

**Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, November 5, 2008 — 1:00 p.m.**

Speaker: I will now call the House to order. At this time, we will proceed with prayers.

Prayers

DAILY ROUTINE

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

TRIBUTES

In recognition of Women Abuse Prevention Month

Hon. Ms. Horne: November is Women Abuse Prevention Month in Yukon. It is a time for all of us to make a personal commitment to work toward the elimination of violence toward women in our communities. According to a Statistics Canada report, *Measuring Violence Against Women: Statistical Trends 2006*, the rates of sexual violence against women in Yukon are close to three times higher than the national average. That same report also states that aboriginal women experience spousal violence at a rate more than three times that of non-aboriginal women.

We are working on changing societal attitudes about violence toward women in order that it can be prevented and eliminated. We are working to change attitudes about violence against women. Violence against women must stop. We need to teach our children about the importance of healthy, balanced relationships.

If children grow up believing that men and women are equal in society, it will help to address the power inequity between men and women.

I want to take this opportunity to acknowledge the valuable front-line work done every day by Yukon's women's and children's shelters, and by those working in violence intervention programs. Their work and support to women is key to eliminating violence against women in this territory.

On Monday, November 17, the Women's Directorate is presenting school and general audience performances of *Voices of Men*, an educational comedy by Ben Atherton-Zeman. Mr. Atherton-Zeman covers important issues, such as date rape and sexual assault, dating violence and domestic violence, sexual harassment and objectification. He will also participate in a violence prevention event organized by the Men's Society, taking place at the Nakwataku Potlatch House of the Kwanlin Dun First Nation on Saturday, November 15.

During the month of November, Les EssentiElles are organizing a Whitehorse Main Street visual arts display in several businesses addressing the prevention of violence against women.

I do encourage everyone to participate in these events, to speak out against violence in our community and to actively support the eradication of violence against women.

Günilschish, Mr. Speaker.

Mr. Inverarity: I rise today on behalf of the Official Opposition to pay tribute to Women Abuse Prevention Month. During Women Abuse Prevention Month, the focus is on what we as a society can do to prevent and eliminate violence against women. Abuse can take many forms, such as assault, domestic violence, spousal abuse, physical and mental cruelty. Not all violence leaves visible scars. Emotional violence includes regular subjection to demeaning jokes, domineering forms of behaviour and sexual harassment.

Some forms of violence have a greater physical or emotional impact than others, but all forms of violence contribute to the very real fear and suffering that women in our society must endure. No matter what its name, it has to end.

In Whitehorse and in the rural communities, the RCMP, women's shelters, transition homes and women's groups, First Nations and government agencies offer help, shelter, counselling, advocacy and support services to women and children in crisis. The Outreach van is on the front line of the streets of Whitehorse offering information and counselling for women in crisis. Unfortunately the issue of violence against women isn't going away and, sadly, we need more of the services that are provided.

We need to work on changing social attitudes against violence toward women. We need to speak out against violence or abuse when we see it happen. We need to teach our children that men and women are equal in our society. As we educate and raise the awareness of violence against women, we must all actively work toward its eradication.

We would like to pay tribute and express our thanks to the many organizations, agencies, front-line workers, staff, volunteers and supporters who work with women who have been abused or are in abusive situations. Let us all work together to change our attitudes and our behaviour. Teach our children by example that all forms of violence are unacceptable. Every woman has a right to be treated with respect and to a life without violence. This month as we heighten our awareness of this issue, let us make it a year-long, lifelong effort to end the violence.

Mr. Hardy: I rise on behalf of the NDP caucus to pay tribute to Women Abuse Prevention Month, which is, of course, this month. The abuse of women is an urgent public health issue that occurs in epidemic proportions in Canada. We know that the rates of physical and psychological abuse of women remain totally unacceptable and that the Yukon is a prime offender in this crime. In this territory, we should all be shocked that three times as many aboriginal women suffer from spousal assault than non-aboriginal women.

Health Canada tells us that up to 23 percent of Canadian children have witnessed some form of violence against their mothers. One of the most important rights for our children must be safety. Children in abusive homes are not safe, even if they are not being abused themselves. The environment in which children grow up forms their character and values. The

secret, confusing and dangerous situation in which they live results many times in dysfunctional adults. Abuse of women has far-reaching effects on the children's future welfare and on relationships formed later in life.

Abuse of women continues from generation to generation as children learn when they are young that it is acceptable. A woman who is abused learns that life is unpredictable and dangerous, that violence is a way to solve problems and that a woman is less valuable in our society. An abused woman often blames herself, becomes guilt ridden and passive, or may become aggressive herself. After a violent episode, women may take on the justifications of it, such as being drunk or that she deserved it for provoking a fight.

These distorted views of society's norms affect us all. The health of society depends on healthy mothers and development of our children. Investing in services for abused women helps to grow healthy families and communities. Teachers and medical staff can be educated to recognize a child living with abuse and give the support the child needs. Abusive mothers can be helped to use parenting skills to help their children, whether they remain in an abusive home or leave. Transition homes have counsellors who assist the whole family to live away from abuse and its long-term effects.

Our vision must include healthy women and children living in healthy homes, and this means sufficient investment in helping services, such as transition homes and second-stage housing.

Mr. Speaker, today we salute all the professionals and volunteers who work with abused women. Especially we pay tribute to the many men and women who practice giving their children healthy homes to grow up in and, most especially, we recognize the tragedy and struggle that those who have been abused have to go through.

In recognition of United Way of Yukon Month

Hon. Mr. Lang: I'd like to pay tribute today to United Way of Yukon Month. October is United Way Month. On behalf of the Yukon government, I rise today to recognize and pay tribute to the United Way of Yukon. The United Way of Yukon's mission is to improve lives and build communities by engaging individuals and mobilizing collective action. Many local charities and community groups have benefited from the hard work and dedication of the United Way.

Over the past 13 years, the United Way of Yukon has raised in excess of \$1 million, thanks to the generosity of all Yukoners. These donations have been reinvested in community programs and services critical to the mental, physical, and social well-being of Yukoners.

The list of local charities, organizations and community groups that will receive funding this year is long and includes the following: the Second Opinion Society, Many Rivers Counselling and Support Services, Gentle Steps Therapeutic Riding Centre, Dawson Community Group Conferencing Society, Blood Ties Four Directions, Teslin Recreational Society, Yukon Anti-Poverty Coalition, Haines Junction Employment Development Society, Yukon Asso-

ciation for Community Living, Child Development Centre, Youth of Today Society, Old Crow Recreational Society, Dawson Shelter Society, Challenge, Freedom Trails Therapeutic Riding Association, Gwaandak Theatre Society, Yukon Literacy Coalition, Help and Hope for Families Society, the Boys and Girls Club of Whitehorse, Skookum Jim Friendship Centre, Don't Fence Me in Society and the Victoria Faulkner Women's Centre.

The kickoff of this fall's campaign was a team of Yukon government staff from the Department of Economic Development, the Executive Council Office and the Women's Directorate that worked together to coordinate the annual United Way of Yukon breakfast. The breakfast was sponsored and supported by a number of local businesses, organizations and media outlets. These generous sponsors made it possible for every dollar raised to go directly to United Way's operation here in Yukon for providing help to all communities.

Over 150 items were donated by local businesses and Yukon government staff to the silent auction, which in itself raised \$17,900. Whitehorse Elementary School students also got involved by contributing handmade seasonal table centerpieces for everyone to enjoy during the breakfast.

Over 500 people came out to the breakfast to contribute to the success of this annual Yukon government initiative. This year, over \$24,000 was raised at the breakfast for the United Way of Yukon.

There are many other fundraising events that took place during the campaign. Some of these included a swimming event hosted by the Canada Games Centre; a barbeque lunch hosted by Finning; a silent auction hosted by the Government of Yukon employees and an EBA mixed curling bonspiel hosted by the Whitehorse Curling Club. The next fundraiser is a ball hockey tournament and barbeque set for Thursday, November 6 at the ball hockey rink.

On behalf of the Yukon government, I would like to recognize the United Way of Yukon for its continued effective contribution to the lives of Yukoners. The United Way makes a real difference in the lives of those who are less fortunate. I would also like to thank the many Yukon volunteers, sponsors and contributors who have helped to make a difference in their community by supporting the United Way of Yukon.

Thank you, Mr. Speaker.

In recognition of World Diabetes Month

Hon. Mr. Cathers: I rise on behalf of the government to pay tribute to World Diabetes Month. Diabetes affects well over a million Canadians, and affects many Yukon citizens as well. Its causes include poor nutrition and lack of exercise. Due to changes in the lifestyles of many Yukoners and many Canadians, it is on the rise through our tendency to be very busy and to resort to poor nutritional alternatives such as fast foods. It is disproportionately present within First Nation populations in the Yukon and across Canada, due to the significant change in their typical diet from a very subsistence-based diet to the modern diets that we see today.

The rate of diabetes within First Nation populations is three to five times that of the general Canadian average.

Good work is being done within the Yukon by our medical professionals and the diabetes collaborative, which is supported by the Yukon government through the Department of Health and Social Services. I would like to thank all those health professionals involved, including doctors, nurses and dieticians for their front-line work in helping people identify diabetes and risk factors for it at an early stage and prevent the long-term consequences of diabetes, which can include things such as kidney failure and blindness.

Again, thank you to all the professionals who are working each and every day to help raise awareness of the risks and to help people who are at risk gain a better understanding of what they should do to improve their diet and avoid this afflicting them and their families.

Mr. Fairclough: I rise on behalf of the Official Opposition to pay tribute to World Diabetes Month. World Diabetes Day is also celebrated each year on November 14 on the birthday of the famous Canadian Sir Frederick Banting, along with Sir Charles Best, who discovered the idea which led to the discovery of insulin in 1921.

In 2007-08 the theme of World Diabetes Day is "Diabetes in Children and Adolescents." The world diabetes logo is a blue circle. The significance of the blue circle is overwhelmingly positive. Across cultures, the circle symbolizes life and health. The colour blue reflects the sky that unites all nations and is the colour of the United Nations flag. The blue circle signifies the unity of the global diabetes community in response to the diabetes pandemic. Diabetes is a very serious chronic disease that affects the body's ability to produce or properly use insulin. It can lead to various disabling and life-threatening complications, such as heart disease, stroke, high blood pressure and premature death.

In Canada diabetes is the single largest cause of blindness and a leading cause of kidney failure and lower limb amputation. Diabetes is the seventh leading cause of death. It is also one of the most common chronic diseases of childhood. It can strike children at any age, including schoolchildren and even toddlers. Type 1 diabetes is growing at three percent per year in children and adolescents and at an alarming rate of five percent per year among preschool children.

Diabetes can interfere with the normal developmental tasks of childhood and adolescence, which include succeeding in school and transitioning into adulthood. There's also an increase in the onset of adult diabetes. One-third of adults with diabetes are unaware that they have it.

First Nation people in the Yukon and across Canada are at a very high risk of diabetes. The rate of diabetes in First Nation people is three to five times that of the general Canadian population. In my riding, I have three First Nations and small communities. I know that diabetes knows no colour and affects everyone, but the lifestyle of aboriginal people has changed tremendously over the last 50 years. Their diet has changed tremendously, as has their nomadic lifestyle. Diabetes is also in my family. My sisters have it and my

mother and my grandmother had it. My nieces also had it. My friends have it and my cousins have it. It is there. We must all work toward preventing diabetes and improving the quality of life of those affected through research, education, service and advocacy.

Early diagnosis and education is crucial in reducing complications and saving lives. We can help prevent diabetes, but research is the only hope for a cure. We salute our doctors, our health care professionals and our front-line workers for their dedication and service in addressing this most serious disease. They continue to work to prevent diabetes and improve the quality of life for those affected. We encourage all Yukoners to adopt a lifestyle that is healthy and prevents diabetes.

Mr. Edzerza: Mr. Speaker, I rise on behalf of the New Democratic caucus to draw attention to November as Diabetes Awareness Month. Factors that increase the possibility of having diabetes are: if you are over 40; overweight; have high blood pressure or high cholesterol; or if you have a close relative with diabetes. Nine out of 10 people diagnosed with diabetes have type 2. It occurs when the pancreas does not produce enough insulin, or when the body does not effectively use the insulin that is produced. Insulin helps us use sugar for energy and to digest food properly.

The awarding of the Nobel Prize in Medicine to Canada's Frederick Banting and J.J.R. Macleod in 1923 formally recognized the tremendous achievements of the Toronto team in discovering and developing insulin. Insulin continues to alleviate the suffering and prevent the death of many millions of diabetics throughout the world.

The warning signs for diabetes are: excessive thirst or urination; suddenly gaining or losing weight; fatigue; blurred vision; infections or cuts and bruises that don't heal properly; and tingling in the hands and feet. However, it is possible to have diabetes without any of these warning signs. The best way to check for diabetes is with the blood test. People with diabetes can also show signs of other problems, including heart, kidney and eye disease, problems with teeth and gums, and may be in danger of amputation of limbs. The feet are especially vulnerable.

There is an increasing number of people diagnosed with diabetes in the Yukon and across Canada. Aboriginal people are three to five times more likely than the general population to have or develop diabetes. Two out of every three aboriginal people with diabetes are women.

The National Aboriginal Diabetes Association offers information, support and promotes healthy lifestyles by working with aboriginal communities and organizations. The Canadian Diabetes Association says that healthy eating and regular exercise is the key to prevention and management of diabetes. For our general health and especially if we are at risk for diabetes, we should all eat fewer dried foods and eat more fruit and vegetables, lose weight if overweight and have a daily exercise routine.

In the Yukon, the diabetes education centre at the Whitehorse General Hospital is a good source of assistance and information for anyone diagnosed with diabetes.

Thank you, Mr. Speaker.

INTRODUCTION OF VISITORS

Hon. Mr. Kenyon: Mr. Speaker, I beg the House's indulgence, but Air Canada waits for no one. I would ask the members of the Assembly to join me today in welcoming three very good friends of Yukon: Mr. Doug Janzen, who is the manager for Yukon of Scotiabank; Ms. Winnie Leong, who is vice-president of Yukon, Vancouver and Central British Columbia; and Mr. David Poole, who is senior vice-president of the Bank of Nova Scotia.

Speaker: Are there further tributes?

In recognition of Yukon's farm family of the year

Hon. Mr. Cathers: Mr. Speaker, I rise today to pay tribute to Yukon's farm family of the year for 2008. This year's worthy recipients are Ralph and Norma Mease. Ralph and Norma have been recognized as farmers of the year for their long-standing involvement with farming in the Stewart Valley on their farm north of Mayo and for their contributions to the development of the local agriculture industry.

Ralph and Norma have been farming in Yukon for nearly 40 years and in a typical year they supply anywhere between 400 to 700 chickens to the central Yukon and to Whitehorse, as well as growing fresh vegetables and hay.

They are also recognized for their dedication to Yukon agriculture through active involvement with groups such as the Yukon Agricultural Association, dating back to the early 1970s. In fact, they are among the earliest members of the Yukon Agricultural Association. They have been nominated by others within the industry in appreciation for their long record of volunteer contribution and their long dedication toward growing food and providing it to fellow citizens.

In addition, Ralph represents the Stewart Valley district on the Yukon Agriculture Industry Advisory Committee and provides practical advice, based on years in the field, to share both with the department and with other Yukon farmers. I offer this tribute not only to heighten public awareness of the importance of local agriculture, but also to recognize the contributions that Ralph and Norma and other farmers like them make to the lives and to the dinner tables of their fellow Yukon citizens.

Thank you.

Mr. Fairclough: I rise on behalf of the Official Opposition to pay tribute to Norma and Ralph Mease on their farmer of the year award. I think these two are very much deserving of this award. I have known them for quite some time. They are very pleasant people and very much respected in the community of Mayo. They have contributed much of their lives to agriculture and farming in the territory, participating in associations and so on. They have worked for the last 30-plus years in this area, and I'm sure the local people very much recognize that as they do provide food to the local

people. They also have many stories in the communities about their annual cookout and pig roasts at the end of the year. They are very much recognized as true and genuine farmers. We would like to congratulate them on their award and pay tribute to them.

Thank you.

Mr. Hardy: On behalf of the NDP, I would also like to extend our congratulations to Ralph and Norma Mease.

It's interesting over the years to have watched the evolution of farming in the Yukon. People such as Ralph and Norma Mease have contributed so much to that development and also the belief that we can farm in the Yukon and ensure the products that people eat are available, grown here and are of a quality we often won't get shipped from Outside.

There is no question that this is a family that is outstanding in their field. They have been engaged in the farming community for a long time. They are very creative, inventive farmers, which is often overlooked. In the Yukon, anybody who farms has to be creative, inventive and have to believe very strongly in what they're doing.

I was talking to a person who was able to work on their farm many, many years ago — in the 1980s, I should say. They had indicated to me that they drank fresh goat's milk every day; the chicken coops were old buses — they utilized old buses that were being thrown away; they grew vegetables — they did what it took to create a real farm and to contribute to their community and society.

When you think of farming communities, it's interesting that some of us were actually born — in my case, in the early years of my life — in what was a complete farming community. There were more tractors on the road than there were cars, and every second lot seemed to be somebody selling a tractor or some piece of equipment that you need for farming.

When I came to the Yukon, it was quite a shock for me and my family to realize that the farming community up here is completely different. To go from a farming community, where everybody farms and everybody is connected to each other, harvest times are shared — there is such a tremendous amount of vibrancy and support in that area — to the Yukon and find that a farmer up here is very lonely.

I say this without any disrespect, but it's extremely difficult to farm up here and, often in the early years, anyway, there wasn't a body through which to support each other. Farmers like Ralph and Norma Mease managed to do it. I'm just astounded at their courage and strength — and this goes to all farmers in the Yukon and those who want to continue to farm or enter into the farming area.

