

Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, April 26, 2012 — 1:00 p.m.

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

Prayers

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of the National Day of Mourning

Hon. Mr. Graham: I rise in recognition of the National Day of Mourning. This Saturday, April 28, is the National Day of Mourning for workers who have been injured or killed on the job. This national day of remembrance was founded by the Canadian Labour Congress in 1984 and was entrenched by the *Workers Mourning Day Act* that was passed in federal Parliament in 1991. I ask every Yukoner who can to join us here in this building at 12:30 p.m. on Saturday for the Day of Mourning ceremony.

Last year in the Yukon, four people, including a member of this Legislature, lost their lives because of their work here. My sincere condolences go out to the families and friends of these workers. It's not simply a matter of statistics. These Yukoners were our friends, our family, our co-workers, our loved ones and our children.

This year we are on track to see nearly 2,000 Yukoners injured on the job. Some will never fully heal, some may die.

This government fully supports economic growth, as you are aware, but not at any cost. Safe work practices are essential in all Yukon industries and every employer, every supervisor and every worker must share in that responsibility. At Saturday's Day of Mourning ceremony we will stand together as individuals and as a community to grieve, but also to commit to not letting more of these injuries and deaths happen. We want to keep each other safe and secure. It will take all of us working together to bring about the changes needed to bring down the number of injuries and deaths that occur every year in the Yukon. Words alone can accomplish nothing. When we gather again at the Day of Mourning ceremony on Saturday, let us commit each and every one of us to making a difference. Let us all work together to ensure that not a single Yukoner will lose their life in a work mishap in 2012 and in years to come.

Thank you very much, Mr. Speaker.

Ms. White: I rise today on behalf of the Official Opposition to pay tribute to the National Day of Mourning for workers killed or injured on the job. I warn you all now that this will be a personal tribute. I may be accused later of public displays of emotion but today I am willing to wear my heart on my sleeve to share with you what this day means to me.

The Day of Mourning is a very personal one for me. In fact, in the days leading up to April 28, I do not feel like myself. Sometimes I forget why I feel at odds with my normal self and then it comes at me in waves, slowly building until I remember and then it hits me like a ton of bricks. There are thousands of Canadians who feel like I do, who feel the very real loss of a loved one who was taken long before their time. We all try to figure it out, try and find the hidden meaning behind that loss.

Near the end of April, we walk around in a haze — a haze of memories. The fact that once a year we gather as a country, as a community to remember those who were taken from us on the job still rings bitter. I am grateful for the sense of community. I am grateful for the beautiful ceremony. I am grateful that my friends are remembered with floating black candles in the memorial fountain, but underneath all of that, I am angry. I am furious — furious that good people continue to lose their lives every year while at work.

What is your normal morning routine before you head off to work? Do you have breakfast with a coffee with a loved one? Do you spend some time with your kids herding them toward the door, toward the school bus? When you get up in the morning, going through your normal routine, how many of us stop and think, "This may be the last time that I do this?" We don't and we shouldn't. No one should live with that looming over their head. But it's a sad reality. There is no guarantee that the one you love will make it home from work. That's why we have the Day of Mourning to remember those who didn't make it home.

The Day of Mourning became a hard reality for me April 28, 2006. Jean-François Pagé was a beautiful man — caring, thoughtful and, in my mind, hilarious. He was well-travelled; he had lived around the world and he chose to make the Yukon his home. You would have recognized him to see him — green rubber boots, a floppy brown leather hat, and two braided pig-tails. When I first met him, he worked with children. He was the big brother that we all wish we had. Those kids were very lucky.

He decided he needed a change and took a course at the college to get into the exploration industry. He wanted to work outdoors and spend more time with his dog, Nobu. He wanted to really see the Yukon. He got his dream job with Aurora Geosciences. He travelled around the territory, working with people he loved, doing a job he loved.

On the morning of April 28, 2006, Jean-François got dropped off at the start of a staking line, a day like any other, until he met the grizzly. The irony doesn't escape me: to be killed on the day that commemorates workers injured or killed on the job. I think he, too, would have seen the dark humour in that. It gives me comfort to know that he was killed by North America's equivalent to the great white shark, a mama grizzly with two cubs.

He died on April 28, 2006 at the age of 28. I miss him every day.

In 2009, I worked for Yukon Zinc at the Wolverine mine as the camp cook. Paul Wentzell was a beautiful man. He reminded me of a newborn colt. He was all legs and enthusiasm.

That boy exuded a love for life. He was following in his father's footsteps. All he wanted was to be a miner, like generations of his family before him. He was apprenticing as a heavy-duty mechanic.

My favourite memories of Paul are at breakfast. He'd come in all bleary-eyed, polite and sweet. He loved his journeymen — they were his closest family. He'd get exactly what his journeymen would order every morning for breakfast, regardless of what was ordered. He was always excited about going to work. For him it was more than a job.

I wasn't out at camp at that point, but I know on October 19, 2009, he would have had the exact same breakfast as his journeymen and that he would have been excited about whatever machine they were going to be working on. When he went into the tunnel that afternoon, on October 19, 2009, it would have been a day like any other, but when he parked the work truck he forgot to chock the wheels and the safety brake let go. He was medevaced to Whitehorse and died later that day of internal injuries. He died October 19, 2009 at the age of 20. I miss him every day.

My introduction into politics was more of a christening by fire. I ran in the 2006 election after being asked by Todd Hardy from his hospital bed in Vancouver. How do you say no to someone in a hospital bed? I got to know Steve Cardiff in the fall of 2006. He was a beautiful man. Steve taught me that there was room for heart in politics — that as long as your feelings are real, they are justifiable and they belong. Steve loved his job. You could see it on his face. You could see it in his eyes. He wore his heart on his sleeve. He believed that standing up for the underdog was an honour and a duty. He loved the people he represented. He loved the people of the territory. He made people feel like they mattered and like they were important. Steve always had time for a chat; always had something supportive to say. He was looking forward to the fall election and the chance to make more change in the territory he loved. When he left the house on July 6, 2011, it was a day like any other. He was out to visit constituents in their homes, to stop in and say hello. That all changed when his pickup crossed the line. Steve Cardiff died on July 6, 2011 at the age of 53. We feel his loss every day.

The Day of Mourning is more than just an idea. It's about people. It's about families. Today I shared glimpses of three friends I lost. There is so much more than just this, but I wanted to put faces to this day. I wish I knew the story of every black candle in the fountain so that I could share the lives of the people we lost. I wish I could speak of them here so that their families and friends know that we haven't forgotten. I invite everyone to join us on Saturday to remember.

Mr. Silver: I rise today on behalf of the Liberal caucus to pay tribute to the National Day of Mourning, also known as the Workers' Memorial Day. April 28, 2012 is the 28th anniversary of the Day of Mourning, commemorating the workers whose lives have been lost, or who have been injured or disabled on the job. We in the Yukon join with the rest of Canada and many countries around the world to honour the millions of lives that have been forever changed by workplace injuries. All

workplace deaths or injuries are preventable. In 2011, four workers were killed in the Yukon. To date, for 2012, Yukon has reported 428 workplace injuries, with the first injury happening just three hours into the start of 2012. That is 428 too many.

These men and women are victims of unsafe practices. Safety on the job must be a priority for everyone, and responsibility for safety belongs to each and every one of us. We must educate our youth on the importance of workplace safety as they enter the workforce, for they are the most at risk from workplace accidents.

The Workers' Compensation Health and Safety Board has a program called "Work Shouldn't Hurt" and it is an effective, although shocking, opportunity for high school students to see the faces of young Canadians killed in the workplace and to hear the stories of those injured. All workers have the right to work in a safe and healthy environment. Although we have made gains toward stronger health and safety regulations, workplace injuries and work-related illnesses are still all too common. We still have far too many lives that are unnecessarily lost or irrevocably affected by injuries because of workplace accidents. It is up to both the employers and employees to follow workplace safety procedures. By working together, then and only then can we hope not only to prevent and reduce, but to eliminate workplace injuries, deaths and diseases. As we observe this Day of Mourning, we pause to reflect and honour all workers who have been injured or killed on the job, and we mourn with the families they have left behind. As we pay our respects, we must not allow the memory or suffering of these workers to go forgotten.

In recognition of National Organ and Tissue Donor Awareness Week

Hon. Mr. Graham: I also wish to rise on behalf of all members to pay tribute to National Organ and Tissue Donor Awareness Week.

This week is National Organ and Tissue Donor Awareness Week. It is an opportunity to highlight the tremendous need in Canada for organ and tissue donors. As well, it's a good opportunity to acknowledge and thank the thousands of people in Yukon who have signed an organ donor card. Almost 3,600 people in the Yukon are registered organ donors. Out of a population of some 37,000 listed on the Yukon health care insurance plan, that means that almost 10 percent of the Yukon population has taken the time to sign an organ donor card, when the national average is only six or seven percent. We should all be proud of the fact that we lead Canada in this regard, but our best is still not enough. We all understand, at least in theory, the importance of formally agreeing to donate our organs when we die. We know that no matter what age we are, we can help others to live thanks to our gift, yet in Canada every year people die for lack of a liver, a kidney or a heart. The demand is very great and the supply is nowhere near enough.

According to statistics, in 2010, a total of 2,102 organ transplants took place in Canada, from a total of 1,023 donors. What an incredible gift these donors and their families gave. By generously agreeing to donate their organs and tissues, they

saved lives and improved the quality of hundreds of people's lives. This is something to celebrate.

Recent media reports, as many have probably noticed, have been full of the story of the young Ottawa woman who single-handedly raised the level of awareness of organ and tissue donation. Helen Campbell harnessed the power of social media to encourage people to sign a donor card. Her efforts resulted in a spike of registrations in Ontario and she was one of the lucky ones who received a donation just in time to save her life. Yet, thousands of people languish on waiting lists hoping and praying that an organ will be found in time to save their own lives.

It is such an easy thing to do. In Yukon, all you have to do is fill out the card on-line on the Health and Social Services website. You can also obtain a hard copy from the Insured Health Services office in Whitehorse, the Motor Vehicles branch and all territorial offices in communities around the territory.

It is such a small thing to do, a last gift to help others live on. As for Ms. Campbell, latest reports have her recovering well from a double lung transplant. I am sure that we wish the same extraordinary thing for all people in need.

Speaker: Introduction of visitors.
Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Pasloski: I rise to table a letter, written by me to the Hon. James Moore, Minister of Canadian Heritage and Official Languages, regarding the unanimous support of this House, in terms of continuing support for CBC AM service in the Yukon.

Hon. Mr. Nixon: I have for tabling pursuant to the *Land Titles Act*, section 12, the inspector's report for the Government of Yukon.

Speaker: Are there any reports of committees?
Are there any petitions?
Are there any bills to be introduced?
Are there any notices of motion?

NOTICES OF MOTION

Ms. Hanson: I give notice of the following motion:
THAT this House urges the Yukon government to use all tools available to it, including legislation, regulation and education, in order to foster a culture of safety, paying particular attention to:

- (1) the protection of young workers;
- (2) the protection of temporary foreign workers and nominees; and
- (3) licensing of occupations with a high degree of risk to public safety, health and property.

Speaker: Is there a minister's statement?
This then brings us to Question Period.

QUESTION PERIOD

Question re: Workplace safety

Ms. Hanson: The Yukon is a long way from fostering a culture of safety. On the job, it is everyone's responsibility, whether you're a worker or a supervisor, and building a culture of safety is not only an on-the-job concern. Government has a responsibility through legislation, regulation and education to foster a culture of safety on the job and in the community. When it comes to the licensing of occupations, the Yukon is all over the map. Licensing and standards are key tools to foster a culture of safety. How does this government determine which occupations and activities should be licensed?

Hon. Mr. Graham: I'm sorry, Mr. Speaker, but I've probably missed something in the question — if the member would please repeat it.

Ms. Hanson: The crux of the issue is that when it comes to licensing of occupations, the Yukon is all over the map. Licensing and standards are key tools to foster a culture of safety. The question: How does this government determine which occupations and activities should be licensed?

Hon. Ms. Taylor: When it comes to licensing, I can speak to licensure for the various trades, of course. We spoke at greater length with respect to this very matter yesterday on the floor of the Legislature. We do that under a number of various statutes, in terms of meeting the National Building Code and in terms of various occupations to protect homeowners and to protect individual rights.

Ms. Hanson: One industry that isn't licensed is home construction. Basically, if someone has a pickup and a hammer, they can be a home builder. This government showed yesterday that they have no appetite to bring forward progressive protection for homeowners. The minister responsible for Yukon Housing Corporation talked a bit about his personal problems with a reno job and remarked that he got satisfaction through "connections that I have and friends that I have." I bet that there are a lot of Yukoners — new Yukoners, in particular — who would love to have these kinds of connections.

The Yukon Party's philosophy to homeowner protection is simple: what the market will bear and let the buyer beware. They say they don't regulate — get a real estate agent, get a home inspector, they say.

My question: Why is this government opposed to bringing in measures that will both foster a culture of safety in home construction and protect homeowners' pocketbooks.

Hon. Mr. Kent: With respect to the debate yesterday, I know that the motion brought forward from the Member for Mount Lorne-Southern Lakes indicated that he would like to see an act and regulations and legislation introduced. I think a number of speakers rose on this side of the House and spoke to our desire to see education and having the homeowners work and help them with tools to ensure that the purchases they're making are sound and that the work is of a quality that they deserve in making those types of purchases.

As I mentioned yesterday, where the New Democrats choose to always move to legislation or regulation or moratoriums, it's on this side of the House that we often choose education and collaboration with the private sector to reach the same

goal, which is to ensure that when Yukoners purchase a home, they're protected and that the home is of a quality that they deserve by making such a significant purchase.

Ms. Hanson: We have certification in electrical, but we don't have certification in plumbing. We don't have certification for structural home construction; we don't have certification for ventilation or heating systems. Home inspectors, one of the solutions this government put forward yesterday, are not licensed. Gas fitters are certified, but we have no certification for installing and servicing oil fired appliances. I remind the members of the haunting words in the final report to Yukon Housing Corporation Corporation: Self-regulation has failed. Action must be taken as soon as possible to prevent incidents causing harm to persons or property.

Why is there certification of some trades and not others? It's a question this government needs to answer. It is a simple question. Why is this government so unwilling to use its power to legislate and regulate to help foster a culture of safety that could prevent future death and injury?

