une journée dédiée en 2011 à la jeunesse.

The International Day of Francophonie is celebrated on March 20th worldwide. This date was chosen to commemorate the signing on March 20, 1970 in Niamey — Niger — the treaty establishing the Agency for Cultural and Technical Cooperation — ACCT — now the International Organization of la Francophonie — Organisation internationale de la Francophonie.

Le Secrétaire général de la Francophonie, M. Abdou Diouf a dit: "Je voudrais dédier cette Journée internationale de la Francophonie à notre jeunesse, à la jeunesse de tous les pays et de tous les continents, à cette jeunesse du Monde arabe qui a eu le courage et la volonté de tracer, pacifiquement, la voie de la liberté politique et de l'équité économique et sociale, à une jeunesse qui ne doit plus être condamnée à osciller entre désespoir et révolte, mais qui doit pouvoir porter et concrétiser, dans la dignité et la confiance, son espoir légitime d'un avenir aux couleurs de la liberté, de la stabilité et de la prospérité."

C'est en ces termes que le Secrétaire général de la Francophonie, Abdou Diouf, s'est adressé à la jeunesse de l'espace francophone dans son message à l'occasion de la Journée internationale de la Francophonie 2011 (deux mille onze).

La célébration officielle de cet événement international sera marquée par l'inauguration du nouveau siège de l'Organisation internationale de la Francophonie, situé au 19 – 21 avenue Bosquet, Paris 7e, France. le 18 mars 2011.

The official celebration of this international event will mark the inauguration of the new headquarters of the International Organization of la Francophonie, located at 19-21 Avenue Bosquet, Paris 7, France, March 18, 2011.

www.20mars.francophonie.org, the information portal and federated exchange by the International Organization of la Francophonie and dedicated to this event, offers hundreds of programs organized by francophones and francophiles worldwide.

Francophone networks, institutions, associations, schools and individuals are invited to register their activities on the official website.

En 2010, près de 1 200 manifestations, fêtes, concerts, conférences, jeux, concours, expositions ont été organisés dans 120 pays.

La langue française est enracinée au Yukon depuis plus de 150 ans. Elle fait partie de notre histoire, de notre culture et de notre identité.

J'invite tous les Yukonnais et Yukonaises à se joindre à moi pour fêter la Journée internationale de la Francophonie.

Je vous remercie.

Merci, M. le Président.

Thank you, Mr. Speaker.

Speaker: Are there any further tributes?

Introduction of visitors.

Returns or documents for tabling.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Fentie: I have for tabling the protocol between the Government of Yukon and the Crown corporation, the Yukon Development Corporation.

Hon. Ms. Horne: I have for tabling the *Yukon Judicial Council Annual Report — 2010*, and I have for further tabling the annual report of the Yukon Law Foundation.

Hon. Mr. Fentie: I have for tabling the *Shareholder Letter of Expectation* for the time period covering 2010 to 2012 from the minister responsible for the Yukon Development Corporation and the Yukon Development Corporation itself.

I have for tabling the memorandum of understanding — in short, the contribution agreement between the Government of Yukon and the Yukon Development Corporation with respect to the Mayo B project.

Mr. McRobb: I have documents for tabling.

Speaker: Are there any reports of committees?

Petitions.

Any bills to be introduced?

Any notices of motion?

NOTICES OF MOTION

Ms. Hanson: I give notice of the following motion:

That this House urges the Yukon government to relay to the Yukon's Senator that it is its opinion that Bill C-393 now before the Senate should be passed as soon as possible, and that he should encourage his fellow Senators to vote for it in order to make affordable medicines available in developing countries and to allow generic drug producers to create low-cost versions of brand name drugs for developing countries.

I further give notice of the following motion:

THAT this House urges the Minister of Health and Social Services to recognize the excellent work and history of dental therapists in the Yukon and to support the First Nations dental therapy school at the First Nations University by:

(1) raising the issue of funding with the school at the next federal-provincial-territorial ministers meeting;

(2) recommending a cost-sharing approach with the school to the federal and territorial ministers;

(3) requesting that the federal Minister of Health reconsider her decision to withdraw funding.

Speaker: Thank you. Are there any further notices of motion?

Is there a statement by a minister?

Hearing none, that brings us to Question Period.

QUESTION PERIOD

Question re: Whistle-blower legislation

Mr. Inverarity: Bill No. 112, *Disclosure Protection Act*, was tabled last month and will be brought up for debate this afternoon. This bill represents a major advancement in fairness and natural justice for Yukoners. All Yukoners will be protected under this legislation. No one should be punished for doing a good deed.

The Liberals have been very clear about what we wish to achieve by calling Bill No. 112 for debate today. We want to get Bill No. 112 on the government's legislative agenda. The Yukon Party has had plenty of time to review the bill. I'm sure Yukoners would like to know if the Yukon Party government is going to support this legislation today. Will they?

Hon. Ms. Taylor: Mr. Speaker, I find it very interesting that the member opposite has chosen to bring forward this question at this particular stage in the session, as well as put the bill up for discussion later on this afternoon, given the member opposite's very questions and very statements he made not long ago here in the Legislature. It was only on February 28 of this year that the member opposite said that, clearly, the select committee needs to finish the job that they have, that it's up to the select committee to get its proverbial act together prior to putting forward whistle-blower protection.

Mr. Speaker, we are in full support of the work of the select committee, comprised of all representatives of the Assembly — the various political parties — and we look forward to the continued work and the completion of that work. We look forward to acting on those recommendations.

Mr. Inverarity: Mr. Speaker, I think the select committee actually has to call a meeting in order to continue the work. It has been over a year almost.

Mr. Speaker, the Select Committee on Whistle-blower Protection was never mandated to actually develop legislation, so the Official Opposition Liberals took that task on. The legislation is up for debate today, and Yukoners want to know if this government is going to support it.

The Yukon Party has stopped every bill the Liberals have put forward. The Yukon Party promised Yukoners that it would develop whistle-blower protection for the Yukon. This gov-

ernment has had more than eight years to get this done. Why did the government break this promise?

Hon. Ms. Taylor: The question should really be raised with the Member for Porter Creek South for bringing forward a bill that is only half complete. It was not long ago, on February 28 of this year, that the member opposite even admitted that he asked the Minister of Justice whether or not the bill was even worthy of considering — worthy of doing something with. The member opposite has also gone on to the very fact that consultation hasn't been provided on this particular bill that the member opposite has put forward and that, in fact, in between first, second and third readings — somewhere in between there — perhaps some consultation should take place as well.

So I just want, again, to draw to the member's attention that, in fact, this government is committed to whistle-blower protection. We are supportive of the work of the select committee that is comprised of representatives of the respective political parties of the Legislature.

We look forward to the work being completed by the select committee, which the member opposite has also referred to, and the committee still has a lot of work to complete.

Mr. Inverarity: The minority report filed by members of the select committee seemed to have a different opinion. There is a real need for whistle-blower protection in the Yukon. By definition, a whistle-blower is someone who speaks up for the public good and gets punished for it. By definition, whistle-blower protection provides a safe process for disclosing wrongdoings.

If whistle-blower legislation had been in effect two years ago, the Premier's dealings on the energy issue would probably have been investigated by now.

Is it the Yukon Party government's decision to support or not support this whistle-blower protection for Yukon? This government has stalled progress on this issue and broken their promise to Yukoners. When will this government give Yukoners something more than just lame excuses?

Hon. Ms. Taylor: I quote: on February 28, 2011, the Member for Porter Creek South said, "There are a number of other questions that need to be answered as well, and a lot of work still needs to be done before any form of whistle-blower protection can be implemented in the Yukon ..."

This same member went on to say that the work of the select committee is far from complete and that the committee needs to finish the job that they have.

He further went on to say that it is even more imperative that the Select Committee on Whistle-blower Protection get their proverbial act together to finish up and deliver a report before any whistle-blower protection is put forward. We support the work of the select committee. There is still more work to be done before a report can be tabled by the select committee, I might add. We remain committed to the process and we look forward to certainly the completion of that work.

Question re: Business nominee program

Mr. McRobb: A few minutes ago I tabled an e-mail from the Minister of Economic Development regarding his department's Yukon business nominee program. The minister

is highly aware of this correspondence because he authored it and he has been asked by a local reporter to comment on it. This document fell into the public domain after the reporter received documentation relating to an access-to-information request on these matters.

This program was set up with several checks and balances to ensure applications were assessed independently without favouritism or political influence. For the record, can the minister explain why he chose to involve himself in this case?

Hon. Mr. Kenyon: As the member opposite, who has never been involved in government, might understand, ministers often get e-mails in every department asking for information. The appropriate thing to do, as I did in this case, was to give the website for the program, which should give most of the information needed — some of the information on the plan — and asked to get in touch with the deputy minister and the director of business and trade. That is the appropriate thing to do. Again, we do not get involved in boards and committees. I frankly don't know who is on this committee. That is appropriate. They do their good work and continue to do that.

For the member opposite, who I have given many examples on the floor of this House of the Liberal way of getting involved in boards and committees and of the member opposite, when he was in one of his transitions, of what he thought of the Liberal Party — that's not the way we function. We pass it on to the relevant people in the department for their action. That is what we did.

Mr. McRobb: This matter raises several valid questions and the public deserves nothing less than clear answers from this minister.

This e-mail document reveals that the minister told his officials that, in his opinion, a certain individual would, and I quote: "easily qualify for this program."

This program has tight guidelines and stringent criteria in place for the officials to screen applicants who wish to immigrate into Canada through the Yukon. Accordingly, the screening process, which includes the officials, must be seen as objective and completely free of political influence. Why, then, did this minister tell his officials that a certain applicant would easily qualify?

Hon. Mr. Kenyon: For the member opposite's information, the reporter did not contact me and has not had the courtesy to contact me. He only contacted officials, was given the information, was told that Citizenship and Immigration Canada had reviewed the program and referred to it as one of the best in Canada. He was offered the contact within CIC to have that discussion with them and declined to get the information. A good reporter might have done that, but this one didn't. The individual involved has been to the Yukon five or six times. He has never applied for this program. He has never indicated any interest in the program over many, many years. The information was given to the person who is purporting to be a lawyer in Vancouver, who I have since found out is not a member of the B.C. Bar Association and has no credentials in British Columbia. This is a common Chinese scam.

For the information of the member opposite, a letter came in, the individual was referred to the website. I know the mem-

ber opposite knows the Google website, so he could find this, even if he didn't have it completely done. We certainly know he tends to Google government employees quite regularly. The information was passed on to the department, as it should be. That's the way we do it. We are not like the Liberal government, which has repeatedly interfered with boards and committees.

Mr. McRobb: This is a serious matter and one that deserves full disclosure. The public expects and deserves nothing less. In this case, the officials who administer the program were subjected to the minister's opinion that a certain individual would easily qualify for the program. Furthermore in the same document, this same minister also offered his, quote: "specific help" with an individual's specific case.

This minister should be very worried about being perceived as overstepping his bounds with respect to this matter by interfering politically in this process. Why did he choose to influence his officials on this specific case?

Hon. Mr. Kenyon: Mr. Speaker, I think it's a normal courtesy, if someone has a general question, to ask if there is anything specific. Other than that, it's completely within the grounds of the department.

I will go back to the Yukon Housing Corporation where the Liberal minister of the day — and I quote from the minutes, which I have in front of me: "The minister then outlined two areas of immediate need which he wishes to focus on."

We have other cases in here where they indicated to the board of directors the need for the corporation to review a project and develop new options — direct direction from the Liberal minister.

At a recent planning session — this was a letter to the Liberal minister of the day: "You asked the board to review the project with the intent of developing new options."

We don't interfere with the board, Mr. Speaker, and when we get a general letter, it's referred to the department as it should be, unless there is a specific question at a ministerial level. There certainly wasn't in this case. Information was never —

Some Hon. Member: (Inaudible)

Hon. Mr. Kenyon: I hear the Member for Vuntut Gwitchin agreeing with me, and I thank him for his comments on that. It's only a reasonable thing to do — pass that on to the board — and that's what was done. It's not like the Liberal days, and we know what the member opposite thinks of the Liberal way of dealing with boards and committees.

Speaker's statement

Speaker: Before the honourable member asks the next question, members, I have exercised a caution to all members in the House about interpreting other people's emotions or movements in the House.

I would ask honourable members to not do that, because it is going to lead to discord.

Member for Mount Lorne, next question, please.

Question re: Young worker safety

Mr. Cardiff: I have a question for the Minister of Community Services. It is well-documented that the Yukon has

some of the highest rates of occupational injury in the country. It's also well-documented that young people are at higher risk of injury and death on the job. Today a child of 12 can work on any job in the Yukon except in mining, where a child would need to be 16 to work on the surface and 18 to go underground. A 12-year-old child could work in forestry, construction, oil and gas, in a kitchen, in a gas station — virtually anywhere. That's why in 2008, the Yukon Federation of Labour called for legislation. That's why the New Democratic Party introduced Bill No. 109, *Young Worker Protection Act*.

Why has there been so little change, so little action by this government when it comes to protecting young workers?

Hon. Mr. Hart: With regard to the member opposite's question, I'm pleased to respond. We are currently working with workers' Occupational Health and Safety on issues as they relate to young workers in the Yukon. Again, as the follow-up to our motion that was in the House here, we currently have our rough draft before the board.

We are awaiting the response from the board to come back to Cabinet. From there, we will look at implementing regulations in order to protect young workers in the Yukon.

Mr. Cardiff: Well, Mr. Speaker, there is a high demand for labour in the territory and we expect that this will intensify with the construction, tourism and exploration season just around the corner. One would expect that this demand for labour will mean that more young people will be working.

I want to read one of the recommendations of the public consultation on the *Young Worker Protection Act*: It reads: "A large majority of both employers and parents feel that there should be minimum working ages for certain occupations and workplaces — especially those that are perceived as having more risks and dangers."

When will we actually see any minimum age regulations on higher risk industries to protect young workers?

Hon. Mr. Hart: With regard to our review and the consultation, we did go out and consult with the public on all these issues as they relate to young workers. We did go ahead and move on many of the issues that were brought up — the majority of those the public felt we could move forward on. We are also looking at other issues that many in the public were split on.

However, as I stated earlier, we are in the process of working with the board to come up with regulations on how, and at what age, we can assist young workers in the workplace and also protect them to the best of our ability.

Mr. Cardiff: It's actually the Minister of Community Services who's responsible for the *Employment Standards Act*. Back in 2009, the CEO of the Yukon Workers' Compensation Health and Safety Board said that proposed regulations on minimum working ages in certain industries would be ready for legislative review before the end of 2010, with implementation slated for January 1, 2011.

Five months ago, the minister responsible for the Workers' Compensation Health and Safety Board said this about crafting minimum age regulations: "We are working with the *Employment Standards Act* through Community Services to get that thing in place. They are currently working on those particular

items. We have one sticky situation, in particular, we're working on, and we intend to work through that and we intend to meet our deadline of January 2011."

The deadlines have come and gone without action or announcement. I wonder what that sticky situation was. Why did the minister fail to meet the deadline? What's his plan to get this important regulatory piece back on track for the safety of young workers?

Hon. Mr. Hart: With regard to the member opposite's question, this government is totally committed to ensuring the safety of all young workers in the workplace. This is why we have been working toward attaining the appropriate level of age, depending upon what industry it's going to be taking. That is why it has been taking us some additional time to work on that process. However, I am hopeful the regulations will be in place shortly. As I said, once we receive the information back from the board, we will submit it to Cabinet to go forward, and we will make a decision on those issues as they relate to the minimum age for young workers in all workplaces.

Question re: Mental health services

Mr. Cathers: I have some more questions for the Minister of Health and Social Services regarding mental health services. Mental health issues vary significantly and include temporary challenges, long-term psychological problems, as well as developmental disabilities and difficulties caused by damage to the brain. Yukon NGOs provide services including outreach, counselling, support and assistance to help people participate in society. A few of these important partners are Many Rivers, Challenge and Teegatha'Oh Zheh.