It takes enormous fortitude, dedication, belief and true love in what you're doing to be a farmer in the Yukon. It's a lifestyle that I think needs to be encouraged far greater than what is being done today. My congratulations go out to this farming family and also to all the farmers out there. I really do look forward one day to see farming and agriculture taught in our schools at a young age, as it was where I came from.

Speaker: Are there any further tributes?
Hearing none, introduction of visitors?

INTRODUCTION OF VISITORS

Hon. Mr. Rouble: I rise as the minister responsible for the Public Service Commission. I just ask that all members in our Assembly join me in welcoming Mr. Laurie Butterworth, the re-elected president of the Yukon Employees Union, to our Assembly today.

Applause

Mr. Hardy: I also would like to welcome to our Assembly somebody who is well known among many people here. Mr. Doug Rody is with the Yukon Federation of Labour and has contributed much, as we will hear later on today, to the work that we do in here, as well as Laurie's assistant — would that be the best way to put it, Laurie? — the vice-president, as well, into our gallery. Thank you.

Applause

Mr. McRobb: Let's all get involved. I'd like to invite all members to join me in welcoming Ms. Sue Kemmett from the Yukon Conservation Society in the gallery today.

Applause

Speaker: Are there any further introductions of visitors?
Returns or documents for tabling.

TABLING RETURNS AND DOCUMENTS

Mr. Edzerza: Mr. Speaker, I have for tabling a letter dated October 24, 2008, which is a response to the Grandparents' Rights Association from the Minister of Health and Social Services.

Speaker: Are there any further documents for tabling?
Are there any reports of committees?
Are there any petitions?

PETITIONS

Petition No. 6 — received

Clerk: Mr. Speaker and honourable members of the Assembly, I have had the honour to review a petition, being Petition No. 6 of the first session of the 32nd Legislative Assembly as presented by the Member for Whitehorse Centre on November 4, 2008.

This petition meets the requirements as to form of the Standing Orders of the Yukon Legislative Assembly.

Speaker: Petition No. 6, accordingly, is deemed to be read and received.

Are there any petitions to be presented?
Are there bills to be introduced?
Notices of motion.

NOTICES OF MOTION

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

THAT this House urges the Government of Yukon to request the Employment Standards Board, in conjunction with the Yukon Workers' Compensation Health and Safety Board to:

(1) conduct a thorough review and assessment of the current situation involving employment of children and young people in the Yukon workforce to ensure their protection from hazardous environments, substances and occupations;

(2) identify gaps in current employment standards, occupational health and safety, and education legislation in Yukon governing the employment of children and young people, including consultations with parents and employers; and

(3) present a report on their findings to the Yukon Legislative Assembly within the first 10 days of the next sitting.

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

THAT this House urges the Yukon government to assist the Whitehorse General Hospital to provide adequate safety of staff and patients on every floor of the hospital by:

(1) employing security personnel who are specially trained to deal with mental health disorders;

(2) training all staff to be vigilant about patients who are security risks; and

(3) employing trained patient observers for anyone admitted for mental health reasons.

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

THAT it is the opinion of this House that the decisive election victory of Barack Hussein Obama as the 44th President of the United States on Tuesday, November 4, 2008, was a milestone day in the political and social evolution of that country, as well as a great triumph for democracy- and freedom-loving people worldwide.

I also give notice of the following motion:

THAT this House urges the Yukon government to collaborate closely with the City of Whitehorse to determine what degree of commitment and support — financial, logistical and otherwise — it needs in order to submit a bid to host the Arctic Winter Games in 2012.

Speaker: Are there any further notices of motion?
Hearing none, is there a ministerial statement?
This then brings us to Question Period.

QUESTION PERIOD

Question re: Asset-backed commercial paper investments

Mr. Mitchell: Mr. Speaker, yesterday I directed a question to the Minister of Health and Social Services. On my final supplementary, the Minister of Finance jumped to his feet and started talking about the Auditor General's report

in last year's public accounts. So I went back to the Auditor General's report that the Minister of Finance was so keen to quote from. Here is what she did say, and I quote, Mr. Speaker, "During the year ended March 31, 2008, as described in note 8, the Government invested a total of \$223 million in non-bank asset-backed commercial paper. These investments did not comply with the investment policies included in subsection 39(1) of the *Financial Administration Act*."

Mr. Speaker, \$223 million was gambled by this minister before the marketplace caught up with him. How many times did this minister ignore the *Financial Administration Act* and gamble with Yukoners' money?

Hon. Mr. Fentie: Mr. Speaker, I think maybe this question deserves another question. Is the member referring to what he constantly presents to the floor of the Legislature as a \$36.5-million investment, or now has it ballooned into a \$223-million investment? No one on this side of the House, nor anybody in this territory, can really understand what the Leader of the Official Opposition is talking about.

What the Auditor General has done is conclude our year-end and clearly — clearly — has demonstrated that the Yukon government and its investments are in good shape, because they're earning money. They have earned at year-end — fiscal year March 2008 — a total of \$2 million-plus year-end earnings. And over the last six years, this government, in its investments, has earned close to \$16 million.

So if the member is going to continue to refer to "loss", the member is putting incorrect information on the floor of this Legislature, thereby confusing the Yukon public, and that is because the member himself is confused.

Mr. Mitchell: What I did was quote from the public accounts. I'm sure it's on the minister's desk — \$223 million. This minister has so many facts at his fingertips, yet he is unable or unwilling to tell Yukoners how many times he played the market with \$223 million of their money. The *Financial Administration Act* is a law. It's there for a purpose. It works fine, as long as you follow it. It was put in place just for this reason: it is meant to protect Yukoners from Finance ministers who are in over their heads.

The Yukon Party government did not follow the law; it didn't obey the law; it ignored the law. Actually, things could have been much worse for this government. To date it has only lost \$6.2 million. The verdict on the remaining \$30 million has yet to be written.

Will the minister explain to Yukoners how he managed to fail them in his oversight of managing their tax dollars?

Hon. Mr. Fentie: I'm glad the member brought that up, how this government has managed the finances of the Yukon. It wasn't that long ago this government, the Yukon Territory, was borrowing money to meet its obligations. That's not the case today. We have a healthy surplus — not only accumulated, but a net financial position, as shown in the public accounts the member is trying to quote from — of some \$165 million. That definitely demonstrates the kind of prudent fiscal management that this government has provided the Yukon Territory.

It also shows that our investments have earned in the neighbourhood of \$15 million to \$16 million — that's earnings, not loss. The member is also referring to the public accounts that show clearly that those investments for year-end did not lose money, but made money — \$2.4 million in fact. That's what the Auditor General stated in the public accounts; that demonstrates the kind of fiscal management this government provides.

We don't provide fiscal management by speculation; we provide fiscal management as required under the public service accounting guidelines.

Mr. Mitchell: Speculation is what this was all about. \$223 million — that's almost a quarter of a billion — billion with a "b", not "million".

This minister stands in this House and reads and quotes from the audited public accounts as if it was all peaches and cream. When the minister responsible starts gambling with almost a quarter of a billion dollars of someone else's money, he is not acting responsibly on behalf of Yukoners.

If there's one minister who needs to be on top of his or her game, it's the Finance minister. This minister was either getting good advice and not following it or getting bad advice and not recognizing it. Whichever is the case, the buck stops there.

Can this minister assure Yukoners that he will follow all the rules and policies that govern Yukon's investments, including the new one he had written to protect him from himself?

Hon. Mr. Fentie: You know what the member fails to mention to the Yukon public is that for years, in total, the investments in this area by Yukon governments — that's plural — is over \$1 billion. The member is simply demonstrating to the Yukon public that he does not know what it is he's talking about. I think the member is simply being quite opprobrious, and that's too bad because it's non-productive. It's counterproductive, it's not constructive and has nothing to do with the facts.

The facts are that the Yukon government is in very good fiscal shape because of this government's fiscal management. The facts are that we have a healthy net financial position for Yukoners, on behalf of Yukoners. You bet the buck stops at this desk. And furthermore, our investments are earning money, not losing money. What's being lost here is the member's credibility.

Question re: Arctic Winter Games hosting

Mr. Fairclough: The Arctic Winter Games is a high profile, circumpolar sport competition for northern and Arctic athletes. The games provide an opportunity for Yukon athletes to compete in a friendly, competitive competition, while sharing cultural values from northern regions around the world.

The Minister of Community Services has already indicated that the Yukon government will support the City of Whitehorse as full partners in the bid to host the 2012 Arctic Winter Games. Will this government provide the City of Whitehorse with the necessary funding to host the Arctic Winter Games in 2012?

Hon. Mr. Lang: In addressing the member's question, we're working with the city. We've had one meeting. We will be working with them. If in fact their bid is successful, we will partner with them on the Arctic Winter Games like we've done in the past.

Mr. Fairclough: No commitment of funding there, Mr. Speaker.

The Yukon government provided \$725,000 in financial support for the Arctic Winter Games in the year 2000, the last time the games were held in Whitehorse. We know the Arctic Winter Games injects millions of dollars into our local economy, and the investment in local athletes is priceless. We know there is a strong community support for the games and a healthy contingent of local volunteers.

We also know that there is only a few weeks left for the City of Whitehorse to decide whether to bid to host the games. Time is running out. The big issue still remains unresolved and that is cost.

Will this government commit to proper funding to ensure that the bid for the 2012 Arctic Winter Games in Whitehorse is prepared and submitted on time?

Hon. Mr. Lang: The Yukon government has always partnered with the city in events like this. This government was a big part of the success of the Canada Winter Games. I've said on the floor here today — I've had one meeting with the City of Whitehorse, and we certainly will partner with them if in fact they go forward with their bid. We always have in the past and we will in the future.

Mr. Fairclough: Well, Mr. Speaker, time is running out. The bid needs to go in. They need assurance from the Yukon government whether or not they will be providing funding to host the Arctic Winter Games. That is the question that the minister needs to answer. How much financial support will this government commit to the City of Whitehorse for the Arctic Winter Games in 2012? Please answer the question.

Hon. Mr. Lang: I couldn't be clearer. We are in the process of talking with the city and putting a package together so they can move forward with their bid. We have partnered in the past and we will partner in the future, but at this moment, we are committed to work with the city on their bid. So that's all I can say at the moment.

Question re: Yukon Housing Corporation home repair programs

Mr. Cardiff: Mr. Speaker, will the minister responsible for the Yukon Housing Corporation confirm that the loans programs to retrofit, repair and make more energy efficient homes or allow them to use alternative energy systems has run out of money midway through the current fiscal year?

Hon. Mr. Kenyon: These programs, especially the home repair programs, have been very popular and more so than projected, which is a good thing. The home repair programs and home ownership programs are fully subscribed for this year. Any new applications that come in will be reviewed in the next fiscal year, but existing applications for

the current fiscal year that have already been approved will be honoured.

Mr. Cardiff: Well, the minister didn't really answer the question. The fact of the matter is that people are trying to access these programs and are being told they have to wait until April 1 now. These are good programs; they're much needed. The home repair program, the home repair enhancement program, the alternative energy system program, the rental rehabilitation program: they all do three key things. They help people reduce their carbon footprint; they help create work for tradespeople; and last but not least, they help people cut their home heating costs.

The other day, I heard the Deputy Prime Minister talk about \$150 million cash in the bank. Some of that money could be put to good use. Will the minister lobby his colleague, the Minister of Finance, for additional funds so the Yukon Housing Corporation can continue to offer these excellent programs?

Hon. Mr. Kenyon: Well, Mr. Speaker, I'm sure the Deputy Premier is enjoying her very good promotion, obviously something that hasn't been announced anywhere else, so we definitely congratulate her on that.

The member opposite, I'm sure, is aware that there was a warrant of over \$6 million. Again, these are excellent programs that are in the hopper. Existing programs and the applications for the current fiscal year that have already been approved will be honoured. We will be looking at other programs in the coming year.

Mr. Cardiff: The minister is right. The programs are badly needed here and that is why they are so popular — it is because they are so needed. Some of the older housing stock is not energy efficient and it needs to be upgraded. It is not built to EnerGuide standards. We need these programs and the government has the money. There could be money in the supplementary budget for these programs — so will the minister promise to see that there is money in this supplementary budget, added to this supplementary budget for these programs, because they are really needed?

Hon. Mr. Fentie: Mr. Speaker, I am compelled to enter the discussion because it is abundantly clear in this House what is going on. The opposition members criticize simply for the sake of criticism. Moments ago, we were accused of breaking/breaching the *Financial Administration Act*. Now we have an opposition member —

Some Hon. Member: (Inaudible)

Point of order

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

Mr. McRobb: Mr. Speaker, this does not pertain to the question being asked. The member is referring to a previous question, which is against House rules.

Speaker: Member for Porter Creek North, on the point of order.

Hon. Mr. Kenyon: On the point of order, the member opposite interrupted the answer halfway through. It perhaps might be germane to the fact to actually hear the answer.

Speaker's ruling

Speaker: From the Chair's perspective, this is simply a dispute among members. The Premier has the floor.

Hon. Mr. Fentie: As I was saying, Mr. Speaker, the government must be very careful in the managing of the finances. Now what is happening, the moment after this insinuation by the opposition members, another opposition member has stood up and is demanding that the government breach the *Financial Administration Act*. Mr. Speaker, we are not going to do that. We are going to do our work with the Yukon Housing Corporation. We have provided a \$6-million special warrant to ensure that we remain within our obligations under all law and regulatory processes. We have people from Finance working with the Yukon Housing Corporation. We will honour all applications to date and there will be more to come in the new fiscal year.

Question re: Kinship care

Mr. Edzerza: Kinship care is when someone in an extended family is looking after children who are not their birth children, but are a part of their family. The researchers of a recent survey reported that there are 59 Yukon households that fit into the description of kinship care.

These families are caring for 130 Yukon children and 82 percent of them are full-time caretakers. Two-thirds of the children were grandchildren of the caregivers. The research report was made available to the Minister of Health and Social Services.

What does the minister intend to do about the recommendations in the report?

Hon. Mr. Cathers: As acting minister, I have not had the opportunity to review this report, which I understand was presented last month. However, I can again remind the member opposite that, through the forward-looking action this government took with the *Child and Family Services Act*, we've opened up the flexibility in the financial arrangements that can be provided, making more financial assistance available to foster families.

Of course, as one of the first jurisdictions anywhere to take this step, we have recognized that family shall be considered first for placement of children where it is safe to do so and where they are willing to do so. That does include grandparents; it may also include other members of the family. I appreciate where the member is coming from in this. That is why we have changed this legislation. That is why with the implementation work under the *Child and Family Services Act* and the review of the current assistance being provided to foster families, that there will be more to come in this area, with further assistance provided by the government in addition to what we have already done.

Mr. Edzerza: Only eight of 59 households surveyed were foster parents in the territorial foster home system. Most caregivers, even two who are now fostering, expressed strong objections to being involved in a foster care system. They reported that social workers who knew very little about the Yukon have too much to say in what happens to their children without taking the family into consideration — they

wouldn't feel that the children belong to them any more if they were in foster care.

Despite the fact that many of these caregivers cannot afford to look after their children, they choose not to take advantage of financial and other supports if they become foster homes. What reason can the minister offer that would explain why the system offered by his department is not meeting the needs of Yukon children who need care?

Hon. Mr. Cathers: I think what the Member for McIntyre-Takhini is referencing in this situation is the fact that — it should be brought to attention that there are two types of arrangements whereby grandparents or other family members may take care of children. If it happens on an unofficial basis and is not registered, recognized, et cetera, then it may not come to the attention of the department within the funding structure to provide assistance. However, where there is a foster arrangement in place or an arrangement between parents and alternative caregivers that has been recognized, there is the ability for the department to provide assistance.

What I would encourage the member to do, and encourage those who have brought this issue to his attention, is to talk to the good staff at the Department of Health and Social Services or to the minister about this issue because there is assistance available. I think the issue the member is raising is people who simply are not meeting the requirements for actually demonstrating that there is a foster arrangement in place. And foster arrangements, of course, do not necessarily have to be court ordered; they can be through a voluntary agreement between parents and grandparents, or parents and other family members.

Mr. Edzerza: Today I tabled a copy of the letter written to the Grandparents' Rights Association of Yukon in response to a meeting they had with the minister. That organization says that his response is very disappointing. He says that everything will be taken care of by the new act. That's nothing short of being blind and deaf. He obviously didn't pay any attention to the amendments to the new act that we put forward.

There are caregivers, seniors, and elders caring for grandchildren and even great-grandchildren, long after they have raised their own children and expect to retire. In this rich Yukon, there are grandparents who are living on fixed incomes, cashing in their RRSPs to meet expenses. It is physically, emotionally and financially draining. If these caregivers were to use the foster home system instead of making do, they would cost the government \$1.5 million a year.

Will the minister direct the department to develop a special category of pay — informal foster care — that will ensure that these families are no longer physically stressed out?

Hon. Mr. Cathers: I think again the Member for McIntyre-Takhini is not recognizing, or not perhaps quite understanding the nature of the response given, and I would stress to the member that the letter that he tabled a few moments ago makes it very clear from the Minister of Health and Social Services that those who have responsibility for

children as foster parents, including kinship care foster parents, can access supports of the foster care program, including regular financial support, recreational funding, clothing, personal care and food. But, as the minister makes clear later on in this letter of October 24, as tabled by the Member for McIntyre-Takhini, is that this requires the child and the family to have an active, open file with Family and Children's Services and to have a case plan for the child in place.

So, again, the member I think is misunderstanding the question. And again, the answer I give him is that if they formalize this relationship and work with Family and Children's Services, there is the ability to provide assistance for foster parents, but they do have to open a file and have a file and a case plan that fits within the legal program requirements that have been set out through legislation, including the new act, the *Child and Family Services Act*, which we passed this spring and which does provide far more flexible arrangements to allow the department to assist people, including people such as the Member for McIntyre-Takhini references. We appreciate his issue; assistance is available.

