

Yukon Legislative Assembly
Whitehorse, Yukon
Tuesday, April 21, 2009 — 1:00 p.m.

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

Prayers

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of National Organ and Tissue Donor Awareness Week

Hon. Mr. Hart: On behalf of the House, I would like to pay tribute to National Organ and Tissue Donor Awareness Week, April 19 to 26, 2009. I rise in the House today to remind my colleagues and all Yukoners that this week is National Organ and Tissue Donor Awareness Week.

I am sure I speak for many people when I say that organ and tissue donation is not something we consider every day. For people waiting for the gift of life, however, it is never far from their thoughts.

Je suis certain que de nombreuses personnes pensent comme moi que le don d'organes et de tissus n'est pas un sujet auquel nous pensons tous les jours. Par contre, pour les personnes qui attendent ce don de vie, ce sujet est toujours bien présent dans leur esprit.

According to the Canadian Association of Transplantation, "More than 4,000 Canadians are waiting for an organ transplant to save their lives. Last year, only 1,803 transplants were performed. Many patients remain on waiting lists. Unfortunately, 195 Canadians died while waiting for an organ transplant."

Every year the Hospital for Sick Children performs about 50 transplants. They could do many more, if the organs and tissues were available. Children die while waiting for organs to become available.

Chaque année, l'hôpital pour enfants fait environ cinquante greffes. Il pourrait en faire davantage si plus d'organes étaient disponibles. Malheureusement, des enfants meurent en attendant une greffe d'organe.

One organ and tissue donor can save up to eight lives and enhance as many as 75 more.

Age doesn't matter. The oldest Canadian organ donor was 90 years old, while the oldest Canadian tissue donor was 102 years old. What a generous example these people provided, Mr. Speaker.

Becoming an organ donor is an easy process that can mean the world to the recipient. In the Yukon, you just register your wishes by filling out an organ donor form. This form is available from the Department of Health and Social Services and from the Motor Vehicles, among other places. Even more important is letting your family know that you wish to donate your organs and tissues.

I encourage all members of this House to register their wish to donate. Not only will you be providing the gift of life, you will also give your own family some measure of comfort and consolation knowing that your gift means that someone will live. We have examples here in the Yukon of people who have donated their organs or organs and tissues of their loved ones, so that others might live. I can't think of a better legacy, Mr. Speaker. Thank you. Merci.

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

INTRODUCTION OF VISITORS

Hon. Ms. Taylor: Mr. Speaker, I would ask all Members of the Legislative Assembly to join me in extending a warm welcome to Mr. Alex Budden, the Consul General representing the United Kingdom government. Welcome, Mr. Budden. With Mr. Budden is Ms. Pamela Bangart, our protocol officer for the Government of Yukon. Welcome.

Applause

Speaker: Are there any further introductions of visitors?

Are there any returns or documents for tabling?

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motion?

NOTICES OF MOTION

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

THAT this House urges the Mayor and Council of the City of Whitehorse to reconsider their decision to not provide a transit bus stop at 600 College Drive for the seniors and student residences located at Yukon College, in view of the fact that the City of Whitehorse was able to purchase several new buses from the public transit capital trust, valued at over \$1 million, courtesy of the Canadian taxpayers.

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

THAT this House urges the Yukon Party government to make changes to the *Motor Vehicles Act* that will allow for municipalities to address:

(1) the improper use of disabled parking stalls on private property; and

(2) the need for enforcement of disabled parking provisions on private property.

Mr. Fairclough: I give notice of the following motion: THAT this House urges the Yukon Party government to not have the School Growth Planning Policy No. 1008 as part of any amendments to the *Education Act*.

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

THAT this House urges the Yukon government to immediately implement the recommendations in the *Education Reform Final Report* on the school nutrition program by:

- (1) implementing a phased-in Yukon school nutrition program for all Yukon schools;
- (2) increasing Yukon government funding for the food for learning project in all Yukon schools by 100 percent;
- (3) encouraging parents and community members to participate in the program;
- (4) providing adequate facilities in all schools for hot meals; and
- (5) providing food safety training for everyone involved in the program.

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

THAT this House is of the opinion that the Yukon Environmental and Socio-economic Assessment Board should:

- (1) extend the deadline for comments on the Bellekeno mine development until Department of Tourism officials are able to meet with the proponent, Alexco Keno Hill mining corporation, around potential impacts to tourism in the Keno area, and the Keno City Advisory Board obtains the necessary documentation from the Yukon government and the federal government so it can submit a comprehensive assessment of water issues in the Keno area as part of the YESAA process; and
- (2) delegate the assessment of the Bellekeno mining project to the executive committee of YESAB due to the huge potential health and safety impacts to the people of Keno.

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

QUESTION PERIOD

Question re: Affordable housing

Mr. McRobb: I have questions for the minister responsible for the Yukon Housing Corporation regarding affordable housing. Last year the government announced that \$960,000 was budgeted to start a 30-unit affordable housing complex targeted at single women with children, but only \$114,000 of that amount was actually spent. This spring the government announced the housing project would be funded out of a \$50-million Government of Canada housing fund. This money was made available in the recent federal budget.

That leaves some \$39 million remaining in the fund. Can the minister tell us where the rest of this money is being allocated?

Hon. Mr. Fentie: As the member is well aware, the housing initiative the federal government has brought forward has a very restricted time limit to it. It is a two-year fund; it is use it or lose it. The Yukon fortunately is the recipient of \$50 million of that national fund and, by request, we have presented to the federal government what we could define as “shovel-ready projects” that would be eligible for the investment from the fund and that’s how we’ve proceeded. The determination of further projects on the matter, however, is a work in progress.

Mr. McRobb: Well, Mr. Speaker, both the Premier and I can agree the Government of Canada has allocated \$50 million that must be spent by the end of next year on the Yukon’s housing needs. That works out to \$25 million per year. This affordable family housing project is very much needed but there has not been much action since it was announced a year ago.

As noted, most of the money budgeted for last year was not spent. A recent survey by the Anti-Poverty Coalition highlighted the need to move quickly on this funding. We have one project that will consume some \$11 million from out of the \$50 million fund, but the balance of the funds — some \$39 million — is not accounted for in this budget.

The government still has not decided how it is accounted for in this budget. The government has still not decided how to spend those funds. Why is the government sitting on the money, instead of allocating it toward addressing the shortages, as identified by the Anti-Poverty Coalition?

Speaker: Thank you.

Hon. Mr. Fentie: Mr. Speaker, I hope this will assist the Member for Kluane in understanding better what this fund is, how it’s structured and who actually has it. The Yukon government does not have one nickel of the fund. In fact, the monies exist within CMHC, and the work being done between CMHC and housing corporations across the country is the process we must follow.

So the member’s view of the need for housing in the Yukon, I couldn’t agree more with, and that’s why we’ve proceeded with significant investments and increased investments in social housing stock, in affordable housing stock, in the single-parent family unit that we’re proceeding with after very extensive consultation. But, of course, the member has to understand that the Yukon government does not have one penny of this money. It sits in the Canada Mortgage and Housing Corporation.

Mr. McRobb: Perhaps the reason why the government doesn’t have one penny out of this money is because it hasn’t identified projects. The Government of Canada has given the Yukon government \$50 million, disbursed over two years, for northern housing needs. This is not an ongoing fund.

As the Premier said, it’s either use it or lose it. These monies must be spent by the end of next year. This money is urgently needed. It’s up to the housing minister and the Premier to develop a plan and get the money out into the community, but that’s not happening and the public deserves to know why.

Can the Premier tell us why the government is holding back on these funds, why it’s being delayed when it’s apparent the needs are so urgent and why the projects haven’t been identified to the federal government?

Hon. Mr. Fentie: I don’t want to get into semantics but to suggest the government is holding back is incorrect. The government obviously doesn’t hold back in this area at all with the dramatic increase in investment for affordable housing, for existing social housing stock and other investments we’re making to take care of seniors and others across the territory. There has been no hold back on that at all. In fact, tremendous pro-

gress has been made in that area of our social fabric with the amount of investment this government is making.

I would hope the Member for Kluane would come to terms with that. The government is not holding back at all; in fact, it has been very progressive in this area and we are doing our work with Canada and the Canada Mortgage and Housing Corporation as we are required to do to ensure that projects meet the eligibility requirements of the federal government with respect to this fund.

Let me remind the member that we've also had another housing trust that the Yukon hasn't held back at all and has provided, out of that \$50 million, over \$32 million directly to First Nations to meet their housing needs. The member is doing a fine job in the area of affordable and social housing.

Question re: Infrastructure funding

Mr. Elias: Mr. Speaker, I have some questions for the Minister of Community Services. Municipal leaders will be gathering in Watson Lake this weekend for their annual conference of the Association of Yukon Communities. One of the topics on their minds and on their agenda is federal infrastructure funding. They want changes to how the Government of Yukon handles this federal money. In a resolution being debated this weekend, they have raised concerns about — and I quote: "...projects affected by these funds that are often put on hold pending territorial decisions regarding applications."

They want something done about these costly delays. Will the minister address this concern?

Hon. Mr. Lang: We certainly will be front and centre of the meeting coming up this weekend with the AYC. We will be addressing questions that are posed to this government at that meeting.

Mr. Elias: I'm speechless. The municipal leaders have identified a problem about money flowing quickly to all communities in this territory. The Premier constantly gets on his feet and says, "Stimulus, stimulus, stimulus," and that the people of this territory are saying, "Cut the red tape, red tape, red tape." Yukon communities have limited resources available for planning, budgeting and implementing these infrastructure projects. Part of the problem is they end up waiting for approval from this government. Municipal leaders want something done about it and the minister has no answer for them today.

The resolution goes on to request that the Government of Yukon amend infrastructure funding programs to standardize the application process, expedite approval times, reduce paperwork and reduce staff time so municipalities can get a better plan for their finances around funding opportunities.

We have already heard this spring about communities having problems accessing these federal programs. Will the minister commit to implementing these suggestions from municipal leaders of our territory?

Hon. Mr. Lang: I haven't seen the resolution. As the minister, it hasn't been broached to me. I'm going to the meeting this weekend, spending the weekend in Watson Lake. In fact there is a resolution — and obviously the opposition has the resolution — we will be looking at it at that time.

We will be addressing it once we see and talk to the affected municipalities and hear what their wishes are at these meetings.

Mr. Elias: The minister should pay closer attention to his responsibilities, because this resolution is on their Web site, and it's that important that they put it on their Web site so the world can see the issues they're going to be dealing with.

To ensure all communities have reasonable and equitable opportunity to access these funds, municipalities have raised another issue. Often these programs require municipal governments to come up with a portion of the funding. Sometimes they are asked to contribute up to a third of the money. For large projects, it is impossible for communities, with only a few hundred residents, to come up with the funding.

The resolution to be debated this weekend asked the minister to waive the portion of funding that is required from municipalities. This change would ensure small municipalities are not left out. Will the minister make that commitment? Will he waive this requirement so all communities can benefit?

Hon. Mr. Fentie: I think what we have here is a clear misunderstanding by the Official Opposition of how any of these funds work. As a matter of fact, they have a total misunderstanding of the fiscal position of Yukon, its budgeting, its investments, the tremendous increase in infrastructure and capital projects throughout the Yukon, community by community, the increase of the municipal grant — the first government in decades that has actually increased the available fiscal resources for municipalities over a five-year plan.

So when the member starts speaking about red tape — well, there is no red tape between the Yukon government and municipal governments — it called "accountability". These members obviously would try to circumvent that process. Second, when the member says municipalities are required to invest one-third of a capital project, that is something that the federal Liberal government created and it is called the municipal rural infrastructure fund where the federal government puts in one-third, Yukon government puts in one-third and the municipality puts in one-third. However, under the new Building Canada fund, the Yukon government and the federal government have removed that requirement, and we have a 75/25 split, and this government made sure municipalities and First Nation governments received the majority of the gas tax funding.

Question re: Toxic chemical exposure

Mr. Hardy: I have some questions for the minister responsible for the Workers' Compensation Health and Safety Board in response to some inquiries the NDP caucus has received from Yukon firefighters. There are some workers who, in the course of their duties in protecting the public, necessarily come in contact with a toxic environment. The fire scene is one such environment and firefighters run the job-related risk of exposure to toxic chemicals on a daily basis.

Has this issue been brought to the minister's attention, and what is he proposing should be done to address some of these very legitimate concerns?

