

Yukon Legislative Assembly
Whitehorse, Yukon
Monday, December 2, 2013 — 1:00 p.m.

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

Prayers

DAILY ROUTINE

Speaker: We will proceed with the Order Paper. Tributes.

TRIBUTES

In recognition of World AIDS Day

Hon. Mr. Graham: I rise in the House today to recognize World AIDS Day. World AIDS Day is held on December 1 of each year to honour AIDS victims around the world. It's dedicated also to raising awareness of the AIDS pandemic caused by the spread of the HIV infection. The theme for this year's HIV/AIDS Day, AIDS Awareness Week and World AIDS Day is: "It's not over." During this time, we acknowledge the efforts worldwide to combat AIDS and we reiterate our continuing support for the fight against this deadly virus.

HIV is the virus that causes AIDS, which is invariably lethal. HIV is spread through transfusion, unprotected sex, needles, and from mothers to children during childbirth. More than two decades after its onset, the HIV/AIDS pandemic remains an enormous challenge both in Canada and around the world. According to the UN AIDS report on the global AIDS epidemic in 2013, 1.6 million people worldwide died of AIDS-related illnesses in 2012. By 2012, an estimated 35.3 million people around the world were living with HIV. On a national scale, it is estimated that 71,300 Canadians were living with HIV and an estimated 3,175 new HIV infections occurred in the last recorded year.

Closer to home, approximately 56 Yukoners have been diagnosed with HIV since 1986. With new treatment regimes that are currently available to us, we rarely see new cases of AIDS, as treatment usually prevents HIV from progressing to AIDS. But also, one of the things that prevents AIDS — and I will get to introducing our visitors here today. One of the things that contributes to reducing the spread of HIV is the harm reduction program offered by the Blood Ties Four Directions Centre here in Whitehorse.

In the last year I've been provided with some statistics by their staff. In 2012-13, Blood Ties, in our work to prevent HIV transmission and other STIs, distributed over 46,000 condoms. They engaged in prison outreach programming with people who are incarcerated and living with HIV and HCV. They facilitated a drug user group for people highly vulnerable to HIV infection. They exchanged 26,000 needles and served over 3,000 cups of coffee to 200 Yukoners living with or at risk for HIV due to poverty, addiction, homelessness and trauma. They also provided housing for two people at the Steve Cardiff House.

It's really a pleasure for me to introduce the members of the Blood Ties Four Directions Centre group that are here with us in the Legislature today. First of all, there is Patricia Bacon, who is the executive director, Emily Jones, who is an HIV counsellor, Hannah Zimmering, who is the housing navigator, and Kim Atkinson, who is a student working on a practicum here. Welcome and thank you for the work that you are doing.

We know how to prevent AIDS and HIV from occurring. Now we need to work on a cure for it. Thank you very much.

Applause

Ms. Stick: I rise on behalf of the Official Opposition and the Third Party to pay tribute to World AIDS Day. Yesterday was the 25th anniversary of World AIDS Day. Hard to believe, Mr. Speaker. Our awareness has certainly increased, treatment options and outcomes have greatly improved and people are living longer with HIV and AIDS. Unfortunately the numbers continue to increase around the world and we still do not have a cure or a vaccine.

We are fortunate in the Yukon to have Blood Ties Four Directions, which provides support to individuals and their families with HIV, AIDS or hepatitis C, as well as support to their families. This group of dedicated professionals provides information, advocacy and social supports to Yukoners through counselling, public awareness, outreach, harm reduction measures and even housing with the Steve Cardiff House. We thank them for their ongoing hard work in the Yukon.

In the Yukon we also have an active and local Grandmothers to Grandmothers group through the Stephen Lewis Foundation that raises funds to support grandmothers in Africa caring for their grandchildren who have been orphaned by AIDS.

Mr. Speaker, in reading and looking up information for today, I came across some interesting information about aging. We hear of the swell in numbers of Canadians who are aging in Canada. We know that it is estimated that the number of seniors will almost double in the next 25 years. Included in that number will be the older HIV-positive Canadians who are living longer, thanks to improved treatment options. As well, there will be many individuals receiving an HIV diagnosis later in life. Age does not preclude a person from contracting HIV, and in Canada the number of older Canadians newly diagnosed with HIV continues to rise.

These numbers point to the need for appropriate response to the challenges posed by HIV and aging in Canada. A range of stakeholders, including individuals and families living with HIV and AIDS, health care providers, caregivers, community-based HIV/AIDS programs and organizations and seniors' organizations will need to be part of the discussion about providing appropriate planning, care and support services to this growing population.

It's my hope that, in the near future, there will be a cure for HIV and AIDS. But in the meantime, we must recognize the ongoing support needs of those individuals and their families who have an HIV/AIDS diagnosis and the need for

ongoing public education, public awareness, support and planning for those aging individuals living with HIV and AIDS.

Speaker: Introduction of visitors.
Are there any returns or documents for tabling?
Are there any reports of committees?
Are there any petitions to be presented?
Are there any bills to be introduced?
Notices of motions.

NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to continue to take proactive steps to improve conditions for salmon spawning including assisting with enhancement projects, aquatic health monitoring and salmon hatchery contributions, as well as implementing a more effective water management stewardship program for our mining industries.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to continue to raise the issue of declining Yukon River salmon stocks through established forums including the Yukon River Panel hearings, the U.S. North Pacific Fisheries Management Council, as well as at bilateral meetings with federal ministers and through direct discussions with the State of Alaska.

I also give notice of the following motion:

THAT this House urges the State of Alaska to meet its cross-border Salmon escapement targets set out in the 2001 *Yukon River Salmon Agreement* which is a subagreement to the *Canada-US Pacific Salmon Treaty*.

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

THAT this House urges the Government of Canada to encourage the Government of Alaska to enforce the *Yukon River Salmon Agreement* by ensuring that 40,000 chinook salmon enter the Canadian portion of the Yukon River drainage system annually.

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

THAT this House urges the Government of Yukon to live up to a commitment made last year to introduce JJ Van Bibber's biography, *I was born under a spruce tree*, into Yukon's education curriculum.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to work with the Tr'ondëk Hwëch'in First Nation and Trans North Helicopters to address erosion concerns along the Klondike River.

I also give notice of the following motion:

THAT it is the opinion of this House that the Government of Yukon has failed both Yukon First Nations and the Yukon's mining industry with its poorly handled implementation of the December 2012 Ross River Dena Council court decision.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to improve its management of capital projects.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to become more transparent.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to explain whether the budget for the new F.H. Collins remains the same, given that the new building is 18 percent smaller than the scrapped design the budget was originally created for.

Speaker: Is there a statement by a minister?
This brings us to Question Period

QUESTION PERIOD

Question re: F.H. Collins Secondary School reconstruction

Ms. Hanson: The Premier, in his role as the Minister of Finance, has repeatedly told this House that the Management Board-approved budget for the reconstruction of F.H. Collins is \$38.6 million.

Will the Premier, as Minister of Finance, confirm that the existing budget of \$38.6 million is still the budget for the latest design and tender of the new F.H. Collins Secondary School?

Hon. Mr. Pasloski: Absolutely. There has been no change to the budget that was put in place. It came and was presented to Management Board back in May 2012. After we had that amount verified by two independent professional estimators, we did go out to tender on that project in November of 2012.

We did receive a third estimate approximately 40 days later. When the bids closed, Mr. Speaker, the result was that the lowest bid was almost \$10 million overbudget.

We've gone back out. Based on that, we've come out with a new design. It has been supported by the Government of Alberta by providing us with a base design. Through the work that was done by the building committee and with consultations with teachers, administrators and school council, we have "Yukonized" that design, and that design is now out to tender. We look forward to building a beautiful new high school that will be the pride of not only the students, but the administrators and all the parents.

Ms. Hanson: The new design for F.H. Collins is a totally different design — one that is 2,500 square metres smaller than last year's design. The budget that was initially approved by Management Board was for \$38.6 million. Mr. Speaker, how is budgeting the same amount of money for a

completely new, smaller school design — as the Premier said, sole sourced directly from Alberta — a fiscally responsible use of taxpayers' money?

Hon. Mr. Pasloski: We are currently out to tender. Based on comments and feedback from the local contractors, that tender was extended for almost another month to give them the time that they requested to make sure that they could put forward the best and most competitive bid that they can. We in fact obliged them on that.

There have also been other amendments that have been made to ensure that, during the post-consultation period, that did occur. There were identified opportunities to create more working spaces, which the Minister of Education has articulated. We have also included that and really are building a 21st-century school that will help students ensure that they get the best education and the greatest opportunities for success in their lives.

Ms. Hanson: This is really quite amazing. The Premier is standing here before this House — before the public and before the voters — and saying that, yes, spending the same amount of money — \$38.6 million — for an off-the-shelf design and smaller school from Alberta is fiscally responsible.

As the Minister of Highways and Public Works has already said, building a school is not easy for this Yukon Party government. But how is budgeting the same amount of money — an amount that all the contractors now know is the target — for a school that is smaller a fiscally responsible use of taxpayers' money?

Hon. Mr. Pasloski: Mr. Speaker, building a school is not easy because we take the responsibility of spending taxpayers' money in the highest regard. For that reason, we did go back out to tender because we were not going to start a project that was almost \$10-million overbudget before we even broke the ground on that project.

We continue to hear interesting rhetoric from the Opposition in terms of the Leader of the NDP talking about the fact that it was only going to house 450 students. Then they said that this tender wasn't going to come out until 2014. Then, of course, they said we're going to build a school but we're not going to meet our building codes. They also said that we weren't going to have enough room in this school to house the students — to have enough classrooms.

They were wrong on every one of those accusations. We will continue to work toward building a school — a 21st-century school for the students of F.H. Collins, to provide them with great opportunities to move forward with their educational process and be successful wherever they want to go after they finish high school — be it into the workforce, whether they want to go to trades school or they want to go to university. We are looking forward to the construction of that school and the creation of all those jobs that will occur for Yukoners.

Question re: Peel watershed land use plan

Ms. White: Last week, the Minister of EMR said that the government was engaging in the final round of

consultations with the four affected First Nation governments before finalizing a land use plan for the Peel watershed. The Minister of Environment said that he was looking forward to concluding them as soon as possible so that the government can move on and ultimately implement a land use plan for the Peel watershed region. We've been told that there has been at least one meeting of the principals that involved the Minister of Environment, the Minister of Energy, Mines and Resources and the Premier, and that the hope was to continue working with their senior liaison committee on a government-to-government basis to conclude consultations as soon as possible.

Has the Yukon government scheduled another meeting with First Nation governments or have consultations concluded?

Hon. Mr. Dixon: We are in receipt of input from First Nations through the government-to-government consultations that the member opposite has referenced. We continue to review and give due and thorough consideration to the input we've received from the four affected First Nations in north Yukon that are part of the planning process. We intend to remain engaged with Yukon First Nations as we move forward and give consideration to the input they've provided us.

The member opposite is quite correct that we would like to see this process wrap up as soon as possible and bring forward a land use plan that we feel balances the needs of the environment in the north Yukon, as well as the needs of our economy today and into the future.

Ms. White: Mr. Speaker, in four weeks the staking moratorium for the Peel watershed will come to an end. We're entering the holiday season. Government offices will be closed and this just adds to the time crunch. For three weeks in a row, the minister has said it was premature to speak about extending the Peel moratorium under the *Quartz Mining Act* and the *Placer Mining Act*.

The minister said he was looking forward to concluding consultations with the four affected First Nations on the Peel plan as soon as possible.

Will this government present their final plan for the Peel by the end of this month and, if not, will the minister commit to extending the temporary withdrawal of mineral staking in the Peel watershed past December 31?

Hon. Mr. Kent: As my colleague, the Minister of Environment, said, we are engaged in consultations with First Nations and we're reviewing input from First Nations. We're looking to come up with a fair and balanced land use plan for the Peel watershed that not only respects environmental impacts and traditional uses for that area, but also the economic opportunities that are also part of what we're trying to accomplish.

My answer with respect to the staking ban remains the same. We're not prepared at this time to speculate on what is going to happen. The staking ban is in effect until the end of this month. We're working diligently and hard with our First Nation partners to come up with that mutually acceptable and balanced plan that respects all sectors of the economy and

offers opportunities for multiple land users who want to use the Peel watershed.

Question re: Emergency medical services building

Mr. Silver: All this sitting, I have been asking questions about the government's overspending on capital projects. We know \$6 million has been squandered on F.H. Collins. The rural hospitals were both millions of dollars overbudget and the \$30-million Dawson waste-water treatment plant that isn't even running properly yet are just a few examples of that.

Let's add to that project list the recently opened ambulance station on Two Mile Hill. That project, Mr. Speaker, was budgeted at \$7.3 million and it came in at around \$8.1 million. At only 10 percent over the budget, it hardly ranks at the top of the Yukon Party's list of capital project mismanagement; however, it is \$800,000 over what the government promised just 18 months ago.

Can the government explain why this project was 10-percent, or \$800,000, overbudget?

Hon. Mr. Cathers: Once again we see the Liberal leader coming in, as he does consistently, with assertions that do not line up with the facts. I would remind the member that in fact most of the capital projects come in on time and on budget. There are cases such as this where there are adjustments made. In the case of the emergency response centre, there were additional items added, including equipment, within final construction that led to an adjustment to that budget.

That budget — contrary to what the member asserted — was managed quite well. I thank all the staff who worked on it for their excellent work in building the new emergency response centre, which will improve health care response times to the rural areas of Whitehorse. I know that is another thing that the member voted against, just like the investments in health care in his own riding.

Mr. Silver: I would thank the minister if he could give me a list of these cost overruns. That would be great.

The ground floor on this facility is mostly taken up by ambulance bays, and the upstairs is supposed to house a new emergency communications centre, or a new dispatch headquarters. Unfortunately, that upstairs space is still largely vacant and dispatch is still being handled through the old station in Riverdale.

Can the minister explain why the transfer of the dispatch facility has yet to occur?

Hon. Mr. Cathers: The new emergency response centre is the result of a commitment we made to develop a second ambulance station in Whitehorse — one that was more centralized. It will improve, and has improved, response times to rural areas of Whitehorse and the Whitehorse periphery. Operationally combined, the two stations maintain the current response times in Riverdale and downtown and improve response times in other areas of Whitehorse.

In terms of the facility that was created within the emergency response centre that could potentially be a call centre, that was developed as a result of discussions with the

RCMP about combining dispatch. Those discussions are still ongoing and we do expect them to likely result in some changes and improvements to dispatch. At this point, however, until that work is completed, dispatch will not be moving up the hill. It would have some negative operational impacts if we were to immediately move that up the hill before that work is concluded with the RCMP.

Mr. Silver: I would appreciate if we could find out when that work with the RCMP will be completed.

The lower part of the building is designed for ambulance bays. Unfortunately, the way the building is set up, there isn't enough space to match the number of staff to the number of bays. It would have been a good idea to actually talk to the people who work there before the design of the build came in.

We know that the building is 10-percent overbudget. We know that the lower part doesn't have enough room for ambulance attendants who work there. We still don't know why the dispatch function has not been transferred to this brand new facility. For now it remains at the old station in Riverdale.

Why has this not been transferred? When will it be transferred? Finally, will there be more money needed to complete this transfer?

Hon. Mr. Cathers: Again it's unfortunate — the approach we see from the Liberal Leader — that he has an aversion to the facts in his questions and prefers to cast things in the most negative light he possibly can manage to portray them, but he ignores the facts when the facts contradict his nice, little line of rhetoric.

If the member had listened to my response rather than heckling, the member would have heard the fact that, indeed, the adjustment made to the final budget for the emergency response centre was based on additional items that were included in the final stage of design. In fact, staff did a good job of managing that project on budget. In fact, I would point out, as I did to the member before, that we're not going to move dispatch up the hill immediately because there are discussions ongoing with the RCMP. My focus, as minister, and the direction I've given to the department is we have to be certain that, if and when dispatch is moved up the hill, it has positive impacts on operations, and that we have, with the RCMP, fully worked out whether any adjustments will occur, ensure that we are maintaining strong response capacity, and that we have positive results as a result of any adjustments made to dispatch.

