

**Yukon Legislative Assembly
Whitehorse, Yukon
Monday, April 2, 2012 — 1:30 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 with the Order Paper. Tributes.

TRIBUTES

In recognition of World Autism Awareness Day

Hon. Mr. Nixon: Mr. Speaker, I rise on behalf of the House to ask members to join me in recognizing April 2 as World Autism Awareness Day.

On December 18, 2007, the United Nations General Assembly adopted a resolution, 62/139, which declared April 2 as World Autism Awareness Day in perpetuity. The UN supported the campaign for a World Autism Awareness Day through the 62nd UN General Assembly session garnering consensus support from all United Nations member states.

The UN resolution for World Autism Day is one of only three official health-specific UN days, and it will bring the world's attention to autism.

The World Autism Awareness Day resolution encourages all member states to take action to educate its citizens about autism and encourage early diagnosis and intervention.

I can tell you from personal experience that both early diagnosis and early intervention make a world of difference. When my son was diagnosed in 2001, one in over 300 children were being diagnosed with ASD, and by 2008 a report indicated that one in 88 children were diagnosed. Overall, boys were almost five times as likely as girls to get such a diagnosis.

The UN resolution also mentions the high rate of autism in children around the world and the consequent developmental challenges. World Autism Awareness Day shines a bright light on autism as a growing, global health crisis. Activities take place in communities around the world each and every day to help increase and develop world knowledge of autism.

Additionally, World Autism Awareness Day celebrates the unique talents and skills of persons with autism, and it's a day when individuals with autism are warmly welcomed and embraced in community events around the globe.

Today, and hopefully each and every day forward, autism organizations around the world such as our own Autism Yukon will give a voice to millions of individuals worldwide who are undiagnosed, misunderstood and looking for help.

A couple of highlights of the resolution are the awareness that autism is a lifelong developmental disability that manifests itself during the first three years of life and results from a neurological disorder that affects the functioning of the brain. It affects children in many countries, irrespective of gender, race or socio-economic status and characterizes them by impairments in social interaction, problems with verbal and non-

verbal communication and restricted, repetitive interests and activities.

There are consequent developmental challenges to long-term health care, education, training, and intervention programs undertaken by governments, non-governmental organizations, and the private sector, as well as its tremendous impact on children, their families, communities and societies.

Another key highlight of the resolution is recalling that early diagnosis and appropriate research and interventions are vital to the growth and development of the individual. On this day, we would also like to recognize the professionals, parents and caregivers who have worked so hard in Yukon to ensure that services are available to families and children.

We are pleased to support the valuable work of Autism Yukon in raising the awareness.

In recognition of Cancer Awareness Month

Hon. Mr. Graham: I rise in the House today to pay tribute to the men, women and children who work tirelessly at this time of year to raise funds to help fight cancer.

We are seeing daffodils everywhere these days. They have become the symbol for the progress we are seeing almost daily in research and treatment of various cancers.

According to the Canadian Cancer Society, cancer is the leading cause of premature death in Canada. Forty percent of Canadian women and 45 percent of Canadian men will develop cancer during their lifetime. Of those, one in four Canadians will die of cancer. Another way of looking at it is that an average of 487 Canadians will be diagnosed with cancer every day, and 205 Canadians will die of cancer that same day.

The four most common forms of cancer in Canada are lung, prostate, breast and colorectal cancer. They account for over 50 percent of all new cancer cases. In the Yukon, our statistics closely follow those of Canada, and every week — almost — we lose someone to cancer in the Yukon. Yet, there is hope. Just as we all know someone who is dying or has died of cancer, we also know of many others who are living with it or are now cancer free after treatment. A diagnosis of cancer is no longer an automatic death sentence, and I speak from experience in this area because my wife is a cancer survivor. She has been almost eight years now cancer-free, and we continually thank not only the medical experts but whomever else for that transpiring as it did.

It's because of the dedication of researchers, scientists, volunteers and friends and family members who operate Run for Mom, the Terry Fox Run, the Relay For Life or any other number of community-driven fundraising efforts. I'm willing to wager that every member of this Legislature at some time or another has donated to cancer research or does so on a regular basis. It is in this way — with entire communities working together, doing what we can — that cancer continues to be beaten back. That's why the daffodil always gives me hope. It represents our determination and courage to fight against cancer and the strength and courage of those living with cancer and their friends and family supporting them. The humble daffodil, with its splash of yellow, is more than a harbinger of spring. It's a symbol of hope. Thank you.

Ms. Stick: I rise, too, on behalf of the NDP Official Opposition to pay tribute to April as cancer month. We all know people who have had to deal with cancer — some friends, some family. One in three Canadians develops cancer in his or her lifetime. It is the leading cause of premature death in this country. In the past few years, there have been many effective treatments coming from substantial research in some cancer treatments.

Survival rates have risen because of this research and development. Medicine has always approached cancer from a curative stance, but most cancers are preventable. Through risk reduction and prevention, survival can be greatly improved. It requires us to make fundamental changes in our lifestyles, such as a commitment to healthy eating and routine exercise. Timely screening, such as mammography, leads to early detection, an important factor in the prevention and treatment of cancer. If we are smoking, we should make every effort to quit today, not tomorrow, and to be very conscious of the harm of second-hand smoke to others. We should practise protecting ourselves from the sun.

Most importantly, we need to acknowledge the environmental causes for cancer. We must support efforts to reduce chemicals in our environment. Our air, our water, even our foods have changed from past years, with the encroachment of more chemicals in our environment. These are having impacts on our health. We must consider the health implication of decisions made in support of our economy that cannot continue without severe risks. Our past carelessness means that our present health is being affected. One only has to look at the serious effects of asbestos in public buildings and homes.

It's imperative to support the efforts of organizations that work hard to reduce carcinogens in our environment and in the food we eat. Organic farmers — we should be supporting them. More action is called for to identify where cancer rates are higher than expected. This is especially true in the north where air- and water-borne contaminants have been identified. The research being done in Old Crow should only be the beginning of investigations into causes of high cancer rates in the north.

Let me take this opportunity to thank the thousands of volunteers, researchers and health professionals who ensure that Canadians with cancer, and their families, have access to the highest quality treatment, support and care when stricken.

As well, I would like to thank the charitable organizations and individual donors who assist in fundraising for the Canadian Cancer Society. Thank you, Mr. Speaker.

Mr. Silver: I rise today on behalf of the Liberal caucus to pay tribute to Cancer Awareness Month and, notably, the Canadian Cancer Society and our Yukon regional office. The Canadian Cancer Society is a national, community-based organization of volunteers whose mission it is to eradicate cancer and also to enhance the quality of life of people living with cancer. Funds are raised through donations by individual Canadians, by door-to-door campaigns and fundraising events.

The purchase of fresh daffodils kicks off the April campaign, which is one of the Cancer Society's single most important drives in the fight against cancer. The bright, cheerful daf-

fodil is the society's symbol of hope and is in support of those who are on a cancer journey. This year, April 27, 2012, has been designated as "daffodil day".

Anyone with cancer can tell you that it is the fight of their life. Until the day that we can eradicate cancer, the goal of the cancer patients is to become cancer survivors. Today, over 60 percent of people diagnosed with cancer will survive the disease compared to one in three in the 1960s. Thanks to the Cancer Society-funded research, the treatment and quality of life during treatment has drastically improved in the past 20 years.

The good news is that we are closer than ever to fully understanding, treating, controlling and preventing many diseases called cancer. By making smart, healthy choices, we can help reduce our risk of getting cancer. The Cancer Society's Yukon region helps raise funds through the sale of daffodil flowers and daffodil pins. By wearing a daffodil pin, you show your support of Canadians living with cancer and let them know that no one has to face cancer alone.

In the Yukon region, they also hold the Relay for Life here in Whitehorse, and in alternate years also in Dawson City, with the objective to raise cancer awareness and funds for ongoing cancer research.

I would encourage all Yukoners to get involved: buy flowers, wear a pin, become a volunteer, make a donation in support of those living with cancer or in memory of those who have been lost to this devastating disease.

On behalf of all Yukoners, I would especially like to publicly thank and pay tribute to the tireless efforts of our Yukon volunteers. We truly appreciate all the people who champion the cancer cause, generate hope and give so willingly of their time to make cancer history.

We also thank the many donors for the support they so generously give each year to this very worthwhile cause. We all have a cancer story. We all have been touched by cancer, directly or indirectly, in some profound way, be it the person living with cancer or their friends and families, colleagues or their caregivers. Through your continued support, the fight against cancer will be advanced.

Applause

Speaker: Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Nixon: If I could have my colleagues in this Assembly offer a warm welcome to Teresa and Dorriin Johnson, who are constituents of mine, and they are here with Jen Collon and Leah Davy-Ryckman from Autism Yukon.

Applause

Hon. Mr. Graham: I would like to also take the opportunity to welcome Tammie Hennigar, who is the Canadian Cancer Society regional manager, and some other folks who have come along with her this afternoon to hear our tributes. Welcome.

Applause

Mr. Barr: I would like to introduce my friend, Mary Ann Lewis, who is avidly watching over us in the House.

Applause

Speaker: Are there any returns or documents for tabling?

Are there any reports of committees?

Are there any petitions?

PETITIONS

Petition No. 3 — received

Clerk: Mr. Speaker and honourable members of the Assembly, I have had the honour to review a petition, being Petition No. 3 of the First Session of the 33rd Legislative Assembly, as presented by the Member for Mount Lorne-Southern Lakes on March 29, 2012. On one page of Petition No. 3, the text of the petition has been manually altered.

That page will be returned to the Member for Mount Lorne-Southern Lakes. However, the rest of Petition No. 3 meets the requirements as to form of the Standing Orders of the Yukon Legislative Assembly.

Speaker: Accordingly, I declare Petition No. 3 read and received. Pursuant to Standing Order 67, the Executive Council shall provide a response to a petition which has been read and received within eight sitting days of its presentation. The Executive Council response to Petition No. 3, therefore, shall be provided on or before Monday, April 16, 2012.

Are there any other petitions for presentation?

Petition No. 3 — addition

Mr. Barr: Mr. Speaker, on Thursday, March 29, 2012, I tabled in this House the same petition by 1,585 people calling for the halt to oil and gas exploration and development in the Whitehorse Trough. I wish to further submit an additional 54 names that have arrived since then.

Speaker: Are there any other petitions for presentation?

Are there any bills to be introduced?

Are there any notices of motion?

NOTICES OF MOTION

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

THAT this House urges the Government of Yukon to recognize that the CBC contributes to the people and to the economy of the Yukon, that it provides an important communication link for Yukon citizens, especially for rural communities, and recommends the federal government maintain:

- (1) the current level of staffing for CBC North,
- (2) the current level of local programming, and
- (3) Whitehorse as the regional centre for the Yukon.

Ms. White: I rise to give notice of the following motion:

THAT this House urges the Yukon government to lobby the Government of Canada to maintain the National Round Table on the Environment and the Economy, which was established in 1988, Canada's only national organization with a di-

rect mandate from Parliament to engage Canadians in the generation and promotion of sustainable development advice and solutions.

Speaker: Is there a statement by a minister?

This brings us to Question Period.

QUESTION PERIOD

Question re: Stratford Motel fire

Ms. Stick: We are all aware that there was a serious fire in one of the local hotels on Saturday, and I might add, one that the fire chief has explained appeared to have started in a boiler that appears not to have been maintained by a qualified technician in a very long time.

This hotel is a permanent home to at least 20 people who find it difficult to find reasonable, affordable housing. Some have lived there for over 10 years. These are seniors on pensions, social assistance recipients and some individuals with serious health concerns. Some have applied in the past to Yukon Housing. I've been advised that some have found accommodation with friends or family, and others are temporarily in local hotels.

Will the minister assure the House that all of the residents of the hotel have found accommodations?

Hon. Mr. Graham: There were actually 49 residents in the hotel at the time of the fire. A number of those were social assistance recipients and folks who deal with our department. We have found alternative housing for all of our folks at this time. We would like to also thank the United Church for all the work they did in assisting in this endeavour. We will also be continuing to work with the folks — the social assistance recipients, especially — to determine how long they will be out of the Stratford and, if it's for an extended period of time, what alternative arrangements we can make.

Ms. Stick: Some of the residents have been placed in rooms in other hotels with the assistance of social assistance, and I thank the minister for that, but he must agree that this is only a temporary solution.

Some placed in hotels have no access to cooking facilities and are very concerned that all their remaining money will have to be going to meals in restaurants. Many of these individuals are seniors with mobility and health problems and are having difficulty getting around. Being placed further from the downtown core is a hardship to them. Some also have pets and have been unable to find acceptable residential placements.

Surely this government has a plan for such emergencies. Can the minister tell us what the plan is in responding to housing emergencies of this type?

Hon. Mr. Graham: Mr. Speaker, we hadn't planned on having a fire at the Stratford Hotel forcing us into this situation, but we do plan, on a contingency basis, for this type of occurrence, and we will continue to look at alternatives for these folks. If there is to be a long-term shutdown of the hotel, we don't know that at this time. We have made, as the member opposite indicated, alternative arrangements for all the people who were in that hotel.

Our social workers were on the scene immediately after they were called by the RCMP. We will continue to monitor the situation and all of our clients, to ensure that the best possible care is given to each and every one of them.

Ms. Stick: I was actually on the scene, and I did not see any social workers there. I was there for a number of hours letting tenants use my phone to call friends and family and helping them access their rooms to get their medications and a change of clothes before the hotel was permanently shut for the night.

There are other types of residents who could also suffer the same fate in our communities, and many are under the responsibility of this government. We are still waiting to see what the plans are for the vacant Alexander Street Residence, and we still hear about long wait-lists for social housing. We need a housing strategy for those living in these hotels and seeking better accommodation, and we need an emergency plan for exactly this type of emergency.

Will the minister advise the House what the strategy is for residents — any resident — who finds themselves without housing in emergencies and those who are looking for long-term, affordable accommodation?

Hon. Mr. Graham: Yes, I will in due course advise the House.

Question re: Minimum wage

Mr. Barr: Mr. Speaker, Yukoners are scratching their heads over contradictory statements from the minister responsible and the Employment Standards Board on the minimum wage rate. According to media reports, the board recommended in January that the rate go to \$10.30 an hour, but on April 1 the rate did not go up to \$10.30; it went up a measly 27 cents.

When did the minister receive the report from the Employment Standards Board, recommending raising the minimum wage to \$10.30 an hour, and why did she not act on its recommendations?

Hon. Ms. Taylor: I would like to thank the member opposite for raising this question of great importance. Earlier today, I was actually able to forward to the Employment Standards Board a letter — a letter I will table in today's Assembly — that recognizes the work conducted by the Employment Standards Board. It also informs the board that I, as Community Services minister, will in fact be proceeding to Cabinet for approval of the board's recommendations regarding Yukon's minimum wage. So that work is underway, to be followed by a formal announcement to come in the days ahead.

Mr. Barr: On Tuesday, March 27, the minister had this to say: "We are very much committed to adhering to the recommendation of the board and we look forward to receiving the outcome of those deliberations." Again, will this minister let us know when she received this report — as I asked this question last week?

Hon. Ms. Taylor: I just want to be very clear that our government felt it was very important that the board seek input from stakeholders, whether it be employers, employees or the public at large, on this very important matter before making a final determination on any recommended changes. Since then,

the board has made it very clear that it has acted within its jurisdiction and that no further review is required at this time.

