



Yukon Legislative Assembly

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33rd Legislature

HANSARD

Monday, November 17, 2014 — 1:00 p.m.

Speaker: The Honourable David Laxton

YUKON LEGISLATIVE ASSEMBLY

SPEAKER — Hon. David Laxton, MLA, Porter Creek Centre

DEPUTY SPEAKER — Patti McLeod, MLA, Watson Lake

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Hon. Elaine Taylor	Whitehorse West	Deputy Premier Minister responsible for Education; Women's Directorate; French Language Services Directorate
Hon. Brad Cathers	Lake Laberge	Minister responsible for Community Services; Yukon Housing Corporation; Yukon Liquor Corporation; Yukon Lottery Commission Government House Leader
Hon. Doug Graham	Porter Creek North	Minister responsible for Health and Social Services; Yukon Workers' Compensation Health and Safety Board
Hon. Scott Kent	Riverdale North	Minister responsible for Energy, Mines and Resources; Yukon Energy Corporation; Yukon Development Corporation
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**Yukon Legislative Assembly
Whitehorse, Yukon
Monday, November 17, 2014 — 1:00 p.m.**

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

Prayers

DAILY ROUTINE

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

TRIBUTES

In remembrance of Bob Cathro

Hon. Mr. Kent: Today I rise to pay tribute to Bob Cathro. Bob was a pioneering mineral exploration geologist, mining industry leader and amateur historian who died at age 79 at his home in Chemainus, B.C. on August 26 of this year.

Although raised in Winnipeg and Chilliwack, much of Bob's identity was defined through his career in northern Canada. After graduation from UBC Geological Engineering in 1959, he worked as a mine geologist at the Eldorado uranium mine, Verna uranium mine, Giant Yellowknife gold mine and the United Keno Hill silver mines in the Mayo/Elsa area of the Yukon.

In 1966, he and fellow United Keno Hill geological engineer Al Archer struck out on their own founding the consulting firm Archer, Cathro & Associates Ltd. The firm has specialized in Yukon mining exploration since then and is recognized as one of the top exploration companies after nearly 50 years.

Bob was a partner in AC until his retirement in 1989, during which time the firm participated in or made several notable discoveries and advancements of important Yukon mineral deposits. These include Casino, Wolverine, Mactung, Carmacks Copper and the Wellgreen project.

Bob was an important mentor for hundreds of young geologists, dirt-baggers, prospectors, bush pilots and engineers who discovered and shared his love of wilderness, remote camps and hard, dirty work that builds character.

A careful researcher and data miner, Bob played a leading role in the 1972 creation and annual updates to Archer Cathro's Northern Cordillera Mineral Inventory. Through the 1970s and 1980s, the Inventory, a private publication financed by annual subscriptions from resource companies, was the most comprehensive file on mineral exploration history and property data in Canada. It was sold to the Yukon government in 1990 to become the foundation for the current Yukon minfile database.

His passion for research and science history flourished in retirement, when he authored nearly 50 articles on the evolution of economic geology for *CIM Magazine* and edited a series on the great mining camps of Canada for Geoscience Canada.

Bob always believed strongly in giving back to his industry. He served as director and vice-president from 1978 to 1981, president from 1982 to 1983, and past president for 1984 and 1985 of the B.C. and Yukon Chamber of Mines, which is now AMEBC.

The present Mineral Exploration Roundup Conference had its roots in 1982 as a conversation on a ferry between chamber Managing Director Jack Patterson, President Bob Cathro, and soon-to-become Vice-President Nick Carter. Back then, as now, the exploration sector was facing a challenging time, and the chamber's executive members saw a need to pull together all those who had an interest in the survival of mineral exploration in B.C. and Yukon.

Over his career, Bob received several awards, including the A.O. Dufresne Exploration Achievement Award in 1991 from the Canadian Institute of Mining, Metallurgy and Petroleum, for outstanding contribution to mineral exploration in B.C. and Yukon and for his commitment to the north.

In 1999, Bob and Al Archer were co-winners of the H.H. "Spud" Huestis Award for excellence in prospecting and mineral exploration, awarded by AMEBC.

In 2002, Archer Cathro was inducted into the Yukon Prospectors' Association honour roll, reflecting their exploration successes over the years. The Geological Association of Canada presented Bob with its Distinguished Service Award in 2003.

A friend and mentor to many in the industry, he will be greatly missed.

I would like to take this opportunity to introduce Bob's son Mike, who has joined us here in the gallery today, as well as a number of friends and colleagues who make up the various companies that owe their roots to Archer Cathro, including ATAC and Rockhaven, and many of those. Welcome to the Legislature.

I understand there will be a special presentation at this evening's Yukon geoscience awards banquet for Bob.

Thank you for attending.

Applause

In recognition of the Yukon Geoscience Forum

Ms. McLeod: It gives me great pleasure today to rise to pay tribute to the 42nd annual Yukon Geoscience Forum and trade show. From November 15 to 19, the Yukon Chamber of Mines has organized a tremendous venue and opportunity for geologists, miners, businesses and public to showcase the best Yukon's geoscience industry has to offer.

The forum includes geoscience technical sessions, short courses, poster sessions, themed events from day to day and social events, all providing an excellent opportunity to build relationships, exchange ideas and share expertise.

This unparalleled event — one of Yukon's largest — showcases the Yukon government's commitment to mineral exploration and mine development and the invaluable service and world-class research conducted by the Yukon Geological Survey. The research findings from our geologists help companies and government make important resource management and project development decisions.

I would like to thank the Yukon Chamber of Mines for the tremendous job they do in organizing the forum. It is important that we acknowledge the contributions of the sponsors, speakers, exhibitors and organizers. Their preparation and hard work are what makes this a signature event for Yukon's geoscience and mineral resources industry.

The Yukon government is pleased to play a strong role in this forum and share the work it has undertaken to move the industry forward. Excellence across the mining industry requires a dependable regulatory environment, a promising resource base founded on quality data such as that collected by the Yukon Geological Survey. The Government of Yukon continues to work in support of industry through the Yukon Chamber of Mines, the Yukon Prospectors' Association and the Klondike Placer Miners' Association.

Last year's geoscience event had 300 delegates, 50 exhibitors and saw 200 visitors to the trade show. Already, this year's banquet and trade show are sold out and attendance is expected to match, if not exceed, that of last year. Members of the government caucus and Cabinet will be attending many of the events and we look forward to hearing first-hand from those involved in the industry about what is important to them.

Mr. Tredger: I rise to pay tribute on behalf of the Yukon New Democrats to the Yukon Geoscience Forum and Trade Show currently being held at the High Country Inn Convention Centre. The Yukon Geoscience Forum is a showcase of achievements, challenges, hopes and projects of our mineral economy — a collaboration of industry and government. It is also a gathering place to celebrate these achievements of the mining industry, to grapple with the challenges, to incubate ideas and, most of all, to share stories in community.

I must give a shout-out to the Yukon geoscience branch of Energy, Mines and Resources for the continued outstanding work they are doing. Their reputation for excellence and innovation is recognized across Canada. At the Cordilleran Roundup last spring, I heard repeatedly from delegates from other jurisdictions of the outstanding quality of the data and the leading research. Our geoscience branch is punching above their weight.

This year, I'm particularly excited about a new mapping service. The minister and I have both mentioned previously what a great tool and resource for all Yukon people the new mapping system is. It's accessible on-line, provides information, geoscience, mineral tenures, First Nation settlement lands and the map includes lands available for agriculture, parks, protected areas, base map features and imagery, with many more databases being brought on to the database. I encourage everyone to check it out at mapservices.gov.yk.ca.

I was fortunate to attend Saturday's investor forum, presented by the Yukon Gold Mining Alliance, in partnership with the Yukon Chamber of Mines. I found it informative to hear from a cross-section of junior mining companies of their concerns, their hopes and their potential projects. It was

heartening to hear of their visions and, perhaps most importantly, their enthusiasm and belief in their projects and their hopes for the mining industry in the Yukon. It was exciting to hear them putting their hearts and their souls into building a business.

I heard from industry and from First Nations looking for ways to build and sustain the industry, as stewards of the land, to share the benefits and the fruits of their labours. It was a gathering of many innovators, entrepreneurs and investors — solid citizens committed to the Yukon.

Each year at the Geoscience Forum, a highlight for me is the series of educational displays and activities for families and the wider Yukon community. The hands-on interactive booths perked the interest of many of the younger generations and begins discussions and conversations that may lead to careers in the mining industry. I would like to thank the staff present from the departments of Environment and Energy, Mines and Resources.

I was only able to drop in on the placer forum for a short time this year, but did get to renew my acquaintances with several placer miners and those involved in the exploration aspect of the industry. I admire them and their commitment to Yukon and to Yukon communities, as well as their commitment to innovation and best practices. The contributions of the placer mining industry to Yukon — in particular to my area of the Yukon, the Mayo-Tatchun riding — and the Yukon people are many. Placer mining continues to be a reliable cornerstone of our economy.

I also got to see many of the booths and displays of the trade show proper. I was especially pleased to see many of the booths and companies represented, promoting job and career opportunities for Yukon men and women. Significantly it was a treat this year to meet several former students who were working the booths employed in the Yukon mining industry — it was a real treat — Yukon students graduated, back home and employed. Thank you to the mining industry.

During my visit, I was reminded that now is the time we must take advantage of the current lull in activities to fully prepare for emerging opportunities. Leadership from industry, First Nation governments, Yukon government and the Canadian government is critical. Now is the time for land use planning and ensuing certainty. Now is the time for all three signatories to our *Umbrella Final Agreement* and local agreements to work cooperatively to ensure a regulatory regime is in place that will ensure a timely, profitable and responsible mining industry. We must ensure that all have a place at the table and there are no surprises. I know that all Yukoners can work together for the benefits of all Yukon people.

I heard again of the value of the Yukon mining incentive program, which was incidentally brought in by a Yukon New Democratic government and was recently renamed the Yukon mineral exploration program and expanded. This program, designed to encourage exploration in the Yukon, continues to provide instrumental seed monies for exploration. The program was developed for just such times as we are now experiencing. I am pleased this morning to learn that this

valuable program will be continued and indeed, as we heard this morning, it is being expanded. Thank you to the Minister of Energy, Mines and Resources for his efforts on this file.

I take this opportunity to congratulate and thank members of the mining community for their commitment to responsible mining in the Yukon. Throughout the events, lectures and displays, I was inspired and fortunate to hear from so many people who so obviously love their work and are committed to the Yukon.

The Yukon Geoscience Forum is an opportunity to meet with people enthusiastic about the mining industry, to hear their concerns, their hopes and potential projects, their visions and, perhaps most importantly, their commitment and their belief in their projects and the mining industry in the Yukon. The annual forum is an important forum for the placer and quartz mining industries and an important venue to communicate new ideas, to share successes and display the success of our mining industry.

It continues throughout the week and I encourage everyone to drop by, take advantage of the works on display, walk through the show, enjoy the displays, visit with the people engaged in the mining industry and help celebrate their successes.

Thank you.

Mr. Silver: As we work into the week of the Geoscience Forum, I would like to pay tribute to all the geoscientists for their contributions to the Yukon. Geoscientists include professional geologists, geophysicists, palaeontologists, seismologists and many more who have combined efforts and have literally put Yukon on the map — a little geologist joke for you there.

Back in 1887, before Yukon was a separate territory, George Dawson made his way north as the assistant director of the Geological Survey of Canada. He created numerous maps of the area. Some were the first of their kind, which were later republished to provide a much-needed reference for the thousands of stampeders who headed to the Klondike. Both Dawson City and Dawson Creek have been named in his honour.

Today we still have talented men and women examining a wide array of geological data, providing us with a scientific and knowledgeable base to develop our territory as we see fit. This information is extremely important. We need it to make informed, educated decisions on how we use our territory's resources and how we preserve them as well. Without it, we would be blind to the range of resources the Yukon has. Prospectors, exploration companies and miners depend on the work of geoscientists. They have opened up new possibilities for Yukon and continue to support numerous industries throughout the territory.