Question re: Forest Resources Act debate

Mr. McRobb: I have a question about this government's *Forest Resources Act*, which it introduced earlier in this sitting. Already there has been considerable public concern expressed about this act. For instance, the law corporation representing the Liard First Nation issued a letter requesting the government to not proceed with this bill until the government has reviewed a position paper, which the First Nation is now preparing.

Yesterday's article in the *Whitehorse Star* restated that request, but the minister responsible chose not to respond to requests for an interview. There are motions on the Order Paper in response to public concern about this bill, calling on the government to ensure that the bill does not pass in this sitting and to defer it to the next sitting in the spring. The government has been suspiciously silent on this important matter. Can the minister responsible inform as to this government's intent with respect to when this bill will be scheduled for debate?

Hon. Mr. Cathers: It's very interesting listening to the Member for Kluane and his suggestion the government has been silent on this matter. The member has a very, very interesting definition of "silence", considering discussions and development of forest policy legislation began under the federal government before this government took office and have been in development for close to 10 years. This government — upon assuming responsibility in 2003 for those resources through the devolution transfer agreement — began the process of developing this legislation to provide certainty to forest industries, other stakeholders, the Yukon public and of course, to First Nation governments.

This process has been ongoing. This is including funding the participation of First Nations in the successor resource legislation working group. That includes the designated representative of the Liard First Nation on the successor resource legislation working group being assisted and the Kaska collectively, through the tribal council and including

the Liard First Nation, being provided in excess of \$120,000 to assist their participation in the development of this legislation. We appreciate the efforts they have put into this and we appreciate the efforts of all Yukon citizens who have participated in the process, as well of those affected by this — including industry and conservation groups.

Mr. McRobb: Mr. Speaker, that response had nothing to do with the question regarding the timing and scheduling of this bill. Now, it is distressing to learn there is another possible lawsuit in the works because of this government failing to properly consult with Yukon First Nations. There have been many court cases so far and we don't need more.

Recently the members of two Kaska First Nations filed a suit against the federal government for giving away authority for harvesting on its lands. Officials from Mr. Harper's government tried to have the suit dismissed, calling it a groundless long shot. However, Justice Gower rejected any such notion, saying the outcome of this could prove to be one of the most significant constitutional cases in Yukon's history. This government now has the opportunity to do the right thing and set aside this act, roll up its sleeves and try to resolve the concerns with this proposed bill. The last thing Yukoners can afford is more expensive legal proceedings that can be resolved with proper consultation.

What will the minister do to avoid additional lawsuits on the forestry act?

Hon. Mr. Fentie: Mr. Speaker, the Member for Kluane has now gone down a path that is extremely problematic for the opposition, considering the position that they put themselves in with respect to allowing the courts to do their work. Everyone has access to the courts, should they choose to do so, but we all know what the outcome was with the appellate court and the situation that both opposition benches find themselves in. The government allowed the process to conclude so there was a clear and absolute ruling from the court itself.

On the matter of the court challenge to the federal government, why can't the Member for Kluane reference for the Yukon public what it's about? He has linked it to forestry. Mr. Speaker, it has everything to do with the 1870 order. I mean, the member is completely out of touch with the facts in this matter. And furthermore, the stewardship council that was developed and formed in the southeast Yukon in partnership with the Kaska has spent years providing First Nation Kaska input into forest policy development. I can't imagine what this member is actually trying to do here, Mr. Speaker, other than some sort of mischief.

Mr. McRobb: Well, Mr. Speaker, I won't stand on a point of order, but I do believe that's unparliamentary.

This minister knows what we're up to. We're trying to get answers for Yukoners because this government has been very unclear with respect to its intentions of when this bill would be called forward. Nobody knows. It could just sit on the Order Paper and then get voted on in the last day of this sitting.

Last night's newspaper had some very interesting comments, including the court suit, which was linked to this

story. The Liard First Nation chief said up until fairly recently there was an agreement in principle, and I quote: "The Yukon government chose to unilaterally terminate that agreement," he said. "It's important to the traditional values of that First Nation. The government has described an act in the interest of other Yukoners and those First Nations with land claim agreements, and the LFN has been left out of the act."

Why did this government leave unsettled First Nations out of the act and why is all the discretion in the hands of the minister?

Hon. Mr. Fentie: If the members opposite want answers, ask questions of fact. For this member to suggest the Yukon government has left the Kaska out of this process is absolute nonsense. Not only have they been involved for years, not only did we develop the Kaska Forest Resources Stewardship Council and all that work, not only have we provided resources for their involvement, we've also, without a land claim mandate from the federal government to conclude land claims, extended the interim protection of all their selected land in the southeast Yukon, which includes an abundance of forest resources.

Ask questions of fact and the members will get answers.

Question re: Chinese investment in Yukon

Mr. Inverarity: For a number of years, local trade delegations have been going to China to drum up business on behalf of Yukon's mining industry. After a trip to China in 2005, the Minister of Economic Development said that business and government representatives are now starting to come forward to us with solid business ideas. Fast-forward to March 2008 when the Minister of Economic Development was announcing a \$19-million promise from Chinese investors. He said that this is a good example of what we've been doing — bringing investment to the Yukon. Will the Minister of Economic Development tell Yukoners what happened? Why did this \$19-million investment go bust on his watch?

Hon. Mr. Kenyon: For the member opposite, I think we're at well over a 300-percent increase in mining, development and exploration in this territory. It is interesting to note that while the Leader of the Official Opposition — the Leader of the Liberal Party — has repeatedly said that this is due to world mineral prices, world mineral prices, by definition, are across the world. We are 16 times — 1,600 percent ahead — of Canadian development in this. We have been very successful in interesting the world in Yukon's resources, and we're very, very proud of that.

Mr. Inverarity: Mr. Speaker, I've heard in the House before how this minister likes to characterize the member opposite and our party as being anti-mining; however, we're not. Unfortunately we have been underwhelmed by the current Minister of Economic Development, with respect. Mr. Speaker, Yukon is not the only jurisdiction sending trade delegations to China. Some of Canada's provincial leaders were in China just this past week. They recognized the importance of trade with China, and they have sent their top gun. Our concern with this upcoming trade mission to

China is with the Minister of Economic Development. Is this minister the right person for this job?

Hon. Mr. Kenyon: According to the logic of the member opposite, the Liberal solution to economic development was to disband the Department of Economic Development and scatter it through the government. Somehow that has always escaped logic, I think, to most people. They also disbanded Tourism and Culture, so you take the two largest contributors to government and to the economy, and you disband them and set them aside. Again, 16 times the success. We are going over to visit and present with eight Yukon companies; we are bringing over the largest delegation. We're not going over and making some visits as a previous Liberal government did. They went over during the Chinese holidays and found the offices closed.

Mr. Inverarity: Mr. Speaker, the potential opportunities for economic development and diversification in the Yukon are enormous. We've seen provincial premiers traveling to China themselves. The world economy is in turmoil, credit markets remain uncertain, commodity prices are depressed, and this minister is asleep at the switch. This Minister of Economic Development is big on good-news announcements, but fails to deliver on solid deals. This is time for some true leadership. We need our leader to set the trade agenda. We need our leader to speak with the Chinese on economic issues as well as environmental stewardship and a respect for human rights. This trade mission to China is too important to leave in the hands of a secondary minister; why is the Premier not going on this job himself?

Some Hon. Member: (Inaudible)

Hon. Mr. Kenyon: Sorry, Mr. Speaker. When we hear outrageous comments like that it's — sometimes I get overenthusiastic.

We have been so unsuccessful that on July 2, Yukon Zinc's Wolverine Project was purchased by Jinduicheng Molybdenum Group, Ltd. and Northwest Nonferrous International Investment Company for \$87 million.

On August 20, 2008, Tagish Lake Gold Corporation accepted an offer of \$5 million of financing from Yukon-Shaanxi Mining Company Inc.

Recently, China Mining Resources Group Limited, a Chinese company, purchased 18,770,500 shares in Selwyn Resources Ltd. China Mining Resources Group Limited now owns 18.56 percent of the issued and outstanding shares of Selwyn Resources Ltd.

Mr. Speaker, we have produced. We are going over there at a time to showcase Yukon companies and bringing eight Yukon companies with us to showcase what they have to offer. We are, as I said before, not going over during the Chinese holidays and finding the offices closed, which happened to the Liberal government.

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

ORDERS OF THE DAY

OPPOSITION PRIVATE MEMBERS' BUSINESS

BILLS OTHER THAN GOVERNMENT BILLS

Bill No. 109: Second Reading

Clerk: Second reading, Bill No. 109, standing in the name of Mr. Cardiff.

Mr. Cardiff: I move that Bill No. 109, entitled *Young Worker Protection Act*, be now read a second time.

Speaker: It has been moved by the Member for Mount Lorne that Bill No. 109, entitled *Young Worker Protection Act*, be now read a second time.

Mr. Cardiff: It gives me great pleasure today to be here in the Legislature and to speak to Bill No. 109, the *Young Worker Protection Act*. I think this is something that has been missed for a long time here in Yukon. I'm glad to see the members opposite are here to listen today and I hope that we can all learn something from the discussion today.

I'd like to give a little bit of brief background to where Bill No. 109 came from and to give some credit where credit is due today. For the members here, I think you might remember — I think it was about a year ago that this issue was raised by the Federation of Labour, and I recall some editorials in the newspapers about the need for legislation governing young people who are working in our workforce.

They presented a paper showing that need. They presented the government with some examples of what is done in other jurisdictions and actually met with at least one of the ministers in the government, asking them to move forward. I took that as a signal, as well, that this was something that was much needed. When I read through the material that was provided and we looked at what was available to govern children working in the Yukon and found that there was nothing with the exception of some regulations to do with the mining industry — basically to prevent children from working in mines — I felt that there was a need to do something on this issue. We started work. One of our researchers in our caucus, Drew Whittaker, started doing some work toward that.

As well, I started talking with the Federation of Labour and giving them my input into the work they were doing and Drew's input as well. In discussions with Doug Rody and Alex Furlong of the Yukon Federation of Labour, I found out they were working on a piece of draft legislation as well.

They continued down their path building the legislation; I continued providing input to them; we continued researching what it was we thought would be important things to have in the legislation. I'd like to recognize the work that both Alex and Doug put into Bill No. 109 that we have before us. This is the legislation that they drafted. They presented it to us; they presented it to the government and they presented it to the Official Opposition. I felt it was important to bring this forward.

Why do we need young worker protection legislation? Mr. Speaker, we can step back in history quite a way, actu-

ally. In 1832, there was a committee called the Sadler Commission. It was a select committee not unlike the select committees that we've had here in the Legislature, I suppose, to deal with things like the *Smoke-free Places Act* or whistle-blower legislation or human rights legislation. They heard testimony and were considering a bill in 1832 to limit the hours of child labour. When you read through the testimony — and I won't read through it, because the conditions back then were much worse than they are now. The plight of children working and providing for their families was far worse than it is now. That's not to say that things are perfect now, because they're not, otherwise we wouldn't be standing here today. There are many children who were injured, worked under horrendous conditions, worked long hours, walked to and from work and had little time for sleep, let alone to get an education.

These were children who probably wouldn't even have been going to school. They were children who were six, seven and eight. So what was the outcome of the of the Sadler Commission's consultations? Well, in 1834, the British House of Commons passed a *Factory Act*, prohibiting the employment of children younger than nine years old, Mr. Speaker. Children aged nine to 13 were limited to nine hours of work a day, with no night work — nine hours, but they didn't have to work at night, and they were only allowed to work 48 hours a week. These are children. Those aged 13 to 18 were limited to 12 hours of work a day.

So we know we have come a long way since 1832 and that things have improved. We have employment standards legislation. We have occupational health and safety legislation. We have minimum wage regulations in the *Employment Standards Act*.

It doesn't mean that everything is tickety-boo these days when it comes to children working. There was an article recently — just within the last few months — in the *Walrus* magazine about child labour in Quebec. The article starts where this young fellow gets up at 5:00 in the morning. An hour later, he gets on a school bus that takes him with dozens of other children of working-class families in Montreal to a strawberry farm somewhere. He doesn't know exactly where it is. He doesn't know his employer's name, but what he does know is that at the end of a 10-hour day, he's going to get \$55 — 10 hours. He thinks that's pretty good money. This kid is 13 years old. He's doing this to support his family.

It is happening in this country and there is legislation in other jurisdictions, but even where there's legislation — there is legislation in Quebec — there are still things like this happening. Children, 13 years old, are going to work for 10 hours a day to support their families. Now, we can talk about the need to ensure that we have adequate wage packages and employment for people; we can talk about social assistance and the need for people to make a living wage, but that's not what we're here to talk about today. We're here to talk about protecting children in the workplace.

So, as well, there are examples around the world. The International Labour Organization has taken concerns of Canadians and of the international community as well and cre-

ated conventions regarding child labour, so there's a lot of material out there for people to look at, and a lot of examples around the world and here right in Canada that can show us why this legislation is necessary.

The fact of the matter is, this is about ensuring that children have the ability to grow up as children, have the ability to attend classes, go to school and get an education. At the same time, it provides them with an opportunity to enjoy a work experience and participate in the workforce. It sets out some rules for that to ensure that it's a good experience and not a bad experience. It provides for some guidance and some rules for employers, and for the government to enforce those rules. It also provides, by regulating various industries and occupations, for hopefully a safe workplace.

Now, this piece of legislation is a good start. Do I think it's the be-all and end-all? It's probably not. Largely the material in Bill No. 109 is taken from other jurisdictions. It has been adjusted to fit the Yukon experience here. So there is nothing new. There is nothing in this piece of legislation that anybody really needs to be afraid of. It is not being done here in the Yukon currently but it is being done in other jurisdictions like B.C., Alberta, Manitoba — in fact, every other jurisdiction in Canada, with the exception of Yukon and Nunavut, has some form of legislation about young people working in the workforce.

I hope that members don't take this in a partisan way, the fact that this has been introduced by the New Democrat caucus and me. I hope that it is viewed in a non-partisan way and I hope that, as legislators, we can work together to make this a better piece of legislation than it is now. Whether we do that by moving it into Committee and having the discussion there or we have the discussion outside of the Legislature and return with a new or amended piece of legislation — what I'm here to do today is to get on record how much this is needed.

I think that the key point about this bill is that it puts rules on employing adolescents and young people. There are definitions in the bill that define adolescents and young people. It also defines children as being an individual under the age of 12. It says that no employer may employ or permit to work on a person's premises a child under the age of 12. There are some exemptions for that in the second section, which are sitters, paper carriers. They are exempt. That list could be expanded, but this is a start.

Once again, I would say that there has been some discussion already. People have suggested that some of these areas need to be expanded. Adolescents are children between the ages of 12 — so they're 12 years old or older — but less than 16 years old. A young person is an individual who is 16 years old but less than 18.

It puts rules on employing adolescents and young people; it puts rules on the age that they may work; it puts rules on the types of occupations that they can work in and it puts rules on their hours of work. It also puts some restrictions on industries and occupations.

There is a section as well that lays out some rules and guidelines for adolescents, young people and children work-

ing in the film industry. I think we would recognize that in the entertainment industry — whether it's in films or commercials as was pointed out by someone else today, in theatre.

When you're making a movie, or you're making a commercial, there's a need to have children under the age of 12 to play those roles as well.

This bill also provides some guidance around the proper training and job orientation for young workers, and I think that that's very important. A young worker here in the Yukon is seven times more likely to be injured on the job, and that's largely due to the fact that they don't have the training and they don't have the experience. It was pointed out to me that if we said that children under 16 couldn't work, they wouldn't get any experience, so I think that this is a good opportunity for children to learn about work and to get into the workforce. It provides a safe way for them to do it. It provides some rules around the hours of work. Like I said, it's not necessarily perfect, but the object is to provide that guidance and provide a safe place to work.

There were some concerns raised recently about the definition of "immediate family" — since this has been tabled. The definition of "immediate family" means a spouse, a son, a stepson, a daughter or a stepdaughter. Now, that may seem a little narrow and I'm not saying that it couldn't be expanded, but the reality is that there was a study done in Ontario about young-worker fatalities in 2000. Twenty-five percent of young-worker fatalities were found to be family members working in family businesses.

When you think about Ontario and you think about the size of the economy and the size of the workforce, I would say that the number is relatively high and indicates that there is a dynamic there that would — I'm not saying that there is a greater chance but it is an equal or a greater chance of a young person being injured if they are working in a family business. It is different; it's about the family dynamic. I guess there is an employee/employer relationship, but there is also a family relationship there, so we need to think about that when we are making these decisions, and to expand it, I believe could put more young people at risk of injury.

So, briefly, I will try to go over some of the other points in the act. Section 4 of the act talks about adolescents — that no employer may employ an adolescent outside of normal school hours, unless they are employed in certain endeavours, such as retail clerks, delivery persons, or in an occupation that is approved by the director of employment standards. As well, one of the designations in this is a worker in the restaurant or food service industry.

In other jurisdictions, there are regulations. Some of the things that aren't dealt with in this bill could be dealt with through regulation. It would be my hope, having worked briefly in the food service industry for little or no pay in my father's restaurant — I recognize the fact that it is a dangerous place. There is dangerous equipment there, and there needs to be rules about what youth between the ages of 12 and 16 should and shouldn't be doing. It would be my hope that the government would make regulations about that. And

this is just one example; I'm sure that there are other examples of occupations where there would need to be specialized rules around which job functions an adolescent or a young person could do in a given occupation. It gives the power to the director of employment standards to make rules about certain occupations, and to actually designate an occupation — to say that a young person can do this job, that young persons or adolescents can work in that occupation. It also limits the hours that an adolescent can work. Right now it says that no employer may employ an adolescent for longer than two hours outside the normal school hours on a day during which the adolescent is required to attend school. As I said earlier, this comes from a different jurisdiction. I believe it's from Alberta. It seemed to work in Alberta. I know there are some questions around that. Is two hours the right figure? I don't know, but it would be my hope that the government would work with us. We don't have the resources to go out to public consultation, to talk to employers, parents and youth, to discuss this with them. I'm sure that the Yukon Federation of Labour would like to be involved in these discussions as well. Those are things that could be up for discussion.