Hon. Mr. Kent: It comes to reaching the same goal, which I believe is the desire of every member in the House, and that is to protect consumers when they are making very large purchases, including often what is the largest purchase of one's life, which is a new home. We certainly, on this side of the House, want to focus on educating those consumers to protect them as best they can and collaborate with the private sector.

I know yesterday we spoke about the Canadian Home Builders Association, and the role that it takes in other jurisdictions and the lack of a Yukon chapter. The Member for Mount Lorne-Southern Lakes spoke about a number of contractors who had approached him and were in favour of the warranty program. I asked him to share that list, so that perhaps we could encourage them to set up a Yukon chapter of the Canadian Home Builders Association.

With my responsibilities as Minister of Education, I can let Yukoners know that the Yukon government offers two programs to Yukon residents to become certified journeypersons in 48 designated trades. So there are a number of initiatives underway by the Yukon government, not only to train Yukoners to become the types of tradespeople that we want them to become, but also to protect those consumers from purchases.

Question re: Young worker safety

Ms. Stick: Young workers are at a higher risk of injury and death on the job than others. The Yukon NDP has brought forward constructive solutions to address this issue since 2008. Public discussion on this issue has taken place. A deadline of January 1, 2011 was set by this government, in partnership with both the Yukon Workers' Compensation Health and Safety Board and with the *Employment Standards Act* through Community Services. This government was to address the important issue of young worker protection. The deadline was missed.

The government says when it comes to addressing young worker protection it is focused on, and I quote: "areas of general consensus." Preventing injuries and death on the job is an area of very broad consensus. We are in a Legislative Assembly, the proper place to make laws.

Will this government set enforceable health, safety and protection standards for new, young workers?

Hon. Mr. Graham: This is a subject of great interest to us and of great concern as well. We are in the process of reviewing a number of reports and recommendations that have come forth. Once that review is completed, we will know where we are going from that stage. At this time the review isn't completed.

Ms. Stick: The NDP caucus never forgets where the demand for law comes from. When it comes to workplace safety, the demand for legislation comes from unsafe conditions young people are exposed to in workplaces. The government has a responsibility through legislation, regulation and education to create a culture of safety. We take seriously the work of the International Labour Organization. Yukon's legislation is not in compliance with Article 7.1 of the *International Labour Organization Convention 138*, which allows persons aged 13 to 15 to engage in light work.

How does the government explain its non-compliance with the International Labour Organization's convention on minimum age?

Hon. Mr. Graham: We could have a debate for a number of days in this Legislature with respect to international standards, so I won't even go there. What I will say to the member opposite, Mr. Speaker, through your good office, is that we're in the process of reviewing that legislation. We are in the process of reviewing recommendations, but we also have to do a certain amount of consultation with employers and with people in the field. Once that process is completed, we will be ready to bring forward suitable legislation at that time if we so choose.

Ms. Stick: There has been public consultation. In January 2012, the president and CEO of the Yukon Workers' Compensation Health and Safety Board was cited in an interview about some industries, which have higher rates of injury than others. I quote: "Of all employers, mineral exploration companies need the most help." The president adds, "They are some of the newest employers in the territory and tend to hire younger and out-of-territory workers each year."

Will this government be regulating safety standards for the mineral exploration industry this season that will protect young workers, whether from here or from other jurisdictions?

Hon. Mr. Graham: Mr. Speaker, I think I've answered the question twice already. We are doing those consultations. When they are completed and our review of the recommendations is completed, we will bring forward appropriate regulations at that time.

Question re: Information sharing among departments

Mr. Silver: Mr. Speaker, kindergarten marks children's entry into the public school system and we want to ensure that they are getting off to a good start. Registration is an issue. Teachers generally reach out to the community before starting school, but they are often left with incomplete information as to who will be registering before kindergarten. It has been suggested that the Department of Health and Social Services may be of some assistance. Teachers have asked me

about the possibility of elementary schools acquiring age-appropriate children's name from the Department of Health and Social Services.

Will the minister facilitate the sharing of incoming students' names so that teachers can reach out to those families and get kindergarten students off to the best possible start?

Hon. Mr. Kent: I would agree with the member opposite that the transition from preschool to kindergarten is incredibly important and one of those that has been identified as one of the key transitions during school life. The more that we can do, I think, with respect to facilitating that — I know that there is a program offered at Selkirk Street Elementary School right now that we've committed in our platform to look to expand throughout the territory, to introduce parents and students to kindergarten and the types of different learning environments they can expect.

With respect to the member opposite's question on the floor here today, I will take it under advisement and perhaps have a discussion with the Minister of Health and Social Services to ensure that can be done without violating any privacy or other aspects.

Mr. Silver: When kindergarten teachers can work with parents before the children actually start school, teachers are more prepared and students feel more comfortable in the fall. It gives the teacher important information about their future class and about their incoming students' particular needs. Otherwise, the school is caught unprepared dealing with last-minute walk-ins and registrations during the first few days of school.

Early engagement also informs parents as to what to expect as their kids start school and what they can do to make the transition to school enjoyable and effective for the child. The teachers are asking only for incoming students' names from their health records, not any personal health information. If the Department of Health is willing, can the minister suggest alternatives otherwise?

Hon. Mr. Graham: As my colleague next to me said, I'm sure that we can sit down together with the Department of Education and see if there is a possibility of providing this information to the Education department. As my colleague has already mentioned, it is a very important transition stage. I know that some principals in some schools around the territory are also taking the initiative in this area, going out and actually trying to determine which students will be coming to their school in their kindergarten year. Through my colleague, I will be encouraging other principals to engage in that practice, because it does work.

Mr. Silver: I thank the ministers for their responses. I have some more information, so I might as well share it.

There are already information-sharing relationships between the Department of Health and Social Services and the Department of Education. For example, the schools cooperate fully with the Department of Health and Social Services in their request for access to students for vaccinations, for dental therapy, family planning classes, taking home health-related information, et cetera. That is, the school provides names of children and access to them for Department of Health and Social

Services initiatives. It is not considered a confidentiality issue. Teachers are asking that this be reciprocated, which is the basis of my questioning.

My final question to the Minister of Education or the Minister of Health and Social Services — and I think they have already answered it: Are they willing to accommodate this reciprocal request?

Hon. Mr. Kent: Again, there are a number of initiatives throughout government where there's cooperation between ministers and departments, including, of course, cooperation between Education and Health and Social Services for children up to entering kindergarten.

The literacy responsibilities reside in the Department of Health and Social Services and of course they are transferred to Education for their public school time. I spoke earlier this session about the Health Behaviour in School-aged Children survey that was led by Health and Social Services, but facilitated by the Department of Education, so again there are a number of initiatives not only between our two departments — the Minister of Health and Social Services and me — but also among all departments on any range of issues, so just to answer the member's question, we will take a look at what he's requesting and see if there's a way that we can facilitate that.

Question re: Solid-waste diversion

Mr. Silver: Reducing the amount of waste that goes into our landfills is a stated goal of this government. One of the ways to do this is by increasing recycling services. There are two routes to that goal — encouraging people to recycle more and making sure that our recycling centres have the resources they need to operate effectively. Both of these things are influenced by the beverage container recycling program tolls — the amount of money consumers get for turning in their recyclables and the amount of money that recycling centres get for processing them. Can the minister tell us how much these tolls are and when were these amounts last changed?

Hon. Mr. Dixon: When it comes to the issue of recycling and waste diversion, this is an issue that the Minister of Community Services and I work on together quite closely. In terms of the specific numbers the member opposite is looking for, I don't have those here, but I can say it has been a number of years since the beverage container regulations were reviewed.

We do know that, through the *Yukon Solid Waste Action Plan*, Yukoners have expressed an interest in having access to more recycling programs and an outline of the government's commitment to support waste diversion or recycling initiatives. As the member opposite alluded to, we do have a commitment to increase the amount of waste that is diverted from our landfills and indeed, reviewing the beverage container regulations could be one method of doing that.

Moving forward, the Minister of Community Services and I have met with the recycling processors working group as well as the groups individually. A number of them have made clear their interest in reviewing that beverage container regulation. Moving forward, I think we can meet with the Solid Waste Advisory Committee and determine how best to go forward with that review.

Mr. Silver: Thank you, Mr. Speaker, and I thank the minister for his answer. Recycling centres like the Conservation Klondike Society currently are operating on quite a shoestring budget.

They get some base operating grants from the government. I understand from conversations with CKS that when they last negotiated that minimum operating allowance they were told not to expect increases in the future. Some of the income comes from the recycling tolls; however, they are caught in a the-more-we-recycle-the-more-we-lose type of scenario, as not all recyclables are refundable. As more families attempt to divert waste from the landfills, it is harder to keep the recycling business in business. This is not good for encouraging waste diversion in the Yukon.

Has the minister heard similar concerns from recycling societies? Are the tolls high enough to cover these costs and is there a plan to resolve this issue?

Hon. Mr. Dixon: To follow up on the member opposite's point, we have heard from a number of groups that the products that are associated with the beverage container regulation and the tolls associated with it have not been reviewed in quite some time, and there is an interest among those groups as well as — I believe — a motion passed by the Association of Yukon Communities in that respect as well. So, it is something we are interested in moving forward with. Our commitment is to increase the amount of waste we divert from our landfills. If that is indeed a tool we can use to do that, then it is something we would most certainly consider.

Mr. Silver: Our recycling centres handle more than refundables, as the minister pointed out. They also handle the non-refundable containers, like milk jugs, food tins, paper and other plastics. They do not get income from doing this work. Diverting these wastes from the landfill saves this government money and is an important component of the *Yukon Solid Waste Action Plan*.

Last summer, I lent a hand as CKS had to ask volunteers to come sort mountains of recycling, as they were caught in this “the more that we do, the more that it costs” catch-22 scenario. Some years ago, there was talk about setting refundable levies on some of this non-refundable waste. This would help boost the recycling centre's income. Unfortunately, nothing has come of this.

Will the minister consider implementing recycling tolls on these goods — the non-refundable ones — so that the recycling centres can earn an income from processing all recyclables?

Hon. Mr. Dixon: As I said, we are interested in moving forward with our commitment to reduce the amount of waste that we are able to divert from landfills. As I said, reviewing the beverage container regulation and the products associated with it, as well as the tolls, could indeed be one of those tools we used to get to that goal. I would also remind the member opposite that any of those groups that are non-profit groups are eligible for funding through a number of other sources, and I would provide the community development fund, as one that springs to mind, for upgrades to facilities, at least.

With regard to how this government will be moving forward, as I said, we will be meeting with the Solid Waste Advisory Committee very shortly, and we look forward to hearing from them as to how they think we best move forward.

Question re: Temporary foreign workers

Ms. Moorcroft: I want to thank the Minister of Education for the answers he has given me in the past week while we were in budget debate on foreign workers. I look forward to his further replies in the near future.

The minister stated that, at the moment, there are no temporary foreign workers in the Yukon and that we are waiting for Canada to sign the annex to the new agreement to allow for their temporary immigration to work here on a seasonal basis. I presume we can anticipate that, by this summer, the final process will be completed and we can expect the arrival of temporary foreign workers in the next several weeks. Orientation to our northern climate and social life, interpretation for those with little English, and housing will all be concerns. Does the minister know how many temporary foreign workers are expected this summer, and what strategies are in place to support their arrival?

Hon. Mr. Kent: What the member opposite — just for clarification purposes — is referring to is an annex to the temporary foreign worker program that was signed in December 2010, as an addition to the *Agreement for Canada-Yukon Cooperation on Immigration*, so it's actually that one that will allow temporary foreign seasonal workers to come into the Yukon.

Now, the program that's administered right now by the Department of Education is, of course, the Yukon nominee program and in debate earlier this week, I did set out for the member opposite that there is a memorandum of understanding, which is a contract between the employer, employee and Yukon government that is explained and signed by all parties upon arrival of the nominee in the Yukon. So, among other things, it sets standards for wages, travel, housing, medical care, and workers' compensation. There are a number of issues that are dealt with in that memorandum of understanding for the nominees who come into the Yukon.

Ms. Moorcroft: I thank the minister for his answer. I did ask him if he knew how many temporary foreign workers are expected this summer, and I didn't hear an answer to that question.

The Yukon nominee program for foreign workers has the ability to eventually nominate workers for full Canadian citizenship. Many workers have come to the Yukon because of this program, and we welcome them and their families as partners in our workforce and in our communities.

Can the minister explain why the Yukon nominee program was not used to fulfill the needs of the mining and tourism industries, rather than the temporary foreign workers program?

Hon. Mr. Kent: In response to the first question from the member opposite, I'm not aware of how many temporary foreign workers we can expect this summer in the Yukon. However, when it comes to the nominee program, that program is designed for full-time work, while we see, in particular, in the tourism and mineral exploration sectors, seasonal work.

That's what the temporary foreign worker annex will deal with. That's what we're awaiting approval from Canada on so that we can attract those workers to come in here on a seasonal basis, rather than the full-time basis that is handled under the nominee program.

Ms. Moorcroft: Our tribute this afternoon spoke to developing a culture of safety in the Yukon for all workers. We need to protect all workers from danger and from exploitation. I am concerned for the safety of these workers, many of whom will be in the field working for mining companies. They work in dangerous conditions, possibly near large, noisy equipment in an industry that has had workplace fatalities in the recent past.

Temporary foreign workers may not have sufficient English to read and fully understand a safety manual or workers' rights materials. They may not understand complex spoken advice and directions. They may not know occupational health and safety regulations allow workers the right to refuse dangerous work. The minister's first concern must be the protection of safety of foreign workers in any employment agreement the Yukon has with industry. Can the minister tell us how he is ensuring the safety and protection of temporary foreign workers in the Yukon?

Hon. Mr. Kent: Again, as I mentioned in a previous answer, there is a memorandum of understanding that is a contract between the employer, the employee and Yukon government that is explained and signed by all parties once the nominee arrives in the Yukon. That memorandum of understanding sets standards for, among other things, work schedules, wages, travel expenses, housing, medical care, workers' compensation and, of course how that work will be monitored by the Advanced Education branch in the Department of Education.

As I mentioned earlier this week, there is regular monitoring that is done to ensure that employers are in compliance with the memorandum of understanding, and to my understanding we are one of the few jurisdictions in Canada that actually conducts that regular monitoring. That's what we are doing to ensure that the memorandum of understanding is followed and, again, it does set standards for, among other things, workers' compensation and schedules, wages, that type of thing.

Question re: Contractor policies

Mr. Barr: The NDP Official Opposition was recently contacted by Yukon contractors with concerns about the tendering and contract process in the Department of Community Services.