I would like to thank the Yukon Chamber of Mines and the valued key sponsors for hosting the 2014 Geoscience Forum and show my appreciation to all the men and women who work as geoscientists in the Yukon. The Yukon Liberal Party is grateful for all that you do.

In recognition of National Addictions Awareness Week

Hon. Mr. Graham: I rise in the House today to pay tribute to National Addictions Awareness Week, which runs from November 17 to 21 this year. The theme for National Addictions Awareness Week this year is "Youth Substance Abuse Prevention."

As we are all aware, the Yukon is one of the highest alcohol-consuming jurisdictions in Canada. It's also no secret to us that the Yukon has a drinking culture and that drinking is high among youth. According to the most recent report on the health and health-related behaviours among young people in Yukon, more than 35 percent of grade nine and 10 students in Whitehorse reported drinking alcohol within the last month of the survey.

Alcohol and Drug Services offers a range of services to support youth and families to prevent or reduce the harm associated with substance abuse and to improve health and well-being. In Whitehorse, we offer a youth counselling program. We have alcohol and drug youth counsellors in the three Whitehorse high schools and we provide support to students at Gadzoosdaa student residence. In addition, the new Sarah Steele Building, when completed, will have a space dedicated to family therapy and youth counselling.

The issue of addictions is costly and complex. In Canada alone, the estimated societal cost of substance abuse of almost \$40 billion. Focusing on youth and providing them with supports to help them avoid or limit alcohol consumption has proven to have huge downstream benefits. They will have fewer chronic diseases and mental health problems and will have fewer encounters with the justice system. This week provides me with the opportunity, Mr. Speaker, to thank all those individuals and organizations who work to support youth and reduce the devastating impacts of alcohol and drug abuse in our communities. Supporting youth to lead healthier lives is in everyone's best interest.

Mr. Barr: I rise on behalf of the Official Opposition and the Third Party in recognition of National Addictions Awareness Week, November 17 to 21 this year. This is a week for us to raise awareness about the effects of addictions in the Yukon, especially with a focus on our youth this year, but not limiting others for sure, recognizing that this disease is a family disease — addictions.

As elected representatives, this is our opportunity to move more effectively and mobilize our communities toward working together to overcome the destructive impacts of addictions to gambling, tobacco, alcohol and illegal or prescription drugs. Addicts often think that their behaviour is a personal problem, yet the collateral damage is all around them. Addiction is an equal-opportunity destroyer of lives and knows no prejudice. Families, friends, colleagues and our communities feel the distress caused by addictive behaviours, yet it is also important to use this week to celebrate the successes. Those of us who have overcome our addictions know the challenge of taking the first steps toward a healthier lifestyle.

I was unable to attend, but very happy to run into a few community members from Carmacks on Friday, who were shopping for their first roundup in Carmacks this last weekend. I got to select some of the tea. It reminded me of the first roundup that I attended in the Yukon close to 30 years ago, and I was pretty new to the Yukon at the time.

When I was invited to the roundup, I was happy but I was a little confused because I didn't see a lot of horses and cows in the Yukon. You know, when you're young and still kind of know everything — especially as an addict — you don't want to let that be known, and so I was, for the first week, kind of querying where all the cows and horses were, but I came to find out that it was actually a roundup of people who wanted to get sober, people who wanted to deal with their addictions, both professionals and so on and so forth. That was my first introduction to a roundup.

Carmacks — knowing progress in this area is slow and yet it is happening in the Yukon and in our communities, and to know that Carmacks had its first one this weekend is amazing and inspiring. All of us owe much gratitude to the dedicated professionals and volunteers who diligently assist Yukoners to overcome their addictions.

I'm especially concerned about the numbers of youth in Yukon who are on the path to substance abuse. The human brain continues to develop until the age of 25. Heavy use of alcohol or drugs during this development period can cause permanent damage that causes difficulties with learning and memory.

As well, substance abuse increases a young person's risk of developing mental health and social problems, such as depressions, personality disorders, and drug abuse and alcohol dependency. For instance, youth who begin drinking alcohol before the age of 14 have almost a 50-50 chance of developing alcohol dependence, compared to those who wait until age 21, who have a 10-percent chance of developing dependence.

Recovery from this dependence is a lifelong process. I know from experience that it is not easy. However, as it was explained to me a long time ago, we must all be working toward something in our lives and when we are working toward a life in recovery, there is a light at the end of the tunnel and things slowly get lighter and better. I would never have imagined I would be standing here today, thinking back to 30 years ago.

I am forever grateful for the support that was given to me, and it helped me to realize that I was worth it. Now I always do my best to remind other addicts that they are also worth it. It is by giving it away that we are able to keep what was so freely given to us.

We in government must do our part to provide options and opportunities for Yukoners to help them recognize that recovery is possible. To close, I ask that we all join together as one to let others know that there is help and it is okay to ask for it. Come, join the circle and add your strength to it.

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?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the Yukon government to work with stakeholders to develop a broader mineral development strategy, with priorities including regulatory streamlining, fostering a healthy business climate, First Nation engagement, environmental stewardship, infrastructure development and workforce training.

I also give notice of the following motion:

THAT this House urges the Yukon government to provide \$1.4 million to extend the funding for the Yukon mineral exploration program (YMEP) for the 2015-16 fiscal year.

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

THAT this House urges the Government of Yukon to continue to recognize that streamlining regulatory processes is an important part of fostering a healthy climate for private sector growth, and the opportunities that growth creates for Yukon people and local businesses.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to support mineral exploration by doubling the value of filed assessment work on claims during 2015.

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

THAT this House calls on the Government of Yukon to enact legislation to ensure that, unless there is evidence to the contrary, instances of post-traumatic stress disorder suffered by emergency care workers such as firefighters, emergency medical personnel and police officers should be presumed to be work-related if it arises out of, or in the course of, the emergency care worker's employment.

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

THAT this House calls on the Yukon government to:

(1) acknowledge the opposition of Yukon First Nation governments and Yukon citizens to changes to the *Yukon Environmental and Socio-economic Assessment Act* contained in Bill S-6 that undermine the spirit and intent of Yukon final agreements;

(2) recognize that in a challenging market environment, it is critical to create certainty by preserving Yukon's reputation as a stable jurisdiction that has a well-respected environmental assessment and regulatory regime; and

(3) urge the federal government to withdraw Bill S-6 until the conclusion of a comprehensive consultation with Yukon First Nations and the Yukon public on the amendments to YESAA introduced after the completion of the five-year review process.

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

THAT this House calls on the Government of Yukon to exclude Canadian Armed Forces and RCMP disability benefits, paid through Veterans Affairs Canada, from calculations of veterans' incomes for purposes of calculating financial assistance.

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

THAT this House urges the Government of Yukon to invite the House of Commons committee responsible for Bill S-6 to hold public hearings in Yukon in order to listen to concerns from Yukoners on the proposed changes to YESAA.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to explain to the mining community how potential lawsuits brought about by Bill S-6 will streamline the green-lighting of resource development projects in the territory.

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

QUESTION PERIOD

Question re: YESAA process

Ms. Hanson: On Thursday, the Council of Yukon First Nations hosted a public forum on the proposed changes to YESAA contained in Bill S-6. Yukon First Nation governments made it clear that four amendments were added to Bill S-6 after the five-year review consultation process. There was no consultation — not with First Nations, not with the Yukon public. Yukon First Nations have said that amendments to YESAA proposed by S-6 undermine the spirit and intent of First Nation final agreements. Despite these clear statements, this Yukon Party Government continues to try to convince Yukoners that all is well.

Will the Premier at least acknowledge that Yukon First Nations are staunchly opposed to Bill S-6 in its current form?

Hon. Mr. Pasloski: First Nation chiefs of course represent their First Nations, and as Premier, it is my responsibility to represent all Yukoners. This government supports these amendments quite clearly and simply because they are good for Yukon.

They focus and create the opportunity for us to have fair and consistent legislative amendments that will be similar to the other jurisdictions across Canada. This government is quite simply focused on Yukon families and we're focused on Yukon jobs and we're focused on creating an opportunity for prosperity for all Yukoners.

Ms. Hanson: This week is the annual Geoscience Forum, where industry and government come together to develop common ground. Yesterday's theme was "Seeking certainty through progressive partnerships."

Industry partners know that the certainty they need to attract investment can only come through partnerships and collaboration from all levels of government. Yet the Premier keeps telling Yukoners that should anyone believe that the amendments to YESAA contravene the final agreements, then they can go to court. What the Premier doesn't seem to realize is that Bill S-6 may not be challenged directly, but rather, government decisions authorizing certain projects will. This means that companies looking to invest in Yukon will have to roll the dice, never knowing which project will draw the short straw and be challenged in the courts. This is uncertainty.

Does the Premier recognize the uncertainty brought on by Bill S-6 and the lawsuits it could trigger will hurt Yukon's economy?

Hon. Mr. Pasloski: What I will acknowledge is that the Leader of the Official Opposition is trying to put words in my mouth. Not once has this government said let's go ahead and go to court. What we have said is that there have been seven years of consultation on the proposed amendments. We feel that these amendments are good for Yukon because it will provide legislation that is consistent with other jurisdictions across the country that allows us to be competitive. This government is focused on Yukon families, on Yukon jobs and creating opportunities and prosperity for Yukoners.

Ms. Hanson: What Yukon citizens and Yukon First Nation governments want to see from their government is some leadership, not the constant bowing to federal pressure that we see from this Yukon Party government.

Twenty years ago, in June 1994, elected Yukon leaders set aside their differences to support legislation they knew would be good for Yukoners. Premier John Ostashek, NDP Official Opposition leader Tony Penikett and Liberal leader Jack Cable travelled to Ottawa together to show their support with Yukon First Nations for Yukon land claims and self-government legislation.

We have an opportunity and a responsibility to Yukon citizens to stand behind our commitments made through the *Umbrella Final Agreement* and, together with First Nation governments, oppose these unilateral changes to YESAA.

Will the Premier stand with Yukon citizens and Yukon First Nation governments and oppose Bill S-6, or will he continue to blindly follow the Harper Conservative marching orders?

Hon. Mr. Pasloski: I have risen in this House and I have spoken outside of this House as well, saying that we believe that these amendments are good for Yukon; they're good for Yukon families; they will create jobs for Yukoners — all Yukoners — and that is a priority for us.

I have also spoken many times that, if there is any conflict between YESAA and the final agreements, the final agreements will prevail — clearly articulated in section 4 of the YESA act. Yukon First Nations have guaranteed participation in the assessment process because they put

forward three people out of seven people on the board. They have guaranteed participation on the executive council and they have guaranteed participation on the board as a whole.

These amendments are good for Yukon. They create opportunities for Yukon families. They'll create jobs and prosperity, and that is the priority of this government.

Question re: Patient safety reviews

Ms. Stick: Cynthia Blackjack of Carmacks died on November 7, 2013. The Yukon coroner determined the cause of death to be multi-organ failure. In the judgment of inquiry into this death, the coroner made eight recommendations, four of which are directed specifically at the Department of Health and Social Services.

Ensuring patient safety requires continuous monitoring and the search for new strategies and best practices. We have asked in the House before about patient safety reviews.

From reading this judgment of inquiry, it seems that a patient safety review should have immediately been set in motion by the department. Will the minister tell Yukoners if an independent patient safety review has been conducted in this case?

Hon. Mr. Graham: Any death that occurs in the Yukon is taken very seriously by the Department of Health and Social Services. The department received from the Yukon coroner a copy of her judgment of inquiry and all of the items listed in that judgment have been addressed or are in the process of being addressed by the Department of Health and Social Services.

The specific recommendations cannot always be addressed 100 percent immediately, but we have agreed with the point of care testing for community health services. We remind staff to follow up and initial the checklists to make sure that all of our equipment in the various health centres is present and is working properly and we will continue to undertake improvements whenever possible.