I think one of the important things here is it says that no employer may employ a young person between the ages of 12 and 16 and no adolescent may work between 9 p.m. and 6 a.m. That's a safety issue, and I can speak to that directly myself, from personal experience.

My nephew — I think it's about 16 months ago — was working in a convenience store in British Columbia, and he stepped out the back door to take a break and was assaulted by three or four people. It happened. When did it happen? It happened at 1:00 in the morning. Now, my nephew wasn't 12 or 16; my nephew was 21, so I think that we don't want to put children at risk. That brings to mind one of the other concerns that came up. I just want to go back to this because I don't want to lose it: the whole idea that limiting the ability of young people to participate in the workforce might have a negative impact on our labour market.

When I think about what happened to my nephew, and I think about that comment and I think about the comments that other people have made to me, are we really that concerned about our labour market that we would ask a 12-year-old or a 14-year-old to work in an unsafe situation and that we would put the labour market ahead of the health, safety and welfare of our own children? I think that would be ludicrous.

There is also a provision in section 5 for young persons, which is the group who are 16 years of age but less than 18 years of age. They are permitted to work between 9:00 p.m. and 12:00 a.m., but they need to be supervised and in the continuous presence of at least one other individual over 18 years old. I think that is a reasonable expectation in most circumstances — that there should be somebody there who is responsible and has the experience to deal with situations like that, to ensure that the business — number one — is represented by an adult and that there is adequate supervision and training of a young person and that they can feel safe in the fact that there is an adult there and that they're not there

on their own, and that their safety — and this would apply, I guess, to businesses like convenience stores that are operating either 24 hours a day or to filling stations — where they're working as clerks at filling stations or as hotel clerks.

There are some restrictions on industries, as well, requiring that no employer allow an individual under the age of 16 to be employed on a construction site, in an industrial or manufacturing production process, work involving scaffolding or swing stages, to work on a drilling or servicing rig or on a mine or mining project. This is just a starting point, but I believe that it's the right starting point. As I said, these restrictions on industries and occupations, I believe, are drawn from Manitoba and they're very similar to those in other jurisdictions as well.

Once again, it's about the safety of our children. When we look at some of the local statistics about workplace injuries of young people, in 2007 — so last year, in 2007 — there were 10 incidents in the age group zero to 14, and that was up from — in 2005, there was one incident and there were three in 2006. So that's quite an increase, and I think that also shows that we need to — until that number is zero, we shouldn't be happy. Whether we do it through a piece of legislation like this or whether we do it through occupational health and safety regulation, I think there are a multitude of areas where we as legislators can make changes.

In 2007, there were 306 incidents for workers between the ages of 15 and 24. That was up from 265 in 2005 and down from 318 in 2006. It's a shame to see our young people being injured on the job. By this type of legislation, I think we can improve that.

I've worked in the construction industry; I've worked on scaffolding and on swing stages; I've worked on mining projects and on construction sites; I've worked in manufacturing plants, both here and Outside. I don't think it's appropriate that we subject young people, without the proper supervision and training, to hazardous work conditions until they're able to participate in a safe manner.

There are also restrictions for the employment of individuals under the age of 18, to not be employed until they're 18 in the forest industry, in occupations such as a sawmill or a pulpmill. We may not have pulpmills here, but we do have some sawmills. In my time in British Columbia, I worked in both sawmills and pulpmills and they are very dangerous places to work, and I actually did work in a pulpmill and a sawmill prior to being 18.

We were working there and it was kind of the thing to do if you lived in Powell River. We went to work for Mac-Millan Bloedel in the pulpmill or the sawmill on the weekends when we were in high school. There wasn't a lot of job orientation or training. Some of the jobs that I performed and some of the situations that I was put in — not necessarily of my own will — you were told there is the door, go in there and clean that boiler.

Yes, we were given safety gear. We were given glasses and rain gear and rubber boots, but we weren't given adequate instructions about what it was that we were supposed to be doing. That was my first experience in working in a

confined space. It is pretty scary for a young fellow. There are all kinds of moving equipment — conveyer belts, chains moving and wheels spinning. Paper machines are spinning at high speed with lots of pressure and lots of heat. On the slitters there were slitter blades to split the paper. It is a dangerous occupation. Now, we don't have a pulpmill here, but we do have sawmills and they are just as dangerous.

My schoolmate Keith was working in the sawmill one day and got tangled up in a piece of equipment and he lost his leg. That affected his life for the rest of his life. You don't come back from that. That changed his life forever. I never really thought of it back then. You know, I just thought of it as a terrible thing to happen. When I look back on it now and I've thought about it a few times since we started talking about this piece of legislation and what something like this would have done to make the workplace safer for Keith and it would have made it safer for me. It would have made it safer for all the kids that I went to school with who were working in that industrial plant.

It is important. We can make a difference.

When we pass a piece of legislation like this, are we going to know what difference we make? Probably not. I think it's going to be impossible. When we pass a law that says everybody has to wear a seat belt, do we know how many lives we save? I don't think we do. We can't know for sure which lives were saved and which were not. If we make the workplace safer and we put some rules in place about young children, adolescents and youth, we can make it better. We can stop the exploitation of youth in the workplace. We can make it a safer place for them to work. We make sure that they're working in safe occupations. We won't know whose lives have been saved and whose lives have not, because it's impossible to know what would have happened if we didn't pass this piece of legislation.

If we don't pass this piece of legislation and there are more workplace injuries, or there are children who die in the workplace, we'll know that we should have done something. That will be a sad thing.

I won't go into detail about the sections on the entertainment industry. It allows for children to work in the entertainment industry and it provides some guidelines. This section was drawn straight out of British Columbia. Just about any production company coming to the Yukon to work in the film industry, or the television and radio commercials industry, would be familiar with this from their work in British Columbia. So I suspect that they would be familiar with it and be able to work with it.

It provides for the number of hours that a child may work and provides for the fact that there needs to be chaperones. It provides, as well, for the fact that there is some income protection for those children or adolescents employed in the entertainment industry. In section 9, it talks about some of the things I've been talking about throughout my comments today, and that is the need for training. It states that the employer will ensure that every employee covered by this act is aware of his or her job duties and work procedures — which is what I was just talking about from my ex-

perience in the pulpmill — and that he or she is properly trained on any piece of equipment required for the job. I think that's a very important part of the legislation.

The other piece here is the regulations, of course, which state that the Commissioner in Executive Council may make any regulations considered necessary for carrying out the provisions of this act.

As I stated earlier, Mr. Speaker, when we were talking about the food service industry, and the need to provide, possibly, certain rules about which job functions an adolescent could work at in that industry, and I would expect that the director of employment standards would be involved in those discussions, and as well, that employers and parents would be involved in those discussions, to make sure that the workplace is safe and that the regulations would reflect all of that.

I'd like to just comment briefly on the government's position on this — or their apparent position on this. I'd like to thank the Member for Klondike for reading his motion into the record today. The motion requests the Government of Yukon to have the Employment Standards Board, in conjunction with the Yukon Workers' Compensation Health and Safety Board, to review and assess the current situation involving the employment of children and young people in the Yukon workforce, and to ensure their protection from hazardous environments, substances and occupations, to identify gaps in current employment standards, occupational health and safety and education legislation in Yukon governing the employment of children and young people, including consultations with parents and employers, and to present a report on their findings to this Legislative Assembly within the first 10 days of the next sitting. I'd like to thank the member for doing that.

Typically the way that it works is when the Member for Klondike puts forward a motion, it's usually something that the wheels are already turning on, such as we saw last week with the labour market motion. I don't think this is a bad idea. I don't think that it's a ground-breaking idea.

I am wondering why it took until now, after we brought forward Bill No. 109, for the government to actually respond and start this process. I would wonder why it includes consultations with parents and employers and not groups like the Federation of Labour and other labour organizations. I think that we need to see a balanced piece of legislation that addresses the needs of young people and business. Again, the key is that we end the exploitation of young people in the workplace. There are examples of really young people working in the Yukon.

The Employment Standards Board does not report to the Legislative Assembly. It reports to the minister, so I'm not sure exactly where the Member for Klondike got his information. We seem to have some problem with drafting motions of this type around select committees and this type of thing. I guess a question to the Member for Klondike would be: why not a select committee of the Legislative Assembly to hear the views of Yukoners on something as important as this?

We need to find a way forward here. We have Bill No. 109. We have the ability to debate this bill. We have the ability to amend it. We have the ability to allow for consultations on the regulations that would come under Bill No. 109. I would hope that Bill No. 109 would form part of any consultation, regardless of whether it was a select committee or whether it is the method put forward by the Member for Klondike.

But I think that ultimately, we want to see safe workplaces. We want to see rules in place that allow for our children to grow up, to live happy, healthy lives, to enjoy a positive work experience in the labour market out there, to get good work experience, to learn about what it is to work in a safe workplace, in a respectful workplace, as well. That is why we are here today. We are the people here in this Legislature who can enact laws like this. I honestly believe that there is a lot of flexibility in the bill as it stands now, and I think that it could be amended.

I look forward to hearing comments from other Members of the Legislative Assembly. I look forward to their support of this bill and to move forward. Hopefully, we will expand our outreach and talk to employers, talk to parents, talk to youth and talk to the labour movement about their experience with this issue.

If we can move forward in a positive way, it will make it better for all young Yukoners, both those who are here now and those who are going to be coming to the Yukon.

I'd like to thank members. I look forward to hearing what comments there are from the government side and from the Official Opposition, and I thank members for their time today.

Hon. Mr. Lang: We're debating this afternoon the *Young Worker Protection Act*. It's very interesting listening to the member opposite and the questions he addressed here today to the floor and to us as legislators.

This is Bill No. 109, understanding that the bill was only presented to us in the last week or 10 days. We certainly appreciate the fact that people and individuals have this kind of commitment when they see a need in the community and feel that it should be addressed in some way. It has provided an excellent opportunity to address some of the issues around youth employment and the important responsibility to keep young people safe. That's the important part of this — protection and the safety of our youth.

At the same time, like anything else, it raises some questions about how some of the provisions will be applied — how they will be enforced and how this bill could affect Yukon businesses, young workers themselves, and even their families. So there are questions.

The intent of the bill is clearly laudable. Young people can be some of the most vulnerable in our society. They are our communities' future. However, I believe that the third party agrees that an unworkable bill may be worse than none at all. I will raise a number of questions designed to open a dialogue on these important issues, and I hope that the third party will take this in the spirit with which it is intended.

Definitions have been provided for a number of important terms in this bill, but there is no definition of “employer,” “employment,” “work” or “premises”. These terms are used throughout the bill and could not be left open to interpretation. How do you propose to define these terms?

This bill restricts young people from working during certain hours on the premises where food or beverages are being served. This may mean that young persons can't even pick up garbage on the grounds outside a hotel during those hours. Is this the intent, or should the intent be more precise?

Another question. There are a number of age restrictions for various industries, type of work and hours worked throughout this bill. Has thought been given to age restrictions for positions with supervisory responsibilities, especially given the potential civil and criminal liabilities that are inherently attached to such responsibilities? Those are all questions that would have to be answered.

Has thought been given to age requirements for those who supervise young workers, given the importance of their role in keeping them safe in the workplace? Has thought been given to training requirements for those who supervise young workers, given the importance of their role in keeping, again, a safe workplace? What is the rationale for exempting family businesses from the provisions of this bill?

Why is there such heavy focus on the entertainment industry? Is there any indication that there are greater problems or greater risks with that industry?

Another question. Why do restrictions around split shifts only apply to the film industry and not other industries where split shifts can be fairly common?

Another question. Has there been any thought regarding kids in the entertainment industry doing stunts? Where would you draw the line, considering, for example, that tobogganing down a hill is classified by that industry as a stunt?

Some children rely on their part-time jobs to buy things like sports equipment or to be able to participate in activities that many other families take for granted. What thought has been given to how this bill would further restrict their access to these things?

Another question. How would you propose dealing with budding entrepreneurs — kids who want to start their own small business? How will this hamper those who may well become tomorrow's business leaders?

Another question. What consultation has been done with employers and families of youth who are working?

Another question. This bill overlaps the responsibilities of many departments: my department, Community Services; Education; the Workers' Compensation Health and Safety Board; and possibly Health and Social Services with child protection. How will this diffusion be bridged in order that each can deal with their area of responsibility?

Another question. Who is expected to enforce this, and how? Has any consultation been done with those departments and organizations that will be expected to enforce this to see how viable enforcement would be?

Another question we'd have to answer: why are the restrictions attached solely to age? For example, a 17-year-old who has finished high school, is no longer living at home and is trying to pay their bills and save up for college is treated the same as a 16-year-old who is still living at home and focusing on graduating. What would qualify the director of employment standards to approve adolescents working in specific industries or impose conditions on the employment of adolescents?

How could this position be expected to have sufficient knowledge of the work environment of all industries? This is another question.

This is called the *Young Worker Protection Act*, yet its focus seems to be almost entirely on employers and workplaces. Was this the intent? Or was it also meant to provide guidance or restrictions on volunteer activities or small jobs done for homeowners, such as clearing their driveways with a snow blower or mowing their lawns? Does one infer that young people can do these jobs as long as they are not being paid for their work? These are all questions that have to be answered.

Is part of the intent of this bill to keep kids in school? If so, would it be better for kids who drop out of school or skip out of school to be idle, or would it be better to be employed? How about kids who are already working or who have a seasonal job they're returning to? Will they be grandfathered in or would they be out of work? Of course their employers are affected as well. They have to scramble and find other employees.

Has thought been given to restricting adolescents' access to specific jobs or tasks rather than an entire industry? For example, this bill in its current form suggests that a worker under the age of 18 cannot clean an empty swimming pool as this seems to fall under the bill's definition of an "enclosed space".

Another very important question: who will determine, and how will they determine, whether employment is or is not likely to be injurious to the life, health, education or welfare of the adolescent? I don't think any job being done now by an adolescent is viewed by an employer as fitting into that category, or their employer would not ask them to do it — hopefully not ask them to do it.

Some of the restrictions around work hours in the proposed act are very prescriptive. Might it not be better to take a performance-based view and set requirements for flexible work hours rather than age and work restrictions? Some 15-year-olds are more sensible and mature than some 18-year-olds. Some younger people truly depend on their part-time income, while for others it's a luxury. How will the individual's ability, maturity level, capability and personal responsibility be taken into account?

Another very important question: why do restrictions for early-morning shifts — midnight to 6:00 a.m. — only apply to adolescents and exclude older high school students? That question would have to be answered. Has this been analyzed to determine the cost of implementing and enforcing this bill? Has there been a cost assessment, not just on govern-

ment for Yukon businesses? These are all very important questions that would have to be answered.

As we go through this, some of the overlapping legislation we already have in place is interesting. We have the *Employment Standards Act*, which is very clear: someone under 17 cannot be employed in occupations that may be specified by regulation or contrary to such conditions as may be prescribed by the regulation. In other words, the *Employment Standards Act* has some restrictions on employment of those under 16.

The mining community, through mine safety regulations under the *Occupational Health and Safety Act*, says anybody under 16 cannot be employed in or about a mine. At age 16, a young person can be employed at the surface of the mine but certainly not at the face of the mine. Blasting regulations under *Occupational Health and Safety Act* state that anyone under 18 cannot be employed underground or at a working face of a surface mine — so that's covered by both those acts — cannot operate a motor vehicle transporting explosive materials. In other words, if you're under 18, under the blasting regulations you cannot transport dynamite or explosive materials on the site.

Interesting — the radiation protection regulation, under *Occupational Health and Safety Act*: under 18 cannot be employed as an X-ray worker unless undergoing training and, of course, is under the direct supervision of an X-ray worker. Now the *Apprentice Training Act*: under 16 cannot be trained in designated occupations. So they have lists of things that people under 16 cannot apprentice with because of their age. We have the *Education Act*: under 16 must attend school. The superintendent or director may on application from a student or a parent excuse the student from attending at school and may attach conditions to the permission to be excused. In other words, in Yukon, if you are under 16 you must attend school unless, of course, Mr. Speaker, you have the direct blessing of the superintendent or director, which would come by recommendation of your parents. So that has been covered.

As we say here this afternoon, Mr. Speaker, we certainly are looking at the bill. I know the Member for Klondike has put a motion forward and would like to listen to some more from the opposition, but we have a lot of questions to ask on this Bill No. 109 and look forward to the responses from the Leader of the Official Opposition.

Mr. Mitchell: It's certainly prescient of the Minister of Community Services to determine who would be speaking to the bill. I appreciate that confidence that it would be me. It wouldn't necessarily be me.

I will, first of all, thank the sponsor of Bill No. 109, the Member for Mount Lorne, for bringing this bill forward for our consideration. I also want to thank the Member for Mount Lorne and his staff for providing a briefing on the bill this morning, which was attended by the Member for Mayo-Tatchun and me. The reason that we were the two who attended and not others is that our caucus found that we had two briefings scheduled for this morning. I attended as the

Health critic and also as someone who has some history with workers' compensation. The Member for Mayo-Tatchun attended as my co-critic in Health and also as the critic for Community Services, the critic for the Public Service Commission, and the critic responsible for Workers' Compensation, so we were trying to at least ensure that the most appropriate members would be present.