We have met with those contractors and heard from them on a range of issues. Those issues include the fairness of the tendering process and whether or not the department's approach to contracts for major projects protects the best interests of taxpayers. My question is simple: Is the minister willing to meet with the contractors and other interested parties to hear their concerns about the process for tendering tens of millions of dollars in contracts for the Department of Community Services?

Hon. Ms. Taylor: I thank the member opposite for raising this question. I, as Minister of Community Services, along with the Minister of Highways and Public Works and our

respective deputy ministers, as well, also had the occasion to meet with the Yukon Contractors Association. There were many contractors representing contractors throughout the territory who were present at that very meeting. Of course, during that meeting, a number of issues were discussed. I don't want to air all that was discussed during the meeting, but certainly we have asked that the Department of Community Services look into concerns that were raised by contractors, to which the member opposite has alluded.

Mr. Barr: Government programs and projects not only can enhance the lives of the people who use them, but also provide significant employment and other economic benefits to Yukoners.

We all want to see the government projects completed in a timely fashion. But when the pace of those projects is too fast, outside firms are often used and potential economic benefits to Yukoners are lessened. Could the minister tell this House what is being done to set a pace for government projects in the territory that will get the job done and also maximize employment and other economic benefits for Yukoners?

Hon. Ms. Taylor: I want to start out by just saying how very proud I am to represent the Department of Community Services and all the individuals who work within that department. The department oversees almost \$200 million worth of expenditures when it comes to capital initiatives, whether it's under gas tax funding or whether it's under Building Canada funding. In fact, this year's budget reflects some \$65 million worth of community infrastructure projects in support of solid-waste improvements, in support of waste-water treatment, rural roads, green energy and so forth. This government is very committed to working with the contracting community and working with Yukon municipalities and Yukon First Nation governments in advancing many priorities to address the infrastructure deficit that has been identified by communities country-wide.

Mr. Barr: We appreciate the work being done, but we know there is always room for improvement in the delivery of government programs and services. Good governments constantly review their practices and outcomes with an eye to making them better.

Would the minister please tell this House if an internal audit has been conducted on the Department of Community Services tendering process? If so, what did the audit find and how is the minister responding? If not, what else is the minister doing to review and improve the tendering process in the Department of Community Services?

Hon. Ms. Taylor: I can certainly say that, thanks to the good work of officials housed within the Department of Highways and Public Works, we're very much committed to working to improve our procurement policies and the way we deliver contracts, as the member opposite has alluded to. In fact, Highways and Public Works, in collaboration with our Public Service Commission, has launched coursework addressing procurement. That was actually launched back in March — last month alone — which provides 1,700 staff throughout the Government of Yukon with online delivery of procurement practices. You can very much appreciate the number of con-

tracts to deliver programs and services on behalf of the Yukon citizens.

Certainly, the Department of Community Services delivers many contracts on behalf of Yukon citizens. One only has to take a look at the multi-year plan that is housed within the capital budget that the Premier, as Minister of Finance, delivered. Certainly, the Government of Yukon will continue to work with the contracting community, will continue to work with our municipal partners and First Nation partners in delivering sound, identified projects in support of their priorities.

Speaker: The time for Question Period has now elapsed. Prior to proceeding with Orders of the Day, the Chair will make a statement regarding the relevance of statements made in debate, particularly with regard to amendments and subamendments. While I am speaking I would ask all the members to remain seated and pay attention.

Speaker's statement

Speaker: This is a statement regarding the relevance of statements made in debate, particularly with regard to amendments and subamendments.

Yesterday, during debate on Motion No. 175, points of order were raised by members who believed that statements made by other members during debate on the amendment and the subamendment would have been more properly made once the House had returned to consider the main motion.

Standing Order 35 says, "When taking part in a debate on an amendment to a motion:

"(a) the member moving an amendment has the right to speak both to the main question and the amendment in one speech;

"(b) a member, other than the mover, shall confine debate to the subject of the amendment."

The same rule applies to subamendments. The point of Standing Order 35 is that each amendment and subamendment is, procedurally, a question unto itself and should be debated on its own merits.

Members must keep in mind that they have the right to address all motions, amendments and subamendments and should ensure that their remarks occur at the proper point in the debate. This will assist the House in arriving at a decision on the motion before it.

As the Chair said to members on April 19 in his statement on relevance, there are inherent limits on the Chair in determining the relevance of members' remarks in debate. Therefore, members themselves share a measure of responsibility in ensuring that debate is relevant and orderly.

We will now proceed with Orders of the Day.

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 41: *Act to Amend the Land Titles Act and the Condominium Act* — Second Reading

Clerk: Second reading, Bill No. 41, standing in the name of the Hon. Mr. Nixon.

Hon. Mr. Nixon: I move

THAT Bill No. 41, entitled *Act to Amend the Land Titles Act and the Condominium Act*, be now read a second time.

Speaker: It has been moved by the Minister of Justice that Bill No. 41, entitled *Act to Amend the Land Titles Act and the Condominium Act*, be now read a second time.

Hon. Mr. Nixon: I am very pleased to be standing here today presenting amendments to the *Land Titles Act* and the *Condominium Act* to this Yukon Legislature. Our government has a strong commitment to facilitating land development and fostering economic development, and bringing forward these amendments is but one step to remove barriers to development by improving service in the land titles office.

In considering changes to this legislation we have identified specific short-term changes that will expedite work processes, and provide greater clarity with respect to information in the land titles office. In addition, this package of amendments is consistent with the objectives of practising good government, practising open, accountable, fiscally responsible government, providing a better quality of life and investing in infrastructure.

The objective of these amendments to the *Land Titles Act* and the *Condominium Act* is to improve the operations. The proposal is to improve the operations of the land titles office with changes to the acts that can be done relatively quickly and easily. Some of the amendments were generated internally in cooperation with the land titles registrar and several amendments were identified that would improve the efficiency of the land titles office and could be implemented relatively easily. Most will help reduce the time needed to register documents in that office. In addition, officials took suggestions from interested stakeholders who regularly use the land titles office services, including lawyers, surveyors and architects. That group made further suggestions that they felt would remove obstacles to land development and these led to a number of additional amendments.

I would like to take a little time to remind this House of the purpose and the function of the land titles office and its role in land development in Yukon. The land titles office operates under the authority of the *Land Titles Act* for titled parcels and the *Condominium Act* for condominium units. Yukon's land title system is based on the Torrens system devised by Sir Robert Torrens in the mid-1800s. The same system is used in all of Canada's western provinces and northern territories.

In a Torrens or land titles system, all original certificates of title are retained by a government's land titles office and interests against that title, such as mortgages, are registered in the land titles office. The priority of these interests is determined in strict chronological order according to the date they are filed in that office. The registrar keeps a daybook to record the exact date and time of registration. The originals of these documents and of survey plans are kept in the land titles vault.

Our legislation requires a manual, paper-based system for keeping track of registered parcels of land. When a member of the public registers ownership of a parcel of land, the registrar issues a certificate of title and the public is entitled to rely on that certificate of title as evidence of the correct state of that title.

The fact that the interest is registered on title means that any member of the public has the right to rely on that as a valid interest. As the territory has grown, the vault and the number of transactions processed by the land titles office has increased dramatically over the years and continues to reach historically high levels.

The value of real estate transactions in Yukon for 2010-11 was just over \$228 million, a 24-percent increase from the year before. Being out of date, our registration practices are onerous for citizens to use and they are faced with excessive delays in processing transactions. Yukon averages over 7,000 documents filed annually. However, the nature and complexity of the documents is increasing due to the new and complex instruments being registered as part of the land titles process.

Let me deal with these seven technical, straightforward amendments. The first addresses the filing of writs. This amendment adds a definition of "sheriff" to the *Land Titles Act*, which includes a deputy sheriff. This addition and a further change in wording clear up ambiguity regarding who may file writs in the land titles office.

The second amendment addresses standard form mortgages. Banks and other lenders now use standard form mortgages almost exclusively. In such a mortgage, only the particulars vary, such as names, property description, dollar amounts, the term of the mortgage and so on; otherwise, the provisions of the mortgage contract are standard. This amendment would allow the Yukon land titles office to accept and register standard form mortgages and it mirrors legislation in other jurisdictions that allow standard form mortgages to be registered. The amendment will save much time in the review process for mortgages and it will speed up registration time.

The third amendment addresses duplicate certificates of title. This amendment removes the current requirement that the registrar must issue a duplicate certificate of title every time an original certificate of title is granted. Rather, the registrar will be required to issue a duplicate only when requested by the homeowner or when ordered by a court. Deleting this requirement will save much of the registrar's time spent on a requirement that is no longer useful and help to speed up registrations.

The fourth amendment addresses the transfer of easement to oneself. An easement is the right use of property of another, such as a right-of-way over the land of another. In common law, the owners of the two properties cannot be the same entity. This amendment will override the common law as has been done in many other jurisdictions in Canada. The amendment will help developers, for example, who may be building side-by-side duplexes or townhouses. The developer will now be able to obtain easements for each unit if they are needed to access infrastructure or a road, et cetera. So the easement is in place before selling the parcels to the new owners.

The fifth amendment addresses the registrar's ability to correct errors. Currently, the land titles registrar cannot correct clerical errors or other obvious mistakes except by obtaining a court order. This amendment will allow the registrar to correct clerical errors and other obvious mistakes in land titles documents without affecting existing rights. This will improve the

accuracy of documents in the land titles office and avoid delays due to clerical errors.

The sixth amendment addresses hours of operations. This amendment changes the hours of public access at the land titles office to match those at the court office, which are 9:00 a.m. to 4:00 p.m. This change will give the registrar and deputies more uninterrupted time to sign-off certificates of title and other administrative work. These tasks have fallen further and further behind as land titles office registrations have increased. We expect registrations to be able to be finalized much faster as a result of this amendment.

The seventh amendment is the *Condominium Act*. This amendment clarifies the content of architects' certificates under the *Condominium Act* so that architects are no longer required to certify structural plans for the building. The amendment wording ensures that the structure, as it is built, is substantially the same as what appears on the plan filed for the condominium and reflects similar provisions in other jurisdictions.

Mr. Speaker, I want to describe for this House a further initiative to move forward with our intention to improve and modernize the land titles system in Yukon, which is that I have appointed an inspector of land titles offices, pursuant to section 12 of the *Land Titles Act*. As an independent inspector, she has now completed an operational review of the current business procedures of our land titles office in order to identify areas for improvement. The inspector has submitted her final report to me. It includes many recommendations, which I am now reviewing in further detail.

I was very pleased to be able to retain the services of Lora Bansley, a lawyer called to the bar in Saskatchewan, as the inspector of land titles. Ms. Bansley was extensively involved in Saskatchewan's modernization of its land titles system, which saw the province move from a manual land titles office to an on-line, up-to-date registration system delivered by a Crown corporation known as Saskatchewan's Information Services Corporation. She has expertise in the legal operation and technological questions that are crucial to a successful land titles modernization, as well as familiarity with the business practices and processes and change implementation in that context. Ms. Bansley reviewed the *Land Titles Act*, the *Condominium Act* and other relevant legislation and policies. She also interviewed land titles office staff and met with a variety of representative stakeholders. Ms. Bansley's recommendations address the land titles office business processes, staffing, supporting technology, customer engagement, policies and procedures and considerations for modernizing the system in the long term.

Some of the significant recommendations address replacing the current computer platform, known as LIMS, which stands for "land information management system"; increasing fees to better service; the need for written guidelines to assist users of the land titles office; and introducing a lawyer position, a surveyor position, and a customer advocate to the land titles staffing model. Our officials have begun a full analysis of these recommendations. The inspector's report will provide a foundation, upon which subsequent consultation, expert advice,

and further analysis will take place to move forward the modernization of our land titles system.

I'm confident that these amendments that are before you will have the effect of enhancing the operations of the land titles office, removing barriers to development and ensuring that the information on title and the titles themselves are accurate. Further to that, I want to commend the staff at the land titles office and, as I stated in my media release this morning, the staff members of the land titles office are really trying to build a house with a screwdriver. We want to put the tools in their hands to properly operate that office and move forward with modernization.

Ms. Moorcroft: Mr. Speaker, first of all, I would like to say that the Official Opposition is generally in support of the amendments that have been brought forward to the *Land Titles Act* and *Condominium Act*. I appreciate the minister's statements explaining the seven amendments that are technical in nature and, as he said, relatively straightforward. It would have been more straightforward if the opposition had a briefing to understand these prior to just hearing on the floor of the Assembly the minister walk through these amendments.

I thank the minister for tabling the inspector's report for the Government of Yukon which was prepared by Lora Bansley from Saskatchewan. She came from the Information Services Corporation of Saskatchewan, the Crown corporation responsible for the administration of the land titles and survey registers.

This looks like a very good independent review of the land titles office and its current business procedures. I am pleased to hear that the minister has said that they will be working to further address the matters that were raised in this report.

I note that the report was prepared on March 30, 2012. It would have been courteous for the minister to table this report a little earlier or at least a day prior to debate on the bill. That would have been more consistent with the spirit of cooperation that the Yukon Party government has committed to and on which it congratulates itself.

The report notes that it addresses issues that have been identified about the land titles business procedures. It makes recommendations for immediate improvements and amendments to legislation and/or upgrading of support systems. Some of these have been addressed in these amendments and several have not.

The staff members of the land titles office, themselves, have made a number of recommendations, as well as a number of stakeholders the inspector spoke to as she was conducting her research and completing her report. This review does identify several factors that have negatively affected the Yukon's land titles regime and the fact that customers have been experiencing decreased service levels and delays in registration. The inspector also indicated that for a more in-depth review of the current business processes, she would need to return to the Yukon and spend more time in the land titles office.

As the minister stated, land titles volumes have been increasing, particularly in the last three years. The numbers of condominium titles, survey plans and certificates of search that

have been processed have been increasing. At the same time, the land titles office has had no increase in staffing to handle the higher volumes of work. The inspector noted that the *Land Titles Act* is one of the oldest pieces of legislation in the Yukon. It is over 100 years old and was adopted from the former federal legislation when land titles were devolved.

Although the legislation has been outdated for a long time, it has not appeared to cause any problems until recently, largely due to the increased volumes and where the focus has become minimizing the delays. However, there is no denying that the legislation should be updated, and the *Condominium Act* is also not reflective of current practices and the needs for condominium development, which leads to uncertainty and complexity for customers and land titles office staff.