Ms. Stick: It's good to hear that these recommendations have been looked at and are being addressed. Just to be specific, I would like to ask about one of them, which was that a review should be conducted of the policies and procedures for transfers of patients from community health centres to Whitehorse.

This review should include the indications for transfer, including the need for timely investigations, such as laboratory analysis not available in the community.

Can the minister tell us whether or not this systematic review of these policies and procedures around patient transfers has been conducted, as well as what the outcomes of the review of these are?

Hon. Mr. Graham: Recommendation 4, which was to review the policies and procedures for the transfer of patients from community health services to Whitehorse, is currently underway. It is something that would be undertaken anyway, because we believe that any time there appears to be a fault in the system or the system did not work correctly, they should be reviewed. We will review our clinical practice guidelines to ensure that appropriate and timely referral of patients from

any community health centre to Whitehorse occurs, but we will also continue to encourage patients to seek alternate forms of transportation to Whitehorse when the conditions are non-emergent or do not appear to be emergency-related. In that manner we hope to ensure also that the YEMS, Yukon Emergency Medical Services, are available for extremely urgent and emergency situations.

Question re: Shakwak reconstruction project

Mr. Silver: I have a question for the Premier on the future of the Shakwak project. Since the 1970s, the United States government has, under the Shakwak project, been providing funding to upgrade the highways from Haines, Alaska, to Beaver Creek.

Over the years, the funding provided for construction has totalled over \$400 million. This year's budget is \$15 million. The problem is the funding for the project for future years was cut off by the United States in 2012. Since then, the government has been lobbying unsuccessfully to have this funding reinstated and has also spent down what monies had been banked over the years. This reserve is now almost empty.

How confident is this government that funding will be restored?

Hon. Mr. Pasloski: As we heard from the member opposite, this is an agreement that began in 1977. This is an agreement between the United States of America and the Government of Canada, between two sovereign nations — in fact, between the two largest trading partners in the world.

We are working diligently with our friends in Alaska to work with both houses in Washington to see that this funding is reinstated. This highway, this transportation corridor, is of vital importance to mainland Alaska. Approximately 80 percent of the traffic that travels on the north highway is U.S. traffic and we believe that with continued vigilance we will work on that opportunity to ensure that the U.S. government sees the importance of that infrastructure and will continue to invest in it.

Mr. Silver: I don't have to impress upon the minister how important to our economy the road-building industry is and the funding therein. Each summer, hundreds of Yukoners are employed because of this funding. It wasn't that long ago that the Yukon was spending \$25 million to \$30 million from Shakwak on our highways.

This year, it is only \$15 million and it is getting smaller every year. It seems that the government's lobbying in Washington was ineffective. The Premier was down there in March and we have heard very little ever since. We also know that the federal Conservatives have provided little help on this file as well in terms of lobbying efforts bearing any fruit. According to the Government of Yukon's website, there is \$240 million dollars of work left to do as part of the Shakwak project. Now it is certainly beyond the reach of our own budget to get this work done.

What follow-up has been done with the minister since the Premier's unsuccessful trip to Washington this spring?

Hon. Mr. Pasloski: The issue of the Shakwak project has been a priority for this government since 2012, when

unknowingly — this was at the last minute that this language was dropped out of the new transportation bill. Since that time, we have been working with the federal government, speaking with the Prime Minister and the Minister of Foreign Affairs and also regularly with the Canadian Ambassador to United States.

In fact, when the United States Ambassador to Canada was up here not long ago, this was the very first issue that we talked about. This is an important issue because this government does not have the finances to be able to continue on with the level of support that is required to get that highway to the standard that it should be. Quite simply, this is an agreement between two sovereign nations. There is an obligation in that agreement that stipulates the work that will be done. The U.S. government agrees to get that highway to a modern two-lane highway and the Canadian and the Yukon government is committing to do the ongoing operation and maintenance.

Of course, we know that this is an election year in the United States and sometimes politics get in the way of such things. Now that we are getting through that season, we look forward to re-engaging with the U.S. government.

Mr. Silver: The Shakwak project means millions of dollars and hundreds of jobs to Yukoners. It has been a mainstay of our highway budget for more than 30 years and it is in danger of drying up. As the Premier mentioned, when this cut was first announced, this government was caught by surprise. Now this is alarming, seeing that this funding represents the largest part of our road-building budget.

Since the cut was announced, the combined lobbying efforts from the Premier, our senator, our MP and the federal Minister of Foreign Affairs have yielded no results to date. We need U.S. federal support to continue improving the Shakwak highway corridor. So far this government's efforts have fallen short. I guess the next question is: What are the next steps to getting this crucial funding restored?

Hon. Mr. Pasloski: I'm going to assume that the Leader of the Liberal Party does understand that, after elections, sometimes priorities do change and that's what happened in 2012. All indications we had was that the language was remaining in the bill and it was at essentially in the last hour that the language was removed from the bill. We did have money from that agreement that we continued to invest in that project. We continue to invest in that project. All the while, we will also continue to work with the new governor in Alaska, with their representative, with their senators, with our federal government and effort within ourselves to ensure that the awareness is there of the importance of this highway for Yukoners, but also its importance to Alaskans and U.S. citizens. We will be diligent to ensure that we can get that funding reinstated.

Question re: Food security

Mr. Tredger: In the summer of 2012, Yukoners got a wakeup call about just how precarious our just-in-time food supply really is. Mudslides and washouts cut off several

sections of the Alaska Highway, leaving Yukon grocery stores without the food shipments they rely on to stock their shelves.

A stronger, locally grown food sector may have alleviated some of the problems caused by these washouts. For a long time, this government has talked about its support for the expansion of locally grown food, but results show the need for a more strategic follow-up. This government has committed in the past to create a local facility to process, store and possibly distribute locally grown meats and vegetables long term.

When will this government live up to its commitment and create a long-term food storage and processing facility to increase Yukon's local food security?

Hon. Mr. Kent: As members know, we've debated two motions in this House that have received unanimous support with respect to the agricultural industry. When it comes to our commitment to the industry, we had very solid commitments in our 2011 election platform, many of which we've accomplished already. One, of course, that we still need to work on is a local food policy.

So the objectives of this policy are to make the agri-food sector competitive, resilient and responsive, give local food producers opportunity and profit, make local food conspicuous and widely available, and make consumers appreciate and, therefore, choose local food. It was to this end that, at the recent North of 60° Agriculture Conference and Banquet, I was able to inform attendees there that we are moving forward with a Yukon-grown food strategy. We'll include some potential policy.

I know that we made a commitment in one of the motion debates to explore Ontario's local food act and some of the opportunities that exist there. This broader strategy will help inform the development of local food policies so that we can enjoy as much local product on our shelves as possible.

Mr. Tredger: Indeed, food security is important to Yukoners. How precarious it is can be seen on the empty shelves at Superstore every Sunday. This government's commitment to locally grown foods does not extend much further than its platform platitudes.

Besides storage, what local growers need to expand their production in the long term is a steady base of sales that they can rely on. This government has the opportunity to provide that steady market that local growers need to expand their production. Many Yukon government facilities like the Whitehorse Correctional Centre, Copper Ridge, hospitals and schools require large amounts of food.

Will this government move from promises to action and make a commitment to source more of their food purchases from local producers?

Hon. Mr. Kent: Indeed, this government does support the local agricultural industry. I would say that over the past number of years, this government has done more than any previous one with respect to investments in the agriculture sector through Growing Forward and Growing Forward 2.

As I mentioned in my previous response, we will be looking to develop a local food strategy. We will include the aspects the member spoke about, with procurement for some of our larger institutions from local sources.

I was able to visit a number of farms this summer, including the Yukon Grain Farm, which supplies an incredible amount of what consumers use for their root vegetables — their potatoes, beets and carrots — a very exciting farm to visit, with great opportunities and entrepreneurship shown by those individuals who own that farm.

So again, with the development of this strategy, we feel that involving local industry and the public, it will attempt to identify policies and programs that may play a role in guiding other government, industry, business and individual decisions about local food.

Mr. Tredger: Many Yukon growers have indicated that they require more training and certification to capitalize on the food sales market in Yukon. These codes, standards and regulations are referred to in the industry as good agricultural practices, or GAP. GAP provides a number of standards and best practice to safely and sustainably expand the production and sale of agricultural products. Yukon grocers require food producers to have GAP certification to sell their food in Yukon stores. The more Yukon farmers who have GAP training, the more locally grown food in Yukon stores. Will this government work with the Yukon Agricultural Association and fund GAP education and awareness to allow more Yukon farmers to sell their production to local grocers?

Hon. Mr. Kent: As I mentioned in my previous response, the Yukon Grain Farm and others have their product widely available through Yukon stores right now. We also have, of course, the Fireweed Community Market here in Whitehorse that is supported by Growing Forward 2. Funding for that operation was enhanced a year ago, in August, with respect to allowing that facility to continue. There are also farmers markets throughout the territory in many other communities that provide local product to people that are available.

As part of this food strategy that I spoke about and introduced at the North 60 agricultural banquet in my remarks, there are 19 potential initiatives that would lead toward helping with our objectives. As I mentioned, there are policy initiatives and there are program initiatives and we are looking at what Ontario has done and seeing whether or not we have to bring forward an act.

In conversations that officials have had with officials from Ontario, the Ontario officials suggested that what they accomplished through the act could have been done through policy and programs. That is why we have chosen to embark on the local food strategy. There are a number of things that we'll consider when developing that strategy to make sure that more local product can be on Yukon shelves.

Speaker: The member's time has elapsed.

Question re: F.H. Collins Secondary School reconstruction

Ms. Moorcroft: As the construction of a new building for F.H. Collins high school continues, many Yukoners who were consulted as part of the development process are wondering about the plan to heat the new space using

geothermal energy. Many of us believe renewable energy should be used wherever possible. Certainly community members enthusiastically supported the initial plan to heat F.H. Collins with geothermal energy. Feasibility studies performed before construction began, including a test well, showed us that geothermal heating was — pun intended — more than just a pipe dream.

Bearing in mind the support for geothermal heating for F.H. Collins Secondary School, can the Minister of Highways and Public Works confirm if this element of the plan is moving forward?

Hon. Mr. Istchenko: Of course we're committed to developing and building a new school to meet the long-term needs of our community. It's well-underway and I look at the local Yukoners working there. This construction project is designed to be energy efficient with the F.H. Collins project being just like the rest of our construction projects. We're building a state-of-the-art facility that will meet the needs of students for the next 50 years.

Several cost-efficient and environmentally friendly heat sources options were explored for F.H. Collins, including the geothermal heat like the member opposite talked about. Currently a propane boiler radiant heat source is planned for the school. However, the construction and design is being managed to allow for a possible future integration of alternate heat sources, such as biomass and geothermal.

Ms. Moorcroft: This is about political will. Heating F.H. Collins with geothermal could pay off within a decade and if this government was truly interested in renewables, it could promote a geothermal industry. What's more, Yukoners are being denied a source of pride as we continue to work toward a cleaner future that involves more renewable energy sources.

Giving up on geothermal heating at the new F.H. Collins school is giving up on another opportunity for renewable energy in the Yukon. If the minister cannot commit to finishing the geothermal heating project for the new F.H. Collins school, can he at least admit that this was a missed opportunity to combine cost savings and renewable energy?

Hon. Mr. Istchenko: I do thank the member opposite for the question. Given the new location of the school and the proximity of the well, more research is required to determine the viability of geothermal heating for the school. The Energy Solutions Centre is doing a comparison right now as we speak of biomass and geothermal benefits. The results will be incorporated into the planning for future development of a possible connection to the new school.

I don't want to lose sight of the fact that the new school is being designed to meet LEED silver energy efficiency standards — a LEED standard for leadership in energy and environmental design — and sets a benchmark for design in construction and operation of high-performance green buildings. This certification is the most recognized global standard for high-performance building. It's effective; it's cost-effective and better for the occupants and for the environment. We look forward to moving forward on this

project. There are Yukoners working on this project, so we have the best place in Canada to live, work, play and raise our families.