The Member for Mount Lorne presented a lot of interesting information in his opening remarks, and among the information was that this bill was kind of a joint effort. He identified two individuals in their role from the Yukon Federation of Labour — the executive director and the president — as having done a lot of work on the drafting of this legislation, and I will thank those members for their work. He actually said at one point, and he said several times during our briefing, that they had drafted legislation, which is somewhat unusual for a member to table legislation and attribute it to someone else — but we can only deal with legislation under the name of a sitting member so I will address my questions, obviously, to the Member for Mount Lorne.

First of all, I also want to say that the Minister of Community Services — the Member for Porter Creek Centre — raised a number of issues, some of which are issues I might have and want addressed. Others are issues that were clearly just his own that he had come up with.

I do think it's unfortunate that no one from the government side came to a briefing on this legislation. Whether one agrees with how the legislation is drafted or not, whether one thinks that it's perfect or a work-in-progress — which I think is sort of how the Member for Mount Lorne was regarding it, saying that he knew it wasn't perfect, that it might need additional work — I think for the members who are responsible for the various departments — and the Minister of Community Services named several, in terms of Education, Health and Social Services and Worker's Compensation — they are in fact the ministers responsible and I think it would behoove them to have someone attend the briefing.

We recognize that we're all busy, but that's the reason for briefings. We try to attend all of the briefings on the government's legislation. I think it simply shows respect for the work done by the other members of this Assembly and for the constituents and constituencies that they represent to do that — to try and be informed.

I do want to correct the record of one thing that was stated in the opening remarks by the bill's sponsor, the Member for Mount Lorne, when he said that the Yukon Federation of Labour had provided this legislation to the government caucus, to themselves and to the Official Opposition. We didn't receive that legislation. We weren't aware of it. I didn't receive it. I was only aware of this when it came forward — indicated that the Member for Mount Lorne was going to be bringing it forward for first reading. I didn't have an advance copy. Nevertheless, we have tried to study it since it has been in our possession.

First of all, I want to say that I think all Yukoners will agree that protecting our youth is important. Insofar as this bill would move toward doing that, the Liberal caucus sup-

ports the intent of the legislation to protect young people who are employed in some fashion.

I think that through the good work of the Yukon Workers' Compensation Health and Safety Board, the Yukon Federation of Labour and many other groups, we have all become all too aware of the horrendous statistics on young workers and their vulnerability in the workforce — their vulnerability because they enter the workplace with obviously the least experience because they are entering the workforce with perhaps very little training and sometimes in unsupervised situations. I think, perhaps, most importantly from things I have been reading and things I've become aware of, there's a vulnerability because of their youth to stand up to an employer whom they see as an authority and say, "No. I think that is not safe. I'm not going to do that." — because they fear for the loss of a job; they are not certain of themselves; they are not certain of their rights to do that. As we get older and become more aware of the dangers that can occur in any workplace, I think we are better prepared to do that. I do recognize that the statistics we've seen of injuries to young workers, basically, have reasons for occurring.

Now, having indicated that I do support the intent that the bill's sponsor has indicated, which is to provide better protection for young workers, in reviewing the bill clause by clause, we too have identified many points that we think would need to be addressed before this bill or any bill became law. In listening to interviews in the media, I think even the people who are supportive of this bill, including the Yukon Federation of Labour, have indicated that they do understand that there should be consultation and that there's more information that needs to occur. The sponsor has indicated that, as we know, in opposition, we get into this sort of circular situation. When government brings forward legislation, they have the authority and the ability, the funds and the employees to go to public consultation prior to bringing legislation forward. That's very difficult to do from the opposition side. It would take huge resources financially, in terms of person power, and there would perhaps be members of the public who would say, "Well, why should we come to your meeting? You are not government; you are members of the opposition."

We tend to do it, as we saw with the smoke-free legislation, in a different way. We end up with bills on the floor of the Assembly and then at some point they go to a consultation process. That has been addressed by both sides of the House already, and I want to lend my voice to that. I think this bill obviously impacts on young workers — that is its intent and that is whom it is intended to protect. Clearly, young workers need to have some participation in that process.

It impacts on families — families as a whole and parents, certainly. We need to hear from families and parents as to whether this bill hits the mark or whether they have suggestions for ways to improve it. It does impact on employers, and recognizing the point made by the Member for Mount Lorne, while we would not want to give any employer a veto based labour shortages over worker safety, we nevertheless

want to hear from employers as to how this would impact on Yukon employers.

It really impacts on many businesses, both large and small, and we think that all those Yukoners should have an opportunity to have input — to hear what the bill is about and to provide their input.

This may not carry the day, but I will say that if this bill moves forward into Committee of the Whole and we get into more detailed questions, my desire for public consultation would be to see it done, in some way, by officials. We've had no indication from the government side as to how they will vote, and they have a majority in this House, so I don't know whether it will make it to Committee. We've seen past legislation, certainly from the Official Opposition, that could not make it to Committee of the Whole.

With all due respect for the idea of a select committee, I want to point out that there are only 18 MLAs, and if we keep sending the MLAs out on every issue, and without trying to reference which is a more important issue than any other — I don't look at it that way — it simply becomes extremely difficult to do the rest of our job, which is to deal with a billion-dollar a year budget.

In this sitting alone, we have 10 bills in front of us from the government side, one now from the third party, and there are other bills from the Liberal caucus that remain on the Order Paper.

So we have a lot to do and we have a lot of constituent work that we do all the time. I note that on the *Quartz Mining Act*, the *Forest Protection Act*, and on many other acts, we do use government officials. They do have expertise. Because this bill crosses so many different areas, as has been mentioned, I think that that expertise would be well used in terms of using government officials to do whatever consultation does or may occur.

I have some questions. I'm going to address questions here in second reading toward the Member for Mount Lorne, because I'm not certain whether we'll get a chance in Committee of the Whole. Otherwise, I would rather deal with it globally and then get more specific in Committee of the Whole, but we have no knowledge of whether or not we'll have that chance.

I will ask the member if, in drafting this legislation, he actually formerly consulted with the Workers' Compensation Health and Safety Board — either the board that's the appointed board and/or the officials in the organization or both — with the Employment Standards Board and with any of the government departments, just because I think it would be good to know if that process has occurred.

There are some things that — and again, I want to be clear that we do support the principle of looking for workers' safety. Whether it should be done here in a bill or whether it should be done through occupational health and safety is a question that others have raised here today, so I'm sure that the member will answer with his thoughts on that. In looking at the bill itself, it divides young people into three categories: "adolescents", who are 12 years old but less than 16; "child," meaning under the age of 12; and "young person," meaning

an individual 16 years or older, but less than 18. It did provide an immediate exemption for two areas — sitters and paper carriers — that are exempt from this act, and I want to mention a couple more that I've thought of. I think the Minister of Community Services has mentioned it, and these could be dangerous occupations, but they are traditionally done by young people as self-initiated, early jobs, in many cases; that being the cutting of lawns, yard work and snow shovelling. I know that every year I've been fortunate to have young people come and offer to shovel snow.

Certainly when we are sitting it is much appreciated to be able to hire a young person. I know that was pretty much my first employment at the age in the lowest category — at nine or 10 years old — going back and forth in the neighbourhood after a snowstorm and soliciting work. So those are other areas that should perhaps be looked at as exemptions.

Some concerns that have been raised by other members of my caucus will revolve around the definitions of what can be done during normal school hours when someone is normally enrolled in school. Questions were asked about people who are self-schooled and home-schooled. There are significant numbers of people across this territory in both rural Yukon and in the capital city who do home-schooling. That may be covered by section 3.2 that mentions an off-campus education program provided under the *Education Act*. I am not entirely sure that it is. In addition, I do have concerns about the hours and the way they are described, because it refers to normal school days. In particular, Friday is a normal school day.

It limits the work to no more than two hours outside of normal school hours on a day during which the adolescent is required to attend school. I would think that, for example, in many businesses, on a Friday evening when someone is 15 or 16 years old, or up to 16 years old, and is dismissed from school at 3:15 p.m. or 3:30 p.m., that limiting their ability to work only from 4:00 p.m. to 6:00 p.m. may miss the mark. It will certainly require employers to hire somebody from 4:00 p.m. to 6:00 p.m., someone from 6:00 p.m. to 8:00 p.m., and perhaps someone from 8:00 p.m. to 10:00 p.m. I think this could become very cumbersome and expensive to employers. And it limits the ability of young people to work to earn money for trips outside — school trips included — for recreational equipment or toward other hobbies and activities that they may want to support. So the way this is written, you could do that on a Sunday but not on a Friday. So there are things like that.

I'm particularly concerned by the fact that this bill spends the first three and a half pages addressing employment of all types and kinds, and then more than five pages specifically for one industry, that being the entertainment industry.

I do recognize that the entertainment industry is unique in many ways but I would think that it might only be five percent or less — I don't know the statistics, perhaps the bill sponsor could provide them — but the entertainment industry is probably not the industry in which most young people

get their first employment. I would expect it is most likely in some form of the retail industry and it seems like we're spending a lot of time providing exceptions for the one industry — which still may put young people at risk within that industry — and not very much time addressing all other industries.

I know my time is limited. There are a couple other points I'd like to make, again, because I don't know if we will get to Committee of the Whole. One is, and the minister has touched on this, young people who have graduated high school and may not be heading on to advanced education at the age of 17. I was 17 when I graduated. My son was 17. At 17, or 17 and a half, one could be the head of a household. One could be newly married with parental permission or one could be a parent, with or without permission, obviously. You know, I'm not certain whether the intent would be to have someone sort of sit by for six months or whatever until their next birthday before they're able to go into certain occupations.

I have a lot of other questions, but there obviously won't be time to get to all of them at second reading. But again, in summary, I want to thank the Member for Mount Lorne for bringing the bill forward. I believe that the intent of protecting young people is a noble one. I do have a lot of concerns about whether this bill needs more work, but I do think that those issues are best addressed with public consultation, to hear from Yukoners what they think, and I look forward to seeing if this reaches that stage.

Hon. Mr. Cathers: It's a pleasure to rise here this afternoon, and I want to first of all thank those who contributed to this through the Yukon Federation of Labour and any others who may have been involved that I'm not aware of, and thank the Member for Mount Lorne for bringing this forward.

I appreciate the intent in bringing this legislation forward — or this proposed legislation, rather. I do, however, have concerns with what is proposed and what the impact would be if this bill were to receive approval. Secondly, even to attempt to amend this bill, this proposed legislation, in Committee — there are so many issues with it, including lack of public consultation and the basic approach taken, that I don't think that would be the right approach.

As members will be aware, the Member for Klondike brought forward a motion earlier today outlining the way the government proposes dealing with this.

Before mentioning that, I'd like to first of all note that we all recognize, I think it's fair to say — certainly I recognize as a former minister responsible for Workers' Compensation Health and Safety Board — that the numbers of injuries among young workers are disproportionate to that of the rest of the workforce and they are too high. In fact, the rate of all workplace injuries is too high in the Yukon. That is something that needs to be addressed. But regarding young workers, it is an even greater problem in the much higher rate of injuries.

Points that were made by other members this afternoon include the issue of who this might be excluding, including 17-year-old graduates from high school who are supporting themselves, which is sometimes the case. There is also the possibility — which was not mentioned by that member, but I would add to that by noting this — of those who have skipped a grade and graduated from high school early. That is not a commonplace practice. To my understanding it used to be, but it still does happen in some cases. For those who might then be graduating at 16 or perhaps even younger, what would this mean to them in terms of the restrictions placed upon them?

The question about the impact on those who go through home-schooling is an issue that needs to be considered, particularly because more people are choosing this as an alternative than was at one time the common practice. As well, there are future possibilities such as those who might down the road, through either a home-schooling program or through the standard course of teaching, receive education through forms such as video conferencing or on-line. These are things that have started to some extent. They're not yet widely spread throughout the education system, although Yukon College has made use of some of those significantly. But within the earlier stages of the education system, in primary and secondary — in those areas — they're not now commonplace, but may become commonplace. I think it would be unfortunate to have a bill that would be too restrictive and would not address that.

Another issue is the definition of "immediate family" and who is exempted from that. I would point out to the Member for Mount Lorne to reflect on the comments and questions that his colleague, the Member for McIntyre-Takhini, raised with a considerable degree of belief, passion and compassion in Question Period today — and has raised this before — about grandparents' rights and those grandparents who are raising their grandchildren. These people would be excluded from the definition of immediate family by this legislation or proposed legislation, I should say.

The question is recognizing, as I think we all can and all would, that the rate of injuries among young workers is too high and must be dealt with. Certainly there is a role for government and those with a responsibility who are not directly a part of government, such as the Workers' Compensation Health and Safety Board. There is a role that collectively we need to take some action to address these situations. The questions that I would raise are things such as where the appropriate balance is, which I think is a question for the public: where the appropriate balance is between approaches such as education, and giving parents the choice of when their children should be working and when it is not safe for them to be able to do so — informing the parents, informing the children and letting them make an educated and informed choice versus when government should take the steps of saying no, even if they believe it is safe, even if they believe it is appropriate and even if they believe the legislation didn't contemplate this, we will prohibit you from allowing your

child to work, whether they be a child or youth as defined in the act.

Let me clarify that I'm not suggesting that there should never be cases where legislation prohibits a child, youth or adolescent from working. But there is a real question, which I believe should go to the public, on where that balance should be between a choice of that child or youth and choice of the parents, versus a government decision and the choice of legislators to say that we believe some parents will make the wrong decision in this case, or will not be well-informed, therefore we are going to restrict all options in this area. These questions, I believe, should and must go to the public, following the consideration as proposed by my colleague, the Member for Klondike — following the proposed method of going to a process of having review from two boards that deal with these situations and can do a review of where the gaps are in the current structure. But the role of the public and that informed consideration is key.

There must be appropriate protections, which include legislation, but are not limited to legislation, for the safety of workers, including, especially in this case, young workers. There is a line and a difference between the course of action of prohibiting working in those areas, and putting in place requirements around safety standards and proper mentoring of someone who's in a position of responsibility over that employee.

There are some areas and some professions where I would argue that without proper supervision and mentoring, a young worker would be at risk, but if the proper supervision and mentoring is provided, it would be safe for them to do so. In fact it would help them gain valuable work experience and of course earn money, but in fact better prepare them for the world down the road. At an earlier age they might still lack that experience that they could have otherwise gained through a proper system of mentoring or supervision — whatever the proper technical term is.

One question or one issue that I have when I look at the legislation is that I think back on my own life and the discussions I have had with a few other people since the Member for Mount Lorne indicated that the legislation would be brought forward. Just in discussions with a few other people, heard their experiences, looking at examples of what would be prohibited, what they could not have done, the work they could not have done in helping a neighbour out on a log cabin construction project.

When my father and I did work putting in concrete driveways, pads for driveways, building the frames, which was construction, of course, and having the cement dropped off by the truck and then doing what is referred to as screeting.

Some Hon. Member: (Inaudible)

Hon. Mr. Cathers: What did I say?

Some Hon. Member: (Inaudible)

Hon. Mr. Cathers: Oh, thank you for the correction from the Member for Mount Lorne. Yes, "concrete", not "cement".

Using concrete and putting in concrete driveways and doing that work would, by the provisions of this legislation, not be allowed. I do not believe I was at risk. I was working with my father. Certainly, I was not injured on the job. I did many things and I was introduced to many areas of work experience including construction by my father's teaching in that area and by his experience and expertise on how to do things safely. It was everything from how to not hit your thumb with a hammer to how to avoid more serious accidents.

In that case, I cannot look at that, based on my experience and believe that anything that would have prevented me from that would be necessary, would be the right steps. If someone, as I believe my father was, is capable of teaching their child or someone else how to do the job right and safely, it can be a valuable work experience.

Another thing: when I look at other areas of this, there are examples that would apply to many children that this act — as I read it and understand it, and I've read a lot of legislation — would not allow someone to do work for a neighbour, unless it was permitted by the director of employment standards. It would not allow construction, including small construction projects, such as the work I referred to from my own experience, such as building an outhouse, building a log cabin, constructing window boxes or birdhouses.

I believe what the member is after with this is large-scale construction projects, where I would agree there is a risk. And there is a valid policy question around the appropriateness of young workers working on a large-scale construction job and the extent to which their safety is at risk, as well as questions around the extent to which that safety can be kept by proper mentoring and proper training.

Another example is kids, for their parents or for someone else, moving hay bales — helping load a wagon at harvest time, cleaning a horse pen, helping out with gardening and, as I say, cleaning out a horse pen or cleaning a dog yard — again, things that this act would not allow for some children.

I would say, Mr. Speaker, that for some of that work in cleaning out a pen — particularly with friendly dogs or dogs that aren't even in the yard and for horses of the same nature — that someone younger than 12 can safely do that under the right circumstances.

Another thing to point out in this proposed legislation is the reference to "No employer may employ an adolescent outside of normal school hours unless..." and of course "adolescent" has been defined to mean between 12 and 16.

"No employer may employ an adolescent outside of normal school hours unless..." and it lists several exceptions. Then it states further down in section 4.1(2): "No employer may employ an adolescent for longer than 2 hours outside of normal school hours" on a school day.

Well, Mr. Speaker, by my reading of that legislation, we will no longer be able to have pages in this Legislative Assembly because they would be prohibited by this bill that has been brought forward. They're adolescents; this is for the period. Once school concludes, and we stay until 5:30, it's

more than two hours outside of normal school hours on a school day.

Mr. Speaker, other examples mentioned by other members include things like shovelling a driveway of snow, doing yard work, mowing a lawn. A lemonade stand is a question — would it fall into the definition of “small wares” and a “retail store”, or “clerk”? Since it’s not a business — it’s questionable. Can they even do it for themselves? It’s questionable.