Hon. Mr. Hart: I'm not fully aware that this issue has come recently to light, as he has indicated, but I can assure the

member opposite that Occupational Health and Safety is ensuring that all of our volunteer fire department people have the appropriate training necessary for all the issues dealing with fire situations throughout the Yukon. Training is provided to all certified volunteer firemen.

Mr. Hardy: For the minister opposite, I'm talking about something slightly different. I'll give him a little bit more information in this regard, and hopefully some suggestions that he may be able to act on.

Manitoba, British Columbia, Ontario, Nova Scotia, Alberta and Saskatchewan have legislation and regulations referred to as "presumptive legislation." For the minister and other members, I will table four copies of a section of Manitoba's *Workers Compensation Act*, plus regulations.

Under Manitoba's presumptive legislation, certain cancers are considered occupational diseases. Cancers of the brain, bladder, kidney, non-Hodgkin's lymphoma, leukemia — these are all presumed to be occupational diseases for firefighters. Manitoba and other jurisdictions spell it out.

Do we in the Yukon need to make a specific amendment or regulation to ensure that our firefighters put their life and health on the line to protect people or guarantee that they will be compensated should they end up with cancer from on-the-job exposure?

Hon. Mr. Hart: The Yukon Workers' Compensation Health and Safety Board has worked closely with the fire marshal, fire chiefs, and the Association of Yukon Communities to develop the achievable compliance strategy that is in accordance with occupational health and safety standards, as I indicated earlier, to ensure that we provide proper training for our workers in the field.

The Yukon Workers' Compensation Health and Safety Board is satisfied that efforts by the Department of Community Services in developing safe work procedures and offering training for volunteer firefighters is sufficient, but I'll be more than happy to read the information that the member opposite has provided.

Mr. Hardy: Now, under the *Workers' Compensation Act*, section 17 states: "Unless there is evidence to the contrary, an injury is presumed to be work-related if it arises out of and in the course of a worker's employment." And that's it.

A board policy says that section 17 ensures that the worker receives compensation in cases where the decision-maker can conclude that the worker's injury either arose out of or occurred in the course of employment. What I read into this is that presumption is evidence-based and determined by a decision maker on a case-by-case basis. We don't think this is enough to cover firefighters who end up with cancer that is known to be linked to the toxic environment they work in. No matter how many safety courses we put on, they are still exposed and they are still in danger, and we need something in place.

Will the minister ensure that the Workers' Compensation Health and Safety Board looks at how other jurisdictions are addressing presumptive legislation and make changes to ensure that fire fighters and their families have the assurance that they will be cared for?

Hon. Mr. Hart: Mr. Speaker, as I stated, we think highly of our volunteer fire departments throughout the Yukon. We try to ensure that all the necessary training is available for them to ensure their safety and to ensure the safety of others. As I stated, I would be more than happy to review the information and pass the information on to the officials at Workers' Compensation Health and Safety Board for them to review, and I would be happy to get back to him on it.

Question re: Education standards

Mr. Edzerza: Mr. Speaker, soon after a damaging report on education in the Yukon by the Auditor General of Canada, the minister went and searched for answers from other Education ministers across Canada who are experiencing similar problems. The minister attended a summit on aboriginal education that took place in Saskatoon. The summit of ministers from across Canada and some invited chiefs of different First Nations were in attendance.

Did the minister obtain new information he never heard of before that was not recommended in the education reform project?

Hon. Mr. Rouble: Mr. Speaker, yes, the Council of Ministers of Education, as part of their Learn Canada 2020 strategy, have identified that First Nation education is a concern across the country, that every province and every territory recognizes the necessity, and indeed the moral imperative, to increase the educational outcomes for people of First Nation ancestry.

As such, council members and all provinces and territories committed themselves to taking action steps in order to do this. Yukon certainly was in attendance with representatives from Yukon First Nations. Additionally, the Council of Yukon First Nations was invited to attend. It was an excellent opportunity to discuss the issue, to hear different perspectives on it and to find out some of the best practices that are being conducted across Canada.

Indeed, Yukon, as the member opposite is fully aware, does have some of the best practices in place — although there is always an opportunity to learn from others, and we all came away from the conference having gained more.

Mr. Edzerza: Well, the education ministers across Canada have met before regarding the poor progress and graduation rates of First Nation students in Canada but were unsuccessful with improvements. However, this meeting was different. Some of the First Nation chiefs were actually in attendance, which is amazing. They were actually invited to participate, which I might add, is a recommendation that I gave at a ministers meeting when I was the Minister of Education. It is good that at least First Nations were at the table.

My question to the minister: will the Yukon Party government follow other education ministers across Canada and do what is necessary to improve First Nation success in education in Yukon?

Hon. Mr. Rouble: Mr. Speaker, I appreciate the member opposite's question. Indeed, we look at the statistics not only here in Yukon, but also across Canada and see that First Nation students, taken as a collective, have not reached the same level of success as other students in our system. Mr.

Speaker, that is simply unacceptable. We must close the gap in performance between students of First Nation ancestry and non-First Nation ancestry and we must raise the bar of performance for all students.

This government has taken considerable steps with our partners in education: working with First Nation governments, with the establishment of the First Nation Education Advisory Committee, with the creation and implementation of the First Nation program and partnership unit. There have been changes made to our education system, including full-day kindergarten programming, curriculum content and other programs that I can detail in debate once we get into the specific budget debate.

The Government of Yukon has recognized the necessity that we take action in this area and have allocated resources and mobilized people in order to accomplish that.

Mr. Edzerza: There are many good recommendations that First Nations made to the education reform team. One of them was to have education on the Yukon Forum agenda as a permanent agenda item, and this was a very good recommendation. One Yukon First Nation chief said that it's not just the responsibility of the Department of Education, but the Premier and his Cabinet also have to make some changes in terms of policy and legislation if we are to succeed in making the changes that are needed.

Does the minister agree with these comments from a Yukon First Nation chief who participated in the education reform process?

Hon. Mr. Rouble: Mr. Speaker, I certainly agree that all members in Yukon society — all people — have a role to play in education. That includes students, parents, teachers, school councils, administrative staff, self-governing First Nations, and non-self-governing First Nations, as well as the Department of Education.

The Department of Education works very closely with all other departments in the Government of Yukon, including Environment, Health and Social Services and Justice, just to name a couple, in order to address the needs of our students. And, Mr. Speaker, we will work with other orders of government in this territory. We are not the only ones that put forward items on the Yukon Forum agenda. That is a joint process.

Also, Mr. Speaker, once the Council of Yukon First Nations has decided upon their structure for the replacement of the Chiefs Committee on Education, I look forward to working with that body to address the issues of concern to Yukon chiefs across the territory.

Question re: *Education Act* amendments

Mr. Fairclough: Mr. Speaker, one proposed change to the *Education Act* that the minister is considering is disturbing. The minister clearly intends to further diminish the already limited jurisdiction of school councils by removing the autonomy that councils presently have in developing their school plans.

Mr. Speaker, it is this kind of regressive thinking that has forced the francophone school board to take this minister to court. The minister continually talks about his many partners in education yet here in Education Week we have one partner taking the minister to court, several First Nations contemplat-

ing drawing down education and at least one Yukon community considering forming their own school board. Will the minister rescind his plans to further curtail the authority of school councils and try to resolve the differences with the francophone board without taking this case to court?

Hon. Mr. Rouble: The member opposite has asked me to comment on a case that is before the courts. The member opposite knows full well that I can't do that.

He has also in this question incorporated the issue of the school growth planning processes. I should ask too, Mr. Speaker, the member opposite might want to take a look at the Standing Orders about these types of questions that are contrary —

Some Hon. Member: (Inaudible)

Point of order

Speaker: Order please. On a point of order.

Mr. Mitchell: Mr. Speaker, I refer to the guidelines for Oral Question Period, specific rules, item 11. A question is out of order if it deals with a matter that is before the court. In civil matters, however, this restriction will not apply unless and until the matter is at trial. This matter is not at trial. The minister can answer.

Speaker: The Member for Lake Laberge, on the point of order, please.

Hon. Mr. Cathers: Mr. Speaker, I believe there is no point of order. I believe this is merely a dispute among members.

Speaker's ruling

Speaker: From the Chair's perspective, the question is in order. It's up to the minister to answer the question as he sees fit.

Minister responsible, you have about 30 seconds left.

Hon. Mr. Rouble: Thank you, Mr. Speaker. The school growth planning exercise has been discussed significantly with department officials, school administrators, school councils, the Yukon francophone school board and the Kluane Lake school committee. I might add, Mr. Speaker, that I'd like to pass on my congratulations to the Kluane Lake school committee. They have now become the Kluane Lake school council. Mr. Speaker, we have worked very progressively with our partners in education to establish a school growth plan, and I expect it will be a very positive tool for schools and our communities to use to ensure that the values and ideas of the schools —

Speaker: Thank you. First supplementary, please.

Mr. Fairclough: Mr. Speaker, this minister is presently an obstacle to education reform. We heard that from the public; we heard it from school councils all over the territory. The present system is a top-down driven system where the partners are really nothing more than invitees to countless meetings.

They have no say in the decisions that govern our system. The Premier made that very, very clear on several occasions. This autocratic form of governance must stop. The minister could make a significant first step by resuming talks with the

francophone board and by halting his regressive amendments to the *Education Act*. Will he do that?

Hon. Mr. Rouble: I have come to expect the insults from the member opposite but the member opposite doesn't need to insult the partners in education who are involved with this process. To call the partners in education who participate in things like school council meetings, such as the one that was held in the territory last week — we saw members from the rural communities and from Whitehorse come in and give of their time in order to make education better, and I applaud their efforts. I applaud the efforts of the teachers, the administrators and all involved in making education better for Yukon's youth. To insult them, Mr. Speaker, is just ridiculous. Mr. Speaker, the member opposite should be aware that the School Planning Advisory Committee also included the Yukon Teachers Association, the Association of School Administrators, people from the First Nation Education Advisory Committee, and all are working to make the education system better and more responsive to the needs of Yukoners.

Mr. Fairclough: In Policy No. 1008, principle 1 states, "The Department of Education supports community-based School Growth Planning as a tool to building community-based schools."

That's a wonderful principle; however, the policy goes on to say that it should include a maximum of four goals, and it even gives a heading of what the goals shall be. Further in the policy, it goes on to say, "Annual School Growth Plans will be submitted for approval to the Department..."

Will the minister assure this House that he will not introduce such regressive amendments to the *Education Act*?

Hon. Mr. Rouble: Our current *Education Act* already calls for the creation of school growth plans. The central document, the school learning plan, often identifies goals decided on a community basis. Many of the communities have identified the goals of numeracy, literacy and First Nation engagement as three of their key goals. Others have identified numeracy, literacy and social responsibility.

What I'm hearing now is that the Liberal Party does not endorse the goals of enhancing capacity in numeracy, literacy and First Nation cultural engagement or social responsibility. I guess the Liberal Party has different goals for Yukoners than learning about numeracy and literacy.

It is important that our schools contribute to raising the next generation of Yukoners. Certainly that involves having a strong background in numeracy and literacy. We'll work with our partners in education to enhance the education system and to address the additional areas that are identified as important by community members.

Question re: Workplace injury reporting

Mr. Fairclough: Let's try a different minister. Yesterday we questioned the acting minister about changes to guidelines for reporting workplace injuries. The acting minister was quick to point out that we should check our facts and table the information.

Mr. Speaker, I have for filing two documents from the Workers' Compensation Health and Safety Board Web site. The first document is the guidelines for reporting injuries that

was in effect at 2:15 p.m. yesterday afternoon. The second document is guidelines for reporting injuries that was in effect at 2:20 p.m. yesterday afternoon — five minutes later. The guidelines for reporting workplace injuries literally changed before our eyes.

Will the minister now set the record straight: are employers required to report all workplace injuries or not?

Hon. Mr. Hart: All employers have to report all injuries that require medical attention to the Workers' Compensation Health and Safety Board.

Mr. Fairclough: Well, Mr. Speaker, different answers from a different minister.

Employees have been selectively reporting workplace injuries for the past few months, for the minister's interest. This policy change was communicated by Workers' Compensation Health and Safety Board on its Web site, and raised by the Yukon Employees Union newsletter. The Web site clearly indicated that employers were not expected to report all workplace injuries any more.

At 2:20 yesterday afternoon, the policy was changed. Employers now have to report all workplace injuries again, so we're left with many questions. We don't know why the policy was changed in the first place, and we find it hard to believe that Workers' Compensation Health and Safety Board would change the policy without the approval of government, so the big question that remains unanswered is, how many workplace injuries went unreported over the past few months?