Question re: Firefighters and essential service designation

Mr. Barr: Lots of us in the Yukon have friends and neighbours who are volunteer firefighters.

These men and women, alongside our ambulance crews, are first responders to emergencies in our communities and often risk their own safety for neighbours, friends and total strangers. The fire marshal has stated in the media that there is a shortage of volunteers. He has also said that it's tough work; it's rewarding work but it's going to be hard. It's a hard job and recruitment has been an issue.

What is the government doing to assist the Fire Marshal's Office in ensuring that there are adequate volunteer firefighters in our Yukon communities?

Hon. Mr. Cathers: What we have done is we've provided a significant increase to the Fire Marshal's Office. In fact, I would remind the member of the record of neglect for both EMS and firefighters that occurred under the NDP watch. We saw the neglect of the purchase of equipment, an inadequate replacement schedule for both fire trucks and ambulances. We have changed that. We have significantly invested and created a replacement schedule for both fire trucks and ambulances so there is modern equipment in all of these areas. We have increased the funding for volunteer firefighters, including an additional \$1.9 million in this year's budget for the Fire Marshal's Office, an increase that will give them the ability to further support volunteer fire departments. We're going to continue to work with the Fire Marshal's Office and with all of our rural volunteer fire departments to understand their needs and their challenges and determine how, together, we can best support the men and women who provide service to Yukon citizens as volunteer firefighters.

Mr. Barr: The training for the volunteer firefighters has become very time consuming to ensure compliance with the national safety standards and WCB. That is a large part of the \$1.9 million the minister has referred to.

This is on top of the hard training that firefighters do to learn the mechanics of their job. The Fire Marshal's Office has said it is no longer the days where you just volunteer and show up. We are all professionals now. Recognizing this professionalism and the hard work of protecting our communities would be a major step toward increasing recruitment.

Will the government designate volunteer firefighters as an essential service and treat them as professionals and with the respect they deserve?

Hon. Mr. Cathers: It's really unfortunate, the angle that the Member for Mount Lorne-Southern Lakes is taking. I know that the NDP has a very negative outlook on life in general and brings forward nothing but negative information to this House, but again I would remind the heckling members opposite to listen to the questions here — the answers to the question.

What we have done is increased the support for volunteer firefighters beyond what previous governments have done — significantly beyond that level. We have increased the replacement of trucks, both tanker and pumper. We have increased the honoraria for firefighters and we have increased the budget as of, I believe, last fall, with a \$1.9-million-per-year increase to the Fire Marshal's Office, which includes two deputy fire marshals. In addition to that, we have the new mobile fire training unit, which was purchased with \$750,000. Through the good work of the Fire Marshal's Office, it has been out in most, if not all Yukon communities this year to help firefighters have the opportunity to train with it and get more realistic experience in dealing with fires in various different scenarios.

We're going to continue to work with all of our volunteer firefighters and the fire chiefs for those departments to further support our volunteer firefighters.

Mr. Barr: Mr. Speaker, I'd love to wish all the members in the Yukon Party very happy holidays.

This government has repeatedly refused to designate volunteer firefighters as an essential service. Rural ambulance attendants are designated an essential service. Previous Yukon Party ministers have said this difference is because ambulance attendants save lives while firefighters save property. Tell that to a firefighter at a traffic accident or a fire where a person is trapped inside.

This distinction is really all about money. Being designated as an essential service means that some volunteer firefighters would receive standby pay of \$3 an hour like ambulance attendants. This is a small price to pay to protect rural Yukoners' homes and their lives.

Will this government pay the respect that is due to our volunteer firefighters and designate them as an essential service?

Hon. Mr. Cathers: Again we see the extremely negative attitude of the NDP that comes forward. I would again note that we will continue to work with our rural volunteer firefighters and the rural fire chiefs.

This is not a matter that any of the chiefs with whom I have spoken — including two chiefs from my own riding who I know quite well — have raised as an issue. This is a matter that, if it is brought up to me by the Fire Marshal's Office or by the chiefs for our volunteer fire departments — if they identify it as a concern, I'd certainly be happy to talk to them about it.

Again, the member is desperately trying to find something negative to point to. In fact, the member is ignoring the fact that the NDP failed to invest in fire trucks and ambulances and neglected the essential needs of those areas when they were in government — including one of his colleagues there. As a result of their neglect, we had a challenge to address. We rose to that challenge. We've invested in fire trucks, we've invested in ambulances and we have provided a significant increase to the support for all of our volunteer fire departments. We're going to continue to work with the men and women who provide this very important service to all of us. We're going to continue to invest in supporting them and in providing —

Speaker: Order. The member's time has elapsed.

Question re: Renewable energy

Ms. White: The Yukon currently depends on hydro-power generation, supplied by the Whitehorse, Aishihik and Mayo B dams. We know that future hydro projects will play a key part in our long-term renewable energy future. Hydro is less available in the winter. The energy supplied by water gets locked up in ice and snow and, presently, can't meet winter peak demand. That demand is currently being met by diesel backup.

There are renewable options to complement hydro power. Those options would reduce the frequency and amount of

diesel backup needed. Yukon Energy plans to replace Yukon's diesel power generators with a liquefied natural gas-burning plant, at a cost of \$34 million to Yukon taxpayers.

It's about the choices we are making now and how we choose to spend the money. As we look to the future, why is the government supporting the diversification of fossil fuels, instead of diversifying our renewable energy options?

Hon. Mr. Kent: Members will recall the motion that I tabled on the first day of this sitting, which spoke to a clean power future for the Yukon.

It spoke to adding that larger-scale hydro project, a scalable hydro project that we can add to meet increased industrial and residential demand going forward. It also spoke to other sources of power, such as wind and biomass, and exploring the viability from a cost-benefit perspective with respect to those types of energy as well.

There is nothing that I would like more than to offset some of that loss in hydro in the winter by using some of our winter winds. When it comes to the LNG replacements, we're replacing two 45-year-old diesel generators with natural gas generators. This aging infrastructure does need to be replaced. The Yukon Development Corporation, as well as the Yukon Energy Corporation, made those recommendations to us as a government — that this was the cleanest and the most effective way to replace the backup power we have for the winter months. That's what we are going to do.

Again, members opposite do know that prior to the end of this sitting, officials from the Yukon Development Corporation and the Yukon Energy Corporation will appear before this House to answer questions. I would encourage them to get into details with those members when they appear.

Ms. White: Right now the most accessible renewable energy sources in the Yukon are hydro, solar and wind. Wind and hydro complement each other, and that's because of storage. When it's windy, we can hold back water and store that energy in the water reservoir for a later date. The same is true for diesel — what we don't use is stored energy. Wind produces most of its energy in the coldest winter months when our electrical and space-heating needs are the highest. That means that wind can meet more of our energy needs at a time when hydro is at its lowest.

In Alaska and the Northwest Territories, government and industry investments in wind energy are proving that wind is a strong option for renewable energy in northern climates. It's about the idea of diversifying our fossil fuels. We'll have both diesel and LNG.

Why is the Yukon government investing tens of millions of dollars to diversify our dependence on fossil fuels instead of diversifying sources of renewable energy for the Yukon now?

Hon. Mr. Kent: The LNG replacement at the Whitehorse Rapids power dam is backup power. We need to be able to rely on that power, just as we do the diesel right now, in those cold winter months or when the power goes out. Yukoners need to feel safe in their homes. They need to know that the power will be there when we hit those peak loads

below a certain temperature or when things happen with one or more of our hydro sources in the wintertime.

Mr. Speaker, as I mentioned, we are not only exploring additional sources for hydroelectricity — we'll be looking at wind and biomass as far as additional sources of power — but we're always going to need that backup. The two diesel generators that we're replacing are 45 years old. The Premier, several members of our staff and I toured the Whitehorse Rapids facility and saw those diesel engines. They are certainly in need of replacement and we're looking to replace them with these LNG generators.

Again, I would invite members opposite to ask more detailed questions of officials from the Yukon Energy Corporation and the Yukon Development Corporation when they appear before this House prior to the end of this sitting.

Ms. White: Replacing the aging diesel generators with new diesel generators is also an option. The government has directed the Yukon Development Corporation to plan for one or more hydro projects to meet Yukon's growing electrical energy needs. The minister has said it will take 10 to 15 years before these new hydro projects are operational.

I want to talk about the near future — about other options we have available here and now — for renewable energy to complement current and future hydro power. Solar power is a viable renewable energy source that can fit well into the Yukon's seasonal load pattern. Solar is most powerful in the spring, when our hydro reserves are depleted from the winter freeze.

With solar power generation peaking in spring, it would allow for the storage of energy at Aishihik dam, which would decrease demand for the fossil fuel backup.

Why is this government investing tens of millions of dollars to diversify our dependence on fossil fuels instead of using that money now to diversify our sources of renewable energy?

Hon. Mr. Kent: There are a number of initiatives underway with respect to energy generation in the territory. Of course, there is the board-recommended initiative to replace the two aging diesel generators with liquefied natural gas generators at the Whitehorse rapids facility. I spoke to the wind and biomass options. Yukon Energy continues to study potential sites for commercial-scale wind generation at the area formerly called Ferry Hill near Stewart Crossing, as well as Mount Sumanik near Whitehorse.

We're looking at a number of other enhancement projects. The Minister of Economic Development and I recently travelled to Alaska to sign a memorandum of understanding with the Alaska government to look at an energy corridor between our two jurisdictions — one that may eventually lead to increased generation at the West Creek area in Skagway, as well as make potential future hydro projects along that corridor viable if there is a transmission line put into place.

There are a number of things that we need to do as far as meeting the incremental demand while we wait for that larger-scale hydro project to be developed in that 10- to 15-year time

horizon, and we will continue to focus on renewables such as wind and biomass, as well as additional sources of hydro.

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

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 60: Act to Amend the Corrections Act, 2009 **— Second Reading**

Clerk: Second reading, Bill No. 60, standing in the name of the Hon. Mr. Nixon.

Hon. Mr. Nixon: I move that Bill No. 60, entitled *Act to Amend the Corrections Act, 2009*, be now read a second time.

Speaker: It has been moved by the Minister of Justice that Bill No. 60, entitled *Act to Amend the Corrections Act, 2009*, be now read a second time.

Hon. Mr. Nixon: I rise today to speak to Bill No. 60, entitled *Act to Amend the Corrections Act, 2009*. As members of the House know, in 2004 the Yukon Party government undertook substantial consultation on corrections, which led, in 2006, to the release of the *Correctional Redevelopment Strategic Plan*. This plan had several elements, including a new Correctional Centre, a new model of service delivery for both victims of crime and Correctional Services, as well as a new regulatory framework for victims of crime, with a victims' bill of rights and a new corrections act.

Most of the work related to the correctional strategic plan is complete, with the exception of the *Victims of Crime Strategy*, which is in the final stages of implementation. All of this work has transformed these important Justice services and I'm proud to be the minister responsible during the final phase of this work.

While it is true that much of the heavy work has been done, it is also true that continuous improvements and additions may be required from time to time. We are certainly not standing still, and we saw that with the recent police review that resulted in the *Sharing Common Ground* report. The recommendations of that report resulted in a transformation of our policing services and the development of a new arrest processing unit at the Whitehorse Correctional Centre. The arrest processing unit is nearing completion now and should be ready for use by the end of this fiscal year. It is directly related to this legislative project.

We undertook a public consultation in the summer and made staff available to answer questions within the consultation period. We also sent a detailed package to stakeholders which provided information upon which to comment. That package is still on our website, if members are interested. Some stakeholders did in fact contact our department and detailed discussions occurred between them. The result was that some clarity was sought by stakeholders on a number of issues. In other cases, requests were made to see the legislation prior to making comments. We were unable

to comply with this request, as the legislation was made ready after the consultation period was completed.

In not every case are we able to put out draft legislation for public comment, but we will always try to put adequate information and writing together for comment when there is time. We will also ensure that staff is made available to meet with stakeholders or answer questions by phone or by e-mail, as was done in this case.

One general theme that arose in the feedback supported the idea that persons held within the arrest processing unit should not be subject to the same conditions as persons held on remand or sentenced inmates. There was a general consensus that persons held in the arrest processing unit should have access to health care. They should not be subject to any medical testing, such as urinalysis, and they should have a right of complaint.

I'm pleased to report to this House that we have addressed all of these issues with regard to the arrest processing unit in the amendments that are before the House.

We have also put in the act that we would not be obliged to produce items generally reserved for sentenced inmates, such as release plans, or required to offer offender programming that is not feasible to be extended to persons held for a few hours in a holding cell.

In addition, we also received feedback on the testing provisions. As members may recall, in the original *Corrections Act, 2009*, there was an extensive section on urinalysis. This section was added to the Yukon's act and recently to the *Criminal Code* of Canada to accommodate a B.C. court decision called *Shoker*. This decision called for a clear testing regime to be established in order to enforce warrants of the court that call for, among other things, abstaining from alcohol and drugs. This change provided a very clear process for the collection and testing of urine samples from persons on a court order.

In discussions with the department, they have advised me as Minister of Justice that the statutory provisions around testing should be expanded to include clear procedures for other kinds of testing that are being done or, in the future, could be used for enforcing court orders. This is not an expansion of the ability to test, but rather a clarification of how we test and what procedures we will prescribe in the act and in regulation.

Let me be clear, it is the court that orders individuals to abstain from alcohol or drugs. It is up to the department to ensure that testing is done to verify this to the satisfaction of the court. The testing needs to be done in a transparent way for the person who is being ordered. This is to ensure that we always are transparent in our activities as an enforcement agency and that persons have clarity about how they will be asked to comply with a court order.

In order to bring clarity to testing procedures, the act will now expand the definition of what can be tested for by redefining the urinalysis to include testing for illicit drugs and then providing a definition of what that means. The changes also create a regulating power that will allow for other procedures to be placed in regulation — for example,

breathalyzer testing so that persons asked to undergo a breathalyzer, and persons administering one will have clear procedures for that kind of testing.

Other forms of testing may come in the future as technology changes. The department did hear from one stakeholder in the consultation that the principle of least intrusive testing should be followed wherever possible and that is indeed the position of the department as well. It is true that testing is a form of search of the person. They should be done carefully and in a transparent manner to ensure that individual rights are not violated and the search is conducted only to the extent necessary to enforce the court order.

I believe that we've accomplished this balance with these changes. The next change is the establishment of a revolving fund. This addition generated most of the comments as it deals not only with revenue generated from the canteen but also from the new inmate phone system and, in the future, from any revenue generated from inmate work programs.

The first item I'll comment on is the maximum amount the revolving fund may have in it at any given time. Comments received indicated unanimously that no funds should be returned to general revenue. The act is written such that if at any point in the year, the amount of the fund exceeds \$300,000, then the excess would revert to general revenue.

I should inform this House that the canteen does make a small amount of profit in the low tens-of-thousands every year and is dependent on the counts at the Whitehorse Correctional Centre. The phone system also generates revenue and although we don't have a complete picture of how much that will be, it is clear that these funds will be similar to that of the canteen — perhaps slightly more.

The amount of money within the fund at any given time, therefore, should be far below the number we have chosen and it will be many years before revenue would bump up against that \$300,000 amount. We will leave it there for a future government to deal with the problem of excess funds within a revolving fund, since it won't be an issue any time soon.

In addition, the fund will be continually drawn upon. Funds generated from the canteen and any work programs will be credited to the fund and can be later expended for the purpose set out in the act. The funds generated from the inmate phone system will be split, with 50 percent going toward inmate expenditures as outlined in the act and 50 percent going toward eligible victim expenses as determined by the director of Victim Services.