So the government appreciates the work conducted by the board and the rationale for its deliberations and, as I just articulated, we will, in fact, be proceeding to Cabinet for approval of the recommended changes to the minimum wage put forth by the board.

Mr. Barr: Back in January, the minister took the recommendations from the board. But this minister said they would not be brought forward.

According to reports, the board says it's the first time the minister has not endorsed the recommendations. Mr. Speaker, I ask the minister this: Why did she mislead this House?

Some Hon. Member: (Inaudible)

Point of order

Speaker: Government House Leader, on a point of order.

Hon. Mr. Cathers: For the member to accuse another member of this House of "misleading" this House is a very serious accusation under our Standing Orders. I believe past practice is that such an accusation should not be made lightly.

Speaker: Member for Mount Lorne-Southern Lakes, on the point of order.

Mr. Barr: Mr. Speaker, I respectfully request that you review *Hansard* from Tuesday, March 27, to determine whether "misled" is out of order.

Speaker's ruling

Speaker: I'll have a look at the Blues and I'll give a ruling later, if one is necessary.

Hon. Ms. Taylor: Contrary to what the member opposite has just put on the floor of the Legislature, the government is indeed adhering to the recommendations put forth by the board. As I just articulated, our government felt it was important that the board seek input from the broader stakeholders, including the public, employees and employers, on the important matter before making a final determination on any recommended changes.

Again, Mr. Speaker, we understand. We certainly appreciate the good work put forth by the board and the rationale for bringing forth the recommendations and that is why the government will be proceeding with those recommendations.

Question re: Decentralization of government services

Mr. Silver: Mr. Speaker, communities beyond Whitehorse should benefit from local government services and local government jobs whenever possible. Decentralization allows government services to be provided close to the ground by people closely affiliated with the communities they are serving. Service delivery is direct and well-informed regarding local conditions. Right now, two emergency medical services rural supervisors for southern Yukon and northern Yukon work from Whitehorse instead of southern and northern Yukon communities.

Has the minister considered allowing these positions to be filled by Yukoners living in south Yukon and north Yukon, respectively?

Hon. Ms. Taylor: With all due respect, the minister does not involve herself in personnel-related matters. We do defer to the respective departments in this regard. Certainly, in regard to the member opposite's question, it does refer to the Department of Community Services. That is a question that we can take up with the Department of Community Services, but it is in fact an administrative decision.

Mr. Silver: When government decentralizes its services, it shares the significant wealth generated by government jobs. That could have a huge impact in small communities. Government also benefits when providing specifically regional services, because Yukoners who live outside of Whitehorse are often the best qualified to deliver those services directly to the communities. EMS is an excellent example. I understand one of the Energy, Mines and Resources rural supervisor positions is currently vacant. Could the minister tell us where we are in terms of the hiring process and if there is time still allowed for applications from people who want to stay in the rural communities?

Hon. Ms. Taylor: Well, again, what I just finished trying to forward to the member opposite is when it comes to personnel-related decisions as to which staff person is to be situated in which community or to stay within the City of Whitehorse, I will continue to defer that decision to the departments. In this case, it has to do with Community Services. What I will also say is that in the communities of both Dawson City and Watson Lake, EMS services are provided through a combination of staff and volunteer commitments.

In fact, there are personnel on the ground in both communities and that was a decision made by their respective departments years ago. Again, I'll defer to the respective departments for making those administrative decisions.

Mr. Silver: Rural Yukoners know their communities best, and they shouldn't have to leave their home communities to have a shot at government jobs in their areas of expertise. Right now the EMR rural supervisor for southern Yukon is located in Whitehorse just a few blocks from here. It is not, for example, in Watson Lake, Teslin or Carcross. The EMR rural supervisor for north Yukon is also just a few blocks from here, and it is not in the City of Dawson, Mayo or Pelly Crossing.

Is there some reason why these regional services cannot be delivered regionally? If not, will the minister reconsider inviting qualified rural applicants who wish to work closer to home?

Hon. Ms. Taylor: Contrary, again, to what the members opposite may have the House understand, we on this side of the Legislature do not make administrative decisions when it comes to our personnel within the public service.

Mr. Speaker, we are proud of the work that our public servants do provide, day in and day out, in rural Yukon and within the City of Whitehorse. We very much remain committed to providing emergency medical services in all of our communities and that is why we continue to work with our volunteers and continue to work with our paid staff throughout the communities of Watson Lake and Dawson City, for example.

Again, I can take this up with the Department of Community Services, but those are decisions made by the respective departments.

Question re: Employment standards

Mr. Silver: A few weeks ago, I raised the issue of employment standards in the Yukon. I was referring to the contracting practices at the Dawson hospital build that some of my constituents had the courage to speak up about. I was informed that several contractors from outside the territory were not paying overtime to Yukon workers. I was informed that these employers were using loopholes in the territorial laws to hire employees as subcontractors, therefore avoiding having to pay deductions from EI, CPP and income tax. Since the issue was raised, we heard that several of these concerns have been addressed by the employers. The problem is that many Yukoners have been speaking out and have made it clear that these kinds of practices are still taking place all over the Yukon.

In a territory that is now in a mining boom, with a government that has just presented a record-breaking budget, does the minister think that it is fair that some contractors from out of territory aren't giving Yukoners their fair due?

Hon. Ms. Taylor: I'd like to thank the member opposite for raising the question. Employment standards in fact set the minimum standards for employment in the territory, both protecting the rights of employers, as well as employees, by defining the roles and the responsibilities, as set out in the appropriate statute.

Enforcement measures include the ability to issue certificates of unpaid wages, which are filed then in the Yukon Supreme Court and can even be used to seize assets to satisfy unpaid wages, for example. We also have reciprocal enforcement agreements with all other Canadian jurisdictions, as a further mechanism to collect unpaid wages from employers whose assets are outside Yukon. There are processes in play; there are provisions set out within the act itself and we look very much to continuing to adhere to those provisions.

Mr. Silver: I thank the minister for her answer. It would be understandable if the department was having a difficult time overseeing the regulations in the employment practices on all of the Yukon's work sites. It is a large territory and there are a lot of work sites.

Just to be clear, the government officials at the Employment Services branch do an excellent job. But I do understand that there are only three of them assigned to handle this. All I'm looking for is an acknowledgement from the minister — some indication that she's aware that these kinds of practices are happening in the territory. Does the minister feel as though her department has enough resources to adequately monitor what is actually taking place on every work site in the community in our territory at large?

Hon. Ms. Taylor: As I just outlined, our staff — our respective public servants in the Department of Community Services — is very much committed to adhering to the provisions as set out in the act itself. In fact, in the fiscal year 2010-11, our staff did, in fact, field some 3,400 inquiries, receiving 75 various formal complaints on a variety of employment standards issues and, in fact, collected well over \$100,000 in un-

paid wages on behalf of employees. So, quite clearly, our staff is very much committed to adhering to the provisions. As I just mentioned, there are a number of venues for collecting unpaid wages, including reciprocal enforcement agreements with other jurisdictions in the country and, of course, performing payroll audits and so forth.

Mr. Silver: I appreciate the fact that the minister has taken some steps to help draw attention to this issue. I am aware that more information about the Yukon's fair wage schedule is now available on-line and has been sent out to many Yukon businesses and industries since this issue was raised. I am glad to see that the minister is listening to what we have been hearing from Yukoners and has taken some actions on these concerns. I do think that the minister can be doing more though.

Besides sending out information to educate employers and employees about the rights of workers, what has the minister done to address the gap in employment standards throughout the territory, especially on sites where capital projects are being built?

Hon. Ms. Taylor: Again, we continue to make resources available to our Employment Standards branch. As I just articulated, when it come to their good work, they have been very occupied indeed. There were some 3,400 inquiries; over 75 complaints were acted on; \$100,000 in unpaid wages on behalf of employees was collected. I will not reiterate what actions this government has been taking, but, again, it does include education for both employers and employees on the act as we do our job when it comes to receiving, investigating and enforcing complaints under the legislation.

Question re: Oil-fired appliance safety

Ms. Hanson: Mr. Speaker, the Yukon public now has a copy of the fire marshal's full investigation into the tragic deaths of five Yukoners from carbon monoxide poisoning.

Within the document is a seven-page report from the chief mechanical inspector detailing major missteps and code violations that contributed to this preventable tragedy. The Yukon public expects this government to show bold leadership and they expect a clear statement on how this government will act to ensure similar tragedies never happen again.

Now that the full fire marshal's report is out, what is this government's plan to ensure similar tragedies never happen again?

Hon. Ms. Taylor: I would like to thank the Leader of the Official Opposition for her question. As the Premier and I and other ministers on this side of the Legislature have already stated on the floor of the Legislature, the Government of Yukon is awaiting the coroner's report on this tragedy. The fire marshal's report has been presented to the coroner in this regard.

We will be looking closely at the results of the investigation. That work continues to be underway. Of course, when we receive the report and have had an opportunity to review the findings in their entirety, then we will be in a much better position to assess the circumstances that led to the incident and determine in the full report what actions can be required from various parts of government.

Ms. Hanson: Well, one could typify this government's response as, at best, tepid. They have talked about a change in 2010 requiring those installing or doing major work such as on oil-fired furnaces to pull a permit. They are talking about updating the permitting and inspections process so progress can be followed on-line — something they promised years ago. They have created yet another working group, despite not following the recommendations of a similar group created in 2008. Meanwhile, there are no regulations requiring the work to be done by certified oil-burner mechanics. The response has been ad hoc and Yukoners are wondering why. I want to give the government an opportunity to be clear to Yukoners and present their plan to address the myriad problems associated with oil-burning devices.

Will they share whatever plan they have, if they have one, now?

Hon. Ms. Taylor: The Government of Yukon is very much committed to improving safety as it pertains to oil-fired appliances and tanks in the Yukon.

Over the years, since the reports first came into fruition, a number of actions have been undertaken when it comes to training initiatives for oil-burner mechanics, public education on fire prevention and safety, also implementation of regulations that came into effect in 2010, requiring permits and inspections for all new installations as well as modifications to existing systems.

As the Premier has already articulated, issues pertaining to carbon monoxide will be taken into account when we discuss minimum standard rentals going forward on the landlord and tenant review. We also recognize more needs to be done. That is why the minister responsible for Yukon Housing Corporation and I have tasked our respective officials to establish a working group comprised of government and industry representatives to come up with a made-in-the-Yukon solution to enhance safe operation of these appliances.

Ms. Hanson: We're talking about a national safety code, not a made-in-Yukon solution. This is something that is vitally important. Eighty percent of Yukoners heat their homes with oil furnaces. There were five reports from an expert, Mr. Corea, that have clearly shown a huge number of these home installations are improperly installed and could pose a risk to life and property.

Sadly, those warnings and five reports were validated in the most dire way. Today we heard from my colleague behind me that the fire at the Stratford that left several dozen people homeless was "started as a result of malfunction of one of the boilers, which did not appear to have been served by a qualified person in quite some time". The Official Opposition has called for a public inquiry to blend together all of the elements the minister was just talking about here to get to the bottom of the Porter Creek tragedy and to be an impetus for change across government. Will this government conduct a public inquiry — yes or no?

Hon. Ms. Taylor: We understand the very importance of this issue to all Yukoners. There could be no question there. It is essential, however, that we enable the appropriate authority — and that authority is the coroner, in this particular case

— to conduct and to conclude her work out of respect for objectivity in this regard. As I have already articulated, the government has taken a number of steps, from training to public education to amending our building safety regulations in 2010.

More work will be undertaken by the working group that will be concluding its results shortly and will be making recommendations on an action plan on how we can further the safety of oil burner appliances and tanks in the Yukon.

We recognize this issue and like everyone, we too would like to be able to build upon the work that has been done in the past and continue to work to enhance safety as we see it in all Yukon communities.

Question re: Social housing

Ms. White: The minister responsible for Yukon Housing Corporation and I visited a seniors social housing complex the other day, and I wish to thank the minister for the opportunity and frank discussions that we had at the residence. However, Mr. Speaker, the minister has, in this House, stated various numbers of social housing units in the territory, from 650 to 663. Today the Yukon Housing Corporation website says there are only 620, as of March 11, 2011.

What I would like to know from the minister is exactly how many social housing units are there in the territory?

Hon. Mr. Kent: Just to be clear, the numbers that I have referred to on the floor of the House are the number of new units, plus the number of units that have been retrofitted, and that's the number reflected in the responses I've given to the Member for Takhini-Kopper King. So with respect to the total number, I will get an answer back for the member opposite.

Ms. White: Thank you, Mr. Speaker, and thank you for the answer.

Yukon Housing Corporation has had a large and long wait-list for many years. Yukoners need safe and affordable housing. Good planning requires hard numbers. I would like to know how many people are on the wait-lists in Whitehorse and the communities? How many are seniors, and how many are families?

Hon. Mr. Kent: The latest vacancy report I have from the Yukon Housing Corporation is dated October 30, 2011. I will endeavour to get some more recent numbers to present on the floor of this House. The wait-list for seniors housing units is around 50 in Whitehorse. We have very few, if any, seniors housing wait-lists in the communities. I think a lot of that is owed to the recent construction that has been conducted in communities such as Teslin, Watson Lake and Faro, as well as the large construction in Dawson City. There is still work to be done — and I should also include the Waterfront Place in Whitehorse, which added a number of units to the Whitehorse inventory of seniors housing.

There is a wait-list out there, but in the media I have seen that our wait-list is substantially lower than that in the Northwest Territories. So, while we still do have an issue with the wait-list for various seniors and social housing clients, we are making best efforts — best efforts made by the previous Yukon Party government and efforts and planning that is being done by this government.

Ms. White: Our research suggests that the wait-list has increased from 134 applicants in November of 2010 to 180 last July, and sadly, I couldn't find any that has today's information. But that's a 33-percent increase in less than a year. The Yukon Party government continues to sit on \$13 million of federal money earmarked for social housing. With so many people on long wait-lists, how can the minister justify cutting \$9 million out of the Yukon Housing Corporation's capital budget and budgeting only \$500,000 for social housing in this budget year?

Hon. Mr. Kent: Again, I think that previous Yukon Party governments have made significant investments in social and senior housing, and one only has to drive through many of the ridings here in Whitehorse or visit a number of the communities where that new construction has taken place.

I mentioned a number in my previous answer and, again, there are the units in Riverdale for single parents that have been added to the inventory also. The wait-list that I have, again, is as of October 30, 2011. The total on the wait-list is 133, and I'd be happy to send this information over to the member opposite following Question Period today.

Just with respect to the question on the capital vote for Yukon Housing Corporation, if members would turn to page 19-5 in the budget, they'll see recoveries from Canada. They'll see that those recoveries have gone in 2010-11 from almost \$29.5 million to the 2012-13 estimate on capital of \$2 million. That's where we're seeing the difference. The federal government, as everyone knows, came up with a significant stimulus package under Canada's economic action plan. The Yukon Party governments chose to invest many of those dollars in social housing and housing for our seniors. That's what I would draw the members' attention to, those significant decreases in the recoveries from Canada as it leads to the decreases in the capital budget for the Yukon Housing Corporation.