When I was Minister of Health and Social Services we increased funding to a number of NGOs, including those. Will the minister please tell me what are the current contribution levels to these three NGOs and has funding been increased recently?

Hon. Mr. Hart: When I became the Health minister, we did provide for long-term contribution agreements for all of the NGOs for a three-year period, including those indicated by the member opposite. The contribution for 2010-11 for Many Rivers was \$1.4 million. This amount has been increased from 2006-07, which was just over a million dollars, and \$1.4 million in 2008-09. We also have provided funding for Teegatha'Oh Zheh in 2009-10, which was a little over \$930,000. In 2010-11 it would be approximately \$1.1 million as we are accommodating new, additional clients in the Teegatha'Oh Zheh process.

Mr. Cathers: In January 2008, as then Minister of Health and Social Services, I announced that telehealth had been expanded to provide services in all Yukon nursing stations, as well as through the hospital and in several other health facilities. Telehealth links patients from remote communities with clinicians at a distance through secure networks. It uses high-resolution imaging to modernize the delivery of health care services and allows remote counselling and even some remote diagnoses, improving health care in every Yukon community.

Will the minister please tell me what mental health services and counselling are currently being provided throughout the Yukon telehealth network?

Hon. Mr. Hart: We are utilizing telehealth in our rural areas on a wide, broad basis in relationship to providing services and counselling to our rural clients. We not only use the facility for mental health for our rural consultants and support for our nursing stations, we utilize it for communication among our nursing stations to ensure, for example, that we get the most appropriate workshops that are obtained. It is provided on a satellite basis throughout the Yukon versus having to bring the nurses into Whitehorse.

We continue to work on this on an as-needed basis. In addition, individuals in the Yukon can contact us through telehealth on groups offered in Whitehorse as part of the treatment for specific mental health problems.

It also provides a very valuable service to our psychiatrists who can speak directly to their clients in our rural communities, and we seek to improve that process and ensure that we can have monthly follow-up sessions with all our psychiatrists, the professions, youth and families as they relate to mental health.

Mr. Cathers: Mr. Speaker, in some cases where complex psychological treatment and care is necessary, the Yukon needs to send children out of the territory to places like Ranch Ehrlo. Until a few years ago, that help was only available to children in the care and custody of the director of Family and Children's Services. If other children needed that type of treatment, parents had to choose between signing over the guardianship of their child to the government, paying the high cost of treatment or having their child go without.

When I was minister responsible, we changed that so that no Yukon parents would ever be faced with such an awful choice. Will the Minister of Health and Social Services please tell me what is the typical cost per child for this out-of-territory mental health residential therapy now, and how much was the total cost of these placements last year?

Hon. Mr. Hart: Mr. Speaker, in the 2009-10 fiscal year, just a little over \$30,000 was spent on out-of-territory mental health treatment for one Mental Health Services client. This was for one young person who was out of the territory during 2008 and completed treatment in 2009.

The average cost of out-of-territory mental health treatment for children and youth ranges between \$12,000 and \$15,000 a month. Out-of-territory treatment contracts for youth in 2009-10 were approximately \$1.2 million. This was for nine youth out of the territory, different placements for varying lengths of time. The average cost for the individual is \$133,000 and change.

Question re: Government accountability

Mr. Mitchell: I have more questions about documents we've been requesting from this government. When the MLA for Lake Laberge quit on this Premier, he aired an entire hamper of dirty laundry. He said the Premier's leadership was characterized by a growing lack of willingness to tolerate other people's opinions. He said there was an increasing centralization of power in the Premier's office, to the point where the

Premier was giving directions to departments behind ministers' backs. He said there was a lack of respect for MLAs, political staff and senior officials. He also said the Premier had a tendency to resort to bullying behaviour.

The Department of Energy, Mines and Resources —

Unparliamentary language

Speaker: Order please. The honourable member cannot do indirectly what he cannot do directly. Regardless of whoever said what, one member cannot accuse another member of bullying in this Assembly. The honourable member knows that. Please retract.

Withdrawal of remark

Mr. Mitchell: I'll retract that, Mr. Speaker.

Speaker: Thank you.

Mr. Mitchell: The Department of Energy, Mines and Resources let a number of contracts worth \$275,000 to Outside consultants while the Premier was negotiating the privatization of our energy future. We have been asking to see the work produced by these consultants at taxpayers' expense for the last 18 months.

Will the Energy, Mines and Resources minister release these documents or is he following instructions from the Premier not to release them?

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

Some Hon. Member: (Inaudible)

Hon. Mr. Rouble: It's always interesting to hear the comments from the Member for Vuntut Gwitchin. It's good to see the members in our press gallery here today recognizing the positive contributions that we are inundated with on a daily basis. I wanted to remind the member opposite of a great function of the Government of Yukon — I believe it's housed through Contract Administration. It's called the contract registry. It's even available on-line, where members of the opposition or even members of the public can go and identify those contracts that have been let by government. We have also heard a number of times the member for the Liberal government say that they have tabled all their proof, tabled all the evidence, and now it seems that they realized they haven't done that, and now they need to find out other information that probably doesn't even exist.

Mr. Mitchell: We know the contracts are on the registry. It's the documents that they led to that we want to see, and they do exist.

Now, Yukoners will recall that when the former Minister of Energy, Mines and Resources resigned, it was the current Minister of Energy, Mines and Resources who came to the Premier's defence and praised his leadership — they are all in it together. They are certainly all in it together when it comes to blocking public access to the work resulting from these contracts. The MLA for Lake Laberge resigned over this scandal and said it is not about electricity; it is about integrity. Another minister offered to resign and then changed his mind.

We began asking for the work produced by these consulting contracts in the fall of 2009. The government spent \$275,000 on consultants when the Premier and his colleagues

were secretly attempting to privatize Yukon's energy future. Will the minister provide these documents?

Hon. Mr. Rouble: Well, I see the Liberal opposition is still riding this horse. I know which position they are going to end up in the race with this one. In fact, the word on the street is that the Liberal Party is in danger of losing their position as the Official Opposition status. You know, I guess we can look forward to the positive constructive work from the NDP and their role as the Official Opposition.

We've asked Yukoners to judge us on our performance, judge us based on decisions, and not to judge us based on the hypothetical assumptions and misinformation from the Liberal Party.

Mr. Mitchell: Well, Mr. Speaker, while the member opposite is busy determining who will sit where, he ought to think about where he'll be sitting.

When the Member for Lake Laberge quit, he had lots to say, and I quote: "The Premier was a lot more involved in the discussions with ATCO than he has indicated, and the government did, in fact, consider [the] sale of public hydro assets and privatization." In 2009, \$275,000 in contracts was handed out to three companies to examine the question of privatization. The government is refusing to release those documents that resulted, because they confirm what the Member for Lake Laberge has said publicly — everything was on the table.

We urge the Minister of Energy, Mines and Resources to do the right thing, ignore the instructions coming from the corner office and agree to release these documents. Will he or the member who is about to stand do that? Will they release the documents?

Hon. Mr. Fentie: Mr. Speaker, there are no such documents relating to the privatization of anything that exist. In fact, all the documents pertinent to the member's opinion were tabled by the Liberals themselves. We have all had ample time to review those documents. What do they show? It was all about a discussion of partnership; it was all about a public utility; and it demonstrated clearly that the government was not selling assets. It was also demonstrated by witnesses that came before the House in April 2010 that there were no secret negotiations, that the Energy Corporation had been privy to the information immediately upon receipt of it, as we passed it on to our corporation.

Now, the member has referenced the Independent member of the House and how the conduct of business in government takes place. It's interesting to hear the long list — the litany of examples that the Member for Laberge has referenced when he was minister. Obviously, he was making a lot of decisions in concert with conducting government business. The Liberals have a problem. They have made claims that do not exist. There is an integrity problem. They're all in it together. The Liberals have a credibility gap.

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

ORDERS OF THE DAY

OPPOSITION PRIVATE MEMBERS' BUSINESS

BILLS OTHER THAN GOVERNMENT BILLS

Bill No. 112: *Disclosure Protection Act* — Second Reading

Clerk: Bill No. 112, standing in the name of Mr. Inverarity.

Mr. Inverarity: I move that Bill No. 112, entitled *Disclosure Protection Act*, be now read a second time.

Speaker: It has been moved by the Member for Porter Creek South that Bill No. 112, entitled *Disclosure Protection Act*, be now read a second time.

Mr. Inverarity: I rise today to speak to Bill No. 112, entitled *Disclosure Protection Act*. First, I'd like to thank my family and the residents of Porter Creek South and all the people who have supported my efforts on behalf of Yukon. This is quite likely our last opportunity in this session to bring forward opposition bills. I look forward to the debate today because I believe, as many Yukoners believe, whistle-blower protection is important for Yukon.

This afternoon I'll cover a number of different aspects of whistle-blower protection and address the concerns that have been raised. I will talk about the need for whistle-blower protection in Yukon and how such protection can be achieved. The term "whistle-blower" will be defined, the questions raised by the Select Committee on Whistle-blower Protection will be answered, and legislation itself will be reviewed and compared to other legislation that has been brought before this Assembly. Yukoners should see for themselves what whistle-blower protection is or what whistle-blower protection for Yukon would entail.

A lot of work has gone into preparing Bill No. 112, *Disclosure Protection Act*. Public consultation on this proposed legislation is needed — we know that. The Official Opposition Liberals would not even consider passing this legislation without first taking it to the public. We want whistle-blower protection to move forward but, realistically speaking, we don't expect it. The Yukon Party has stopped every bill the Liberals have brought forward. As disappointing as this might be, we expect the Yukon Party government will do the same with Bill No. 112.

Fortunately for Yukoners, that is not going to stop us from bringing this forward. The need for whistle-blower protection in Yukon is very real, so real that this Assembly formed a select committee back in May of 2007 to look at it. It is disappointing that the committee did not complete its work within the government's mandate. In spite of that, we are able to incorporate the recommendations made to the committee in the development of this legislation.

When looking for reasons why whistle-blower protection is important, we don't actually have to look very far. By definition, a whistle-blower is someone who speaks up for the greater public good.

In this respect, the Independent member of the Yukon Party certainly qualifies. The Independent member spoke up on behalf of Yukoners against his employer, the Premier. He did this 18 months ago when the Premier was planning to privatize Yukon's energy future. The member now sits in opposition and must endure public criticism from his former Cabinet colleagues. This is what reprisal is all about: being punished for doing a good deed.

The Official Opposition Liberals bring the *Disclosure Protection Act* before this Assembly today in an effort to protect Yukoners from reprisal; the reprisal that typically happens when someone speaks out against their employer. Playing by the rules should do more good than harm. Yukoners should be empowered to do the right thing and not be punished. Yet here we are: a member of this Assembly is subject to reprisal from the Yukon Party government because a member spoke out for the welfare of all Yukoners. In the comments leading up to today's debate, the Liberals have been very clear about what we want.

Some Hon. Member: (Inaudible)

Point of order

Speaker: On a point of order, Member for Klondike, please.

Mr. Nordick: I'm not sure if the member is aware of the motives he just imputed. I'd ask the member to retract that — imputing motives that a member is suffering consequences for speaking out. That's unacceptable.

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

Mr. Mitchell: On a point of order, it's a statement of fact. The member made things public, and, as a result, left caucus.

Speaker: Mr. Kenyon, on the point of order.

Hon. Mr. Kenyon: On a point of order, I believe the member left caucus voluntarily. That was hardly a consequence. Imputing that there was anything other than a voluntary move is definitely imputing motive.

Speaker's statement

Speaker: I think the honourable members are going to have to allow the Chair to review this, because it's a fairly serious allegation. I want to have some clarity when I speak to the members about this issue.

Member for Porter Creek South, you have the floor.

Mr. Inverarity: In the comments leading up to today's debate, the Liberals have been very clear about what we want with Bill 112, *Disclosure Protection Act*. We want this bill on the government's legislative agenda. The government did this, in fact, with the New Democratic Party and its *Smoke-Free Places Act*. The Liberals are simply asking the government to do the same thing with the *Disclosure Protection Act*.

We would like the bill looked at by the Department of Justice to make sure this legislation is made-in-Yukon and works for Yukoners, just like the *Smoke-free Places Act*. We want the proposed legislation to be an integral part of public consultation before it is passed into law.

This is what the Official Opposition Liberals want. We want whistle-blower protection on the government's legislative agenda. Unfortunately, it is not what we expect from the Yukon Party government. After two terms in office, the Yukon Party has failed to deliver whistle-blower protection, in spite of its promise to do so.

Bill No. 112 holds the promise to rebalance the scales of natural justice and restore the principles of fairness in the Yukon. Bill No. 112, like other bills we have brought forward, represents an entirely different direction than the Yukon Party has taken us. If this Yukon Party government is to be defined by its legislative agenda, the slogan would read "more power to government". We want Bill No. 112 to go forward, but we don't expect that it will.

We expect that whistle-blower protection for Yukon will continue to be blocked by the Yukon Party. We expect that Yukoners will have to choose a Liberal government in order to get whistle-blower protection.

Mr. Speaker, the Yukon Party government is fond of criticizing the opposition for doing the work it should have done during its mandate but didn't. Some examples of this include the Yukon *Human Rights Act* amendment. The government was highly critical of opposition efforts to update this act, but then went and did it themselves anyway. The *Net Metering Act* was another bill brought forward by the Official Opposition Liberals. It was harshly criticized by the Yukon Party at the time we brought it forward — a couple of years ago, in fact.

Now the Yukon Party is considering its own version of a net-metering policy, and I have just this one thing to say about that policy, Mr. Speaker: the government should have gone with the Liberal solution. It's much better than the net-metering policy the Yukon Party is offering.

The Yukon Party did the same thing with the NDP's smoke-free places legislation and SCAN. The Yukon Party adopted these bills as their own, but only after severely criticizing the opposition for suggesting them. This brings up an interesting point, Mr. Speaker. A government can be defined by its legislative agenda. Taking a close look at the legislation that each party brings forward can be very revealing.

We are not talking about money bills here at this point, Mr. Speaker, such as annual appropriation acts. Every government does these. They come forward with them from whatever colour or stripe you have. That's fairly common. I am not talking about housekeeping bills, either, such as the amendments to the *Judicature Act*, which is currently on the Order Paper. These kinds of legislative amendments are common and will be attended to by the government of the day, whomever that may be, because we need to be in compliance with these contractual agreements and intrajurisdictional relationships that we have around the country and, in fact, the world.

What I'm talking about is substantial legislation that, once implemented, has a significant impact on Yukoners. For example, the *Smoke-free Places Act* qualifies as substantial legislation that was brought forward by the New Democratic Party. This new law has been implemented in an effort to protect the public from harm — from the harmful effects of second-hand smoke. Mandatory seat belt use is another. Then there is the

coming ban that will be in place in less than a couple of weeks on cellphone use while driving. These are further examples of substantial legislation that protects the public from themselves. This kind of legislation comes at a cost. That cost is measured in reduced civil liberties and increased restrictions on acceptable social behaviour.

I know for myself that just trying to break the habit of speaking on my cellphone while I'm driving over the past few months has been a major effort. I'm attempting to get there, and hopefully I'll achieve that goal by the time that the act comes into place. I catch myself from time to time and I know that it is wrong. It's important that we try to change our habits so that we don't hurt anybody while we're driving.

Just to be clear here, the Official Opposition Liberals support all these efforts. We want our roads to be safe and our citizens to be healthy and happy. If there is a difference in governments here it would be the Liberal government would rely on this type of legislation only when it is absolutely necessary. If Yukoners want insight into the Yukon Party government, they just need to take a look at Bill No. 82, *Civil Forfeiture Act*. This legislation would have given the government power to confiscate the wealth and the assets of individual Yukoners.

The principles of fairness and natural justice in Yukon were to be thrown out the window in favour of granting government the power to seize personal assets without a criminal conviction. We know how this happened; as we all know, Bill No. 82 remains dormant on the Order Paper because an angry crowd of Yukoners gathered outside the Legislature to protest the bill's passage. This was significant. I don't think there has been any time in history where people have risen up against government on a piece of legislation that was introduced without public consultation.