Again, when I make these points, I hope the Member for Mount Lorne appreciates the context in which I am making them. I do appreciate his intention in bringing this forward, and the intention of those who worked on drafting this and bringing this forward. I do personally believe that legislation that is very broad in scope and requires an exemption to be given to allow adolescents and children to engage in an occupation versus legislation that specifically targets safety issues and addresses risky professions, is the wrong approach. To require someone to apply for an exemption that may or may not be given, and that may be well outside something ever contemplated by legislators — not to mention the fact that this has not gone through the important public consultation — would be, in my view, a mistake.

So, Mr. Speaker, I want to express, as the Minister of Community Services did, on behalf of all members of the government caucus that we appreciate the intent of those who brought this forward. The approach as laid out by the Member for Klondike in the motion tabled earlier today is the approach the government favours. We believe, as laid out in the motion, that having that reviewed by those who deal with these areas and assess the gaps is a first step, and there must also be that all-important public consultation and consideration of where Yukon citizens believe the line should be between parental discretion versus government restriction.

Motion to adjourn debate

Hon. Mr. Cathers: With that, Mr. Speaker, I believe it would be premature to move past second reading. We also want to respect what has been done in this legislation and don’t want to send the wrong signal to Yukon citizens with regard to this legislation by opposing it; therefore, I move that debate be adjourned.

Speaker: It has been moved by the Government House Leader 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. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Kenyon: Agree.

Hon. Mr. Rouble: Agree.

Hon. Mr. Lang: Agree.

Hon. Ms. Horne: Agree.

Hon. Mr. Hart: Agree.

Mr. Nordick: Agree.

Mr. Mitchell: Disagree.

Mr. McRobb: Disagree.

Mr. Fairclough: Disagree.

Mr. Inverarity: Disagree.

Mr. Hardy: Disagree.

Mr. Cardiff: Disagree.

Mr. Edzerza: Disagree.

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

Speaker: Debate on Bill No. 109 is accordingly adjourned.

Debate on second reading of Bill No. 109 accordingly adjourned

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 503

Clerk: Motion No. 503, standing in the name of Mr. Mitchell.

Speaker: It is moved by the Leader of the Official Opposition

THAT this House urges the Government of Yukon to:

(1) establish an appropriate, safe and secure mental health facility within the confines of the Whitehorse General Hospital for those persons diagnosed with mental health issues; and

(2) create a streamlined system for admitting patients to this secure facility to allow these people to receive the appropriate treatment as soon as they are diagnosed with a mental health issue.

Mr. Mitchell: Thank you, Mr. Speaker. It’s my pleasure to rise to speak to this motion today, although it would be my greater pleasure if there was no need to. I think that we’ve all seen the examples in the media of people who are suffering from mental health problems and difficulties, who are struggling in Yukon to find the appropriate treatment.

It’s not only in Yukon. If you go to any of the larger cities on the streets in Vancouver or Toronto, and certainly if you go down into the United States, you don’t have to be there very long before — on the streets or in coffee shops or in any public place — you run into people you realize are having emotional or mental health difficulties, but they don’t seem to be receiving whatever treatment would perhaps best benefit them, based on their conduct in public.

In Yukon, we have a situation. It has been in the news recently where the Whitehorse Correctional Centre has been classified as a hospital in order to be able to assign people there who have not been convicted of any particular crime, but may have, in fact, committed a violent act or committed

some form of crime for which they have been found not responsible, and they have been ordered to receive treatment.

The end result is they land up in the general prison population, and because there is no opportunity via segregation or a specified different area, correctional officers have to act as correctional officers. If people act in a way that's contrary to the rules of the institution, they suffer the consequences. So you could land up with a situation where somebody is remanded to the Whitehorse Correctional Centre — not having been convicted of any crime — who then lands up charged with additional crimes that they are in effect committing as part of their being housed in an institution which is not serving their needs. That's only one aspect of it, and I don't want to focus only on that.

We've seen those cases recently that are specific to people who have already had a run-in with the law, but there is another issue as well. Obviously I had no knowledge of this particular interview coming forward, but in today's *Yukon News* on page 3 — I don't have copies to send around, but they are easily obtained, or my staff, who are monitoring this carefully, will no doubt send in copies for all members.

Dr. Rao Tadepalli, president of the Yukon Medical Association, had these comments to describe the state of mental health services in Whitehorse General Hospital — not in the Correctional Centre but in Whitehorse General Hospital. "It could be described as paltry. P-A-L-T-R-Y," says the president of the Yukon Medical Association.

"It's not critical. It's not a war situation," he said. "But it's definitely a stress situation."

The article goes on to say that staffing, security and facilities dedicated to mental health in the hospital all fall short of what is necessary, said Tadepalli. "What we're asking for is the bare minimum," he said. The article goes on to say that inadequate mental health services have been the subject of Tadepalli's criticism for four years and that he has seen some improvements but there's much more work to be done.

Dr. Tadepalli — I want to be balanced in this — goes on to say that he's concerned about what might happen if he gets what he wishes. He says staff are fearful of being attacked; some are hit by patients; others receive threats. There may be no guard nearby. "There's only one secure room in which to keep the acutely mentally ill; there should be more," says Tadepalli.

But he is clear. He says, "A hospital with a secure psychiatric ward may be viewed by the courts as a better place to send inmates suffering from mental illness than the Whitehorse Correctional Centre." He — referring to the president of the Yukon Medical Association — doesn't want anyone confusing the role of the hospital. It's not a jail or an asylum: "Whitehorse General Hospital is not a substitute for an adequate prison facility," he said. "We're trying to provide basic care."

So I think what we are seeing here is that there are two needs in order to properly address mental health patients or people diagnosed with mental health issues in the Yukon. There is a need for a different segregated facility at the Whitehorse Correctional Centre because, right now, people

who are assigned to that facility because there is no other secure place to send them, are landing up in solitary confinement. They're landing up in what the inmates describe as "the hole". I think we all know what sort of situation that is. This is not likely to improve anybody's mental health. It's obviously extremely stressful, and you're dealing with people who are, by definition, already suffering from mental health problems when they go there, and then we're putting them in solitary confinement.

At the same time, there is a clearly identified need at the hospital for a facility not necessarily to send people who have been charged with any criminal offence but people who, because of the nature of their illnesses, could be a danger to themselves or to others — and "others" meaning other patients or staff. We have heard stories that have been in the media before. We have heard them directly from health care practitioners of people who are in Whitehorse General Hospital for reasons of mental health who then go on to wander around and become at the least an annoyance and worse, perhaps, a danger to other people.

Mr. Speaker, I have just been handed a news release that we received at 3:47 p.m. today. This is something we see quite often when we give notice of a motion. Amazingly, the government is so responsive to our concerns that they issued a release this afternoon indicating that a three-year agreement provides certainty for the hospital and government. It talks about additional funding for Whitehorse General Hospital, which will be used, in part, to develop a secure medical unit within the hospital. This is issued under the name of the Health and Social Services minister. There are additional comments from the chair of the Yukon Hospital Corporation that indicates the intent is to create a six-room unit with two seclusion rooms, two safe rooms and two standard in-patient rooms.

I'm sure the members on the government side will have a great deal of bemusement at the timing of these events, but I will say, good; this is good and this is progress. You know, if by tabling notices of motion — and if by indicating we're going to call the notices of motion — we can get progress, well then opposition motion day is working as it should. We'll bring forward more motions and maybe we can get more activity out of the government. If the government feels it's too embarrassing to have to listen to us raise these issues, and that's what it takes, well then, we'll continue to be the "squeaky wheel."

This is progress; it certainly is responsive to what the Yukon Medical Association and the Yukon Registered Nurses Association have been saying for many years, and we're glad to see that moving forward. It addresses at least some of it.

Now, Mr. Speaker, we have seen in the past a report called *Concepts for a Primary Health Care Centre* in Whitehorse, which was prepared by the Yukon Registered Nurses Association in March of 2006. We looked at it and, in response to it in our 2006 election platform indicated that we would look to establish what we called a collaborative health care centre in consultation with the YRNA and the Yukon

Medical Association and other health care professionals. And the government, in their 2006 election platform, indicated that they were supportive of something similar. Since then it seems to have remained mired in a working group. This might have been something that could have assisted in providing better mental health care for many, many Yukoners, and it could have been doing that over the past two years now.

The report said that the Yukon Registered Nurses Association has for many years advocated for a multidisciplinary primary health care centre or clinic in the Whitehorse area. Ten years ago the representatives were already discussing this approach with politicians and government officials. At their 2001 AGM, the following resolution from the floor was passed unanimously that the association encourages the development of a multidisciplinary health centre and lobby for a pilot project in Whitehorse.

Now that was 2001. In 2006, we had that in our platform, as did the government — it hasn't occurred.

The reason I bring this up is the association, it says, favours the option of governance by a community-based non-profit advisory board with financing from government. For example, a community may wish to consider programs such as mental health, drug and alcohol counselling, diabetic clinic, chronic illness management, nutrition counselling or healthy lifestyles.

Well, we heard today tributes discussing the commemoration of National Diabetes Week. We heard several members, members from all three parties, talking about how that is systemic in Yukon and higher than the national average, and also particularly in First Nation communities. But again, if we were dealing with mental health and drug and alcohol counselling in a more holistic way such as that, perhaps there would be less need for the dedicated space at Whitehorse General Hospital.

It was also pointed out in a Yukon government news release on August 30, 2006, announcing improvements to mental health services, "... the minister pointed to work that has already begun to identify housing options for people with mental illness and to develop an in-patient psychiatric program. Earlier this year," — meaning 2006 — "\$50,000 was announced to support this planning process.

"There is general agreement among mental health professionals, family members and caregivers that housing could make a significant difference in the lives of people with serious mental health problems," the minister of the day said, who today sits in this Assembly as the Minister of Energy, Mines and Resources, so I'm sure he'll remember those words. And he went on to say, "that the department is also working with Whitehorse General Hospital to plan for dedicated mental health in-patient beds." — and that these initiatives flow from a report on Yukon's mental health services, prepared by an independent consultant, Dr. Eliot Goldner, a professor in the Faculty of Health Sciences at Simon Fraser University.

Well, Mr. Speaker, the obvious question is: with the minister of the day working so diligently on this in August of

2006, why did we have to wait until the afternoon of November 5, 2008, to see what was also being called for by the Yukon Medical Association, the Yukon Registered Nurses Association and the chair of the Yukon Hospital Corporation in his previous news release? Why did it take so long?

Some Hon. Member: (Inaudible)

Mr. Mitchell: The Member for Porter Creek South says, "We should take credit," but you know what? I don't want to take credit. I want to ask the question. Why did it take this government so long to get there? Why has it taken so long to do something about this?

That's an article on the Services Canada Web site from September 14, 2006, that says, "The Yukon Party will establish new treatment facilities for individuals afflicted with substance abuse, if re-elected," says the party leader, the Member for Watson Lake. So, again, it seemed like this was supported by the Premier before the general election or during the election period; it was supported by the former Health minister; it was supported by the various medical associations, and by the Whitehorse General Hospital, yet it didn't happen until we continued to apply pressure.

This government seems to respond only when it is pressured. They have this fly-by-the-seat-of-their-pants approach — if you make enough noise, something happens; otherwise, it just continues to be left to be something that will be done another day.

Now, again, we have a real need to address the issue we've seen — and I will use the words that the members opposite use. The Premier has often said — and the Justice minister has echoed — that the former government was just going to build a warehouse — that the Liberal government was only interested in warehousing people at the Whitehorse Correctional Centre. Well, I would ask the government side — and perhaps when their speakers rise, and perhaps when the former Health and Social Services minister rises in response, he can answer some questions, such as: how many people with mental health problems have been warehoused in the intervening two years when nothing was done? That's their term — "warehoused". Presumably, if people ended up in the Whitehorse Correctional Centre with mental health problems, they were being warehoused.

The Premier speaks of warehousing people up at the Whitehorse Correctional Centre, which he said was serving absolutely no purpose in contributing to the enormous recidivism — of up to 80 percent in the territory. It does say that, at the time, the party leader was unable to provide details of the number of facilities, the type of treatment programs, or the costs involved with that election promise.

A report was prepared in 2007 by the Canadian Health Services Research Foundation, in which they stated that mental health and diabetes were cited as two of the biggest problems from all territories. And here we are today; we talked about diabetes earlier in the day, and now we are talking about mental health later in the afternoon. It says, "Services for mental health are very poor, and there is very little continuity for patients between professionals and settings and over time. In some cases, mental health patients need to be

transported to the south. In Whitehorse, only one psychiatry bed is earmarked in the hospital.” This was 2007. According to Dr. Tadepalli, today there is still only one mental health nurse on call, and other support staff such as social workers — and the hospital has one — are also badly needed, he said. So basically, what we’re hearing from all the professionals, and from independent authorities like the Canadian Health Services Research Foundation, is that we are vastly underserving this aspect of health care in Yukon.

I have to ask: why have we been treating mental health issues and mental health patients and people suffering with mental health problems so completely differently than we treat people with all other health problems? We certainly do everything we can, including huge volunteer fundraising efforts, which every member in this Assembly contributes to at one time or another — for cancer patients; we do it for multiple sclerosis; we do it for heart and stroke disease — but the old stigma attached to mental health and mental illness has persisted. We have come a ways from the 19th century vision, and I think one of the members earlier this afternoon — I think it was the Member for Mount Lorne — made reference to *Oliver Twist*. Well, again, Charles Dickens wrote some pretty horrendous articles about the treatment of people in the prisons of the day in England, and the treatment of people suffering from mental illness, but we are certainly not as enlightened as we would like to think.

Again, from the Canadian Health Services Research Foundation in 2007, a report went on to say that in Whitehorse, only one psychiatry bed is earmarked in the hospital. Whitehorse does not have the infrastructure necessary to deal with alcohol, drug abuse and mental health problems. They need a new facility but there are budget constraints.

Were there budget constraints, Mr. Deputy Speaker? Not according to the Minister of Finance. Not according to the Deputy Minister of Finance. We heard that, at last year-end, there was \$165 million in net financial resources. The projection is to be somewhat lower this year because this government is actually spending money faster than they’re taking it in, but nevertheless, there is a healthy cash surplus. That’s what the Premier tells us.

It’s not an issue of budget constraints; it’s an issue of priorities. This has not been a priority of this government. They didn’t do anything to address it for the four years of their first term. They didn’t do anything for the first two years of their second term and it’s possible that if this issue hadn’t received public attention in the media in recent weeks and attention in this Assembly from the opposition side, then they still might not be doing anything to address it, even to support the Yukon Hospital Corporation, whose members they have appointed, whose chair they have selected, who said this was an important priority.

The article goes on to say that mental health is grossly underfunded in Whitehorse. Access to services for people with serious mental illness is a real problem. Then it turns to the correctional situation. In *Hansard* on May 14, 2007, that “The incidence of mental disorder among correctional clients is three times the non-correctional population. Upward of 86

percent are substance users; 51 percent use both alcohol and drugs.

“...trends suggest a need for 72 sleeping rooms, exclusive of special purpose rooms,” at a correctional centre “like mental health protective custody, et cetera.

“A secure public mental health ward operated in conjunction with the Department of Health and Social Services may be developed.”

Well, it sounds like we’re getting there, but then again, when we see one of these sudden press releases — one of these announcements — it makes us think back to other days in this Assembly when we were bringing forward motions to debate or asking questions in Question Period about social assistance and social assistance rates and the structure. What happens? We suddenly see a news release from the Health minister saying that social assistance rates are going to be reviewed and the structure will be addressed. It sounds like the problem is solved. Then, months later, when it hasn’t been resolved and we continue to hear from members of the public who are struggling with the existing rates, we hear another announcement that gives a new target date for when it will be done. Then, when more months go by we get yet another announcement. We have watched that for a couple of years, in terms of social assistance, and now, finally in the fall of 2008, we know that legislation has been tabled. After years of promises we have legislation. It remains to be seen what the legislation will do but we have legislation.

The issue at Whitehorse Correctional Centre has really been a difficult issue. They have a mental health room that was completed and yet people within the facility continue to land up in solitary confinement. We saw a report the other day of an inmate who ended up lying, without any clothes, on a mattress on the floor of a room. We don’t know, because it certainly did not say that this inmate was suffering from mental health issues, but it certainly didn’t sound like this inmate was in a good state of mind to land up in that situation. I think we need to recognize that these people are Yukoners and they are hurting, too. I would think that many of us have had friends or have known neighbours or family relations who have struggled from time to time with mental health issues. You know, it is not as if we can look the other way and not see this and not believe that it is happening.

In another recent article on CBC News on October 23, 2008, Yukon doctors were calling for improved mental health facilities at the hospital. “Yukon Medical Association president Dr. Rao Tadepalli said emergency room staff at the hospital are becoming stressed by the growing number of patients with mental health problems. ‘We have a lack of mental health facilities, we have a lack of security, we have a lack of mental health nursing,’ Tadepalli said Wednesday. ‘Over the last one year,’” he went on to say, “... we had one mental health nurse who was available to us for 37.5 hours [a week], mainly in the day hours. And so it really becomes an incredibly difficult task of managing mental health patients currently at the Whitehorse General Hospital.” He went on to say that emergency workers can be swamped on some nights, with as many as 20 patients, but

they remain unequipped to handle mental health cases. The Medical Association is waiting on the Yukon government to act on a resolution doctors passed at the association's 2007 annual general meeting. He also went on to say, "The government should also update the Yukon *Mental Health Act* to make it more patient friendly."

So I will be interested to hear, when the Acting Health minister is on his feet, whether there is progress being made, whether the department is preparing possible amendments to that act, because the YMA president said that, "The *Mental Health Act* should not be about the board and the doctors and lawyers getting together; it should be about patient care."

We heard from one previous member of the Yukon branch of the Canadian Mental Health Association on the motion that we're debating today, saying: "Your motion is a great idea". It's very much a case of laziness on the part of the Yukon government when it designated the regular holding facility as a secure setting for mental health patients.