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

ORDERS OF THE DAY

GOVERNMENT MOTIONS

Motion No. 105

Clerk: Motion No. 105, standing in the name of the Hon. Mr. Cathers.

Speaker: It is moved by the Government House Leader that the Yukon Legislative Assembly, pursuant to section 2 of the *Ombudsman Act*, recommends that the Commissioner in Executive Council appoint Timothy E. Koepke as the Ombudsman of Yukon for a term of five years, effective May 1, 2012.

Hon. Mr. Cathers: Mr. Speaker, I will be very brief in speaking to this motion. Members of this House know, but for anyone who is listening, I will explain: This originates from Members' Services Board. They formed a committee with one MLA representing each caucus in this Assembly to do this process of hiring an ombudsman. The advertisements for the

position were placed. The committee then reviewed applications and interviewed those they had short-listed and have made this recommendation to this Assembly. So perhaps members from other caucuses or members who have served on the committee may want to speak to this motion, but that basically summarizes the matter we have before us. This does require the recommendation of the Legislative Assembly before the Commissioner in Executive Council can make that appointment.

Ms. Stick: I am pleased to rise in the House to support this motion for the appointment of Mr. Tim Koepke as the Yukon Ombudsman and Information and Privacy Commissioner.

I believe that Mr. Koepke, a longtime Yukoner, will bring considerable leadership, knowledge and skill to this job. That is of vital importance to all Yukoners. My thanks go to the other members of this committee for their hard work and their diligence to this process. I appreciated the high level of discussion, and non-partisan collegiality that was demonstrated in coming to this decision. I would be remiss if I did not thank the outgoing Ombudsman and Information and Privacy Commissioner, Tracy Anne-McPhee, and the staff in that office. The services offered and provided by this team have grown and continue to be offered in a highly professional and efficient manner. The NDP looks forward to the work of Mr. Koepke and we unanimously support this motion.

Mr. Silver: I just have a few things to say. I am also pleased to rise to support the motion for the appointment of Mr. Koepke. It was a difficult process, as all of the candidates were absolutely excellent, and I just wanted to rise to say that the process was made easier by the actual members on the committee. I would have no problem working with the honourable members or any of the committee from here on in because of their abilities here to look past political appointments and, basically, just make the best decision.

Speaker: Are there any other members who wish to speak to the motion?

Does the Government House Leader have a closing statement?

Hon. Mr. Cathers: Mr. Speaker, I will just be very brief and thank the members who spoke to the motion.

Speaker: Before putting the question, the Chair must draw the members' attention to section 2 of the *Ombudsman Act*. That section requires that the recommendation of the Legislative Assembly to the Commissioner in Executive Council representing the appointment of the Ombudsman be supported by at least two-thirds of the members of the Assembly. The effect of section 2 is that for the motion to be carried, at least 13 members must vote for it in order to ensure that the requirements of section 2 of the *Ombudsman Act* are met.

Division

Speaker: The Chair will now call for a record of division.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Graham: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Mr. Hassard: Agree.

Ms. Hanson: Agree.

Mr. Tredger: Agree.

Ms. Moorcroft: Agree.

Ms. White: Agree.

Ms. Stick: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

Clerk: Mr. Speaker, the results are 17 yeas, nil nays.

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

Motion No. 105 agreed to

Motion No. 120

Clerk: Motion No. 120, standing in the name of the Hon. Mr. Cathers.

Speaker: It is moved by the Government House Leader

THAT a Select Committee on Whistle-blower Protection be established;

THAT the honourable member Patti McLeod be the Chair of that committee;

THAT the honourable members Stacey Hassard, Hon. Doug Graham, Jan Stick and Darius Elias be appointed to the committee;

THAT the committee shall have access to records generated by, or gathered by, the Select Committee on Whistle-blower Protection established by Motion No. 125 of the 32nd Legislative Assembly;

THAT the committee report to the House its findings and recommendations respecting the central issues that should be addressed in whistle-blower protection legislation, including:

(1) whether all public institutions and private organizations performing "public" functions will be covered;

(2) whether only employees or others — unions, advocacy groups, the media, citizens — can use this legislation;

(3) what types of wrongdoing will be covered;

(4) whether the same office will conduct investigation, mediation and the protection of whistle-blowers,

(5) whether employees will have to exhaust departmental procedures before approaching the whistle-blower protection office;

(6) how retaliation against whistle-blowers will be defined and how long protection will exist;

(7) whether there will be a reverse onus on the employer to demonstrate that adverse decisions on a whistle-blowing employee were not a reprisal;

(8) what remedies for employees judged to be adversely affected will be specified in the legislation; and

(9) what sorts of consequences there will be for employees who engage in reckless or malicious accusations of wrongdoing and for managers who engage in reprisal against employees who act in good faith;

THAT the committee report to the House its recommendation as to whether whistle-blower protection legislation should include a sunset clause similar to that found in section 35 of the *Ombudsman Act*;

THAT the committee have the power to call for persons, papers and records and to sit during intersessional periods;

THAT the committee may hold hearings for the purpose of receiving the views and opinions of Yukon citizens and interested groups on whistle-blower protection legislation;

THAT the committee have the power to seek background information from experts and to be able to call and hear these experts as witnesses;

THAT while all testimony provided to the committee shall be a matter of public record, the committee have the power to hold in-camera meetings and to direct that the records of the committee, in specific instances, not contain details that could lead to the identification of an individual, group, third party or community;

THAT if the House is not sitting at such time as the committee is prepared to present its report, the committee transmit its report to all Members of the Legislative Assembly and then, not more than one day later, release the report to the public; and

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support and services to the committee.

Government House Leader, you have the floor.

Hon. Mr. Cathers: I will speak briefly to this motion in introducing it. This motion is to move the establishment of a select committee on whistle-blower protection. The job of that committee would include reviewing work done by the committee of the last Legislative Assembly that did significant work on this subject, but there is more work that needs to be done before that job is complete. The government, in forming this motion and in tabling it, want to emphasize the fact that, as we did in the past, this is something that we believe — involving and providing opportunity for all parties, all caucuses in this Assembly to be involved — is a more collaborative way to do things. As I have indicated before and reminded members, in fact, the whole practice of establishing select committees composed of all political parties is something that has largely been a Yukon Party initiative. Previous to our time in office, it had been done once before, related to land claims, but we have established a number of committees.

There have been challenges, at times, but those committees, by and large, have come up with good product, made good recommendations, and we think have really been an improve-

ment to having a more collaborative approach that involves members of all political parties in important matters, rather than taking the standard approach that has been used in the past, where government made the decisions on major policy matters and did not create any of these committees that allowed that all-party focus on significant policy matters. Examples include the following: Select Committee on Anti-smoking Legislation; the Select Committee on Human Rights; the Select Committee on the Safe Operation and Use of Off-road Vehicles; the Select Committee on Whistle-blower Protection; and the Select Committee on the *Landlord and Tenant Act*.

In this case, the whistle-blower committee is the only one of these committees that did not reach a final product. There is some work that needs to be done. As members of the Assembly will know, it's also a challenging policy area and every jurisdiction that has moved down this track has had some very serious policy issues to consider. It is not without its challenges in determining how to address these in a manner that is fair and equitable and allows for people who come forward in good faith as whistle-blowers to have appropriate protections without creating situations that can be misused by somebody who is trying maliciously to cause problems for other employees or others within the system.

Again, as laid out through the motion, the motion is largely similar to the motion that was in place before. It talks about the importance of protecting employees who act in good faith from reprisal. It also talks about consideration of consequences for those who engage in malicious accusations. I won't go through the entire motion here, but I would simply note that I do appreciate the work that was done by members of the committee of the previous Legislative Assembly, and my colleagues in the government caucus appreciate that work. There is more work that needs to be done. We hope that members from all parties will participate. We know that we have heard past indications from the interim Liberal leader, the Member for Vuntut Gwitchin, that he did not want to participate or have the Third Party at the table. We hope that he will reconsider that. I really hope that all parties will choose to be involved in the final stages of work. In tabling the motion, we did provide a seat outlined in this for the Member for Vuntut Gwitchin. Government was not going to table a motion to establish an all-party committee without holding out a chair for the Third Party.

Whether they choose to fill that seat or leave the decisions of the committee to be made by others is something that will be up to them to decide. We appreciate the fact that the Official Opposition has indicated their willingness to participate in this and I emphasize that we sincerely hope that the Third Party does choose to be involved and to provide their constructive input at the final stages of developing whistle-blower protection legislation.

Ms. Hanson: Of course I as the Leader of the Official Opposition am pleased to rise to say that it should be no surprise to anybody in this Chamber that the Official Opposition is in general support of this motion. We believe and we have said this many times, that it is about time that we move forward on

crafting rules that will protect from reprisal public servants who witness and report on wrongdoing.

There have been many delays on advancing whistle-blower protection. A pledge to bring forward rules was part of the Yukon Party's 2002 election platform, so here we are, 10 years later — Mr. Speaker, 10 years. It's a good thing to say that we're looking for collaborative, cooperative action, and we intend to do that and to offer that to the members opposite.

In this legislative sitting, the Official Opposition has raised the importance of getting these whistle-blower rules in place in a timely manner through letters and questions in the House. The government has responded that they are interested as well, and we do trust that they are serious and they will not allow this process to bog down.

We recognize that the motion that has been presented today is nearly identical to Motion No. 125 of the 32nd Legislative Assembly, except for the section, as the member opposite pointed out, that the committee, "shall have access to records generated by, or gathered by, the Select Committee on Whistle-blower Protection established by Motion No. 125 of the 32nd Legislative Assembly."

It is our profound concern that the committee not reinvent the wheel, that it is not forced to start from scratch, but be more or less a continuation of the very good work already completed by the previous select committee of all parties of this House.

We accept that this clause in the motion today is an indication of the government's good faith at not starting at square one, but using the submissions and all else gathered as a starting point. I remind members of this Legislative Assembly that the previous select committee met as the Select Committee on Whistle-Blower Protection 13 times between 2007 and 2010.

You know, they received the opinions of many. The member opposite said that it was important to hear the views of many from across civil society, from within the public service and outside. They heard the views of labour, retired civil servants, the Ombudsman, the Public Service Commission, and concerned citizens, and they came up with 10 recommendations. In fact, because of the delays, both opposition caucuses signed a minority report in November of 2010 in support of those recommendations.

As I've said, although we generally support the motion, we will be proposing an amendment to strengthen it, and we hope the government will agree. What the motion lacks is a clear timeline and that's what our motion addresses. The previous committee had no timeline and it did not report. Some of the members opposite will remember that was a rancorous time when that minority report was discussed; we want to avoid that, Mr. Speaker. We want to enable the select committee to actually go forward, build on the good work that was done already and come to this Chamber with some serious recommendations to address the issues of whistle-blower protection.

We believe we need to learn from the past and not repeat the same mistakes. Mr. Speaker, I would like to propose an amendment.

Amendment proposed

Ms. Hanson: I move

THAT Motion No. 120 be amended by adding the following new paragraph between the second to last and last paragraphs: "THAT the committee shall complete its work and present its report prior to the end of the 2012 fall sitting of the Yukon Legislative Assembly."

I have copies here.

Speaker: It has been moved by Ms. Hanson:

THAT Motion No. 120 be amended by adding the following new paragraph between the second and last paragraphs:

"THAT the committee shall complete its work and present its report prior to the end of the 2012 fall sitting of the Yukon Legislative Assembly."

Ms. Hanson: I will be brief on speaking to this motion to amend. This amendment would have the committee report to this Legislative Assembly by the fall of 2012. Fall, as we all know, extends quite a ways into the calendar year. That gives the committee a potential of six or seven months to complete the work. There is already plenty of groundwork done. I heard that from the members opposite already today, and both the NDP caucus and Liberal caucus signed off on a minority report that gave their support to the recommendations that had been made at that time. So a significant amount of work has been done already by many, many people in good faith to move this important initiative forward.

The government will ultimately decide whether to accept the amendment and to put a timeline on the committee's work. I sincerely hope they will support this reasonable time frame, but if they think it is not enough time, I would welcome them to put forward a further amendment — to amend it to reflect what they feel is adequate. There is a difference between agreeing to a reasonable timeline and voting against any timeline. So if they vote against the amendment and don't put forth alternative timelines, and just leave the committee without a clear reporting timeline or deadline, they will need to reflect on the signal they are sending to the territory's civil servants.

Everyone in this House has said at one point or another how important this is. The governing party, the Yukon Party, has said since 2002 that this is a piece of legislation that they feel strongly about and intend to bring forward. Ten years later, wouldn't it be nice to see on the 10th anniversary of that commitment that they fulfill it. I encourage all in this House to support the amendment.

Hon. Mr. Cathers: In rising to the amendment, I appreciate the desire of the Official Opposition to conclude this work and the government also does want to see this work brought to a close. One thing that we're concerned about is that the timeline proposed by the Official Opposition, I think, is probably a little too quick. I know that the member and most of her caucus are fairly new to this House and have not dealt with the logistical challenges of trying to get members together outside of sittings, and that is one that applies to all caucuses. When we have rural members, they often have commitments in their ridings that make it difficult to get back. Over summer months it can be difficult to come up with mutually agreeable

time slots and, as the members know, it's difficult to actually get the work done during a legislative sitting.

So that has, in practice, led to times when it's often easier in the early fall and over the course of the winter, between legislative sittings, to get members together and get the work done on a select committee report. In speaking to the amendment, I would emphasize that we can't agree to support the timeline identified in it. The only difference in the motion that was tabled today compared to the motion that established the last select committee was, in fact, something that we took from a suggestion made by the Official Opposition. They had suggested that wording reference the records developed by the last whistle-blower protection select committee, so we are trying to incorporate that work. If there's a defined timeline, it can also lead to a situation where other members of the committee from other caucuses can use that as an opportunity to try to blame the government if the committee has work left to be done. Really, in this case, if we're going to effectively come out with outcomes from these select committee reports, there really has to be a desire by everyone at the table to work together to deal with the report as expeditiously as possible and as constructively as possible.

We can't support the timeline that's identified in here because we think it may be optimistic, but we would like to see the committee get its work done that soon. That would be wonderful. We do think it's probably optimistic, considering past experiences on these committees. As far as whether the timeline should be spring of 2013 or fall of 2013, or what the timeline should be, I think it really would be better in this case to not start off the committee by arguing about the timeline and in fact simply leave the motion as was originally tabled, but have all members express the desire and give the direction to the respective members on the committee that the caucuses would like to see this work concluded effectively and constructively; develop a good report and final recommendations that will lead to the development of effective and balanced whistle-blower protection legislation.

Ms. Moorcroft: I rise to speak on behalf of the amendment to establish a timeline for the Select Committee on Whistle-blower Protection. We think that this is a reasonable timeline, and if the government members believe that the timeline should allow for an additional year, then I would encourage them to amend the amendment to reflect what they feel is adequate time. All members of this House have a full-time job as Members of the Legislative Assembly that imposes on us a duty to be present in the House during the legislative sittings and to represent our constituencies both when we are sitting and when we are not. Members who represent rural ridings do have a lot of travel to their ridings, but they also have the responsibility to be in Whitehorse and to be available for other duties such as working on committees that can only meet when the House is not sitting. We have, at present, a total of 60 days when we are sitting in the Legislature, and I would certainly submit that for the rest of the days of the year, it would not be onerous on members to participate in committees such as the Select Committee on Whistle-blower Protection.