What this means on the ground is that most of the funds generated from inmates will go to inmates, with a portion of some of those funds going to victims. This is consistent with our philosophy of inmate accountability and ensuring that victims are remembered in nearly every aspect of the criminal justice system.

Originally our government consulted on a 60/40 split between inmates and victims, with inmates getting 60 percent of the funds from the phone system. The phone system will now generate less funds, because after our initial rollout we have expanded the number of calls that inmates can make without charge, but that are still payable by the system

contractor. There's less revenue available from the system as a result, so our government has decided to increase the amount going to victims who have eligible victim expenses.

Another issue that was raised during the internal part of the consultation was inmate trust accounts. In the past, inmates were given an account upon arrival at the Whitehorse Correctional Centre and the funds were fully accountable to the inmates by policy and general accounting principles. This system has worked very well virtually since the inception of the Whitehorse Correctional Centre nearly 50 years ago. That system, however, does not take into account the advent of the *Financial Administration Act* and the fact that funds held in trust form part of the Public Accounts. Before the House today in this bill is the entrenchment of the existing financial accounting practice into legislation in the interests of further transparency not only to the inmates, but also to the government auditing service through the Public Accounts.

I'm certain that members will agree that this last item is a good thing, and while we did not consult on this item with the public because it came up during the consultation with Finance, it is nevertheless a good addition to the bill.

You will also note in this amending bill that the director of Corrections will supply a written report to the minister annually, outlining the amount of monies that have been expended on each of the purposes of the Corrections' revolving fund in the prior fiscal year. This is a reasonable addition to the act and furthers our transparency approach, which permeates each section of these amendments.

Finally, there are a number of amending sections for the regulations that set out powers to make procedures for taking biological samples to establish fees-for-service, such as the price list for the canteen, fees for the provision of television, magazine subscriptions and the like, as well as other regulating powers to ensure these changes can be put into operation by the Department of Justice. We expect a regulation package to come forward in the new year, Mr. Speaker.

To conclude my remarks, I would like to remind members of the House that the original *Corrections Act, 2009*, received an exhaustive consultation and the House eventually supported it unanimously when it was brought forward by then Justice Minister Horne. At that time, we told all of the stakeholders and mentioned at every public meeting that we would be changing the way we do corrections here in Yukon. The original act was and is very progressive, as it allows for independent adjudication of disciplinary matters, it allows for the telephone system that we have recently installed and puts checks and balances in place to access phone calls.

Members will also note that the director of Corrections must develop specific offender programs that target classes of offenders including those with cognitive impairments like FASD. The act creates a robust complaint system and an office of investigations and standards to ensure independent appeals of disciplinary matters and resolving of inmate complaints that can't be satisfactorily dealt with at the staff level. The act also created a community advisory board that

gives advice and recommendations that must be responded to as outlined in the act.

In short, we have a very good act that greatly improved our practices and correctional services and these latest changes build upon that earlier work. I am therefore pleased to be able to present these changes to this House.

I'd like to thank the staff at the Department of Justice who have worked so incredibly hard to make the important changes within corrections. I'd also like to thank the staff who worked most recently on this project.

I am now interested to hear what other members have to say about this bill and I'm prepared to eventually answer questions when we resolve into Committee of the Whole.

Ms. Moorcroft: I rise to speak to the amendments to the *Corrections Act, 2009* before us today. The Official Opposition will be supporting this bill, but I am going to speak about missed opportunities and about concerns related to how the Yukon government could better meet the vision expressed by the Yukon public during the public consultation on redesigning Yukon's correctional system to be the best in Canada.

I would like to start by thanking the Department of Justice for providing the briefing on this bill to Opposition members on November 21.

I also want to note that a discussion paper was prepared and a period of public consultation preceded these amendments, which is a good way to create public policy. It's how the Yukon NDP developed the *Education Act*, human rights legislation and the *Family Violence Prevention Act*, to name only a few examples.

What we do not know, following the most recent consultation on the *Corrections Act, 2009* amendments, is what the government heard in response to the discussion paper, although the minister did mention a few of the remarks in his opening comments.

When I look at the supporting documents for the redesign of Yukon's correctional system — the corrections act plan, developed after a 15-month consultation process that began in 2004, the *Correctional Redevelopment Strategic Plan* and its four initiatives, and the more recent *Yukon Corrections: A Principled Approach — Implementing Correctional Redevelopment*; and the *Corrections Act, 2009* itself — I find principles that the Yukon NDP can and does support.

In particular, we support the principles of the *Corrections Act, 2009* as set out in section 2, by which the act is to be interpreted and administered. The first principle is considering the protection of society in making decisions or taking any action under the act. Here we cannot forget that the protection of the rights of citizens must include the full protection of the rights of those members of society who find themselves in conflict with the law, who are often those most in need of protections. Rights must apply to all.

The second principle is that the corrections branch, working in collaboration with Yukon First Nations to develop and deliver correctional services and programs that incorporate the cultural heritage of Yukon First Nations and

address the needs of offenders who are First Nations persons, is significant.

This principle is critical to consider when we look at the realities of those who are most frequently charged with offences, held on remand and incarcerated at Whitehorse Correctional Centre. While aboriginal people represent 25 to 30 percent of the Yukon population, 75 to 90 percent of the inmate population are of First Nation ancestry.

The enormous over-representation of aboriginal people in the correctional system is a long-standing injustice resulting from colonial practices, such as the abuse of aboriginal children who were stolen from their homes and communities and incarcerated in what are euphemistically labeled "residential schools", the criminalization of indigenous peoples' cultural practices, and the theft of their land and resources. What aboriginal offenders need is respect, justice and understanding.

The third principle states: the corrections branch considers the rehabilitation, healing and reintegration of offenders when making decisions or taking any action under this act. Any redesign of Community and Correctional Services must place a priority on rehabilitation, healing and reintegration into society over punitive measures that do not work effectively.

That correctional policies, programs and practices are responsive to the particular needs of female offenders is what the fourth principle states. In Canada in 1996, when the federal government eliminated the Canada Assistance Plan, and therefore the essential nature of Canadian standards of social, medical and educational resourcing, it resulted in the feminization and criminalization of poverty.

In the justice system today, we see increased numbers of women who are incarcerated when, as Kim Pate, the executive director of the Canadian Association of Elizabeth Fry Societies, has said, what they really need is housing, a shelter to escape violence, treatment to deal with past sexual abuse and other forms of trauma, drug and/or alcohol detoxification, and treatment to address mental health and/or addiction issues.

The 2013 annual report of the correctional investigator of Canada, Howard Sapers, recently tabled in Parliament, pointed out that close to one quarter of all inmates are aboriginal, even though they make up only four percent of the population. He also noted that the rate of incarceration of aboriginal women has increased by 80 percent in the past decade.

Kim Pate has also said that it's not an accident that —and I quote — "...indigenous women are more than one third of women serving federal sentences and more than 50 percent, 70 percent, 80 percent, even 100 percent, in some provincial and territorial jails and remand centres."

"...the regressive, so-called, law and order agenda, which are making prisons the default option for those most significantly impacted by the destruction of social safety nets, and the evisceration of medical, economic and education standards and services."

"Imagine if, instead of continuing to cram more people into over-crowded prisons, we limited the number of bed days

available for judges to impose as sentences, or if we turned women away and would not allow them access to prisons when they really need housing, a shelter to escape violence, treatment...”

The fifth principle states that offenders are expected to actively participate to the best of their ability in programs designed to promote their rehabilitation, healing and reintegration.

The sixth principle states: staff members of the Community and Correctional Services branch are given appropriate career development and training opportunities, including training respecting the cultural heritage of Yukon First Nations, good working conditions, an environment that encourages integrity and personal accountability and that is consistent with the code of conduct of the corrections branch — opportunities that allow them to effectively work with offenders and opportunities to participate in the development of correctional policies and programs.

Correctional officers do need access to First Nation cultural training and programs, mentorship, support and guidance from elders to enable them to practice this principle in their daily work.

The corrections branch, under the seventh principle, uses the least restrictive measures with offenders consistent with the protection of the public, staff members and offenders.

We do hear complaints from inmates about repeated use of segregation confinement measures in the Correctional Centre that are allegedly not the least restrictive measures that could be taken. Separate confinement is also known as segregation, as solitary confinement, or as special handling units. In all cases, it means the inmate is kept in a small cell for 23 hours a day with only one hour per day when they are allowed out of the separate confinement. Research has demonstrated that social and sensory deprivation takes a terrible toll on people’s psyche and mental well-being. Separate confinement should be avoided whenever possible.

The minister indicated in Justice debate in this House that, over the past year, 48 inmates had been placed in separate confinement and there had been 109 placements overall. He did not indicate how many times individuals had been placed in separate confinement or for how many days.

The eighth principle speaks to discipline and restrictions imposed on offenders, otherwise than by a court, are to be applied by a fair process with lawful authority and with access by the offender to an effective review procedure. I would ask the Minister of Justice to be open and transparent about the internal discipline processes and how the disciplinary review procedures comply with principles of natural justice and meet the test of independence and impartiality.

Under the ninth principle, the corrections branch provides opportunities for the public, organizations and other governments to participate in the development and delivery of programs and services.

Let me repeat, Mr. Speaker, that we support these nine principles of the *Corrections Act, 2009*. I would like the minister to demonstrate how these principles and the four initiatives that were improved as part of the *Correctional*

Redevelopment Strategic Plan have been implemented in the new \$70.4-million Correctional Centre. Those costs are rising with the arrest processing unit, which is budgeted at \$3.6 million for this year alone.

The *Correctional Redevelopment Strategic Plan* that was approved at the Yukon Forum in December 2006 presented four initiatives: first, development of an offender-focused correctional program delivery model; second, development of a correctional facility that reflects the needs of offenders and supports staff; third, development of vision, mission and value statements that support the delivery of correctional programs; and fourth, development of a regulatory environment and an organizational framework that supports the delivery of high-quality programs to Yukoners.

We are looking for government accountability. Show us how the new high-quality offender programs are being delivered. Certainly, I am aware of, and congratulate, Yukon College and Whitehorse Correctional Centre on the recently offered heritage and cultural essential skills training program for inmates. But, given the high number of First Nation inmates, more First Nations’ involvement in the designing and the delivery of programs is needed.

The Minister of Justice likes to say that accommodating the needs of persons with fetal alcohol spectrum disorder who are caught up in the justice system is a priority for him. These amendments to the *Corrections Act, 2009* before us today represent a missed opportunity to entrench the principle of the duty to accommodate persons with disabilities into the correctional system. When we talk about the duty to accommodate disabilities, usually the first thing people will think of is physical disabilities and something like building a wheelchair ramp. But FASD, neurocognitive disorders, addictions and other mental illnesses are also disabilities.

The duty to accommodate mental illness is found in the Yukon *Human Rights Act*, and this right should be extended to inmates at Whitehorse Correctional Centre. We know that corrections officers work to the best of their ability to accommodate inmate needs, but they are unable to do things differently without a legal framework that addresses the duty to accommodate people with mental health disabilities. Ministerial commitment to positive change, using legislation and policy directives, is required.

The Minister of Justice and his federal/provincial/territorial colleagues met in Whitehorse recently. Their final communiqué spoke about the prevalence study that is being initiated at Whitehorse Correctional Centre to document the prevalence of FASD and other neurocognitive disorders in the adult correctional population. What the minister has said is that the study will identify mental health and substance abuse problems, test adult screening tools and ensure the work can be adapted in other jurisdictions. What the minister has failed to say is why he is doing a prevalence study and what he is planning to do when the prevalence study is complete and the government has the information. How will the findings of the FASD prevalence study be used to provide more effective Justice system and treatment responses?

Anecdotally, we hear that a large number of the inmate population do have mental health and fetal alcohol spectrum disorder and/or substance abuse problems. As the minister knows, the Canadian Bar Association, Yukon branch and nationally, have been playing a leadership role on this issue. The CBA, at their 2013 annual general meeting, passed a resolution on FASD, urging the federal government to amend the *Criminal Code* and other legislation based on principles in line with what we know about FASD.

At the meeting of federal, provincial and territorial Justice ministers held two weeks ago in Whitehorse at the Kwanlin Dun Cultural Centre, the Minister of Justice said that it is baby steps to explain why there was little discussion of a Canadian Bar Association resolution to amend the *Criminal Code* and the federal corrections act to allow for greater consideration of FASD. What is disappointing about the final communiqué coming out of this meeting is that it did not indicate anything about changes that might be made to how the criminal justice system deals with people with FASD and other neurocognitive disorders, other than waiting to see what came out of the prevalence study. It appears to be a convenient way to put off any actions for a couple of years.

At the 2010 Canadian Bar Association annual meeting, the federal Minister of Justice said that FASD is a huge problem in the Canadian justice system and promised to put it on the agenda for the next FPT Justice ministers meetings. The federal, provincial and territorial Justice ministers issued a communiqué that affirmed their strong commitment to work on FASD issues and invited the CBA to engage in a dialogue with them on this issue. The federal Minister of Justice reaffirmed his commitment to address the issue of FASD in the Canadian legal system at the 2012 Canadian Bar Association annual meeting.

What the federal Minister of Justice did say was to commend the Yukon minister on the study. He indicated that “FASD is something that has a disproportionate impact in First Nation communities and that is certainly true in the territories. We recognize very clearly the urgency and that’s why I think the study is coming at a perfect time, quite frankly. There has been a lot of information and statistics gathered already, but this will culminate and allow us to make a specific action plan, which is what is needed. Issues with respect to findings of disability and how the courts and the criminal justice system and the police respond, I think, will be aided by the recommendations that will be forthcoming.”

Perhaps the Yukon minister, in his closing comments, can speak about what, if any, recommendations he anticipates. When I questioned him in Justice debate about the terms of reference for the prevalence study, he did not indicate anything about the researchers being asked to come forward with recommendations.

The Canadian Bar Association has called on the federal Minister of Justice to amend the federal corrections act to accommodate persons with mental illness and to look at how to meet their needs — for example, by providing housing and other supports.

The Canadian Bar Association says that people with fetal alcohol spectrum disorder should be treated differently by the courts. The CBA argues that people with that condition commit crimes that they are not completely responsible for and it wants to change the *Criminal Code* and other laws to reflect that fact.

People with FASD do not understand cause and consequence, so imposing harsh sanctions on people who have diminished capacity to learn from their mistakes — for example, people with FASD — does not make sense.

The Canadian Bar Association argues that it’s not the best approach to people with FASD to treat them as if they have made a deliberate choice to commit the crime and to lock them up in jail. The tough-on-crime agenda is not effective.

Instead, the CBA made a number of key recommendations. The first is that the *Criminal Code* should define FASD by reference to generally accepted medical guidelines and protocols. The second is that the *Criminal Code* needs to be amended to allow a judge to order an FASD assessment of an accused adult who is suspected of having FASD, a power that is based on the precedent of section 34 of the *Youth Criminal Justice Act*, which allows a judge to order an assessment of an accused youth.

The third is that, if an accused is found to have FASD, this should be a mitigating factor in sentencing the accused. In addition, a judge should be authorized to make an order approving an external support plan recommended by an FASD person’s probation officer, which could be in effect after probation expires.

Finally, the *Corrections and Conditional Release Act* should be amended to expressly require the Correctional Service of Canada to accommodate FASD as a disability when providing correctional services to inmates who have, or likely have, fetal alcohol spectrum disorder.

One of the significant amendments before us is to add a definition of “police prisoner” to the *Corrections Act, 2009*. This is to make sure there is never another death in police custody like that of Raymond Silverfox.