Hon. Mr. Hart: For the member opposite, I think that it was as stipulated in this House on several occasions, with regard to this question that all employers have to report all incidents with regard to accidents that require medical attention, and they have to report them within a three-day period.

I might add, Mr. Speaker, that in many cases they have to report them prior to the three-day period. Anything that requires an incident where death could have resulted from the process has to be reported immediately.

Mr. Fairclough: Mr. Speaker, the damage is done. The *Workers' Compensation Act* requires that workplace injury be reported. Employers were directed by Workers' Compensation Health and Safety Board to selectively report injuries. Does the minister understand that? We don't know how many unreported workplace injuries we're dealing with. The Workers' Compensation Health and Safety Board policy was suddenly reversed at 2:20 p.m. yesterday afternoon. Yukon's workplace injury rate is now inaccurate. The government can no longer claim, with any degree of credibility, that workplace injuries have been or will be reduced. Will the minister take responsibility for this issue or is he going to lay the problem at the feet of officials like they did yesterday?

Hon. Mr. Hart: You know, unlike the members opposite, I don't like to blame my officials with regard to an incident that happened in the workplace and the performance of their duties. I would also like to commend the officials at the Workers' Compensation Health and Safety Board for ensuring that all workers receive their due right as they are entitled under the act. I might add that recently the annual report stated that the fund is 105 percent fluid with regard to its workers and

that there is no loss of fluid monies for those workers who are injured. It's very important. Our officials have done a great job in ensuring that we have an open and secure base for all workers to bring their work issues to the Worker's Compensation Health and Safety Board and follow the terms of the act.

Speaker: The time for Question Period has now elapsed.

Notice of opposition private members' business

Mr. Cardiff: Pursuant to Standing Order 14.2(3), I would like to identify the motions standing in the name of the third party to be called on Wednesday, April 22, 2009: Motion No. 688, standing in the name of the Member for Mount Lorne, and Motion No. 681, standing in the name of the Member for Whitehorse Centre.

Mr. McRobb: In the interest of expediting debate, the Official Opposition will forego the opportunity to call a motion for debate tomorrow.

Speaker: We will now proceed with Orders of the Day.

ORDERS OF THE DAY

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Mr. Nordick): Order please. Committee of the Whole will now come to order.

The matter before the Committee is Bill No. 72, *Corrections Act, 2009*. Do members wish a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 72 — Corrections Act, 2009

Chair: The matter before the Committee is Bill No. 72, *Corrections Act, 2009*.

Hon. Ms. Horne: Mr. Chair, the *Corrections Act, 2009*, represents one of the pillars that have come out of the original corrections consultation initiated by our government in its first mandate.

In 2004, we began an exhaustive consultation that canvassed Yukoners on what they thought the future of corrections

should look like. The consultation resulted in the final report that was presented to the Yukon Forum in December of 2006. The final report called for — among other things — a redrafting of the legislative framework under which the corrections system operated. This strategic plan, which was released in February in response to the final report of the corrections consultation, contained in it immediate direction to begin the replacement of the legislative framework. Work began immediately on the new corrections act and public consultation began in late 2007 and finally finished in January of this year.

I would like to thank all of the participants in the consultation. Their input was very important in creating the final product that we have with us here today.

I would also like to thank the legislative advisory committee that was established to oversee the consultation and the staff of the Department of Justice who worked so hard to put everything together and who conducted such a thorough and well-run consultation. The *Corrections Act, 2009* and its associated draft regulations represent a significant departure from the regulatory framework that it is meant to replace.

Where possible, I will refer to the sections in the act, and I will also mention to the House for members' information where more information can be found in the regulations. I realize that this House does not debate regulations; however, members should know that this regulatory package is best viewed in its totality with the regulations, which are available on the Department of Justice Web site.

The first difference that the reader of the act can see is in the section entitled "Principles of corrections". This new principles section sets out the main policy objectives of this act and regulations. The paramount consideration is the protection of society and the rest of the principles flow from there.

High on the list is collaboration with First Nations, who make up a majority of the inmates held at the correctional centre or on probation. There is an onus on government to provide programming that is culturally relevant for Yukon First Nations. In addition, there are objectives calling for specialized programs for women. There is also a section pertaining to staff and their needs and obligations. There is a section calling for a fair process for administering discipline within a correctional centre. There is also a section that sets out an objective for the public and interested organizations to have continued involvement in the development and delivery of programs for corrections. The principles section gives the policy direction for the rest of the act and regulations and sets the tone of the whole regulatory framework.

Mr. Chair, there is a new provision creating the position of director of inspections and standards. This person will have duties and powers surrounding the administrative law functions of the new act and regulations, such as inmate discipline and compliance with the act. There are new provisions in the act surrounding the ability to enter into agreements with First Nations over a broad range of programs and services for corrections. A provision was inserted at the request of the First Nation members of the LAC working group to indicate that nothing in the act shall affect any provision of the self-government agreement.

There are normal provisions governing the duty and powers of corrections staff. A new program integration section puts Yukon at the leading edge of corrections legislation in the country. There are also provisions such as search and seizure, and inmate communications monitoring sections that are modern and reflect current best practices and the current common law.

There is a section authorizing urinalyses that formally allows the collecting of urine samples. This puts us in line with other jurisdictions and within the common law on this issue.

An updated and modern discipline process was established with adequate appeal provisions and sufficient natural justice elements. This was of particular interest to the Ombudsman. Independent hearing adjudicators are authorized and will be utilized during discipline hearings for major offences as prescribed in the act and regulations.

An alternative dispute resolution mechanism that will incorporate restorative justice principles is authorized and is unique in Canada. An earned remission system is established under the act in regulations.

A community advisory board is established under this act, which will allow for continual community involvement in the corrections system. The director of corrections is mandated to establish a strategic plan for community involvement. This will ensure the communities will continue to be heard and the momentum gained from our thorough consultations will be sustained well into the future.

I will be going through these various sections in more detail as we work our way through this act. In particular, I will be going over what we heard during this consultation and then will illustrate to the members how this was eventually reflected in the act. I look forward to discussing this act and answering your questions.

Mr. Elias: It's an honour and a privilege to rise in the House today to debate Bill No. 72, *Corrections Act, 2009*. I do have a few questions for the minister.

First of all, I'd like to say that I, too, thank each and every person and organization and government that has submitted their comments and participated in the consultation process, because I do think that the product of this act has gone through a good consultation process. I thank each and every individual in this territory who participated in that process. It was a long process; it took a lot of time and a lot of years, but it's good to see a product like this piece of legislation, because I think it heads in a new direction that was needed in our territory years ago. As a fairly youthful politician, this is encouraging for me to get on the floor today and debate this with the minister.

In summary, this new act provides the opportunities, as the minister touched on, for modernizing the regulatory framework in governing the delivery of correctional services. It includes principles that establish the overall objectives of Yukon's corrections system, and again, the new direction that this is heading into. There's an obligation for staff to deliver relevant programming, and it's important to note the many women's issues that are outstanding, as well as the First Nation issues.

I met with some First Nation individuals the other day who have gone through the system and explained the things they see

that need to be changed, and some youth, as well, up at the youth correctional facility. Some 90 percent are aboriginal children.

So those are some of the points that provide the opportunity for legislation such as this to move forward in Yukon: the new disciplinary model that allows for progressive alternative disciplinary panels that will bring what some people feel is fairness to the new disciplinary matters.

The question I will be asking is the allowance for contracting of correctional services with Yukon First Nation governments and non-government entities. I do have a question on that, so if the minister could maybe prepare for the upcoming question — but also, in my summary, is the continuous community involvement in corrections through community advisory boards. The measures to ensure security of our correctional centres is another item and, as the minister mentioned, the establishment of the new position of director of investigations and standards to provide oversight for the correctional system.

These are new things, and I look forward to discussing them over this time in general debate on the *Corrections Act, 2009*. It is interesting that the corrections branch works in collaboration with Yukon First Nations. That is another general question — it is the word “collaboration” that I might ask for further definition of. It is good to see that wording such as the corrections branch considers the rehabilitation, healing and reintegration of any offender as basically a priority.

I think that this is a workable piece of legislation. It is a very good start and the consultation protocols that occurred to what we are debating today are very good.

I will begin with the question about contracting out of correctional services with Yukon First Nation and non-government entities. The question is this: in the current system that we have now, are any existing positions in our public service going to be removed or reorganized should any agreements between Yukon First Nations and non-government entities to implement this act occur?

It's under section 4, under section 3, of the act. That was a question that was posed to me, so maybe we'll begin with that one.

Hon. Ms. Horne: The question was, does the *Corrections Act, 2009* allow for contracting out of corrections. I can reply that the *Yukon Act* gives the authority to the Yukon government under section 18.(1)(l) for legislation regarding the establishment, maintenance and management of prisons, jails or lock-ups.

The Yukon government cannot delegate the authority for legislating under this section, but it can craft legislation to give the government authority to enter into service agreements for the delivery of correctional services for Yukoners. The *Corrections Act, 2009* has provisions in it under sections 3 and 4 that allow for the government to enter into agreements with First Nations, NGOs and other governments or entities for the provision of services to the corrections branch for the purpose of carrying out correctional services. In addition, Yukon First Nations have the ability to draw down correctional services under their final agreements, under section 13. So far, no First

Nation has negotiated this kind of drawdown, but it could happen in the future.

Our government already enters into contracts for a number of services and program with community groups and First Nations, as well as giving access to volunteer organizations to the correctional centre for providing services. We have committed to ensuring that the delivery of correctional services is as flexible as possible so that we can take advantage of community capacity when it does become available. In order to ensure success at reintegrating inmates and persons placed on conditional sentences or probation, we are going to need many service providers working together, both during warrant and after warrant expiry.

Our government has a vision of corrections that includes the community as much as possible because, in the end, each inmate will be freed into our communities, and we need to do everything we can to ensure that we have in place those supports necessary to rehabilitate and support these persons trying to live lawful lives.

Our government has never stated that we are going to relinquish control over corrections. What we have said is that we are going to build the best correctional system in Canada and part of that is working with our community partners in a positive and mutually beneficial way. The *Corrections Act, 2009* allows us to do that, Mr. Chair.

As to the last question, no positions will be lost as a result of these sections.

Mr. Elias: Okay, it's basically on the same topic but I'm going to ask the minister with regard to public service positions and the consultation process that happened with the Yukon Employees Union. Does she have any documentation saying that the Yukon Employees Union is in agreement with sections 3 and 4 of the act? Basically, can she lay out the consultation process that she did do with the Yukon Employees Union with regard to these two sections?

Hon. Ms. Horne: I'd like to respond to a question I missed earlier on collaboration. We have drafted this act so it reflects what we heard in the consultation. For instance, we heard during the consultation with First Nations — in the consultation on corrections and in the *Corrections Act, 2009* consultation — that they would like more direct input into the delivery of correctional services. They also indicated that they would like to see culturally relevant programming incorporated into corrections and that staff receive culturally relevant training. First Nations also wanted an ongoing say as to how programs and services would be delivered in the new correctional model. Finally, First Nations had comments on nearly every aspect of the act and regulations and, while the questions weren't always First Nation-specific, it did indicate a very strong interest in corrections and how corrections could be improved upon. The spirit with which the consultation information was given was a very positive experience for the consultation team. The information put into the act has resulted in an act that is reflective of where First Nations wanted to see the future of corrections.

Mr. Chair, this is what we heard translated into the act. The *Corrections Act, 2009* contains under section 3 important

new provisions for entering into agreements with First Nations or First Nation corporations or entities for the purposes of delivering all manner of correctional services and programs governed by the *Corrections Act, 2009*. In addition, the agreements can be for the lease or use of property. In the regulations there is an enumerated list of what each agreement shall contain.

Within the act there is also a section that states that nothing in the section dealing with First Nation agreements in any way supplants the obligations of the Government of Yukon or a Yukon First Nation under 13.6.1 of a Yukon First Nation final agreement. Section 13.6.1 deals with the negotiation and drawdown powers for the administration of justice for all First Nations. Some of the text for section 3 was found in the original consultation document, as well as in the draft versions of the *Corrections Act, 2009* that were circulated to the public.