I would urge members opposite to support the amendment or to suggest another timeline. As the Leader of the Official Opposition indicated in her remarks, it has been 10 years since the Yukon Party made a commitment in its election platform in 2002 that it would bring forward whistle-blower protection. We would like this committee to work and to come to a conclusion of its work, and to see the government bring legislation forward. Again, I commend the amendment to the House.

Mr. Barr: I, too, would encourage all of us here to put forward the amendment as it was suggested, or come up with another amendment with a timeline. I think of myself, that when I have timelines I get things done; if I want to just let things go and not get to them, I do not give timelines. I see that a to-do list is an important thing. It fosters that.

I am a rural representative and my job is to represent the people who elect me and all those in the Yukon, which includes the people who are working and would like to see this whistle-blower protection come forward.

I know that many people speak of this to me — that they would like to see this go forward, so I know that my commitment is to be here, to work on behalf of the people and make time to do that.

Hon. Mr. Graham: I rise as one of the people recommended to sit on this committee, and I can appreciate where everyone is coming from but, in addition to sitting in this Legislature and working for my constituents, I also have a job that is called "Minister of Health and Social Services". It's the largest single department in the government. I'm still learning a lot about this department, and I will be learning all summer as well.

When you talk about to-do lists, I've had suggestions from members of the opposition all session about what I should be doing in the next little while. I have to keep those things going, as well as sit on this committee, and I want to make sure I do a good job at both things.

We have made a commitment. I've talked to both members of our caucus as well — we have made a commitment; we're going to do this, but we will get it done as quickly as we possibly can. But to set timelines and then expect a half-baked report to come out, to me, is ridiculous. We've made a commitment. We'll do it, and we'll do it as quickly as we possibly can.

Speaker: The member should be addressing the Speaker, not necessarily answering comments or statements that are not on the record.

Does any other member wish to speak to the amendment?

Hon. Mr. Pasloski: I would just like the opportunity to point out that both the New Democratic Party and the Liberal Party, when in government, had committed to doing whistle-blower legislation; however, they failed to do so. This government has said that this is important. We intend to move forward with it. Unfortunately, speaking to the amendment to the motion, we feel that the timeline is not reasonable.

Amendment to Motion No. 120 negatived

Speaker: Does any member wish to speak to the main motion?

Motion No. 120 agreed to

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 (Ms. McLeod): Committee of the Whole will now come to order.

The matter before the Committee is Bill No. 6, *First Appropriation Act, 2012-13*. We're going to be starting with Vote 8, Department of Justice. Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 6 — *First Appropriation Act, 2012-13* — continued

Chair: The matter before the Committee is Bill No. 6, *First Appropriation Act, 2012-13*. We're continuing with Vote 8, Department of Justice. Mr. Nixon has the floor with 18 minutes remaining.

Department of Justice — *continued*

Hon. Mr. Nixon: Again, it's a privilege to be speaking in the House today to the 2012-13 O&M Justice budget

Something that came up last week that I would like to speak more about is the work that this Yukon Party government is doing to address violence against women. This is something that we're addressing in the *Victims of Crime Strategy*, and it's also very important to both our Premier and to me. I'm happy to report that \$50,000 per year has been committed for the Department of Justice to support further public education and \$181,207 has been provided to the Women's Directorate for public education. Victim Services has redeveloped its brochures and has been conducting intensive public campaigns about the *Victims of Crime Act* and the *Bill of Rights*. What about services, Madam Chair?

This Yukon Party government applauds Victim Services continuing to support the Yukon sexual assault response committee, which consists of representatives from government and community-based service providers focused on developing consistent, timely and effective responses to victims of sexual assaults. The committee is currently discussing training needs and ways to better communicate with the public about sexual

assault. This work is closely related to the work being carried out in response to the *Sharing Common Ground* report recommendation to develop a framework to address domestic violence and sexualized assault. My good friend and the minister responsible for the Women's Directorate is also working with the Yukon Aboriginal Women's Council, the Whitehorse Aboriginal Women's Circle and the Liard Aboriginal Women's Society on the implementation of the aboriginal women's role model pilot project. I commend my colleague on this work and look forward to seeing the report from this particular project.

In my capacity as Minister of Justice, every year I set priorities for policing in the territory and communicate those to the RCMP's M Division. A common thread in those priorities over the past few years has been to work to increase the communication and coordination of services to victims of crime. The RCMP has been incredibly responsive to this priority, and we continue to discuss ways of improving our levels of service to victims of crime. I can assure you that the RCMP views domestic violence very seriously and continues to work in collaboration with many others toward providing a safe environment for families.

While both men and women report experiencing violence in relationships, research shows that women are more likely to experience serious physical injuries and that women are much more likely to fear for their lives and experience the emotional consequences of abuse. I'm pleased that the RCMP has both a national and divisional policy regarding violence in relationships. In fact, this is in their training. As part of the RCMP basic training at Depot, members receive training on how to respond effectively to domestic violence. I will be visiting Depot this summer for the graduation of a class, and I will be speaking to the importance of continued training regarding domestic violence.

Another area of focus in the *Victims of Crime Strategy* is working to support mentorship and capacity building in communities. We are working with many communities on the development of community-based initiatives related to victimization. For example, the Dawson City victim services office supports the communities of Dawson, Pelly Crossing, Mayo and Old Crow and the Tr'ondëk Hwëch'in, Selkirk, Na Cho Nyäk Dun and Vuntut Gwitchin First Nations.

An essential skill for the northern victim service workers program, targeted at existing victim services workers and others in communities who want to respond to victimization, is being developed in cooperation with Nunavut and N.W.T. through the Northern Institute of Social Justice. Phase 1 concluded in April of 2011, and work is underway to secure funding to continue with phase 2. It is important to know that in our training plan, Victim Services is examining a variety of risk-assessment and danger-assessment tools and will look at how to link these tools with safety planning tools that are appropriate for Yukon. I am very pleased to advise that we have added an additional \$85,000 per year to provide training for people who work with victims. We are also providing funding through the crime prevention and victims services trust fund for several other victim-related projects, including a project for young women in Ross River, an equine therapy project in Watson

Lake, an aboriginal women's advocate, community-based support programs and the victims of crime emergency fund.

Madam Chair, as part of the additional support offered by Canada, Victim Services is working with a multi-disciplinary team to ensure that best practices for working with child victims and witnesses are implemented. The department is working with the Public Prosecution Service of Canada, the RCMP, Health and Social Services, Whitehorse General Hospital and other service providers to develop a coordinated and integrated approach to best practices.

Turning my attention to other units that provide services related to children, I want to mention the work of the maintenance enforcement program. The maintenance enforcement program enforces agreements or court orders requiring support payments to a spouse or a child. The MEP can take steps to enforce agreements or orders for support after they are filed with the court. When the program collects money from the paying parent, that money is paid to the receiving parent. The MEP has enforcement agreements with all Canadian provinces, some U.S. states and some countries overseas that may assist with the collection of maintenance from respondents who reside outside the Yukon.

I'd like to talk about a group of Yukoners who sometimes don't get the credit and recognition that they deserve. A few weeks ago, it was a real pleasure for me to open and speak at a conference here in Whitehorse and meet the community coroners. This group of professionals provides incredible commitment and a valuable service to their communities and Yukon. I can only imagine as a community coroner they would often be working under stressful and challenging circumstances. Since most of our Yukon communities are small, probably more often than not, individuals may know the deceased person, as well as their family and their friends. Their efforts to aid those in their respective communities are truly commendable.

The conference I attended provided an opportunity for coroners and RCMP members to come together to build networks and partnerships in order to continue to provide an excellent service to citizens of our representative communities. The Yukon coroner's service is, in fact, based on a model which promotes a partnership between community resources and medical and legal experts, all operating in the public interest. In Yukon, this is especially important, where our communities are small and our resources can often be stretched.

Over the past few months, I have been working very hard on a particular file. During last year's election campaign, I heard time and time again that our land title system desperately needed modernization. About a month ago, I began a formal process and appointed a third party to inspect our Land Titles office, and to speak to stakeholders like lawyers, realtors, and surveyors. While I await the inspection report, there are some immediate fixes that will increase the level of service that the Land Titles office is able to provide. This will be followed by a full-scale modernization of the legislation, the supporting computer platform and business processes. The legislation, computer system and business process used in the land titles office are no longer sufficient for timely transactions, where the number of real estate transactions and their complexity have risen

dramatically over the past several years. The *Land Titles Act* and the *Condominium Act* have not been substantively amended since they were enacted. In the case of the *Land Titles Act*, that was over a century ago.

Similarly, the computer platform was put into operation over a decade ago and does not offer many of the features needed by the land titles office to facilitate service to our public.

Business processes need modernization because they are based on the out-of-date legislation and the system.

As I have indicated, we had an inspector on the ground just a few weeks ago, and short-term changes to the legislation and supporting computer platform will be completed this spring.

A separate full-scale modernization of the land titles regime in Yukon will proceed in three phases: scoping, including retaining legal and technical expert advice; preparation of a discussion paper; and stakeholder consultation and option identification. It also includes the development and drafting legislation, identifying the needed elements of a new computer system and selection of such a system, and the review of business processes by a business and functional analyst. Finally, it involves the implementation of new legislation, a supporting computer platform and business processes in the office.

I've tabled a bill this sitting to attend to some of the quick fixes. We campaigned on this commitment, and, in fact, made it a Yukon Party platform commitment to deliver on. This entire process will take all of a few years to complete, but once it's complete, we'll have a modern, functional system in place that will reduce land transactions from five to nine weeks to two to three days, with, very likely, the option to search title from your own home.

At this time, I would like to invite questions from my colleagues opposite in this Assembly.

Ms. White: I listened with great interest to the comments the minister just made, but unfortunately, they didn't really have to do with the question I ended on last week. So I'm just going to go back and remind him what we were talking about and look for an answer there.

On Thursday, I was talking about the problem of people who are being arrested in communities, brought into Whitehorse and then put into corrections — how, once they're released from corrections, it's up to them to get back to the communities unless they live in Watson Lake, in which case, they can, thankfully, get on the Greyhound. I'm just going to quote, just to remind him of what he said: "I would also hope that there might be family members or friends who would be relatively excited to see somebody who has been incarcerated for a period of time to show up and help out. But in the event that does not happen, I would expect that the staff at Whitehorse Correctional Centre and the management would do everything they possibly could to avoid that happening."

Having worked in corrections, I know that it's just not possible for the correctional staff and the management to be responsible for trying to get people back to communities. I was wondering if the Department of Justice was entertaining some kind of solution to help people get back to their home commu-

nities without leaving the onus of responsibility on themselves or their family.

Hon. Mr. Nixon: I thank the member opposite for the question, as was asked last week. Last week, I did indicate that the corrections staff will do everything they possibly can to ensure that people have a ride home, but I will remind the member opposite that in the *Corrections Act*, it does state “may”, so we may be able to provide transportation, but that is not guaranteed. So, inmates, as I said, may be returned to their home community under corrections regulations. Corrections staff will make best efforts to assist inmates in returning home by purchasing tickets home for them on airlines or by bus. I will remind the member opposite that there is a bus going to Watson Lake. There are planes going to Dawson City. There are planes going to Old Crow. Where these options are not available, staff will work with the inmate and his family or First Nation to try and arrange transportation. That’s what I was referring to when I stated that I would trust that the staff and management would do everything that they possibly could, but that they may be able to assist. Inmates who are provided transportation but don’t use their ticket may end up being in breach, if that’s a condition of their release as well.

I hope that answers the question for the member opposite.

Ms. White: Yes, thanks. That started it. Last week, the minister was asked about the ARC and in relation to a location for females leaving corrections and a transitional home similar to that. You used the example of private home placements. Can you please tell us the number of private home placements for female inmates that you have had to date?

Hon. Mr. Nixon: As I stated last week, there was a process that was advertised to the community to gain interest, as far as providing a home for women who have come out of Whitehorse Correctional Centre. During that process, nobody, in fact, replied or applied for the bid.

Currently there are no placements for women at home. However, Justice has clarified the approval of private home placements for women within the City of Whitehorse and has guidelines for staff and potential hosts. That is the work that is ongoing. This would be available for only low-risk clients, if that work continues. The department is working on that and they will determine whether they see fit to put out another bid or take another avenue.

Ms. White: So no bids were placed in that call-out. What does the department see as the solution right now to the fact that we have women who are often coming out of abusive situations when they get picked up and go into corrections, and when they leave corrections, the options for them are pretty much going back into the same place they left? How does the minister view that — as problematic, or the solution to it?

Hon. Mr. Nixon: Part of an individual exiting a correctional facility — the staff is working with them to make their best efforts available so they do have somewhere to go. I guess the last case would be for an individual to go to Kaushee’s Place if there were no other place for them that was appropriate. As I said before, the department is looking at other options for women, but at present I don’t believe this is a concern.

Ms. White: Is the minister aware that right now women leaving corrections, unless you’re immediately fleeing a violent situation, don’t qualify for Kaushee’s Place — that they actually have no place to go once they leave corrections?

Hon. Mr. Nixon: When it comes to Justice, we house people who are under a warrant. We don’t house people in Justice when they are free, so those questions might be deferred to another department.

Ms. Moorcroft: Perhaps what I will do then is to attempt to follow up with the minister on some questions related to Whitehorse Correctional Centre and the programming.

The minister has stated repeatedly that the programming will be rolled out in due course, but he also referred in his remarks, a few times, to “reintegration planning”. So what I would like to ask him about, following up on the line of questions from my colleague, the Member for Takhini-Kopper King, is whether reintegration planning is something that will be part of the programming rolled out in due course, or do staff attempt now to assist inmates with reintegration planning? If they do, do they look at the need for housing as kind of a basic to help avoid an inmate perhaps falling into patterns where he or she may offend again? Do they put in place any counselling? What can the minister tell us about his reintegration planning comments that he made previously?

Hon. Mr. Nixon: Since the integrated offender management pilot program began in July 6, 2009, 156 individuals have been sentenced to 90 days or more. This is information that I gave last week.

Ninety of these individuals met the criteria: of these, nine were women; 81 were men; 30 were Caucasian; and 60 were of First Nations ancestry. Most of the clients rated as high-risk needs, at 36; very high needs were 33 on the level of service of case management inventory. A further 16 clients were rated as medium risk and five were not yet rated.

What is the integrated offender management? It is a collaboration — a client-focused case management model. The model provides a seamless case management plan for the entire sentence of the client, including custody and community supervision. It focuses on the transition period between custody and community supervision when clients are particularly at risk to reoffend. The goal is to reduce reoffending by assessing the risk and the needs of offenders by applying processes and programs that have proven effective in reducing that risk, and by starting the reintegration planning at the earliest opportunity. I am happy to say that that is being carried out right now. While the offender is in custody, a case management team assesses the risk and the needs of offenders and then works collaboratively to reduce the risk of offending. The case management team develops a plan that covers the offender’s time in custody, their transition to the community, and their time on probation. The plan targets the factors that underlie the offender’s criminal behaviour, such as violence or substance abuse. This pilot was evaluated in August of 2010, and the findings confirmed that the project met or exceeded the stated goals. The project became operational in 2010, so there is no individual budget allocation for this program, as I stated last week. It’s a new

case management model implemented to more effectively and efficiently assist the clientele at the correctional facility.