The jail has been in the planning phase for a decade. It was planned and looked at by the NDP government, but they didn't get it done. It was looked at, planned and actual site preparation was commenced by the Liberal government, but when the government changed in 2002, the incoming government put a stop to it. They made statements that are sort of contradictory. They came out with some statements that said that the members were planning a Cadillac facility, indicating that some kind of royal treatment in the facility was planned. Since then, the Health minister and the Premier have said that it's going to be a warehouse. I don't know if that meant it was going to be a Cadillac warehouse, because the two descriptions seem to be at odds. Perhaps it's a warehouse for Cadillacs. But, certainly, I don't think it would have been both.

So I have to say that now, after extensive additional studies, we had the announcement a while back by the current Justice minister that the Whitehorse Correctional Centre would be built, and it would be built on the same site and, from what we understand, using the same architect. So it will be interesting when we get to compare the plans and drawings from the day to the new ones, when we finally see actual drawings come forward, to see if the differences are significant. Hopefully, one difference that will happen will be a proper situation for people who have mental health problems and have been remanded to the Whitehorse Correctional Centre because it's not secure or safe for them to be at the Whitehorse General Hospital.

I know that the Member for McIntyre-Takhini has addressed other aspects of this issue, because he has long talked about land-based treatment programs. He was specifically talking about land-based treatment programs for substance abuse. I think he has focused largely on that, but perhaps it would also be worth considering if that might be beneficial to people who are suffering from mental health issues from stress and other issues.

Now, I want to give some background information regarding mental health. According to the Canadian Mental Health Association, mental health means striking a balance

in all aspects of your life — social, physical, spiritual, economic and mental. Reaching a balance is a learning process. Your personal balance will be unique and your challenge will be to stay mentally healthy by keeping that balance. From nurturing relationships with family and friends to identifying and dealing with upsetting situations, one can take steps to improve and maintain one's mental health throughout one's life.

Now, the Canadian Mental Health Association goes on to describe mental illnesses. It says, "Mental disorders are comparable to physical illnesses in many ways." And I think this is the point that we need to get to: that we shouldn't be treating mental health patients — people suffering with mental health issues — as pariahs.

That's an old-fashioned way of looking at the world, and it's not something that belongs in the 21st century. Mental health is just another aspect of our health. It goes on to say "mental health disorders are comparable to physical illnesses in many ways; they take many forms; they are distinct from the people who experience them, so we refer to an individual with schizophrenia rather than a schizophrenic; and they are treatable." And I think that's the key point: they are treatable, provided that we spend the money necessary to build the proper structures. And again, I will thank the minister for today's announcement that the government intends to do this; it's the right step, but we also remember the announcement on building a new correctional centre, and there isn't one, so seeing is believing, Mr. Speaker, and when we see this built at the Whitehorse General Hospital, then we'll properly thank the minister.

The Acting Health and Social Services minister seems exasperated, and I don't blame him, because he spent several years as Health and Social Services minister but he couldn't get it done. Well, if he thinks he's exasperated, think how Yukoners and their families who are dealing with family members, with loved ones, who are suffering from mental illness — think how they feel about the failure of this minister to get it done. In fact, the good news is that there's a new minister and this new minister, in a few short months, has announced that he's going to get it done. So after years of non-performance, of being performance-challenged and not getting it done, I think that the Health and Social Services minister is showing us his frustration over the fact that his colleague can move forward so expeditiously. I don't blame him for being frustrated at being shuffled out.

Mental health disorders, which may also be called psychiatric disorders, include the following: schizophrenia, which is one of the most serious mental illnesses. Schizophrenia affects about one percent of Canadians. Contrary to what many people believe, schizophrenia is not a split personality, although that may sometimes be an apparent symptom in some cases. Mood disorders: these illnesses affect about 10 percent of the population. Now, everyone experiences highs and lows in life, but people with mood disorders experience them with greater intensity and for longer periods of time than most people. Mood disorders include bipolar

disorder, depression, post-partum depression, seasonal affective disorder — SAD — and others.

Anxiety disorders affect about 12 percent of Canadians. They include phobias, panic disorders, post-traumatic stress disorder and obsessive-compulsive disorder. Just those three categories — and this is why this is something that needs more attention, not less or people thinking it is humorous that we're trying to raise these issues — need the full attention of the Health and Social Services minister — while he is trying to be the Acting Health and Social Services minister. Just those percentages add up to 23 percent. So some 23 percent of Canadians, at some point in their lives, can suffer from schizophrenia, mood disorders or anxiety disorders. That's a pretty large percentage.

Eating disorders are most common in women under the age of 30. Common eating disorders include anorexia nervosa and bulimia. Concurrent disorders describe a condition in which a person has both a mental illness and a substance use or abuse problem. They interact and compound each other.

People with mental health problems may be more prone to substance abuse and people who have fallen into substance abuse become more prone to mental health issues as a result.

In Canada, dual diagnosis usually refers to an individual with a mental illness and a co-occurring developmental disability. Among our population, many mental health problems of aboriginals arise, and we've heard this addressed in this Assembly by more than one member over the years. Many arise from a long history of colonization, residential school trauma, discrimination and oppression and loss of land, language and livelihood. Aboriginal people experience a broad range of health issues and have the poorest health levels in the country. Aboriginal people have shorter life expectancies, experience more violent accidental deaths, have higher infant mortality rates and suffer from more chronic health conditions.

Aboriginal people are also more likely to face inadequate nutrition, substandard housing and sanitation conditions, unemployment and poverty and discrimination and racism — all important factors in maintaining health and wellness. Obviously, they are all factors that would contribute to poor mental health, rather than better mental health.

I have some other figures here that can only be described as shameful. They are facts and figures on aboriginal communities and mental health. I do these with full respect to our aboriginal population, not to single them out, but to point out the fact that they have been, due to the victimization that many have experienced over the course of generations, subjected to conditions that have led to a greater preponderance of these issues. In 2000, the proportion of First Nation people under the age of 30 was 61.1 percent, compared to 38.8 percent for the Canadian population in 2001. In 2000, life expectancy at birth for the registered — it says here "Indian", but I will use the term "First Nation" — First Nation population was estimated at 68.9, which is 7.4 years lower than the Canadian average for males and 76.6 years, which is 5.2 years lower than the Canadian average for females.

In 2000, First Nation birthrate was 23.4 births per 1,000 population, more than twice the Canadian rate. In 2000-01, only 55.8 percent of homes on First Nation reserves were considered adequate. Suicide and self-injury were the leading causes of death for aboriginal youth.

In 2000, suicide accounted for 22 percent of all deaths among aboriginal youth aged 10 to 19 years and 16 percent of all deaths among aboriginal people aged 20 to 44 years. It's unacceptable; it's shameful. Suicide rates of registered Indian youths aged 15 to 24 are eight times higher than the national rate for females and five times higher than the national rate for males.

When you look at the statistics, you realize that when there are so many people in First Nation communities, so many young people who are making that final desperate choice of suicide, clearly there are mental health issues that are not being properly addressed.

Many people recognize the importance of a healthy childhood but few understand the critical part played by mental and emotional problems and how important and harmful they can be for children and youth throughout the growing years. When we look at immigrants and refugees, although mental illnesses have similar symptoms across cultures, the manifestations of how people describe and interpret symptoms vary with ethnicity and culture. Different cultures will use different definitions and some are far more tolerant and helpful than others.

Women: we were listening during tributes today and we talked about violence against women. Women have unique experiences with mental illness. Women suffer depression more often than men, for example, and are depressed in different ways. Mothers with mental illness face particular challenges. We need to find out more about these and other issues in order to make sure we're providing the best possible treatment to our entire population.

Seniors: many lead fulfilling lives without significant physical or cognitive changes, but for others the challenges that come with aging can be debilitating.

Mental illness doesn't discriminate, but people with mental illness face discrimination due to stigma, a form of negative stereotyping. Even though mental illness affects one in five Canadians at some point in their lives, and may affect every one of us through friends and loved ones, the stigma persists. Embarrassment about having depression, for example, often keeps people from seeking treatment for very treatable illnesses.

You know, when somebody suffers a stroke, they seek out treatment or their family and friends ensure that they get treatment. We rush them to the hospital. When somebody is diagnosed with cancer — and we've had two members of this Assembly have to face that terrible diagnosis — we all support them in their treatment options and we all wish them well and encourage them to get the best possible treatment. And we try to provide the best possible treatment.

But embarrassment about having depression, for example, often keeps people from seeking treatment for a very treatable illness. There are cognitive therapies to treat people

with depression. There is ratio-emotive therapy for people with depression. We know that there is prescription therapy that can be used under the care of a doctor or psychiatrist to help people with depression. But people are ashamed to seek out help. The reason they're ashamed is because of how society treats people who have sought out help. The reason they're ashamed is because they get ostracized and they suffer stigma.

We recently watched an election campaign in the United States, and we saw the results late last night when President-elect Obama received the majority support of Americans. Well, during this election campaign it was pointed out that the other candidate, Senator McCain, had suffered a series of cancerous lesions — skin cancer — over the course of some 20 years. Did that prevent him from seeking the highest office in the land? No, it did not.

Mr. Obama's running mate, Vice President-elect Joseph Biden, indicated that he had a brain aneurysm in his earlier years in the Senate and he almost perished. Did that prevent him from seeking the highest office in the land and, in the end, achieving the second highest office in the land? No, it did not. But a number of years ago there was a vice-presidential candidate in the United States, Thomas Eagleton. He was in perfectly fine health, Mr. Speaker, he was in perfectly fine health. But at some point previously in his career, he had suffered from depression and he'd done the right thing. He'd sought help, and he'd received medical treatment for his depression. That's no different from the treatment that two members of this Assembly have received for their medical illnesses that they've acknowledged publicly; I'm sure there are other members here who have received treatment for other forms of illness, and we're able to do our job.

But when Senator Eagleton was the vice-presidential candidate and his medical records were leaked, it became a scandal. Someone who had sought treatment for depression — how could he possibly serve as the vice-president of the United States?

Well, I would suggest that the fact that he sought treatment showed that he was better capable than someone else who might not have sought treatment. At the end of the day, Senator Eagleton was forced to withdraw from the race. Not because he was suffering from any illness at the time but because once in his past he had suffered from a medical condition — depression. Because it was a mental health condition and it had that stigma, what happened was he did not have the opportunity to move forward. His illness, his past illness, as opposed to someone who might have an ongoing problem of high blood pressure, someone like the Vice-President Dick Cheney who suffered continued "events" — as they called them — during his tenure as vice-president. He had heart attacks and other events — irregular heart rhythms. He was able to carry forward in that office. Senator Eagleton was humiliated and forced to withdraw. What message did that send out to other people in any profession as to how society treats people when their illness happens to be a mental health illness?

I have a lot more information here. I know there are other members who want to address this important topic. I know that the minister will want to talk about today's announcement and give us some timetables for when that's going to move forward. So I won't go on for too much longer, because I want to make sure the minister has that opportunity and that other members have that opportunity.

I want to go back to the issue of incarcerating people who have mental health problems with the general prison population. An article in *National Union Research* says, "The problem is that when we make the criminal justice system our default solution for people with complex needs, we are deliberately placing vulnerable people directly in harm's way. The approach is so fundamentally contrary to Canadian values that the average Canadian would be amazed to learn that it happens as routinely as it does."

Well, we've seen a series of articles recently in the news media that it happens in Yukon. We are apparently failing people in Yukon as they are being failed across Canada. Two powerful reports were recently released highlighting the crisis of people with mental illness being swept into the criminal justice system. The first report by the Vancouver Police Department described a growing problem of people with mental illnesses falling through the cracks and often ending up in the criminal justice system. The report blames a lack of support for mental health services for this crisis.

From the other end of the country, the New Brunswick Ombudsman's report provided horrifying details of children with mental health problems being scooped into the youth criminal justice system for lack of other options. The report goes on to say that this is not new; this has gone on for far too long. So, Mr. Speaker, I don't want to go on any longer. I just want to say that I have a motion on the floor. It would appear that the government is going to support the motion, based on their announcement today. I hope they don't choose to play silly games with a serious issue such as amending it to say that this House commends the Yukon government for having announced or any such thing.

I hope that the responses will be as serious as the issues that I've raised here this afternoon on behalf of Yukoners, past, present, and future, because I want to look forward to the day where I open the *Yukon News* or the *Whitehorse Star*, or I turn on the CBC or CHON or CKRW and hear that the Yukon has become the leader in how we treat and care for our fellow citizens who are suffering from mental health problems. I want to read an article that says, "The president of the Yukon Medical Association commends the Yukon government for showing leadership and being the pilots, leading the way for all Canadian jurisdictions on how we treat people who have mental health problems." I want to be able to listen to a news report that says, "Yukon's correctional system is first among Canadian jurisdictions in how it treats people who have been remanded there without being sentenced, because they have been found to be not responsible for a crime due to mental incapacitation, and they have been sent to a secure facility where they will receive treatment, treatment that will help them to address the issues that

brought them to committing a violent act, and allow them to hopefully be re-introduced into society as productive citizens who will care for their fellow Yukoners, rather than be a threat to them.”

With that, Mr. Speaker, I look forward to the comments from the minister and all other members, and I thank all members for their time and attention this afternoon.

Hon. Mr. Cathers: It’s a pleasure to finally have an opportunity to address this motion after we listened to a very lengthy explanation by the Leader of the Official Opposition on what mental health problems are — reading off of things, whether it was from Wikipedia or wherever he received it — very, very lengthy explanations that were unnecessary in this Legislature for the purposes of this debate.

The issues, as the member mentioned, of course, are serious ones. The conditions he mentioned are serious ones. But members of this Assembly are very well aware from previous debates and, of course, in many cases, through research of what these issues are. And to go through the lengthy explanation — I came to the unavoidable conclusion that the member was trying to delay discussion of this vote, and it seemed that he didn’t want to vote on his own motion.

Mr. Speaker, I’ll paraphrase Ronald Reagan, because the entire quote from former President Reagan, I believe, you would find to be out of order, so with my apologies to the former president, I will paraphrase what he said: it’s not that our Liberal friends delete offending passage, it’s just that they know so much that isn’t so.

Under this government’s watch — and my watch as Minister of Health and Social Services — I know the work that the department and I did during that time. The increased funding we put into mental health during those two and a half years, not including increases by my predecessor prior to my time or the work that has been done by the current minister — in my tenure alone we increased the yearly funding for mental health by over \$1 million. It was an increase of over \$1 million to what the yearly budget was for mental health services. No other government in Yukon history has ever put that level of investment into supporting mental health services. No government ever — and the member knows it.

The member — the Leader of the Official Opposition — was talking about people with mental health issues being incarcerated. I must, lest someone be left with the impression that people are put in jail because of mental health issues, remind people that the only people who are ever in the Whitehorse Correctional Centre, including in the solitary room, are people who are either convicted by the courts, or who are placed there on remand, pending court review of criminal charges which have been placed against them. For the members to suggest otherwise, if that is indeed what they were doing, is wrong.

As I have pointed out, this government has acted in mental health, and I would note the good work that the department officials did. In this case, the announcement made today by the Minister of Health and Social Services — my colleague the Member for Riverdale South and of course the

Hospital Corporation — is of a three-year agreement, providing certainty for the hospital and the government. The member tried to claim credit for the timing of the announcement. Mr. Speaker, the member knows full well that this government launched — and is the first government to have launched — long-term strategic planning within both the hospital and the Department of Health and Social Services. This is long-term planning exercises which did not occur in the past. The attempts were made in both cases, very successfully I might add, both within the hospital and their area and within the department to engage staff and health professionals in a long-term planning exercise about the needs of the health care system.

That has been done and that is the connection to the announcement made today of the three-year agreement, providing certainty for the hospital and the government.

Part of that funding is to develop a secure medical unit within the hospital, which allows the hospital to establish a secure in-patient area that is much safer for both patients and staff. The intent is to create a six-room unit with two seclusion rooms, two safe rooms and two standard in-patient rooms. It will be staffed 24 hours a day by a mental health nurse and a support person and the hospital will be hiring six mental health nurses to staff the unit.

One time the Leader of the Official Opposition was actually correct was in noting that previously, during my time as Health and Social Services minister, I had announced that the government had made this offer to the Hospital Corporation. The member spun it in a little bit of a different light and did not reflect on the fact that the announcement at that point was that the offer had been made and we were allowing the Hospital Corporation to do their good work in planning. They have done that.

The requirement to hire people — six mental health nurses and support people — has operational requirements and impacts and very significant financial impacts, in terms of increased costs of operation and maintenance. That required detailed planning work by the hospital to assess its needs and, of course, to do the work in determining how they would make modifications within the hospital to build the unit, since it does require using an area that currently is not well-utilized.

The intention in this situation is to take what is currently the pediatric area, which does not have high levels of utilization and, based on the work the hospital did after we extended the offer — in working with the professionals who work on the floor and the doctors, including pediatricians and psychiatrists — and determining that yes, indeed, the appropriate step to take, because it is not a problem to mix children within unsecured areas in the general ward, that the more appropriate use would be to take this wing that could be — for a couple hundred thousand dollars, roughly — renovated and developed into a secure area, that the appropriate step would be to make this a secure area and enable some renovation and construction of rooms in that area.

So the hospital has had to do work in this area both with regard to the operational requirements and the capital needs

in this area and that is exactly what has taken place. We announced — in the interest of being open and accountable — that we had extended the offer to the hospital that in fact — unlike previous governments — we would be willing to help them make renovations to improve the mental health facilities at Whitehorse General Hospital. This problem the member refers to, the issue brought forward in his motion with regard to a lack of a secure facility at Whitehorse General Hospital, has been an issue since it was built. It was an issue before the hospital was built. What the member knows is that no other government had acted; we have acted. This is in addition to the amounts I have already referenced — the increase of over \$1 million to what the Yukon government spends on a yearly basis to support those mental health issues.