If civil forfeiture doesn't describe the Yukon Party's "more power to government" mode of operation, Yukoners need only look at the first item on the Yukon Party's legislative agenda when they came into power back in 2002. The first thing this Yukon Party government did when it took office was to repeal the *Government Accountability Act*. The Yukon Party did not want its government to be accountable to Yukoners, so it scrapped the laws that would require the government to do so — a pretty nice trick, Mr. Speaker. Just scrap them.

In comparison, the Liberal legislative agenda has been exactly the opposite. The Liberals have brought forward six bills that would restore the principles of fairness and natural justice in Yukon's justice system. The Liberal agenda is to empower Yukoners and protect us from the heavy-handed and overbearing government.

Amendments to the Yukon *Human Rights Act* was a Liberal bill that intended to update our *Human Rights Act* and protect civil liberties. The Yukon Party simply shut down the whole bill without debate. They didn't even want to talk about it. The *Apology Act* that I sponsored here also would have given Yukoners the option — the choice — to act compassionately toward another human being without getting punished for it. The Yukon Party defeated that bill. The *Net Metering Act* would have empowered Yukoners to generate their own electricity and potentially sell it back to the grid. The Yukon Party

government stopped that bill as well. Since then, they've come forward with, quite frankly, a weak substitute.

Amendments to the *Cooperation in Governance Act* would hold the government accountable to follow the consultation protocols it has agreed to with self-governing First Nations. Also the *Yukon Energy Protection Act* would have prevented government from selling Yukon's public energy assets. In addition, amendments to the *Housing Corporation Act* would have prevented the government from selling off the Housing Corporation's mortgage portfolio without the borrower's consent. This Yukon Party government stopped those bills too.

A government can be defined by its legislative agenda. Right now, the Official Opposition Liberals are bringing forward Bill No. 112, *Disclosure Protection Act*. This legislation will empower Yukoners to do the right thing and not get punished for it. The Select Committee on Whistle-blower Protection received a clear message from Yukoners that Yukoners support the concept of whistle-blower protection. But Yukoners wanted to see proposed legislation before making a firm commitment to support it

Bill No. 112, *Disclosure Protection Act*, is exactly that. It is proposed legislation that details how whistle-blower protection can be implemented in the Yukon. This legislation will empower conscientious Yukoners to speak out against wrongdoing and be protected against reprisal. I think that's important to note — protected against reprisal. We have seen that often.

I need to respond to specific criticisms made by the government members with regard to Bill No. 112. It is quite ironic to be criticized by the government for doing government work on behalf of Yukoners. After two terms in office, this government has utterly failed to deliver on its election promise. To then criticize the opposition for offering a whistle-blower protection solution is appalling. Most of the legislation proposed by the opposition parties has been simply dismissed out of hand by the Yukon Party government. In spite of that, both opposition parties keep trying. It seems like we're always just banging our head against the wall. We table legislation, we come up with good ideas, and most of the time — all of the time in the case of the Official Opposition — we are getting shot down.

A long list of legislation has been brought forward by opposition parties that would benefit Yukoners if implemented. I have named a few here this afternoon. The Yukon Party, however, simply dismisses them out of hand, or shuts down debate after complaining that an opposition party solution isn't good enough. Unfortunately, that's not happening, and the Yukon Party simply crucifies whatever the opposition brings forward. Is that good governance?

The ironic part, Mr. Speaker, is when the Yukon Party brings forward substantial legislation, like Bill No. 82, *Civil Forfeiture Act*. Bill No. 82, *Civil Forfeiture Act*, wins the prize for the most incomplete and ill-conceived piece of legislation this Assembly has ever seen. In spite of all the time and resources available to the government, Bill No. 82 never went to public consultation. The legislation ignored the significance of our human rights and completely failed to protect innocent Yukoners against inappropriate government action.

If the government did make a mistake in its pursuit of civil forfeiture, the only remedy offered by the Justice minister was to sue the government for damages.

It was this government that drew a crowd of angry protesters over legislation that was incomplete and ill-conceived. Bill No. 82, *Civil Forfeiture Act*, deserves all the criticism it has received and Yukoners need to be reminded that it was brought forward by the Yukon Party government, not the opposition.

There has been no public protest over any legislation that has been brought forward by either opposition party. There are no protesters here today in the House urging the government to stop progress on whistle-blower protection legislation. Yukoners want this government to get on with developing proposed legislation so the public has some idea of what the government has in mind.

Bill No. 112, *Disclosure Protection Act*, represents just that: a starting place for the development of a whistle-blower protection regime in the Yukon.

It is essentially the same whistle-blower protection regime that is currently used in the Province of Manitoba. We've done the research and we know that it actually works in Manitoba. In fact, I spoke to a parliamentarian recently. When I asked about how it was working, they agreed. They had to do some tweaking after the first year, but they felt overall that the bill was rightly deserved and was working quite well. It has actually been in force there since 2007 and, as I mentioned, it has been amended to include protection for all people, not just public service employees. It works in Manitoba; we want it to work for Yukoners and we want this government's cooperation to try and achieve that.

It's interesting to note that one of the major changes that they did in Manitoba was to include all employees, not just public service employees. That's a significant change and I'll talk about that in a little bit. It's worth emphasizing that it's not just public service employees, that it actually pertains to anybody in the Yukon who sees wrongdoing.

Let's take a look and define "whistle-blower".

Before getting into the substance of the proposed legislation, I want to make sure that there is a clear understanding what disclosure protection is and why it is important.

When an employee speaks out against their employer it is called whistle-blowing. It is considered a violation of the duty of loyalty to an employer and actually can result in severe consequences. Duty of loyalty to employers is a valid concept and is well worth defending. However, in our case, a former Cabinet minister now sits in opposition. This is where the whistle-blower protection comes in and it is an exception to that duty of loyalty.

Whistle-blower protection provides a legitimate means for Yukoners to disclose their concerns to somebody in authority so that corrective action can be taken. Protecting conscientious Yukoners who speak out against an illegal act is certainly something that we should be doing but we are not. It is also important that whistle-blowing is about speaking out against something that involves harm to others, not just the whistle-blower.

Comments have been made by the minister responsible for the Public Service Commission and the Minister of Justice regarding the Select Committee on Whistle-Blower Protection. The Select Committee on Whistle-Blower Protection was formed in 2007. The mandate of the committee was to look into the central issues that should be addressed by whistle-blower protection legislation and report back to the House the committee's findings and recommendations. The Select Committee on Whistle-Blower Protection was mandated to bring forward recommendations, not any legislation at all. There was no requirement for the committee to table any report or have a final report within any time frame. It's an interesting point to make because I have sat on a number of select committees in the last five years during this current mandate, and every single one of them had a time frame in which to report back. I know on the Yukon Select Committee on Human Rights, we were quite pressed for time. We really had fewer than two sittings to achieve that goal, yet we were able to achieve it. We were able to go out and actually hold public consultation. I think we had 18 different villages and communities in the Yukon. I know the *Smoke-free Places Act* that was brought forward by the NDP — I had an opportunity as an alternate on that committee to sit in on four of five of the public consultations. But it, too, had a mandate for return.

This particular committee never had a mandate to ever come back in any specific time frame. We saw that after four years of mandate, they only met 13 times and they haven't met pretty much in the last year — maybe May, if I'm not mistaken. I'll have to check. But it has been a significant time.

Having said that, we recognize that the work of the Select Committee on Whistle-blower Protection has been ongoing. We certainly commended the work of the committee that we were able to see, because it was on-line. Certainly, in the development of this legislation, we looked at that work. We also looked at the minority report from the committee members who were frustrated and felt they had to table a report at some point or it would never, ever see the light of day. So for those members who did participate and did belong to the select committee, I extend my congratulations on the work they did do. It's very valuable to belong to the select committee. I extend my congratulations on the work that they did do. It's very valuable for us trying to develop this Bill No. 112. We have reviewed that information extensively, as it indicated, and we followed the recommendations as much as possible in actually preparing, tabling and, in fact, today debating Bill No. 112.

If there is a criticism, it is that the committee did a great job, but did not finish the work in a timely manner. With all due respect to the minister, it is too late to wait for the committee to wrap up its work. The Yukon Party government controls the select committee and the chair has refused to call a meeting to allow the final report to be released. This is likely the last sitting before the election. If the committee was going to table a final report, they should have done so by now. Yet, in spite of that, we can still move forward to implement whistle-blower protection with the information and the recommendations that are already available.

All the work that has been done so far may well have been wasted if the select committee disbands and the whistle-blower protection does not go forward. We don't need to wait for the committee to sum up its final findings in a final report because we already have all that we need to take the next step.

As previously mentioned, the Select Committee on Whistle-blower Protection was mandated to look into the central issue that needed to be included with whistle-blower protection legislation. The committee identified nine central issues and received feedback and recommendations from stakeholders, organizations and other interested individuals.

Organizations such as the Yukon Federation of Labour, the Yukon Employees Union and the Ombudsman, for example, provided recommendations to the select committee. The recommendations of these stakeholder organizations are what we used to guide the development of Bill No. 112.

I would like to respond to the nine issues raised by the Select Committee on Whistle-blower Protection. The first issue was whether all public consultation and private organizations performing public functions will be covered. Our response to this question with regard to Bill No. 112, as proposed, is that it covers all Yukoners, whether employed by the public service or by the private sector. It's significant that we were able to address that issue that was raised as one of the nine concerns.

The second issue that was brought up was whether only employees or others — for example, unions, advocacy groups, media, citizens — can use this legislation. Again, our response to that question was: yes, all Yukoners should be protected by whistle-blower legislation. A relevant statement made to the select committee on this central issue is as follows: "If one were to consider a distinction between public and private sector whistle-blower rights, where would the dividing line be?" In this case there is no line at all. Bill No. 112, as proposed, ensures every Yukoner is protected.

The third issue that was brought forward was: what types of wrongdoing will be covered? Bill No. 112 is proposing that the following acts or omissions would be considered wrongdoing: "(a) an act or omission constituting an offence under an Act of the Yukon Legislative Assembly or the Parliament of Canada, or a regulation made under an Act;

"(b) an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of the duties or functions of an employee."

I was asked this question a little earlier, and I have two more I'm going to point to, but I think it's worth just delving into this second type of wrongdoing. It's particularly the issue that if someone comes across something that creates a substantial or a specific danger to life, health or safety, or the environment, then the person can exercise whistle-blower legislation.

There has been a codicil, if you want to put it: "... other than a danger that is inherent to the performance of the duties or functions of an employee." An example I used earlier today was someone using a chainsaw, for example, to cut wood. So long as they have the safety gear on, the task itself has some inherent dangers to it. So those inherent dangers would not be covered under this particular bill. But if the individual is in-

structed by an employer not to put on safety gear, that would be so it's important to notice that there are distinctions.

The third one is gross mismanagement, including public funds or public assets. I could delve into this for a number of hours today if I wanted to. But I think it's self-explanatory.

If someone is seeing that the public's funds are being misappropriated or if there's damage being done to public assets, they can use this whistle-blower legislation to bring that to the attention of the proper authorities and they can get corrective action.

The fourth issue that was brought up was whether the same office will conduct an investigation, mediation and protection of whistle-blowers. Bill No. 112 calls for an extensive cooperation between established government agencies and labour relations organizations when dealing with disclosures, investigations and protection against reprisals. Based on recommendations made to the select committee and the model used to develop the proposed legislation, at least three options will be made available for disclosures. This is important — it's not just one option. Perceived wrongdoings can be disclosed to a supervisor, so you can go to your boss, talk to them if you feel comfortable with it, but designated officers, for example, within government — there might be a designated whistle-blower officer within a department. If the individual doesn't feel comfortable with either of those two, they can go directly to the Ombudsman. The Ombudsman's office will take the lead role in following up on disclosures and investigating the wrongdoings.

Reprisal against an employee for involvement in a disclosure is considered a labour relations offence to be dealt with through the respective union grievance processes, if they apply.

The fifth issue that was brought up was whether employees will have to exhaust departmental procedures before approaching the whistle-blower protection office. The simple answer to this question is no. Bill No. 112, as proposed, did not require this and rightly so.

The sixth issue that was brought forward was how retaliation against whistle-blowers will be defined and how long protection will exist. Retaliation against whistle-blowers is an offence under this act and is subject to a fine of \$10,000. Specific remedies are also available to the prospective labour relations board if an employer is judged to have taken reprisal against an employee. Bill No. 112, as proposed, sets a two-year time limit to make disclosure of a wrongdoing.

The seventh issue that was brought forward was whether there should be a reverse onus on the employer to demonstrate that adverse decisions on a whistle-blowing employee are not a reprisal. The short answer on this one is also no, Mr. Speaker. As the act currently reads, Bill No. 112 requires the employee to prove that there has been a reprisal taken against them. This is protection for the employer, Mr. Speaker.

The eighth issue was, what remedies for employees, judged to be adversely affected, will be specified in the legislation. There are a number of remedies available to an employee if judged to have been adversely affected by the employer's actions. The remedies specified in Bill No. 112 are as follows: permit the complainant to return to his or her own duties; rein-

state the complainant or pay damages to the complainant if the board considers that the trust relationship between the parties cannot be restored; pay compensation to the complainant in an amount not greater than the remuneration that the board considers would, but for the reprisal, have been paid to the complainant; pay the amount to the complainant equal to any expenses and any other financial losses that the complainant has incurred as a direct result of the reprisal.

The next issue is to cease an activity that constitutes a reprisal, rectify a situation resulting from the reprisal, and the last is to do or refrain from doing anything in order to remedy any consequence for reprisal. You can see, Mr. Speaker, that when we're talking about remedies we've covered a broad scope of remedies. It leaves a large area of room where a complainant, if they have been subject to reprisals, can make some efforts in trying to get them back.

The ninth issue that was brought forward to the select committee was, what sorts of consequences will there be for employees who engage in reckless or malicious accusations of wrongdoing and for managers who engage in reprisals against employees who act in good faith? Bill No. 112 covers this issue in two fundamental ways. The first provision gives the Ombudsman the authority to refuse to investigate a disclosure or even cease an investigation if disclosure turns out to be frivolous or vexatious.

The second provision makes it an offence under the act to provide false or misleading information when making a disclosure, participating in an investigation or dealing with a complaint of reprisal.

Every effort has been made to follow the recommendations made by the Select Committee on Whistle-blower Protection in developing Bill No. 112. We feel that we have addressed these issues within the select committee, short of them having completed their report, of which the minority report covers all of these issues, too.

There are some issues that are not adequately resolved yet, like who would the Ombudsman make the disclosure to. I will touch on these outstanding issues as I go through the substance of the Bill No. 112.

Bill No. 112, *Disclosure Protection Act*, has three distinct aspects that work together to create a major advancement in fairness and natural justice in the Yukon.

The first aspect of the legislation calls for a clearly defined process to be followed when disclosing illegal acts and gross mismanagement involving the public service.

The second aspect empowers the Ombudsman to conduct investigations of disclosed wrongdoing, with the additional option of involving the Yukon Human Rights Commission, where appropriate.

The third aspect defines Yukon's labour unions as the most appropriate advocate to protect employees against reprisals when the employee is involved in a disclosure or an investigation.

There are also some general provisions which I will also touch on. Bill No. 112, *Disclosure Protection Act* includes five parts and they are as follows:

Part 1: Purpose and Definitions — we are down into the meat now, Mr. Speaker — where's the beef? The purpose of the *Disclosure Protection Act* is two-fold. The first goal is to provide a clear mechanism for disclosing serious matters involving public service when witnessed. The second goal is to protect those who make disclosures from reprisal. It is important to note that in the definitions section, “wrongdoing” and “reprisals” have specific meanings under this act.

This legislation calls for the public service to establish a clearly defined process for disclosing perceived wrongdoings.

The Yukon government's workplace harassment prevention office is a good example of what is being called for here. Individuals wishing to make disclosure will have a choice of speaking directly to their supervisors, approaching a designated office or, as I've indicated before, going directly to the Ombudsman.