Also there is a cognitive skills pilot program. It's a program that encourages offenders to examine their behaviours that led them to the involvement with the justice system and to develop new, non-criminal ways of thinking and problem solving. So the program is divided into 20 sessions. The first 10 sessions introduce key skills of recognizing, avoiding, managing situations, thoughts and feelings, and behaviours that may put the offender at high risk for criminal activity.

It covers communication skills, costs and benefits of changing behaviour, understanding stages of change and learning about how you think, influencing how you act, react, identifying and evaluating high-risk situations versus safe, positive situations.

The next 10 modules focus on effective problem solving, recognition of high-risk thoughts and feelings and how to develop better ways of managing them. It also examines the effects that offending behaviour has on both the primary and secondary victims. This program involves education, completion of workbooks and exercises, role playing and group discussions. There are separate models that follow the first 20 sessions that deal with specific factors such as substance abuse, criminal peers, attitudes, life skills, family relationships and other factors. The first cognitive skills pilot program is slated to start tomorrow. This program will be delivered by probation officers and case management and program staff at Whitehorse Correctional Centre. The program works very well with the integrated offender management, and we look forward to the implementation of this new program to assist offenders in reducing their criminal behaviour.

Ms. Moorcroft: I thank the minister for that. I'd like to ask him whether he would be prepared to share the evaluation of the pilot project that he just said was done in 2009-10.

The member spoke about putting an emphasis on the transition period and about processes and programs that would be affected. I'm pleased to hear that and I just want to emphasize that working in advance of someone's release date — preferably a month in advance; certainly more than a day in advance — in trying to arrange good housing would be really important. I'm also pleased to have the minister identify for us that one program will be getting underway tomorrow with the cognitive skills pilot program. I know that there are inmates who are anxious to engage in programming.

We had some discussion Thursday, as well, related to work programs. As the minister stated, the *Corrections Act, 2009* does establish a requirement for inmates to engage in work programs if that's considered good in their particular circumstances. I'd like him to tell us what kinds of work programs the facility staff is working to offer.

We did talk about the Habitat for Humanity and I understand that's one project that inmates may be able to participate in. Are there other work program activities that the minister can give us some information about?

Hon. Mr. Nixon: The member opposite is indeed correct that the *Corrections Act, 2009* does require work programs for sentenced inmates. The work program allows inmates to

learn skills and gain experiences that may increase their likelihood for employment upon release and in hopes that it will reduce the possibility for reoffending.

The member also asked about the cognitive skills pilot program. I'm happy to provide a briefing note to the member opposite at a later date. I don't have that with me right now, but I am happy to provide that.

Ms. Moorcroft: I'd like to move on to the former secure assessment centre which is now the arresting processing unit and is attached to the administration and discharge area of the new Correctional Centre. It is not the sobering centre that is under Health and Social Services.

Intoxicated people who don't fit into the arrest processing unit will be treated now up at the arrest processing unit in the Correctional Centre until Health and Social Services builds another detox unit. In other words, if they go to Emergency until out of danger, will they then be sent up to the arrest processing unit? The minister, in discussing the arrest processing unit last week, also said that it will offer around-the-clock access to nursing with the new nursing being offered now. I wanted to ask him to tell us how that works. Are there presently nursing staff at the hospital seven days a week? Are they available, then, if needed at the arrest processing unit seven days a week?

Hon. Mr. Nixon: In April 2010, Yukon launched the review of the Yukon's police force. High profile incidents had caused public confidence in the RCMP to be called into question. Public confidence in the RCMP as Yukon's police service was eroding.

The purpose of the review was to engage the public, service providers and RCMP in dialogue with the goal of rebuilding trust, acknowledging and addressing concerns and arriving at recommendations for action in order to improve the quality of policing services for all citizens in this territory. The review was co-chaired by the Department of Justice, RCMP M Division and the Council of Yukon First Nations. The co-chairs received guidance from an advisory committee that represented women's groups, Yukon municipalities, Yukon government and RCMP M Division. There was a very strong public interest in the review and Yukon citizens engaged in a vigorous dialogue with these co-chairs. So, over 60 public and targeted meetings were held, 15 written submissions were received, and several service agencies were engaged to assist the clients to participate. Submissions were brought forward by First Nation leadership and citizens, by women's organizations and the general public and others. These submissions were both written and oral. They were in large groups and one-on-one conversations from Whitehorse to Brooks Brook that resulted in many valuable contributions from Yukon citizens. Yukoners and RCMP members spoke about the unique role the RCMP have in the community and highlighted the importance of developing relationships between the police and the community.

Citizens said that they want the RCMP to understand the culture and the values of community and to have the knowledge, skills and attributes required to police in the north, to work with vulnerable people, and to respond to domestic violence and sexualized assault. A citizen said that communication

needed to improve — they were concerned about police accountability and the disciplinary process and that improvements could be made to help the public better understand the complaints process.

Following eight months of dialogue with citizens, the co-chairs submitted the final report, *Sharing Common Ground - Review of Yukon's Police Force*, to the Minister of Justice on December 31, 2010.

Sharing Common Ground outlines the foundation for establishing a new relationship between Yukon citizens and the RCMP, and it creates a blueprint for a quality of service that will benefit all Yukon citizens. The report contains 33 recommendations, which respond to concerns raised during the review.

The recommendations also respond to the review terms of reference and fall under the following headlines: police responsiveness and accountability; public complaints process; the external investigations for incidents involving RCMP; core competencies and training for M Division members; First Nation community involvement with M Division; and working with the vulnerable citizens, responding to domestic violence and sexualized assaults.

Priorities for implementation were established in conjunction with Yukon Council of Yukon First Nations leadership in February of 2011. Implementation of these and other recommendations began shortly thereafter.

I am pleased to say that a great deal of work has been completed on the priority recommendations and, while the emphasis on the first 12 months of the implementation has focused on these items, work has begun on the majority of the other recommendations as well. The priorities include the establishment of a Yukon Police Council, which has been created; the construction of a secure assessment centre, now known as the "arrest processing unit" and only people under arrest will go to the arrest processing unit. Nursing staff will be available 16 hours a day, seven days a week starting next week and medical access during the times outside regular nursing hours will be by Emergency Medical Services when called. We're working with the hospital and community nursing to provide the best model for people within that unit.

Also, the negotiation of a memorandum of understanding with the Government of Alberta's Serious Incident Response Team, or ASIRT, to ensure independent investigation of serious or sensitive incidents involving M Division members, was also a recommendation — 6.2.

The development of a framework to coordinate the response of service providers to domestic violence and sexualized assault, including creating a specialized unit with M Division to investigate domestic violence and sexualized assault, was recommendation 4.1.

There was also the development of a law enforcement career orientation program at the Northern Institute of Social Justice to prepare First Nation citizens and women for a career in law enforcement.

M Division of the RCMP, the Council of Yukon First Nations, the Government of Yukon, and the Department of Justice have been working closely together to implement the recom-

mendations, and each organization has designated staff to work full- or part- time on the implementation. These agencies have been working together to ensure that progress is communicated with stakeholders and interested organizations.

In addition, a number of additional partners are actively engaged in the implementation, with a range of specific agencies and service providers involved in working groups and other methods of implementation related to each individual recommendation, including M Division, the Council of Yukon First Nations' Justice and Health, the Northern Institute of Social Justice, and the Government of Yukon departments of Justice, Health and Social Services, the Women's Directorate, Kwanlin Dun First Nation's Justice, Kaushee's Place, Liard Aboriginal Women's Society, Public Prosecution Service of Canada, and representatives of a coalition of women's organizations.

Kwanlin Dun First Nation's Justice has been an active member of the implementation working group. It has provided advice and guidance on the overall implementation, as well as specific recommendations.

The Northern Institute of Social Justice has taken the lead on a number of recommendations related to training, and also provides oversight and support in overall implementation. The Department of Justice has provided funding to the Council of Yukon First Nations to work together with the Department of Justice and M Division on implementation of *Sharing Common Ground*. This funding agreement supports Council of Yukon First Nations' interest in working with member First Nations to gather their advice, expertise and input to facilitate their involvement in *Sharing Common Ground* progress and implementation initiatives.

Council of Yukon First Nations' Justice has also been acting as a conduit for more information sharing with member First Nations on *Sharing Common Ground* progress and implementation of initiatives.

The Yukon Police Council has been established to provide a chance for citizens to participate and have a role in directing the police services they receive. The council had its inaugural meeting and orientation just a couple of weeks ago. The orientation included information and background presentations and opportunities for discussion. The council received presentations and had discussions related to the structure and the current picture of policing in Yukon, the impact of policing on communities, and the importance of ongoing relationship-building from both a police and a community perspective. They received an overview of the Yukon government's agreement with the Government of Canada for the RCMP to police Yukon and information on how priorities for policing are identified.

They had the opportunity to hear from a panel of community members who expressed personal and community experience with policing and the importance of community/police relationships. The council is brand new and it will take some time to develop processes for their work and for talking with and gathering input from citizens around Yukon.

This council will meet again in late May, when they will work on a place for going forward. We have a really excellent group of people on this council, with a variety of backgrounds

and experiences to bring this process forward, and I'm pleased to have personally launched this council.

Getting back to the arrest processing unit, formerly known as the secure assessment centre, and its operation at the new Whitehorse Correctional Centre — this facility is for the short-term detention of persons taken into RCMP custody and is a joint initiative cost-share between the Yukon government and the RCMP. The APU will ensure the highest standard of care and protection for persons taken into RCMP custody, including the acutely intoxicated. The arrest processing unit is an innovative model that will provide on-site medical assessment and care for RCMP prisoners and supervision by correctional officers with specialized training.

Talking about the ASIRT, we have an agreement with a civilian investigation agency to conduct independent investigations of serious incidents involving RCMP members in the Yukon.

Services resulting from this agreement have already been accessed — more specifically, involving the recent case in Dawson City.

Ms. Moorcroft: I listened very carefully to the comments of the minister with interest. I had asked him whether nursing staff would be available seven days a week at the arrest processing unit. He did indicate that yes, that was the case. I'd like to respectfully suggest that the minister give me a brief answer to this question. When he indicated that the nursing staff will be available seven days a week, 16 hours a day for the arrest processing unit, will those nursing staff also be available, if needed, to respond to inmates in Whitehorse Correctional Centre?

Hon. Mr. Nixon: Inmates, as I have mentioned before, are guaranteed medical care in the *Corrections Act, 2009* as one of the rights of an inmate. Inmates at WCC have direct access to nursing staff, doctors on contract, dentists and optometrists, as required.

WCC ensures access to emergency room doctors and nurses in non-daytime hours by transporting inmates to the Whitehorse General Hospital. In the event of an emergency, an ambulance would be called.

Emergency Medical Services is working in partnership with the Department of Justice to attend to clients and individuals in police lock-up who require medical attention during non-daytime hours. WCC has now budgeted for two full-time nurses. Nursing resources will be increased in the new fiscal year, as I've already mentioned. In 2012-13, the centre will have resources for two additional nurses and a licensed practical nurse. WCC has experienced the same recruitment challenges for nurses as the rest of the territory has, as well as Canada. WCC nursing is provided through a contract with an Outside agency to ensure no interruption in services while recruitment efforts are continued.

Inmates in need of medical services are referred by nursing staff to the care of the physician. The physician makes all medical decisions pertaining to inmates' health. A communicable disease control nurse attends twice per week to provide testing and health education to clients.

Whitehorse Correctional Centre contracts with a local dental clinic and optometrist to provide basic dental services and eye exams for inmates who need those types of services. Also, to touch on the question from the member opposite whether the nursing staff would be available to the rest of the inmates, the short answer to that is yes. The medical staff is there for everyone staying at Whitehorse Correctional Centre, whether they are in the APU or within the confines of the correctional facility itself.

Ms. Moorcroft: I would like to turn to the new 20-year territorial police services agreement and the release the minister issued last week. In the release, the minister stated that the new agreement will improve on earlier agreements in a number of areas. One of those says that there will be enhanced accountability and reporting mechanisms to ensure the territory is engaged on matters affecting the cost and quality of policing.

I need to say to the minister that accountability of the police force was a critical issue raised during the review of Yukon's police force by many people. The public loses confidence under different circumstances — for example, when First Nations people are beaten in custody or when people report that their family members or youth have been body slammed or when women are disrespected when they report a sexual assault. Government could and should ensure that the training of Yukon police members — not just new recruits — offers a better understanding of Yukon First Nations culture and governance models and a better understanding of sexual assault.

I want to ask the minister if he can address improving the accountability and how they will do that. I want to ask the minister, as well, how in this new agreement, they will improve not only accountability, but the quality of policing. What are the government priorities in the letter of understanding between the minister and the detachment, which he referred to earlier?

Could we get a copy of that letter that indicates his priorities?

Hon. Mr. Nixon: I think I'll start by saying that for four or five months since I was appointed, I've spent a fair amount of time talking with the commanding officer of M Division of RCMP here in Whitehorse and I've also spent some time travelling to some of the communities. I've been to Carcross, Carmacks, Faro, Ross River and Dawson City speaking with the members in those respective communities and I can say that they definitely take their jobs very seriously, especially when it comes to issues like domestic abuse or sexualized assaults. I have my full confidence in the team of RCMP staff and members and management in this territory, and I just want to take this opportunity to let them know that I'm happy that we are entering into this agreement and that we look forward to a continued relationship with them.

The current police services agreement expired on March 31 this year. For the past year, the provinces and territories and Canada have been negotiating a new agreement that meets our joint interest in new partnerships with the RCMP, including greater accountability and cost containment.

In Yukon, the RCMP remains our police service of choice, period. In the negotiations with Canada, Yukon will achieve a new 20-year agreement that ensures a provincial effective and

efficient territorial police service, which is responsive to the needs of all Yukon communities. The new agreement will establish measures relating to a new relationship with the RCMP, accountability and cost containment, which should reinforce and strengthen the progress made as a result of the review of the Yukon's police force. I can also add that the commanding officer, especially, is very much looking forward to his involvement with the new Police Council. Also in relation to the cost impact of a new police services agreement in Yukon, the Department of Justice officials communicated to the Deputy Minister of Public Safety Canada in November of 2010 that Yukon would not accept a disproportionate cost impact relative to the other contract jurisdictions. I think that's something that's important to reiterate.

One of the central aims in negotiations that the team of provinces and territories consistently pressed with Canada was to ensure that we have mechanisms in place for greater transparency, predictability, control and containment of the expanding costs of policing. The Yukon officials have also worked to ensure that any disproportion of costs impacting the territory relative to the southern policing jurisdictions are appropriately mitigated. We feel that this is reflected within the new agreement.

The agreement itself will provide the framework for Yukon communities to have a positive relationship with the territorial police service. I'm going to say that again: a positive relationship with the territorial police service.

The provincial and territorial partners who were involved in negotiating the police service agreement were those that currently bear the costs of policing in their jurisdictions and who presently exercise the authority with respect to the administration of justice. During the Yukon First Nations will have an opportunity to raise interest through their representation on the Yukon Police Council.

The member opposite also asked about the complaints process against the RCMP.

For the past five years, along with our provincial and territorial partners, the Department of Justice has called for a more effective and accessible system for responding to public complaints about police conduct in the Yukon. Specifically, the department has communicated Yukon's interest in seeing a more accessible, timely, culturally sensitive complaints process. I can tell the member opposite that, from my meetings with the community, the RCMP also wants that.