This is a sad anniversary. Raymond Silverfox died on December 2, 2008 — five years ago to this day. The inhumane treatment of an RCMP prisoner and the lack of medical treatment given to him during the 13.5-hour period he was in custody ended by his death. What is truly disturbing is that a coroner’s inquest into the death of Madeleine Yvonne Henry, held in January 2003, disclosed similar fact patterns. A highly intoxicated aboriginal woman was held in police cells and not provided with medical treatment, and that coroner’s inquest made similar recommendations as the 2010 Silverfox coroner’s inquest. We will never know if, had the Yukon government and the RCMP taken action on the recommendations made at the Henry inquest in 2003, Mr. Silverfox would not have died.

Also in 2010, a Task Force on Acutely Intoxicated Persons at Risk was struck and produced a final report to the Minister of Health and Social Services. It is a thoughtful and thorough report. This is a missed opportunity to amend the *Corrections Act, 2009* in light of the recommendations of the

2010 *Task Force on Acutely Intoxicated Persons at Risk Final Report* written by Dr. Bruce A. Beaton and Chief James Allen. As they said, historically, management of an acutely intoxicated person at risk has been singularly the responsibility of law enforcement.

The time has come to share that responsibility between law enforcement and health care. Instead, these amendments continue to treat intoxicated persons through the criminal justice system. People who are detained need and deserve health risk assessments that go beyond being held at an arrest processing unit.

The Beaton and Allen report made a number of key recommendations, including the recommendation to rewrite the aged *Liquor Act* legislation that authorizes non-criminal detention for intoxication to bring it more in accord with current social mores and legislated human rights standards. The new legislation should be more precise with respect to reasons for detention and the parameters under which that detention ceases.

The Beaton and Allen report recommended that, in order to deal with the acutely intoxicated street population, who are often homeless, incarcerated and end up in the Whitehorse General Hospital emergency wards, the Yukon government needs to provide a sobering centre that can be “a refuge of safety and security during a time of personal vulnerability”. They pointed out that people who are intoxicated need to achieve some degree of stability, and they recommended the government create a new sobering centre in downtown Whitehorse to be used as the facility where acutely intoxicated persons at risk are accommodated when they are detained under the Yukon *Liquor Act*, or its replacement.

The sobering centre should have immediate, on-site access to quality health care delivery from either a registered nurse or a paramedic training level. I quote, “If any future facility is to play a significant role in the lives of these people, it must be accessible and available to the public it serves.”

Beaton and Allen and others have said that putting a drunk tank up the hill, next to the jail, is not a good location. Will the arrest processing unit have on-site qualified medical attendants 24 hours a day?

The Beaton and Allen report urged the use of medically managed withdrawal with culture-based programs, language and heritage. The Beaton and Allen report recommended a medical detoxification program that would deliver a better service if it was adjacent to a more comprehensive alcohol and drug treatment program. If a person who was in the arrest processing unit experiences withdrawal from drug or alcohol addiction, will they be provided with the necessary care and medications to deal with this experience, or will they be transported to Whitehorse General Hospital or another facility?

The amendments address limiting the application of the act to the arrest processing unit. Currently, the *Corrections Act, 2009* stipulates the need to develop an inmate case plan, but these are considered impractical for short-term permits held in the unit. The amendments set aside the requirements under section 16 for developing an inmate plan, because it's

considered impractical to develop treatment plans for short-term prisoners.

I do have some questions. If the amendments limit the applicability of the act with respect to the arrest processing unit, what statutes and regulations will govern the arrest processing unit's operations and the treatment of people who are held there? Will the arrest processing unit be strictly a sobering centre? The arrest processing unit is designed to hold short term — less than 24-hour — police prisoners until release or until first appearance in a Yukon court. What processes will be in place to ensure that RCMP prisoners are not held for longer than 24 hours at the arrest processing unit?

At the briefing, there was a discussion about the use of cameras at the arrest processing unit. RCMP data retention schedules are covered under federal freedom of information laws and will be kept for two years. Whitehorse Correctional Centre camera footage is only kept for 30 days, unless it has been requested for an incident record. I would like the minister to confirm, either in his closing remarks or in general debate in Committee, what the policies will be in relation to the camera footage at the arrest processing unit.

Is there a right of family members or an advocate to visit police prisoners who will be held at the arrest processing unit? Will this be affected by the amendments? Will policies be put in place that allow for those who are detained to be released to family members or caring friends, if it is medically safe to do so?

The definition of “police prisoner” is a new one and, under the B.C. statute, “means a person who is detained in custody but has not been remanded or committed to custody by a court...” We will have questions relating to police prisoners for the minister.

The discussion paper also set out the expansion of drug testing. The expansion is to include modern technologies, and they are good amendments to bring forward. Currently, the act only describes urinalysis testing. The amendments expand the type of samples that can be taken from inmates or people on probation. Many probation clients are court-ordered to abstain from drugs and alcohol.

Under what circumstances will persons on probation be subject to urinalysis and other forms of drug tests? Will they be tested if they are randomly picked up by the RCMP? Will people be tested when they arrive at the arrest processing unit? Inquests have recommended that testing be done to determine the levels of intoxication when someone is detained.

The act sets up the Correctional Centre revolving fund and the inmate trust fund. In order to comply with the *Financial Administration Act*, monies that inmates have in their possession when they are taken into custody must be held in trust. The amendments provide for that.

There is also a new Correctional Centre revolving fund set up to hold revenues generated by services inmates must pay for, including telephone service. The Correctional Centre revolving fund establishes a fund for the revenues generated by the canteen, the phone system and other sources. The fund would be used for inmates and for victims' emergency needs or medical costs.

Some of the revenue generated from the inmates — the minister has said 50 percent — will be used to fund the victims of crime emergency fund that assists victims of crimes in the Yukon. The revenues that go toward inmates' expenses could be used for such costs as educational and vocational materials, newspaper and magazine subscriptions, materials needed for work programs and the maintenance of equipment used to provide services.

The director of Victim Services must establish the criteria for the purpose of determining an eligible victim expense. I would like to hear from the minister what will guide the determination of the criteria that will be used for determining eligible victim expenses. Under what circumstances is an inmate considered to be a victim — if they are residential school survivors, or victims of sexual abuse or assault, or homeless?

Defence lawyers and advocates have raised concerns about the inmate telephone service. The new WiMacTel Canada Inc. five-year contract for inmate telephone service did have some glitches when it was first set up. Inmates' calls to their lawyers and other privileged communications were identified not only as coming from the Correctional Centre, but a recording said that it was subject to being recorded — in other words, in phone calls made to people with privileged conversations, inmates were told that the call was being recorded, which is contrary to policy and the law.

Inmates face a lot of problems in trying to arrange for housing, services and for reintegration into the community after a period of incarceration. When they use the phone system, a recorded voice announces that the call is from the Correctional Centre, and it will be recorded.

Many First Nation offices have an automated telephone service, and if there is not a person working on a switchboard, the inmates will be unable to talk to anybody to get access to government services from their First Nation. In addition, when an inmate is trying to get a place to rent, a landlord may react negatively to a call from the Correctional Centre even though the law does prohibit landlords from discriminating against people based on having a criminal record.

I wanted to ask the minister about the regulation-making process. He has stated that he expects that the regulations may be completed by the new year, so I'm wondering if it will be three months or six months or nine months, or if he has a better idea of when those regulations will come into effect.

Those are some of our comments and questions about the bill. I have set out some constructive suggestions for the minister based on the principles found in the *Corrections Act, 2009* itself, on recommendations from the Canadian Bar Association and on recommendations from the Beaton and Allen report and from proceedings at coroner's inquests, and other values that are shared by the Yukon public. I look forward to the further debate on this bill.

Mr. Silver: I'll be very brief here today. I'd like to thank the department officials for all of their time and effort that went into drafting of this bill. The bill largely deals with administrative changes, but to a very important act. There are

several administrative changes related to the new arrest processing unit that should be implemented. The bill also contains necessary amendments to adhere to applicable financial legislation and guidelines.

However, given the significant impact of any *Corrections Act, 2009* changes to First Nation citizens, I would have hoped for wider consultation with First Nation governments. In my opinion, responses from CYFN and one First Nation do not necessarily constitute proper consultation and we'll be asking questions based upon that in Committee of the Whole. Sending out a press release and an e-mail with a deadline of a few weeks is, in my opinion, not sufficient. More time and government effort need to be given to seeking First Nation input on such amendments.

I would like to wrap up my comments by saying that I do look forward to addressing some of these committees and inquiring about the consultation process more in Committee of the Whole.

Ms. Hanson: Mr. Speaker, I am pleased to be able to have the opportunity to rise to speak to the proposed amendments to the *Corrections Act, 2009*. I think that my colleague from Copperbelt South has addressed in some detail and with great competence the key issues arising from a review of these proposed amendments.

I would like to spend a few minutes reviewing them in the context of the findings of the Beaton and Allen report. I know that the Member for Copperbelt South did reference and quote from them.

I think that it's really important that we both acknowledge the context within which Dr. Beaton and Chief James Allen were asked to review the circumstances, and the mandate that they had, and then look at it in the context of this government's response to that report. The particular reference is with respect to the proposed amendments to the *Corrections Act, 2009*, which have created in effect a new class of criminal, which was not the intention of neither Dr. Beaton nor Chief Allen.

Sometimes this happens — and perhaps the minister wasn't seized of the issues that lead to the establishment of the review of Yukon's police force. As my colleague mentioned, the issues that arose around the death of Madeleine Henry and Raymond Silverfox certainly did consume this side of the House. We were pleased when the government of the day responded to the really pressing need to have a review of Yukon's police force, and then the subsequent hiving off of key elements of that review. Ironically, the elements that lead to the establishment of the review — those elements were the determination that there is a need for an appropriate response to people who are acutely intoxicated and at risk — seem to have been lost in the translation.

One of the things that I think is really compelling and that we found compelling when we read the report — the final report to the Minister of Health and Social Services, December 31, 2010, of the Task Force on Acutely Intoxicated Persons at Risk — spoke to the whole issue of attitude.

I would like to quote a paragraph with respect to attitude. Dr. Beaton and Chief Allen said at the time that, “Many, if not most, members of society generally seem to have a bipolar attitude towards intoxicant use. It is generally condoned and frequently even encouraged. It, especially alcohol, is an almost necessary component of all social interaction. It can be a marker of social position, as exemplified by the presentation of expensive single malt Scotch whiskies and boutique wines. In some circles sharing of cocaine and other drugs is a sign of financial achievement and success. But let a person become dependent on or under the control of intoxicants and the attitude begins to change. It changes even further if an individual’s dependency becomes blatantly obvious to others. This attitude grows into one of contempt if the dependency crosses into addiction with loss of personal self-respect and social appropriateness and becomes even more disrespectful as the affected individual descends towards the bottom of the scale of social status.”

The challenge that the Beaton and Allen report put before us, as a community and as legislators, was to change our attitude. They speak about the importance of establishing, through communications and planning, a sustainable, effective and compassionate system of care.

As my colleague indicated, the current model used to manage an acutely intoxicated person at risk functions entirely within the domain of law enforcement. Mr. Speaker, what we’re doing here today is exactly that. We’re maintaining it within the domain of law enforcement.

They said this model has changed little — if at all — since the first days of western societal incursion into the Yukon wilderness near the time of the Klondike Gold Rush. It is no longer acceptable simply to detain the intoxicated person. Today, we expect that any and all agencies, once they accept responsibility for a person, will provide appropriate care, including a modicum of medical care in an environment of respect and compassion.

The writers of this report went through — I would say — a transformation. If you speak to either of the authors, they went into this with certain preconceived notions about how and why — who, first of all, were acutely intoxicated persons at risk, who was that demographic, and how we should treat them. They came away — having done research and looking at the evidence — saying that treating them in the criminal justice system is not the appropriate means of doing it.

As the report said, our approach seems to be — and we’re continuing this through the classification and the creation of a new form of prisoner — that the sole reason for which a person can be detained is being intoxicated in a public place. That’s what the *Liquor Act* had, so we’re not changing that. Furthermore, the end point of a person’s detention can include decisions about no longer being a nuisance or disturbance to others.

One of their transformative discoveries, I would suggest as individuals, was that these parameters reflect neither the social norms nor the human rights standards of today. Creating a new class of prisoner — what does that do? How

does that change and how does that accommodate or respond to the social norms and human rights standards of today?

I thought it would be useful because — and I say this with respect — based on the evidence before me as I see the notion of creating a new class of prisoners, perhaps the minister didn’t review the evidence of an alternative approach that the Beaton and Allen report provided to this government on December 31, 2010.

They said, and I’ll quote: “...we do feel that it is important to describe the functional actions under legal authority in two urban center we visited, Vancouver and Winnipeg. Both jurisdictions function consistent with the philosophy that an intoxicated person would be detained only if the detaining authority judged that person to be either a danger to himself or others. We heard that phrase used repeatedly. Furthermore it was apparent, both in conversation and action, that the phrase ‘danger to oneself’ was generally interpreted as being a passive danger in the sense to mean that the intoxicated person was not able to protect himself either socially or against the elements. In both jurisdictions the endpoint of detention was when the intoxicated person had achieved a level of capacity such that he was then able to provide for himself. In neither jurisdiction was the endpoint sobriety.”

I had a subsequent opportunity to speak to both Chief Allen and Dr. Beaton about this and this is a really important piece. That’s not the endpoint in terms of assisting that individual.

“Additionally both jurisdictions intentionally attempted to release the person from detention prior to entering the medical state of withdrawal.” This is really important. There are huge issues associated with this.

“Both jurisdictions retained full capacity to apply the criminal code to an intoxicated person, should his actions require it.”

Mr. Speaker, we’re creating criminals without them having done anything criminal. It’s socially acceptable for people to be drunk, just so long as you’re not in a certain social class.

The Beaton and Allen report goes on to talk about the functional model in both Vancouver and Winnipeg. I will point out that previous Ministers of Health and Social Services did in fact visit these various sites in Winnipeg, Vancouver and Ottawa at the invitation of the then president of the Canadian Medical Association. The functional model “was for risk reduction within a framework of respect for human rights.”

Somehow we seem to be losing sight of that. Beaton and Allen went on to say, “The human rights standard of today is such that an individual has a right to engage in unhealthy behaviour and is able to do so without personal restriction.”

We see it every day. We see it at parties; we see it at bars. It’s their right.

“At times, however, the behaviour in question, use of an intoxicant, could create a situation wherein the individual becomes at immediate risk consequent to excessive consumption of that intoxicant.”

Under those circumstances, in the places that they looked at in Vancouver and Winnipeg, “there exists the options to detain that individual in a safe environment, with temporary loss of some legal rights, until he has sobered up, or ‘come down’, sufficiently to establish his own capability...” to make his or her decision about where they are going next.

One of the other aspects of this was the notion that once a person has made that decision about what’s happening — once you have them sobered up — they weren’t looking at maintaining them there and having them tested to see what kind of other illicit substances they might — if they are licit or illicit substances in their bloodstream — was the notion of using a harm- or risk-reduction model. They found that, “At Winnipeg’s Main Street Project and Vancouver’s InSite safe injection site and co-located OnSite narcotic detox facility, this risk reduction model has had the effect of creating an environment wherein both facilities are viewed by many on the street as a safe, non-judgmental haven. Simultaneously both have become accessible resources centers available and willing to assist their clientele whenever they make the decision that the time has come to change their lives.”

They ask the question: “Do all of the alcoholics and drug addicts from the population groups served by these facilities become clean and sober? Of course not! Do many? It depends on the definition of ‘many.’ Do some?” Their response is, “Absolutely!”

“...without a doubt the on-the-street lives of those who continue to abuse drugs and alcohol is much better and much healthier than under only the law enforcement model.”

So what are we losing? Why are we refusing to look at this in the context of the approach that this government is ignoring? Beaton and Allen observed that many, and probably most, of the individuals who are detained are chronic alcoholics and drug-addicted persons who access their intoxicant of choice where it is most easily acceptable, which is generally within the confines of the downtown area of Whitehorse. Additionally, most of the on-the-street individuals reside in or near downtown Whitehorse. This is critical, and this is what I don’t get — what the government doesn’t get. They said if any future facility is to play a significant role in the lives of these people, it must be accessible and available to the public it serves.