Some of the text for section 3 was found in the original consultation document as well as in the draft versions of the *Corrections Act* that were circulated to the public. This section codifies and establishes the framework for future cooperative arrangements that the Government of Yukon and any Yukon First Nation or group of First Nations could enter into to provide services and programs. This is a very important step forward for the delivery of culturally relevant programming now mandated in the act and for providing an opportunity to First Nations to deliver programs and services to their own people and any clients that they may establish under the agreements. The consultation generated a great deal of discussion and interest about these sections and the final draft version represents a broad mandate under which the Yukon government can go forward with our First Nation partners in the delivery of this service. Section 10(1) and, in particular, section 10(2)(a) further codify the obligation to provide programming that reflects the needs and culture of offenders who are First Nation persons.

There are other important sections within the act other than the sections dealing with First Nation agreements that should be noted under this heading. The principles of corrections section represents the greater policy direction that the act will take in the delivery of correctional services and programs. In the principles section, under 2(b), there is a statement that says, "the Corrections Branch works in collaboration with Yukon First Nations in developing and delivering correctional services and programs that incorporate the cultural heritage of Yukon First Nations and address the needs of offenders who are First Nation persons."

This is an important policy statement that mandates the corrections branch to work collaboratively with First Nations in the development and delivery of programs, which was absent in the old *Corrections Act*.

In addition to the section above, there is also in section 2(f)(i) in the principles section it states that "staff...are given appropriate career development and training opportunities, including training respecting the cultural heritage of Yukon First Nations,".

Later, in section 6 of the act, the staff is mandated to follow the principles while carrying out their duties under the act.

First Nations also expressed concern about how inmates are released back into communities. In particular, they wanted to be notified, where possible, when a person was to be released back into their community. “Under the discharge of inmates, Regulations section 6(3) states: ‘if the inmate being discharged is a First Nations person and consents to the notification, the person in charge must notify the First Nation or other First Nations group of which they are a member, that the inmate is being discharged.’ This will allow First Nations to prepare for the release and plan for the delivery of programs to offenders once they return to their communities.”

Finally, in the previous section on community involvement, there is a discussion about the sections that create the community advisory boards and the section that creates the strategic plan for community involvement in the corrections system.

First Nations had a lot to say about these sections and that was certainly reflected in the outcome. As to the question raised, staff were consulted widely during the *Corrections Act, 2009* consultation. All staff were given a chance to submit any concerns or thoughts on the act and regulations. All staff were given a line-by-line briefing on the act and regulations. No submission was received from the YEU on the *Corrections Act, 2009* and regulations. The local president, representing corrections officers, was present when the act was presented to the staff.

Mr. Elias: I thank the minister for her response, even though it didn’t really address the specific question I was asking. I was asking if the Yukon Employees Union — is there any documentation saying they support sections 3 and 4? That should have been a part of what the minister heard during her consultations. That was the question.

She did mention in her last response things about the regulations. I know we can’t debate the regulations on the floor of the House, but I do have questions with regard to security measures, inmates’ rights and responsibilities, administration, and all the other matters in the regulations, and maybe I’ll find another venue to discuss those with the minister.

I’ll move on to section 8, where it addresses volunteers. Under section 8(1), it says, “The director of corrections may appoint volunteers to provide correctional services for offenders in accordance with this Act.” I guess the question is, if you’re going to put volunteers in a situation where they’re providing correctional services, how are volunteers covered by the *Workers’ Compensation Act* and regulations?

Hon. Ms. Horne: On the Yukon Employees Union, we did not receive a submission either for or against sections 3 and 4. As to the volunteers being covered by WCB, it is not established under this act; it would be on a case-by-case basis that coverage would be extended to volunteers, but it is not automatic.

Mr. Elias: Well, that begs the next question then. With regard to liability and the security of the volunteers who want to actually exercise this section under the act, I guess the question is, what if a volunteer gets hurt while delivering these programs and services under the act? Who is responsible and how is that going to be addressed?

Hon. Ms. Horne: We currently have volunteers at the correctional centre and we will ensure they have training and are aware of their rights and responsibilities under WCB. It would depend on the nature of the accident. If volunteers are hurt under the act, it would be on a case-by-case basis.

Mr. Elias: In section 8, I would recommend that this be fleshed out more, maybe in the draft regulations, because this could become an issue of government liability.

Anyway, I’m going to move on — under section 10(c), under programs and services, it says, “provide for the specific needs of other classes of offender that are identified by the director of corrections.” Can the minister elaborate on what she means in the legislation by “other classes of offender”?

Hon. Ms. Horne: The response to safety of volunteers is driven by policy in the act and the *Workers’ Compensation Act*. The question on fleshing out the other classes of offenders — an example of other classes would be 10(c) protective custody, mentally disordered or sexual offenders.

Mr. Elias: I’ve only got a couple more here for the minister. Can the minister explain how this act addresses the needs of inmates in remand, because sometimes inmates in remand in the current facility spend long periods of time in there? I am talking about access to programming for inmates in remand and temporary absences. Does the act allow for inmates in remand to access programming within whatever facility ends up to be in place? Are they going to be allowed to qualify for temporary absences from the facility?

Hon. Ms. Horne: One of the advantages we have in Yukon is that all inmates have equal access to programming and can qualify for temporary absence. They are able to accept the programming; we can’t force them to take the programming; they have the option of taking the programming or opting out.

Mr. Elias: This concern was, as I said, addressed to me and was asked of me: to engage the Minister of Justice today on the *Corrections Act, 2009*, because this person was going through the system years ago and they wanted to know the specific answer.

They considered it a problem: having the access to programming — not saying that they’re being forced to go to the programming — or having access to Alcoholics Anonymous programming, traditional programming, rights to their religious beliefs, i.e. going to church every Sunday, sporting activities, participating in drug and alcohol programs, life skills services, those types of things. And I’m talking specifically about individuals who end up in remand. It was a problem for this individual, and that’s why I’m addressing it on the floor of the House today, because sometimes they’re there for months at a time, and they’re not allowed temporary absences — that was communicated to me — and full access to all the programming that’s being delivered in the facility.

So I’m just here today to talk about the legislation and to verify that these concerns are being met by this legislation that’s on the floor of the House today.

Hon. Ms. Horne: Yes, absolutely. All inmates have equal access and qualify for temporary absences and they can also access all the programming that is available. I can’t speak

on any specific case — I don't know how long ago this was. It is not only under this new act; it's in place right now that all inmates have access to temporary absences and all programming.

I can inform this House that inmates who have been remanded into custody while awaiting trial are able to attend programming in the same manner that the sentenced inmates are. The difference between inmates remanded into custody, as opposed to inmates who are sentenced, is that they are innocent in the eyes of the law and therefore cannot be compelled to take programming. Inmates who are remanded into custody while awaiting trial are also eligible for up to one and a half times credit while awaiting trial and, if the trial takes long enough to occur, then it's possible for the sentence to lead to a time-served ruling at the time of sentence or a relatively short period that will make up the inmate's sentence at the end.

Short periods of time where inmates are serving a sentence as opposed to being incarcerated on remand are sometimes not enough to engage in programs that would lead to change, and another factor there is the security level of the individual. This is a problem across Canada within the remand system and is one of the reasons the federal government announced that they are going to be limiting the time awarded for remand to be a maximum of one and a half to one time. Sentenced inmates must take programming and participate in work programs under the *Corrections Act*. Our government has made a strong commitment through our actions to improve the delivery of programming at the Whitehorse Correctional Centre and ensure there is accountability for inmates.

We are dealing with the underlying problems of inmates that lead to offending by having a strong focus on treatment in our correctional system and in our communities. Temporary absences are managed by risk. Not all inmates will be eligible for temporary absence — again, depending on their status.

Mr. Elias: In my closing comments, from my initial questions here, this has been a very large, complicated and time-consuming exercise that many Yukoners, many governments and many non-government organizations and women's groups — and the list goes on and on — have participated in this. I will say this again: it is my opinion that the legislation that we have on the floor today is a very good example of consultation and it reflects the vast majority of principles that many Yukoners consider to be important, and it is a good start. There is room for improvement but I want to take this opportunity to thank those many Yukoners who participated in this exercise over the years and I look forward to the full and proper implementation of this legislation and its accompanying regulations.

Hon. Ms. Horne: Rewriting this act has been very rewarding for the Department of Justice and this government. We are very pleased with the outcome and we feel it covers all aspects.

Another thing that we didn't mention is the care of the women and the client-focused programming that we're offering at the centre. During the consultation we heard from First Nations that there needed to be the culturally relevant programming for First Nations.

Currently, in the correctional centre, 75 percent of the offenders are of First Nation ancestry, and we want to target those offenders. First Nations feel strongly that if this imbalance is to be corrected, then one of the ways to do this is to have culturally relevant programming wherever possible in the correctional system.

There is also strong representation from women's organizations that wanted to see programming specific to the needs of women in the new act and regulations to ensure that this portion of the offender population receive tailored programming to their needs. It's an unfortunate fact that the number of women in the correctional system has been rising in the last number of years, and we work very hard to ensure that this will be corrected.

Finally, other groups of offenders were often brought up, such as those with FASD or offenders with other forms of mental or emotional defects due to brain injury or other forms of mental illness. Mr. Chair, the act reflects what we heard, and it starts again under the principles section.

First Nation involvement in the correctional system calls for the development of culturally relevant programming. We have gone over this new act and, as I said, we are very proud of the work that this department has put into this new act. We're also very pleased with the reception of the First Nations and the public in putting this forward. Our primary goal is the protection of Yukoners, and to reintegrate offenders into their communities and lead productive lives.

Mr. Cardiff: Thank you, Mr. Chair, and I'd like to take this opportunity to enter into the debate on Bill No. 72, the new *Corrections Act, 2009*.

I'd like to start by thanking the officials for both being here today and for the very thorough briefing that we received on the *Corrections Act, 2009*.

In my view, this is probably one of the most important pieces of legislation we're going to be dealing with in this sitting. This is pretty important stuff. When you look at what we had before, how old and antiquated it was, and the great strides that we have made, this is very, very important legislation.

I think it was mentioned earlier, and it was mentioned several times, that there was a very lengthy and exhaustive consultation process on correctional redevelopment, correctional reform, correctional strategy and the *Corrections Act, 2009* itself. Of all the government consultations, this is probably the one that has been most successful.

I still would like to ask the minister some questions. I'd like to say that when we look in the act, I've heard the minister talk about how the facility is going to be a healing centre that's geared toward rehabilitation, with flexible programming, and I see some of that reflected in the principles. It talks about rehabilitation, healing, reintegration of offenders.

One of the other things the minister has said, though, and what has come out in questions here in Question Period in the Legislature, is the idea of it as a treatment centre, and that the facility will be available. People will have access, 24 hours a day, 7 days a week.

It's my understanding — and what I'm asking for is for the minister to clarify this, not the Government House Leader, so if

the minister can clarify this — because it's my understanding that it's going to be available for people who have gone through the Community Wellness Court or the therapeutic court. There are several names for it.

I'm just wondering how this act is going to facilitate that use of the correctional facility, if the minister can answer that.

Hon. Ms. Horne: This would not be part of the *Corrections Act, 2009*; it would be of the facility. What we are discussing here today is the new *Corrections Act, 2009*. I would suggest that the member ask the Minister of Justice that in our budget during Committee of the Whole.

Mr. Cardiff: Well, I was hoping the minister could answer it now because the two are related. The *Corrections Act, 2009* is about the corrections facility and how the corrections facility operates — from my perspective.

What I'm asking is, both the minister and the Premier have talked about a treatment facility that can be used by people who are going through the justice system, through the Community Wellness Court. They are going to have access to the facility seven days a week. What I am wondering is, how does the *Corrections Act, 2009* — which governs the operations of the corrections facility — the last time I looked, that is what it talks about: how the corrections system works and how the facility is going to operate. What I am looking for is how this act empowers or facilitates the operation of the facility as a seven day a week facility that is open to members of the public who have gone through the justice system — is my understanding — so that they can access it for treatment. I am unsure of where that is. I think the Government House Leader thinks he knows where it is; I would like the minister to answer the question.

Hon. Ms. Horne: The *Corrections Act, 2009* considers rehabilitation and reintegration in all decisions. The design to use the building for treatment is one of policy. The correctional centre was purposefully designed to facilitate multiple use of the building, providing safety and security for everyone inside it.

Mr. Cardiff: I was hoping there was something in the act that facilitated the use of the facility for that. I understand that it points out rehabilitation, healing, and reintegration of offenders, but the minister doesn't seem to be able to point out the treatment aspect. I'm concerned about the fact of just how it's going to work seven days a week — how that works in the facility and how the legislation ensures that that can happen in a good manner.