Question re: Drinking and driving

Mr. Barr: We know that alcohol or drug use increases any driver's crash risk. This is especially true for young drivers who are still learning to drive and usually lack the road experience to recognize or manage a potentially dangerous situation. Even small amounts of alcohol can impair a young driver's judgment and significantly increase their risk of an accident. That is why there is a zero tolerance on alcohol for drivers with a graduated driver's licence. Can the minister tell us how many young drivers with graduated driver's licences have had roadside suspensions in the past year due to impaired driving?

Hon. Mr. Nixon: As most members in this Legislative Assembly know, impaired driving is one of the most serious public safety concerns facing law enforcement across the country. The RCMP have made a strong commitment to address drinking and driving and to continue their enforcement efforts. I know there's a national campaign coming up within the next few weeks here.

The Yukon government provided funding to support Mothers Against Drunk Driving — MADD — on their Red Ribbon campaign, designated driver rewards program and school assembly program. Impaired driving in Yukon is not only a policing priority but a combined public safety and health issue that can only be addressed through tougher enforcement, education and appropriate programs.

I commend the RCMP for the work that they do on our roadsides to address this very issue and also extend a thank you to the good volunteers with MADD Whitehorse, with their work as well reaching out to the schools and communities.

Mr. Barr: Maybe the minister can get back to us with those stats.

All jurisdictions in Canada have a graduated driver's licensing program with a zero blood-alcohol content restriction for the first two years before a full driver's licence is issued. Some Canadian jurisdictions take it further by having a zero blood-alcohol requirement for all drivers until age 21. Other Canadian provinces require a zero level for five years after a new driver has gotten their licence, regardless of age. Statistics show that behaviours are not changing fast enough in Yukon and too many young drivers are taking to the road after consuming alcohol or using drugs.

Is the minister willing to take any further measures to prevent impaired driving among new drivers or does he believe the existing system is adequate?

Hon. Mr. Nixon: When the member talks about adequate, I take great offence to that because I look at how hard our RCMP members, Mothers Against Drunk Driving and Citizens on Patrol work to mitigate this issue and to keep drunk drivers off the streets of our territory. We only need to see the number of signs that have been placed around the territory to encourage other drivers if they suspect somebody

of drunk driving or driving while impaired to call 911 and report that vehicle and that driver.

The good work of the RCMP and their continued efforts and national campaigns — again this year, I will be out with the RCMP doing checkstops — and with Mothers Against Drunk Driving, working with their national campaign.

I do take offence when the member opposite refers to the current services as not being adequate. The RCMP work extremely hard at keeping impaired drivers off, and I also encourage Yukoners, if they see someone they suspect as driving while impaired, to call 911.

Mr. Barr: I would encourage the minister to listen to what I am speaking to. We're talking about safety and lives, and I was referring to laws that this minister can change — certainly not efforts. What can we do to help?

The number of deaths and injuries among teens and young adults highlights the need for new, effective initiatives. In Yukon, a young driver caught driving under the influence gets only a roadside suspension and no additional driver education, yet the stats underscore the importance of having measures such as driver education for novice drivers. This type of training is even more critical when a young driver chooses to drive under the influence. We also know that the involvement of parents and the community can expand the outreach and prevention initiatives. Will this government improve the safety of all of those who share the road by implementing better driver —

Speaker: Order please.

Hon. Mr. Nixon: Again, in addressing the member opposite, I give top marks to our RCMP members, our volunteers with the auxiliary police, volunteers with Mothers Against Drunk Driving, with Citizens on Patrol, working within our community to address impaired driving.

We see a large number of Yukoners starting to report suspected drunk driving, with the signs that the Minister of Highways and Public Works worked with MADD and the City of Whitehorse on to put those signs up in this community. We've also seen the Minister of Highways and Public Works work on issues or circumstances with Mothers Against Drunk Driving with the roadside signs around graduation time.

I commend our RCMP members and all the volunteers within the territory for the work that they do at targeting individuals who are driving while impaired.

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

ORDERS OF THE DAY

Speaker: Government bills.

GOVERNMENT BILLS

Bill No. 80: Domestic Water Well Program Amendments Act — Second Reading

Clerk: Second reading, Bill No. 80, standing in the name of the Hon. Mr. Cathers.

Hon. Mr. Cathers: I move that Bill No. 80, entitled *Domestic Water Well Program Amendments Act*, be now read a second time.

Speaker: It has been moved by the Minister of Community Services that Bill No. 80, entitled *Domestic Water Well Program Amendments Act*, be now read a second time.

Hon. Mr. Cathers: I'm pleased to rise today to introduce Bill No. 80, entitled *Domestic Water Well Program Amendments Act*, to this House. This bill amends the *Assessment and Taxation Act* and the *Municipal Act* to provide a mechanism to extend the rural domestic water well program and provide property owners in participating Yukon municipalities with the opportunity to access this successful program.

We estimate that in Yukon municipalities there are more than 500 properties that could be eligible to take advantage of this new drinking water option for their homes by accessing this program — although needless to say, that would be over the lifetime of the program, not all in one year.

To set the stage, I would like to begin by providing an overview of the successful world domestic water well program. This program was introduced in 2004 under the *Assessment and Taxation Act*, because of its structure that provides the ability to provide a loan for the property owner for the costs of putting in a well, but provides security to the government and to taxpayers for repayment. It is currently only available to properties that are within the Yukon government's taxation authority because currently we only have the ability to levy a local improvement charge in areas outside municipalities where YTG is the taxation authority.

The program was designed to give rural Yukoners access to low-interest loans to drill water wells on their property or enhance existing water wells, and the program is modelled after the rural electrification telephone program, which had successfully been in operation for years prior to the implementation of the well program.

Loans are 100-percent recoverable and are repaid through a local improvement charge that is added to the property owner's annual tax notice. The loans are then repaid over five, 10 or 15 years as decided by the property owner. Because of the nature of it being a local improvement charge added under the *Assessment and Taxation Act*, it also provides increased stability for repayment of those loans because it is secured against the property.

Since 2004, the rural water well program has provided nearly 250 families in rural Yukon with loans to develop drinking water sources through construction of private wells. In the 2013-14 fiscal year, 30 projects were funded for a total of \$728,607 and there are 20 projects underway in the current fiscal year.

Earlier this year, we contacted Yukon's eight municipalities to propose expansion of this successful and popular well program to residents within municipal boundaries and there was sufficient interest to move forward with a model proposed in the bill before us today. I should note that the selection of the model proposed is the result of

government proposing four possible options at two municipalities. The option that was supported by municipalities and preferred is the one that is provided here within the bill. I should also note that, at the request of municipalities who asked for the ability to add a fee to help compensate them for administration of the program, the structure does allow for a fee to be added on to the amount the property owners within municipalities would have to pay. The exact amount of that fee would be the subject of agreements between the Yukon government and municipalities who sign on to the program. We will also have the ability, through that structure, to adjust them as time goes on to reflect actual costs. Again, that is the direct result of a change that was requested by municipalities during the consultation.

Bill No. 80, as I noted, enables municipalities to choose to participate in a new municipal domestic water well program and they have the option of opting into the program by entering into an agreement with the Yukon government. The Yukon government provides all of the funds for installing the well and other eligible water infrastructure associated with the program, based on the same criteria as has been in place for the past 10 years under the rural well program.

Here is how the municipal domestic water well program will work in participating municipalities. As I noted, the same eligibility rules for properties as applied to the rural domestic water well program would be in place. As with that program, applications received would be processed on a first-come, first-served basis. Interested property owners under this program would apply directly to the Yukon government which would conduct most of the work required in administering the program, including conducting the review, making the decisions around approval of elements of the infrastructure that the loan was requested for and then, following that, would communicate directly with participating municipalities.

Just as with the rural domestic water well program, all applicants to the program must have property taxes paid up to date and the same maximum amount for a loan of \$50,000 would apply. As well, it would be restricted at 25 percent of the total assessed value of their property, whichever is the lesser. It cannot exceed either \$50,000 or 25 percent of the assessed property value, and that 25 percent is the same number that has been used successfully under the rural electrification program for decades and under the current rural well program for the last decade.

Once an application is approved, the Yukon government will notify the property owner of the approved amount for the property owner, work out the repayment schedule and work can begin.

As with the existing program, any risk associated with drilling the well, including the possibility of a dry well or one that produces non-potable water, continues to rest with the property owner who sought and accepted the loans and spent the funds.

The main difference between the rural domestic water well program and this new program enabled by this legislation is where the municipal government's role comes into play as the taxation authority. For this new program, the Yukon

government will send the final amounts of loans to the participating municipal government. The municipality, through the agreement they signed, will agree to apply a local improvement charge to the property on the owner's taxation notice, which will then inform the property owner of the cost. The municipality will then be responsible to collect through its taxation authority and forward these amounts to the Yukon government each year to satisfy the loan costs.

When this suite of legislative changes, including the regulations, is complete, it will enable us to begin offering the domestic water well program in participating municipalities and, as I noted, each municipality will have the choice of whether or not to participate and will have the option of withdrawing from the program if they do not wish to participate in it. I am pleased to note that we have had interest from all municipalities and currently most have indicated that they will be signing on to the program.

The target for program implementation is summer of 2015.

The changes will provide property owners living within participating municipalities' boundaries access to the funding source for their water wells through low-interest loans, repayable over up to 15 years and secured through the local improvement charge on their property.

The addition of a water well on a property provides benefit to the homeowner and their family for access to water. It also has an economic benefit, as it increases the value of the property for the property owner and, for the municipality, a secondary benefit is it also increases their total tax base by adding to the value of properties within the municipality.

There are other provisions contained in this bill that amend the *Assessment and Taxation Act* to expand the coverage of the rural electrification program to allow its use — or expand its use — for solar, wind and other electrical energy projects that can be funded under the rural electrification and telecommunications program. Again, though that is not part of the title of this bill, that is an initiative that will help homeowners who choose to put in solar, wind or other alternative systems to have the ability to access loans under the rural electrification program. Just as with loans that are used to connect to the grid, this will give homeowners the ability to have alternative energy projects funded under this program and to repay it over up to 15 years.

I should also note that there's a clarification contained in this bill to strengthen the legislative provisions and clarify them, pertaining to dry wells and other unsuccessful attempts to secure potable water. That is aimed at further supporting what has been clearly spelled out within the program criteria and the contracts that citizens sign in accessing the rural well program.

I hope that we will receive the support of all members of this Assembly for these amendments and this effort to extend this program to Yukoners living within municipal boundaries.

Mr. Barr: The Yukon NDP supports this Bill No. 80. I'll keep my comments brief at this point and reserve further questions for when we get into the Committee of the Whole

and the third reading. I would like to make some initial comments.

To start with, these amendments have been a long time coming and the expansion of the domestic water well program will have a real impact on residents in places like Copperbelt. The domestic water well program will make clean water available to more Yukoners by providing funding to homeowners who wish to drill a well and then repay the cost on an annual basis through their taxes on a low interest loan. I would like to thank the minister for the briefing on this. It was very informative.

Also it will be happy news, because the residential subdivisions in the countryside that are still within Whitehorse city limits do not have access to city water services and their intended benefits. Through these changes, subdivisions like Mount Lorne, Mount Sima, McCrae, Spruce Hill, Cowley Creek and others will now have access to the domestic water well program.

We do realize that this legislation is long overdue. The City of Whitehorse has called for these amendments for a long time now and it's exciting to see them finally come to fruition.

This does beg the question of how long it will take to conclude an agreement with the Yukon government and the city to implement this program. However, as I said, I just want to make these opening remarks and I look forward to further discussion in Committee of the Whole and third reading.

Mr. Silver: It's a pleasure to rise today to speak to Bill No. 80, the *Domestic Water Well Program Amendments Act*. The rural water well program has been very helpful to many Yukon residents and I'm extremely happy to see it being expanded to include municipalities, as I think this expansion to the program is long overdue.