It was ironic that on the day that the police task force report and this report were issued, the co-chairs had to sit there while the government, against the recommendations of the people they had asked to do this work — sent across the country to do a review of the evidence on what best practices were — announced that they were going to spend, at that time, \$3.5 million for an arrest processing unit to deal with criminalizing the people who aren’t criminals.

The Beaton and Allen report acknowledges that — and I’ll quote this part: “Management of the acutely intoxicated person at risk cannot succeed without involvement and cooperation of the law enforcement professionals.”

They went on to say, “But it is time for the pendulum to swing from pegged against the law enforcement side to some middle ground that accepts today’s social mores, involves

health care delivery and adopts a risk reduction philosophy.” Building a prison, which is what the APU is up at the jail, doesn’t achieve either of those objectives.

The government has proceeded to build this APU at the jail. The Beaton and Allen report said it should be created downtown Whitehorse to be used as a facility where those acutely intoxicated persons at risk are accommodated.

We do have questions. I see you’re giving me the sign for time. I think that we want to spend some time talking about the philosophical rationale, and the implications of having determined that rather than dealing with the kind of compassion and care that Dr. Bruce Beaton and Chief James Allen found based on evidence across this country that the Canadian Medical Association has endorsed, we would choose to have a new classification of prisoner and further criminalize these people — or basically criminalize their behaviour, and that becomes criminalization of the individual. It needs more careful scrutiny.

After the government’s response in December 2010, my colleague at the time, Steve Cardiff, and I hosted an open public forum, and I’d forgotten about it until I was going through my notes. Almost 100 people attended — because I wrote to the Minister of Health and Social Services and the Minister of Justice and the minister responsible for Yukon Housing Corporation at the time, in June 2011 — the event to share their views on how we should move forward. When implemented, they said, the 12 recommendations in this report would profoundly change how we care for the acutely intoxicated persons at risk. We asked the people at the forum to rank the 12 recommendations on a priority basis. Overwhelmingly they called for the creation of a 24-hour accessible shelter near a sobering centre detoxification facility downtown.

The issues raised by Chief James Allen and Dr. Bruce Beaton were challenging. They were challenging because of our preconceived notions that we carry through to this day in this territory and that we’re seeing put forward again in the Legislative Assembly through the means of amendments to the *Corrections Act, 2009*, but that doesn’t mean that they remain silent. We’ll continue to voice the positive proposals and suggestions made by the Task Force on Acutely Intoxicated Persons at Risk and at some point, someday, there will be an opportunity to implement them in their full.

Mr. Barr: I would like to speak on this act today. I recall being at one of the meetings called by Dr. Beaton and Chief Allen where the head of the hospital, the RCMP and various professionals had come together upstairs to have a frank discussion. During that afternoon, I realized I was the only public person. I wasn’t anybody of a title, just somebody whom both Dr. Beaton and Chief Allen had asked to come and share a few words because of, I guess, part of my past and the fact that I’ve had my own troubles with alcohol over the years. Even though that is something I still pay attention to in my life, I can say that it’s something I don’t practise. However, as someone who continues to be affected by alcoholism and drug addiction — those of us who understand

or spend a lot of time overcoming this, even if we don't practise that any more in our lives — I realize that any mind-altering chemical is a drug, alcohol being one that we sell publicly. Then there are the other ones that are prescription drugs that are prescribed and that's legal.

Also, if you want to do any of that in excess, whether it is alcohol or drugs, you can obtain it and use it to medicate your moments in life that you're having difficulty with to whatever extreme. Knowing from my own experience, being someone who did it to the point of extremes, they call it the great remover. It will remove anything: a stain from your clothes, your friends, your family, your life.

They also say that, with addictions, there are final three stages of it — or where it will take you once you cross that invisible line. For most of us, the invisible line is after we've crossed it, and that's being in denial, where you don't know that you've crossed it. You're already there. There are lots of jokes about that — denial is not just a river in Egypt, and that kind of stuff.

We've certainly seen it in the headlines. In Toronto there is a character that's quite pronounced these days who is very high functioning. In my experience, many of us are very high functioning when we're practising. It doesn't mean that we're not very intelligent. I know many doctors, lawyers, social workers and judges who do not practise their addiction anymore; however, they practice in helping other realize that maybe you're an addict if you choose so.

It's not for anyone — in my understanding of this disease — to say you are an alcoholic or you are an addict. I only have a problem if I say I have a problem. Anybody who ever told me that I had a problem, I told them where to go, most definitely, because you don't tell someone who has a problem that they have a problem — it's that kind of a thing. I have to say that love and care and understanding — not enabling, not allowing myself or anyone who is in the throes of their addictions to abuse anyone else. There is no excuse for abuse. I'm not coming from a place of where there are not consequences. Far too often, though, the consequences of a functioning person who is addicted often get cheered on by those who we have come to understand as enablers these days.

Believe you me, I surrounded myself with those when I was a functioning person, because we all got to say to each other that it's everybody else's problem, not yours — and you would do this too, if you had to deal with what I have to deal with. I think these comments are far too often part of the enabling parts in our society.

That afternoon, where I was just Joe Blow among all these folks, it came my turn to speak a little bit. I just said that compassion is a huge part of my life today, and I said basically there are teachers who shouldn't be teachers, that there are RCMP who shouldn't be RCMP — as in any other profession.

We all know growing up how maybe we've been affected by folks who have had authority in our lives — that we know from either being young or old, that there is no way they should be doing what they're doing that day or any day, as they are allowed to carry on in their lives. That's not to judge.

That's just a truth. It's the truth. It's just the way it is. It's a natural law.

Of course we, as humans, make laws. Having said that, natural laws are far above that, in my truth. Going on, that afternoon, it was stating that everyone out there who's practising to the extent where it inhibits our relationship, not only with ourselves — to see we're out on a limb in many moments of our day — which I say that leads to either jail, insanity or death. Those are the final three stages of — that's where we go.

Knowing the realities of my own life — that I just didn't end up dead — the other couple, I can stand here and tell you that I didn't get jokes any more, I couldn't follow conversations and certainly woke up in a jail. Am I proud of that? I'm not proud of that. Did I do things while I was out there that I'm proud of? No. Have I taken the time in my life to go to apologize to every person? Yes.

I said that day that the people who, as doctors, lawyers, judges, RCMP officers, teachers, are dealing with these people, that in these instances of a person such as Raymond Silverfox or the higher numbers of folks incarcerated — I can't tell you that; all I know is that it's alcohol related. These people who are locked up — it's amazing. You won't meet anybody in there who hasn't gotten into trouble — that it's not alcohol related. You just won't. I spent lots of time volunteering. I also talked with so many individuals incarcerated, male and female, where there is some kind of traumatic abuse that happened to them. Somewhere along the line, they never got the release — for whatever reasons, it just didn't happen. Medication becomes a way of getting by.

I just wanted to say that all of those folks — like I said that day — some are my cousins, some are your cousins or your daughter or your aunt or your son, your mom, even your grandmothers or your grandfathers — are these folks who are locked up as a result of unfinished business that causes me to medicate today — that sometimes takes us to where we are breaking a law, or such, that we become incarcerated — and to know that, if we could look at these people — human beings — being the best that they can be on the day that they're doing their worst, because that's the day that they're not doing it very well — they need to be still respected. That didn't happen with Raymond Silverfox. That didn't happen with the others who have died in our cells in Yukon and throughout Canada over the years.

That is the reason why we want to, as elected officials, work in partnership with the different police forces that we might have to improve ourselves, to be better than we have on our own best days of trying to be our best, even though we weren't even intoxicated, as some people in the Raymond Silverfox case. We're still not really up to snuff, if we're treating people the way Raymond was treated. We're not being our best. We're not doing our job with love, with caring and respect.

I believe there's something in us — and I used to spend a lot of time, as a younger person, in a helping profession — who got involved in a helping profession because that was the safest way for them to deal with the stuff they hadn't dealt

with. I used to hear that all the time. That's true — that's my truth — I did that.

I'd just like to say that these are starts of things of what this act is about today — certainly not the end. When I think of up at WCC, although we can stand here and say we're doing this and this and this and this, we still get calls all the time saying they are not doing this and this and this.

It seems like a big game. However, people up there in a woodworking shop, in a place that costs over \$70 million, still don't have an exhaust fan that would allow you to use the woodworking shop. I mean, \$70 million and you can't put in an exhaust fan to have the woodworking thing going. If we're really serious about having some programs up there, I'd suggest we put in a woodworking fan, so we could do some of those things. When I was in there, people who were starting to do the woodworking in those places — they were starting to have relationships and connections with people who allowed them to talk about their addictions. It allowed them to let a little bit of guard down to maybe get real and honest about what they were doing there and what they wanted to do when they left — to become a dad who could show up on their son's birthday or a grandson who missed their grandma's potlatch because he was drunk, and he wants to go and make some amends to that grandma — to be able to get to the point to say, "Hey, I've been screwing up and I want to make some changes."

With programs in place that allow for that change to happen, if our concern is money — and for many people in the world today, it is my belief it comes down to money, because that's their love —

Some Hon. Member: (inaudible)

Mr. Barr: I have five minutes? Okay. That's their love; that's their understanding — that's my truth; that's just what I think — is that we could save a lot of money by offering some real programs at our WCC and not talk about, for the record, of what we are doing, knowing full well — in my world, I could be corrected — that's a bunch of baloney.

I would just like to end with Deb Silverfox's poem that she wrote for her brother yesterday. It's on Facebook, so it's public.

"RAYMOND

"Sometimes! ...I wish we can turn back time! And remove that awful day of crime!

"BUT...fate brought you here, december 2nd, 2008 was the year!

"We did not know! You would go!

"To the otherside, deep in your Native pride!

"Many tears, streamed from our eyes!

"Many tears, as we heard the lies!

"Court case, after court case! Remembering your face!

"We stood, together!

"Passing the feather!

"Fighting for justice!

"Was it JUST US?

"Now, time has passed! At last!

"We can leave, as we grieved!

"Your memory, lives in our hearts!

"You will always have a special part!

"In our lives, as we survive!

"No more tears and no more fears!

"Although, you are gone!

"Your legacy, lives on!

"Even...when you're gone!

"No more fears!

"No more TEARS!!!"

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

Hon. Mr. Nixon: I will be brief in my comments. I do want to extend my thanks to the members opposite for their comments thus far and do look forward to getting into Committee of the Whole to get down to the finer details of the amendments. Before doing that, I just want to extend my sincere thanks to the large number of people who have worked very hard on these amendments to bring them forward today.

A lot of these amendments, or the amendments, do have to do with the arrest processing unit and the Whitehorse Correctional Centre, and I just want to extend my sincere appreciation to all of the staff at the Whitehorse Correctional Centre and the arrest processing unit, especially as we creep into the holiday season. It is a facility that is open 24 hours a day, seven days a week, 365 days a year, and I appreciate the staff being available to work those hours and work over the holidays.

Merry Christmas to all the staff, all the best in the new year to them and I look forward to moving into Committee of the Whole.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Order please. 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.

Mr. Elias: Agree.

Ms. Hanson: Agree.

Ms. Stick: Agree.

Ms. Moorcroft: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

Clerk: Mr. Speaker, the results are 18 yeas, nil nays.

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

Motion for second reading of Bill No. 60 agreed to

Hon. Mr. Cathers: Mr. Speaker, 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. Committee of the Whole will now come to order.

The matter before the Committee is Bill No. 60, entitled *Act to Amend the Corrections Act, 2009*. Would members like to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 60: *Act to Amend the Corrections Act, 2009*

Chair: The matter before the Committee is Bill No. 60, *Act to Amend the Corrections Act, 2009*.

Hon. Mr. Nixon: I'll just speak briefly to answer some of the questions that were raised during the briefing of the opposition and to clarify a few items.

The opposition asked for the statistics on the use of the arrest processing unit to date. The admissions from January 2012 to October 2013 are as follows: 943 adult females, 3,026 adult males, 120 young offender females, and 109 young offender males, so that's for a total of 4,198 individuals.

There was also a question about medical services generally at the APU. Nurses from Whitehorse Correctional Centre are available for 15 hours of every day to attend prisoners who are in need of medical services. Emergency Medical Services continue to work in partnership with the corrections branch and are available to the centre for after-hours health care services as needed. If the RCMP or corrections believe an individual's health is at risk prior to admitting, the RCMP will take the prisoner directly to Whitehorse General Hospital.

With regard to medical records of prisoners, when nurses attend the APU to assess prisoners for medical attention, they make a note in the APU prisoners' log that they have completed an assessment. They do not create a separate report.

I'd also like to share with members of this House, to those listening on radio and those present in the gallery today how someone is assessed for release back into the community. Corrections officials may release persons who are held under the *Liquor Act*. Persons charged with an offence or are being held pending an investigation must be released on the authority of the RCMP. Prior to release of a prisoner, efforts are made to have a sober, responsible adult pick up that prisoner.

If a ride is not available, a taxi is called to take the individual to a place of residence or a designated location within the city.

Prisoners are provided with clothing suitable for weather, season and conditions, if needed, and are given fluids and sandwiches to assist with recovering sobriety. Corrections and Alcohol and Drug Services have signed a memorandum of agreement for the provision of timely information and referrals to detox if prisoners are willing to act on their substance abuse at the time of release.

Factors considered when releasing a prisoner include if the individual is sober, the length of time in custody, if the individual has a place to go and the risk to the community. There are also gender considerations. For example, a female is not released with a group of males. Is there a responsible, sober adult with a valid driver's licence who can pick that person up? Intoxicated individuals held without charges are to be promptly released if picked up by a sober, responsible adult.

I'd also like to share with this House information about testing of police prisoners. I can tell you that no testing is done, other than assessing them for sobriety. With regard to alcohol screening devices, or BreathScan, the RCMP and WCC do not use alcohol screening devices to decide if someone should be released or held. It is not effective in that regard to make a decision about whether they are able to take care of themselves or not. RCMP officers, and our officers, use observations and symptomology to decide whether someone can be released and if medical attention should be sought. You can have someone detoxing who blows very low, but needs to be taken to hospital because of serious detox issues. Some of the chronic alcoholics need to stay above 300 milligrams just to manage.

However, when it comes to enforcing court orders, if the client has a court-ordered condition to submit a breath scan by a peace officer, the RCMP will use a breath scan to check for the alcohol level, in addition to noting their observations.

Madam Chair, there will always be people who will be taken to police cells when they are acutely intoxicated, because they are violent, have committed new offences or have breached previous conditions. It is our government's responsible position that these persons, despite their circumstances, must be adequately cared for. That is why we built the arrest processing unit. We also had a need to replace part of the police cells for persons who are not acutely intoxicated. The changes in this act protect the prisoners by giving them clear avenues of complaint and limit powers that shouldn't apply to them.

I would like to really extend my appreciation to the Minister of Health and Social Services and his department for their partnership, for their collaboration and for the work that they have done on the acutely intoxicated persons at risk task force. I can only imagine that, when the Minister of Health and Social Services is on his feet in this House, he would be happy to answer some of the questions pertaining to that which the members opposite have asked about.

With regard to access to telephone calls in the APU, there is a separate, dedicated phone for the use of prisoners that is not connected to the new inmate phone system, specifically so prisoners can exercise their right to a phone call.

As promised, Madam Chair, I was brief in my remarks, but I hope that I have perhaps provided some information on questions that some may have. I do look forward to comment from the members opposite, now that we are in Committee of the Whole.

Ms. Moorcroft: I just want to be sure that I heard the minister correctly when he was reading the statistics. From January of 2012 until October of 2013 — so almost two years — there were 943 adult women, 326 adult men, 120 young offender females and 109 young offender males who were held at the interim arrest processing unit.