I'll move on to another concern in the principles, which is section 2 of the act. It talks about the corrections branch providing opportunities for public organizations and other governments to participate in the development and delivery of programs and services.

I'm not entirely familiar with all the legislation across Canada around corrections. I hear the minister talking about having the best possible corrections act, the best possible corrections system in Canada.

Corrections is about — I'm not disagreeing with the focus that the minister has about healing and rehabilitation; I think that that's important. What we need is inclusiveness, and there are several areas in the principles and it talks about collabora-

tion with First Nations. It talks about responding to the needs of women. It talks about the use of least restrictive measures. The only mention of offenders in the principles section really is that there is an expectation on offenders and that is that they actively participate in the programs.

When we look at the programs, it says that it provides opportunities for the public, for organizations and other governments to participate in the development and delivery of programs and services, but it doesn't allow the offenders to take part in the development. Obviously if they were able to participate in the delivery of programs and services, if there were a way that they could show leadership in the correctional facility — if there was an offender who could show leadership — they should be allowed under the proper circumstances, but it is not allowed for in the act.

It's not mentioned in the act and what I see in here is that there are expectations of offenders in the principles but there's nothing that really develops, that talks about a relationship with the offenders — which is the central aspect of the *Corrections Act*. That's what it's about. I mean it's about public safety, ensuring that we have a system that looks after offenders and rehabilitates them and provides for healing and counselling and treatment, but we need to ensure that the act is inclusive and that there is some sort of a relationship so that they feel that they've got some control over their situation as well.

I think there needs to be some sort of an opportunity for them to at least take part in the development of some of these programs and I think that there could be more language around the relationship of offenders with corrections, other than to put expectations on them.

Hon. Ms. Horne: Inmates and offenders are in the facility to work on their offending behaviour. If they wish to help design programs, they can participate like everyone else through the strategic plan for community involvement or community advisory boards. The inmate representative committee reports to the superintendent for the inmates' wants, needs and operations. They can also be represented in this manner.

The offenders have to accept responsibility and accountability for their offending behaviour. The individual inmates will enter into treatment plans based on their individual needs. I think I've said this prior that we don't have all group programming where everyone has to go into it; we have individual programming designed for that specific inmate.

Again, I think we are ahead of other jurisdictions because we have this type of programming.

Mr. Cardiff: Did I just hear the minister — we have individual programming available for inmates at this time? Yes?

I'd like to ask a question about that. There's no requirement for — and I don't know if it's in the legislation here. It says they're expected to actively participate, but there's no requirement for them to participate, because that would be forcing them to do something against their will, I guess. So is it likely, or is it possible, that they can refuse to participate in programming?

Hon. Ms. Horne: The inmates may choose not to participate but they have consequences for making this choice. If

they choose not to take the programming, they may fail to earn remission time and not have access to temporary absences.

We are trying to find the part in the act here that states this. It is in the act, but we just can't find it here right now. We'll come to that during line-by-line debate.

Mr. Cardiff: I guess it is a concern. We need to take into consideration the rights of every person and individual, but it is disturbing and I think the minister knows what I am talking about when I say this. When inmates leave the facility and they have refused the treatment or the help that is being offered and they leave without getting that help, then the correctional system hasn't achieved what this act is setting out to do.

In the principles, it talks about rehabilitation, healing and reintegration of offenders. I understand that you can't force people to participate. There are some matters for which there are consequences — everybody in the facility is in for two years less a day or less, obviously. So they are all going to get out, and if they haven't received the help they need because they have refused it, and they get out and reoffend, somewhere we are failing. I don't know whether there is anything that can be in the act that addresses that, but it's a concern for me because it's a concern that the public has, most certainly, about their health and their safety when inmates are released.

I think it's important to recognize that we can't force them, and I understand that, but at the same time, somehow we're allowing people to be released who haven't received the help they need, because they've been able to refuse it. It puts both the offender in the situations that I'm thinking of and I think the minister probably knows — and the officials know what I'm getting at.

I don't want to mention it specifically, because I don't think that it's necessarily appropriate right now. The likelihood of someone reoffending, injuring themselves or injuring a member of the public when they've been released without receiving treatment or because they've refused the treatment — how do we deal with that? In this piece of legislation, how can we best address that issue so that the outcomes are good for both the offender and the community?

Hon. Ms. Horne: Mr. Chair, it is truly unfortunate, but as I said, and I can just reiterate that they may choose not to participate. As an incentive, we have the earned remission and access to temporary absence. We found the section here, it's under the regulations, and I'll read it. I believe it covers the question you're asking and suggesting, which is in the regulations on page 6, section (11)1. Under Inmates to Participate, it says, "An inmate who is sentenced to imprisonment must participate in programs, including work programs, as directed by the person in charge unless (a) the inmate is excused in writing by a health care professional; (b) the program is a religious program and the inmate does not choose to participate in it; or (c) the program conflicts with a recognized day of religious observance of the religious faith that the inmate practices."

For greater certainty, the person in charge must ensure that an inmate who is not sentenced to imprisonment gives their consent before being assigned to a program.

I think that covers your question quite well.

Mr. Cardiff: Well, I'm not sure that it does, but I'm going to move on, because we've got a fair bit to cover, and not a lot of time to cover it all.

I'd like to ask the minister about the act. In the act, it says, "The Minister may enter into an agreement with a Yukon First Nation, the council of a band under the *Indian Act* (Canada), or a society, corporation or other entity controlled in whole or in part by a First Nation."

The only organization that the minister can enter into an agreement for has to be controlled in whole or in part by a First Nation? That's the first question.

Hon. Ms. Horne: I would just like to reiterate what we were mentioning earlier. You said that it didn't quite cover the questions you had. I would just like to say that each person makes a choice as an inmate while they are incarcerated. It is our job to provide the opportunity for change and make sure it is there and we are ready to provide programs when they are ready. It is the staff's responsibility to help offenders understand and make the treatment ready for them. This does not always happen but we have provided consequences in the act like the earned remission, which I mentioned is a tool to help the inmates understand the consequences should they decide not to take the programming. That is really the best that we can do.

As to the agreements, if you will look under section 3 on page 9 — 3(1)(a)(b) and (c), there is the ability to enter agreements with First Nations, and section 4 gives the opportunity to enter into agreements with others other than First Nations.

Mr. Cardiff: The thrust of this question is — we can enter into agreements respecting the provision of any correctional services provided under the act in both instances. There are two concerns, I guess. One concern is that this could be the beginning of going down the road of privatization of the correctional system and there are a couple of concerns about that. By contracting out or by entering into agreements with other governments or organizations — and in the section 4 part, that's where it goes — "any other person or group of persons" — because in section 3, it talks about corporations or entities. All it says in section 3 is, "controlled in whole or in part". It doesn't say what percentage of control there needs to be by a First Nation.

I guess the concern is that, down the road, we could see possibly what we've seen in other jurisdictions in Canada and in the United States — going down that road of provision of correctional services by the private sector. I don't necessarily think that is in the best interest of Yukon. I don't think it is in the best interest of the jurisdictions that have done it, for their offenders or for their correction system, because it is driven by — I don't think it is in the best interest because, in most cases, regardless of whether it is another government or a corporation, it is driven by profit and the need to make money and a return for your shareholders. This facilitates and allows for that to happen. I am just wondering and I want to make sure that the minister is aware of that before we pass this piece of legislation. I don't know what words of comfort she can provide in that area.

Mr. Chair, just because the minister of the day doesn't support it doesn't mean that the minister, five years down the road or 10 years down the road or 20 years down the road, isn't going to look at that and go, "Oh, hey, you know it's a real pain operating a correctional facility. Maybe we should contract it out. Then we won't have that headache, and we won't have to deal with all those employees at the correctional facility. Somebody else, some corporation, can do it, and we'll just pay them a flat fee, and it'll be done." They can, you know, try to live up to the principles of the *Corrections Act, 2009*, because that's what it says — any agreement has to respect the principles in the *Corrections Act, 2009* — I believe that's the way that it's worded. But our motivation as public government is about public safety, it's about public good, it's about the needs of the offenders, it's about rehabilitation, and there is not one corporation operating in the private sector that has those right at the top of their goals and objectives. The number one goal of any private corporation is return for their shareholders and — regardless of whether or not you enter into an agreement with them and they have to live up to the act — their number one goal is going to be return to their shareholders, better known as "profit".

I just want the minister to be aware of that. I'd like to hear her response. It would only be my hope that she could respond for the next five Ministers of Justice and say they're committed not to go down that road too, but she can't do that. So we're opening a door here that — while the minister has control over that door right now — down the road she's not going to. I'm just wondering whether it's a door she really wants to open.

Hon. Ms. Horne: I can state here and on the record that we have absolutely no intention to privatize corrections. Our intention is to enhance programs and allow First Nations to work with offenders and their communities, and this would be on a case-by-case basis, depending on the programming and what the inmate requires — if they are going into a land-based treatment centre or just for programming.

First Nations have asked to be able to run land-based camps and be a part of probation services, and this part of the act allows just that. There could be an individual in an isolated place who needs services best delivered in the community. This allows for that. And, yes, they could have no current service for these provisions and this would allow that to happen for those individual inmates. And, as I stated, it's on a case-by-case basis.

Mr. Cardiff: I'm glad the minister got up and made that statement. It gives me comfort for about two years, because in two years, we're going to be faced with an election — two or two and a half years. That's not for me to decide, is it? I have got one vote. That is up to the Yukon public, but then there is no guarantee. We have seen governments change their minds before.

I understand what the minister is saying, and I think it is important that the public be involved, and on a case-by-case basis, I can see that. I think that it is incredibly important. In fact, it is not just important, it is mandatory, almost, that First Nations be involved in the delivery of corrections services and programs, because they are the ones who are most directly af-

ected by it at this point in time. The minister has to know that she is opening the door. Her commitment that they are not going to privatize the entire corrections system tomorrow or within the next two years or two and half years — I put my faith in the minister that this is the fact, but there is nothing that I can see here that prevents — five years down the road, 10 years down the road or 20 years down the road — the privatization of the entire corrections system.

That's a concern and I'm wondering why the legislation hasn't been more limiting, because I can support First Nations. First Nations have the ability, and it says so in the act, that nothing in that section — in section 3 — "...affects the obligations of the Government of Yukon or a Yukon First Nation under 13.6.1 of a Yukon First Nation self-government agreement."

I suspect as well under chapter 24 of the UFA that they still have the ability to take down responsibility and jurisdiction for various things. In the UFA, in Justice, it's policing and enforcement of law, corrections, probation services, and community conflict resolution. Then in the UFA there was the provision for negotiating other programs and services as agreed to.

If a First Nation is put into a situation where they feel that that's what they need to do, that that's what's best for their people, and that's what the agreements say, then they should be able to do that, and we as Yukoners and as public government should work with them to ensure the best possible outcome because, in the end, we're all Yukoners.

What I have a hard time with is that we're opening the door to the possible privatization of the correctional system. The minister's comforting words and her saying that they have no intention of doing it is great, but there's nothing here that limits anybody down the road from doing that. I just want the minister to acknowledge that she's aware that this could happen in 10, 15 or 20 years or somewhere down the road.

Hon. Ms. Horne: I again reiterate: we have absolutely no intention to privatize corrections. We need these two sections, together with section 43 of the regulations, to clarify what will be the contents of these agreements with First Nations. We need the programming within the correctional centre, or for the inmate to be able to have access to these programs. Any government can privatize a service. Ours won't, but we can't tie the hands of any future governments absolutely.

But I again reiterate: we have absolutely no intention of privatizing corrections. But we do need these two sections to have the ability to enter into agreements with First Nations and other NGOs, with doctors at the facility.

Mr. Cardiff: I understand what the minister is saying. She's saying they need these sections to be able to provide these services and enter into those agreements. I'm not getting what I want from the minister, so I'm going to rephrase the question. Can the minister tell me unequivocally that this act does not allow for the privatization of correctional services in the Yukon — that there is no way that the provision of correctional services could ever be provided by a private deliverer of service? Can the minister say unequivocally that that could never happen under this act?

Hon. Ms. Horne: I again say there is no prohibition in this act nor is there under any other act in Canada that I am aware of.

Mr. Cardiff: I think we are getting there. So this act does allow for the privatization of the correctional facility. And maybe to clarify that, it does allow for the privatization of the correctional facility regardless of the minister's intentions to do it or not; that at some point down the road it can happen.