Individuals not directly employed by the public service may disclose perceived wrongdoings directly or to the Ombudsman and receive the same protection as public service employees.

This legislation also permits public disclosures of serious matters if the matter is urgent and constitutes an imminent threat to life, health or public safety. The process for making disclosure includes getting advice from a designated authority before proceeding with the actual disclosure. Disclosures must be in writing and include specific information about the perceived wrongdoing, if such information is known.

At the Ombudsman's discretion, a disclosure may be resolved internally, become the focus of an investigation or, in fact, could be rejected outright.

As previously mentioned, this legislation is working well in Manitoba, but there are some differences between that legislation and the Yukon's. One of the differences can be found in the way disclosures from the Office of the Ombudsman are handled. In Manitoba, such disclosures are made to the provincial Auditor General. Yukon does not have an equivalent authority to go to, and the Yukon is no position to legislate the Auditor General of Canada to accept responsibility on our behalf, which is why we have indicated that the Office of the Ombudsman can handle that until we get our own Auditor General for the territory.

The question, then, is who should be designated to respond to disclosures from the Office of the Ombudsman? We have suggested that the Yukon Human Rights Commission might be the appropriate authority in the Yukon's case. But there are some other options, such as the one we have put forward. This is an area where we need help from Justice officials to make sure that this legislation will work well for Yukoners.

While we think this is one way of doing it, it is not the only way and it's why we are here this afternoon to discuss this and move this legislation along so that, with the cooperation and help of the Justice department, we can look at some of these. We don't have the resources to do that at this point in time.

As I've indicated, this is the area where we will need this help and I'm soliciting the Justice minister's support here.

The Ombudsman is responsible for investigation disclosures using principles of procedural fairness and natural justice. All persons involved in the disclosure investigation will have these rights respected. The Ombudsman has discretionary authority to refuse an investigation or, at any time, to cancel an investigation. Section 21(1) of the act actually reads as follows: “The Ombudsman is not required to investigate a disclosure — and the Ombudsman may cease an investigation — if he or she is of the opinion that

“(a) the subject matter of the disclosure could more appropriately be dealt with, initially or completely, according to a procedure provided for under another Act;

“(b) the disclosure is frivolous or vexatious, or has not been made in good faith or does not deal with a sufficiently serious subject matter;

“(c) so much time has elapsed between the date when the subject matter of the disclosure arose and the date when the disclosure was made that investigating it would not serve a useful purpose;”

It's interesting to think about that one, about the time frame. If the issue is years old, it may not be worth following up.

“(d) the disclosure relates to a matter that results from a balanced and informed decision-making process on a public policy or operational issue;

“(e) the disclosure does not provide adequate particulars about the wrongdoing as required by section 12;

“(f) the disclosure relates to a matter that could more appropriately be dealt with according to the procedures under a collective agreement or employment agreement;”

So, if there is a wrongdoing and it would fall under a collective agreement, it might be better for them to handle it.

“(g) there is another valid reason for not investigating the disclosure.”

So that leaves the door open for the Ombudsman to be able to choose other ways.

Part 4 of the act deals with protection from reprisal. Reprisals taken against an employee who was involved in a disclosure or investigation is considered an offence under the act. Any employee who believes that a reprisal has been taken against them can file a complaint with the Public Service Labour Relations Board or the Yukon Teachers Labour Relations Board. The respective boards are granted a discretionary authority to provide remedies if the board determines that the reprisal has in fact been taken against the employee. The remedies that are available include: “(a) permit the complainant to return to his or her duties;

“(b) reinstate the complainant or pay damages to the complainant, if the board considers that the trust relationship between the parties cannot be restored;”

This is really important, because if there has been a reprisal, the employee may not feel that he can go back into that work condition and that trust relationship may be broken on both sides.

“(c) pay compensation to the complainant in the amount not greater than the remuneration the board considers would, but for the reprisal, have been paid to the complainant;

“(d) pay an amount to the complainant equal to any expenses and any other financial losses that the complainant has incurred as a direct result of the reprisal;

“(e) cease an activity that constitutes the reprisal.”

That’s important. This may be ongoing and it’s important that the Ombudsman has the ability to stop that. Then:

“(f) rectify a situation resulting from the reprisal;

“(g) do or refrain from doing anything in order to remedy any consequence of the reprisal.”

Part 5 deals with general provisions. Anyone can make a disclosure to the Ombudsman and expect protection from reprisal, even private sector employees or contractors. It is considered an offence to make false or misleading statements when making disclosures or participating in an investigation. It is also an offence to obstruct an investigation or to alter evidence that is relevant to an investigation. The time limit for making a disclosure is two years from the time of the perceived wrongdoing. I think that’s reasonable.

The Ombudsman can arrange for legal advice for anyone involved in proceeding under the act, and the Commissioner in Executive Council can make regulations for the purpose of carrying out this act.

In closing, Bill No. 112, *Disclosure Protection Act*, is proposed legislation that deals with how whistle-blower protection can be implemented in the Yukon. We bring this bill before the Assembly today in an effort to engage this government in doing the work that should have been done long ago. We want whistle-blower protection on the government’s legislative agenda. We want this bill to be looked at by the Department of Justice and revised, where necessary, to make sure it is a Yukon-made act.

We want the proposed legislation to be an integral part of public consultation. We saw, with the *Smoke-free Places Act*, that this act came before this House at second reading, and then went out for public consultation. There has been a precedent set in this particular area and we’re asking for nothing more. That’s a lot more than what the *Civil Forfeiture Act* ever got.

We want Yukoners to know what they’re going to be buying before they actually sign the cheque.

In other words, we’re giving this act to the public so that they can look at it, scrutinize it and criticize it. I have no problems with that. It’s here before this House so it can be looked at and can go to public consultation. It’s more than what was happening within the committee.

What I’ve just stated is what was recommended by the Select Committee on Whistle-blower Protection. Earlier today, I rose in the House to ask the minister some questions regarding their support of this bill. The minister could have encouraged her Cabinet colleagues to call a meeting of the select committee and actually get the work done. The government could have done this, but it hasn’t. The government promised to do this, but it hasn’t done it. Conscientious Yukoners are still not protected from reprisal.

Compared to the *Civil Forfeiture Act* brought before this House by the Yukon Party, the *Disclosure Protection Act* would protect Yukoners, not victimize them.

This Assembly has seen Bill No. 82, *Civil Forfeiture Act*, come before this House. There was no public consultation when it was brought forward. We asked for public consultation. There were no projections on costs, how much money or revenue would be raised by this. There were no human rights addressed. There certainly were no remedies, Mr. Speaker. The bill was incomplete.

What I’ve laid out here today is what the Liberal Party would like to see done with whistle-blower protection. We’ve looked at the Select Committee on Whistle-blower Protection and what their recommendations were on-line. We’ve looked at what the minority report said regarding this bill. We would like this bill to go forward. Unfortunately, this is not what we expect to get from the Yukon Party government.

This legislation, Bill No. 112, holds a promise to rebalance the scales of justice and restore the principles of fairness in the Yukon. For that reason alone, we expect the Yukon Party will simply reject this bill, *Disclosure Protection Act*. We expect that if Yukoners want whistle-blower protection, it will take the Liberal Party government to do it.

Thank you.

Mr. Nordick: It gives me great pleasure to rise to debate this bill. Before I spend what will be a very short amount of time debating this bill, I know we as the Yukon Party government would like to debate the motion put forward with regard to presumptive legislation, which was mentioned at House Leaders this morning because that, I believe, is truly important to Yukoners.

The government remains committed to the process that is before the Assembly with regard to whistle-blower legislation. This matter is currently before a select committee of the Legislative Assembly comprised of all parties of the Assembly. This committee is mandated to collect the opinion and views of Yukoners, and we await the conclusion of the committee’s work.

The Yukon government will continue to contribute to the work of the select committee as we have proven in the past on many occasions. I’ll use the *Landlord and Tenant Act* as a prime example. The Yukon government will await the outcome of the work of the select committee and its recommendations before proceeding. The government will not pre-empt the conclusion of this work and looks forward to the outcome.

I will quote from *Hansard* on page 7633, dated February 28, 2011 — a quote from the Liberal Party. The member sponsoring this bill, the Member for Porter Creek South himself stated that, “There are a number of other questions that need to be answered as well, and a lot of work still needs to be done before any form of whistle-blower protection can be implemented in the Yukon.” He also stated that Bill No. 112 is just a starting point of the next stage of development of whistle-blower legislation. Another quote from the Liberal member about the bill he presented on behalf of the Liberal Party: “look at it and see if it is actually worth doing something with.” The Liberal Party member went on to say — which I’m going to quote again from that date: “Yukoners want to see what is in

the legislation before they actually accept it. I think that's important to note."

I'd like members to think about this. I want Yukoners to think about this. The member presented a bill to be passed by this House, so let's think about that. They presented a bill on this floor to be passed that, in the Liberal Party words, might not be worth doing something with and would need to be consulted on with Yukoners.

It gets better. The Liberal Party member went on to say — I will quote once again from *Hansard* on February 28, 2011. The Liberal Member for Porter Creek South asked, "How will it work? How will this bill work?" Does the Liberal Party not understand that before you pass legislation, you should know how it works? Think about it before you pass legislation.

Another quote: "There are a number of other questions that need to be answered as well, and a lot of work still needs to be done before any form of whistle-blower protection can be implemented in the Yukon...". That came from a Liberal member, yet the Liberal Party put this bill in front of this Assembly and called it for debate today and to be passed.

Some Hon. Member: (Inaudible)

Mr. Nordick: The members opposite are saying, "The next step is Committee." Yeah, so we can pass the bill. Interesting. Amazing. Even after the Liberal Party read into the record on March 2, 2011, a motion calling on government to work with stakeholders, partners and Yukoners on issues before bringing forward legislation that is half-done, half-baked or half-developed.

The Member for Porter Creek South said that that was a comment from this side — yes, it was a comment about his bill that they tabled a motion on the next day — amazing. The Liberals need to pick a side of the fence they want to be on. Which one is it? I know it is difficult when you have no vision or plan.

I will give Yukoners another example of the lack of strength or depth of the Liberal Party. After two short years of them being government and nine years in opposition, they haven't learned a lot. One of the Liberal members, on behalf of his caucus, said on March 2, 2011, in regard to this Assembly and its process, and I quote: "One thing that I learned about the steps that we go through within the Legislative Assembly where we do first reading, second reading and third reading is that between each of those readings something is supposed to happen. Part of that something is public consultation..."

How can the Liberals possibly govern this territory if they don't even understand the basic process of passing legislation? Think about that. Between first and second reading on the budget, they think we should go out and consult more — "Don't pass the budget. Stop work." Amazing.

Some Hon. Member: (Inaudible)

Speaker's statement

Speaker: Order please. Honourable members, I clearly understand that there is a bit of emotion in the background here. However, I would ask honourable members to respect each other and, while one member is speaking, for the other members to please respect that and remain silent.

Member for Klondike, you have the floor.

Mr. Nordick: The members opposite say that's not how this Assembly works. In this session, we put forward amendments to the *Judicature Act*. How does that process work? It gets read a second time, goes into Committee, is voted on and passed. You would think that after nine years of being in opposition, they would maybe open up the little handbook they got when they were elected and look at the process of bills — first reading, second reading, third reading, passage.

I definitely could go on all day with comments that the Liberal Party has put on the record, like the production of papers are kept in a little binder upstairs. The process for the production of papers isn't kept in a binder upstairs.

If a debate is to take place on a motion put forward for the production of papers, you have to call it for debate. But, I wouldn't expect much from the Liberal opposition because it is really not about legislation; it's about picking what side of the fence, at what time of the week, they want to be on. This is why the Yukon government believes that we should ask the Select Committee on Whistle-blower Protection to continue its work and that this bill be referred to the committee so they can make use of the bill, as the committee sees fit.

The Member for Porter Creek South also said a few weeks ago, "Clearly, the committee needs to finish the job that they have." Yet, 15 minutes ago, the Liberal member said he would like to see this bill go forward. So "go forward", when you are dealing with lawmakers, means "passage".

I'm not sure if the Member for Vuntut Gwitchin has even consulted with his First Nation about this bill that they want to pass today. Think about that. The Member for Mayo-Tatchun — has he brought this bill forward to the community members in Mayo or the Na Cho Nyäk Dun First Nation for consultation? No, but they have placed it on the Order Paper, called it for debate, and want it passed — scary to think what will happen in the future if they ever become the government again.

Once again, this government believes that we should ask the Select Committee on Whistle-blower Protection to continue its work and that this bill be referred to the committee so they can continue their good work.

Motion to adjourn debate

Mr. Nordick: Therefore, I move that we adjourn debate on Bill No. 112.

Speaker: It has been moved by the Member for Klondike that debate on second reading of Bill No. 112 be now adjourned. The motion is non-debatable.

Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Fentie: Agree.

Hon. 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. Elias: Disagree.
Mr. Fairclough: Disagree.
Mr. Inverarity: Disagree.
Ms. Hanson: Disagree.
Mr. Cardiff: Disagree.
Mr. Cathers: Agree.

Clerk: Mr. Speaker, the results are 10 yea, six nay.

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

Motion to adjourn debate on second reading of Bill No. 112 agreed to

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 1358

Clerk: Motion No. 1358, standing in the name of the Mr. Cardiff.

Speaker: It is moved by the Member for Mount Lorne:

THAT this House urges the Government of Canada to accept the following recommendations of the Canadian Council of Child and Youth Advocates, submitted to the House of Commons Standing Committee on Justice and Human Rights in March 2011, respecting Bill C-4, *An Act to Amend the Youth Criminal Justice Act*, and to make consequential and related amendments to other Acts, namely:

(1) that Parliament stay any further consideration of Bill C-4;

(2) that the Government of Canada provide evidence that shows the amendments proposed in Bill C-4 will result in a decrease in criminal activity amongst youth and increase public safety;

(3) that the Government of Canada give full effect to the *Youth Criminal Justice Act* by adequately funding the non-custodial options provided for in the act, by channelling funds to provincial and territorial governments who are charged with the administration of the act;

(4) that the Government of Canada facilitate a national multi-jurisdictional strategy, to be jointly developed by federal, provincial and territorial authorities and their respective oversight agencies, that responds to the needs of young people with mental illnesses or severe behavioural and developmental disorders, thereby preventing them from becoming mired in a system that is ill-equipped to meet their needs;

(5) that the protection of the public and rehabilitation of youth be reinforced as two interdependent objectives, both of which are equally relevant as principles guiding the decision-making process under the act;

(6) that the Government of Canada ensures that any future proposed changes to the Canadian youth criminal justice system comply with the provisions and spirit of the United Nations *Convention on the Rights of the Child*; and

(7) that all Parliamentarians work towards consensus in order to ensure that an independent children's commissioner for Canada be established that respects the distribution of legislative power.

Mr. Cardiff: I'm pleased today to be able to offer this motion to the Legislative Assembly in order to basically do the right thing for Yukon youth who, unfortunately, become involved with the criminal justice system here in the Yukon.

I asked a question about this on Monday and there seemed to be some confusion and lack of clarity on behalf of the government, and I am happy that they have had a couple of days to reflect on the questions that I asked and on the motions that I put forward in this regard.

I think first and foremost what I would like to do is applaud and thank the Canadian Council of Child and Youth Advocates and indeed our own child and youth advocate here in the Yukon for speaking out strongly on behalf of young people who, as I said, unfortunately sometimes become involved with our criminal justice system, and in some instances in fact, through no fault of their own. The motion basically reflects what the recommendations were of the Canadian Council of Child and Youth Advocates.