The land information management system that the minister referred to does need some attention. There is concern that the system should be upgraded, and that presently there is an unnecessary duplication of work because of this outdated system. Several government departments use or have access to the land information management system, which includes the Department of Energy, Mines and Resources; Community Services; Yukon Housing Corporation; Indian and Northern Affairs Canada, lands disposition; the City of Whitehorse; the Canada Centre for Cadastral Management; and the mining records office.

The inspector identified stakeholder issues, and we in the Official Opposition have also been speaking to some of these stakeholders and have heard some of the concerns they have raised. This starts out with the legal community noting that there are delays in the final registration and the issuance of the certificate of title by the registrar. That can vary from three weeks to 10 weeks. The other issue the delay causes is that lawyers are then delayed in reporting to financial institutions, and this delay can affect developers' ability to sell condominium units.

Money cannot be transferred without a registration number, so vendors, buyers, financial institutions and lawyers are inconvenienced when there is a delay assigning a registration number, and costs can be incurred by this, as well. There are inconsistencies in processing and rejections. One lawyer commented that it's hard to play by the rules when you don't know them or they are constantly changing. The inspector suggests that the Law Society or the Canadian Bar Association should consider appointing a person to gather and document issues that lawyers are experiencing in this regard. The minister spoke about working with stakeholder groups and lawyers should certainly be included in this.

The land titles office also needs to have adequate legal support. The Department of Justice needs to be able to supply experienced lawyers who are knowledgeable in land titles law. There is a lack of a policy and procedures manual or other written guidelines and an ability to search titles on-line. That briefly summarizes some of the concerns raised by the legal community. There were nine items in that section of the report.

The inspector also spoke to surveyors and found that there is a need for the Surveyor General's Office and the land titles office to cooperate and collaborate. There are also inconsisten-

cies in processing and that could be improved and, again, the surveyors mentioned the need for comprehensive legal support for the land titles office.

The minister spoke to easement issues and in Committee of the Whole I will be asking the minister to indicate whether all the easement issues identified have been addressed in these amendments that are before the House today.

Deferred monument postings are not currently permitted in the Yukon. They are in place in many other jurisdictions. In the Northwest Territories it's a similar regime, because their plans are also under the federal jurisdiction, as they are in the Yukon. The Northwest Territories legislation permits deferring the monument postings through the land titles plans regulations under the *Land Titles Act*. What that deals with is that surveyors put monuments in the ground and utility companies knock them out, then there is a need for surveyors to go back and put them in a second time, and that is expensive for them to do. Someone will have to bear that expense, so there is an ability to amend the legislation to deal with that.

A surveyor also raised concerns about water exclusion from Crown grants. The inspector also spoke with the Surveyor General branch for Natural Resources Canada and again found that there was a need for the land titles office and the Surveyor General to be working as partners in property rights in the Yukon. They need to communicate and collaborate to make the process more efficient and ensure better integration. In other jurisdictions, there is a prescribed time frame in the legislation for titles to be raised before a subdivision plan that has been registered expires. The Yukon should consider amending the legislation to address this issue in a manner that is similar to other jurisdictions.

Again, the Surveyor General branch raised the concern about the lack of legal support provided to the land titles office and concerns with surveyed easements that are not registered as encumbrances on title. This situation does occur in other jurisdictions and the inspector presented two possible methods of dealing with this issue, one of them being to change the legislation.

There's also concern identified regarding the Yukon utility company preparing its own easement sketches, which are accepted by the land titles office. However, it did not feel it had the legislative authority under the territorial legislation to refuse to accept them. Realtors also identified the turnaround time for searches as a concern and would like to have the ability to search titles on-line. Appraisers would like the ability to search titles on-line.

The Chamber of Commerce asked the government to provide improvements in the land titles office. Many members of the chamber sought the assistance of the Chamber of Commerce to provide the land titles stakeholders with a forum to speak in a unified voice. They also identified many of the issues that I have previously spoken about and raised the concern about needing additional space for document storage and the need to develop a mechanism to scan documents and make them electronically accessible on-line, rather than using microfiche for document backup, which is an outdated means of backing up records.

The land titles office felt caught between requests of stakeholders, the requirements of the act, and the pressure to speed up registration. The land titles office staff themselves identified the need to have documents digitized and on-line search capabilities that would make the office more efficient. It would bring them in line with other jurisdictions and it would increase customer satisfaction.

Staff do their best and there are a number of other concerns and requests that they have identified. Stakeholders do feel optimistic that, as a result of the dialogue that has been initiated through the exercise of the inspector completing her report, future improvements will also be made, and to quote from page 19 of the inspector of titles report: "It is important that the government and Department of Justice continue to engage stakeholders in meaningful dialogue to ensure a balanced perspective on issues and proposed solutions."

There is a need, as the inspector stated, for a commitment from senior management for a customer service culture to develop. The government needs to invest in new technology to make the land titles office more efficient. Resources need to be added to the office until such time as a new system and processes are implemented and efficiencies are realized. The government may also need to hire more staff to alleviate some of the immediate volume pressures and delays.

The inspector's report has nine pages of recommendations. She begins with eight process recommendations. Some of those directly address the issues that I have just spoken about. One of them is that the certificate of charge requirement should be removed from the legislation. This is an extra document that the staff prepares and it is unnecessary. I believe that the minister, when he spoke, clarified that this duplicate certificate of title is one of the seven technical and straightforward amendments that have been brought forward today.

There are also a number of staffing recommendations. The Yukon is the only jurisdiction in Canada without a lawyer in the land titles office and it is clear from the inspection that the land titles office needs better legal support. I would like the minister to comment either in his closing remarks or in debate in Committee of the Whole on how he plans to deal with that need.

There is also a recommendation that the Yukon should consider creating a term customer advocate position. The duties of that person might include helping identify priority issues for customers, being the visible internal voice of the customer and ensuring there is consistent and timely customer service. Those duties might also include responding to ministerial referrals, logging issues and complaints, and handling escalated calls from irate customers.

Another staffing recommendation was that the Yukon consider having a person to conduct land titles training internally and externally, which could be self-funded through charging registration fees.

There is a recommendation, as well, that a surveyor be hired to — and this person could support many government departments, such as land titles, the Lands branch and highways. I would like the minister to indicate whether recent federal cuts might affect the issue of hiring a surveyor, and I

would like to know whether the government is, in fact, considering hiring a surveyor to assist several departments.

Under the technology recommendations, the minister spoke about the need to replace the LIMS system, which is outdated technology. The recommendation that on-line searching be available is one that the land titles office itself and all of the stakeholder groups indicated is a need now.

The inspector also indicated that the Yukon does not have the volume to likely warrant the cost of custom building a new system and suggested that this jurisdiction research what is available to purchase from other similar jurisdictions. As the minister said, in Canada, the bulk of lands registries are Torrens-based so there may be a model used in another jurisdiction that would be appealing to the Yukon.

The inspection report also speaks to customer engagement and improvements suggesting a first step might be to group the registries customers by industry and forming subsets of customer teams to represent each industry. It's not clear whether land titles office customers are aware that there is a protocol for information bulletins and that they can review and comment on interpretive bulletins. The inspector recommends that the turn-around time for a stakeholder's comment be increased to at least 14 days. The current protocol is seven days, which is quite limited, and the registrar has 14 days to publish.

A consistent time frame for both would be courteous.

Under miscellaneous recommendations, the report identifies that the Yukon has the lowest land titles fees in Canada and that some customers mentioned that they would be prepared to pay higher fees for better services. The minister did speak to this, so we will see whether both improvements of allowing the convenience of accessing documents on-line and increased fees might be an end result.

Finally, recommendation 20 on transparency in Cabinet approval process states, "Although this issue is outside of the scope of this report, it merits mentioning. The confidentiality of the legislative process is causing customers to feel that the Department of Justice is being unresponsive to their issues because there is no awareness of the work being conducted to address them. There must be a balance between Cabinet confidentiality regarding legislative changes being considered and customer awareness of the work to address their concerns. The models used in other jurisdictions should be explored to see if a better balance can be achieved."

The amendments before us are fairly straightforward and technical in nature. There are a limited number of amendments. I look forward to seeing the report of the inspector having been fully considered by government and further legislative and program amendments and revisions being done. It's good to see that the first steps have been taken. Yukon does need to make a concerted effort to listen to customers' needs. Those needs have been identified in the report. With only a short time to flip through this report that was tabled in the Assembly this morning, I have tried my best to identify the issues that we were previously aware of, as well as issues that the inspector identified in greater depth. I look forward to further debate. Thank you.

Hon. Mr. Kent: I'll be very brief at second reading and really offer comments more along the line of what I heard prior to the election and shortly after the election with respect to the issues that surround this.

I would like to take this opportunity to thank the minister, thank his deputy minister, and all the officials in the Department of Justice for their hard work on moving this forward. It certainly is an issue, as I said, that was identified to me by a local lawyer prior to the election and since the election — speaking to a number of individuals in the private sector, from the real estate industry and from the banking industry — the need to improve this system and to effectively modernize the system.

I would like to thank the Minister of Justice for bringing forward these amendments that are before the House today, and for initiating this review and the report that was tabled here today. I look forward, as well, to going through that in greater detail over the coming days and to moving forward to fully modernize the land titles system in the Yukon. I think that it will be something whose time has come, most definitely. I again look forward on behalf of those constituents and those individuals that I spoke to before, during and after the campaign to moving forward and really seeing this legislation and this system modernized in the Yukon.

Ms. Hanson: I wish to thank the Member for Copperbelt South for so ably summarizing the issues and the background that was provided to this Legislative Assembly at 1:50 p.m. — the inspector's report for the Government of Yukon on the *Land Titles Act* and the issues.

I think that it was very helpful in providing the background that all of us in this Legislative Assembly who were not provided the opportunity to have any background briefing by the minister on this issue feel more comfortable with respect to both the need for and the substance of the amendments being proposed. That being said, I will have a few more questions for the minister when we get to Committee of the Whole. But I just wanted to say that the Official Opposition will be supporting these amendments. Thank you.

Hon. Ms. Taylor: Mr. Speaker, I want to first congratulate the Minister of Justice for bringing forward this very important legislation. As my colleague from Yukon Housing Corporation has already alluded to, this is something that was raised by a number of stakeholders over the past while and it's something, I am sure, that each of us as members running in the last election heard on the doorsteps.

This really is a very important step toward improving Yukon's land titles legislation. Of course, as I stated yesterday in my remarks, Yukon government, as outlined in our recent election platform moving forward, is very much committed to improving the speed and efficiency of land transactions and, of course, as we commence this process by looking to identify further opportunities for improving services by way of the land titles office for the public, of course, in support of our growing economy and in support of people ultimately. So the amendments reflect our commitment to improving the systems and, as

the Minister of Justice made mention of earlier, back in February, as a step, appointed the land titles inspector to prepare the report with respect to recommendations, and we are now in receipt of that report. Quite clearly, as members opposite have also outlined, it is a statute that is 100 years old plus — not a day too soon. It certainly speaks to the recognition of problems and challenges that impede the delivery of land within the territory.

So one only has to take a look to the Government of Yukon's budget and our commitment to this process, but also continuing to make land available, and this is all part and parcel of delivering on that very promise to all Yukon individuals. Interestingly, I was just reviewing the news release that the Minister of Justice issued back on March 20, and it referred to the number of transactions processed by the office during 2010-11. Again, historically high levels — almost \$230 million, which was a 24-percent increase over the value of transactions from the year before. It just signifies that there continues to be a growing interest among Yukoners and among those individuals wishing to establish a home and raise their families here in the territory.

Thank you again, Mr. Speaker, and thank you to the members opposite for their positive, constructive comments thus far.

Speaker: Are you prepared for the question?

Some Hon. Member: (Inaudible)

Hon. Mr. Cathers: I was expecting that a member for the Third Party would rise, but I am gathering that the floor, I believe, is mine at this point.

In speaking to this legislation, I would like to begin by thanking the Minister of Justice for bringing it forward and thanking officials who worked on this legislation for their efforts in bringing forward, both the current amendment to the *Land Titles Act* and the *Condominium Act* and the work that is being done on other areas related to land titles, including the review that the minister just recently announced, the results of him having appointed a land titles inspector to provide some advice on how to improve Yukon's land titles system.

What I would like to point out in drawing context around this is that housing, access to land and land availability were issues that came up in the election campaign, in which we outlined significant commitments related to those matters in our election platform, "Moving Forward Together".

We made a commitment in our platform to modernize the legislation related to the land titles process, to utilize technology, and to improve the timeliness of transferring land titles. That, of course, is part of what has been outlined here today. As the minister spoke about, this is one of the first steps in modernizing land titles, and there will be subsequent steps, including the pending likelihood of future legislative amendments related to this office and the process by which title is registered.

Through this attempt to modernize the land titles office and the systems that relate to it, one thing I want to point out is that there are three key elements that affect this area and that all need to be addressed to enable the office to be operating as

effectively as it can be, in both efficiently and effectively registering land titles and being an office that is effective in integrating, in as seamless a manner as possible, the various customers, stakeholders, and entities that rely on its services.

There are three elements necessary to address legislative elements, including amendments to the act; they include systems as the second area — that being the need for effective and appropriate infrastructure and systems around it, which includes the computer system. One of the things I'm sure members have noted within the report of the inspector on land titles is the fact that it speaks to the need to invest in new technology to make the land titles office more efficient. Again, as I mentioned, our platform, "Moving Forward Together", specifically referenced the need to update technology and specifically committed to improving the technology related to land titles.

Again, just to clarify, the specific commitment was to modernize the legislation related to the land titles process to utilize technology and improve the timeliness of transferring land titles. That is something where — again, as a number of people on both sides of the House have noted — there has been a significant increase in volume related to the transfers of land titles and a significant increase in demand upon this office.

The fact that some of the technology and the systems that they are using are really not up to anywhere close to today's current standards for computer systems, including the fact that the land titles office has much of its paperwork and files in paper form, and document backup is done by microfiche, which is a very significantly outdated means of backing up records.

I don't need to spend too much time pointing out, as most members and those listening on the radio or reading this in *Hansard* will recognize the fact that there have been very significant leaps in computer technology, in software and in systems. Microfiche is a very antiquated way of backing up records. The steps that have been taken, not only with scanners, but relatively cheap and affordable scanning technology in recent years, is certainly something that illustrates the need to move past a much outdated system of records backup.