There are a handful of questions I hope to have answered by the minister as we move forward into debate. The minister had expressed that the program would be implemented while working with municipal partners, and that each municipality will have an option as to whether or not to participate in the program. I guess the question begged is: Were the municipalities consulted and worked with up to this point? Also, how many municipalities have agreed to participate in this program?

Currently the program funding is for \$800,000 a year, with a potentially large range of new people who can access this fund. Other questions come to mind. What is the expected increase to the annual budget to account for these increases in potential applicants?

As it stands, I think this amendment is a much-needed addition to the program and I intend to support it. I look forward to discussing this further in Committee of the Whole debate.

Ms. Moorcroft: I am pleased to see this bill coming forward. Clean, safe drinking water is vital to life. In Yukon, rural residents have, up until now, had access to the domestic water well program. The *Domestic Water Well Program Amendments Act* amends the *Municipal Act* and the *Assessment*

and Taxation Act to make the rural domestic water well program available to country residential residents within the City of Whitehorse limits and indeed, in all municipalities.

Since 2011, I have spoken to many country residential residents, to the mayor and the council of the City of Whitehorse and to the Yukon government about making this program available to my constituents in Copperbelt South. If you live in Mount Sima, McCrae, Wolf Creek, Pineridge, Mary Lake, Fox Haven, Spruce Hill or Cowley Creek, you must make your own arrangements for drinking water supply because you live outside the City of Whitehorse water and sewer services system. So it is important to recognize that those country residential subdivisions must either have water delivery or drill their own well and they also have to have their own septic system. That could lead to contamination if there are increased numbers of well and septic systems, given the proximity of the lots.

I have to point out in this Assembly that former city councils and former MLA Steve Cardiff also advocated for this domestic water well program to be available to people in municipalities who don't have access to municipal water services.

I am pleased to hear the minister say that they hope to sign agreements to bring this program into effect before the summer of 2015. This domestic water well program provides funding to homeowners to drill a well and repay the cost annually on their taxes on a low-interest loan over a five-, 10- or 15-year period.

I was also intrigued to hear the minister say that these provisions will also accommodate people within municipalities who may want to add a solar or wind or other alternate energy system to their homes. He may provide further information in his closing remarks or in the Committee of the Whole. With an increased number of wells potentially being drilled in neighbouring subdivisions, the availability of good data on water courses, water quality and water flow on residential, commercial and industrial water use and on the location of wells is of critical importance.

In my riding, Mount Sima is an industrial neighbourhood that also permits residential use of properties. My constituents, as well as the Yukon Conservation Society and others, have called for more monitoring of wells in order to determine any impact that industrial activities would have on water tables.

I look forward to the debate in Committee of the Whole. We will be asking the minister how high he anticipates the municipal administration fees might be, and whether those would be applied one time or be an annual fee. We are interested in details from the minister about how soon the government anticipates moving forward on this initiative so that my constituents will be able to apply for a low-interest loan to fund improvements to their water systems.

It is a pleasure to be able to support a bill brought forward by the government and I look forward to further debate.

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

Hon. Mr. Cathers: I would like to thank the members who spoke in favour of this for their words of support.

I would just point out to the Member for Mount Lorne-Southern Lakes that I think he is incorrect in noting that the city has been calling for this extension in the past. In fact, there has been past discussion and a previous amendment to the *Municipal Act* which allowed municipalities more ability to create their own programs, but municipalities did not choose to do that. This step that has been taken here is a result of an initiative by the Yukon government where we offered to extend the program within the municipalities, subject to reaching agreement with municipalities on an option for ensuring security of payment.

I would like to thank the Member for Copperbelt South for her words of support and also join her in acknowledging the support of former MLA Steve Cardiff for this program and for the possibility of extending it within the municipalities. I would like to thank my colleagues from Watson Lake, Pelly-Nisutlin and Klwane for their interest in seeing this program extended to their constituents living within the municipalities.

Of course, I have heard from a number of constituents within Hidden Valley and MacPherson, as well as other areas of Whitehorse, who would like to see the opportunity to participate in this program.

With that, Mr. Speaker, I will make further remarks in Committee of the Whole and commend this bill to the House at second reading.

Motion for second reading of Bill No. 80 agreed to

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Ms. McLeod): Committee of the Whole will now come to order. The matter before the Committee is Bill No. 80, entitled *Domestic Water Well Program Amendments Act*.

Do members wish 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. 80: Domestic Water Well Program Amendments Act

Chair: The matter before the Committee is Bill No. 80, entitled *Domestic Water Well Program Amendments Act*.

Hon. Mr. Cathers: As I already spoke to this in second reading, I won't spend a great deal of time in my introductory remarks, but I would just note a couple of sections that I would specifically draw members' attention to. We can discuss those further in clause-by-clause debate.

That is section 271.02(1), which provides the ability for a municipality and the government to agree in writing to make the domestic water well program available in the municipality. It also goes on — I would point out another section, under 271.04(1), where each amount determined under paragraph 271.03(1)(a) in respect of a local improvement in a municipality is, for the purposes of this act and the *Assessment and Taxation Act*, deemed to be a tax levied by the municipality on the property to which the amount applies. (2) If subsection (1) deems a municipality to have levied a tax, the municipality must collect the tax as though it had imposed the tax by bylaw.

That was, I know, a little bit wordy and legalistic for some, but simply speaking to what those sections do is they provide the ability that once a municipality has entered into a program agreement, it allows us to offer this program within municipal boundaries. They are then obligated to levy a local improvement charge on that property owner. They do not have to go through the normal bylaw process, which is somewhat time intensive and places an additional burden on them. As long as they have agreed to operate in the program, they then consequently agree that if we approve a loan to a property owner within their boundary, they will then apply a local improvement charge to that property owner's property.

The one other amount that had been asked by, I believe, the Member for Copperbelt South was a question of what the administrative charge was going to be. I would again note that it was a request that came specifically from municipalities. Our suggestion — and frankly the Yukon government's preference — would be simply to offer the program directly to residents of municipalities. We see the municipality itself also deriving the benefit, not only from having satisfied citizens who are able to access government support for increasing their property value, but it does add to the tax base of a municipality without a direct cost to them, but because the request for administrative fee was something that did come from a couple municipalities, we did agree that we would create the ability to do that. The exact amount would be the subject of agreements, which could be revised from time to time.

Our suggestion to municipalities, based on our understanding of their desire for some amount of money under that section — and our preference to keep it as low as possible for property owners because that cost would be directly added on to the amount that the property owners would have to borrow — we have suggested at this point that it might be a charge of up to \$500. Again, that is something that will be discussed and negotiated directly with the municipalities. We

will continue to emphasize to them the reminder that if we go higher than \$500, while it may be directly beneficial to the administration of the municipality, it will be a direct increased cost to the property owner and a higher amount that they have to pay under the program compared to what they would have had to pay outside of municipal boundaries.

Mr. Barr: I would like to welcome the officials and thank them for their hard work. I also thank the minister for his comments. He already answered one of the questions, so I will just get into the next.

The minister said that he is aiming for this legislation to allow country homeowners to drill new wells by the summer of 2015. Do the regulations need to be implemented before Yukoners can begin to access this program's expansion? How quickly can the government and the City of Whitehorse sign an agreement? In short, what is needed before the country residential Yukoners can take advantage of these amendments and what is the government's timetable for their implementation?

Hon. Mr. Cathers: I thank the member for the questions. I would note, first of all, that the exact timelines for the City of Whitehorse or other municipalities is really a question that they are best positioned to answer. We certainly are of the view that there should not be any reason — if they are interested in offering the program and working with us in this — that we could not have this all done in time to offer the program in the next fiscal year. But again, I have to emphasize that we can't guarantee that a municipality will participate. We have deliberately chosen not to force them to offer the program, as we don't want to interfere with their taxation authority or undermine their powers as a municipal government. We believe that we are offering a very good deal for municipalities and a very good deal for municipal residents by agreeing to provide the money — the full cost of the loan.

I am just looking for the answer to another question the member had asked. The act amendments create the general framework of law for these changes including the power to make regulations. Regulations provide the specifics of the programming into law. We will be working with municipalities in the creation of regulations that outline program operations and that is because those program specifics can change and regulations are easier to adjust.

As I noted, from the Yukon government's perspective, from our timelines, we are hoping to have this in place for the beginning of the next fiscal year, but we do require at this point the confirmation from municipalities that they are prepared to sign the agreement, so those discussions are underway. As I noted in my speech at second reading, we are proceeding forward with these changes and, in discussing the specifics with municipalities, we hope that they will see the benefit in allowing us to offer this program to Yukoners living within municipal boundaries.

Mr. Barr: I am pleased to see that solar, wind and alternative energy projects can be considered in local improvements in both urban and rural developments. Would you please indicate what alternative electrical energy this

includes? How many such solar and wind projects have been brought forward in the last three years?

Hon. Mr. Cathers: What I should note in clarification, and I draw the member's attention to that section of the act, the changes regarding the alternative energy systems at this point only apply outside of municipalities. What it does is strengthen the existing provision which, as I understand it, allowed people who were not near the grid to access funding under rural electrification for solar or wind. This would then allow people who are connected to the grid to access rural electrification for renewable energy systems.

It is part of implementing our commitments to give citizens the ability to invest in renewable energy systems, and it allows them to increase the ability to not only power their own needs, but to take advantage of the new microgeneration program, which will pay people a slight premium for producing and adding renewable energy to the grid. It's currently 21 cents per kilowatt hour within the hydro portions of the grid and 30 cents per kilowatt hour for people who are in diesel communities.

That provision does not at this point enter into municipalities. It is expanding the ability of people outside of municipalities to borrow money under rural electrification for solar, wind or other alternative energy systems.

Mr. Barr: Just for some clarification and to repeat the one question: Does the minister know what uptake on solar and wind systems has been for the last three years?

For clarification — regarding solar and wind: can it be used for people who are near the grid now? That is what I was hearing from the minister. For example, folks in my riding can upgrade to solar and/or wind — whichever it is they choose — or other renewable energies, even if they are on the grid.

Hon. Mr. Cathers: I understand that the number of applications for solar energy systems under rural electrification has typically been at three to five annually. Prior to this bill that is in front of the House, it was only available for people whose homes were not connected to the grid. This legislation would create the ability for rural residents who are connected to the grid to borrow money under rural electrification to put in a renewable energy system if they meet the other eligibility criteria of the program.

That includes also meeting the appropriate requirements as far as connection standards under the microgeneration policy, assuming they were going to connect to the grid. It requires them as well to have not maxed out the amount under their property that they can borrow under rural electrification or under the well program, which again is capped at 25 percent of their total assessed value. It requires them to have their taxes in good standing. We don't loan money to people who have delinquent property taxes.

It would work for anyone who meets the other program criteria. It may not be available for every person — if, for example, they are delinquent on taxes or have already borrowed too much money under previous electrification loans or well loans that they have yet to repay.

Mr. Barr: I thank the minister for his response. I am thinking of a particular constituent who just upgraded. Would

there be any retroactivity to this? Now they are selling to the grid. Also, what is included in an alternative energy system? Is it renewables only?

Hon. Mr. Cathers: The program is available for wind, solar and microhydro. That is what is currently covered under "alternative". It was worded that way to not rule out the possibility if there is some other future technology. At this point, it is my understanding that it is confined to renewables. As the member will see in the microgeneration program, there is specific reference to renewable energy systems.

This is part of how we're proceeding forward, pursuant to the energy strategy and the commitments we've made on promoting renewable energy use. One of the ways we're doing it is through helping citizens make those personal choices, which increase their own energy independence and, although each part is a relatively small contribution to the overall grid, we think it provides the opportunity for a positive trend, in terms of people making those personal investments that invest in renewable energy systems.

As far as the application of this — please bear with me a moment, Madam Chair.