As I've pointed out, those are the numbers I can cite off the top of my head from my time as Health and Social Services minister. I know that I am missing initiatives that were done in the previous mandate under my predecessor and that there has likely been work since the Cabinet shuffle in July done by the minister and the department, because we had embarked upon planning processes, including the work with regard to the development of programming for early psychosis and identification and intervention, which as members may recall I have cited in the past as one of the areas that we identified for funding under the territorial health access fund.

An example of how this increase in annual funding by the Yukon government for mental health is being utilized is that we contracted a second full-time psychiatrist. They do not come cheap; they're very qualified people and that is a significant cost; rural mental health clinicians — nurses — based in Dawson City and Haines Junction. They also provide extended services within the rest of the Yukon, as does the Whitehorse unit, through the telehealth network which, as members recall, this government acted upon. Earlier this year in January, we were pleased to announce that through the investment of millions of dollars and many years of work by staff and work with communities, we had purchased new telehealth units for all Yukon communities and became the second jurisdiction in Canada to have telehealth available in all communities and in all nursing stations. This has enabled things, including mental health counselling, through that network.

Through his comments and through his attempts to pin criticism on the government that we're not moving as expeditiously as he would like to in snapping his fingers and writing a speech, the member diminishes the value and the extent of the work that the staff of the Department of Health and Social Services and staff at the Hospital Corporation have put into developing appropriate programming and ensuring that, once it is put in place, it is sustainable and they can continue to keep the program staffed and made available. That includes the announcement made today of the funding provided to the hospital for a secure mental health unit.

Of course the main part of the announcement, which the member completely failed to note, is that we are providing — as no previous government did — a three-year agreement

to Yukon Hospital Corporation to give them certainty in their funding requirements. This is something that has been in the works for quite some time and extensive work has gone into this by officials within the Department of Health and Social Services, the Hospital Corporation and the Department of Finance. I thank them all for the good work they have done.

Total hospital funding for 2008-09 is \$32,129,000. It will increase to \$35,482,000 next year and to \$37,842,000 in 2010-11. Mr. Speaker, this significant increase in the resources provided to the Hospital Corporation compares with the level it was at under the Liberals' watch of \$18 million in annual operation and maintenance funding. That is \$18 million compared to a level for this fiscal year of \$32 million, which will escalate to \$37 million and change by the end of this mandate.

This is a very significant increased investment by this government in helping the hospital provide increased services to Yukon citizens, addressing the increasing demands that are in place and also making available increased procedures inside the territory that previously were either unavailable or people had to travel outside the territory for them. Again, good work by all involved, including the staff of the Whitehorse Hospital Corporation, staff of the Department of Health and Social Services and the Department of Finance, as well. I left out the Executive Council Office earlier, but I thank the staff members who were involved for their work, too. I was remiss in noting and thanking the staff of the Hospital Corporation. I missed thanking the Hospital Corporation Board for their good work in this area, as well.

The member referred to and attempted to take credit for issuing a press release about the government acting and attempted to come up with earlier examples of this. His arguments were as weak as dishwater. The member knows that the reason why they are sometimes able to table a motion demanding we do something before we announce it is that we are very open as a government in the planning processes; we involve staff that need to be involved; we involve other health care professionals, and involve the public in many areas of policy development.

So once we've announced that we're seeking the involvement of these people, the members' eyes light up and they start to write a motion and try to figure out how they're going to table it and take credit that they'd been demanding that we did what we already announced we were going to do. So, Mr. Speaker, I know that that is all that they're left with, since they seem to be at a loss for coming up with policy ideas and criticism themselves, and they fall back in this area, with regard to this motion, and in many other areas. They are forced to fall back on taking initiatives we've already announced we're going to do, and tabling motions demanding that we do what we've said we're going to and are engaged in a planning process to do, and of course their second fallback is the ever-present personal attacks.

So, resuming with my list of some of the investments in mental health made under this government: as I noted, a second full-time psychiatrist; rural mental health clinicians in Dawson and Haines Junction to serve rural areas.

Dawson is the centre for northern Yukon and Haines Junction is in that case for southern and western Yukon. There is a youth clinician based out of Whitehorse — again, a clinician meaning nurse in this area with mental health expertise. There is the development of the early psychosis identification and intervention program, which I referred to earlier, which has involved detailed policy work and programming requirements by the staff of mental health within the Department of Health and Social Services. There is a social worker within mental health for clients who are what is referred to as “dual diagnosed,” meaning they have mental health issues and also addiction problems, such as alcohol or drug abuse. It’s helping them deal with those issues, because the problem becomes sometimes in dealing with those challenges that those people need both mental health and addictions assistance and one feeds off the other, so the social worker is to help them access the services on both sides and to link the services and the expertise in both areas. More mental health support workers have also been provided and funded. We also made changes complementary to the changes in the *Child and Family Services Act*, to a long-standing policy of the Yukon government, whereby, if a parent had a child that needed residential mental health treatment, they were unable to get their child that treatment. That was for a rare number of cases and for very severe cases.

The long-standing practice and policy within Yukon was that children who are in the care and custody of the director of family and children’s services would, could and did receive that care when a psychiatrist identified that they needed it — very specialized mental health care. I would point out to members that this care is available within a very limited number of locations nationwide because of the level of services required to provide it appropriately.

This service, under previous governments, was only available to children in care and custody of the director of family and children’s services. If a parent who did not have issues that required court intervention and their child to be taken into custody, if that parent had a child who was diagnosed by a psychiatrist as needing this level of specialized residential treatment, they could not get that. We changed that. We changed that so that parents, if their child needed these services and needed that residential care for mental health treatment, they could receive it through mental health — something previous governments failed to address. It was an issue of inequity. We acted in that area and I’m very pleased we’ve been able to do so. It is unfortunate when any child requires residential and mental health treatment.

In those cases, when they do, it is important that responsible, caring parents not be compelled to choose between their child not receiving the services they so badly need and the parent being forced to give up the guardianship of their child to the director of family and children’s services. So we acted; we changed that. That service is now available. Fortunately, it has limited use, but it is being used right now.

Another area, as I mentioned, of course, is the telehealth network, which cost millions of dollars to implement under this government. That network is assisting in mental health

counselling being provided in all Yukon communities through the nursing stations based out of centres in Whitehorse, Dawson City and Haines Junction.

Another association that assists us with counselling support that we have significantly increased the funding to, by hundreds of thousands of dollars, is the Many Rivers Counselling and Support Services, formerly Yukon Family Services Association. They provide, in certain communities, mental health counselling, and that includes some support within Whitehorse as well. We significantly increased their funding to assist them in being able to do more and assist more individuals, as well as, of course, funding the Outreach van through that organization, which is aimed at assisting people who are, in many cases, on the streets and who are not accessing the existing services. We are the first government to recognize the need to fund the Outreach van. Previous governments did not act in this area. We did increase funding by over \$150,000 — or should I say “provided funding”, because we were the first to do it — provided over \$150,000 in annual funding to the Outreach van, complemented by an increase of over \$160,000 for youth outreach workers housed within Many Rivers Counselling Services. Those youth outreach workers provide some support services to the Outreach van as well as provide services based out of the Whitehorse offices.

So again, these are examples of this government’s investment in this area and this government’s work in this area. I would point out when I say “this government”, that we will take credit for what we have done at our level and we will certainly give credit to the fine work of department staff — the extensive hours of work that was put in by them — the work of those not employed by the department, who are in the Yukon Hospital Corporation and of course, by physicians and other professionals who are not employed by either, but have provided their services in developing these programs and expanding these services and of course to Many Rivers for the work they and their staff do.

So, again, Mr. Speaker, I have to say that our Liberal friends know so much that isn’t so.

The Leader of the Official Opposition, in his very lengthy introduction, explained all the mental health conditions that he could possibly think of — and he missed some and he explained some incorrectly, by the way. The leader, in his very lengthy introduction, failed to recognize some of the facts. I point out, of course, the long-term strategic planning that is ongoing, the work done within the Hospital Corporation to come to the stage where they have the programming plan and the capital plan for making the renovations, developing a secure medical unit within the hospital for in-patients with mental health issues — that being, of course, a six-room unit with two seclusion rooms, two safe rooms and two standard in-patient rooms. They are to be staffed 24 hours a day by a mental health nurse and a support person and have six mental health nurses required to staff the unit.

I have to re-emphasize that point to the member opposite, because they are failing to recognize the extent of the work done by the Hospital Corporation and by the good staff

at the Department of Health and Social Services, and failing, of course, to recognize that staff in both areas have many, many responsibilities, including long-term strategic planning. They are very busy people. They do a lot of good work in many areas, just to keep the system running as it does so well. We have, as I've reminded members in the past, the best health care system in the country. If the members look nationwide and look to the shortage of family physicians and the problem with what is referred to as "orphan patients" — people who can't find a family doctor — they will note the Yukon situation, which occurred under this government's watch, where there is in fact excess capacity, and anyone who needs a physician in Whitehorse can get one. We provide the services, provide funding, where we can hire individuals to provide those services to rural communities, and they do have service. Of course, they are not resident physician services, but if the members look at any other area in the country, they will see that even having a physician come through on a rotating basis just does not occur in places with that small a population and that rural an area. So again, this is an example of how, under this government, the territory has moved forward with the good work of department staff, and with this investment in these areas, the Yukon has a health care system that is second to none in Canada.

This includes, Mr. Speaker, the good work that has been done on mental health. We recognize that there is a need to continue to move forward, as with the announcement today, and that is what we will continue doing.

Again, I remind members opposite to compare the investments put in by this government, such as the increase to the annual funding provided for mental health of in excess of a million dollars. If they look at that and compare it to the actions of any previous Yukon government, they will have to doff their hats and recognize that this government has truly invested in this area and that the staff has worked very hard to develop these programs, develop these renovations and implement these services.

Mr. Speaker, I think that has addressed the key points. Unfortunately, due to the very lengthy introduction by the mover of the motion, we do not have a significant amount of time to debate this motion. The one thing I have to point to is the member in his motion — well, he made a mistake. The member urged the Yukon government to do these things. You urged the Yukon government to "Establish an appropriate safe and secure mental health facility within the confines of Whitehorse General Hospital for those persons diagnosed with mental health issues; and, (2) create a streamlined system for admitting patients to this secure facility to allow these people to receive the appropriate treatment as soon as they are diagnosed with a mental health issue".

The member is failing to recognize the jurisdiction of the board of the Hospital Corporation and the responsibilities vested in them by the Yukon *Hospital Act*. In urging the government to do it — the motion technically is urging the government to bypass the board and circumvent their authority, recognizing they have authority over those premises and the operations.

Amendment proposed

Therefore, I move

THAT Motion No. 503 be amended by inserting after the words "THAT this House urges" the phrase "the Yukon Hospital Corporation to utilize funding provided by". So the entire first part of the motion would read: "THAT this House urges the Yukon Hospital Corporation to utilize funding provided by" and then the rest of the motion reads as it is.

Speaker: The amendment is in order and it reads as follows:

THAT Motion No. 503 be amended by inserting, after the words "THAT this House urges" the phrase "the Yukon Hospital Corporation to utilize funding provided by". The Acting Minister of Health and Social Services has the floor on the amendment.

Hon. Mr. Cathers: Thank you, Mr. Speaker, and I think I have clarified within my introduction the key issues. Again, the motion as put forward by the Leader of the Official Opposition — the basic intent of it we have no disagreement with, as the member noted. We already announced what we are doing in this area and I must again remind the member that earlier this year, when I was minister, we announced the work that we were doing with the Hospital Corporation, and announced that we had made the offer to them to assist in this area. That of course required them to do work, which they did and they've done well.

It's important to give credit where credit is due. It's important to appropriately recognize areas of responsibility. It is important in this area to recognize that in changing the motion — or proposing to change the motion — the requests made by the member are all areas that are — by virtue of legislation within the operating mandate — within the jurisdiction of the Hospital Corporation. They have responsibility in the hospital.

The Yukon government does not decide what goes on in that facility. The corporation — the board — has a mandate established by law. They have requirements through that legislation for the services they're required to provide and requirements through the contribution agreement signed by the Minister of Health and Social Services and by the chair of the corporation. They have an obligation to provide those services, to meet with certain requirements, including requirements around the way they interact with the Yukon government and the department.

But what the member has urged in the motion through not properly wording the first portion of it, the section urging the Yukon government to do these things, is the member has not properly recognized the fact that it is the Hospital Corporation that — if and when these things occur, as is in the process of being done — has the responsibility for determining the renovations that will occur; for managing that project; for determining the design of that project, of course; putting it into place; and managing the construction; managing how they deal with working around the construction. The Yukon

government will not simply march in there, nor should we, nor can we, and make the changes, do the renovations. It requires the Hospital Corporation, under their lawful authority as provided by legislation, to manage the contract, to manage issues, including creating a streamlined system for admitting patients to the facility. That is an operational matter, very clearly, by virtue of legislation, within the mandate of the Hospital Corporation.

If they are expanding their services in this area, as they are, it is within their legally mandated authority to do things, including the establishment of a facility and creation of a system for admitting patients to that facility. The Yukon government, through the Department of Health and Social Services, will assist them in any area in which they require assistance in terms of policy work within this area, et cetera, as officials work on a day-to-day basis cooperatively with the Hospital Corporation. It is the Hospital Corporation's mandate to do these things. It is the Hospital Corporation that must take action on this, and the government should not step into this area and bypass that mandate, established by law, which the member — considering his fondness of citing legal and legislative requirements — should remember that the *Hospital Act* lays out the responsibilities with which that corporation and its board of directors are entrusted. They have to be allowed to do their job.

The Yukon government, through the announcement today of the three-year agreement providing certainty to the hospital and government, has announced, in addition, a significant increase in annual resources and the first three-year agreement for the Hospital Corporation in Yukon history, replacing the previous practice of annual agreements. This certainty provided to the hospital — this increased funding, including capital funding for the secure unit — allows them, within their area of authority, to do the job they are mandated by legislation to do.

Now, again, with this motion, I do have to note the importance of amending it. The importance, as I noted, of building on the good work the Yukon government has done in investing in mental health through providing the Yukon Hospital Corporation, and ensuring the motion is amended to reflect the Yukon Hospital Corporation's jurisdiction, to make these additional enhancements to mental health. These, of course, will work with the enhancements already made within areas of the department's jurisdiction, including the contracting of a second full-time psychiatrist; rural mental health clinicians; nurses in Dawson and Haines Junction, serving northern, southern and southwestern Yukon; youth clinician based in Whitehorse under mental health services, and the development of the early psychosis identification and intervention program. And, of course, as I mentioned to members, between the Hospital Corporation, in their areas of mandated authority and the Department of Health and Social Services, there is a close working relationship and there is overlap.

Some of these services, of course, will assist the Hospital Corporation and will work together between mental health services and the new unit established within Whitehorse

General Hospital and the funding of six mental health nurses and other support staff for that unit.

Again, other changes include the social worker for dual-diagnosed clients with mental health and addiction issues and more mental health support workers who will be available to assist in working as part of the overall system with mental health staff at Whitehorse General Hospital.

The telehealth system, of course, as I mentioned, is used widely by Whitehorse General Hospital and, again, that interaction between the mental health staff in rural areas, through the telehealth system, with staff in Whitehorse will, of course, be of great assistance if an individual is placed in the secure mental health facility. If they are receiving services in that area, it will be very valuable for the Hospital Corporation and its staff to be able to connect via the telehealth network with staff of mental health services, under Health and Social Services, who have had previous experience with the patients in question to be able to talk about past case history.

It will also enable, if necessary, of course, through telehealth that they can have that patient talk to a familiar face and someone who dealt with them before. So it will again, through this investment that we have made in expanding the telehealth network, this investment in technology and this ability to connect with rural areas, enable the mental health clinicians in Dawson and in Haines Junction to talk to those in Whitehorse and talk to patients who may need services to continue in that area. It will also enable others within community nursing and other areas who in other Yukon communities have past history with these clients to not lose that connection and not have those within the hospital who now have the responsibility for assisting these people lose their connection with those who have a past experience from an informed health perspective of understanding what issues the individual has, understanding what their challenges are, whether it is mental health, whether it is mental health and addictions, and understanding, of course, the nature of the mental health issues.

As the Leader of the Official Opposition spent an inordinate amount of time informing us, there are many different types of mental health problems.

The Member for Kluane may not believe there are different types of mental health problems, but there are. Perhaps he should have been listening to his own leader's speech informing us of the many different types. I will not go to the point, particularly on this amendment, of talking about all the different types of mental health issues. The information is available.

If members of the House wish to receive more information on various types of mental health challenges, I'm certain that the Minister of Health and Social Services and the department would be happy to provide them with information if the members cannot receive it through the information that's already produced and on-line and made available through offices — both of the department and Many Rivers Counseling Services, a non-governmental organization.

If the members can't find enough information through those information pamphlets — I should also note of course another organization I missed mentioning before — the Second Opinion Society — which provides information about mental health challenges and also provides a counterbalance in this area. I believe that one of their key issues and mandates is ensuring that people are not inordinately deprived of rights because of mental health issues.

So, Mr. Speaker, again, the amendment that I am proposing to this motion reflects the facts, reflects the actual nature of responsibilities, and that funding has been offered and is being provided through a contribution agreement that has been signed. This government has offered the funding; the Hospital Corporation is the entity that will actually manage the renovations, implement the programming, run the services, hire the six mental health nurses for this unit, and hire additional support staff.

So I hope that the Leader of the Official Opposition will consider this a friendly amendment. I hope he will recognize that, in fact, though his intention was right in what he asked for and though his recognition of what this government had already announced or planned to do was close enough to accurate that we can support most of the motion —

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

Debate on Motion No. 503 accordingly adjourned

The House adjourned at 5:30 p.m.