Software — another factor with that is both the ease of use, the reduction of the use of paper, the ease of ability of staff to access files and the ease and ability of others who access the system to be able to do so. Outlined in the inspector's report that the Minister of Justice tabled in this House is the fact that staff at land titles themselves identified the importance to allow documents to be digitized and have on-line search capabilities, which is not currently something that they have. This would make the office more efficient and bring them in line with other jurisdictions and increase customer satisfaction.

Another need that was identified by staff was for the system to be revamped or a new system that permits on-line submission of transactions which are validated prior to submission or allows transactions to be automatically registered. That is something, in fact, that a number of other jurisdictions have taken steps that, through software, doesn't require staff to spend time performing certain functions. The software itself performs certain functions and updates the system in the registry.

There is also the fact that we have legislation that in this case is around 100 years old that relates to land titles. The very systems and technology that in a modern world makes sense of keeping track of these systems certainly, with the legislation 100 years ago, did not contemplate computer technology or the ability for software to do some of these functions.

There are a number of elements as the Minister of Justice referred to in his earlier comments. There are a number of other areas that are specifically noted in legislation that reflect a reality of 100 years ago in terms of land titles and do not adequately reflect and allow for improvements that could occur today. The volume of land titles transaction 100 years ago compared to the volume today are worlds apart.

The use of it for registering title and title changes, registering notations on a title — whether it be easements, caveats or other matters relevant to the title — currently requires staff time to locate and then review the paper records and review notations related to it. It requires also manual data entry by staff on those original paper certificates of title under the current system. Staff also outlined in their submission to the inspector of land titles the fact that there are steps in the process that are currently redundant, including the requirement to initial every interest that is registered on a title document. Another redundant step is the requirement for signatures at stages related to that.

There are a number of ways through modern technology and software to provide security — an appropriate and effective security — around the system for the registry of land titles without requiring manual signatures and manual data entry by hand, with staff making those notations.

Another matter that was outlined by staff and identified is that when they are doing billing, customer billing is currently a manual process, and a software package in fact could make much of it a lot more automated and reduce the amount of time that they spend dealing with those matters.

Among issues that have been outlined in the report is that there is a need for investments that we have committed to in modernizing the land titles regime. There is a need to ensure that the policies around it — including legislation — and the processes around it are reflective of the current needs of the various customers, stakeholders and government entities that need to access that system. There is a need to ensure that the resources keep pace with current volumes, so the other area I spoke to that needs to be addressed, in addition to the legislation and the system, is appropriate staffing so that there is sufficient staff to handle the volume that occurs.

There are increased volumes and increased property values that have occurred, especially in the last seven years and one of the issues that has been identified is the fact that each document registered goes through five separate steps and is handled by up to five different people.

Through some degree of automation and appropriate and effective modern software and systems, much of that could be reduced and the transactions could be done in a more timely manner.

What I would note is that this land titles piece is an important part of the commitments that we outlined in our 2011 elec-

tion platform, “Moving Forward Together”. There are a number of components to our efforts around land availability and housing. This part is one that is largely the responsibility of our Minister of Justice, and I commend him for the steps that have been taken in the few short months since the election to move forward, both with the first piece of legislation related to modernizing the land titles system and the steps that have been taken to move quickly in identifying the needs around land titles and what we can do to make the system more effective, efficient and timely in the service it provides to the Yukoners who depend on it and other areas that speak to the overall housing area.

A number of ministers are involved. My colleague, the minister responsible for Yukon Housing, has taken a number of steps related to his portfolio, Yukon Housing, and the social and staff housing they provide is an important area of the government’s steps to address housing and land availability.

My colleague, the Minister of Community Services, has a significant amount of money outlined in this current budget for investment in the development of new lots — roughly \$35 million. Steps that have been taken by Energy, Mines and Resources, which I thank staff of my department for. We are moving forward with the expressions of interest, and subsequently the tendering process related to Lot 262 at the corner of Range Road and Mountainview Drive. Putting that piece of land out through an innovative, new approach is a specific commitment that we made in the 2011 election campaign.

Two days after the election we launched the process to seek expressions of interest from the private sector about potential models for effectively developing that site to create affordable rental housing. We’re currently in the final stages of the tender process that led to and look forward to that concluding and to seeing what emerges from that. As a number of my colleagues and I have spoken to, we will be taking a number of steps such as this to modernize our systems and to try to come up with innovative solutions to improving the availability of land, which is really fundamentally where the issue of both housing prices and access to housing depend on — affordable lots. We believe that an adequate supply of lots is important and the first step really in providing for and meeting the needs of Yukon citizens. The development of those lots is the first, but not the only part of the solution, but it is the majority of the needs of Yukon citizens related to housing and depend, first and foremost, on the availability of land.

We will be taking a number of steps to address this and to try some things, including our Lot 262 approach that is currently underway.

Some Hon. Member: (Inaudible)

Point of order

Speaker: Member for Copperbelt South, on a point of order.

Ms. Moorcroft: On a point of order, in section 57(2) of the Standing Orders of the Yukon Legislative Assembly, under the “Stages of Bills: Second Reading”, it says, “The debate on a motion for Second Reading shall be limited to the object, expediency, principles and merits of the bill, or to alternative methods of obtaining its purpose.”

Mr. Speaker, I fail to see how the amendments to the *Land Titles Act* and *Condominium Act* before us for debate has within it the development of land and the issue of a private sector tender to develop a lot, so I would request you to rule. Thank you, Mr. Speaker.

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

Hon. Mr. Cathers: On the point of order, Mr. Speaker, I am speaking to the role that this specific piece of legislation plays in the government's overall strategy related to land. I understand the member fails to see that, but I don't believe there is a point of order.

Speaker's ruling

Speaker: As the Chair has said a number of times, there is an inherent limit on the Chair's ability to determine the relevance of the members' remarks in debate. There is no point of order.

Hon. Mr. Cathers: Thank you, Mr. Speaker. Again, what I want to emphasize to all members is the fact that this current piece of legislation is part of an overall strategy and approach. It is one key component of what this government is doing to address land availability and housing and all of these components: the land titles part; the land development part; the modernization of legislation related to land titles; the steps that are being taken by my Department of Energy, Mines and Resources in taking innovative, new approaches to making land available. In fact, as I pointed out, Lot 262 itself was an approach whereby government is raising title on a piece of property and then putting that out to the private sector for bids with specific requirements about the type of housing that needs to be developed. So that project, too, requires an effective functioning land titles office and system.

The land titles portion that my colleague, the Minister of Justice, is responsible for taking the lead in addressing is absolutely necessary for all other matters pertaining to land and land development. Without the operations of the land titles office, we would not know who owned what, and the whole ability of Yukon citizens to sell property, the ability of people to buy property, the ability of government to develop property, to sell lots — whether 262 or others — would simply not work without the functions that are performed by the land titles office.

In wrapping up my comments, I would note that there are steps that need to be taken legislatively, which the first step is taken today; the investment in new technology to make the land titles office more efficient is necessary because the current technology is outdated and as a result the processes are cumbersome, time consuming, inefficient and costly. New technology and processes will in some cases need to be supported by new legislation. A major overhaul of legislation to support a land registry will take some time, but in the short and medium term there are some initial steps being taken. I believe that this piece of legislation is a good step forward. With that I will conclude my remarks. Of course, I will be supporting this bill and thank the minister again for bringing it forward.

Mr. Silver: As the Hon. Member for Lake Laberge seemed disappointed that I was not going to speak, I should make a statement as to not disappoint the Minister of Energy, Mines and Resources or, for that matter, the minister presenting this bill. I am glad to see that my *modus operandi* around here is garnering a few fans for my fan club.

Seeing as my access to information status has remained unchanged since the first reading of Bill No. 41, our caucus has nothing new to say. I hope that there is sufficient legislation to satisfy the complex and varied complaints that I received from members of the mining community in Dawson City prior to the election.

As I have just received this inspector's report, prepared by Lora Bansley, and I am just only halfway through it currently, we have no further questions. I would have loved to have had some time to speak with my constituency before the questions going forth in the Committee of the Whole, but I guess that is just not the way that things are done around here, which may be another reason for the urgency for a SCREP meeting in the near future.

I will say that we do still support Bill No. 41 going forward, and we do look forward to further debate.

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

Hon. Mr. Nixon: I will just make a few brief comments here, just before going into Committee of the Whole. I will try to answer a few of the questions that have come up. First, I would like to thank the Member for Riverdale North, the Minister of Education, for his comments. I would also like to thank the Member for Whitehorse West, the Minister of Community Services, for her comments, and the Member for Lake Laberge, the Minister of Energy, Mines and Resources, for his comments. I would also like to express my gratitude to the members opposite for making their comments and having some questions on this very important matter.

I might add at this time that I also look forward to working with the Member for Kluane, the Minister of Highways and Public Works, on the IT part of this legislation, as we move forward in modernizing this legislation.

The member opposite asked about the lawyer and surveyor within the land titles office, as recommended by the inspector. Those things will come out in due time. But I will make reference to the first phase in my closing remarks on this part of the speech. Right now, what we're putting forward are the quick fixes to get the department a little bit more efficient and, at the same time, we can work on starting to meet with stakeholders to find out, and to really set the stage on, how this modernization goes forward.

As I mentioned earlier, I was able to retain the inspector for the land titles office, Lora Bansley, who is a lawyer with the Saskatchewan Crown corporation responsible for land titles. When concerns were coming forward from stakeholders and during the election just last year, and after I was appointed Minister of Justice, it was important to me that we were able to acquire the services of a third party — somebody who didn't

have a tie to the Yukon. That is just a little bit of background on how we acquired the services of Ms. Bansley.

As I mentioned before, Saskatchewan went through a modernization project similar to the one that we will be implementing, and they emerged with a completely up-to-date land titles system that does indeed facilitate on-line registration and access.

This project will see a full-scale review and assessment of our legislation. It will also see a full-scale review of the supporting computer system and the land titles office business processes. Our supporting computer platform, LIMS, was developed in 1992. It was implemented in 1998. As I said before, this was before Internet began to make such a significant impact on the way we do business and the way we live our lives.

Given our growing population and our growing economy in Yukon, it's really no surprise that all the activities in the land titles office have been increasing year after year. The number of documents, titles, survey plans, and certificates of search and their complexity will continue to increase as our economy grows.

Our Yukon Party government is strongly committed to facilitating land development and fostering economic development by removing barriers and improving services within the land titles office. Through this modernization process, we are committed to ensuring that the level of service at the land titles office meets the high standards necessary to support this thriving economy.

We understand that in order to bring about this transformational change, we have to work very closely with our stakeholders, and that is exactly what we intend to do. The first phase of the modernization project or the scoping phase will start in the weeks to come. It will include the creation of a stakeholder advisory committee, the preparation of a discussion paper on land titles modernization to help focus discussion and a fairly intense stakeholder consultation.

The outcomes of the scoping phase will be reflected in recommendations, which will come to our government as to what the legislation should do; what the legislation should say; where the relative responsibilities should lie; and what services the supporting computer platform should offer stakeholders and the public. The scoping phase will create the foundation for the transformation in land titles, with which everyone on this floor appears to be in agreement.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. 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: The results are 17 yeas, nil nays.

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

Motion for second reading of Bill No. 41 agreed to

Bill No. 39: Business Law Amendment Act — Third Reading

Clerk: Third reading, Bill No. 39, standing in the name of the Hon. Ms. Taylor.

Hon. Ms. Taylor: I move that Bill No. 39, entitled *Business Law Amendment Act*, be now read a third time and do pass.

Speaker: It has been moved by the Minister of Community Services that Bill No. 39, entitled *Business Law Amendment Act*, be now read a third time and do pass.

Hon. Ms. Taylor: As I made reference to in my remarks during Committee of the Whole and likewise in second reading, Government of Yukon is very much committed to promoting Yukon as a preferred location in which to do business. The business law reform project's main purpose is to modernize Yukon's business law regime to improve administration and to encourage more business entities to register here and contribute to our strong economy. As members will recall, one new act and four amending bills were assented to by the Legislative Assembly back in the fall of 2010.

Since that time, a great deal of work has taken place and continues to take place to develop regulations necessary to implement those bills.

As I highlighted during Committee of the Whole, this particular bill fine tunes some of the legislation contained in the business law reform project acts that were passed two short years ago. Bill No. 39, *Business Law Amendment Act*, has two main components. First, it ensures that security documentation between lenders and borrowers will be appropriately grandfathered when all the bills comprised in the business legislation reform project are proclaimed.

Second, the act attends to various legislative housekeeping matters such as correction of cross-references to statute section numbers and so forth. The bill represents the final statutory stage of the business law reform project. Our staff members, as I mentioned, are currently working on a very large regulation package for all their respective project bills that came to the floor back in 2010. We certainly look forward to the proclamation when that last step is complete, likely later this year, as I referenced during Committee of the Whole.

Mr. Speaker, I would just like to again thank the many officials within the Department of Community Services who have helped to bring this project to fruition. As one can appreciate, this reform project has a very complex and technically related nature to it. I look forward to receiving the final comments from members opposite and again thank members for their support.

Mr. Barr: The NDP Official Opposition will support this bill, which basically corrects some typos and translation errors and makes minor changes to the *Securities Transfer Act*, *Personal Property Security Act* and the *Business Corporations Act*. I appreciate the minister's explanation in the second reading speech — that these changes are a part of a suite of changes that came forward from consultation with the business community.

There are two points I would like to get on record. We respect the importance of ensuring a clear legal basis for business conducted in the Yukon; however, this government's priorities seem to be largely focused on business and commercial interests so far. There seems to be a real reluctance to deal with the law that criminalizes those with addictions or that could provide homeowner protection. There are many other examples.

The second point I raise in the second reading of this bill speaks to the bad behaviour of the corporate sector — particularly the finance sector — we witnessed in the lead-up to the global economic recession — not that Yukon was really touched by this, but we are part of Canada, a G8 country, and our country has been impacted by corporate bad behaviour and successive governments that have led the push to deregulate.

So we will support these amendments, but there is a larger discussion going on in the world, and that is about corporate responsibility — responsibility to citizens and communities — and we think that every Legislature needs to be involved in this discussion. Thank you, Mr. Speaker.

Speaker: Does any other member wish to speak? If the member now speaks, she will close debate.

Hon. Ms. Taylor: With respect to the member opposite's statement, I just want to say that when it comes to this government's continued interest — and that is to continue to deliver on programs and services that are of great interest and great value to all Yukon citizens — I think one only has to take a look at the budget that we are currently debating, of which I would be surprised if we actually got through 20 percent of the budget thus far.