Bill C-4 proposes amendments to the *Yukon Criminal Justice Act* and there are some consequential amendments to other acts — consequential and related amendments to other acts, as well. The stated purposes for these amendments of the *Youth Criminal Justice Act* are: to hold violent young offenders and those who might be violent accountable for their actions through sentences that are proportionate to the severity of their crimes; to ensure the protection of society is given due consideration at sentencing by making protection of society the primary goal of the act; to simplify pre-trial detention rules to help ensure that, when necessary, violent and repeat young offenders are kept off the street while awaiting trial; to ensure that adult sentences are considered for youth 14 years and older who commit serious violent offences; to require courts to consider lifting the publication bans on names of young offenders convicted of violent offences when youth sentences are given; to require police to keep records when informal measures are used in order to make it easier to identify patterns of re-offending; to ensure that all youth under 18 who are given a custodial sentence will serve it in a youth facility; and also to reflect the profound trauma experienced by the Lacasse family in the loss of their son Sebastien Lacasse, who was brutally attacked and died as a result of his wounds on August 8, 2004.

On the face of it, the stated purposes might appear to some to be acceptable, but if you delve a little deeper into it, the Canadian Council of Child and Youth Advocates, the Canadian Bar Association and other groups — which I will mention later in my comments — have identified some serious flaws with the approach the current federal government is taking.

First and foremost, we need to recognize that young people do not have the same degree of responsibility as adults, given their age, their level of maturity and, as we discussed previously in this Legislative Assembly, their cognitive abilities.

On March 7 — just a little over a week ago — the Canadian Council of Child and Youth Advocates presented a submission on Bill C-4 to the House of Commons Standing Committee on Justice and Human Rights. The Canadian Council of Child and Youth Advocates is comprised of representatives from across Canada, and include the following jurisdictions: British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Nova Scotia, New Brunswick, Newfoundland and Labrador and Yukon. Jointly, they state that the proposed amendments first lose sight of the best interests of the child, which originally was a fundamental value in all child and youth legislation. It should remain that way — the best interests of the child. The proposed amendments also allow for the easier imprisonment of youth and expansion of our youth detention facilities and more incarceration of our youth.

They also fuel an increase in the incarceration rate of racial minorities. Our own child and youth advocate says that the bill compromises the rehabilitative qualities of the *Youth Criminal Justice Act*. It hinders the reintegration of youth back into society; that the focus is primarily on punishment, deterrence and denunciation as opposed to rehabilitation, treatment and diversion. This one disturbs me greatly. It neglects — the proposed amendments neglect the needs of young people with mental illness and FASD who could be tried as normal or adult offenders under these new provisions. Our child and youth advocate also said that it promotes the darkest side of youth culture by allowing a young offender to be sentenced to associate with more extreme offenders, such as gang members.

I was listening to the child and youth advocate last evening on the television and he spoke about how, by naming young offenders, it actually, in a gang setting, could be viewed as a badge of honour, and it actually promotes more criminal activity and more involvement in the youth justice system.

He also said that it allows for the stigmatization of young offenders and their families. By publishing their names, they become stigmatized in our communities, in our society and I don't think that that's rehabilitative. I don't think it's therapeutic and I don't think it promotes the goals of the Minister of Justice or the Minister of Health and Social Services in our current territorial government.

Further, the Canadian Criminal Justice Association also made a submission to the parliamentary Standing Committee on Justice and Human Rights on Bill C-4. The Canadian Criminal Justice Association is one of the longest serving non-governmental organizations of professionals and individuals interested in criminal justice youth issues in Canada.

It began its work in 1919 and has appeared before this Commons committee numerous times. The association consists of nearly 800 members and publishes a journal on criminal justice issues. Its conclusions were pretty clear, Mr. Deputy Speaker. This legislation is not in the public interest.

The Canadian Criminal Justice Association says that denunciation, harsher sentencing, naming violent youth after sentencing and other proposed measures are no more than apologetic and inadequate. The CCGA says the proposed changes will not effectively accomplish the stated goal of holding vio-

lent youth accountable, nor would they accurately incorporate due consideration for the protection of society upon sentencing.

The remedy, they say, to combating violent crime lies in the rebalancing of prevention, intervention and suppression strategies.

To quote from their report, it says, "If ensuring punishment is the principal provision to hold a youth accountable, we again fail those young people who have already been failed by circumstance not of their making..." Some examples of that are poverty, family violence or it could be lack of access to education.

The group goes on to say, "Punishment strategies ... that are exclusive of prevention and intervention strategies will inevitably reproduce more violent behaviour."

"To focus legislation on suppression or retribution alone will increase the threat to public safety..."

There is no evidence anywhere in North America that keeping people in custody longer, punishing them longer, has any fruitful effects on society. If you want to reduce recidivism, then tough-on-crime approaches, like the federal government is taking, could be described as "delusional". They do not stand up to the light of day, to the empirical tests.

This is about our young people here in the territory. It's about standing up for them and ensuring that our justice system, not just here in the territory but indeed in the country —

It is up to the Minister of Health and Social Services, the Minister of Justice and the Premier to take a stand on this and tell the federal government that they too — maybe they should go and make a submission to the standing committee and let their views be known.

Something else was brought up previously in this Legislative Assembly. The Canadian Bar Association had passed a resolution back in August of 2010 underscoring how persons suffering from fetal alcohol spectrum disorder live with neurological and behavioral challenges. It called for all levels of government to allocate additional resources for alternatives to the current practices of criminalizing individuals with FASD or other behavioral or cognitive disorders. These are medical disorders. This is a medical condition, and it should be treated as such. It needs to be reflected in our territorial legislation and in our federal legislation.

The Canadian Bar Association has taken a stand on this. They recognize that our courts are inundated at times with individuals who, through no fault of their own, because of their medical condition, become involved in the criminal justice system. Punitive measures and punishment are not the way to deal with that. I applaud the Department of Justice and the minister for the work that has been done in this territory with the Community Wellness Court and the therapeutic options, the counselling, the assistance that is provided to these individuals. But Bill C-4 takes us backwards. This government needs to stand up for Yukon youth, just like the Child and Youth Advocate has, and say that this is wrong.

The Canadian Bar Association says the amendments to the *Youth Criminal Justice Act* would actually undermine the long-term protection of society. It moves away from the restorative and rehabilitative model of youth justice that currently exists.

It says that the amendments are unnecessary and contrary to sound public policy based on accepted social science and that it discourages the police, the Crown counsel and the judiciary to use their discretionary powers, and that discretion is the cornerstone of a truly just system. There are some other professionals who have registered their objections to Bill C-4, and some of the things they say are that the addition of denunciation and deterrence as sentencing principles, as is done for adults — that the emphasis is wrong and that the emphasis should be on rehabilitation and reintegration into society, rather than on denunciation and deterrence, which is punitive and it leaves them open — as I've said earlier — to peer pressures and to stigmatization by their peers and by their community and by society. You have to recognize that young persons frequently act impulsively and often do not have the necessary intellectual capability to fully assess the consequences of their actions, and especially if they have cognitive disabilities or mental health issues. That all needs to be taken into consideration.

The bill favours public safety over long-term protection, based on the rehabilitation of young persons. As I said earlier, I applaud the minister and the Department of Justice for the Community Wellness Court. That is one example of rehabilitation, with the treatment and therapy that is there for persons with cognitive disorders. Diversion — trying to keep young people out of the criminal justice system, and there is a reason for that. Youth who are involved in the criminal justice system are way more likely to reoffend as adults, so we need those diversion programs. One of the other things the Yukon has led in is the use of circle sentencing.

The fact that the amendment would enable the court to take into account extrajudicial sentencing, such as diversion, so that it justifies a prison term, which otherwise might not be able to be justified. This is talking about bringing in other things where youth have come into contact with the criminal justice system. They have been through a diversion program. They have been offered counselling. If they come back into the court system, these things are actually held against them. They're used as evidence to promote harsher sentencing by the courts and as a justification. We think that's unfair, and so do many others in this country. On top of that, young persons don't have the opportunity to defend themselves when these extrajudicial sanctions are imposed. It undermines the efforts to keep cases out of the court and to reduce the use of prison terms to manage youth crime, which is what the *Youth Criminal Justice Act* was originally passed for.

An increase in prosecutions and incarcerations could have harmful effects over the long term. Teenagers who come in contact with the justice system are nearly seven times more likely to be arrested for offences as adults, as I was saying earlier — seven times more likely to be arrested. We want to keep them out of the prison system, to offer them positive alternatives, not offer them an opportunity to start a life of crime.

The increase in prosecutions and incarcerations would also have a harmful effect in that it would increase the number of minors who become involved in the justice system. It stigmatizes youth and does not reduce the risk for both labeling and

peer pressures. I want to just cover off some of the things that are actually stated in the body of the motion and some of the recommendations that have been made.

What we're doing in the motion is asking this Legislative Assembly to urge the Government of Canada to accept the recommendations of the Canadian Council of Child and Youth Advocates. I'm hoping that, in the course of our discussion, the government — the Minister of Health and Social Services, the Minister of Justice and their colleagues — recognize the importance of this and lend their voices so we can speak as one. I know the government loves any opportunity to pass motions unanimously in this House, and I'm looking forward to this being one of them.

The first bullet says that Parliament should stay any further consideration of Bill C-4. What we're asking for is the Yukon government to urge their counterparts in Ottawa to actually do this and rethink the folly of what it is that they're actually doing.

Bullet (2) asks that the Government of Canada provide evidence that shows that the proposed amendments in Bill C-4 will actually result in a decrease in criminal activity among youth and increased public safety because the statistics show — the statistics that I've had access to — that youth crime is actually declining. Yet, we have a federal government, who, through amendments to the *Youth Criminal Justice Act*, through the *Truth in Sentencing Act*, are actually making the argument that we need larger prison systems and we need to throw more people in jail. This has a huge impact on our society. It has a huge impact on our court systems and it has a huge impact on the resources that are actually available to provide those positive alternatives we've talked about, whether it be the diversion or the rehabilitative programs for those who are involved in the criminal justice system.

We've come a long way as a society over the years, the decades and centuries, when we look back at how criminals have been treated in the past. We need to continue to address some of the root causes of criminal activity — like poverty, like homelessness, like lack of access to education, as opposed to dwelling on the punitive measures. It may be a quick fix but, in the long run, they actually have a negative impact on our society.

Bullet (3) asks that the Government of Canada give full effect to the *Youth Criminal Justice Act* by adequately funding the non-custodial options provided for in the act, by channelling funds to provincial and territorial governments who are charged with the administration of the act.

I think this is where the Minister of Justice and the Premier didn't understand the questions I was asking on Monday.

They would have had people believe that this was a piece of federal legislation that has no bearing on the Yukon, but in fact it is the territorial government that is charged with administering the act. They have a responsibility to administer this act through our court system here in the Yukon. The funding needs to be enhanced in the Yukon, especially for continued support of treatment, rehabilitation and family support programs and for the support of restorative justice programs and the Community Wellness Court.

I think that is something that this government could support, because I honestly believe they believe these are good things. I have heard the Minister of Justice many times talk about the therapeutic options that are available through the Community Wellness Court, and talk about diversion and circle sentencing and the rehabilitative options. So this is a good thing for this government.

“(4) asks that the Government of Canada facilitate a national multi-jurisdictional strategy, to be jointly developed by federal, provincial and territorial authorities and their respective oversight agencies that respond to the needs of young people with mental illnesses or severe behavioural and developmental disorders, thereby preventing them from becoming mired in a system that is ill-equipped to meet their needs. This is, again, very important. This is the Canadian Bar Association. This goes back to what the Canadian Bar Association was talking about last August when they passed that resolution.

In this instance, we’re talking about young people with cognitive disorders or FASD or behavioural problems. But there are adults who have cognitive disorders as well. The Canadian Bar Association recognizes that simply running them through the court system and putting them in a jail cell doesn’t do any good. There needs to be an alternative way of dealing with it. That’s what bullet (4) talks about — preventing these individuals from becoming mired in that system, because that system doesn’t address their problems and doesn’t address their needs.

If anything, it makes matters worse. We need to ensure that those preventive programs be implemented, especially for those with cognitive disabilities or addictions. This also speaks hugely to the need for more supports in our community here in the Yukon — the need for supported living arrangements 24-hours a day, seven days a week, 365 days a year. There’s currently a proposal by the Northern City Supportive Housing Coalition that would help address some of these needs and would help assist the criminal justice system in providing for the needs of these people so they don’t become involved in the criminal justice system.

The fifth recommendation talks about the protection of the public and rehabilitation of youth being reinforced as two interdependent objectives, both of which are equally relevant as principles guiding the decision-making process under the act. It is saying that protection of the public is important, but that it shouldn’t take precedence over the rehabilitation efforts — the supportive housing, the treatment, the therapy — unless it is absolutely necessary and that it can be proven beyond a shadow of a doubt.

Bullet (6), the Canadian Council of Child and Youth Advocates that the Government of Canada ensure that any future proposed change to the Canadian youth criminal justice system comply with the provisions and the spirit of the United Nations *Convention on the Rights of the Child*. This is a priority and it should take precedence over any legislation — not just this piece of legislation, but any piece of legislation that deals with young people — with our youth.

The Yukon government should urge the Government of Canada to endorse the rights of the child in any legislation

dealing with youth justice. We should take that under consideration when we’re formulating our legislation here in the territory.

Bullet (7) encourages all parliamentarians to work toward a consensus in order to ensure that an independent children’s commissioner for the entire country of Canada be established that respects the distribution of legislative power. Children and youth legislation is spread out among 10 provinces and three territories. This would actually provide a more uniform approach across Canada and provide an opportunity and kind of a central place for people involved in agencies and in advocating for young people a place to go to where they could obtain information and counsel.

I think there is a lot of validity and there has been a lot of thought put in this submission by the Canadian Council of Child and Youth Advocates. That’s why I’m here today to support it. I hope the government members on the other side will support their work and the work of our child and youth advocate here in the territory as well.

As I said on Monday, the minister and the Premier didn’t seem to have an understanding of the points that I was raising. I’m going to try to wrap up because I would like to hear the points of view from other members in this House. I hope we don’t witness another example of closure being invoked on this important discussion, as we witnessed a short half-hour or 40 minutes ago, Mr. Speaker.

This is important stuff we were talking about in here today, and it’s unfortunate that we didn’t have the opportunity — and that members in this House were not afforded an opportunity — to talk about something as important as whistle-blower protection legislation. This is important and this is as important, or more important, than whistle-blower protection legislation.

I hope the government doesn’t use its power to invoke closure on this important subject, like they did less than an hour ago.

So for the information of the minister and the Premier, the Yukon government has jurisdiction over youth justice and it cannot — I repeat, it cannot — reject federal legislation. It has to follow that federal legislation; therefore it is imperative that this government send a strong and clear message to Ottawa that the amendments included in Bill C-4 are not acceptable to Yukoners and the Yukon government.

The members of the New Democratic Party caucus also believe Yukon’s child and youth advocate should actually come and make a report to the Legislative Assembly. Whether he does that while we’re sitting or whether it is a report that is requested — and the powers are there under the act. It was submitted as a separate motion last week that the child and youth advocate make a report to the Legislative Assembly, that the Minister of Health and Social Services ask him to do that and that the report be transmitted in the near future so that we can hear directly from him because we don’t have the opportunity to hear directly from him.

I thank him for speaking out through the media and through the Canadian Council of Child and Youth Advocates. I applaud him for doing that. We would like to have the child and youth advocate make a report to the Legislative Assembly

on the implications of the regressive legislation known as Bill C-4 on the Yukon and on its youth. This review should include, but it should not be limited to, the potential impacts of Bill C-4 on Yukon children and youth suffering from FASD and other cognitive disorders and mental illness. It should include, but not be limited to, Yukon's criminal justice system, community rehabilitative programs, community options like diversion, and should include, but not be limited to, the actual costs of this bill to our criminal justice system.

As I said earlier, there have been many good things in the Yukon government's enlightened approach to criminal justice issues during its mandate. The Whitehorse Correctional Centre is not a jail. I've heard the Minister of Justice say that on more than one occasion. What the federal government is proposing to do in Bill C-4 and its related truth-in-sentencing legislation flies directly in the face of the many good things we are doing here in this territory when it comes to criminal justice matters and how we deal with them.