Hon. Ms. Horne: I again say what I said earlier that we need these two sections together with section 43 of the regulations to clarify what the contents of these agreements will be. We need the flexibility to enter into agreements for the programming with First Nations on a case-by-case basis. As I said, any government can privatize the service — ours won't. We can't tie the hands of future governments.

The act makes no specific mention of privatization. It allows others to provide programs and services under this act: namely First Nations and other NGOs.

Mr. Cardiff: There's a word that's missing from the minister's vocabulary. There are two words, and the words I'll provide the minister later.

I'm asking the minister: does the act allow for the private delivery of correctional services at the Whitehorse correctional facility or any other facility? Yes or no?

Hon. Ms. Horne: Mr. Chair, there is no prohibition in this act, nor is there under any other act in Canada that I know of.

Mr. Cardiff: I guess that's a qualified yes. It does allow for it — as long as the minister is aware of that. That I can live with, as long as she understands what that means.

I'd like to ask the minister some questions about rules regarding — there are sections in here that talk about the rules regarding the conduct and activities of inmates that they have to comply with. I'm just wondering, it talks about the rules governing inmates but it doesn't talk a lot about their rights — the rights of the inmates to receive services and to ensure that they are treated fairly. Can the minister tell us where that section is in the act?

Hon. Ms. Horne: This is in the regulations, section 8 — inmate rights — and section 25, rules governing conduct of inmates.

Mr. Cardiff: I see it in the regulations, but what I don't understand is why — regulations are easier to change than legislation. It's actually refreshing to have the draft of the regulations because a lot of times we discuss legislation — the most recent one being the *Forest Resources Act* — and the minister consistently said, "Well, we'll look after that in the regulations." But there is nothing for us to reference. At least this time we have something to reference.

For me, it's about what level of importance we put and if there is a true focus in the corrections system on healing and rehabilitation and treatment of offenders, then it would just make sense to me that they would be included and that their rights would be included in the legislation. I don't know if the minister sees it that way or not but it would make more sense to me that it would hold a little more weight if it were included in the legislation.

Hon. Ms. Horne: The definition of "act" — we are discussing the *Corrections Act, 2009*. We have given the whole regulatory package out here because in this case they go together. We are here today to discuss the *Corrections Act, 2009*. This is covered under the regulations — the inmate rights.

Mr. Cardiff: The minister didn't listen to the question.

What I said was, if the focus was on rehabilitation and healing and treatment of inmates, if that's the minister's focus — and that's what I've heard the minister saying for two and a half years now as the Minister of Justice — we're going to have the best possible corrections system in Canada — if we really felt that way about it, the inmates' rights wouldn't be in the regulations; they would be entrenched in the legislation. Regulations can be changed a lot more easily than a piece of legislation. The minister doesn't have to bring the regulations back into the Legislature to have them changed. What I'm saying is that I think it would say a lot more about how the minister feels about the corrections system, and the importance of rehabilitation, and the fair treatment of inmates, if the — well, the Government House Leader has an opinion on this too, obviously.

The Government House Leader is finished. What I was trying to say to the minister is that I think that it would show more support for the minister's position about the focus being on inmates, rehabilitation, healing, treatment and reintegration back into the community if inmates' rights were in the legislation, because it's a lot harder to change the legislation than it is to change the regulations. The minister can change the regulations a lot easier than she can change the legislation. All I'm saying is I think that it would carry a lot more weight if that section of the regulations was somehow integrated into the act. It would carry more weight. Maybe a question for the minister would be this: does she believe that when things are actually entrenched in a piece of legislation, they carry more weight than they do when they're in a regulation?

Hon. Ms. Horne: Mr. Chair, I'd like to mention something I know the member opposite knows well: the inmates maintain their rights under the *Charter of Rights and Freedoms*, and we have established the office of inspections and standards within the correctional system to ensure that there is oversight and a place for the inmates to go if they have concerns with treatment or if they feel their rights are being violated, and this adds accountability to the system and ensures the inmates' rights are observed within the system. What we stress is accountability — accountability, motivation and healing — all together. Under this heading we heard that, where possible, corrections staff should not be hearing matters that the inmates are complaining about with respect to discipline. We also heard that there should be opportunities for offenders to have alternative resolution options.

We heard that offenders should be accountable for their behaviour, and that is very important within a correctional centre and that discipline and earning of remission is very important as well. The behaviour of the inmate within the correctional centre with regard to taking part in the programming, working and general behaviour should also be considered when earning remission. We also heard that motivating and healing

are an important part of a new correctional system, and these should be considered when developing programs and services for inmates. We also heard the security for the community was important to Yukoners and this should be reflected in the act. How it is translated into the act is once again very important.

The principles section under 2(h) states that “discipline and restrictions imposed on offenders otherwise than by a court are applied by a fair process and with lawful authority, with access by the offender to an effective review procedure.” This policy direction of the principle plays out in many sections of the act and regulations and provides the foundation for a strong and fair system of discipline, remission and complaints within the centre. The new discipline model established under sections 26 to 28 of the *Corrections Act, 2009* and in the associated regulations is an entirely new model of discipline for inmates of Yukon correctional centres.

Under this new act and regulations, independent adjudicators will hear all matters where there is a likelihood of lost remission time or a loss of individual freedoms within the correctional centre. The offences created under this act are outlined in detail in the regulations and differentiate between serious and minor offences. Serious offences carry a penalty of loss of earned remission or loss of freedom within the facility or both, and all of these matters will be heard by independent adjudicators.

Minor offences for loss of individual freedoms or earned remission is not one of the punishment options that will be heard by staff, but the staff hearing the matters will not be the same staff who have had anything to do with the direct supervision of the inmate. At the time of the charge, the person in charge under this act is also given the responsibility to resolve the matter informally or if it cannot be recommended as to whether it will be deemed a serious or minor offence. Under both types of hearings, there are strict provisions for procedural fairness in the act and regulations that call for notices to be served in writing and in a timely manner. Procedures of the hearing are to be recorded, and there are provisions about holding the hearing only with the inmate present except in special circumstances.

The new act and regulations also contain a new alternative dispute measure that will see alternative dispute adjudicators or panels of adjudicators established for inmates who have accepted responsibility for their infringement of the rules. This will give flexibility to allow for alternative kinds of sentences to be imposed and allow for more creative solving of disciplinary issues with inmates. It will also present an opportunity for culturally relevant responses to be used, such as circles or another kind of measure that is appropriate for the circumstance.

If an inmate fails “to follow the orders of an alternate adjudicator or alternate adjudicative panel then they would return to the standard model of discipline for dispensation.”

There is also established under the act and regulations an appeal process for all disciplinary matters through the director of investigations and standards.

“In the case of an appeal, there is a clear procedure and an independent person who will hear the appeal with sufficient powers to overturn the sentence, uphold the sentence or replace

the sentence. Independent adjudication and strong appeals procedures are important for guaranteeing fair hearings for accused individuals. The *Act* is strong in this regard.”

“Offender accountability is found in several sections but it is most apparent in section 35 of the *Act*, entitled *Earned Remission* and part 5 of the *Regulations*, entitled *Performance Appraisal and Earned Remission*. Inmates will no longer have their remission time, up to one third of their sentence, advanced to them at the beginning of their stay in Yukon correctional centres as is the process under the old *Act*. Under the new *Act* and *Regulations*, the inmates will earn remission as they serve their sentence and they will be accountable to an assessor or panel of assessors for the time that they are serving.”

The regulations, under section 38, give a clear process for calculating earned remission, and section 39 gives the inmate the right to call for a review and the process for that review. Other sections on accountability include inmate discipline, and the sections in the act and regulations that talk about work in programming and the obligations of the inmate to participate.

Security is always an important component of all correctional systems, and the new *Corrections Act, 2009* and regulations contain many provisions too numerous to mention in this report that deal with security. What is important is that all of the security measures flow from three of the principles outlined in section 2.

The paramount principle in the act states, in 2(a): “The protection of society must be given paramount consideration in making decisions or taking any action under this *Act*.” This is the primary principle in the act and is the foundation of all correctional systems in Canada.

Section 2(c) is also important because security, as outlined in 2(a), must be measured and included in that calculation as a value of any security decision in the rehabilitation, healing and integration of offenders in making decisions under the act.

Finally, under 2(g), the corrections branch uses the least restrictive measures with offenders consistent with the protection of the public, staff members and offenders. There is guidance as to the limitations of 2(a). From these principles flow the search and seizure section, sections dealing with visitation, sections dealing with communication, strip searches, separate confinement, identification of the inmate, and demands for urinalysis.

Mr. Chair, our government has made accountability fair and the process consistent with recent court decisions in other jurisdictions and consistent with the *Canadian Charter of Rights and Freedoms*. During the consultation we heard that the Ombudsman was concerned with some sections dealing with procedural fairness. I am pleased to inform this Committee that the changes the Ombudsman had requested in regard to this topic have been incorporated into the final version of the act.

The location of the inmates’ rights is immaterial to the content. An act and regulations have the same authority under the law. If it is true that the process for approval is not the same but both are public processes — and certainly the member has had access to the draft regulations in the public process since last fall — inmate rights are going to be entrenched once the

regulations go into effect upon proclamation of the act this fall. If the regulations are to be changed by some future government, then they will have to go through a public process as well.

I can say again that our government is committed to a better regulatory system and it is clear that this package certainly does that. As I said earlier, this act has gone through — and I think that was reaffirmed by the members opposite — a lengthy consultation. It has been gone through line by line and parts of the act changed during that consultation to meet those requests.

Mr. Cardiff: The minister went on at great length with not a lot of need for that. As I said earlier, we are a little short on time. A lot of the reason for that is because the minister is giving lengthy answers over and over again, talking about the same thing.

There is a provision in the act about the use of force. It says that persons employed to exercise powers and perform duties in the administration of this act may use a reasonable degree and means of force to prevent injury or death to a person, prevent property damage, prevent an inmate from escaping and maintain custody and control of an inmate.

Section 2 of that talks about, “A device used to physically restrain an inmate may only be used in prescribed circumstances and in accordance with prescribed procedures.”

Number one, I would like to know where the prescribed circumstances and the prescribed procedures can be found. The other question I have is that there’s no reference to any guidelines. It talks about “...a reasonable degree and means of force...”

In a lot of other professions, there are actually guidelines. I would have thought the Minister of Justice of all people would have known this. The RCMP has a guideline for the use of force, I know. I would think that there would be guidelines for the use of force. I’m just wondering why they’re not referenced here in the act. There are guidelines for the Minister of Health and Social Services. I’m sure that there are guidelines for the use of force with regard to provision of mental health services or for nurses in the work they do. There are a couple of questions there for the minister and I look forward to her answer.

Hon. Ms. Horne: I was being criticized by the member opposite for touting our act.

As was said earlier, this is a very important piece of legislation that we are putting through. I want to make sure that it is very clear to everyone in this House what is contained within this act. We’ve gone to a lot of work on this act — a lot of consultation and a lot of input by Yukoners. This is very, very important to the Justice department. Therefore, I don’t think that my elaboration on any part of the act or possible repeating parts of it in my answers is immaterial.

As to the question, the procedures are in policy and are consistent with the national use-of-force guidelines. The guidelines do change from time to time due to learning from circumstances, as we know in the case of tasers across Canada, which we are following very carefully. But things change and we don’t want them written in stone. We are very cognizant of the guidelines.

Mr. Cardiff: I guess the concern I have is that they are not referenced in the legislation. It just talks about a reasonable degree and means of force. It’s how you define “reasonable”. I’m not going to belabour that point because we do have a bit left to cover and, as the minister well knows, there is not a lot of time.

In the section of the act regarding discipline — the minister went there in her extended answer to the question about inmate rights. It says that the assistant deputy minister may appoint hearing adjudicators to review disciplinary — I’ll just give the Government House Leader a chance to finish — actions for breaches of rules by inmates.

I’m just wondering, when it comes to the appointment of hearing adjudicators, are there qualifications or criteria that are used to appoint? Where do we find the people to become adjudicators? What are their qualifications and what criteria does the department use?

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

Recess

Chair: Order please. Committee of the Whole will come to order. The matter before the Committee is Bill No. 72, *Corrections Act, 2009*.

Hon. Ms. Horne: Let’s see if I can remember the questions here prior to recess. To respond to the member opposite, the Criminal Code of Canada governs the use of force. Peace officers are subject to the Criminal Code of Canada and policy will govern the qualifications and training of the people appointed to the chairs of disciplinary proceedings. I would suggest that the questions be answered in line-by-line debate of the act when we go through it.