But chalked within that budget — the lion's share of that budget — is an investment in people — Yukon people. I refer to the Yukon public service, which provides services on behalf of Yukon citizens and are of great importance to them. One just has to reflect upon the Department of Health and Social Services; and certainly, the Department of Education, and when it comes to the Department of Justice providing safer communities — there are very large investments being made and continue to be made. One only has to reference the Yukon Party

platform — I will remind members opposite it was a platform we were elected to implement on Yukoners' behalf.

This particular piece of legislation has been long-standing and it certainly has required a great deal of commitment on behalf of the corporate community and the legal community. We certainly thank them for their work over the years in bringing the bills to fruition and certainly their work in developing the regulations that are associated with this particular bill.

So, just to put on the public record, the Government of Yukon — the Yukon Party government — continues to make investments, not only on the economic side of the ledger, but also the social side of the ledger for the quality of life that we Yukoners have grown to know and appreciate. Again, the budget certainly builds on those investments to continue to leverage that quality of life.

So, Mr. Speaker, the member also made reference to protection of consumers and protection of shareholders when it comes to this particular reform package. I believe that I tried to articulate some of those protections that we have in place, as reflected within the reform package. When we talk about the project, I just want to reference that the reform project consisted of five bills: *Act to Amend the Business Corporations Act*; *Act to Amend the Partnership and Business Names Act*; *Act to Amend the Societies Act*; *Act to Amend the Cooperative Associations Act*; and the new harmonized *Securities Transfer Act*.

As I mentioned, the development of those acts was done with considerable input from the community and we thank them for that. In response to the member opposite's questions in terms of protections, and as I mentioned in this respect — protection of shareholders — it is certainly put together and crafted with the desire to protect the interest of shareholders. In fact, it includes a number of changes that will benefit the shareholders, whether it's providing that added clarity, added understanding of various options and remedies available to the shareholders who may disagree with the actions contemplated or taken by corporations, or providing greater flexibility for customizing structures, management of corporations that do not issue shares or securities to the public.

I mentioned that — earlier during Committee of the Whole, I believe it was — when it comes to Yukon corporations, most — not all, but most — do not issue shares or other securities to the public. Likewise, they are usually owned by only a few shareholders who are often those we know — family friends, wives, husbands, family members — and in these types of corporations, the shareholders are typically also the directors of the corporations, speaking to the small nature of the various business entities.

The corporations and the territory that do issue shares, securities to the public, certainly will continue to be required to comply with the Yukon *Securities Act* and the securities laws of any other jurisdiction in which they issue securities to the public. As I mentioned earlier as well, corporations that are listed on the stock exchange will still have to comply with the laws of those respective stock exchanges as well.

Hopefully, a couple of those comments will provide the members opposite with some thought and certainly provide

some reflection on how they may view this legislation coming forward.

In closing, I want to thank all members for their support in moving this legislation before, and we look forward to continuing with further debate on other legislation. That includes this fiscal year's budget, which includes many valued expenditures in support of Yukon families.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. 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 yea, nil nay.

Speaker: The ayes have it. I declare the motion carried and that Bill No. 39 has passed this House.

Motion for third reading of Bill No. 39 agreed to

Bill No. 38: Act to Amend the Child Care Act — Third Reading

Clerk: Third reading, Bill No. 38, standing in the name of the Hon. Mr. Graham.

Hon. Mr. Graham: I move that Bill No. 38, entitled *Act to Amend the Child Care Act*, be now read a third time and do pass.

Speaker: It has been moved by the Minister of Health and Social Services that Bill No. 38, entitled *Act to Amend the Child Care Act*, be now read a third time and do pass.

Hon. Mr. Graham: As I stated some time ago, the need for this amendment to the *Child Care Act* came about some time ago as a result of a legal opinion from Justice that the current *Child Care Act* required a licence for a broad range of children's programs where the child care provided by the program was not the focus of the program. It was never the intention of the *Child Care Act* to require that these short-term programs be licensed. We recognize that their primary role is not childcare and also that it was really not our role to regulate

these programs. We also recognize that considerable costs would be associated with setting up a regulatory regime to cover these programs, not only for the government but for the programs themselves. There would be quite a cost to the operators of these programs, especially for such a short time in which they will be operating.

Day camps and day programs in Yukon are offered by a wide range of organizations everywhere, from municipalities to First Nations to sport organizations, and even Yukon government operates these day programs during the summer months. They are often provided for older children who may not be in a childcare setting and in some cases even parents themselves are present during the operation of the day program. As Yukon residents and we, as a government, all want to make sure that our children are safe and cared for. We also recognize that there are a range of possible approaches. It's neither reasonable, we feel, nor appropriate to rely on government regulation in all circumstances.

It's also, we believe, the parent's right and it's also the parent's responsibility to make choices about their children's well-being. Since 1990, when the *Child Care Act* was passed, it has been the family's responsibility to assess the value and safety of these day programs that we feel are separate — should be separate — from childcare. We don't want to remove that responsibility from parents and we are prepared to assist them by providing some tools to help in making those decisions.

As I outlined to members of this Legislature some time ago, there are two things that we will be doing in the very near future. One is providing a comprehensive checklist for parents — a guideline for parents that will assist them in evaluating the various options available to them. So we did make a commitment that a Yukon parent brochure will be available for distribution when these regulations are prepared. We also thought that it would be advisable to produce a best practice for running summer camps and day programs in consultation with these operators. We will publish a set of core practices and procedures that assure children's safety that should be normally practiced by summer camps and day programs. We'll also collect these best practices into a document that should be considered when running a program.

So I think that's all I have to say about this change in legislation. I'll be listening carefully to any comments from the opposition at this point. Thank you.

Ms. Stick: I'd like to thank the member opposite for bringing forward this amendment to Bill No. 38, *Act to Amend the Child Care Act*. I think most of our questions and concerns were addressed when we had debate during second reading, and the NDP will be supporting this act — the amendment to this act going forward.

Speaker: Does any other member wish to speak? As a matter of formality, if the member now speaks, he will close debate. Does any other member wish to be heard?

Hon. Mr. Graham: I appreciate your comments and as I said, we've made the commitment that we will produce these guides to assist parents in selecting appropriate camps or day programs for their children. I appreciate the support.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. 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 and that Bill No. 38 has passed this House.

Motion for third reading of Bill No. 38 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): Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 41, *Act to Amend the Land Titles Act and Condominium Act*. Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 41: *Land Titles Act and the Condominium Act*

Chair: The matter before the Committee is Bill No. 41, *Act to Amend the Land Titles Act and the Condominium Act*. We will proceed with general debate.

Hon. Mr. Nixon: Madam Chair, it's a real pleasure here to be able to speak to Bill No. 41, *Act to Amend the Land Titles Act and the Condominium Act*. There are two aspects to the modernization that we're looking at: the immediate fixes to increase the level of service that the land titles office is able to provide; and a full-scale modernization of the legislation, the supporting computer platform, the business processes and so on.

I'd also like to take this opportunity to thank my officials for coming in today. Without them, well, I'm not even going to mention it, but we'd likely be in a different spot, so thank you.

The legislation, computer system, and business processes 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 last several years. The *Land Titles Act* and the *Condominium Act* have not been substantively amended since they were enacted, and in the case of the *Land Titles Act*, that was over a century ago. Similarly, the supporting computer platform was put into operation over a decade ago and does not offer many of the features needed and required by the land titles office to facilitate service to the public. Business processes need modernization because they are based on the out-of-date legislation and system.

The immediate fixes are underway to improve efficiency, which include the appointment of the inspector that we have had to review the land titles office processes and short-term changes to the legislation and supporting computer platform. These will be completed this spring. Separate, full-scale modernization of the land titles regime in the Yukon will proceed in three phases. We are looking at next rolling out, as I mentioned just a few moments ago, the scoping, which includes retaining legal and technical expert advice, preparation of discussion paper, stakeholder consultation, and option identification.

From there, moving forward, we will look at development, which would include drafting legislation, identifying the needed elements of a new computer system and the selection of such a system, and review of business processes by a business and functional analyst.

From there, we are looking at implementation, which entails the implementation of new legislation, a supporting computer platform and business processes in the office.

As I mentioned earlier, our government has a strong commitment to facilitate land development and fostering economic development, and bringing forward these amendments is but one step to remove the barriers to development by improving service in the land titles office.

To summarize a few of my comments from earlier, the objective of these amendments to the *Land Titles Act* and the *Condominium Act* is to improve the operations of the land titles office with changes to the acts that can be done relatively

quickly and easily. It's important that we reduce the time needed to register documents in that office.

With a strong economy, the value and number of transactions processed by the land titles office has increased dramatically over the years, and it continues to reach historically high levels. So the areas that we're looking to address with these quick fixes are: addressing the filing of writs; addressing the standard form mortgages; addressing the duplicate certificates of title; addressing the transfer of easement to oneself; addressing the registrar's ability to correct errors; addressing the hours of operation of the office; and making amendments to the *Condominium Act* to make it more current.

The inspector we brought up from Saskatchewan made recommendations that address the land titles office business processes, staffing, supporting technology, customer engagement, policies and procedures, and considerations for modernizing the system in the long term. Her report will provide a foundation upon which subsequent consultation, expert advice and further analysis will take place to move forward with the modernization of the land titles system.

To highlight one area that Ms. Bansley made in her report, there is a disconnect between the customers' perception of the staff and the staff's perception of their treatment of customers. The staff members feel that they bend over backwards for their customers, answer their questions, train their conveyancers, and that the level of assistance they are asked to provide is often unfair and crosses the line into legal advice. Customers feel staff members are unwilling to assist and do not have a cooperative attitude.

While changes to legislation, technology, and process can be made, challenges will remain in serving customers, unless inroads are made by both parties to continue the dialogue to seek meaningful solutions. Having made that comment, I will refer to an earlier comment that I made that our staff there, although exceptional, just do not have the tools to do their jobs effectively. We want to put the tools in the hands of the staff.

Ms. Moorcroft: I would like to thank the officials who are present in the Assembly to assist the minister as we go through Committee of the Whole debate on the *Act to Amend the Land Titles Act and the Condominium Act*.

The minister referred to the Information Services Corporation inspector's report for the Government of Yukon, pursuant to the *Land Titles Act*, section 12, which was prepared by Lora Bansley, March 30, 2012, as a foundation document that would seek to guide the more thorough review of this legislation in the interim. As we discussed in our second reading speeches, the Official Opposition is in the support of these technical amendments that have been brought forth as an interim measure.

I would note that there are a number of the recommendations that were made in the report that are not addressed by this amendment, and I am pleased to hear that the government does have plans to systematically address the recommendations in the report, although we will have some questions on some of those.

I do have to note that we received this report that was submitted on March 30 on April 26, approximately 10 minutes

before the Minister of Justice rose to make his second reading speech on the *Act to Amend the Land Titles Act and the Condominium Act*. As I said at second reading, it would have been courteous of the government to provide this document at least a day prior to the debate. I would like to respectfully ask the Premier to consider, in future, providing information to the Official Opposition and the Third Party so that we can be more fully informed when we come to debating bills before the House.

Although it's not part of the report, we do agree with item 20 on page 29 of the report that the confidentiality of the legislative process is counterproductive, not just for consumers, but also for all MLAs. We would like briefings and relevant reports pertaining to changes in legislation. That would help us do our jobs more efficiently.

The Minister of Justice spoke about the land titles office staff needing better tools to do their job and that they're looking at completing the modernization of the computer platform this spring. That's good. There's also a need, though, that has been identified in the inspector's report for additional staffing. I wonder if the minister can tell us whether they intend to address, in the short time, the issues of staffing, in particular the need for legal advice to be available to the land titles office staff and the recommendation for a surveyor to be available as well.

I also would put on the record before the minister replies to that, the request for him to speak to the need to develop written guidelines. Throughout the report, the inspector notes that a set of guidelines would be very helpful to the staff as well as to the users of the system.

Hon. Mr. Nixon: Madam Chair, in addressing the member opposite, we are indeed not looking at the computer system this spring. We will be doing a scoping exercise that includes retaining legal and technical expert advice, the preparation of a discussion paper, stakeholder consultation and option identification. The member opposite also asked about legal advice for the staff of the land titles office, and there are two lawyers assigned to provide legal advice to the staff of the land titles office.

Ms. Moorcroft: I'd like the minister to indicate who will be invited to participate on the working group. I anticipate that it will include the seven stakeholders listed in the inspector's report with whom she spoke during her work — her independent review of the land-titles office, and its current business procedures. I would just like to ask the minister if he can confirm who will be on the working group, and if it will include lawyers, surveyors, realtors, appraisers, the Chamber of Commerce — he has already indicated land titles officials will be represented, with the Department of Justice senior official — and whether the Surveyor General's Office would be involved.

Hon. Mr. Nixon: In addressing the member's question, certainly, the Surveyor's Branch, and there will be lawyers, surveyors, appraisers, banks, First Nations, realtors, architects, and the Chamber of Commerce that the member opposite has already brought up. Talking about legal, we will definitely have people from the department overlooking this, but the chair

is, indeed, a lawyer. Who best to chair this moving forward than a lawyer?

Ms. Moorcroft: I believe I heard the minister saying that they would be consulting, as well, with the legal community outside of government and perhaps he can confirm that.

A final point is that under the modernization considerations, there is a final bullet regarding the cost of the software component of modernization, and I would like to ask the minister whether the government will commit to a cost-benefit analysis prior to committing to this capital expense. The funding of similar initiatives in other jurisdictions is quite large — understanding that Saskatchewan is a much larger jurisdiction; however, its modernization project cost was approximately \$58.5 million. The software component was \$12.5 million, and then there was the conversion and legislation and organizational readiness. So I'm wondering how much less that may cost for the Yukon, where the scale is much smaller, and whether the minister has been able to determine an estimate of the cost for the Yukon?

Hon. Mr. Nixon: I thank the member opposite for the question. I can talk about the GEN system that we are using within the correctional system. That system was indeed bought for \$1. Then, with the upgrades that we moved forward to build for Yukon, the end cost for that system was approximately \$2 million. Although we don't have an estimate at this time, it's in our minds that we think something similar. I don't want to make any quotes or estimates, but just for the purposes here today, \$2 million to \$4 million. We don't know. Part of the building of that structure will really depend on scoping and talking to stakeholders and involving the stakeholders to determine really what is necessary for Yukon.