As the member will see in the tail end of the legislation, the act applies on the day that it's assented to. The program is not retroactive, so I do sympathize with his constituent, who may wish that he or she had waited just a little bit longer. What I would note is there are a significant number of Yukoners, including my constituents in the South Fox Lake area, and there are constituents of my colleague, the Member for Kluane, in the Mendenhall area, and others I know out in the Mount Lorne and Southern Lakes area who have, over the years, put in solar panels or wind, either to directly power their home or supplement it. We're trying to maximize the effect of public funds and taxpayers' money to get more people having the opportunity to buy these systems, not compensate people who have already made those choices. We commend them for those choices. They do have the potential to apply for upgrades under this money.

Pardon me, Madam Chair. I am almost addressing the member directly, which I know is a no-no.

The Member for Mount Lorne-Southern Lakes' constituent may indeed potentially be eligible for assistance under the program, but that would apply to upgrades to the system and potential enhancements to the system. It would not repay him or her for investments that have already been made.

Mr. Barr: Something that has also been brought to my attention in the Mount Lorne area specifically, but may affect the minister's area in other rural areas that are unincorporated, is that there was interest in the community club out there in Mount Lorne to possibly move toward outfitting that club with this program. Is there interest with the government moving toward upgrading various community clubs where O&M falls under the government that would include solar or wind in the upcoming time and that could lend to adding surplus energy to the grid?

Hon. Mr. Cathers: To the member's question about whether a community centre can be funded under the rural electrification program to construct an alternative energy

source, to qualify for a loan a community centre needs to meet the same eligibility criteria as residential properties. That usually is not possible. The rural electrification and telephone program must guarantee 100-percent cost recovery of the loan and that loan is based on both the property ownership and the value of the property — land and building value.

Many community centres do not own the land on which they are built, so there is no party that can actually guarantee that repayment. In addition, the rural electrification and telephone program loan repayment is done through the annual process of paying property taxes and many community centres are granted with exemption from property taxation under current laws and orders-in-council, so they do not participate in the process of paying property taxes, which is also the process for repaying these loans as local improvement charges.

Finally, the amount of electricity funded by a community centre is very likely beyond what this program can fund. The funding is geared toward the power needs of a residential building, usually single family. I would also note that with regard to community centres, as the member may have seen we've just — on Friday when the Premier and I, along with the Member for Kluane, visited communities in his riding including Beaver Creek and Burwash Landing and Destruction Bay and met with citizens as well as with the Kluane First Nation and the White River First Nation, we announced an increase to the community recreation assistance grant, which will almost double the amount that is currently being paid to unincorporated communities.

I will be directly contacting and sending a letter to all of the communities that are benefitting from this increase in funding, but for communities including Mount Lorne, which I recall being one of the ones on the list, will receive an increase to their annual funding.

We're not directly them through this legislation here, but again, as I noted, the amounts per unincorporated community recreation society do vary, but they're based on a new formula that ensures that we are equitably funding all of the unincorporated communities assisted through this. I would be remiss if I did not acknowledge and give credit to the Member for Kluane for his support and efforts in this endeavour in bringing it to my attention in the first place. I would also acknowledge the fact that local advisory councils, including Mount Lorne, Marsh Lake and Tagish, all raised funding for their community centres as an issue when I have met with those local advisory councils. I would like to acknowledge their support for making the changes that we've responded to through the press release, issued on Friday.

One other matter I would like to touch on briefly, which I had intended to answer earlier, was the question of consultation that took place in municipalities. Yukon and municipal government officials have discussed this proposal over a series of meetings and conference calls.

I have also discussed this proposed change with the Association of Yukon Communities and directly written to mayors and councils regarding this program. I have had the opportunity during a number of meetings to talk with

municipalities directly about this program. Though I have not had the opportunity to speak directly to each of them at a meeting about this, I have had the opportunity to speak to them as part of the Association of Yukon Communities' board meeting, where most are represented, and directly through correspondence with those municipalities to offer to extend this program into Whitehorse and other municipalities — as well, offering our four suggested options for doing so — based on what we heard back municipalities — selected the option that was favoured by the municipalities that participated in that consultation.

Mr. Barr: I thank the member opposite for the indirect compliment to the Member for Mount Lorne-Southern Lakes, who is speaking, which we don't get to hear very often. I remember a drive that the Member for Kluane and I took about three years ago, speaking to addressing formula change, so I see the trickle-down effect. Slow progress is alive and well and I know that it will be very happy news for those community members who have been seeking this — long before I have been involved — to hear about funding increases, especially Mount Lorne.

It has always been the topic — the great services and programs they provide and that go on there at Mount Lorne, which attract so many other people from surrounding areas, Whitehorse included, to use the facilities. Although it is very welcome, it does add to those extra expenses, and I'm sure that this announcement will be welcome by the users — very much so. They will be able to enjoy it even more so. I thank the minister for his comments.

This good legislation comes at a critical time for our understanding of well water use. As more wells are potentially drilled in neighbouring subdivisions, it is critical that we have good data on water courses, water quality and flow, water use by residents, businesses or industry, and the locations of the wells themselves. I also hope that these amendments lead to a better understanding of the water tables in these areas.

Currently, well drillers do not have to report the location and depth of a well. When more wells will be drilled in an area, this becomes an important question. When the Yukon government develops the regulations, will it require that information about well depths and water well locations be provided to the Yukon government so it can track the location of these wells?

I would further add that with wells, often there are septic beds, and septic systems must be 100 feet away from a water well. Well drillers are not required to report the location of wells or to confirm that wells are 100 feet away from septic systems. In a country residential subdivision with small lots and a high density, septic systems could contaminate wells.

Has the government thought about how to improve on this — its water data recording keeping — to avoid any such problems?

Hon. Mr. Cathers: What I should point out first of all is in fact through the water strategy — work being led by the Minister of Environment and led by the Department of Environment with involvement from departments — including Community Services and Health and Social Services — that

getting better data collection on Yukon's groundwater is a part of that strategy. That has included specific investments that the Yukon government has made in data collection around the territory.

While there is no Yukon-wide requirement for well drillers to submit their well logs, it is a requirement under the rural domestic water well program that they do. In fact, for wells that have been drilled under that program, we do have records of where the well is located, the depth, information about water quality, et cetera. A well drilling log of a water well — which has to be submitted to Property Assessment and Taxation under the rural well program — verifies the work has been done. It provides project information, including well location and typically also depth, flow rate, water quality before treatment, and, where applicable, indication that the well has been capped.

Work is ongoing in an effort to continue to manage groundwater, and this includes collecting the data from those well logs received under the rural well program and under the municipal domestic water well program that will be created if this bill is passed, and thus subject to municipalities signing on the dotted line to allow the programs to be offered.

The wells also have to pass the Canadian guideline for drinking water quality test. In ensuring that a well is safe from contamination, the rural domestic water well program policies take a number of steps to do that, including ensuring that a sketch plan and drilling log are submitted to the government. A rough site sketch has to demonstrate where on the property the well will be, in relation to surface water sources, septic systems or any other site likely to impact a well. A well drilling log of a water well verifies the work is done and meets the existing requirements and standards. In addition, water produced by the drilling must be tested for mineral and organic safety and, if the water tests are safe and meet the Canadian guidelines for drinking water quality, only then are the final funds paid out for the project under this program.

I would note, in reference to the member's question about septic systems, I don't have the specific details of how Health and Social Services and Environmental Health deal with issuing permits for that, but I do know that one of the things that they consider in issuing permits for a septic system is proximity to wells and to surface water or groundwater that could potentially be contaminated by a septic system.

I said that already, Madam Chair, so I won't repeat myself.

Mr. Barr: I do thank the minister for his responses.

In the matter of the last part of his answer where Health and Social Services is involved, I guess a concern is — in especially a rural area where it may be on that specific property that the 100 feet is adhered to from well to septic, but is there a log or data entry relation from another person's property? Is there a correlation to keep those distances congruent from a neighbouring lot that would have a well and a septic system?

Hon. Mr. Cathers: The specifics of exactly all the details of how Environmental Health Services does this is something I don't have — that information about Health and

Social Services — in front of me, but I do know that, before issuing a permit for a septic system, Environmental Health Services does consider the proximity to wells not only on that person's property but gives consideration to whether there are other wells in the area. I would feel fairly safe in assuming that one of the things that they immediately check for is a record of a well on someone else's property nearby and that, in the absence of knowing that there is a well and it is a safe distance from a septic system, I would be confident that they would take appropriate steps to determine whether there might be a well within the area that could be contaminated by a septic system.

Again, as I noted, I do know that Environmental Health Services, when they are issuing those permits, considers what potentially might be contaminated, including surface water within the area. That is something that is handled at an operational level by the officers in Environmental Health Services. They make those decisions and I am confident that they are exercising due care and diligence prior to issuing permits for septic fields. When it comes down to the efforts in drilling a well, an important part of what we have been able to do through the rural well program in collecting better data about the location of new wells. It does allow a better understanding of the usage of groundwater and the locations of wells that could potentially be contaminated by septic fields or other activity through the work that is being done. Both here and through the water strategy for Yukon, officials from all affected departments are working together to improve our understanding of Yukon's groundwater, including potential contamination sources. One of the reasons for that is to ensure that we are doing the very best job that we can in ensuring that permits are not issued either for drilling a well or for putting in a septic system without knowledge of what might be impacted and potential risks that are in play.

Mr. Barr: I thank the minister for his response. It is essential that safety is paramount where contamination could occur and that water is not being contaminated. In Mount Sima, where residential properties sit beside industrial development, residents are calling for better monitoring of water wells to monitor industry's impact on the quality of the water tables. Does the government have a plan to improve our knowledge of what is happening to the water under our feet there?

Hon. Mr. Cathers: I thought I just answered that. That's work that's being done under the water strategy for Yukon. I should also just add and clarify my previous response to the member that, in providing funding under the rural well program for drilling a water well, the sign-up form for the service provider registry requires any well driller who wants to be registered as someone who can receive funding under this program to, as a starting point, sign a form that indicates the following. For the purpose of the rural domestic water well program, any service provider that agrees to undertake the duties associated with coordinating a project under this program will be required to take responsibility for submitting the following elements on behalf of the applicant: a full bacterial and chemical analysis of water well from any

new system, which demonstrates the water meets current Canadian guidelines for drinking water quality; a clear demonstration that a full treatment plan and appropriate system is in place if analysis indicates treatment is required; if the well is a surface water well, treatment will be a required component of any application.

It also requires proof in the form of receipts that well drilling has been completed by a registered well driller, well logs that include well location, depth, flow rate, water quality before treatment and, where applicable, an indication that the well is capped. All receipts eligible for financing in the program — the service provider will also enter into a contract with the Government of Yukon and take on the responsibility of ensuring that payment is made for any receipts submitted for the given project and financed under this program. The service provider will ensure that all rules and regulations related to project installation are followed. Given those duties, company named “blank” agrees to be listed on this registry as a registered service provider. As a registered service provider, the following is confirmed — and this is a checked box section of the application — in good standing with Yukon Workers’ Compensation Health and Safety Board, registered with Corporate Affairs and legally entitled to work in the Yukon.

Additionally on the signup form for the well-driller registry, for the purpose of the rural domestic water well program, a “groundwater well” is defined as any drilled well that is at least 15 metres away from any surface water source and at least 30 metres deep, and which meets standards set out in the Canadian Ground Water Association guidelines for water well construction. Given that definition, “fill in the blank” agrees that any groundwater well financed through the rural domestic water well program will be installed at or above standards set out in the Canadian Ground Water Association guidelines for water well construction and, again, it requires that driller to confirm that they are in good standing with Workers’ Compensation Health and Safety Board, Corporate Affairs and are entitled to work in the Yukon.

That is the starting point before they even get into the system. They are also obliged through the program — there is a requirement that recipients of the program follow the steps of this as well. Again, the obligation is placed on the driller to ensure that they are installing a well that meets Canadian drinking water standards including the assessments of water quality. I hope that has answered the member’s question.