Mr. Cardiff: The question about reasonable force is a general question to me. It’s about where the guidelines are and what standards of guidelines are being used. I think we covered that, or I thought we had covered that. The minister answered it once; now she has answered it twice.

The question I asked before the break was about what types of qualifications, where do I find them and what criteria does the department use for the appointment of hearing adjudicators?

Hon. Ms. Horne: I just responded to this question that policy will govern the qualifications of the individuals who are appointed to the chair of the disciplinary proceedings.

Mr. Cardiff: The word the minister didn’t hear was “where”. Where do you find that? Where is the policy? And what are the criteria? She says it’s policy, but — if she doesn’t have it, I’d be more than happy to receive a note or a legislative return in the next few days. It’s for clarification.

Hon. Ms. Horne: The department will establish the hearing adjudication qualifications as part of the implementation of the act, once it is passed. It is not part of the act. It is a policy that will be drawn up as part of the implementation.

Mr. Cardiff: So the minister has no information about this and the work hasn’t been done, so we don’t have the policy.

There is a possibility of appointing adjudicators, but we don't know what their qualifications are going to be or what criteria will be used to select them.

I am just wondering if there is anything in this piece of legislation that lays out the scope of practice or rules around corrections officers. Is there anything in the legislation where there are rules that corrections officers have to abide by and a scope of practice, or is that in the guidelines and regulations, as well?

Hon. Ms. Horne: Again, we are discussing the *Corrections Act, 2009*, not the policies. As to the member opposite's question on the officers, it is scattered throughout the act, and it's better to deal with in the line-by-line, and it is also covered under part 3, duties and powers of a corrections officer or corrections staff.

Mr. Cardiff: I wasn't asking about the regulations. I said, "Is it in the act, or is it in the regulations, or is it in policy?" When we've been asking questions, the minister says it's in the regulations. I know we're not debating the regulations. I'm asking her to tell me where it is. I don't know why she doesn't understand that.

I'd like to ask the minister a different question. If she doesn't want to answer that one, we'll try a different question. When there is a disciplinary action and there is a hearing adjudicator, the way I understand it in the act is that the adjudicator bases their decision on the record of a disciplinary hearing, and the decision of the person presiding over the hearing. If there is a disciplinary hearing for an inmate — what I'm looking for is, I think there should be some sort of an allowance for the participation of an inmate at a review of a decision — so if it is being adjudicated, the inmate should be allowed to attend. They should be able to see the records and they should be able to make written or oral submissions in these hearings.

Hon. Ms. Horne: This procedure is clearly laid out in the regulations: section 27, notice of alleged breach; section 28, segregation pending disciplinary hearing; section 29, disciplinary hearing; section 30, conduct of hearing. It's laid out very clearly in these sections.

Mr. Cardiff: Okay, in section 27(1) of the act, it talks about "Review of disciplinary decision." It says, "An inmate to whom the decision relates or the person in charge where the inmate was charged with the breach of the *Regulations* or of the rules of the correctional centre that resulted in the disciplinary hearing may request that the director of investigations and standards review the decision."

But what it says is, "A review must be based solely on the record of the disciplinary hearing and the decision of the person presiding over the disciplinary hearing." So while the inmates can request a review, they're not allowed to participate in the review. What I'm saying is that they should be able to be in attendance at that review, they should be able to see the records of how the decision was arrived at, and they should be able to make either written or oral submissions.

The Government House Leader wants to weigh in again and get his opinion in there as well.

It just makes sense to me that if they're requesting a review, they're requesting that the director of investigations and

standards review a decision of a person that presided over a disciplinary hearing, and the penalty or the corrective measure that's imposed is in accordance with the regulation.

Where is the allowance for the inmate? They are allowed to request the review, but how are they allowed to participate?

Hon. Ms. Horne: This review is to decide the procedural fairness under the appropriate sections of the act and regulations. It is not meant to retry the individual, but to ensure that it was done by the regulations and in a fair manner.

Mr. Cardiff: Is the inmate allowed to participate in that?

Hon. Ms. Horne: This is standard for all appeal processes, either in court or in this process. The inmate does it by way of a written request, and there is a written response to the inmate. As I said before, this is a question that is best answered in line-by-line debate.

Mr. Cardiff: I am just looking for the appropriate section here. It says in the act that the minister or the person conducting an investigation may examine anything or any record except a medical record of an inmate in the correctional centre.

I am just wondering about the appropriateness of the minister actually involving themselves in that process and if this is done in other jurisdictions as well. In other jurisdictions there is a minister of justice and there is also what is known as the Attorney General. I am not sure what type of separation there is. There isn't any separation in this jurisdiction between those two responsibilities or roles.

I just think there needs to be some caution with the minister examining individual inmates' records in this case.

Hon. Ms. Horne: Again, this would be best answered under line by line. It's clearly spelled out. The member opposite is going through the act. My reply, which I will read: the section allows the minister or delegate to examine files, but makes the exception of medical files, as they are protected by ATIPP.

Mr. Cardiff: I'm just wondering why a minister of justice would want to involve themselves in inspecting personal records of inmates. I don't see where it's appropriate.

Hon. Ms. Horne: This is standard procedure which allows for the periodic inspection by either the director of investigations and standards or another person that the minister designates. This section is necessary to provide for the periodic, independent oversight of the correctional centre, and the discretion lies with the minister as to who will carry the inspection out on the minister's behalf. This section guarantees access to any correctional centre established under this act and any part of a correctional centre established under this act.

This section allows the minister or their delegate to examine files but makes the exception of medical files as they are protected by ATIPP. This provides a positive duty to report the findings of any inspection. There was a deficiency in the old act where there is no requirement to report any findings. Again, these are best answered in the line-by-line debate.

Mr. Cardiff: I guess I'm just uncomfortable with that kind of involvement at the political level. I can see where the minister would delegate the authority to ensure those types of investigations are done and delegate the authority to make sure

the examination of those records was done, if it were needed. I'm curious why the minister feels that, as a politician, you have to involve yourself at that level. I'm not quite certain about that.

I'd like to know about the investigation and standards office, the director of investigations and standards, and what criteria and qualifications are required for that person. They're not outlined in the legislation. So what qualifications and criteria are going to be used, or have been used, to hire that person?

Hon. Ms. Horne: I would like to correct the member opposite. We are not talking about investigations. These are inspections. If you are questioning inspections, they are under section 37 of the act, and the act does not have employee qualifications within it.

Mr. Cardiff: Well, that's what we were talking about. We were talking about section 37, and about the minister involving herself in inspections. And then I asked a question about the investigation and standards office, and the investigation and standards investigator, and what criteria are used to fill that position.

Hon. Mr. Cathers: Mr. Chair, I think I can help the Member for Mount Lorne out here. The member is going through clauses of the act and jumping back and forth in some cases. I would remind the member the minister has offered on a number of occasions or reminded the member these questions are best answered in line-by-line. It avoids the minister and officials having to try and jump back and forth in notes and would enable the Member for Mount Lorne to engage in a more structured and logical approach to debating the legislation, so I would encourage him to leave clause-by-clause and line-by-line debate for those lines.

Mr. Cardiff: Just for the Government House Leader, he should follow along because we're not jumping back and forth.

Chair: Is there any further general debate?

Hon. Ms. Horne: Section 37 deals with the establishment of the office. The specific job description and criteria for this position are set out by human resource procedures and this would be the same as in any other government position.

Mr. Cardiff: I only have a couple more questions and they are following along. If you will notice, we are moving from front to back — for the Government House Leader.

Community advisory boards review and make recommendations to the deputy head about the administration of the act and the regulations and programs. They don't necessarily deal with personnel or disciplinary matters. The concern here is that these advisory boards are reporting to the deputy head. I am not saying anything about the deputy minister or the assistant deputy ministers but it would make sense to me that there should be some provision to ensure — in legislation it would make sense to me that if they go to the minister they would be reviewed by everyone going up the line — assistant deputy ministers, deputy ministers — and that they would go to the minister and that the minister should see all recommendations that are made by the community advisory board.

The advisory boards are supposed to be representative of the community and provide direction to government about the

administration of the *Corrections Act, 2009*. The minister is ultimately responsible for that.

I'm just wondering why it is that they report to the deputy minister and what assurance there is that they get up the line and that the minister does actually see them.

Hon. Ms. Horne: When the board reports its findings to the deputy head, it is structured in the act. There is a positive duty on the deputy head to respond within 90 days to the report and indicate in the response what, if any, action is being taken to implement recommendations. I remind the member opposite that the deputy head does respond to the minister.

Mr. Cardiff: The deputy head reports to the minister. Are they required to make sure that all of the recommendations that the community advisory board makes go to the minister, and that the minister sees those recommendations?

Hon. Ms. Horne: In the department, we have a very good working order, and the deputy minister responds to me regularly.

Mr. Cardiff: There's a difference between responding and reporting. The minister needs to understand that. A response is to a question, which is what we're doing here. I'm asking the question; the minister is responding. If she's saying that the deputy minister is responding, then she's asking the question. As long as she's asking to see all of the recommendations of the community advisory committees, then she can expect a response. But what I'm saying is that there's no requirement in the act for her — for the minister — to ensure that they see all of the recommendations.

I don't know, Mr. Chair, why the minister doesn't see the difference. To me, there is a difference between her receiving them and actually seeing them, to the deputy minister responding.

Hon. Ms. Horne: Thank you, Mr. Chair, I can report that the deputy head does report to the minister on a regular basis.

The purpose of the community advisory board is operational. The board works positively with staff to carry out duties. These documents are public documents. It is the duty of the department to respond to and implement them.

Mr. Cardiff: I just think that the minister should be aware of them as well. That was the point I was trying to make. I think the minister should be aware of recommendations that are being made. She is the one. I think we all recognize the value of community involvement in the system. That's how we stay informed about what changes are happening in the correctional facility. I think it's important.

I don't have many more questions. There is a strategic plan in section 48; it talks about a strategic plan and "The director of corrections must establish a strategic plan for community involvement in the corrections system."

I'm wondering what the lifespan of the plan is, whether or not it's a one-year plan, a five-year plan, or a 10-year plan? What requirements are there to review that plan for community involvement in the corrections system? What is the actual obligation to implement a plan for community engagement and involvement in the corrections system?

Hon. Ms. Horne: I can assure the member opposite that the Justice department is well aware of the importance of community involvement and, through excellent teamwork, we keep each other apprised and updated on any issues within the Justice department. The *Corrections Act, 2009* contains a positive duty for “The director of corrections to establish a strategic plan for community involvement...”

This strategic plan was put into the act to address the real desire by the public and the First Nations to have an ongoing dialogue about corrections and to keep the public engaged in the delivery of correctional services and programs within the communities. The director of corrections must consult with all community advisory boards created under the *Corrections Act, 2009* in establishing the strategic plan.

What appears under the community advisory board and the strategic plan for community involvement represents a fairly strong consensus by Yukoners of how government should continue its ongoing and productive dialogue that it has been having with Yukoners on the future of corrections. It will be continually updated over the years. Some things in the plan will likely require periodic updates.

Mr. Cardiff: So they’ll require periodic updates. The question is — because it’s not spelled out. It just says that there has to be a strategic plan, but it doesn’t talk about when it’s reviewed, or how it’s reviewed. I think it’s important that we have the plan, too, and I have every faith in the people involved that we’re going to have community involvement in our correctional system.

I think that that’s important, and I think we’ve been moving in that direction incrementally over time. We are making ground, and I think it’s important. I see this as an important part of continuing down that road, but what I want to ensure, and what I don’t see, I guess, is that there are no allowances. I don’t know whether that’s part of a regulation related to this section of the act or whether it’ll be part of a policy or a guideline, but I think that there needs to be a regular review of it. It either needs to be reviewed annually or every two years, or maybe it needs to be reviewed on an ongoing basis with the community advisory boards. Maybe it’s an ongoing review and one of those things where we have constant improvement, where we question how well we are doing on a regular basis. It’s not laid out in the act, which is why I am asking the question.

Hon. Ms. Horne: The strategic plan is a living document. As I said, it will be updated regularly. The director will have some discretion as to the need to update the plan, but it is a public document. It is all about involving the public. Again, I stress that it is a living document that will be updated regularly.