As the Canadian Council of Child and Youth Advocates said in its submission to the parliamentary Standing Committee on Justice and Human Rights, the changes brought forward in Bill C-4 failed to consider that a broader approach to crime prevention is needed to efficiently reduce criminal activity and behaviour among youth. We should be investing in long-term and enduring solutions to protect the public.

Bill C-4 is nothing but a knee-jerk response to a few isolated incidents of violent crime that have been committed by youth, but we can't paint them all with the same brush. This is not an effective basis for changing public policy. It's not an enlightened approach to a very complex problem. Ultimately, it will not work. It will cost a lot more money. Ultimately, it will not make society safer. This will affect young offenders in the Yukon. The government ministers of Justice and of Health and Social Services have a fiduciary responsibility to ensure they are treated justly in the justice system that we have here.

As I said, it's not going to work. It's going to cost a lot more money and it's not going to make society safer.

I look forward to hearing from members. I thank them for taking the time to listen to what I have had to say today. I would encourage all members in this Legislative Assembly to support this motion.

Send a strong message to Ottawa that this doesn't work for young people in the Yukon and it doesn't work for the lawmakers in the Yukon who have the responsibility to look after our young people.

Hon. Ms. Horne: I thank the member opposite for his remarks and his opinions regarding Bill C-4. In preparing for today's debate, I re-read some debates in Parliament about the balance between rights of society and the rights of offenders. As I contemplated today's motion, I think what the member opposite is trying to do is ask: what is the best way to address youth crime? The answer to that needs to come from a national conversation.

In a few minutes, I will go over the elements of this motion, but I would like to begin by speaking to the broader question this motion raises: what is the appropriate response to

crimes committed by youth? Yukon supports the stated objectives of the federal government in introducing Bill C-4; however, the amendments as proposed will shift the philosophy and parity of the principles the act enshrines.

We believe that the goal of the act and amendments to the act should be to have the safest possible communities. Yukon believes that the *Youth Criminal Justice Act* has been very effective in reducing the number of young persons entering the court system and being sentenced to custody. We believe the act does not require significant change. I know some people are concerned that some provisions of the proposed bill as it is currently drafted would likely reduce the effectiveness of the *Youth Criminal Justice Act*, particularly with respect to pre-trial detention and adult sentences for serious offences. I am going to elaborate on that in a few minutes when we talk about the first clause around this stay of consideration.

I'll come back to that point in a few minutes as well, but I want to address another high level of concern first. As members of this House know, we consulted extensively in developing the *Substance Abuse Action Plan* and the work on corrections. Once thing we heard loud and clear was that the victims of crime often feel that they are the forgotten ones.

We heard that people accused of criminal activity, both youth and adults, have all kinds of statutory rights that are enshrined in the constitution, but victims do not, so I want to talk about the victims of crime. Let's not forget the other side of the equation, which is that crime has an impact on victims. I want to tell you about the Government of Yukon's response to those who have been victims of crime, including those committed by young offenders.

The Government of Yukon, through the Department of Justice, currently offers many services to victims of crime through the Victim Services Unit, including: the domestic violence treatment option court in Whitehorse and Watson Lake; assistance in the court process by supporting applications for peace bonds and emergency intervention orders; information about court proceedings; support for preparing victim impact statements; preparing victims to testify as witnesses; and working with federal Crown witness coordinators. We have the 24-hour access to VictimLINK, the crisis line.

We have counselling services — individual and group — offered in Whitehorse and in the communities through the Victim Services unit and supporting community requests for programming and training.

I would like to share with this Assembly that every Yukon community has a victim services worker assigned to work directly with victims of crime. In 2010-11, the Government of Yukon began supporting an 18-month training plan to ensure compassion fatigue and vicarious trauma training is available to people responding to needs of victims across Yukon. In April, we will expand this program to train the trainers so that the participants from last year can deliver the program throughout Yukon. The government has eight permanent FTEs in the Victim Services unit to provide services to all Yukon communities.

Through the *Victims of Crime Strategy*, Justice received funding just over \$171,000 annually until 2014 for two additional staff who are focusing on community needs. In 2010-11,

this government provided \$74,000 to the Victim Services unit for programming costs.

We have provided an additional \$85,000 annually for the next three years to support additional training for people working with victims of crime.

We have also provided three-year funding of \$50,000 for public education and social marketing materials. Additionally, Justice has secured an additional approximately \$130,000 in 2010-11 from the national Policy Centre for Victim Issues to support the development of a variety of services for victims, including the victims of crime emergency fund and the development of the first phase of the essential skills for the northern victim services workers training initiative.

Because we know that the largest driver of crime in Yukon is substance abuse, we conducted an extensive consultation with Yukoners and then developed the *Yukon Substance Abuse Action Plan*.

On a related note, we also undertook an extensive consultation prior to the development of the new *Corrections Act* and the new *Victims of Crime Act*. The *Substance Abuse Action Plan* focuses on harm reduction, education and prevention, enforcement and treatment. My colleagues and I have spoken extensively about this previously in this House. Because I have gone over it in previous debates, I won't repeat it here, except to note that we have land-based treatment. We have implemented SCAN. We piloted the street crime reduction team, which proved so successful that we expanded it into all the watches of the RCMP.

I want to mention one other area that the Yukon government is working on. Young people with FASD are at a higher risk of being victims or offenders. I want to be very clear here — we are working very hard to help support people with FASD. Both Health and Social Services and Justice have hosted national conferences to address FASD. Yukon has taken a leadership role on FASD at the national level.

On October 7, 1971, the then Solicitor General of Canada, Jean-Pierre Goyer, announced that the Government of Canada's chief guiding priority was the rehabilitation of prisoners, instead of the protection of society. In the intervening 40 years, much has changed in Canada, but the debate has never gone away.

As I said at the beginning of my comments, this government is working very hard to give our youth the best chance to rehabilitate themselves and reintegrate into Yukon society. I would like to acknowledge Yukon's Youth Justice branch, which works to prevent or reduce the incidence of youth crime; promote health and well-being of youth and families; deliver safe, secure and culturally sensitive programs in response to youth crime; and promote healthy reintegration of young persons into the community.

The Youth Justice branch services include youth probation, custody services and community programs, the Youth Achievement Centre and youth high-risk treatment program.

As I have outlined, this government is doing much to address crime. Turning my thoughts now to the first element of this motion, which calls for Parliament to stay any further consideration of Bill C-4, I think we need to hear from organiza-

tions like the Canadian Council of Child and Youth Advocates. I understand that other organizations, including religious groups, are also presenting their views. I do applaud these groups for presenting their views and adding their insight to the national conversation.

Whether one agrees or disagrees with the Government of Canada's proposed legislation, I think the important point that needs to be made is that Canadians have this debate. I do believe the national discussion needs to unfold. It is for that reason that I feel the first clause (1) that Parliament stay any further consideration of Bill C-4 is out of place.

Motion to adjourn debate

Hon. Ms. Horne: Given that, and so we can have a better informed debate once Parliament has completed their important work of hearing from all Canadians, I move that we adjourn debate. Günilischish.

Speaker: It has been moved by the Member for Pelly-Nisutlin that debate be now adjourned. Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Fentie: Agree.

Hon. Ms. Taylor: 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. Elias: Disagree.

Mr. Fairclough: Disagree.

Mr. Inverarity: Disagree.

Ms. Hanson: Disagree.

Mr. Cardiff: Disagree.

Mr. Cathers: Agree.

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 Motion No. 1358 agreed to

GOVERNMENT MOTIONS

Motion No. 1353

Clerk: Motion No. 1353, standing in the name of the Hon. Mr. Fentie.

Speaker: It has been moved by the Hon. Premier:

THAT this House urges the Members of Yukon Legislative Assembly to grant unanimous consent to deal with a proposed bill, entitled "An Act to Amend the *Workers' Compensation Act*", concerning firefighter presumptive legislation during

the 2011 spring sitting of the First Session of the 32nd Legislative Assembly, should the need arise.

Hon. Mr. Fentie: It is not often that our Assembly faces a circumstance such as this. Of course, given the motion as presented is seeking unanimous consent from all the members of this House for a particular initiative — in this case, legislation because of a timing issue.

As we are all aware, our Standing Orders dictate that the government side must present all the business of the current sitting within the first five days upon reconvening the Assembly. On this matter in regard to the timing issue, we are dealing with a situation that it was simply not possible to be able to table a bill in accordance with those timelines that are dictated by our Standing Orders.

So, if I may, I want to first make the comment that the government side is fully committed to pursuing this matter in accordance with not only how other jurisdictions have managed and handled this particular matter, but to ensure always, as we go forward, that safety of such essential service providers, such as firefighters, is paramount and foremost in our decision-making.

Some time ago, the International Association of Fire Fighters requested that — and this is Local 2217 — presumptive legislation proceed for firefighters in the Yukon *Workers' Compensation Act*.

I can tell you and all members of the House that to date in Canada, most jurisdictions already have, though they have some different approaches to this — I believe, though I may stand corrected, that even one jurisdiction has chosen to put this particular area into their health care Medicare system instead of workers' compensation. However, there is a situation here where Yukon, doing its work now in conjunction with Local 2217 of the International Association of Fire Fighters, has proceeded to the point where we feel that the possibility exists that we could bring forward the bill to address the situation of presumptive legislation for firefighters in the Yukon.

I think it's fair to say that this type of legislation brings with it a very dedicated and solid commitment to our providers of essential services, such as firefighting, and it's critical that we recognize that within this type of legislation, there are challenges that exist.

So, Mr. Speaker, we, the government side, by way of this motion, are seeking the unanimous consent for us to proceed, should that possibility emerge.

Just quickly, our *Workers' Compensation Act* as it exists today currently covers all injuries, including occupational diseases, which are determined through the Yukon Workers' Compensation Health and Safety Board adjudication process. Of course, these diseases are to have arisen out of and in the course of employment or the conduct of one's duty. In this case, with respect to what exists today in the territory, the onus is on the worker or employer to provide evidence that the injury or illness is work-related or not. That case, obviously, in every instance, is dealt with through the adjudication process. With presumptive legislation, the injury or illness is presumed to be work-related; therefore, the Yukon Workers' Compensa-

tion Health and Safety Board adjudication process and onus for evidence changes significantly. This is a point that all members should be very clear in understanding.

What this means in simple terms is, essentially, there is no adjudicative process with presumptive legislation unless evidence is provided by the employer, worker or health care providers that the injury or illness is not work-related — in short, no adjudicating process as it exists today.

The reason the timing issue emerged for the Yukon is there were some relatively new or recent changes to this process. The work the Workers' Compensation Health and Safety Board had undertaken previously did not incorporate what has been newly presented by the International Association of Fire Fighters and has already been incorporated in other jurisdictions.

That is the fact that there are new cancers to be added to the list of primary cancers that already exist and those new cancers include breast, prostate, skin and multiple myeloma.

Of course, these are in addition to what already existed in a long list of cancers that are housed in presumptive legislation. Also, I want to make the point that all the existing cancers, minus the new or possibly even including the new, depending on adjudication within the Workers' Compensation Health and Safety Board, are already addressed under that process.

It also includes the addition of cardiac arrest through the presumptive legislation. That includes a situation where we would apply this particular area of legislation to full-time, part-time, volunteer and wildland firefighters in Yukon. So this is also a new addition, because in the past, as I understand it, wildland firefighters were not included in this scenario; however, in our normal compensation and adjudication process, these types of incidents may very well have been addressed, but in this case, presumptive legislation will significantly change that process.

The challenge for Yukon — and the government side certainly does not take this challenge lightly — is the dynamic with which we are dealing in the territory. I think it's understandable that we recognize that the City of Whitehorse, being the largest centre of population, has in place a full-time firefighter capacity.

The local union is involved here. Facilities, albeit some of them now are very new, include the measures for many of the elements for prevention that are required in this particular instance, including decontamination and so on. These are things that exist in only one centre. Our challenge in Yukon is inclusive of the fact that many of our municipalities and unincorporated communities simply do not have the standards or the level of facility that is necessary to undertake such an endeavour in dealing with the application and implementation of presumptive legislation. Therein lies a challenge for Yukon. We can simply proceed, as was probably envisioned not that long ago, with legislation that was specific to Whitehorse firefighters.

However, the government side sees this as somewhat lacking in terms of how we address all individuals who, in the conduct of their volunteerism, are firefighters throughout the Yukon and what it might mean them to them and their families — bearing the thought that this wouldn't happen — should they come into a circumstance whereby they have been diag-

nosed with one of these primary cancers, for example, so that Whitehorse firefighters would have such access to benefit by way of presumptive legislation and they would not.

Therefore, I want to commend the Workers' Compensation Health and Safety Board and all the staff at the Workers' Compensation Health and Safety Board and the corporation for the work they are doing in this regard, because they're trying to incorporate how we can address this particular situation in Yukon so that this is a harmonized circumstance, applicable to all involved.

Secondly, with the addition of new cancers, there is certainly a need for us — and I'm sure members opposite will agree that there needs to be some level of due diligence on these requests when one takes into consideration the addition of these new cancers which I have presented to the House, and there are four of them, because of the fact that the legislation does include them, unless otherwise determined, as part of the provisions or clauses within the legislation.

Therefore, there has to be a clear understanding of what health or scientific data is incorporated into this, giving full consideration to the fact that we have every intention of adding these cancers to the legislation.

There is also, however, no historical cost experience in Yukon. This is information direct from the corporation itself. Even though these areas are covered through workers' compensation and through the adjudication process, we do not have a really detailed, thorough, historical data set on this for the cost, because it's just something that has not really emerged or materialized here in the Yukon.

There is also the issue of what it means on the prevention side and how we address that when it comes to training, equipment, facilities — all the necessary measures to ensure that, no matter what presumptive legislation allows for after someone may be diagnosed with one of these very difficult diseases, we have undertaken every possible measure and initiative to prevent such an occurrence from ever happening in the course of carrying out one's duties as a firefighter in whatever capacity that may be.

So, with that overview, and the fact that we may have a circumstance here in the next few days where the corporation and its board will be presenting to the government draft legislation, we thought it was prudent and also expedient, to some degree, that we would have this debate now, should the situation arise where we would bring that legislation forward — because the sooner we can table debate and pass such legislation, the sooner we can get on with implementing it, the sooner our firefighters and their families are comforted that we are taking care of their issues and concerns, the sooner we can get on with the work of how to address volunteers throughout the Yukon, which is predominantly outside Whitehorse, and the sooner we can work on the addition of the four new cancers that have been presented by the IAFF.

So we certainly want to hear from the members opposite, but would hope that they understand the timing issue and circumstance, the importance of such legislation for Yukon, and indeed, most importantly, our firefighters and the fact that the future is critical here because of the need to harmonize how we

will implement such legislation throughout the territory, so it is applied fairly to all who serve.

Mr. Mitchell: It gives me pleasure and it's an honour to stand today to speak to Motion No. 1353, standing in the name of the Member for Watson Lake, regarding An Act to Amend the *Workers' Compensation Act* concerning firefighter presumptive legislation. This is a straightforward request to provide unanimous consent to bring forward a bill after the first five sitting days, as the Premier laid out, which is unusual but not impossible. Of course, the Premier has explained the timing issues that occurred.

First of all, there should be no suspense here. I stood on this floor several weeks ago and urged the Premier to bring forward this legislation — urged the Health minister or the minister responsible for Workers' Compensation Health and Safety Board. I indicated at that time that we would give our consent, and I expected that so would the Third Party, to bring this forward to ensure that, before any possible election, this important legislation could be duly considered and hopefully passed.

We will of course support this motion and we're prepared for the Premier, or the minister responsible for the Workers' Compensation Health and Safety Board, to bring forward these amendments on any of the final six sitting days of this sitting. As a matter of fact, I think this is so important — and I speak as someone who has known many firefighters and who had the privilege of being a volunteer firefighter in every capacity, from firefighter to fire chief, for 20 years in Atlin, B.C. — that we would be willing to consider a special sitting if it was necessary, following the end of this sitting, if the timing did not allow for this to come forward, just to debate and pass this legislation.