Mr. Barr: Yes, the minister answered the question, and he was quite thorough previously. I did want to mention the specific requests of the constituents — not of mine, but others — in Mount Sima who wanted to be clear for themselves so they can hear that geared right toward them.

I have one last question regarding administration fees. The minister said that these amendments include the ability for levying a municipal administration fee at the request of municipalities. He also said he will encourage municipalities to keep the administration fee at a low cost.

Can the minister say whether the administration fee will be a one-time or an annual charge, and have his discussions with municipalities addressed that question?

Hon. Mr. Cathers: The administration fee that I was referencing was an upfront charge. That is what has been discussed at this point between staff and Community Services and municipalities during meetings and conference calls. The amount that has been discussed was a \$500 administration fee. I would emphasize and underline that we appreciate why municipalities are asking for it. It was our preference not to provide it at all, but in the interest of offering this program and working with municipalities, we agreed to tack on an administration fee, although we do also see there being a benefit to municipalities in the long term from having citizens have access not only to cleaner water but to increasing the tax base through the investments under this program.

Again, I recognize the concern that municipalities had and so as a result of that did agree to change what we had proposed to allow for an administration fee, which again would go directly to the property owner. The municipality does have a certain administrative role to play in recovering the money including adding on to the tax bills a local improvement charge. There is also some potential that in the event of default, a municipality could have to take action to recover that along with any municipal taxes owed to it. Most of the administrative work under the program will continue to be, just as with the rural water program, borne by Property Assessment and Taxation branch and the municipality’s responsibilities under this will be limited to the requirement to levy the local improvement charge, collect it and remit that fee to the Yukon government.

Mr. Silver: I would like to thank the department officials for coming here today and also for the briefing. My staff said it was very informational. Also, thank you to the Member for Mount Lorne-Southern Lakes for his questions. I only have a couple of follow-up questions that I don’t think have been answered at this time.

The minister already commented on the level of consultation with the municipalities. So I just wanted to know a bit about the methods of awarding these loans. Is it a first-come, first-served basis or is there more of a process to this? Once again, the departmental officials at the briefing did a great job of explaining the difference between municipal and rural, but I just wanted to know overall if there is a first-come, first-served basis for the loans?

Hon. Mr. Cathers: First of all, what I should note in answer to the member’s question is that the program — just as with the rural well program, is that they assess applicants when they come in the door. It is to an extent first come, first served. If someone has been approved for a payment under it, they do provide it based on when people come in and not based on weighing the merits of individual projects. They assess whether the elements of a well projects are eligible. If someone is eligible, they issue a loan for it as allowed by budgetary restrictions.

What we’ve done and the exact amounts that are available, both within the rural well portion of the program

and the municipal water well portion, will be subject to annual budgetary appropriations. What is envisioned at this point is that there will be a portion specifically designated for rural and a portion specifically designated for properties within municipalities at the beginning of the year. Then projects in either of those two parts will be reviewed. Then after July 31 of each year, any remaining amount from either part of the program would be available for people, regardless of where they live.

So to phrase that a little less clumsily, what that would mean is that if someone within a municipality had applied on June 1 and the municipal portion of it had been fully expended, if there was an amount remaining in the rural portion of the fund after July 31, then that money would be made available to the person within the municipality. That's what we're attempting to do to ensure that if there's unspent money, it isn't simply lapsed — that the two pots would be combined into one — or the two parts of the budget would be combined into one after July 31 — either inside municipalities or rural areas, whichever the case is in that situation, to access those unspent funds.

So pots will be divided until July 31, and after that all remaining money will be available for anyone in either two divisions of the budget that was not able to receive funding prior to July 31. That will be first come, first serve and after July 31, any new applications in the door in either category will simply be rated equally based on who applies first.

Mr. Silver: I am taking a look at the variance in prices for certain well projects. Clearly, how far down you are going to have to go is going to determine how much money you are going to spend on wells. I have seen projects in Dawson reach over \$50,000. I am wondering if the minister expects an average amount per loan or are they going to just assign the amounts based on the size of the project?

Hon. Mr. Cathers: The way that it works now is that someone comes in — when they are approved, there would be a quote from the well service provider which they would be approved based on. Then if they are higher or lower than the estimate then there can be an adjustment made.

Illustratively, if someone was approved for — if the quote that was approved — when the project was approved — was for \$25,000 and the actual cost came in at \$30,000, the eligibility of that additional work would be assessed, including whether they had maxed out their 25 percent on their property and, of course, scrutiny being conducted by officials of whether the elements of the project and the bills were reasonable. That then can be added and lead to an adjustment. Of course if they came in under the quoted amount and there was money available then that would go into other areas.

That is one of the reasons why in budgetary years the amount that is estimated for the program does sometimes go higher because we've chosen to do it that way rather than saying to someone that if the project is slightly over what the original quote was that — to prevent them from being able to access it and having to pay that additional amount directly out

of pocket rather than borrowing it and amortizing it over up to 15 years.

In terms of the cost of a well, the annual cost has varied slightly and gone up slightly over the years. I believe last year was about \$24,000; I understand roughly \$25,000 is the current cost of wells and equipment — the average cost. But it should be noted that wells that go down deeply, or wells that are shallower than average, do skew those costs. That's an average cost.

Again, a key element of this program — and personally, I believe, one of the reasons it has been successful in the decades since its implementation — is that this does not provide anyone with a blank cheque. It is still a financing program, but it remains a personal responsibility, and people choose — if they wish to keep drilling, they take the risks associated with that — and paying for a dry well, they don't simply pass that on to the government.

That is, in part, because, long before my time as an MLA, there had been a program offered under Yukon Housing Corporation for well drilling that had mixed success. One of the criticisms I had heard from constituents about that program was that some people kept drilling exactly to the amount that was approved as a loan and, under that program, they didn't have to pay it back if it was a dry well. So it led to people sinking holes and not going further — that was the criticism I received from constituents.

The suggestion that had been made when this program was originally suggested, by some of my constituents, was that we model it on the rural electrical and telephone program and maintain that personal responsibility and people taking the risks themselves rather than passing it on to government or fellow citizens.

If there is a dry well, they still do have to pay for it. The program does have some risks, and it's one that we encourage people to carefully consider, but also to note the number of projects that have been approved and completed as of the end of March 2014 — the end of that fiscal year. A total of 240 projects occurred in the life of the program, with \$5.4 million expended by the government on this program. It has helped, as members can see from that, roughly 240 families as of the end of last fiscal year and currently this year, I believe, there were an additional 20 wells under construction. As noted in my second reading speech, I believe I said there were roughly 250 projects, but in fact the actual number is closer to 260 if all complete their work in the current fiscal year.

Mr. Silver: I appreciate the answer from the minister. I'm just trying to add up the numbers here and the amount of money allocated this time around compared to the need. It doesn't really match up. With 25,000 or 30,000, we're not going to get past 40 well projects before this money dries up — pardon the pun.

I am wondering, is there room in the budget for more if this project is successful? How much deliberation has the department done for when this initial allotment of money ends?

Hon. Mr. Cathers: What I can hint at for the member is that it is our expectation that we will be adding additional

resources to this total program, but the exact amounts of that will be subject to approval by Management Board and subsequent tabling in this Assembly as part of the 2015-16 budget. I'm not in a position to pre-announce that, but it is our expectation that we would seek additional resources for this program to extend the number of people that can be assisted by it. Unfortunately I am not in a position to pre-announce the amounts at this point in time.

I would note, again, that when the member is looking at the numbers, I do have to point out that in talking about the total number of projects approved in the past 10 years, the average cost of wells and well systems approved under it has gone up on about an annual basis largely based on increased costs of systems and, to some degree, due to fluctuations in fiscal years of how many projects are approved and how many are completed. Something I should note is that the average cost of a well is now roughly \$25,000 and the maximum amount is \$50,000.

In some cases, for really deep wells with a significant amount of treatment, that might not cover all of someone's costs, but the program is not designed for extreme cases. It's designed and has been successful at assisting most people who choose to put in a well who are eligible for the program having the same type of assistance that has been successfully provided for a number of decades under the rural electrification program. Government will help them borrow and amortize the money up to 15 years. They pay it back annually with their taxes and are charged a low-interest rate on those loans, but there is also security for repayment provided to government and taxpayers because it is secured through a local improvement charge against the property.

Chair: Is there any further general debate? We are going to proceed with clause-by-clause reading of the bill.

On Clause 1

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Title

Title agreed to

Hon. Mr. Cathers: Just before I move to report the bill, I would like to thank Kelly and Shehnaz for their assistance here today and thank Charlene and others who have played a major role in the development of this legislation — Paul and Kelvin as well — and anyone who I've missed — I know there are several — I thank them for their good work on this.

With that, Madam Chair, I move that you report Bill No. 80 without amendment.

Chair: It has been moved by Mr. Cathers that the Chair report Bill No. 80, entitled *Domestic Water Well Program Amendments Act*, without amendment.

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Ms. McLeod: Mr. Speaker, Committee of the Whole has considered Bill No. 80, entitled *Domestic Water Well Program Amendments Act*, and directed me to report the bill without amendment.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

GOVERNMENT BILLS

Bill No. 81: *Court Security Act* — Second Reading

Clerk: Second reading, Bill No. 81, standing in the name of the Hon. Mr. Nixon.

Hon. Mr. Nixon: I move that Bill No. 81, entitled *Court Security Act*, be now read a second time.

Speaker: It has been moved by the Minister of Justice that Bill No. 81, entitled *Court Security Act*, be now read a second time.

Hon. Mr. Nixon: In second reading, we often talk about how the bill fits with the government's overall policy initiatives. I would like to share how this bill fits in with what we are doing as it relates to the platform.

The bill before us today is a part of a broader package of creating safer Yukon communities as part of the building a better quality of life pillar. The Yukon Party team has accomplished a great deal in delivering on our platform commitments. We have successfully used our budgets to translate our platform commitments into reality for Yukoners.

Let me share with you some of the commitments that we made to Yukoners that fall within my area of responsibility. We committed, in partnership with Yukon First Nations and Yukon College, to establish a law enforcement career orientation program at the Northern Institute of Social Justice to prepare First Nations and women for careers in law enforcement or in the justice system.

In response, we conducted a pilot project for a law enforcement career orientation program at the Northern Institute of Social Justice, which went ahead in the summer of 2012. That program continues to do very good work for professionals in our territory. Our Yukon Party government developed and has committed to implement the *Substance Abuse Action Plan, Yukon* that focuses on education, prevention, harm reduction, enforcement and treatment.

Within the enforcement pillar, the Department of Justice established the SCAN unit, which continues to enforce the SCAN act. Recently, Yukoners have seen an increase in print and on-line public service announcements, as well as radio announcements, with regard to safer communities and neighbourhoods. As a result, we have seen an increased number of activities to the branch.

SCAN has collaborated with partners such as the Yukon Liquor Corporation and with the RCMP on efforts to address illegal activity and associated harms. SCAN is working with an ambitious three-year strategic plan as it is fully operational and continues to carry out its mandate to address illegal activity on property in Yukon. I would certainly like to take any opportunity, especially now, to thank the staff of SCAN for a job very, very well done.

We have also supported an Alcohol and Drug Services addiction counsellor for the Community Wellness Court and have ensured that the correctional service staff in contracted services is ongoing to support the Community Wellness Court.

Speaking of which, we have committed to support the Community Wellness Court to address specific social problems in the north, such as substance abuse and FASD, by emphasizing individualized court orders and supervised treatment.

Speaking about FASD, I was pleased to announce with great support from the Yukon Party government to conduct the FASD prevalence study that will be underway shortly. I am looking forward to the good work that will take place here in Yukon. The entire country is watching Yukon on this front and I would like to extend my thanks to all of my government caucus colleagues for their support on this important project. As you will remember, we also committed to make the justice system better suited to individuals with FASD by addressing the recommendations of the Path to Justice: Access to Justice for Individuals with Fetal Alcohol Spectrum Disorder conference. Yukoners will likely also remember that we have implemented a new philosophy of corrections, emphasizing that the protection of the public holds offenders accountable and provides appropriate opportunities for rehabilitation.