The member opposite also had a question about lawyers being stakeholders. Indeed, lawyers are stakeholders when it comes to land titles. When I was referring to lawyers, I was talking to public lawyers, not a government lawyer.

Ms. Moorcroft: I appreciate the minister's comments and response. Can he just confirm the government will commit to a cost-benefit analysis prior to this capital expenditure?

Hon. Mr. Nixon: Madam Chair, as we move forward with this land titles modernization, we're not going to avoid costs. So we will be doing a functional analysis on the computer platform moving forward and at that time, once we meet with the stakeholders and understand where they want this to go, we'll have a better sense of what those costs for the system will look like.

Ms. Hanson: I thank the minister for his comments so far this afternoon and I also want to commend, again, the MLA for Copperbelt South for so ably summarizing the issues and the background paper that we received earlier this afternoon.

My questions will be brief. I just want to comment, or ask a couple of questions with respect to the minister's comments about this being a three-phased approach. I always appreciate having some sense that there is a plan and it is laid out.

What is the timeline for completion of these three phases from scoping to the development of the new legal system that will be replacing the existing one? Is it three years, five years

or is there anticipation of a shorter timeline? Could the minister just set that out for us?

Hon. Mr. Nixon: Before I answer the question for the member opposite, it's really important for me as part of this team over here to identify that our ability to bring important pieces of legislation like this forward really speaks to the leadership of our Premier and the commitment of this team on this side of the House.

As for the timeline, we've been working on this for almost a year now and we're likely looking at probably another two to three years before we see a final product. We have a plan. It's important to follow this plan and move forward very strategically so we don't miss something along the way. It will be really important to talk to the stakeholders and just get their input and find out what direction they want to go as a group. From there, I think after the scoping phase, it will give us a little bit more of an idea of how long the entire project will take us.

Ms. Hanson: I appreciate the minister's comments. I'm glad to hear that he says we have a plan and it's really important to follow that plan. When one does a plan, one has a begin date and an end date and one has a cost associated with implementing that plan. Could the minister simply clarify those two key points: begin, end and cost?

Hon. Mr. Nixon: Madam Chair, for the scoping phase, we are estimating that this will probably take us into November of this year. We have allocated, thus far, \$350,000 to complete the scoping phase.

From that scoping phase, it will give us, like I said before, a better idea of where we move forward from there and a little bit more detail on the cost of the whole project.

Ms. Hanson: Earlier, the minister commented — and I believe so did the Member for Copperbelt South when she was doing the quick overview — on page three of this report, which says that surveys in the Yukon are under the jurisdiction of the federal government and are performed by Canada Land Surveyors under the *Canada Lands Surveyors Act*, and the Surveyor General has responsibility for the management of all surveys on Canada lands, which includes land in Yukon. There are a number of comments that the inspector makes with respect to the relationship between the Surveyor General's Office and the land titles office.

I do not purport to infringe on that discussion, but I am interested with respect to the minister's comments about any potential impact on the proposed amended process and the modernization of the land titles system in the Yukon, given the federal government's recent cuts of six of nine positions with the Surveyor General in Canada's office here in Whitehorse, and if it is necessary or will be necessary to mitigate against those cuts, in terms of the operational impact for the Yukon land titles system.

Hon. Mr. Nixon: The Surveyor General's office has assured us that there will be no reduction in services. They too are extremely excited about moving forward with this legislation, especially moving forward on the electronics side with updating the computer system, so we have their support. I look

forward to their comments as a stakeholder as we move forward with modernizing this legislation.

Ms. Moorcroft: The minister has indicated that he anticipates that this may be a two- or three-year process for the entire review and assessment of the legislation and the operating procedures. I just would like to ask him about a couple of other matters that were identified in the report as critical. The stakeholder groups and the land titles office staff would all like to see the ability to search for titles on-line.

I would like to ask the minister whether it is possible to move toward the ability to search titles on-line with the existing technology, or if that will have to wait until an assessment has been done on what new system should be used.

Hon. Mr. Nixon: I have a very simple answer for the member opposite — and the answer is no. There isn't the possibility of using the current system to be able to search on-line and that's one of the biggest reasons why we are looking forward to implementing a new platform, so we need to do our research and find a platform that we can move forward with.

Ms. Moorcroft: All right, I thank the minister for that. In the areas to address on page 18 of the 2012 inspector of titles report, the inspector writes that the Government of Yukon has made no significant investments in the land titles regime, resulting in neglect of policy, process, and consequently customer satisfaction.

The registry has fallen behind other jurisdictions in terms of functionality and, indeed, the land titles staff have requested changes to legislation and additional resources. We're pleased that the government is now making that a priority. With the increased volumes there is a need for newer technology. The report also speaks many times about the need for written guidelines, both for external and internal use. This lack of documentation leads to inconsistencies in processing by the staff and frustration by stakeholders in determining what is required. There is a concern by the government that previous work will be lost when it updates the legislation and modernizes the system, which would change the method used to submit documents. I'd like to ask the minister whether the department will be able to work on producing some written procedures and policies now, rather than later in a two- to three-year process as the department and the working group goes through its review and assessment.

Hon. Mr. Nixon: Indeed, the department is working on an interpretive bulletin system to use temporarily. Really, after we meet with stakeholders, go through the whole process and I guess find out what direction we are going in is when we will really know and will be able to provide the staff and public with a more concrete system.

Ms. Moorcroft: That will be appreciated. I would expect that there is a need to put together an interpretation bulletin and also put out the information related to these amendments before us, which we are supportive of. I have no further questions.

Chair: Is there any further general debate on Bill No. 41?

If not, we will proceed to a clause-by-clause review.

On Clause 1

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Clause 9

Clause 9 agreed to

On Title

Title agreed to

Hon. Mr. Nixon: Madam Chair, I move that Bill No. 41, *Act to Amend the Land Titles Act and the Condominium Act*, be reported without amendment.

Chair: It has been moved by Mr. Nixon that Bill No. 41, *Act to Amend the Land Titles Act and the Condominium Act*, be reported without amendment.

Motion agreed to

Chair: We will carry on to Bill No. 6, *First Appropriation Act, 2012-13*. Vote 8, Department of Justice. We're in general debate on Community Justice and Public Safety division.

We will take a 10-minute recess.

Recess

Chair: Order. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 6, *First Appropriation Act, 2012-13*.

Department of Justice — continued
On Community Justice and Public Safety Division — continued

Chair: We are continuing with general debate on the program, Community Justice and Public Safety division on page 14-18. Ms. Moorcroft has the floor with 19 minutes and 40 seconds remaining.

Ms. Moorcroft: I'm pleased to speak in general debate on the Community Justice and Public Safety division branch which maintains and supports the work of the coroner's office and the worker advocate program in accordance with the *Workers' Compensation Act*. I would like to ask if there have been any changes in policy or in programming related to the worker advocate program.

Hon. Mr. Nixon: Community Justice and Public Safety received a one-time funding increase, as shown on the line, of \$50,000 for the 2012-13 fiscal year. This funding is

100-percent recoverable from Yukon Workers' Compensation Health and Safety Board. It is a one-time increase of \$50,000 that will allow the office to absorb their portion of their First Nations Training Corps employee costs from the Yukon Workers' Compensation Health and Safety Board, as well as offset the general salary increases for the upcoming calendar year.

There have been no changes and they are currently looking at an improved computer management system.

Ms. Moorcroft: Can the minister indicate whether or not there are any new community justice initiatives being funded?

Hon. Mr. Nixon: We will get to that line, but the short answer is no, not at this time.

Ms. Moorcroft: In Question Period, I raised the matter of the *Coroners Act*, which has seen little change since it came into effect in 1976. There are many concerns with this archaic bill. I took the opportunity to review the third edition of the *Canadian Law of Inquests* that the Hon. Mr. Justice David Marshall wrote. Justice Marshall served as a Justice of the Supreme Court and the Court of Appeal of the Yukon Territory. This latest version of the *Canadian Law of Inquests* was published in 2008 and, at that time, Justice Marshall noted that the Yukon's act was not only out of date, but in some respects, identified some concerns. The first issue was the government having the power to appoint or remove the chief coroner at any time, which Justice Marshall indicates is not only archaic, but hinders the independence of the position, and that this is a provision that is referred to as "the most draconian means of removal, giving all power to the Commissioner and Executive Council."

I also identified a concern that there is no requirement — the act uses "may" rather than "shall" when it comes to conducting inquests into deaths under certain circumstances. The circumstances under which deaths are investigated in the Yukon are not as thorough and as complete as found in more updated legislation in other jurisdictions in Canada. There is no provision for government to order an inquest in the public interest and there is no right of the family of the deceased to appeal a coroner's decision to not hold an inquest.

I'd like to ask the minister if he is aware of those concerns and what plans he may have to address them and to modernize the *Coroners Act*?

Hon. Mr. Nixon: Before I answer the question from the member opposite, I would just like to really express my sincere appreciation for my officials being here today.

Getting to the question at hand, the government is researching other models of coroner services across Canada and considering what model would really suit the Yukon situation the best. A submission is forthcoming summarizing the research and really putting some options forward. Interested members of the public will certainly be given the opportunity at that time to state their views. I know the member opposite will ask if we have a calendar date or a timeline. At the present time, we don't have that set up.

Ms. Moorcroft: In the work the department has done in researching other models of coroner services, can the minister tell us whether the department has contacted representatives

of the Yukon bar for their input into updating the Yukon's coroner regime?

Hon. Mr. Nixon: I thank the member opposite for the question. At this time we are not at the consultation phase. As I stated, we will be looking for interested members of the public to provide their stated views, but there is no timeline right now.

Ms. Moorcroft: Most provinces have dispensed with laypersons adjudicating causes of death and have moved to a system where a medical examiner who is a qualified and a forensic pathologist is required to investigate certain classes of deaths. Then a judge presides over the inquiry where the medical examiner presents findings and the judge makes orders rather than recommendations to prevent similar deaths in future. I'd like to ask the minister if he will consider the request from the Official Opposition to take a serious look at whether that may be the more appropriate model for the Yukon to use as indeed is the case in several other jurisdictions in eastern and western provinces of Canada.

Hon. Mr. Nixon: I thank the member opposite for her question. The member may not be aware, but across Canada in about half the jurisdictions it's kind of split 50/50 on a coroner to a medical model. During consultation with stakeholders and community groups, we'll be investigating those options in due time, but as I said before, there is no calendar rolled out on this yet.

Ms. Moorcroft: I, too, would like to welcome and thank the officials for being here this afternoon and I understand from conversations I've had with the officials that the Yukon's coroner will be retiring fairly soon. We'd like to thank her for her services.

There are outstanding matters that do require attention at the current time. The minister is well aware that the five deaths in Whitehorse of residents who died of carbon monoxide poisoning in their rented home is a serious concern to all of us and has had repercussions — has reverberated throughout the community.

I'd like to ask the minister whether he has considered appointing an interim coroner who may have specialized knowledge and expertise in the field of deaths by carbon monoxide poisoning, given that the current legislation does provide that ability to the minister — notwithstanding that it's out-of-date and is criticized by Justice Marshall as something that needs to be updated. There is a need for the matter of an inquest to be considered and acted upon sooner rather than later for those five deaths that occurred just a few short months ago.

Is the minister prepared to commit to appointing a coroner who could investigate those deaths? The British Columbia 2007 act provides its minister with the authority to order the coroner to hold an inquest if, in the minister's estimation, it is "necessary or desirable in the public interest." I believe there are many people who would argue that it is in the public's interest to hold an inquest into the deaths of five Yukon residents who were our neighbours and community members.

Could the minister indicate what his intentions are?

Hon. Mr. Nixon: Indeed, to answer the member opposite's question, the process is underway to replace the chief coroner. In the event that we felt that we needed to appoint

someone to take on additional responsibilities at that time, I can definitely look at doing that.

Ms. Moorcroft: I would like to urge the minister to consider that the fact that five residents died of carbon monoxide poisoning is a very serious matter and that it is in the public's interest for there to be an inquest into those deaths. I understand that the process to replace a chief coroner is lengthy — generally, staffing recruitment does take some time.

Does the minister have a timeline for that and can he indicate whether he would be prepared to temporarily appoint a coroner to investigate the five deaths by carbon monoxide poisoning?

Hon. Mr. Nixon: Indeed, we do have a chief coroner currently who is appointed by the Government of Yukon and normally responsible for deciding whether an inquest will be held under certain circumstances. It's the coroner who makes that decision.

Ms. Moorcroft: The minister just indicated that the coroner would be retiring and that the recruitment process was underway to replace the chief coroner.

I would like to ask the minister whether he is prepared, given that there has been no decision forthcoming to initiate a coroner's inquest into five deaths — rather than waiting to replace the chief coroner for however long that staffing action may take and understanding, given the imminent retirement of the chief coroner and her inability to proceed with an inquest that would take a considerable amount of time — if the minister will in fact appoint a coroner who could take action on the matter of an inquest.

Hon. Mr. Nixon: Indeed, as I mentioned, the coroner is still working and employed by the department, so she is still on the ground. If indeed the coroner felt that they were going to make a decision to do an inquest into any case, whether it is one month before they leave or had no plans to leave, at that time, if the coroner felt, or if we felt, that sufficient resources were not available, then we could look at appointing someone at that time. To date, the coroner is investigating this case, but has not yet made any decision determining whether an inquest will be held or not.

Ms. Moorcroft: Does the minister believe that there are at present sufficient resources available to the coroner's office to complete an investigation and to come to a decision on whether an inquest will be held?

Hon. Mr. Nixon: I have full confidence in the coroner's office and the chief coroner, so if the coroner felt that there were resources that we needed to tap into, then that could be brought forward. I do have full confidence that the coroner is doing a fantastic job and the office has the resources that it needs.

Ms. Moorcroft: I am pleased to hear the minister assert that the coroner's office has the resources needed and I trust that it does. I believe that it is in the public interest to hold an inquest into the deaths of five Yukon residents who died of carbon monoxide poisoning in a rental home in the Yukon four months ago. I hope that there will be action taken on this. I've made my points to the minister.

I'd like to move on then and ask the minister if he could explain if there is any significant difference in the community justice function of the branch we're currently reviewing, Community Justice and Public Safety division, and the next branch up for discussion, Victim Services and Community Justice.

Hon. Mr. Nixon: The *Victims of Crime Strategy* is being rolled out. Other than that, there are no new initiatives at this time.

Chair: Is there any further debate? Seeing none, we will proceed line by line.