Every day that goes by people put themselves at risk, which they do every single day they go to work, and if they're a volunteer, they wake up in the morning not knowing they may be putting themselves at risk, but when the bell rings, they answer that bell. So anything we can do to make sure there is no further delay is something we would very much support.

As members opposite and on this side of the House may know, when a single, modern couch that was built in the last 20 or 30 years burns in a fire, in a house fire, the plastics and the resins and the artificial fabrics that are included and the glues release literally thousands of separate toxic chemicals, each and any one of which not only can cause instant death if inhaled in sufficient quantities, but can lead to cancers and other diseases over time. This is the least that we can do for those people who put themselves in front of their communities. Whether they are paid or volunteer, the risk is equal and sometimes greater because of differential training and, as the Premier has pointed out, there are equipment issues and training issues that can impact. I can say from personal experience that I have seen firefighters in a volunteer department not adequately protected with self-contained breathing apparatus and modern fire-resistant turnout gear go into a burning building, fully engulfed, in order to rescue or attempt to rescue their neighbours.

So we have to do everything we can for these people. I will say also, though, that this is contrary to what the Member for Klondike said earlier when he indicated that there was an important measure that we wanted to get to later, being this motion — this is the third important item that has come before this House this afternoon. I appreciate the fact that on this motion, all parties will have an opportunity to be heard. That's as it should be. Had we not been able to get to this motion today, we would have certainly been willing to consider it on any day, be it government business days or government private member day next week, had the government cared to bring it forward.

The previous two measures, although the government didn't think so — the Member for Klondike said not — were also important. We're not making a comparative issue out of it. We don't do that in here. We don't say this bill is more important than that bill or this department is more important than that department. But Bill No. 112, the whistle-blower legislation as it's colloquially called — but it's the *Disclosure Protection Act* — standing in the name of my colleague, the Member for Porter Creek South, was also important. It would have been important, in this case, for the Third Party to at least have an opportunity to speak to that. They didn't get that opportunity. Debate means more than one side of an issue. They didn't have that opportunity to speak to it as elected members; nor did the Independent member.

Equally, the Official Opposition didn't have an opportunity to speak to the motion that was brought forward this afternoon by the Third Party, Motion No. 1358, regarding proposed amendments to the *Youth Criminal Justice Act* that are before Parliament right now — something that also affects each and every one of us, or could. These are important issues, Mr. Speaker, and I am going to use a moment now to just say that, while we will probably have unanimous consent on this motion — and the government may go out and say, see, the most unanimous motions in terms of voting in the history of Yukon — I'll point out to the Premier that every time there's unanimous voting on a motion or bill, it is reflective of everyone here, not just of the government side or the side that presents the bill or amendment.

Unfortunately, this government has also had, I believe, the most adjourned debates without opportunity for others to take part in debate in my recollection. I don't know if it's in history, but that is not a record to be proud of. The opposition only has an opportunity every second week to put something forward on behalf of Yukoners, and that should be the opportunity to fully debate it.

Having said that, I do thank the government for listening to us urging them to move forward on this, as well as for working with the Workers' Compensation Health and Safety Board and Local 2217 of the International Association of Fire Fighters to include the additional four new cancers.

I agree with the Premier that there is a need for due diligence and clear scientific information and historic data. The prevention side of training equipment and facilities is very, very important and I look forward to an opportunity in this sitting if the legislation is ready to debate it and to pass an important measure on behalf of firefighters.

Ms. Hanson: I am also pleased to be able to speak today to Motion No. 1353, An Act to Amend the *Workers' Compensation Act*. The Yukon NDP understands the need, that under our parliamentary rules there is occasionally time when we must move beyond what the normal procedures of the Legislative Assembly are. We do recognize that the activities and the issue of a recent letter from the International Association of Fire Fighters, Whitehorse Local 2217, and the Yukon Workers' Compensation Health and Safety Board, indicated that the legislation had been prepared earlier, but as the Premier stated, the International Association of Fire Fighters had submitted a request to include the four additional types of cancer.

We accept that An Act to Amend the *Workers' Compensation Act* has come in late in the sitting in order to accommodate the firefighters' union position.

We look forward to seeing the Act to Amend the *Workers' Compensation Act* as soon as possible, even a draft, so we can scrutinize the amendments and see if they are of a suitably high standard and reflect and respect the selfless work of our firefighters who, in protecting us, do put themselves in harm's way.

One of the areas that would be absolutely important to us, as the Premier outlined, is the addition and inclusion of the volunteer firefighters. They must have full coverage. This is not something that's done in all jurisdictions, and I applaud the Yukon Party for making sure this is included, because they play a particularly important role throughout the territory.

Firefighters in the Yukon raised this issue several years ago. In fact, the NDP caucus had some discussions with firefighters and the late MLA for Whitehorse Centre first brought this issue to the attention of the Legislative Assembly just over two years ago. Back on April 21, 2009, my predecessor raised the issue to the minister responsible for the Workers' Compensation Health and Safety Board. I'm told, and I read, that it was a good exchange.

The late MLA informed the minister about presumptive legislation in other jurisdictions. He tabled the rules in Manitoba and asked the minister to look into the issue to ensure that firefighters and their families have the assurance that they will be cared for, and the minister obliged. He said he would review the information and pass the information on to the officials at Workers' Compensation Health and Safety Board for them to review and to get back to him on it, and he did.

We are here today — we are moving forward on an issue from the public, championed by the NDP and accepted by the government. On some days, and indeed, even today — some parts of some days more than others — there is a lot of acrimony in this Legislature, but we do have some successes where we can find agreement and move things forward in a non-partisan manner.

Now we need to see the legislation. We hope it has all the right principles and protections in it. By media accounts, it appears that the stakeholders were involved in crafting the legislation, so we are optimistic that it will be good. Presumptive legislation realizes there are some workers who, in the course of their duties in protecting the public, necessarily come into

contact with a toxic environment. The fire scene is one such environment and firefighters run the job-related risk of exposure to toxic chemicals on a daily basis. Presumptive legislation realizes that exposure to these toxic chemicals, despite the best protective gear, can result in particular cancers and disease.

As mentioned by the Premier, the addition of a presumptive clause in the *Workers' Compensation Act* would free the Workers' Compensation Health and Safety Board from having to do the normal adjudication process when a firefighter is diagnosed with certain identified, defined forms of cancer. Without amendment, presumption is evidence-based and determined by a decision-maker on a case-by-case basis.

Mr. Speaker, the NDP raised the issue in 2009 — that we didn't think this was enough to cover firefighters who end up with cancer that is known to be linked to the toxic environment they work in. There are other jurisdictions that have passed legislation going back almost 10 years. Manitoba, British Columbia, Ontario, Nova Scotia, Alberta and Saskatchewan have legislation and regulations referred to as presumptive legislation. We are not alone in this. We hopefully will be pioneering some aspects in terms of the prevention aspect and also inclusion of volunteer fire workers.

Under Manitoba's presumptive legislation, certain cancers are considered occupational diseases. They include cancers of the brain, bladder, kidney, non-Hodgkin lymphoma and leukemia. These are all presumed to be occupational diseases for firefighters. Manitoba and other jurisdictions have spelled it out. The NDP does support bringing forth this bill on presumptive legislation, and we look forward to seeing An Act to Amend the *Workers' Compensation Act* as soon as possible — as I said before, even a draft — so we can scrutinize the amendments and see if they are of a high standard and do protect the work of our firefighters who, in protecting us, put themselves in harm's way. The NDP will be supporting this motion.

Mr. Cathers: I'm pleased to rise in support of this motion to allow the government to table an amendment to legislation outside of the typical restrictions under the Standing Orders, requiring all government legislation to be tabled in the first five days of a sitting. Certainly, it would have been nice to have seen this within the first five days of the sitting, but I understand that sometimes drafting and developing legislation does take longer than anyone wants it to. I'm pleased that, rather than simply leaving this until the fall, the choice was made to request the consent of the Assembly to provide the ability to amend the legislation to provide coverage to firefighters on a presumptive basis for workplace-related illness, particularly cancer.

I would also note that I think this is a more productive use of a Wednesday afternoon than we often see. In my opinion, it's better for us to be discussing a motion to allow legislation to help firefighters, rather than talking about a bill that is not fully developed, by the mover's admission, or rather than talking about federal legislation.

Talking about Yukon firefighters is important. I will be supporting the motion.

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

Hon. Mr. Fentie: Of course, the government side wants to extend our appreciation for the indulgence of the members opposite. Of course, we would have liked to have this particular legislation brought forward at the beginning of the sitting. Circumstances did not allow for that, so we're extremely pleased that the members opposite see the circumstance here and the validity and merits of proceeding in the manner that we are. We will hope now that the draft amendments to the *Workers' Compensation Act* can be completed and we can bring that before the House at the earliest opportunity between now and when the House rises. Thank you.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Fentie: Agree.

Hon. Ms. Taylor: 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: Agree.

Mr. Elias: Agree.

Mr. Fairclough: Agree.

Ms. Hanson: D'accord.

Mr. Cardiff: Agree.

Mr. Cathers: Agree.

Clerk: Mr. Speaker, the results are 14 yea, nil nay.

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

Motion No. 1353 agreed to

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Mr. Nordick): Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 24, *First Appropriation Act, 2011-12*. We'll now

continue with general debate on Vote 51, Department of Community Services. Do members wish a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 24: First Appropriation Act, 2011-12 — continued

Chair: The matter before the Committee is Bill No. 24, *First Appropriation Act, 2011-12*. We will now continue with general debate in Vote 51, Department of Community Services.

Minister Lang, you have about 17 minutes remaining.

Department of Community Services — continued

Hon. Mr. Lang: I stand here today continuing the debate we had following last week's debate on the budget for Community Services. In starting my debate this afternoon, I'd like to again thank the department for all the hard work they do on a daily basis and thank Yukoners for their partnership in making this territory what it is today.

In starting today, I'd like to start with our waterfront projects. This is a prime example of this government's commitment to maximize the benefits of joint funding programs for Yukon. Of the more than \$7.36 million identified under CSIF, \$3.68 million is recoverable from Canada. More than \$5.45 million is set aside to complete projects under the municipal rural infrastructure fund, including the following: water and sewer upgrades in the Town of Watson Lake; water supply improvements in the community of Haines Junction; funding for the Champagne and Aishihik First Nations cultural centre; Canada Games Centre heat recovery system; and phase 2 of the Na Cho Nyäk Dun First Nation geothermal heating project. As you can see, Mr. Chair, our investments go through the territory. Of Yukon's \$5.45 million of investments under MRIF, \$2.73 million will again be recovered from Canada.

The Building Canada fund is one of the most significant funding partnerships we have entered into with Canada. The fund represents a considerable investment in Yukon communities this year with more than \$52 million identified for 2011-12. That investment is shared 75:25 between Canada and the Yukon and reflects this government's commitment to maximize the benefit for Yukon.

Building Canada dollars are being strategically invested using the Yukon infrastructure plan as a guide to ensure continuous improvement for Yukon communities. One of the commitments under the infrastructure plan is to continue to provide safe and sustainable drinking water and waste-water treatment that meets national standards. In 2011-12, a number of water projects will be of benefit across Yukon — Carcross, Teslin, Haines Junction, Champagne and Aishihik First Nations, Carcross-Tagish First Nation, residents of the Taku subdivision in Tagish, Ross River, Mayo, Rock Creek, Deep

Creek, Burwash Landing, Mendenhall, Dawson City, Watson Lake and Faro. Building Canada projects for 2011-12 also include improvements to waste-water treatment systems, upgrades to roads and streets throughout Yukon and modern solid-waste management practices. Highlights include upgrades to the waste-water collection system in Destruction Bay, Watson Lake, Carmacks and Teslin; water and waste-water upgrades in Whitehorse's Marwell area; completion of the Selkirk First Nation public works shop; recycling and solid-waste transfer station improvements in the Whitehorse periphery; a modern solid-waste facility in Old Crow; a public works and water treatment facility in Ross River; highway improvements at the intersection of the Two Mile Hill and Alaska Highway in Whitehorse; waste-water and water services for urban subdivision development in Mayo, and upgrades to community streets in Ross River, Burwash Landing, Teslin, Beaver Creek and Old Crow.

Canada and Yukon's joint investment under Building Canada brings long-term benefits to communities, local businesses and of course to the economy. This is a sound investment that will translate into much broader advantages for Yukon. Land development remains a top priority and a key goal of Community Services' budget for the year 2011-12.

With our municipal partners, we are working to maintain a supply of building lots to meet the demands of a growing territory, as Yukon prospers under this government.

\$41.8 million is budgeted for land development projects across Yukon, including important projects in Dawson City, Haines Junction, Mayo, Grizzly Valley and the City of Whitehorse. We will be completing the industrial Callison subdivision in Dawson City, Haines Junction urban residential developments, Willow Acres country residential subdivision, and our Grizzly Valley rural residential subdivision here outside the City of Whitehorse.

\$31.1 million is budgeted to move forward with stage 2 of Whistle Bend and enter into stages 3 and 4. The first two stages of Whistle Bend subdivision will provide more than 194 single-family lots, 48 townhouse lots, 34 duplex lots and 17 multiple family lots by 2012. Together with the City of Whitehorse and other Yukon municipal governments, we are working hard to make the land available.

This budget reserves \$23,600,000 for the Protective Services division of Community Services to continue to provide excellent emergency response and management.

As always, the top priority is to protect life and property from human and natural threats in Yukon. A Protective Services allocation includes \$500,000 that the Yukon fire marshal's office plans to invest in the Mount Lorne fire hall; \$14.49 million in O&M for Wildland Fire Management to build upon its proven effectiveness and success in protecting Yukon residents and their property. \$1 million will be allocated for the FireSmart program to continue efforts to reduce the threat of wildfire in and around our communities, while also helping to provide winter work opportunities across Yukon.

\$3.2 million is for development of an integrated emergency response facility to serve as a permanent second Emergency Medical Services ambulance station here in the City of

Whitehorse. It will be located at the top of Two Mile Hill and will help reduce response times and better protect citizens of Whitehorse.

We continue to foster strong local governance and promote healthy, active communities. This budget demonstrates our commitment to providing sports and recreation opportunities and to encouraging and supporting active living and healthy lifestyles in all our Yukon communities.

To underscore this commitment, we have identified \$3.38 million under O&M and \$2.42 million under capital for the year 2011-12. This includes: \$150,000 toward the 2011 Western Canada Games; \$150,000 for recreational facility upgrades in rural Yukon; \$916,000 for construction of the Kluane First Nation youth and ElderActive centre; \$418,000 for operation and maintenance of community pools, recreational facilities, programs, recreational directors in Beaver Creek, Burwash Landing, Carcross, Destruction Bay, Keno City, Marsh Lake, Mount Lorne, Old Crow, Pelly Crossing, Ross River, Tagish and Upper Liard; and more than \$1.17 million to assist the City of Dawson for upgrades of their new recreational centre.

With contributions from Yukon Lottery Commission, this budget also allocates more than \$1.8 million to support more than 28 Yukon sports governing bodies and 90 sports clubs across the territory, representing more than 10,000 members.

One of the highlights of this funding is that we are providing \$130,000 to help Whitehorse host the women's fast pitch world championship in the year 2012-13.

Whitehorse's track record in hosting a successful 2008 Junior Men's World Fast Pitch tournament helped in the city's bid, not to mention its proven record when it comes to hosting large sporting and cultural events. Yukon's long daylight hours mean that the International Softball Federation will be looking to hold more than 60 games over a 10-day period. Last year, the world championships were held in Caracas, Venezuela and saw teams from 16 different countries compete. We expect similar representation here in the City of Whitehorse in the year 2012. I know that the city will do a terrific job in hosting this event.

In 2011-12, this government is also proud to provide 20 elite athletes from different sports with financial support and help fund programs that support upward of 1,325 coaches and officials. In addition, Sport and Recreation branch has set aside more than \$668,000 for programs related to Special Olympics, youth special recreation groups, Active Living and the Recreation and Parks Association of Yukon, Yukon Council on Disability, and, of course, the ElderActive Recreation Association.