The Government of Canada has tabled Bill C-38, a proposed act that would provide the Commission for Public Complaints Against the RCMP with additional powers and long-overdue reform. The review of Yukon's police force — Yukoners voiced their concerns about the process of filing complaints and officials are now developing options for considering a Yukon-based independent citizen advisor on policing. The Commission for Public Complaints completed a six-month pilot project that ended in December of just last year. The commission has now established a dedicated phone line and e-mail for complaints from Yukon citizens and assigned an analyst who will respond to all of those complaints.

The level of service provided by the commission is unique by comparison to any other jurisdiction, really, in the country. The commission will continue to outreach to service providers to provide a high level of knowledge of the public complaint process in order to inform clients who may wish to file a complaint related to police conduct. That e-mail address and phone number are on the RCMP website.

The RCMP M Division received 47 public complaints in 2010 and 49 complaints in 2011. Sixty-five of the complaints were lodged with the commission, while 35 percent of the complaints were lodged directly with the RCMP. The commission receives all the RCMP's formal complaint forms — and that is known as form 4110 — and all final letters of disposition. In 2010 the Commission for Public Complaints received 11 inquiries from members of the public, and this number increased to 32 inquiries in 2011. These inquiries to the commission may include requests for information about police authority; obtaining assistance in furthering an investigation; or gaining an understanding of the role of Crown counsel. I am also happy to send the member a copy of the most recent priorities letter at a later date, but the highlights include violence against women, acutely intoxicated persons and First Nation culture and values training.

Ms. Moorcroft: I'm pleased to hear the minister acknowledge the importance of a positive relationship with the RCMP and the minister's office and that positive relationship needs to extend to each and every member of our communities. I have had the good fortune of being in a very positive working relationship with RCMP as well and have seen many RCMP who do phenomenal work in the communities building relationships with community members, volunteering for youth sports activities, to more policy-led initiatives such as supporting restorative justice and measures like pre-charge diversion, and I hope that some of those positive activities can continue.

The minister just spoke about violence against women as one of the initiatives that he has put an emphasis on in his letter of understanding between the RCMP and his office for the police service over the next year and, in fact, had commented on March 29 about his concerns about the statistics on violence against women.

Madam Chair, the high numbers of women assaulted become normalized when women are not valued in our society. Women are not valued when sexual assault charges are not reported, because women do not trust that the system will deal with them fairly from initial police and medical responses, to prosecution, to victim services and to court personnel. Many of these concerns were raised in the review of Yukon's police force. Some of them are addressed and recommendations were made in the *Sharing Common Ground* report. The minister read into the record a number of points from that report earlier, and some of the concerns that were brought forward were not actually reflected in the *Sharing Common Ground* report but were found in a number of the community reports.

I would like to ask the minister about collecting statistics and whether he is prepared to support better information gathering and better reporting of numbers when it comes to crimes of violence against women.

This better reporting of statistics would include things like the number of sexual assault complaints that are made in a given year.

In 2003, the Yukon Bureau of Statistics discontinued publication of Yukon crime statistics. At that time, the Yukon RCMP had changed over to a new data-based management system and software, and the publications were suspended indefinitely, so we do not have the same level of information that we did have at one time. When a crime such as sexual assault is reported to the police, the incident is recorded as a reported incident. The police then conduct a preliminary investigation to determine the validity of the report, and occasionally crimes reported prove to be unfounded. Women's groups have asked for information relating to criminal justice records and statistics on sexual and spousal assaults. Would the minister support improving the reporting of the numbers of sexual assaults reported in communities; the sex, age and ethnicity of the accused and the complainant; and the number cleared by charge? It is very discouraging for women to try to trust the system when they know that, in a lot of cases even when they do report a violent assault, there may or may not be charges and a better understanding of the numbers is important to that. I'll ask the minister to respond.

Hon. Mr. Nixon: I thank the member opposite for this question. It is a very important one to everyone on this side of the floor, I can assure you.

The member is talking about crime statistics. We look to the statistics to let us know how well we are doing in fighting crime and whether the methods we are using are really giving us the results that we want. As always, with statistics, we need to ask the right questions and make sure that the statistics are collected in such a way as to give us valid answers.

I suggest here that these are the basic questions we have in relation to fighting crime. Is crime increasing or decreasing in Yukon and what sorts of crime are increasing and what sorts of crime are decreasing? Who are the offenders and who re-offends following their initial involvement with the Justice system?

More difficult are the questions of why is the crime rate up or why is it down? Is it due to our enforcement, our crime reduction, our prevention programs or is it simply demographics? Which of these elements are having the greatest effect on crime? How can we answer these questions with the statistics at our disposal?

In order to answer the question of whether or not crime is increasing in the Yukon we can look for statistics from a couple of different sources. Statistics Canada publishes yearly stats based on police reported crime. The crime statistics are reported both in absolute numbers and at a rate per 100,000 of the population. The rate is designed to make possible valid comparisons between the provinces and the territories. In the north, because the total numbers are so small with the population being less than 100,000, expressing numbers as a rate leads to vast swings, and for this reason it's often more meaningful for us in Yukon to look at absolute numbers rather than rates and do the rough math in our heads to define whether it's a big jump or not.

But we have to keep in mind that with these absolute numbers that the population of the Yukon has been steadily increasing over the past few years and that an increase in the number of offences might be expected.

Here the rate is more useful than the absolute number, as the rate takes into account the change in population. Police-reported statistics also reflect the different emphasis in enforcement practices and the differing rates in certain areas of the public reporting crimes. For these reasons, police-reported crime stats need to be treated cautiously as a valid answer to our question.

Another source of stats is the StatsCan report on victimization in the three territories. The latest report was released on January 26 of this year. This report is based on a survey of 1,094 people, asking about the respondents' experience of crimes against them over a certain period, whether or not they were reported to the police. The sample was extremely small, but it was reasonably representative.

The published results amalgamated data from the three territories in the interest of obtaining a statistically significant sample, so data specific to Yukon is not available. This victimization report gives a picture of crime activity as experienced by citizens which, although subjective, is neither distorted by police emphasis in enforcement practices, nor by the willingness of the citizen to report the crime. Another way of gauging crime is whether the severity of crime has been increasing or not. Statistics Canada publishes a crime severity index based on police-reported crimes. The crime severity index — or CSI — not only takes into account the volume of crime, but also the seriousness of crime. In the calculation of the CSI, each offence is assigned a weight derived from average sentences handed down by the criminal courts. The more serious the average sentence, the higher the weight for that offence. As a result, more serious offences have a greater impact on changes in the index. All offences, including traffic offences as well as other provincial and federal statute offences, are included in the CSI.

Because these types of offences are typically minor in nature and carry relatively low weights, their impact on the CSI values tend to be negligible. The CSI is calculated by summing the weighted offences and dividing the population. The Yukon crime severity index dropped 36 percent over the last decade, with a six-percent drop just in this past year. Although Yukon's crime severity index was lower than the other two territories, it was higher than in any of the other provinces. Across the country, the severity of crime decreased but remained stable in 2010, with the exception of Newfoundland and Labrador, the Northwest Territories and Nunavut. Alberta and British Columbia reported the largest declines, down eight percent and seven percent respectively.

Let me give you a summary of trends in Yukon — crime statistics according to the police-reported statistics. Over the decade — 2000 to 2010 — the total crime rate dropped by 12 percent. In the latest year for which we have statistics, 2009 and 2010, the total number of offences dropped from 8,555 to 7,958. That's a drop of six percent.

With the adjustment of population change, that drop was actually 10 percent. In comparison, the total crime rate dropped five percent in the rest of Canada. Over the decade 2000 to 2010, violent crime dropped by 29 percent. In the latest year, violent crime went up from 1,404 to 1,459, and that is an increase of nearly four percent. With the adjustment of population change, the rate increase was actually just less than one percent. There was a decline in violent crime in the rest of Canada of three percent. We need to look at specific offences within this category of violent crime to see what is actually going on here.

Homicide is one of the offences included in the violent crime category. In 2009, we had two homicides. In 2010, we had one. This gives us a 51-percent drop in rate, which makes us look good in relation to the rest of Canada, which only dropped by 10 percent. Of course, this also illustrates my point about the vast swings in the calculation rates. Homicide rates in the three territories do tend to fluctuate considerably from year to year, given their small populations. Among the three territories, the number of homicides was highest in Nunavut, with six victims.

There was one homicide reported in both Yukon and Northwest Territories in 2010, lower than their previous 10-year averages. In Yukon, robberies went up from nine in 2009 to 17 in 2010. Police-reported robbery rates declined or remained stable across most of the country, with the exception of Newfoundland and Labrador, P.E.I., Yukon and the Northwest Territories. Unlike other forms of violent crime, robbery rates in the territories have historically been among the lowest in the country. This continued to be the case in 2010, despite the increases in the Northwest Territories and Yukon.

Sexual assaults are another item in the violent crime calculation. There are three levels in this category, with very few offences in levels 2 and 3, which include aggravated assaults and assaults using a weapon or creating bodily harm.

We will look at level 1 statistics. Over the decade, there was a 30-percent drop in 115 sexual assaults. In the last year, these assaults dropped from 71 to 68, a drop of four percent or seven percent, with the adjustment of the population change. In comparison to the other two territories, the rate of sexual assaults is lower — one-half that of N.W.T. and one-third that of Nunavut. But in comparison to the rest of Canada, the rate is higher — in fact, three times higher.

The Canadian rate was itself higher in 2010 than it was in 2009 — it was up four percent. Statistics Canada noted in its 2011 report that police-reported data likely underestimates the true extent of sexual assault in Canada as these types of offences are particularly unlikely to be reported to police. According to self-reported victimization data from the most recent general social survey, close to nine in 10 sexual assaults were never brought to the attention of the police. The most common reasons for not reporting sexual offences to police include feeling that the incident was not important enough, feeling that it was a private matter, and dealing with the situation in another way. I will deal with spousal assault statistics later when I look at the victimization report on the territories.

Over the last decade, 2000 to 2010, property crime actually dropped by 25 percent.

In the last year, property offences slightly increased from 3,069 to 3,103. That's an increase of one percent. With the adjustment of population change, the rate showed a drop of one percent. Within this category, break and enters have gone down from 258 offences to 248, but possession of stolen property is up, as is theft of motor vehicles and other thefts, both over and under \$5,000. Fraud and mischief are down, and arson has remained the same.

Over the decade of 2000 to 2010, drug offences increased by 46 percent. But in the last year, drug offences have decreased from 213 to 180, and that's a drop of 15 percent. With the adjustment of population change, the rate showed a drop of 18 percent. In comparison, across Canada, the rate of drug crime increased 10 percent, continuing a general trend that began in the early 1990s. The report on police-reported crime notes that the rising trend in the rate of drug crime coincides with the decreasing trend in the overall crime rate.

Previous research suggests that increases in drug crime rates may be influenced by police practices that focus more on law-enforcement efforts in addressing this type of offence when time, resources and priorities permit. The most worrying is the rise of impaired driving offences, which were up from 392 in 2009 to 408 in 2010. Although this could be due in part to the increased police attention to check stops, the number of such offences is still much too high. The categories I have selected in the statistics above contain a great variety of offences, some of which are up and some of which down, but I wanted to give you the general trend. For multi-year trends you could have a look at our Justice fact booklets which have graphs showing the trends in various types of offences over the past 20 years. According to the police-reported statistics, rates of violent and property crimes tend to be higher on average in the three territories and the western provinces than the eastern part of the country. However, police-based statistics are limited to those incidents that come to the attention of legal authorities, leaving an important gap in our knowledge of unreported crime. Self-reported victimization surveys have been used to help address this gap by providing some understanding of the number and types of crime, including those that may not have been reported to the police. We therefore look to the report on victimization in the north to see whether the police-reported crime statistics may have missed something. It's a pity that the report does not differentiate between the territories, but there are some general trends to which we should be alert.

Here are some of the highlights of the victimization report. In 2009, three in 10 incidents — so 30 percent in the territories — were reported to police services. This figure was similar in the provinces where 31 percent of incidents were reported to police services. Non-violent crimes in the territories were more likely to be reported to police when there was a police detachment in the community. More than three-quarters of non-spousal violent incidents, or 78 percent, were said to be related to alcohol or drug use by the perpetrator.

The report has some statistics specific to spousal assault. Among spousal violence victims about two-thirds or 65 percent

indicated that their current or former spouse had been drinking during the violent incidents. The severity of spousal violence tends to increase with the number of incidents. In about two-thirds — 65 percent again — of those who were victims, 10 or more incidents in the previous five years reported experiencing the most severe forms of spousal violence. This compares to 28 percent of those who suffered fewer than five incidents. As a result of one of the recommendations in the report, *Sharing Common Ground*, work is underway to improve the coordination and the consistency of response to domestic violence and sexual assault.

The Government of Yukon is funding the RCMP to support a specialized response unit for domestic violence and sexual assault incidents. Staffing of the unit is now underway. So it's very difficult to get an accurate answer to this question because it's a complex issue that is struggled with by correctional systems around the world, really. Is the breach of conditional order related to the original offence or is it a new offence, and therefore, has the offender really reoffended?

Can we look at offenders returning to jail as reoffenders, or should we also include those who receive conditional sentences? Can we look at the number of charges per offender, but would we then include multiple charges for one offence event? Are all offences considered equal in the calculation of reoffending or only in the repetition of the same offence, and over what time period should we consider reoffending behaviour — if there has been an offence in the last two years and five years? We need to answer these questions and select those statistics we think will give us a valid reoffending picture. Is there a further problem with getting accurate reoffending statistics in the Yukon? Our present court registry information keeps track of offences, but it does not keep track of offenders. If we want to follow an offender's career through the justice system, we have to do a manual search. We cannot just tell the system to search for all of the offences committed by a certain offender.

The police-reported crime data publications typically do not specify certain offence breakdowns by small communities because of the issue of identifying individuals by the crimes committed against them. As we have seen from my previous comments, many types of data are available, and we have sufficient data to guide us in program design. Thank you.

Chair: Would the members like to take a break?

All Hon. Members: Agreed.

Chair: Committee of the Whole is recessed for 15 minutes.

Recess

Chair: Committee of the Whole will now come to order. The matter before the Committee is the continuation of debate on Vote 8, Department of Justice.

Ms. Moorcroft: The minister has just spoken about the crime security index and the fact that the crime rates have dropped in the last year and that they have dropped significantly as well in the past decade. So I want to turn my line of questioning now to Bill C-10. The Northwest Territories and

the Nunavut ministers of justice, the minister's colleagues in the two other neighbouring territories, do not support Bill C-10. There are a number of concerns about how this bill will increase the proportion of aboriginal inmates in correctional institutions. Bill C-10 legislates new and increased minimum mandatory sentences and the selective elimination of conditional sentences. It also increases pre-trial detention and new harsher sentences principles for young offenders. All of these will potentially have the impact of increasing the cost to the Yukon of the correctional system following the implementation of mandatory minimum sentences, elimination of conditional sentences and the mandatory pre-trial detention and harsher sentencing principles for young offenders.