On Operation and Maintenance Expenditures

On Assistant Deputy Minister's Office

Ms. Moorcroft: Could the minister provide a breakdown for this line item, please?

Hon. Mr. Nixon: Madam Chair, there was a four-percent decrease of \$26,000 from the 2011-12 forecast and a 27-percent decrease of \$232,000 from the 2011-12 estimates.

Ms. Moorcroft: Could the minister provide some detail on the expenditures for this line item?

Hon. Mr. Nixon: For personnel, there is a decrease of \$92,000 due to the reduction of one FTE, a time-limited project manager in the corrections action plan implementation office, partially offset by collective agreement management category and benefit cost increases of \$38,000. So the net decrease to personnel is \$54,000.

There was a decrease of \$73,000 due to the reduction of time-limited funding for the correctional redevelopment and priority initiatives project; and a transfer payments decrease of \$105,000 due to the reduction of time-limited funding for the correctional redevelopment and priority initiatives project.

Assistant Deputy Minister's Office in the amount of \$600,000 agreed to

On Worker Advocate

Ms. Moorcroft: Could the minister provide a breakdown for the line item, please?

Hon. Mr. Nixon: There was an increase of \$50,000 in personnel due to the restructuring of the worker advocate office staff along with an increase of \$10,000 in collective agreement, management, category and benefit costs — so a total increase to personnel allotment is \$60,000.

Worker Advocate in the amount of \$413,000 agreed to

On Chief Coroner

Ms. Moorcroft: I'd like to ask the minister to provide a breakdown for the expenditures on this line item.

Hon. Mr. Nixon: There was a \$7,000 increase due to collective agreement and benefit costs.

Ms. Moorcroft: How many personnel are employed in the chief coroner's office and are they all full-time positions or are there any contract or auxiliary positions associated with this line item?

Hon. Mr. Nixon: There is one chief coroner, there is a half-time administrative position, and there are approximately 17 community coroners.

Chief Coroner in the amount of \$315,000 agreed to

Community Justice and Public Safety Division Total Expenditures in the amount of \$1,328,000 agreed to

On Victim Services and Community Justice

Ms. Moorcroft: I have a question, and I am looking at the revenues and recoveries, page 14-28. For Victim Services and Community Justice, there is an outreach worker for the Province of British Columbia. The estimate for the previous year was \$10,000, although the forecast for 2011-12 is \$20,000, and the estimate in the current budget is for \$10,000. I'd like to ask the minister for the explanation of the increase for the 2011-12 budget year and for the 2012-13 estimate of \$10,000.

Chair: We're currently debating page 14-21, Victim Services and Community Justice and not revenues.

Ms. Moorcroft: I had understood that in order to debate recoveries that we would have to raise them in the branch. Will this come up when we proceed to a further line?

Chair: Statistics are debated within the branch but revenues are debated when we get to revenues. Page 14-28 is revenue.

Is there any further general debate on Victim Services and Community Justice?

On Operation and Maintenance Expenditures

On Program Director

Ms. Moorcroft: I'd like to ask the minister to provide a breakdown for the line item.

Hon. Mr. Nixon: There is an increase of \$81,000 due to the reallocation of a position no longer required at the Whitehorse Correctional Centre, due to the new staffing model, to the program director's office, to create an administrative assistant position to the director, along with collective agreement, management group and benefit costs.

Ms. Moorcroft: Could the minister explain the nature of the position that is no longer required at Whitehorse Correctional Centre?

Hon. Mr. Nixon: I will have to provide further details of that line item to the member at a later date.

Ms. Moorcroft: I'd like to ask the minister when he comes back with an answer — or whether his officials might be able to advise him — if that position had any responsibilities related to programming and to the provision of services to inmates who are often also victims?

Hon. Mr. Nixon: The details are forthcoming. I'll get that information with the last request the member opposite had.

Program Director in the amount of \$360,000 agreed to

On Victim Services

Ms. Moorcroft: Again, I would like to ask the minister for a breakdown of the line item for Victim Services.

Hon. Mr. Nixon: There is a decrease of \$42,000 in personnel due to staffing vacant positions at a lower rate of pay, partially offset by the collective agreement and benefit costs. There is also an ongoing increase of \$2,000 for fuel costs.

Victim Services in the amount of \$1,160,000 agreed to

On Community Justice Projects

Ms. Moorcroft: I'd like to ask the minister for details on this line item. Perhaps he could also indicate which community justice projects are funded by this expenditure.

Hon. Mr. Nixon: There are indeed nine different programs under this line item, all of which received different degrees of funding.

On this line item also, there was an increase of \$5,000 in personnel due to collective agreement and benefit costs. There was a decrease of \$43,000 to the transfer payment allotment for a one-time revote to continue funding to the northern strategy project, Southern Lakes justice development, for the 2011-12 fiscal year.

Ms. Moorcroft: I would just like to ask the minister if he could read into the record the community justice projects that are funded by this line item. He indicated the number, but he didn't specify where they were located.

Hon. Mr. Nixon: I thank the member opposite for the question. The nine restorative justice projects are cost-shared between Yukon and the federal Department of Justice and are located in the following Yukon communities: Old Crow, Dawson City, Ross River, Haines Junction, Teslin, Carcross, Kwanlin Dun, Watson Lake and Skookum Jim Friendship Centre.

Ms. Moorcroft: Do these projects, which receive funding on an annual basis, have a three-year agreement in place or a longer-term agreement in place? Or do they each year meet with the government to determine whether their program will be funded in future years?

Hon. Mr. Nixon: Madam Chair, Yukon's Department of Justice funds the projects on a yearly basis and does not confirm financial support to community justice programs beyond the current fiscal year. Yukon works with the Canada Aboriginal Justice Strategy to provide in-kind support to community justice projects and capacity building, administration of contribution agreements, support and training, information sharing and the development of working partnerships among community justice projects, Crown, RCMP, Health and Social Services and resource and service providers. Funding for the national Aboriginal Justice Strategy is confirmed until March 31 of 2012. Work toward renewal of the strategy past 2012 is presently ongoing.

An evaluation released in November 2011 looked at the ongoing relevance of the Aboriginal Justice Strategy, its performance, and options with respect to renewal of the strategy. A variety of methodologies including document reviews, surveys and key informant interviews, a recidivism study and cost analysis study were also used in this evaluation. The 2007 to 2011 evaluation determined that the Aboriginal Justice Strategy continues to be of relevance to the priorities of the federal government and that it continues to be effective and that it is cost-effective. There is currently no indication that the Aboriginal Justice Strategy will be discontinued. More information will be available in the upcoming weeks. They have re-signed for this 2012-13 year.

The Government of Yukon does not currently meet the requisite 50/50 cost share for the Aboriginal Justice Strategy projects, as it is required in the federal policy for funding community justice projects.

Ms. Moorcroft: I appreciate the information from the minister. I thank the officials for their work in preparing information in advance of budget debate so that he has it available.

I would like to ask the minister whether his office would be able to make available to me the evaluation of the Aboriginal Justice Strategy that he just spoke about. I would also, finally, like to ask him whether he has spoken to his federal counterpart regarding ongoing funding of the Aboriginal Justice Strategy, which allows the good work of community justice projects to take place.

Hon. Mr. Nixon: Madam Chair, that is indeed a federal document. I can take the member's request under consideration.

Ms. Moorcroft: I thank the minister for that. I have two further questions. Did the minister indicate that the federal government would be renewing funding for the 2012-13 fiscal year for the Aboriginal Justice Strategy, and has the minister spoken to his federal counterpart regarding whether the Aboriginal Justice Strategy will be confirmed for funding for a further five-year period?

Hon. Mr. Nixon: I do keep in fairly regular contact with my federal counterpart. The Aboriginal Justice Strategy has indeed been funded for the 2012-13 year and it will continue on a year-to-year basis as with the other ones.

Community Justice Projects in the amount of \$519,000 agreed to

Victim Services and Community Justice Total Expenditures in the amount of \$2,000,039 agreed to

On Public Safety and Investigations

Ms. Moorcroft: One of the responsibilities of this branch is to implement the safer communities and neighbourhoods legislation, and I noted in the statistics that there had been 350 complaints and 40 actions under the safer communities and neighbourhoods legislation. What is the nature of the actions anticipated for 2012-13 based on the department's experience of 2011-12 and previous years?

Hon. Mr. Nixon: If it were me making a decision I would hope that the forecast was zero, but as complaints come in, we can't answer that. I don't think anyone would be able to answer that, so hopefully the number is low, but as the calls come in we're responding to them and we take those calls very, very seriously.

Ms. Moorcroft: The majority of the expenditures in Public Safety and Investigations are for the contract for policing services with the RCMP.

The minister has informed the House that they have signed a renewed Yukon *Territorial Police Service Agreement*. I'd like to ask the minister whether he would provide a copy of that agreement for me.

Hon. Mr. Nixon: Although signed-off, there is still a fair amount of work to do on the agreement itself and the appendices. So we're hoping to have that back and signed by the federal minister by the end of the summer.

Ms. Moorcroft: I do have another question. Before I move on to that, I'll ask the minister to respond to two matters at once. Can the minister indicate whether he will be in a position to provide the opposition parties with a copy of the police

service agreement when it has been signed-off by the federal minister? A further question for the minister is this: Did the Yukon government allow Yukon First Nations to participate in the contract negotiations for police services?

Hon. Mr. Nixon: Indeed, each jurisdiction had one representation — one person moving forward to move on the agreement and then they would bring that back to the government to move forward with any recommendations.

Ms. Moorcroft: The Yukon First Nations did submit a request — several of the Yukon First Nations indicated that they would like to be involved in those negotiations. I can appreciate the minister may have been constrained by the federal-provincial-territorial agreement where there was only one representative from each jurisdiction allowed at the table.

Can the minister tell us what he is doing to include Yukon First Nations in setting priorities for the police services in their communities and to recognize their status as self-governing First Nations when it comes to delivering police services in communities?

Hon. Mr. Nixon: Madam Chair, the current police service agreement expired on March 31, 2012. The agreement that I signed is a 20-year agreement, but for the past year the provinces and territories and Canada have been negotiating toward a new agreement, which meets our joint interest in a new partnership with the RCMP, including greater accountability and cost containment.

In Yukon, the RCMP remains our police service of choice. In negotiations with Canada, Yukon will achieve a new 20-year agreement, as I had mentioned, that ensures a professional, effective and efficient territorial police service agreement that 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. Yukon has made considerable progress in negotiations and is in the final stages of making those amendments. We will continue working on this agreement, though signed, over the course of the summer. We have signed. We agree in principle to the new agreement and are carefully considering all articles as part of the ratification process.

The agreement will provide the framework for Yukon communities to have a positive relationship with the territorial police service. The provincial and territorial partners who were involved in negotiating the service agreement were those who currently bear the costs of policing in their jurisdiction and who presently exercise the authority with respect to administration of justice.

Yukon First Nations will always have an opportunity to raise interests through their representation on the Yukon Police Council, which I appointed just a short time ago, and we look forward to that council. They are going to be meeting for the second time this May, and I really look forward to the recommendations and the information coming forth from that council.

Ms. Moorcroft: I expect that the minister is well-informed on the review of Yukon's police force conducted in 2011.

There are a number of areas that I would be remiss if I did not ask the minister about in relation to the review of Yukon's police force and the implementation of the *Sharing Common Ground Report* that was produced by the co-chairs of that committee. As the minister is aware, I served as a representative of Yukon women's groups on the advisory council to the committee. A number of concerns that were raised by Yukon women's groups were not necessarily addressed in the *Sharing Common Ground Report*, but were addressed in the two reports that the Yukon women's groups submitted to the co-chairs. I'd like to ask the minister, because there are so many concerns that have been identified by Yukon women related to public safety and the criminal justice system, whether he is willing to meet with Yukon women's groups about their concerns regarding the criminal justice system. I'd also like the minister to respond — he just spoke about First Nation representatives on the police council and I am curious to know why the minister did not accept the three nominations that were submitted to him from the Council of Yukon First Nations. Certainly they were anticipating that their nominees would in fact be appointed.

Madam Chair, I move that we report progress.

Chair: It has been moved by Ms. Moorcroft that we report progress.

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Ms. McLeod: Mr. Speaker, Committee of the Whole has considered Bill No. 41, entitled *Act to Amend the Land Titles Act and the Condominium Act*, and directed me to report the bill without amendment. Committee of the Whole has further considered Bill No. 6, *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?

All Hon. Members: Agreed.

Speaker: I declare the report carried.

Speaker's statement

Speaker: Prior to receiving the motion to adjourn this House this afternoon, I have a statement I would like to make.

It has come to the Chair's attention that certain members of this Assembly wrote a letter to the Leader of the Official

Opposition dated today. This letter was also, apparently, circulated to journalists.

Members will recall that during debate on Motion No. 175, the Minister of Justice rose on a point of order and said that the Leader of the Official Opposition had used unparliamentary language. The Speaker ruled that there was no point of order, as he did not hear the alleged comment.

In this letter, these members revisit the point of order. They also request that the Leader of the Official Opposition "apologize to the Legislature at the earliest possible opportunity."

The Chair would like to remind members that Standing Order 6(1) says, "The Speaker shall preserve order and decorum, and shall decide questions of order. In deciding a question of order or practice, the Speaker may state the Standing Order or other authority applicable to the case. No debate shall be permitted on any such decision, and no decision shall be subject to an appeal to the Assembly." In other words, the Speaker's ruling on a point of order is final.

In writing this letter to the Leader of the Official Opposition, and in seeking redress directly from her, the members in question have implicitly criticized the Speaker's handling of this point of order. That is not acceptable. There will be times when members disagree with rulings from the Chair. Members will simply have to accept those rulings. It is not appropriate for members to attempt to discipline other members on their own. To do so demonstrates a lack of confidence in the Speaker, who was elected by this House to preserve order and decorum.

Hon. Mr. Cathers: Mr. Speaker, 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 stands adjourned until 1:00 p.m. Monday.

The House adjourned at 5:30 p.m.

The following documents were filed April 26, 2012:

33-1-20

CBC AM Service, unanimous support for Motion No.163: letter (dated April 26, 2012) to the Hon. James Moore, Minister of Canadian Heritage and Official Languages, from the Hon. Darrell Pasloski, Premier (Pasloski)

33-1-21

Inspector's Report for the Government of Yukon, pursuant to the *Land Titles Act*, s. 12, (dated March 30, 2012), prepared by Lora Bansley, Information Services Corporation of Saskatchewan (Nixon)