If the minister could confirm that I did get that correct, and does he know how many of those were being held because they were intoxicated and how many were being held because they were being processed for further charges?

Hon. Mr. Nixon: I'll correct the member opposite in the information I provided earlier. From January 2012 to October 2013, as Hansard will verify in my earlier speech, there were 943 adult females and 3,026 adult males. There were 120 young offender females and 109 young offender males, so I hope the member opposite now has the correct information. With respect to the number of individuals held at the APU with issues of intoxication, the number generally sits around 50 percent.

Ms. Moorcroft: I did mishear the number for adult males and the numbers do make more sense with that number being confirmed by the minister.

Let me start with asking why the government is creating a new classification of prisoner and creating a classification for police prisoner. We understand that, by and large, it will apply to intoxicated people. Under what other circumstances might a person become a police prisoner?

Hon. Mr. Nixon: There are a number of reasons why an individual might be held in the APU or arrested by the RCMP. We just need to look at *Criminal Code* offences to answer that question.

Ms. Moorcroft: Two hundred twenty-nine young offenders were held over the 22-month period. That seems like a lot of young offenders to be held in the arrest processing unit.

Is that number higher than in previous years? How were young offenders treated prior to the arrest processing unit being available?

Hon. Mr. Nixon: As the member knows, we have only been housing police prisoners in the APU for a short

while, so I would have to look back to the RCMP to get their statistics on their numbers prior to the APU's existence. That's something that I commit to mentioning to the RCMP and trying to acquire that information.

Ms. Moorcroft: It does seem like a rather high number of young offenders. I'm just concerned about whether or not the arrest processing unit is an appropriate place to be holding youth. I'm wondering if a commitment to avenues such as pre-charge diversion is still in place and why that number is so high. I had also asked the minister why he had created a new classification of prisoner.

Hon. Mr. Nixon: When we're looking at two sets of "prisoners", for lack of a better term, at WCC, we have individuals who are on remand or sentenced within the regular confines of that facility, and then we've got the arrest processing unit, which is for people being held on a very short-term basis in RCMP and Whitehorse Correctional Centre custody before being released. We had to establish two sets of different criteria within the facility so that the APU inmates weren't being held to the same account as the remand or the sentenced inmates, and we're looking at things like inmate programming, for example. If somebody is in there for a short period of time and they're in for, let's say, intoxication, we wouldn't expect them to be on an inmate work program or participating in any sort of programing as well as an inmate release program. Those things just wouldn't be appropriate, and it's more appropriate to have two separate lines of individuals going through there so there are clear expectations, not only from the inmate's perspective but also from the staff's perspective.

The member opposite also asked about youth at the APU and the numbers are the numbers. I can look into seeing what's available as far as statistics from the RCMP prior to the existence of the APU, but I can assure the members opposite and all members of this House that youth are held separately at the arrest processing unit. That is the intention when the new APU is completed — that the youth will remain separate from the adults being held there.

Ms. Moorcroft: As we discussed during the second reading debate, we are just curious to know why the government chose to use the *Corrections Act, 2009* rather than a Health and Social Services model. The minister has just indicated that roughly 50 percent of the people who are taken and housed at the arrest processing unit are those who are intoxicated. I'm wondering whether the government has looked at the experience in Manitoba or in other jurisdictions. In Manitoba they have workers who are out on the street — particularly in the downtown core areas where you are more likely to find people who are intoxicated — and they are able to take them into a medical or detox care.

I'm wondering whether the government will be looking at a Health and Social Services model and how Health and Social Services could come into play to meet the needs of people who are acutely intoxicated.

Hon. Mr. Nixon: As the member opposite will know, the arrest processing unit is a recommendation of the *Sharing Common Ground* report. The arrest processing unit has a

function that is based on the Correctional Centre and the correctional model.

The Minister of Health and Social Services can speak more on information coming from the Beaton and Allen report and other recommendations that have more of a health-based process.

Ms. Moorcroft: I would like to turn to a question I referred to during the second reading debate. Considering that the amendments limit the applicability of the *Corrections Act, 2009* with respect to the arrest processing unit, what statutes and regulations will govern the arrest processing unit's operations and the treatment of accused people — or police prisoners — who are held there? It's not strictly a sobering centre.

The minister also spoke to confirm that the least-intrusive testing measures would be followed. We certainly agree that definitions for testing procedures and for illicit drugs should be updated to take into account new technologies, but I'd like the minister to answer as to what tests will be done on a police prisoner and what governs what tests will be done for young offenders who are taken into custody as a police prisoner.

Hon. Mr. Nixon: I believe I have already answered that question. There is no testing done other than assessing them for sobriety, Madam Chair.

Ms. Moorcroft: What process is in place to ensure prisoners are not held for more than 24 hours? When the minister responds to that, perhaps he could also respond to the question related to camera footage at the arrest processing unit. Will the camera footage at the arrest processing unit be kept in accordance with the RCMP data retention schedules, which is for two years — if he could confirm that?

Hon. Mr. Nixon: The members may not be aware, but an individual being held at the arrest processing unit in RCMP or WCC custody — it's the law that they can't be held for more than 24 hours, so the staff at the centre — the RCMP — will not hold them for longer than 24 hours.

The member opposite was asking about the data at the arrest processing unit. That data falls within the regulations with the RCMP, in partnership with the Department of Justice, and that retention is two years.

Ms. Moorcroft: I had asked a question about the medical care — whether medical care would be available for 24 hours — and the minister replied that there are nurses on staff for 15 hours a day at the Whitehorse Correctional Centre and that those nurses would also be available to see people who were at the arrest processing unit. If someone does require medical care outside of those 15 hours when the nursing staff is available, what's the procedure? What's available?

Hon. Mr. Nixon: The Whitehorse Correctional Centre now has an approved budget for full-time nurses and one part-time licensed practical nurse. This allows for nursing 15 hours a day, seven days a week. Two new nurses have been hired and we anticipate that the other two positions will be filled by the end of this fiscal year. A manager for health services was hired in August 2013 to oversee the health operations for the Whitehorse Correctional Centre.

With regard to medical services outside of that 15-hour-per-day scope, we have a great relationship with EMS.

They can be called at any time if there are valid health complaints and they do stop in, actually, at the facility throughout the evening. I'd like to extend my appreciation. I have constituents who work in EMS, and they do go above and beyond to help out at the Correctional Centre with regard to that.

That process will continue and it seems to be working very well now. I'm thankful for the assistance from EMS and for the good nursing staff we do have at the Correctional Centre.

Ms. Moorcroft: The minister has confirmed that, if the nurses are available, they could call in the emergency medical services.

He also stated, as he opened debate here in committee, that a corrections officer may release someone who is being held under the *Liquor Act* if it's deemed safe to do so and if they have a safe and sober ride.

I'd like to follow up and ask the minister whether there is a right of a family member or an advocate to visit a police prisoner who is being held because they are intoxicated at the arrest processing unit and if will this be affected by the amendments.

Hon. Mr. Nixon: In short, there is no specific right, per se, for a friend or a family member to come and visit an individual being held at the arrest processing unit.

If there was a friend or a family member who wanted to come on-site to assist with that individual reintegrating back into society, then that's something that we could take a look at that time.

Ms. Moorcroft: The minister responded to one of my other questions by saying that there was a separate, dedicated phone available at the arrest processing unit for people who are detained there. I would just like to ask the minister if he can confirm that the use of that phone would be free.

Hon. Mr. Nixon: Yes, it's free.

Ms. Moorcroft: I was pleased to hear the minister say that when people were released from the arrest processing unit, they would ensure they had suitable clothing for the weather and, if there was no ride available, they would have a taxi provided.

The minister also, in closing his remarks, extended Christmas greetings to the staff at the Correctional Centre. I too would like to acknowledge the work of the staff at the Correctional Centre — the nursing staff and the Emergency Measures personnel — and I would also to wish a Merry Christmas and a happy solstice to all of the inmates who may be held there as well.

I believe I had already asked the minister about the testing when people arrive at the arrest processing unit and that they would only be tested for sobriety levels. Will police prisoners be tested if they are randomly picked up by the RCMP, other than with the sobriety test?

Hon. Mr. Nixon: The only time that a prisoner would be tested is if there was an outstanding warrant or perhaps a breach with probations.

Ms. Moorcroft: The last question that I have relates to the Correctional Centre revolving fund. It indicates that half of the revenues generated from the inmates will be used to fund the victims of crime emergency fund. I'm interested to know whether, under any circumstances, an inmate might be considered to be a victim — if they are victims of sexual abuse or victims of assault or if they are residential school survivors or even if they are considered victimized by virtue of being homeless and without social supports.

Hon. Mr. Nixon: I will correct the record for the member opposite with regard to the inmate fund. Fifty percent of the revenue collected for the inmate phone system only will go toward services for victims.

Her second question on inmates being victims — they would have to very clearly fit the definition with the victims act. In a case such as that, the inmate could potentially be a victim as well.

Ms. Moorcroft: The cost of phone calls can be a barrier because many inmates are poor. This act does speak to amendments in relation to the revenues for the phone system. I did bring forward the concerns that I've heard from a number of sources about the accessibility of phone service for inmates.

Is the government considering any way of accommodating inmates' needs so that they are able to make phone calls if they do not have the money to buy phone cards and make phone calls?

Hon. Mr. Nixon: There are telephones in every unit available to inmates for phone calls during waking hours. Phone calls are free to lawyers, the Ombudsman, Offender Supervision and Services — which is probation — members of Parliament, members of the Legislative Assembly, the ISO — which is the Investigations and Standards Office — community justice workers, aboriginal court workers, ATIPP, Family Law Information Centre, maintenance enforcement and Health and Social Services.

Upon admission to Whitehorse Correctional Centre, inmates are given direction on the phone system and its operation and an account is set up for those individuals. Those inmates without resources are provided a free call. Inmates without resources can also apply for an indigent inmate card, which provides three free calls. Staff will also provide free calls to any inmate without resources for compassionate reasons — so if there were a death in the family, for example.

Funds returned from the calling system will be put into a trust fund and used to defray some costs, such as damages to property by inmates, additional programming, ongoing subscription costs for TVs and newspapers, and the purchase and repair of leisure activity equipment and supplies for the inmates. As indicated earlier, 50 percent of the funds from that phone system fund generated will also go to the victims' assistance fund.

Ms. Moorcroft: I thank the minister for his answer. I have heard concerns about giving consideration in special circumstances, such as the death of an immediate family member. Can the minister elaborate on his answer? If an immediate family member of an inmate has died and they do

not have the funds to purchase phone cards, are they given five minutes or 10 minutes? What accommodation is made when an inmate may have had a close family member die?

Hon. Mr. Nixon: Madam Chair, this really would proceed on a case-by-case basis, so there wouldn't necessarily be a determined length of that call, but circumstances are going to be different in every case. As I mentioned earlier in my comments, there are calls provided for compassionate reasons. We do have good, compassionate staff working at the correctional facility and I have full confidence in their decision-making abilities.

Mr. Silver: Thank you to the officials from the department for their time here today. I just have a few to several questions.

Madam Chair, in 2008 the government put forward the mandatory testing and disclosure act, which received considerable blowback in regard to violations of privacy. I was wondering if the minister could maybe tell us how the requirements for biological testing in this bill are any different.

Hon. Mr. Nixon: For the member opposite's information, the mandatory testing act that he spoke of never did go through. When we look at the correctional facility itself and providing samples — as I mentioned in my speech earlier, those would be a case where they were court-ordered testing requirements, if there was a breach or if a person was on a prohibition for not consuming alcohol or drugs.

Mr. Silver: I'm not sure how that response answers the question as far as how the requirements for the biological testing are different. I'll move on.

How long of a period was given for the public to give input on this bill?

Hon. Mr. Nixon: There was a 30-day consultation on the amendments.

Mr. Silver: It's my understanding that the bill was not made available until after a draft was tabled here in this House. When was the actual bill finished? Why did the government wait until it was tabled in this House before making it available to affected groups, such as First Nation governments?

Hon. Mr. Nixon: The bill was finished in October, just prior to our sitting.

Mr. Silver: Why did the government wait until it was tabled in this House before making it available to affected groups, such as First Nation governments?

Hon. Mr. Nixon: In this bill — as the members opposite can see — they are fairly minor amendments. There was no duty to consult on these amendments. There was an effective, 30-day consultation and the bill was prepared just prior to this sitting. We are comfortable moving forward with these amendments.

Mr. Silver: I think it's worth reading into Hansard that there has been quite a bit of blowback — in my office, anyway — as far as First Nations calling and talking about the significant impact on First Nation citizens that this bill will have. Yet the government has only heard from two First Nation organizations and, like I say, waited until the tabling in

this House before making it available to First Nation governments.

Can the government elaborate on its consultation process, in regard to First Nations, on this bill? I know, as the minister stated, there is no obligation, but if he could run us through the consultation process that they did endeavour to pursue.

Hon. Mr. Nixon: I had sent out letters to all of the First Nations throughout the territory inviting and asking for feedback on the amendments to this legislation, and my official who is with me here today was available just about every day for anyone to call in or make comments on these changes.

Mr. Silver: I guess the question would be then: did any First Nation organizations ask for more time to review the bill? Could the minister actually let us know how many First Nations replied?

Hon. Mr. Nixon: I thank the member opposite for his question. There were two First Nations that, in the eleventh hour, had asked for some additional time, but by that time the consultation was closing up so the time wasn't extended on that consultation.

Mr. Silver: So, two asked for some extra time. How many actually provided comments other than CYFN?

Hon. Mr. Nixon: One of the First Nations that had asked for some additional time was the only First Nation other than CYFN that provided comments on these amendments.

Mr. Silver: Surely with such a low number of First Nations responding, was there a secondary ask — maybe some phone calls or some kind of follow-up — and was the first ask in e-mail form alone, or was it with an official correspondence, either by telephone or by snail mail?

Hon. Mr. Nixon: As I had mentioned earlier to the member opposite, I did send out an official letter. With that letter there was a consultation package as well as the on-line access — if comments were to be provided on-line — and then, of course, through e-mail or telephone calls directly to the office.

Mr. Silver: Is the minister happy with the amount of response that he got from the First Nations community?

Hon. Mr. Nixon: I am always pleased to receive any consultation on any amendments that we bring forward to this Legislature.

Mr. Silver: I'm getting my exercise here. I guess I'll rephrase the question. Is the minister content with the amount of response that he did get from the First Nation community?

Hon. Mr. Nixon: We received some very detailed consultation information from the individuals and the groups that chose to provide us with that information. I think there has been a lot of good work that has gone into this bill and I'm pleased to see it moving forward as we are standing here today.

Mr. Silver: Can the government identify any improvements that it would make to improve engagement with First Nations on future corrections to acts?

Hon. Mr. Nixon: If the member opposite is asking whether we're going to open this legislation up again within this mandate, the simple answer is that I don't think so.

I'm a little unclear on where the member is going with his line of questioning. I'll leave it at that.

Mr. Silver: Just to clarify, the minister's department did not receive comments or responses from a dozen First Nation governments. The question is: can the government identify any improvements that it would make in improving engagement with First Nations on further corrections to acts and changes — not to this one. I'm not suggesting that we open up or re-evaluate the process for the current bill. What's done is done. We're moving forward, and I would agree with the minister that there are some very good changes in this particular amendment.

However, the question is: if you receive responses from such a small number of First Nations, I personally would be questioning whether or not I was effective enough in my communication. In the future, after this exercise was finished, did the minister and his department sit down and have a conversation, identify any improvements that they could make for further changes and future changes to any act moving forward?

Hon. Mr. Nixon: That would really depend on, I guess, the nature of the consultation that was required on any given piece of legislation. This piece of legislation, as I have already indicated, has fairly minor amendments. We put an ask out there and it really is up to the individuals or the groups whether or not they wish to provide us with their thoughts on these amendments. We can only speculate, really, why an individual or a group may not provide us with their thoughts but, like I said earlier, I'm pleased with the amendments that are before us and moving forward with this piece of legislation.