I want to ask whether the minister is aware of the parliamentary budget officer's identified concerns on the costs of this bill and whether the minister has directed his officials to assess the costs of implementing the bill. I would like the minister to comment on whether he will take the federal Minister of Justice up on his offer to come up with an implementation schedule after jurisdictions have calculated the potential financial costs?

Hon. Mr. Nixon: Bill C-10, as I have mentioned before in this House, has raised questions in Yukon and nationally around increased costs related to courts and correctional services, as a result of the changes to mandatory minimums and conditional sentencing. Fortunately, our government has been proactive in preparing for future correctional needs by implementing the *Correctional Redevelopment Strategic Plan*, which, among other things, has improved our ability to absorb more inmates without significantly increasing our basic costs.

The new Correctional Centre is scalable to allow up to 190 inmates, a significant increase from our average count now, which seems to scale around 100. Consumable costs associated with feeding and clothing inmates, some programming for inmates, health and court costs may increase slightly if the inmate population does increase, but we have been working with our provincial and territorial counterparts to develop really accurate estimates for these increases.

The number of inmates and persons serving conditional sentences in the Yukon is small and, as well, the number who serve time for other offences in Bill C-10, in comparison to large provinces, such as Ontario, which have much larger correctional populations, is also very small. We expect the number of people in Yukon who are affected by the new legislation to be quite low. We are carefully examining the parliamentary budget officer's assessment of the bill to determine whether there is any further course of action for cost mitigation within the Yukon correctional system. The parliamentary budget office examined just one year of data, which they readily admit is not necessarily predictive.

Our government has made great strides in reforming the correctional system here in Yukon, as I have mentioned, including a correctional strategic plan. We have passed modern legislation that is serving as a model for at least two other jurisdictions. We completed the building of the brand new Correctional Centre. We implemented improved programming for inmates and, as I have said before, that is ongoing. We have provided inmates with meaningful work to do to help build

their self-esteem and give back to the community. By that work, I don't mean the article that was in the *Whitehorse Star* last Friday.

The Yukon has adopted a new *Victims of Crime Strategy* and new legislation that contains a victims' bill of rights and more programming for victims. Regardless of what may happen at the federal level, our government is responding locally to the needs of Yukoners in a way that is improving the experience of victims in the criminal justice system and giving our staff the much needed tools to assist inmates in their rehabilitation.

As we know, Bill C-10 will be proclaimed in stages. The sections on victims of terrorism and the restrictions on pardons came into effect on royal assent, and the provisions respecting immigration will come into force together on a date to be fixed.

All of the provisions will come into force on a day or days to be fixed and the federal government has not determined the coming-into-force dates for any of these other provisions and is meeting with provinces and territories by teleconference to hear their views.

The most contentious are the provisions creating the new mandatory minimum penalties and further restricting the availability of conditional sentences. Suggestions from provinces and territories with respect to the coming into force of these provisions range from a staggered approach commencing at the end of 2013 in B.C. to seven years. Regardless of proclamation times, the Yukon government is ready now to implement the bill.

Because the number of affected individuals is expected to be very small in Yukon, as I mentioned before, we expect those costs for implementing the legislation to be low. Our government is always open to discussing with the federal government ways to fund the correctional system that will lead to better outcomes and to ensure that we have adequate resources for our work.

For Yukon, these changes and new legislation raise issues as increased costs related to court and correctional services. As I mentioned before, changes to mandatory minimums will result or could result in more trials, increased negotiation time and increased incarceration for both remand and sentencing.

Under the current corrections structure, Yukon is not expecting to see large increased costs, as I've mentioned before. The reason for this is that the correctional strategic plan anticipated in planning for the Correctional Centre that a growing population in general would mean that a larger Correctional Centre would be required. The new Correctional Centre is designed to allow for almost over double the current average count of about 100 inmates per day, should it be required. This increase in capacity was designed into each cell which has the ability to be double-bunked if required. The addition to the cost to maintain the physical plant will only be slightly higher than if the population were doubled tomorrow because of the efficient design of the building.

The cost for keeping the 24-hour facility operating changes only in a few key areas, because the basic plant must operate regardless of inmate population. It's true that there will be more costs associated with feeding and clothing inmates, as

well as increased cost pressure on the delivery of health care for inmates at the Correctional Centre that will need to be accounted for in the implementation of the bill. I do believe that, again, we've been proactive in setting out the APU and the medical attention that will be available there. In addition, the department may see increased court time used by a higher inmate population. If there are increased numbers, they will require increased delivery of rehabilitation programming, as our long-term goal is to really reduce reoffending and return to prison by inmates. The bill's effect will also likely see increase in sentenced times given as well as less use of conditional sentences. It is, however, unclear at this time what the exact effects the bill will have on the population, because inmates on remand accrue time at 1.5:1, while inmates who are sentenced are at a rate of 2:1.

So this may act as an incentive for inmates to speed up their court processes so they can access the more generous, earned remission regime of a sentenced inmate, as opposed to the 1.5:1 regime of someone who is in the institution on remand. In short, due to the small number of inmates that the territorial government deals with, it will likely be some time before we have a definitive answer as to the cost effect on our correctional system. In the interim, the department will continue to study the inmate population to see if any trends emerge from the legislation.

Yukon will review the federal parliamentary budget officer's cost implication report once it is released, and then will determine the cost implications for the Yukon. The department is certainly open to discuss mitigation costs with the federal government at the FPT table.

Ms. Moorcroft: The minister has just stood and congratulated his predecessor Yukon Party governments for their foresight in building a Correctional Centre that can double the count of inmates and has the ability to absorb more inmates. I could point out they have also doubled the cost of the Whitehorse Correctional Centre from the original estimates of that facility.

It would appear that the minister does not share the concerns of the Canadian Bar Association about the passing of this bill, which could see people in jail for longer periods of time. There are also the concerns of Blood Ties Four Directions, a non-profit group that works with inmates, who say that these types of bills disproportionately affect marginal populations, ethnic minorities, First Nation people, people who are poor, and people who are homeless. We already see an over-representation of aboriginal peoples in our correctional system and don't want to see more of that.

The minister, in his response, also spoke about rehabilitation and mentioned addictions. I do hope that the government will focus on rehabilitation. I want to ask him questions relating to the Community Wellness Court. The senior medical officers of two provinces are urging the federal government to scrap these controversial, mandatory minimum sentences and use scientific evidence to create drug policies that work. They say that Canada's aggressive regulation of illicit drugs has been an expensive and dismal failure. It is time to stop treating illicit

drug use as solely an issue of crime and look at it more as a serious health issue.

So the government needs to consider the mounting evidence that focusing on social programs such as improved access to mental health and addictions counselling and expanded treatment and withdrawal programs that can reduce the serious problems linked to drug use. The simple truth is that decades of battling the availability and use of illicit drugs have done little to address the problem.

I want to ask the Minister of Justice whether he is working with Health and Social Services on this matter. My colleague, the Member for Mount Lorne-Southern Lakes, also has a specific question on the Community Wellness Court. I would ask the minister if he would allow him to put that on the record so that he can respond to them both at the same time.

Chair: Are you finished, Ms. Moorcroft? Are you finished speaking now?

Ms. Moorcroft: Completely? For now? Yes.

Hon. Mr. Nixon: It's a little courageous of me, but I'm going to read an excerpt from Bill C-10 just to really put this into perspective for people who are listening. I want people to listen carefully to this: every person who for a sexual purpose touches directly or indirectly with a part of the body or with an object, any part of the body of a person under the age of 16, is guilty of an indictable offence and liable to imprisonment for a term not exceeding 10 years and to a minimum punishment of imprisonment for a term of 45 days — 45 days, Madam Chair. That minimum sentence has been increased to one year and I am fine with that. The same person is guilty of an offence punishable on a summary conviction and liable to imprisonment for a term not exceeding 18 months and to a minimum punishment of imprisonment for a term of 14 days. That minimum sentence has been increased to 90 days and I'm fine with that too.

The Community Wellness Court — getting on to your second question: the pilot project was implemented in June 2007 in response to the call for the creation of a therapeutic court in the *Yukon Substance Abuse Action Plan*. In March 2009, the pilot project was extended for a further three-year period in order to allow for an evaluation of the project and to further develop the court. As of January 2012, 117 offenders have been referred to the CWC, 68 have been accepted into the program, 43 have graduated from the program receiving either full or partial credit for their participation, and there are currently 25 active clients.

I can tell the members opposite and my colleagues on this side that I have visited the Community Wellness Court, and I've also visited the community wellness centre, and they are doing exceptional work with the support of this department.

An in-depth wellness plan is tailored to the needs of the individual client following several assessments. The wellness journey can take up to 18 months before sentencing, and may include the following: individual or group therapeutic counselling and treatment, assistance with employment, housing or other basic needs, medical assistance, including psychiatric services, assistance from agencies such as Fetal Alcohol Syndrome Society of Yukon, Many Rivers Counselling and Sup-

port Services, intensive supervision and support by a probation officer working closely with the client on their wellness journey and work on building family and community supports. Community Wellness Court participants are given priority placement for risk assessment and offender programming.

In March 2009, the Management Board approved funding to extend the pilot project for three years. The budget allocated for the Community Wellness Court was \$564,580 per year. This included staff salaries and contract resources. The Canadian Research Institute for Law and the Family, a non-profit, independent research institute in Calgary, recently completed an evaluation of the Community Wellness Court that assessed its outcomes and effectiveness. That report provided positive comments to support a further three years of pilot-project funding from the Government of Yukon. Management Board has approved \$458,615 in O&M until the end of the 2013-14 fiscal year to allow for further assessment of the Community Wellness Court in the achievement of its objectives. The requested decrease in funding for 2013-14 in the amount of \$116,385 results from efficiencies in staffing and increasing capacities to deliver programming without outside contracts.

Mr. Barr: I would like to thank the minister. He did answer some of the questions I was going to put forward regarding number of people using — male and female.

However, when I delivered some programs there, I remember there was difficulty for some of the folks who live, for example, in Carcross to attend Community Wellness Court. At that time, a program would start at 6:00 pm and would end at 9:00 pm, and it was not successful for some because they would hitchhike in from Carcross to be there for 6:00 and then hitchhike home at night due to lack of transportation. We looked at offering in the communities some of these community wellness programs when there was the opportunity and the commitment by someone who was directed to the Community Wellness Court to attend such a program. Would the minister let me know if there has been any movement on this? Also, of the programs offered now in Community Wellness Court, are there programs that are addressing First Nation culture in their presentation?

Hon. Mr. Nixon: I appreciate the question from the member opposite. The Community Wellness Court is based in Whitehorse and right now there is one other pilot project happening in Watson Lake for domestic violence. At present, the member is correct that if an individual is participating in the Community Wellness Court from outside of Whitehorse they would need to find transportation to get into Whitehorse for that court.

Mr. Barr: Knowing that this is a valuable program — and I'm glad that it has been increased to its three years — is the minister entertaining any possibility of the accessibility in the communities, knowing that it is effective and it does allow folks not to be incarcerated to work through their issues? I've seen that it's helpful and that the ones who do attend from the communities are not successful because of the travelling part of it, being that they have to come here to Whitehorse — say, if it's a three-month program, or if it's for spousal assault or whatever it would be — and are unable to maintain employ-

ment if they had it and so on and so forth. So are you looking at integrating these into the communities?

Hon. Mr. Nixon: I guess, in short, at present, the Community Wellness Court is still a pilot project. Like I said, we're going to be reassessing the effectiveness of this court in 2013-14. It would be at that time that we would look at other options and variables, whether it be providing that service in the communities or not.

Mr. Tredger: Last time I stood, I talked a little bit about the critical transition from corrections to communities. I must commend the elders who are participating in the corrections program. Their programs are very effective and there is not a lot of cost. I have heard from elders in Mayo, Carmacks and Pelly Crossing, in particular, about travel time and expenses.

I would just highlight that for you as something to be aware of. I think it is critical that the people in corrections have connections to the community and that is maintained. Elders are a wonderful way to do that, and I think it is incumbent upon the justice system to make that as feasible as possible.

I do have a question around FASD. On pre-sentencing, are diagnostic teams and assessments available, and how is that accessed and at whose initiation? If you could tell me a little bit about that, I might have a couple of follow-up questions — also, if you could talk about whether the diagnostics help determine treatment plans.

Hon. Mr. Nixon: I thank the member opposite for his question. The Department of Justice recognizes that a number of offenders in the adult justice system may have cognitive impairments, along with mental health issues and substance abuse issues that may hinder their ability to successfully benefit from treatment programs. There is a need to improve services, case coordination and outcomes for these offenders. There is very little data on the number of people in the criminal justice system who have FASD, and this is true for Yukon and other jurisdictions as well.

There was interest in determining the prevalence of FASD and other issues at a national conference on access to justice for individuals with FASD in Yukon in 2008. One of the conference recommendations was the need for research to determine the prevalence of FASD in the adult criminal justice population in the Yukon. It was also identified that in order to determine prevalence, diagnostic capacity needs to be developed as well. In case management, coordination and post-diagnosis service provisions have also been recognized as challenges to improve outcomes for individuals.

The FASD prevalence project is being led by the Department of Justice in collaboration with multiple partners, really. There is a steering committee overseeing the development and implementation of the project. Project partners include the Department of Health and Social Services, the Department of Justice Canada, Northern Institute of Social Justice, Yukon College, Correctional Service of Canada, the Canadian Centre on Substance Abuse, Fetal Alcohol Syndrome Society Yukon and First Nations Health and Social Development Commission.

As a result of the conference and funding support from Justice Canada and the Northern Institute of Social Justice,

Yukon College and the Public Health Agency of Canada, Yukon Department of Justice is undertaking a study of FASD prevalence and other issues in the Yukon corrections population. Justice Canada and the Yukon College Northern Institute of Social Justice are funding phase 1 of the research stream and the Public Health Agency of Canada. This is funding parallel work to determine what level of programming services and case management techniques are required to meet the needs of this offender population and reduce their involvement in the justice system. The Department of Justice is taking the lead for the research stream and Health and Social Services is managing the capacity development stream. Work will proceed simultaneously with the research stream and adult diagnostic capacity and the case management stream. The work undertaken in each stream informs the other stream.

The goals of the research stream are to determine the prevalence of FASD and other neuro-cognitive disorders in the territorial corrections population and to assess or test FASD screening tool research and to ensure adaptability of research methodology and project plan to other jurisdictions in Canada.

The goals of the adult diagnostic capacity and case management stream are to develop a local FASD diagnostic program and develop diagnostic capacity to provide the service, to improve case management for individuals with FASD and also to improve access to service and support for offenders with FASD, and to enhance information sharing and to improve awareness and understanding of FASD within the Yukon.

Phase 1 of the research stream involves the development of methodology and project plan that will be used to conduct the actual study.

Work undertaken in phase 1 of the research stream includes: the development research and project plan, complete ethics review, identifying funding resources and sources, and develop funding proposals for phase 2. Phase 2 of the research stream involves the research study of the adult correctional population. Work undertaken in phase 2 of the research stream will include establish schedule for diagnosis and assessments, complete diagnosis and assessments, analyze data, and write and submit report to the Department of Justice. Any correctional population involvement in phase 2 of the research study is voluntary.

Phase 1 of the adult diagnostic capacity and case management stream involves the following: planning and model development; to review current practices locally, nationally and internationally for FASD diagnosis; to research and develop diagnostic and assessment program; to research and develop case management coordination model; implement training for both aspects; and to develop evaluation frameworks for both aspects.