Mr. Cardiff: Just out of my own curiosity, is this document available now? It makes sense to me that if this is the road we are going down, this document probably exists and there is some sort of a strategic plan for community involvement already. Can the minister make that available?

Hon. Ms. Horne: This would be better answered in line-by-line. Because the act has not been proclaimed, it is laid out in the act, section 48(2): “In developing the strategic plan,

the director of corrections must consult with each community advisory board established under section 43.”

Mr. Cardiff: I understand that part but there must be at this point in time some sort of a strategic plan for the involvement of the community in corrections. I am just wondering if that is a public document. She is saying that the new one will and I am wondering if the one that exists now is.

Hon. Ms. Horne: This plan will be created as part of the implementation of the act.

Mr. Cardiff: I really don’t want to — I was hoping to get a little information out of the minister. I don’t want to go where I’m going to go, but I’m going to go there, because I don’t seem to be left with a choice. Is the minister telling me that there’s no strategic plan for the involvement of the community in the corrections service right now? Or, is the community not involved at all in the corrections system right now?

Hon. Ms. Horne: This is part of our overall strategic plan, which has been made public.

Mr. Cardiff: So the minister is telling me that it’s part of the large document? It’s part of the correctional redevelopment strategic plan? So all of the information I’m looking for is in that document, and that this strategic plan will also be a public document available? Okay.

Thank you. That’s all the questions I have.

Mr. Edzerza: I would like to start out by saying that I know the Justice staff and they know me. I’ve always known the Justice staff to be very competent and reliable. I have to put on record, though, that the government has consistently implied opposition members are criticizing government employees — not so. I have respect for everyone; I also believe respect is earned and not demanded. I sincerely believe that if things do go sideways in Justice, my belief would be that it should fall on the shoulders of the politicians, because they have the final word.

I’m not going to speak long to this bill, but I’d like to put on public record why I choose not to spend an awful lot of time in talking about this bill. It’s certainly not from a lack of interest because pretty well all of my life I’ve worked as an advocate for people involved in the justice system.

As a First Nation person, I know full well the impacts Justice has on First Nation people. I know from history a lot of the root causes of why our people are so entwined in the justice system, and it comes from something that’s not new. I’m still surprised, though, that even to this day, there are some individuals who don’t have a clue about residential schools. There are a lot of people in society who have no knowledge of what impacts foster homes have on children, and just the total breakdown of family structures.

Having said that, I know from experience that the act is already a done deal, so why would a person want to spend hours and hours discussing this act on corrections? Again, it’s because when we look at what took place here on the floor of this Legislature with the child welfare act, there were numerous amendments proposed by the opposition. Not one of them was honoured.

I imagine that one can probably go through the same process here but I am not prepared to do that. I believe that time

could be more valuably served on the floor of the Legislature debating the budget, for example, in Committee of the Whole. At least we can get some kind of satisfaction out of questioning the spending priorities of government.

With the bill, it doesn't matter what the opposition says really. In my opinion, we can scrutinize this bill until the cows come home but nothing will change in this bill. It is going to pass regardless, even if we can talk on this bill from now until the end of the sitting. It will still pass along with everything in the budget and all of the bills that are not discussed because of the guillotine clause that is available.

I believe it would be very non-productive to go line by line. I heard the minister say repeatedly that she will answer the questions in line by line, but who is to say that the Official Opposition will even consider going line by line?

I believe that it would be unproductive because, at the end of the day, we're not going to receive any more information than we have right now. It's going to be basically the same old, same old. Like I said, it will be passed at the end of the day. I believe that the questions that I have are going to be more focused in Committee of the Whole if we ever get to the Justice department in the next couple of weeks.

There is one comment I would like to follow up on a little bit that was made by the member of the third party — from Mount Lorne — and that was around privatization. I believe that there is a legitimate concern here and that people should be concerned about it. I say that only because governments change and ministers change. Not everyone is going to be on the same wavelength here. It is possible that even this Yukon Party government can change their direction if they got another mandate and say, well, we are going to privatize justice, and the door will be open to do that.

Again, from previous experience it has been demonstrated that there is some difficulty to get consistency with how things are done from one government to another.

I do have one question for the minister — and it doesn't have to be a lengthy response. This act talks about contracting some services to First Nations. Is that option open to non-First Nation organizations?

Hon. Ms. Horne: This new *Corrections Act, 2009* is a result of extensive consultation with the Yukon public. This consultation received over 200 comments from several formal submissions as well. The Department of Justice and the Council of Yukon First Nations released the corrections act consultation progress report in July.

As a result of the initial consultation, a draft act and regulations were circulated in early October to the public and to our stakeholders. The department also held a workshop in October for First Nations to review the act and regulations, and corrections staff went through the package with management in November. The department also held meetings with individual First Nations and stakeholders, and continued discussions with the assistance of Council of Yukon First Nations with First Nations on the content of the act, line by line.

We extended the consultation period for a week to accommodate First Nations and ended in January. As a result, we

have revised the draft to take into account the many suggestions that came from First Nations and the stakeholders.

I am personally very proud of this act and the Department of Justice for the hard work that they put into this act. Our government is striving to have the best corrections system in Canada, and to do that we need this new, modern act.

This new *Corrections Act, 2009* fulfills all the questions that were put forward by First Nations. This is a state-of-the-art corrections act that is leading in Canada, and to criticize the consultation that we have gone through to get this act where it is today —

Mr. Edzerza: Well, I'd like to correct the record. For the minister's information, I never criticized anything. I did not criticize the work that was being done by the stakeholders; I merely made a comment that this is going to go through at the end of the day, whether or not the opposition tears it apart limb by limb. I never made any comment, as a matter of fact, about the consultation process.

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Cathers, on a point of order.

Hon. Mr. Cathers: I don't believe that it was likely the intention of the Member for McIntyre-Takhini to do so, but even though in reference to a piece of legislation, to use the phrase "tearing something limb from limb," I believe, is out of line, in accordance with Standing Order 19(i), which notes that it's inappropriate to use abusive or insulting language, including sexist or violent language.

I would ask you to call him to order on that and encourage him not to do so in the future.

Chair's ruling

Chair: Seeing as how it is getting closer to the end of the day, I will just say that is a dispute among members.

Mr. Edzerza: Thank you, Mr. Chair for that ruling.

I want the minister to listen very carefully. This is not a trick question. History is proof that some First Nations do not respect the traditional ways of healing. They just don't. They don't believe in sweat lodges, they don't believe in pipe ceremonies, they don't believe in fasting, they don't believe in smudging, and that is because of the influence that the missionaries had on our people many, many hundreds of years ago. I respect that. I respect everybody's position in life.

If any First Nation person is a Baha'i member, I say enjoy yourself and, if that is your belief, I respect it 100 percent. When I asked the minister if the contracting services were available to non-First Nation organizations, I was simply meaning that the Baha'i centre may say to the government, "You know, we want to contract some of these services out too, and we want to provide a healing program for inmates."

That's a very legitimate question. I think it deserves an answer.

Hon. Ms. Horne: I will respond again to that. I did reply to this question earlier today. Section 3 of the act covers agreements with First Nations and section 4 covers other

agreements. The member opposite's question about the Baha'i faith would fall under this section — or any other NGO.

Mr. Edzerza: I thank the minister for that.

I just wanted that to be clearly stated on the record because I was asked about that specific question, and I said I would bring it out. It's very clear now. And when you read the act, a lot of emphasis is focused on First Nation people. That's why I believe some of the public at large is questioning whether this is just an act for First Nations. Well, I think it's a little clearer now that, in fact, non-First Nation organizations also have the opportunity to approach government and say, "Look, we have a good program. We want to contract the services."

I know I probably have several questions I could ask around the contracting portion of this, because I do have some concerns with what the government is proposing, but I'll wait for Committee of the Whole to do that.

One question I do have, though, is around contracting probation responsibilities. I just raise this — and I know there was a little bit of discussion around it, but I believe there are examples in other jurisdictions where probation workers who went to do their job on their own were severely hurt, and there were some deaths in some instances.

I just want to know if there are checks and balances to minimize this ever happening in the Yukon. Who would be responsible for, say, liability if an organization in the community contracted probations, was severely assaulted and injured to a point where they would be disabled for life? Who would be responsible for looking after that sort of an issue?

Hon. Ms. Horne: Indemnification insurance and other matters would be dealt with when negotiating the agreements with the parties.

Mr. Edzerza: It is almost like a wait-and-see approach. I just wanted to raise that as an issue because I do have concerns if you are out in a remote community. I'm not sure if this means a probation worker will be working with someone else or if they will always have an RCMP present with them.

I just wanted to flag that, because I think we need to be aware that, even in the Yukon, some very undesirable things have taken place. There have been a lot of homicides in the territory, so we do have individuals at large who are capable of doing something that could be not just really harmful to someone, but could even cause death.

Maybe I will just ask that question first: are there going to be regulations that say a probation worker in the rural communities should not be working alone?

Hon. Ms. Horne: The safety of citizens is very important to this government. We would ensure through contract and agreement that safe practices are in place in every instance. We manage by risk in setting levels and staffing levels — sorry. We manage by risk, and staffing levels are set considering risk and all other circumstances that would be involved in each individual case.

Mr. Edzerza: I still believe that it would strengthen this act, for example, to have it right in the act that at no time would any individual ever be put at risk.

And I know it might be in the regulations, but it should be specifically drawn out in the act, something to the effect that

there will be special precautions taken in rural communities. I know of incidences where, in Kluane for example, there was a real need for an RCMP presence immediately and the nearest one was several miles away. By the time emergency services could have reached that community, there could have already been some serious things taking place that couldn't be undone.

I'd like to ask one more question and it again has to do with definitions that are in this act. It has to do with the definition of a "First Nation person". I know in the government, the First Nations Training Corps caters to Yukon First Nation people only because they define a "First Nation person" as a beneficiary. So unless you're a beneficiary of a First Nation claim, you're not eligible to apply for a training position in the First Nation Training Corps.

I am a little concerned that the definition of First Nation person in this *Corrections Act, 2009* is somewhat similar to the definitions that the training corps uses. Obviously my question is going to be: Will Yukon First Nation inmates receive privileges that are not available to out-of-territory First Nation inmates?

Hon. Ms. Horne: I'd also like to respond to the earlier question and the comment on safety — that it should be legislated. Legislation cannot guarantee the safety of an individual. We ensure that our staff have the appropriate safety precautions in place in policy.

This section of the *Corrections Act, 2009*, which is in definitions, was gone over very carefully and we took considerable time. The definition of a "First Nation person" was established based on the population of the Yukon. People who come from other jurisdictions can participate — or not — in local culturally relevant programming. Our small corrections system cannot accommodate every situation, but section 10 does allow us to accommodate where there is an identified need.

Mr. Edzerza: I guess that is why I am concerned. Clearly, First Nations who are not a beneficiary to the Yukon *Umbrella Final Agreement* are not getting the same privileges as First Nations in the Yukon. When I look at what defines a "Yukon First Nation", it sort of ties in with the definition of a "Yukon First Nation person".

That is why I am a little bit concerned, because it names all of the 14 First Nations only. That sort of tells me that the correctional system really doesn't have to cater to someone outside of the territory if they want to take a program that is offered to First Nations. Let's say, for example, that the Premier decided after he built the hospital and elders complex and all the other buildings he's going to do in Watson Lake, he decides to build a land-based treatment centre there, but only the Kaska people will be allowed there or only First Nations from the Yukon. Anybody outside the territory would not be allowed to go to that facility because they are not identified as a Yukon First Nation person.

I guess that is sort of why I raised this issue because I know and have been approached by other people who were questioning this a little bit. It is hard to say just what the intent here is.

I don't know if this is going to, at any point, exclude some opportunities for First Nation people who live in the Yukon

Territory. As a matter of fact, there are a lot of First Nation people who were born and raised in the Yukon who are denied some programs within government. So I do have a major concern with this particular area, because it's not really clear that First Nations from outside the territory will be treated the same and given the same privileges as other inmates who are from the Yukon. It's unfortunate that we even have to define Yukon First Nation people versus just First Nation people.

I know that things seem to only flow in one direction here. Citizens who go from the Yukon Territory to any province or territory outside of the Yukon are not penalized because they come from the Yukon Territory, yet others who travel from B.C. into the Yukon appear to have some issues with being able to access programs at their leisure in the Yukon.

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

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

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Mr. Nordick: Committee of the Whole has considered Bill No. 72, *Corrections Act, 2009*, and directed me to report progress.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

The House adjourned at 5:30 p.m.