Mr. Silver: Yes, the minister can speculate or he could call. I'm going to move on to my last question.

In regard to these amendments, on August 20 the government put out a press release promising to provide a *What We Heard* document in the early fall after the consultation had ended. Madam Chair, early fall has come and gone and the consultation period has ended. Can the government tell us why we haven't seen this document yet and tell us when we'll be seeing it?

Hon. Mr. Nixon: The *What We Heard* document was posted on-line today.

Ms. Hanson: I guess what you see is what you get, not what we heard.

I just want to come back to the numbers again because it's material to understanding the functioning of the arrest processing unit.

I will stand to be corrected — I did take these numbers down — but I believe he said 943 female adults and 3,026 male adults between January 2012 and October 2013 — and 120 young offender females and 109 male young offenders.

Can the minister please break down the number of discrete individuals? Are these 943 different females over that period of time? I'm seeing a nod from the official, so I'd like to have the breakdown. How many discrete individuals are encompassed by these numbers?

Hon. Mr. Nixon: That's information that I will have to acquire. I don't have it at my fingertips here right now.

Ms. Hanson: I will look forward to receiving that. I understand that the minister has made a commitment to provide that information to this Assembly. I will look for confirmation in his response to my next question.

Can the minister tell us how much time is associated with processing each of these individuals — the 943, the 3,026, the 120 and the 109 — through the arrest processing unit? What is the nominal time that it takes to process an individual when they arrive at the arrest processing unit?

Hon. Mr. Nixon: To answer that question, there are so many variables when an individual comes into the arrest processing unit that there's no set time determined for the staff to run against the clock to make sure that they process an individual in the correct amount of time. Each case is going to differ, as each case when individuals come in is different. There are so many different variables, Madam Chair.

Ms. Hanson: I would then be interested in knowing how the minister ascertains the cost associated with processing these individuals through the arrest processing unit.

Hon. Mr. Nixon: There are two staff members on at the arrest processing unit at all times. We've never required any additional staff other than nursing, if there were a medical issue that the nurses had to address.

Ms. Hanson: I'd appreciate it if the minister could break down the mode of transport for the 943, 3,026, 120 and 109, using the same delineation that we had at the outset — the transport from the arrest processing unit to wherever they are taken afterward. How many went by taxi, how many were picked up by persons — persons other than — by friends, how many were transported by the police?

Excuse me Madam Chair, and how many walked?

Hon. Mr. Nixon: That's a number that I'm going to have to look into because, when people are released, we might have one or more individuals getting into one taxi if people are going to the same location, so it's not a number that I have here. That would take some work into getting that number, but there are no APU prisoners — individuals being released from the APU — who would be permitted to leave on foot.

Ms. Hanson: Madam Chair, I just want to seek confirmation from the minister — he must have taxi chits or some other means of tracking how the government pays for taxis from the arrest processing unit. There must be some way of determining the costs associated and the number of trips that go from the arrest processing unit to where. I would be thankful if he would confirm that he will provide that data to this Legislative Assembly.

Hon. Mr. Nixon: It would be a great deal of work to provide that because, for example, we have different prisoners leaving the arrest processing unit — WCC. Some are leaving the arrest processing unit and some are time-served who are leaving the unit. We could certainly look into collecting taxi chits, but I don't think it's going to be reflective of individuals specifically leaving the arrest processing unit.

Ms. Hanson: It is a relevant question. It is material. We're talking about a decision of this government to establish an arrest processing unit at the Whitehorse Correctional Centre, contrary to the recommendations of the Task Force on Acutely Intoxicated Persons at Risk. You must have some business case, some analysis, that would be able to justify that decision. Part of that would be to have the minister demonstrate to this Legislative Assembly what the costs — the full costs — of the APU are. I'm not asking for the discharge information with respect to actual prisoners or inmates of the WCC. I'm talking about the people he has already told this Legislative Assembly are held there for less than 24 hours — are held there because their only "crime" is that they happen to be intoxicated.

I'm asking the minister to give an undertaking that he will provide the information with respect to the costs. At some point, we're going to be able to take a picture, a snapshot, that the ministers opposite haven't been able to do, to allow citizens of this territory to figure out what is the most appropriate way and the most compassionate way to deal with people who are acutely intoxicated and needing care — people who are at risk.

It's not fobbing it off to the Minister of Health and Social Services. This is Government of Yukon — you're spending Yukon taxpayers' money. You're spending one silo in Justice and another silo in Health and Social Services. It's a simple request — the cost of transporting people from the APU, not WCC.

Hon. Mr. Nixon: Madam Chair, the member opposite is clearly getting confused between the recommendations of the *Sharing Common Ground* report to the Department of Justice and the Beaton and Allen report recommendations to the Department of Health and Social Services.

I, in my right conscience, am not going to stand on the floor of this Legislature and answer questions for my colleague, the Minister of Health and Social Services. He is extremely capable of answering those questions when he is on his feet in this Legislature. We continue to work with the Department of Health and Social Services. We continue to collaborate with individuals throughout the territory. I thank him for his work. I thank the Department of Health and Social Services for the relationship that they have with the Department of Justice, but I am not going to stand in this Legislature and answer questions pertaining to the Department of Health and Social Services.

Ms. Hanson: To be clear, I am not at this point asking questions about the Health and Social Services department. I am asking questions that are directly emanating from the arrest processing unit, which, we've heard at length, is the mandate and responsibility of the Minister of Justice.

If the Minister of Justice would cast his mind back, or would go back and read the documentation with respect to the review of the police force in Yukon, it was because it became really clear that the issues that instigated that really had to do with the death, as we heard today, of Raymond Silverfox in police custody on December 2, 2008. The circumstances of

his death were getting overridden by the really serious issues also emanating from the process that was unfolding across this territory, and a decision was taken by the then Government of Yukon, Yukon Party government, to hive off and look at the specific issues associated with the risks and the need to address the acutely intoxicated persons at risk.

So, for the minister to suggest now that the decision made by the Yukon Party to establish an arrest processing unit — to divorce themselves from the recommendations that were made at their behest by Dr. Beaton and Chief James Allen — makes no sense. I'm not asking for rocket science here. I'm not asking for a complicated formula. I'm simply asking to begin building a pattern of accountability to begin to get a reading of the costs associated — one element of the costs associated with the functions of the APU. Perhaps the minister has some means of billing the Minister of Health and Social Services for his program costs at the APU. Perhaps he charges out the taxis to the Minister of Health and Social Services. If that's the case, let him say it on the record, and I'll go and ask the Minister of Health and Social Services, but if he doesn't know what the costs of running his business lines in his department, then he's failing as a minister. That's his accountability. That's his responsibility. I'm not asking the Minister of Health and Social Services.

Hon. Mr. Nixon: Well that was fairly interesting.

In my last response, I indicated that we could add up the taxi chits leaving WCC, so when the member opposite purports that I don't financially know what's happening at the correctional facility, I don't necessarily think that's correct.

However, I did indicate to the Leader of the NDP that it wouldn't be reflective of the individuals leaving the APU — that it's for individuals leaving the arrest processing unit as a whole.

When we look at the arrest processing unit itself, the staff have successfully provided a high standard of care and protection for police prisoners, including the acutely intoxicated and other vulnerable clients in the admission and discharge area of the Correctional Centre since January of last year. That standard of care will continue in the arrest processing unit.

What we continue to see from the Leader of the Official Opposition is confusion surrounding recommendations from the *Sharing Common Ground* report and recommendations coming from the Beaton and Allen report, which asked the Minister of Health and Social Services, not the Department of Justice, to set up a sobering centre downtown. Well, I can tell you on the floor of this House today, if the member opposite hasn't been paying attention, that the arrest processing unit is not, nor do we want it to be, a sobering centre. If the member opposite has questions for the Minister of Health and Social Services and is getting me maybe confused as the Minister of Health and Social Services, I don't know. The minister is sitting in the front row and will be available at some point in time during this mandate to answer the questions coming from the member opposite who is clearly getting two separate reports — as well as two separate departments, as well as two separate ministers — confused.

Hon. Mr. Graham: I guess I should stand up because it appears to me that what we're confusing here is the sobering centre, the detox unit and the APU. The government of the day made a conscious decision not to go ahead with the sobering centre. There were a number of reasons for that. The primary reason was that the sobering centre was based on a specific model described in the Beaton and Allen report that we felt had a real potential for harm, or a real potential for problems, because it called for staff at the sobering centre to involuntarily detain people. In other words, they were going to be held against their will. Now, anybody who knows people in an intoxicated state will realize that many of them have the potential for violence. We didn't feel that a sobering centre should replicate what is already being done at the Correctional Centre, and that is to provide guards who would be able to restrain those people.

There was a conscious decision made not to go ahead with the sobering centre. We believe that the APU fulfilled that requirement for people who were not looking to voluntarily enter a sobering program.

That's why we have the other facility at the Sarah Steele building. In other words, if a person is willing to go and sober up there, they have that option. That part was quite clear to us. That's why the APU is there. That's why the APU has nurses on staff and why they have a protocol with EMS to provide services when nursing staff is not available.

The detox centre is a completely different model. We made the conscious decision not to go ahead with the sobering centre. For that, you can hold us accountable, but that was a decision we made.

Ms. Hanson: Two points: the minister said he would and he could. I'm asking, will he provide data? That would be one question for the Minister of Justice. He said he would and he could. I'm asking, will he?

For the Minister of Health, yes, he will be held accountable as a government for that decision, but I will remind him that, in the Beaton and Allen report, it was noted and I'll quote, Madam Chair: "Department of Justice is in favour of locating a new detention centre at Whitehorse Correctional Centre (WCC). They are well advanced in planning..." This was done in December 2010 "...with good attention to staffing and resource access. This plan has several disadvantages from our point of view. First and foremost, WCC is a jail. Despite their best intentions, detention there will still be viewed as punishment. It will be difficult, if not impossible, to create a new societal perception within the confines of a jail. Secondly their location in Takhini is not central, nor a part of either the social community or the treatment community."

So suddenly we're making this leap. This is why, Madam Chair, I have asked the questions about how people get from the APU to where and how much that's costing. However, I'm not going to belabour the point. I've simply started this line of questioning by asking the minister a simple question — to ask him to provide the data with respect to the 943 women, the 3,026 male adults, 120 female young offenders and 109 male young offenders. How much have they paid to get them from

the APU to wherever they have dropped them at the end of their time at the APU? We'll deal with the other issues of how we're dealing with acutely intoxicated people and also the whole treatment modality issue when and if we get to debate with respect to the plans that the minister has talked about variously with Sarah Steele and the Salvation Army.

Hon. Mr. Nixon: I will do my best to separate some data for the taxi chits for people leaving the Whitehorse Correctional Centre to go wherever they are going, but I do want to state on the record that we're running a first-class Whitehorse Correctional Centre. We're running a great arrest processing unit up there. I could think of many, many other things that I would like to do with our resources than to go through and count taxi chits. However, I will do my best to acquire that information.

Chair: Is there any further general debate?

Ms. Moorcroft: Madam Chair, in the second reading debate on this bill, I commented that we did not know — following the most recent consultation, the 30-day consultation period that was provided for the *Act to Amend the Corrections Act, 2009* — what the government heard in response to the discussion paper. The minister has just informed us that the *What We Heard* document has been posted on the Department of Justice web page today. I'd like to ask, Madam Chair, whether it might be possible to have a short recess.

Chair: A recess has been requested before we go to clause-by-clause debate.

All Hon. Members: Agreed.

Chair: Committee of the Whole will recess for 10 minutes.

Recess

Chair: Committee of the Whole will come to order. We are going to resume general debate on Bill No. 60.

Ms. Moorcroft: I thank the minister for informing us that they did post the *What We Heard* document on the website today. I'd like to suggest to the minister, and to all ministers, that it would be quite helpful if that information could be posted on a website or made available to opposition members prior to a bill being called for debate. There's some information here that may have saved some time during general debate, because some of the questions that we had are answered in this document.

I want to turn to the comments in the *What We Heard* document that changes are needed to the definition section of the act so that persons at the arrest processing unit are clearly identified and differentiated from the rest of the inmates held at the Whitehorse Correctional Centre. As we've discussed, in many cases it's impractical to apply certain sections to people who are only being held temporarily — under the *Criminal Code* or other federal act or under a Yukon act, such as the *Liquor Act* — than remand inmates or sentenced inmates.

As far as the definitions, I understand why it is impractical to apply all sections to them. There are sections where the definition “and police prisoner” has been added

where it doesn't make sense, and so I'll be raising those in general debate.

I would note, too, as the document said, the sections of the *Corrections Act, 2009* that relate to health care and the humane treatment of persons held in their right of complaint about their treatment, will still apply. I have no further questions in general debate, Madam Chair.

Chair: Is there any further general debate? We will move to clause-by-clause debate.

On Clause 1

Clause 1 agreed to

On Clause 2

Ms. Hanson: I have a question with respect to the use in section 1(a), “in the definition ‘authorized person’, the expression ‘[urinalysis]’ is replaced, wherever it occurs, with the expression ‘[illicit drug sampling]...’

Could the minister explain the choice of that language? It seems to me that it is an assumption that the content of the urine — so sampled — is illicit. So they are looking for illicit substances and I don't think all urinalysis is intended to focus on illicit drug sampling.

Hon. Mr. Nixon: The definition is actually on the next page if the member wants to wait until we get to those definitions but “‘illicit drug’ means (a) alcohol, (b) a controlled substance, or an analogue, as defined in the Controlled Drugs and Substances Act (Canada), and (c) any other substance designated by regulation;”

Ms. Hanson: I raise the question because we are adding “police prisoner” in this section as well, and so we're now applying these tests to people who are police prisoners, who are not subject to any legal proceedings against them. Is this a form of entrapment?

Hon. Mr. Nixon: The simple answer to that is there is no testing of police prisoners unless there is a court order to test those individuals. There is no situation where we're entrapping anybody.

Ms. Hanson: I'm just seeking confirmation from the minister that we will see that in this legislation, in the *Corrections Act, 2009*, with respect to only those people who have a breach or other cause. Is the *Corrections Act, 2009* clear about that or are we relying upon other legislation?

Hon. Mr. Nixon: We rely on the court order in those situations.

Ms. Moorcroft: The definitions section, which is amended here in this clause, also adds a definition for “eligible victim expense”, meaning an expense that the director of Victim Services determines to be eligible under subsection 35.06(3). I did indicate to the minister that I would like to know how the director of Victim Services will determine what is an eligible victim expense. What criteria already exist to determine what an eligible victim expense is? Can the minister provide any information in response to the comments I made earlier, seeking clarity about eligible victims expenses and how they're determined?

Hon. Mr. Nixon: The criteria are determined in existing policy. I can obtain a copy of that policy for the member opposite and provide that to her.

Ms. Moorcroft: I'll thank the minister for that commitment.

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Ms. Moorcroft: This is one of the sections where I fail to understand why the expression "or police prisoners" is being added immediately after the expression "inmate" wherever it occurs.

This clause amends section 13 of the *Corrections Act, 2009*, which, in part 5 section 13, deals with regulation outside Correctional Centre. What it says is: "A street, highway or place, public or private, along or across which an inmate or police prisoner may pass in going to or returning from work, duty or other absence authorized under section 29, and every place where an inmate or police prisoner may be under those sections, must, while so used by an inmate or police prisoner, be considered a portion of a correctional centre for the purposes of this act."

Can the minister explain why there is a need to amend section 13 of the act providing that, if a police prisoner is passing or going to or returning from work, duty or other absence along a street, highway or place — public or private — they would fall under the *Corrections Act, 2009*? I thought the minister had said that police prisoners would be only applying to people temporarily held in custody and, when they were released, they were released. If someone is going to be charged and held in remand or sentenced, then they would become an inmate, but why would being a police prisoner restrict your ability to walk on a public street or highway going to and from work?