Phase 2 of the adult diagnostic capacity in case management stream involves the following: to provide FASD diagnosis and assessment for adults in Yukon, implement a case management coordination model to monitor implementation of both aspects, and gather data for evaluation and service improvements.

The project partners recognize that a project of this magnitude will require a multi-year approach. It's expected that the

development for the research component will be completed, hopefully, by the end of this year. The research study is expected to require a minimum of 16 to 18 months to complete, and funding from the Public Health Agency of Canada will fund the capacity development and case management stream until the end of March 2014.

For phase 1 of the research stream, the Government of Yukon, Department of Justice, is currently focused on selecting the best project design and governance model that will allow the department to develop a research project that would measure prevalence of Yukon's adult corrections population. The Health and Social Services project manager is gathering information and reviewing research toward the development of a best-fit diagnostic program for Yukon and an integrated case management model.

Now, meetings have occurred with service agency stakeholders and key informants to raise awareness about FASD, share project information and gain perspectives and support and, really, to build relationships.

In any major project, especially of this nature, the complexities, ethical issues and different understandings of FASD can be very challenging, causing delays during the planning phase. During meetings with agencies and individuals, we have consistently heard that the assessment must go beyond clinical diagnosis of FASD to include a strength-based functional assessment. The latter provides more potential benefits for individuals and their caregivers. Through the assessment process and information sharing around an FASD diagnosis related to the project, the stigmas related to this condition must be addressed. Improved diagnostic assessment services must consider post-diagnostic service provision. Having a comprehensive, functional assessment provides little advantage where significant gaps exist in programs and services.

Mr. Tredger: I thank the minister for the answers. It is indeed very complex, but it is also a very important process that we must go through. I appreciated many of the things you mentioned. I am wondering if there are any timelines on that. When will we have the capacity, even on a voluntary basis, for pre-sentencing diagnostics, for pre-treatment diagnostics, so that we can build on the strengths of the inmates to help them overcome this cognitive impairment and achieve some success?

Hon. Mr. Nixon: Just in light of the time here, that is exactly what the Community Wellness Court — that pilot project — is laid out for — to make those assessments and determine the best plan of action. So, to be short, that pilot project — you were asking about timelines — will go through to the 2013-14 year.

Ms. Moorcroft: I would like to note that Bill C-10 is a complex bill that consists of nine separate pieces of legislation, and the federal NDP Official Opposition is on record that there is some urgency with respect to the provisions of C-10 related to sexual offences against children. I would like to state clearly that we are not opposed to the provisions related to sexual assaults and sexual matters relating to children. I'm sure the minister wasn't trying to insinuate otherwise, but I do want to clearly state that on the record.

I would like to turn to the issue of human rights. The Select Committee on Human Rights was struck a few years ago and came forward with a select committee report. A number of amendments were made to modernize the act and that included some progressive changes for which I would like to express our support. It's also important that core human rights values can and should be built into the curriculum from the earliest school years and that human rights education should be available to all Yukoners.

I would like to encourage the government to consider the next phase of legislative renewal as a priority. One of the matters that, I believe, they need to address is the education mandate for the Commission, and to have support for what has been identified as a clear need for more human rights education in Yukon schools. As one young parent told the select committee at its hearing in Marsh Lake, if children and youth are not aware of their rights, how can they use them?

I also want to bring forward the matter of funding of Yukon Human Rights Commission, and speak in support of the select committee's recommendation that funding of the Yukon Human Rights Commission and Panel of Adjudicators be removed from the Department of Justice, and that their funding requests go to the Members' Services Board. The accountability mechanisms that are in place to ensure funds are not misappropriated would be equally sound applied to the Human Rights Commission as they are presently to the Ombudsman's office and the Information and Privacy Commissioner. At present, the Human Rights Commission budget requests go to the Department of Justice, and then it must compete for funding against other departmental priorities.

Human rights law is constitutionally protected and it takes precedence over government policy. The department itself is often providing advice to other departments where complaints being dealt with by the commission are against the Government of Yukon as the employer. So I would like to ask the minister to consider that and also to consider some of the other recommendations for improving the substance of the act in amending the act to add rights to housing, social condition, violence against women, pay equity, aboriginal identity and protection from hatred which would improve the act's ability to meet the government's obligations to respect, protect and fulfill human rights.

Hon. Mr. Nixon: Madam Chair, I might add that this Yukon Party government, since 2002, has actually doubled the budget for the Human Rights Commission. Yukon completed phase 1 of the modernization of our human rights legislation when the amendments to the *Human Rights Act* and regulations were proclaimed on December 10, 2009. Phase 1 amendments gave effect to recommendations that were relatively discreet and which did not require complex drafting. Phase 2, part 1, focuses on the select committee's recommendations in respect of human rights institutions' roles, responsibilities and processes. Justice completed targeted consultations on those recommendations in the spring and summer of 2010. A final report was submitted to the then Minister of Justice at the end of December 2010. The report was posted on the Justice website on January 16, 2012. Phase 2, part 2, of the modernization will

focus on scope and coverage of new legislation that has not yet been scheduled.

The recommendations are complex, and anticipate a number of potential scenarios for institutions, roles, responsibilities and processes. All of the recommendations are being given full consideration. It has not yet been determined which, if any, of the phase 2, part 1, recommendations are appropriate to implement at this time.

Chair: Is there any further debate?

Seeing none, we will proceed line by line on Vote No. 8.

On Management Services

On Operation and Maintenance Expenditures

On Management Services

Ms. Moorcroft: I would like to ask the minister to provide us with a breakdown in Management Services of the total number of full-time equivalency positions for communications and the total cost for the communications budget.

Hon. Mr. Nixon: Madam Chair, there is a \$10,000 ads budget, there is a \$3,000 publication budget and there is a one full-time AR-14 communications analyst.

Management Services in the amount of \$2,885,000 agreed to

Management Services Operation and Maintenance Expenditures in the amount of \$2,885,000 agreed to

On Capital Expenditures

On Information Technology Equipment and Systems

Ms. Moorcroft: I would just like to ask the minister to give us some information regarding the new court registry information system replacement project. One of the questions that I have related to the production of records through the court registry information system is whether Court Services can make the sentencing decisions available on-line.

I know that some are currently posted — not necessarily all — and I'm wondering if they will be able to post more of those decisions and to post them more currently.

Hon. Mr. Nixon: I think the member opposite is asking about the new system we are putting place, which is called JEIN — justice enterprise information network. So JEIN does not do court rulings; it does court management. Court rulings would have to be allocated through the court system itself, and then JEIN will go live the second half of this fiscal year.

Information Technology Equipment and Systems in the amount of \$569,000 agreed to

On Building Maintenance, Renovations and Space

Building Maintenance, Renovations and Space in the amount of \$261,000 agreed to

On Prior Years' Projects

Prior Years' Projects in the amount of nil cleared

Management Services Capital Expenditures in the amount of \$830,000 agreed to

Management Services Total Expenditures in the amount of \$3,715,000 agreed to

On Court Services

On Operation and Maintenance Expenditures

On Court Administration

Court Administration in the amount of \$964,000 agreed to

On Court Operations

Court Operations in the amount of \$4,246,000 agreed to

On Sheriff

Sheriff in the amount of \$529,000 agreed to

On Maintenance Enforcement

Ms. Moorcroft: The forecast for the previous year, 2011-12, has risen to \$620,000 and the current year estimates are at \$527,000, which is a slight increase from the estimate for 2011-12. Can the minister explain what the increases were on this line item over the current year?

Hon. Mr. Nixon: Indeed, it was in personnel. There was an increase of \$20,000 due to collective agreement and benefit costs and staffing the Family Law Information Centre child support guidelines coordinator position at a higher rate of pay.

Maintenance Enforcement in the amount of \$527,000 agreed to

On Witness Administration

Witness Administration in the amount of \$141,000 agreed to

On Yukon Review Board

Yukon Review Board in the amount of \$58,000 agreed to

Court Services Operation and Maintenance Expenditures in the amount of \$6,465,000 agreed to

On Capital Expenditures

On Court Services Furniture and Equipment

Ms. Moorcroft: I note from the briefing that we were provided by Justice officials that this covers furniture and equipment for the Court Services branch. I'm not sure if the minister noted a short while ago that there was a letter to the editor regarding the very hard wooden benches in the courtrooms and how difficult it is for a senior citizen to observe the court processes. Other people who have gone to witness court — whether they were taking part in the women's centre volunteer court-watch project a few years ago or whether they were there when family members were in court — have commented on how hard those chairs are. Has the department given any consideration to providing cushions or making it a little more comfortable for people?

Hon. Mr. Nixon: I'll take that under advisement, but at this time, there are no plans to remodel the furniture in the courtrooms.

Court Services Furniture and Equipment in the amount of \$71,000 agreed to

Court Services Capital Expenditures in the amount of \$71,000 agreed to

Court Services Total Expenditures in the amount of \$6,536,000 agreed to

On Legal Services

On Operation and Maintenance Expenditures

On Assistant Deputy Minister's Office

Ms. Moorcroft: Madam Chair, this is a subject that often arises in debate of the Legal Services branch in the House. There are a number of lawyers on staff in the Department of Justice, and there are also occasions when the Department of Justice has to retain outside counsel.

I see the amount has remained at \$74,000 throughout the last number of years. Have additional lawyers been hired within the Legal and Regulatory Services branch?

Hon. Mr. Nixon: Indeed the current complement through that department has had some increases. There is a net increase of \$54,000 due to the collective agreement management category and benefits cost and the reallocation of the articling student position at the ADM's office, partially offset by permanently staffing the office manager position at a lower rate of pay.

Ms. Moorcroft: Could the minister then advise whether it is found in the assistant deputy minister's office or elsewhere in this branch — where the contractual arrangements are found? For example, hiring legal counsel for the francophone school board case — are there additional amounts for contractual arrangements for lawyers other than are found in the Legal and Regulatory Services branch?

Hon. Mr. Nixon: I will give a quick answer to that question. All of the outside counsel dollars for whatever projects are being undertaken are approved by the Legal Services branch and included in those dollars.

Ms. Moorcroft: I would just ask the minister to clarify his answer. Is he saying that all the outside counsel costs for all cases — for all litigation the Government of Yukon is engaged in — are found in this Legal Services branch in the Outside Counsel line item?

Hon. Mr. Nixon: Yes, that is correct. All of that funding is within the Department of Justice.

Assistant Deputy Minister's Office in the amount of \$785,000 agreed to

On Solicitors' Group

Solicitors' Group in the amount of \$509,000 agreed to

On Natural Resources and Environmental Law Group

National Resources and Environmental Law Group in the amount of \$735,000 agreed to

On Legislative Counsel

Legislative Counsel in the amount of \$821,000 agreed to

On Litigation Group

Litigation Group in the amount \$852,000 agreed to

On Aboriginal Law Group

Aboriginal Law Group in the amount of \$136,000 agreed to

On Litigation Costs/Judgements

Litigation Costs/Judgements in the amount of \$6,000 agreed to

On Outside Counsel

Ms. Moorcroft: Can the minister advise us how many cases this represents and, for the previous year — I realize they can't anticipate what cases may be called in the coming year, but how many cases are there with present files open where outside counsel have been retained?

Hon. Mr. Nixon: Madam Chair, I'll have to get back to the member opposite with those figures.

Hon. Mr. Nixon: I'll have to get back to the member opposite with those figures.

Chair: Any further debate?

Outside Counsel in the amount of \$74,000 agreed to

On Community Legal Support

Community Legal Support in the amount of \$2,236,000 agreed to

Legal Services Operation and Maintenance Expenditures in the amount of \$6,154,000 agreed to

On Regulatory Services

On Operation and Maintenance Expenditures

On Occupational Health and Safety

Occupational Health and Safety in the amount of \$330,000 agreed to

On Public Guardian and Trustee

Ms. Moorcroft: I'd like to ask the minister for an explanation of this line item. I note that the actual cost for 2010-11 is \$366,000. The forecast for the current fiscal year is \$386,000 and the estimate for this year is \$506,000. Are there new initiatives being undertaken? Can the minister provide some detail, please?

Hon. Mr. Nixon: There was an increase due to the return of funds for a one-time transfer of \$113,000 in the 2011-12 year from the public guardian and trustee's office to the maintenance enforcement office to provide funding for an unfunded position in the maintenance enforcement program for the 2011-12 fiscal year to better align the budget and expenditures for the courts and regulatory services program areas. There was also an increase of \$7,000 due to collective agreement and benefit costs.

Public Guardian and Trustee in the amount of \$506,000 agreed to

On Land Titles

Land Titles in the amount of \$526,000 agreed to

On Yukon Utilities Board

Yukon Utilities Board in the amount of \$255,000 agreed to

Regulatory Services Operation and Maintenance Expenditures in the amount of \$1,617,000 agreed to

On Correctional Services

On Operation and Maintenance Expenditures

On Program Director

Program Director in the amount of \$432,000 agreed to

On Offender Supervision and Services Unit

Offender Supervision and Services Unit in the amount of \$1,880,000 agreed to

On Institutional Facilities

Ms. Moorcroft: I do have one question I want to come back to here. In general debate on the Department of Justice, the minister indicated that last year the overtime budget was \$419,770. I want to ask the minister whether they anticipate they will have a large overtime budget next year, as well, and whether they have given any consideration to increasing the number of staff so that fewer have to be called in to work what would be a considerable amount of overtime as has been the practice in the past.

Hon. Mr. Nixon: I'll speak at great length to this. No. The increase, as you know, over the past year was due to the amount of training that the staff required with existing and new staff to plan and prepare for the move to the new facility. We anticipate in this next year a substantial decrease in those dol-

lars due to the training being completed and us moving forward into the new facility.

Ms. Moorcroft: I'd also like to remind the minister that I did put on the record and he responded that he would get back with information related to how many staff had worked that amount of overtime hours — whether it was spread out in several staff working short numbers of overtime hours or whether there were people who, in fact, worked the equivalent of a year and three-quarters or two years over the course of one year because of the numbers of overtime hours worked.

Does the minister have that information available?

Hon. Mr. Nixon: I'll just reiterate that the overtime at the correctional facility and probably any other department within the government is indeed voluntary. I think the management of Whitehorse Correctional Centre really prides itself on monitoring the staff who are working these overtime hours to ensure that their health and safety is a priority. If there is an identified need — or if it is identified that staff may be getting themselves into working too much overtime, the very capable and professional management at Whitehorse Correctional Centre will intervene.

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

Chair: It has been moved by Mr. Nixon that the Chair 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 the report from the Chair of Committee of the Whole?

Chair's report

Ms. McLeod: Committee of the Whole has considered Bill No. 6, entitled *First Appropriation Act, 2012-13*, 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 motion carried.

Hon. Mr. Cathers: I move that the House do now adjourn.

Speaker: It has been moved by the Government House Leader that the House do now adjourn.

Motion agreed to

Speaker: This House now stands adjourned until 1:00 p.m. tomorrow.

The House adjourned at 5:30 p.m.

The following document was filed April 2, 2012:

33-1-16

Minimum Wage Rate Review, letter (dated April 2, 2012) re from the Hon. Elaine Taylor, Minister of Community Services, to Lori Lavoie, Chairperson, Employment Standards Board, Government of Yukon (Taylor)