I'm very pleased to back these programs that help to ensure Yukon's healthy and active citizens.

This budget also reflects a significant investment we at Community Services are making to enhance the capacity of local government to provide programs and services. This government recognizes that municipalities make a major contribution to improving Yukoners' quality of life and we are requesting more than \$21.3 million to directly support local governance. This includes \$15.77 million in comprehensive municipal grants. The grant has increased significantly during our mandate from \$12.5 million in the year 2007. By 2012-13, the mu-

nicipal grant will be 32 percent above the 2007 levels. This clearly shows our respect, appreciation and support for municipal governments throughout the Yukon.

We are pleased to continue to support the work of the Association of Yukon Communities and have allocated \$100,000 to support their operations. AYC, representatives of municipal governments and Yukon have worked together on the Our Towns, Our Future review and I'm looking forward to the findings.

These findings will lead to decisions on the next steps once presented at the next annual general meeting of the Association of Yukon municipalities in May of this year. Together, we will chart a path forward for sustainable and vibrant communities in the territory.

We are providing \$70,000 for local advisory councils and value their contribution to local governance. More than \$5.45 million in grants-in-lieu of taxes are also payable to Yukon's eight municipal governments. Again, this more than \$21.3 million in funding that our government is providing to support local governance in Yukon.

We also remain committed to modernizing solid-waste management in Yukon and to implement the *Solid Waste Action Plan*. 2011-12 will bring enhanced recycling and composting options for waste diversion. There will also be improvements to ensure proper handling of hazardous household waste, the installation of monitoring wells at remaining solid-waste facilities to meet regulatory compliance and additional regional transfer systems set up to help complete a transition toward our commitment to no-burn at solid-waste facilities throughout the Yukon.

Specifically, we are allocating \$900,000 to purchase a more efficient transfer system for the Whitehorse periphery and to set up systems at regional sites in order to better handle recycling, composting and chipping; \$500,000 to develop a modern solid-waste treatment facility in Old Crow; \$425,000 will help to improve recycling facilities and arrangements in Whitehorse in order to better serve the entire territory; and \$1.25 million toward solid-waste facility upgrades, as identified under the *Yukon Solid Waste Action Plan*.

Community Services' broad range of responsibilities also includes Yukon's public libraries. This year we will continue to improve this valuable service. In particular, we are looking forward to the new Whitehorse Public Library. This important community resource will move to its new home in the Kwanlin Dun cultural centre on the Whitehorse waterfront. The KDFN cultural centre and new Whitehorse Public Library are centrepieces of this development and significant work will be underway this year to complete the facility and move the library to its new home.

In the area of Consumer and Safety Services, our department will continue to provide leadership over the coming year.

This budget allocates \$4.75 million to: encourage and maintain equitable and responsible employment practices through the Employment Standards branch; ensure orderly and responsible commercial activity in Yukon through Corporate Affairs; support Consumer Services licensing for more than 22 health care and business professionals, from insurance compa-

nies to dentists, pharmacists, and real estate agents; provide building, plumbing, electrical, gas and boiler-related building inspection services in rural Yukon through Building Safety.

I see my time is up; I will take questions from the opposition.

Mr. Fairclough: I do have a few questions in the Department of Community Services. I would like to thank the officials for providing the briefing and for being here, helping out and getting answers to questions we have. I believe Community Services plays a pretty important role in the communities in building infrastructure and for development in the communities with the municipalities and those unincorporated communities — everything from roads to water and sewer and safe drinking water.

I'm glad to see that the department is addressing a number of these issues in this budget this year. Of course, there are quite a few projects that the minister laid out just now. We in the Official Opposition do support those projects going forward. We do have some questions about it. I guess maybe I will just get right into it, rather than wasting some time on other things.

I heard the minister say that there were dollars allocated to the Whitehorse ambulance station and replacement. We have asked questions in the House on this matter a number of times. We couldn't get any clear answers on the total cost of this facility. So I would like to ask the minister again what the final cost is of the ambulance station. If there is no final cost, when we will be able to see that cost — and for the minister to give us a clearer picture on this project.

Hon. Mr. Lang: It is a two-year commitment, and the commitment for this year's investment on the ground would be \$3.2 million. We don't see the actual move into the emergency facility until the end of next year. It will be a two-year commitment to finalize the actual building and fit it out and get it up and running. As I told the opposition, we do have a facility up there at the moment; we do man it; it is an integral part of our emergency response facility and it services that part of the Whitehorse area. This government is committed to build the building and the foundations and the work on the ground will be done this summer. Next year, it will be up and running late in the season.

Mr. Fairclough: The minister said there was \$3.2 million, as is stated in Community Services capital budget. He said it was a two-year project.

I asked the minister what the final dollar amount for this building would be and I didn't get that from the minister, so perhaps he has that answer and I'll give him the opportunity to state it.

Hon. Mr. Lang: We're having trouble finding that final figure but we do have it and I would commit to get that figure. It's approximately — I think it is \$8 million in total, but I would like to get something more accurate to the member opposite.

Mr. Fairclough: What was the \$3.2 million going to produce this coming year? We're talking an \$8-million project. Some say it's higher than that — some \$13 million plus. The minister said it's a two-year project. We're starting this project

this summer. It's going to be designed and some of the work is going to take place, so what would we be able to do with this building at the end of the summer? Is it to be worked on all winter and then next year, moved into?

What is the majority of the dollars identified for this building going toward? Is it the building or is it new equipment?

Hon. Mr. Lang: Addressing the member opposite's question on the ambulance facility at the top of the Two Mile Hill, the \$3.2 million will go to conceptual plans. We hope to have the contract out later this spring and we hope to be out of the ground by later this summer. That's where the department is visualizing going this year. First of all, we have to get the amount of money through the House here so we can move forward with the planning and the investment we have to do on the ground.

Mr. Fairclough: So is the minister saying that work still needs to be done and the final design and costs are still not identified? Has this project been given approval by Management Board?

Hon. Mr. Lang: We're still finalizing the conceptual design at the moment, so it's a work-in-progress. It's work that has been ongoing, but we still have to do the finalization of the conceptual design itself.

Mr. Fairclough: So far, from the information the minister has, he says it's \$3.2 million for the conceptual design this year. I did hear him say that the contracts will be let late in the summer of this year and the total cost of this building is some \$8 million. Is that subject to change, because the final design has not come forward yet?

Hon. Mr. Lang: This \$3.2 million isn't just for the conceptual plan for the building. It's for part and parcel, and that would be part of the investment of the \$3.2 million. We're hoping to put a contract out later this spring so we can get started on the building itself.

Mr. Fairclough: So what work will take place? The conceptual design will be done; the architectural work will be done. What work will be done on the ground? Is it pouring concrete? What type of work will take place? When does the minister feel the final design will be given?

Hon. Mr. Lang: We're looking at foundation work, concrete work — the things that go along with putting a building of that investment on that footprint. We're looking at a class D estimate at the moment. As we finalize the design, we will have a class C estimate. We're working our way through this process, but certainly, it's all involved in the \$3.2 million. The design work and all that has to be finalized and then we'll move on to the actual construction of the footprint of the foundation work. Hopefully, those contracts will be out later on in the spring.

Mr. Fairclough: I'm not clear on this project just yet. It sounds to me that there will be two phases to the project. We don't quite have a final design of this building. I would like to ask the minister what the public can expect at the end of the summer. We are going to have some foundation work take place but, at this point in time, we do not have a final design of the building and that could change.

The design of the building could change, as could the dollar amount for the total cost of this ambulance station. I guess I want more detail from the minister on this matter.

I also asked the minister about the \$8 million total cost. Is that with what the government has for design now? Are we looking at further work being done to expand this project? Are we looking at an increased cost to over \$13 million?

Hon. Mr. Lang: We don't contemplate that. We're finalizing the conceptual design right now and the detailed design will follow this spring. Construction will begin this summer. That's where we're going and those are the steps we're going to take — class D design, then class C, and then move right into construction. We hope to have the bidding out later on this spring and we hope to be on the ground working on the site this summer.

Mr. Fairclough: The public will be able to see what this ambulance station will look like at what point? When will the public be able to see what the project is going to look like?

Hon. Mr. Lang: In addressing the member opposite, certainly, once we get the conceptual designs done, they will be widely open to the public. It will be open to the public for their scrutiny of the actual building itself.

Mr. Fairclough: The minister said the design will be made public and government does know basically what they want in this ambulance station. They do know that. The minister has already come up with a figure of \$3.2 million this year and a total of \$8 million. Obviously, the government has done a lot of work to bring forward estimates. Is the minister firm that this is what the cost will be — some \$8 million?

Hon. Mr. Lang: I was very clear when I talked to the member opposite that the number I gave the gentleman was a ballpark figure. I would firm that with a note to him and make sure that the number I'm putting on the floor here is actually —

I have the figure in front of me now: 2011-12, \$3.2 million; 2012-13, \$5.546 million, so you're looking at just under \$9 million.

Mr. Fairclough: It did climb up a little bit — almost \$900,000 in a matter of minutes here. I'm going to leave that for now. I do know how the Yukon Party handles big projects like this and it's a bit frustrating to know that we're going forward in putting footings in without knowing what the final design of the building would look like and of course the final cost. The \$8.9 million approximately, as the minister says, is a ballpark figure, so they must have some contingency built into this ambulance station.

In his opening remarks, the minister said there are dollar amounts in this budget dedicated toward a Dawson City recreation centre.

The minister said it was for upgrades to the Dawson City rec centre — I believe that's what his opening remarks were. I would like the minister to clarify that. Are these upgrades, or is this a totally new building that will be built in Dawson City?

Hon. Mr. Lang: It gives me great pleasure to stand here today on the floor and clarify what we're doing in the City of Dawson. There is an obligation of the government to maintain a certain amount of resources every year, to maintain the existing hockey arena and complex. That was an agreement

made between the Yukon Party government and the City of Dawson. We've certainly done that, and part and parcel of that is a yearly stipend to make sure the building is sound and safe for the people of Dawson.

We've also entered into discussions with the City of Dawson and the First Nation on moving forward on a new structure, and part of these resources will be used to test and make sure the new site would be acceptable to receiving a new hockey arena.

That's a commitment this government has made. So part of this \$1.17 million is for maintaining the existing building. But they, in turn, can use some of it to do the exploration work that they need on the new facility in Dawson City.

Mr. Fairclough: Can the minister break down the \$1.17 million that he identified for this project? How much is going to the upgrade of the Dawson City rec centre — the present one? How much is going toward the design of a new rec centre in Dawson City?

Hon. Mr. Lang: It started out as a \$4-million commitment. The city draws down on it as they do the repairs that are needed, as required by engineers. So that's the amount of money that's left over the last four years, so we've also entered into an agreement with them, as I said — that they can utilize the money that they have out of this investment to explore the new site for the new rec-plex for the City of Dawson.

Mr. Fairclough: The minister said that it was a \$4-million commitment from government to the City of Dawson, but I did not get an answer from the minister about the breakdown of the \$1.17 million toward what he said were upgrades for the Dawson City recreation centre. But I did hear the minister say that perhaps the government is leaving it up to the municipality to make that decision. Is that what I'm hearing?

Hon. Mr. Lang: This is a municipal commitment we made to the municipality of Dawson City. It was a situation we found ourselves in when we assumed government in 2002. The City of Dawson of course under the last Liberal government had found themselves in a situation that was financially impossible for the community to meet its obligations. Certainly, in that discussion over the next two or three years as we resolved this issue — the Liberal government had spent \$10 million on developing the recreation complex that exists there today and, of course, it was not engineered properly, so the resources are being managed by the City of Dawson because they in turn are taking on the responsibility of making sure the rec-plex is safe for the citizens of Dawson.

Also, we have worked with them so they can use some of this money to explore and do the good work they have to do, in conjunction with the First Nation, on a whole new complex for the City of Dawson. Hopefully, it will be an investment that will last for many years.

The investment the Liberals put on the ground in Dawson City only lasted for six months.

Mr. Fairclough: I asked the minister if he could break the \$1.17 million down and I didn't get that answer from the minister. He did say that they're going toward a new rec centre and fixing up the old one. These are dollars that are approved by the department to go toward the City of Dawson for up-

grades for the Dawson City rec centre and to explore a new recreation complex for Dawson City.

It's a big chunk of money. We've heard a lot of complaints from the minister on this building. What does the City of Dawson do with this old rec centre if it's unsafe and with this \$1.1 million — a portion of it, he says; we don't know how much because we can't get an answer from the minister — that will be going toward upgrades for the rec centre? Will this, then, make this building safe? Will it make it safe for the residents of Dawson to use this building? Is it going to be converted into something else? I'm sure the government must have a good idea about what exactly Dawson City would like to have in their community. I know the member opposite can go back eight or nine years, if he would like, but they have been in government for quite some time. He has now identified \$1.7 million toward upgrades and design or to explore — that's what the words were from the minister — a new rec centre for the City of Dawson.

There is interest in the public about the spending of government dollars on this existing building and what the plans are for down the road. I think it's important for the public to see what this dollar amount is going toward. I know the minister is going to say that they have this commitment to the City of Dawson for this project, but we are interested to know how much of the \$1.17 million will go toward upgrades for the existing recreation centre in Dawson City and what that would mean. Would that mean that it is a safe building — that it makes the building safe? Will that make the building usable by the community of Dawson? I guess the next question to that is: how long does the minister expect the existing rec centre in Dawson to last?

If it has already gone through all kinds of inspections and has identified problems and safety issues, does the minister feel this is a wise use of government money — to go toward this? Is the plan down the road to replace and demolish this rec centre? I know the minister said the city and the First Nation are looking at another spot to build a new rec centre. I just want to know what's going to happen with this project. If the minister could be clear on it, I think we can move on to another issue.

I know the minister is not going to take very long in answering that question, so I'm going to ask him another one so that he has a clear picture that he can provide to the opposition — that is the Ross River recreation centre. This centre plays a big role in the community of Ross River. I think they finally got organized after many years to really make use of this particular centre. Now, it's gone. I know the government did say they are committed to replacing the Ross River rec centre. Of course, it came after the budget had been put together. Perhaps the minister could answer when or how and what pot of money the government is going to tap into for the replacement of this rec centre in Ross River. Is it coming out of the government savings account? Is another project being replaced so that work can be done?

Is the commitment to build the Ross River rec centre over a number of years — like this summer and perhaps next summer — a commitment to put together design this coming summer, and is there any work that's going to be happening on the

ground, pouring concrete, putting people to work this summer? Is that going to take place and, more importantly to the people of Ross River, when would they be able to use this new recreation complex?

I don't think that Ross River is looking for something extravagant. I think that they want a facility that the community can be proud of and use in so many different ways, whether it is for housing a youth centre or even a daycare. I'd like the minister to answer that when he gets up on his feet and I know that the department number-crunches right away, so perhaps the minister can tell us approximately what the replacement of this —

Chair: Order please. Seeing the time, the Chair will rise and report progress.

Speaker resumes the Chair

Speaker: I will now call the House to order. May the House have a report from the Chair of Committee of the Whole?

Chair's report

Mr. Nordick: Mr. Speaker, Committee of the Whole has considered Bill No. 24, *First Appropriation Act, 2011-12*, and directed me to report progress.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

The House adjourned at 5:31 p.m.

The following Sessional Papers were tabled March 16, 2011:

11-1-205

Yukon Development Corporation: Protocol re Government of Yukon's interrelations with YDC (Fentie)

11-1-206

Yukon Judicial Council 2010 Annual Report (Horne)

11-1-207

Yukon Law Foundation (dated November 1, 2009 to October 31, 2010) Annual Report and Financial Statements (Horne)

11-1-208

Yukon Development Corporation: Shareholder letter of expectations 2010-2012 between the corporation and the Minister responsible (Fentie)

11-1-209

Mayo B and Carmacks-Stewart Transmission Line Memorandum of Understanding (dated March 10, 2011) between the Yukon Development Corporation and Government of Yukon (Fentie)