Hon. Mr. Nixon: This section really supports the aspect of the individual still being held in police custody.

If an inmate from the APU, as per an inmate in the Whitehorse Correctional Centre — if either/or is transported to, let's say, a hospital, we need the ability for each of those different prisoners to actually hold them. If this change wasn't in place, then perhaps a prisoner couldn't be held by the staff of WCC or the RCMP.

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Ms. Moorcroft: This clause amends section 19 related to the use of force. I'd like to ask the minister the same question about why "police prisoner" is being added to this section and what that will mean.

Hon. Mr. Nixon: This section 19 of the *Corrections Act, 2009* deals with the use of force and the limitations that are defined in the section. Section 6 here amends the use of force limitations by extending them to include police prisoners.

Ms. Hanson: We understand the inclusion of police prisoners does do what he just said. It extends it to police prisoners. Please keep in mind, Madam Chair, police prisoners have committed no crime other than being acutely intoxicated.

Why are we talking about using force? This is further criminalization. I'm seeking an answer from the minister.

Hon. Mr. Nixon: I can't begin to imagine what it might be like to work at the arrest processing unit myself, but I do know the individuals working there are very professional in their approach. It's not about using force when it's not necessary, but often individuals who come into the arrest processing unit — for whatever reason — can become violent. In a situation where somebody is being is being violent who can potentially cause harm to themselves or cause harm to others in that area, then that needs to be mitigated.

Madam Chair, I am confident in the staff's ability to conduct themselves in a professional approach when they are on shift and have thus far done a very good job.

Clause 6 agreed to

On Clause 7

Ms. Hanson: Clause 7 effectively is the amendment of section 20, which extends it now to search of inmates and police prisoners. I look at 20(4), which speaks to a strip search — a search under subsection (1), (2) or (3) may include a strip search conducted in accordance with the regulations. Is this consistent with the least restrictive sort of measures? Why would we be subjecting people who are not criminally charged, who are simply there because they're intoxicated — why are they subject to a strip search? We are gradually eroding their rights.

Hon. Mr. Nixon: Again, talking about the professional conduct of the staff at the arrest processing unit, this strip search would be kind of a last-case scenario if the staff in their judgment call believed or knew that an individual had a substance on them, whether it be drugs or paraphernalia or needles that could cause harm to themselves or to others, then the staff at the correctional facility would interject and conduct that search.

Ms. Hanson: There's no question about the professionalism of the staff at the Correctional Centre. The question is, why a strip search and what are the triggers for a strip search for somebody who is not being charged, who is simply there because they've been picked up because they're drunk.

Hon. Mr. Nixon: The staff up there do need to have reasonable grounds in order to conduct such a search and, as I stated earlier, I have the confidence in the staff and the management at WCC and, more specifically, the arrest processing unit, to make those determinations.

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Clause 9

Ms. Hanson: This is where in earlier questions I was referred to this section 24 with respect to urinalysis — which is now replaced with illicit drug sampling, as is my understanding — may demand that an offender — so an offender, I guess, we're redefining police prisoner as offender. I would like to have the minister confirm that section 24(a) applies to police prisoners.

I'm asking him to keep this separate from the issue of whether or not somebody's in breach, but it's on what reasonable grounds would they have to ask them — because we already know they're there because they've taken an intoxicant into their body, because intoxicant includes drugs and alcohol. So why would we be asking for these samples, Madam Chair, with respect to 24(1)(a)?

Hon. Mr. Nixon: Madam Chair, police prisoner does not fit into this category. It falls under an inmate or to persons on judicial interim release, which would be bail. Often prohibition orders are a part of those bail conditions.

Ms. Hanson: I thank the minister for clarifying that 24(1)(a) does not apply to police prisoners.

Clause 9 agreed to

On Clause 10

Clause 10 agreed to

On Clause 11

Clause 11 agreed to

On Clause 12

Clause 12 agreed to

On Clause 13

Clause 13 agreed to

On Clause 14

Clause 14 agreed to

On Clause 15

Ms. Moorcroft: The last two sections here — Coming into force and Transitional — I'd like the minister to state for the record if he has a date that he expects the act to come into force.

Hon. Mr. Nixon: There are no specific dates set to date, but of course there would be a regulations package that would need to be put together first, so we're hoping that sometime within the new year.

Clause 15 agreed to

On Clause 16

Clause 16 agreed to

On Title

Title agreed to

Hon. Mr. Nixon: Madam Chair, I move that Bill No. 60, entitled *Act to Amend the Corrections Act, 2009*, be reported without amendment.

Chair: It has been moved by Mr. Nixon that Bill No. 60, entitled *Act to Amend the Corrections Act, 2009*, be reported without amendment.

Motion agreed to

Hon. Mr. Cathers: Madam Chair, 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: 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. 60, entitled *Act to Amend the Corrections Act, 2009*, and directed me to report the bill without amendment.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

GOVERNMENT BILLS

Bill No. 65: *Insured Health Services Statutes Amendment Act* — Second Reading

Clerk: Second reading, Bill No. 65, standing in the name of the Hon. Mr. Graham.

Hon. Mr. Graham: I move that Bill No. 65, entitled *Insured Health Services Statutes Amendment Act*, be now read a second time.

Speaker: It has been moved by the Hon. Minister of Health and Social Services that Bill No. 65, entitled *Insured Health Services Statutes Amendment Act*, be now read a second time.

Hon. Mr. Graham: I am pleased to rise today to speak to Bill No. 65, entitled *Insured Health Services Statutes Amendment Act*. My address will be separated into three separate areas. First of all, I'd like to identify what we see as the problem. The second part will deal with how we propose to address the difficulty, and then a few legislative details, so members are aware of exactly where we hope to go with the regulations.

As members are aware, the Yukon has one of the finest, most comprehensive publicly funded health care systems in Canada. This government, and the wide range of dedicated health care professionals who serve Yukoners, work hard to provide high-quality care throughout the territory.

My first section is what the problem is. It's a high priority for this government to ensure that Yukoners, where entitled, continue to have access to insured health care services. It's also a high priority to ensure that our health care system is fair. To meet both these priorities we need to ensure that Yukon's health care funding is supporting services for people who are truly Yukoners and are entitled to publicly funded health care.

Under our current legislation, it's almost impossible to determine with any certainty who is legally entitled to Yukon's publicly funded services, for how long they are entitled and under what circumstances. This leads to significant public and administrative confusion. More specifically, it results in unnecessary cost where people who, in reality, live elsewhere, but are able to access these services and benefits in the same way as Yukoners who are living here and contributing to our communities and municipalities throughout the territory.

For example, if just one percent — which would be 350 people — currently registered for Yukon health care

inappropriately access insured health benefits, the cost to the Yukon taxpayer would be approximately \$2 million per year.

That's funding that we could be using to redirect to enhance other areas of our Health and Social Services system or into other government programs and services that benefit all Yukoners.

Given our government's promise to be open, accountable and fiscally responsible, legislative amendments are essential to provide more clarity about who is and who is not entitled to access and benefit from Yukon's publicly funded health care services. I'll now get into how we hope to address the problem.

The federal government's *Canada Health Act*, which sets out key principles, the underpinnings, of the health care system in Canada. In that act it states that "resident" means a person lawfully entitled to be or to remain in Canada who makes their home and is ordinarily present in the province or territory but does not include a tourist, a transient or a visitor to the province or territory.

Using and building on that foundation, each province and each territory has expanded the definition in their respective legislation and regulations to reflect their interpretation and application of the *Canada Health Act* definition. However, the current Yukon legislation adopted the *Canada Health Act* wording without providing additional guidance as to how it should apply in the Yukon.

Key to this, as experienced in the other provinces and territories, is how to further define and apply concepts such as "makes their home in Yukon" and "is ordinarily present in Yukon". Correcting this situation we see as a two-step process. First we must amend the legislation to create the appropriate legal framework and the authorities needed to address the details that will bring clarity to the rules.

The second step is to be clear about what the rules are.

The first step is achieved by amending the bill — that is, Bill No. 65 — that is being brought forward to this Legislature. These amendments will allow us the ability and authority to implement the second step, which will further define clear and concise regulations with the details that will describe who is entitled to Yukon's publicly funded health care services.

Today in the Legislature, we are charged with the responsibility of the first step — amending the legislation. I acknowledge, however, that as legislators we all want to know how we plan to address the major policy questions that will be included in the regulations. I am fully prepared to share those policy decisions. I'm prepared to discuss and debate them with anyone who is interested, especially in the major policies and decisions and the direction that I'd like to see us take in the future.

I'd like to make it clear that, as minister, it's my job to direct the department on the major policy question. It is not my job to address or direct the department on the specific operational details that are needed to interpret and implement the policy direction. I hope this distinction is appreciated and respected so that we don't digress into the detailed operation and interpret implementation specifics. I see those specifics as

the job of the department staff based on the policy direction that is provided by this government

I see it as my job in the Assembly to ensure that we have put the necessary legal framework in place to support the development of the detailed regulations.

Over the past few months, Mr. Speaker, Health and Social Services has been examining the major policy issues on the matter of entitlement and maintenance of insured health services. This included conducting a public consultation that asked Yukoners for their input on what the basic rules should be, what should be considered as an exception, and then special circumstances and at what point someone is no longer entitled to have their health care coverage paid by the Yukon government.

These are fundamental questions that we required public input on, as these issues impact each Yukoner — and for that matter anyone else accessing our health care system and having us pay for it. Yukoners were asked: do you agree that a person should normally be physically present in Yukon for six months, or 183 days, in any 12-month period to maintain Yukon health care? Out of almost 1,600 respondents, the majority — 79 percent — agreed with that statement.

This direction supported the general trend across other provinces and territories. Although we recognize that one or two provinces may be changing to seven months, we decided to stick to six months to require a person to be normally, physically present in that province or territory over a 12-month period in order to maintain their health care coverage.

Taking the views of Yukoners and national practices into consideration, we are proposing to establish in regulation a requirement for Yukon residents who register for health care and become an insured person to be physically present in Yukon for 183 days in any 12-month period. We are also proposing for the regulations to allow some temporary absences that are longer than 183 days in a 12-month period similar to what's in place in many other provinces and territories.

These exceptions to the proposed general rule will afford our entitled residents — or, for better clarity, our insured persons — the ability to: further their education; contribute to humanitarian aid, both nationally and internationally; enjoy a longer holiday from time to time; enhance their skills and training; support their families in time of need, such as a sick parent; and to attend to matters after a family death.

Specifically, we plan for the regulations to allow a temporary absence of longer than six months, or 183 days, for the following kinds of situations — and this one will come as no surprise to anyone knowing my background — indefinite leave for students attending full-time studies, both during and between school terms. The reason for this was quite simple. When I was a young student attending university, we found that we would come back to the Yukon because there was always a plentiful number of jobs available in the territory, usually in our area of study. We are finding that, as more and more of our students diversify into different skill sets, we are unable to provide the job opportunities that we once did.

Furthermore, many of our students now, we're happy to say, are in medical school and we don't expect those students to come back between terms to work in the territory because of the requirements, many times, for their degree programs, so that is one of the situations.

Another is indefinite leave, again under special conditions, for apprentices, co-op students and mobile workers. We will also provide temporary absence for a 12-month leave for employment or business-related activities with the potential for extension, again, under specific circumstances. We also will put in regulation the ability for people to have a two-year leave for missionary or charity or volunteer work outside of the territory. While we will hold vacations to the 183-day rule, we are planning to allow for one longer vacation for a period of up to two years once every five years. This would start after an insured person has been in Yukon for at least 183 days in the two years immediately preceding their longer holiday.

Finally, there will be additional special consideration for some other specified types of extended absence, such as taking care of a family member outside of the territory. The outcome will be a range of general and temporary absence criteria for insured Yukoners, supplemented with clarification of who does not qualify for Yukon health care coverage. This inevitably provides greater transparency and accountability for both the public and the people in the department who will be administering the act.

The legislative details for this specific bill are as follows. The proposed amendments here today will provide the legislative authority necessary to create the administrative and entitlement changes that Yukoners have indicated they support and that I've enumerated here today. Specifically, the *Health Care Insurance Plan Act* and the *Hospital Insurance Services Act* require amendments in order to create regulatory-making authority in specific areas that will clarify entitlement and support the administration of the regulations.

The end result will include details related to definition of "resident" and "insured person" for the purpose of determining eligibility for health care coverage; specific authorization for the three-month waiting period permitted under the health care act for all provinces and territories; details about the documentation required from residents to establish and maintain their eligibility for health care coverage; details that provide for a routine periodic review of coverage — for example, it would be similar to what people do for their driver's licence — and to allow for quick reactivation of coverage for Yukon residents who return to Yukon after temporary absences that exceed the allowable time periods; and finally, it will allow the identification of special exceptions that allow for longer temporary absences, which I've described earlier in these comments.

The legislative amendments also address two matters not directly related to eligibility for insured health care services. These two are the authority to charge physicians a fee when they submit a paper billing claim, instead of an electronic billing claim. This was negotiated as part of the 2012 agreement with the Yukon Medical Association, and we

require legislative authority before proceeding with that practice. Finally, it will give the director of insured health services the power to identify the terms and conditions under which they will pay for insured health services provided to insured persons. For example, the director may identify that they will follow the reciprocal billing agreement that is negotiated each year among the provinces and territories.

I would note that the director already has the authority to determine what amounts to pay, so this just adds the power for the director to specify the terms and conditions that will guide their determination of which amounts to pay.

Finally, the result of providing this clarity should benefit everyone. Not only will Yukoners living in the territory be assured and confident about their coverage, they will know that government spending on health care is reasonable and is for the service they and other Yukoners need.

Yukoners who are out of the territory for periods of time but maintain their primary residence here, such as students and mobile workers, will also be confident about how to maintain their Yukon health care coverage. Those individuals who are not entitled to services will clearly know why and therefore will need to make other arrangements for continuing their health care coverage. The administrators of the program will also have clear rules to follow when determining individual situations and advising and informing people of their coverage. Ultimately, this clarity will keep our health care system fair, transparent and efficient and will ensure that the substantial money that we spend on our insured health and hospital services is spent wisely and appropriately.

Overall, the result of these legislative changes will provide Yukoners with a more comprehensive and cohesive legislative framework that reduces ambiguity, is similar to general practice across other provinces and territories, and creates more efficiencies in program administration. That simply translates to better health care delivery for all Yukoners.

I firmly believe that these amendments are extremely important to fostering a publicly funded health care system that is clear, comprehensive and fair. I look forward to going through the *Health Care Insurance Plan Act* and the *Hospital Insurance Services Act* proposed amendments in Committee of the Whole and encourage support by all members.

Ms. Stick: I'll start off by remarking that the NDP do support this legislation and thank the department for their briefings and the work on these changes. It was interesting to listen to the minister speaking about some of the regulatory changes that we can anticipate, and policy changes, and he suggested that he would share those with it. I would just ask that perhaps, if he has those policies in writing, that perhaps sharing them ahead of time would be helpful to us in terms of narrowing our questions when we come to Committee of the Whole.

I believe currently under our legislation there are needs for changes. Wording is vague or inaccurate or open to misinterpretation. I also believe that many individuals are unaware that there are certain rules that they must follow or

time limits that they have through their health care. I think many individuals assume that they live here, they have their Yukon health care card and, therefore, they are eligible. They don't realize that there might be implications and rules that they need to be aware of. I think that is certainly an issue of public awareness and public education. I can think of many instances when people really had no idea that, by doing a certain thing they could become ineligible for their health care.

I'll have many questions that I've come up with for the minister and his staff. We'll touch briefly on a few of them now, but will elaborate later during the Committee of the Whole.

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

Motion for second reading of Bill No. 65 accordingly adjourned

The House adjourned at 5:30 p.m.