WCC offers programming on substance abuse management, cognitive skills, violence prevention, anger management, spousal assault and sexual offence, as well as programming relevant to First Nation inmates — just to name a few, Mr. Speaker.

The *Victims of Crime Act* that passed in the spring of 2010 has been supported with a number of public education initiatives, outlining information on how victims of crime have rights. The victims of crime emergency fund, including

emergency cellphones, has been implemented to address some of the emergency aspects of being victimized. This government has invested in corrections infrastructure that supports the principles of public safety and offender accountability, such as the replacement facility for the Whitehorse Correctional Centre.

We have ensured that the arrest processing unit includes access to medical resources for individuals requiring them. We have implemented the recommendations of the Internet Safety Advisory Committee to ensure that Yukoners are protected from cyber crime and Internet predators. I'm especially pleased that we've been able to build on the good work of the Internet Safety Advisory Committee and make a connection with the Canadian Centre for Child Protection. I'm very proud of the work this team does nationally with the public, the federal government and many levels of government across our nation. I applaud the leadership of the Minister of Education on such files as this, in partnership with the Department of Justice, working with the Centre for Child Protection to better protect our children and youth from on-line risks and sexual exploitation.

Under the Department of Justice, we've entered into a three-year agreement with the Canadian Centre for Child Protection to build awareness of the www.cybertips.ca website. If you haven't visited this website yet, I would strongly recommend that you do. The site hosts valuable information for both kids and parents.

Speaking of children, our government also continues to respond to justice-related needs of children who witness domestic violence and other forms of victimization through project Lynx. There is good work being done here and all involved should feel very proud of their contributions to Yukon.

Over the last couple of years, you will have heard me talk about the Yukon Police Council. We in fact engaged First Nations and the public in the oversight of the police force by creating the Yukon Police Council in February 2012. You will remember that the creation of the council was a recommendation of the 2010 *Sharing Common Ground* report. There is no doubt in my mind that we have a solid group of dedicated individuals working on this council and I continue to be so very pleased with their work.

Just recently, the Police Council issued a release encouraging Yukoners to share their input into their recommendations on policing priorities. The Police Council used these submissions when making their recommendations for our policing priorities.

We recently celebrated the community safety awards, which were created in 2012 to recognize citizens who make significant contributions to community safety in our territory. I would like to extend my most sincere appreciation and congratulations to this year's winners.

I'm very proud that Yukon is working with the governments of Northwest Territories, Nunavut and Canada to respond to the unique challenges of policing in the north. Yukon negotiated a 20-year territorial police service agreement that reflects the unique nature of policing in the

north and includes provisions for cost mitigation and harmonization of RCMP standards with best practices or new Yukon legislation.

The bill being tabled today puts existing court security practices into legislation. Yukon is the only jurisdiction without legislation governing court security, and this bill will bring Yukon into line with the rest of Canada. Our government is committed to ensuring a safe, effective and efficient justice system, and this new legislation will provide more safety assurances for all court users and enhances court security operations in Yukon courts.

A few years ago, Yukon's judiciary identified that a court security act would create greater certainty and clarity around aspects of court security. Although the judiciary have inherent jurisdiction over their courtrooms through common law, it has not been clear whether this authority extends outside the courtrooms and to other areas where threats to security may arise.

Other jurisdictions in Canada have found that without designating court areas and establishing explicit authority in legislation for security practices, such as sheriff screening for prohibited items or evicting people with cause, the ability to enforce prohibitions or actions is compromised and subject to challenges. The Sheriff's Office provides court security, manages juries, ensures that court orders directed to the sheriff are carried out and serves civil and criminal documents throughout Yukon. The Sheriff's Office is responsible for the enforcement of civil judgments issued to the sheriff by Yukon courts and the Federal Court of Canada, jury selection, management of judge and jury trials, serving civil documents and for providing security to the law courts and the judiciary.

Members of the public who have questions about jury duty, about the seizure and sale of property to comply with court judgments or document service, should contact the Sheriff's Office. Their hours are from 8:00 a.m. to 5:00 p.m., Monday to Friday.

I would certainly like to commend the team at the Sheriff's Office for their continued commitment to Yukoners and for consistently conducting themselves in a professional manner. Their duties are often carried out behind the scenes — in the shadows, in a sense. Mr. Speaker, I can recall working with the Sheriff's Office prior to my days as an elected official, when I owned and operated my property management company. The sheriffs were extremely helpful when I experienced a substantial breach in a tenancy agreement and had to evict a tenant. I would like to thank them for their service and their contributions to our community and our territory.

Having the parameters of court security rules and legislation makes rules more clear and effective. Many people — witnesses, accused, jurors and court workers — go to court because they are required to. Therefore, it is the responsibility of the justice system to maintain safe court premises and to have consistent security rules and practices. Luckily, Yukon has not had security problems like other jurisdictions in Canada. However, there are legitimate security concerns and

this new legislation is a proactive measure to ensure the continued safety of all court participants.

Mr. Speaker, I will now begin to briefly review some of the key points of the new legislation. This legislation will what define designated court areas are — including areas outside the court room, like interview rooms, common areas, building entrances and exits at the Whitehorse law courts and buildings used for circuit court.

It will also allow for security officers to screen people before they enter in court areas and to deny entry to those who are either carrying a prohibited item or who refuse to be screened.

The sheriff will similarly be allowed to evict a person who is creating a disturbance or who is found to be carrying a prohibited item. The legislation will prohibit unauthorized recordings by camera, cellphone, recording devices or other equipment and will allow the sheriffs to seize the equipment and destroy the recording and/or remove the person who is making that recording.

It will also provide clear authority for sheriffs to assist the RCMP in carrying out searches of people held in court cells. Sometimes, when there are no RCMP officers present, the sheriffs are required to search persons before they can be safely held in court cells. Furthermore, female sheriffs are sometimes called upon to assist when a female in custody must be searched and no female RCMP officer is present. These practices will now be explicitly authorized.

Similar to our neighbours in the Northwest Territories, the legislation will also enable penalties for persons who contravene the act. Persons may be liable on summary conviction to a fine not exceeding \$5,000 or a term of imprisonment not exceeding six months or both.

In conclusion, the Department of Justice is committed to ensuring access to high quality justice services and the new *Court Security Act* will clarify court security practices and ensure consistency throughout Yukon. The new act will formalize current security practices by clearly outlining them in legislation, which will increase public confidence in Yukon's justice system.

Ms. Moorcroft: I rise on behalf of the Official Opposition to speak at second reading in favour of Bill No. 81, entitled *Court Security Act*. I would like to thank the Justice officials who gave the opposition a briefing on this act earlier in this sitting. We understand the bill to address security measures in Whitehorse courtrooms and any facility similarly used for court proceedings, whether in Whitehorse or the communities, follows an extensive security audit of court buildings that was done six years ago. The judiciary then identified some legislative changes to deal with security matters.

Looking at the explanatory note, the bill will prohibit unauthorized possession of weapons, alcohol and illegal drugs in court areas. It will allow designation of areas the public is denied entry and areas in which the unauthorized use of cellphones, cameras and other devices is prohibited. It will prevent unauthorized recording of court proceedings other

than in handwritten notes or drawings, and gives security officers the power they need to enforce these rules.

The general rule in Canada is that court proceedings are open to the public, including the media, and may be reported in full. In *Edmonton Journal v. Alberta (Attorney General)*, [1989], 2 S.C.R. 1326, Madam Justice Wilson of the Supreme Court of Canada wrote the following regarding the purpose of having court proceedings open to the public and to the media: “In summary, the public interest in open trials and in the ability of the press to provide complete reports of what takes place in the courtroom is rooted in the need (1) to maintain an effective evidentiary process; (2) to ensure a judiciary and juries that behave fairly and that are sensitive to the values espoused by the society; (3) to promote a shared sense that our courts operate with integrity and dispense justice; and (4) to provide an ongoing opportunity for the community to learn how the justice system operates and how the law being applied daily in the courts affects them.”

In recent months, the Yukon Supreme Court demonstrated considerable openness to these principles that accommodate public interest by making extra space available for an overflow crowd interested in the proceedings of the Peel River watershed legal case. For the first time ever, the court permitted the filming of opening arguments on the first morning of the trial held in July 2014. Both the court room where the trial was heard and a second room where the proceedings were livestreamed on video were packed every day of the trial. More than 50 elders from Peel communities joined First Nation leadership to witness this case when the First Nation of Na Cho Nyäk Dun and the Tr’ondëk Hwëch’in First Nation, along with Canadian Parks and Wilderness Society Yukon Chapter and the Yukon Conservation Society, challenged the constitutional legality of the Yukon Party government’s unilateral land use plan for the Peel region. Also of note is that CPAWS Yukon was granted permission to live tweet the entire proceedings of the legal challenge to the Yukon government’s unilateral Peel land use plan.

The default requirement in place at present in the courts is for a party to request authorization for filming or taping a trial, and the judge could and did allow filming and Twitter access in this case. The new provisions in this *Court Security Act* establish the ability to enact regulations dealing with security measures. The new rules that can be made under the *Court Security Act* may also allow for a Twitter feed or photographs to be taken.

It is also important to acknowledge that there are legitimate exclusions to an open court. When confidential family matters such as child custody are dealt with in court, the courtroom can be closed. These protections of personal privacy, when warranted, remain in place. Similarly, in sexual assault trials, a judge may order a prohibition on publishing the names of victims or other parties to protect their privacy. This is known as a publication ban and will not be affected by the *Court Security Act*.

At the information session held by the department, I asked about what would change as a result of the bill. What plans are in the works for court screening procedures in the

future and what affect might it have on public access to the courts? We are in support of the public interest in open trials and believe security measures must respect the principles of openness articulated by Madam Justice Wilson that I read into the record a few moments ago. We do not want to unduly restrict the public’s ability to observe court proceedings. It is our view that the approach taken must respect the values we take for granted in Canada — democracy, human rights and the rule of law — when looking at these new security measures.

I was assured the new security provisions would not be arbitrary or discriminatory. I was also told that screening would not necessarily be a routine procedure. The regulations will set up parameters of what screening methods may be used for access to public courtrooms. Some courts routinely screen people as part of operational needs; others may screen at high-risk trials.

Officials indicated the Yukon courts will develop a policy framework and we look forward to seeing those when they are developed.

The Provincial Court of British Columbia, like many other courts across Canada, posts on their website the court’s policies on public and media access. A provision of the *Court Security Act* prevents unauthorized recordings of court proceedings other than handwritten notes or drawings. I’ve been present in court when reports were taping the proceedings with their recording devices. This would seem to indicate that at present the judiciary can allow media to record court proceedings as indeed the judiciary also allowed a twitter feed of the Peel watershed land use plan legal case.

I will be interested in hearing from the minister how the prohibition on recording court proceedings reconciles with the practice of allowing the media to record trials and whether there will be changes. Will media automatically be allowed to record trials notwithstanding the prohibition found in this act?

The Yukon NDP supports the general intent of the bill. We recognize that there was a need to bring Yukon’s court security legislation and regulations in line with other jurisdictions. As an example, changes to the legislation that provide the judiciary and security officials with the ability to designate areas as restricted entry areas are consistent with other Canadian jurisdictions.

We also recognize that many of these changes were prompted by cumulative issues and events occurring in other jurisdictions, as well as requests from the judiciary. We support the work of the Sheriff’s Office and court security officers and this bill formalizes how that work is done in the courts.

In closing, the Official Opposition is interested to hear from the minister how long he anticipates it will take to develop the regulations and when the government anticipates that it will proclaim the *Court Security Act*.

Mr. Silver: I rise to speak on Bill No. 81, the *Court Security Act*. I thank the minister for putting this forth and also the officials from the department for their work on it.

For the most part, this bill seems like a fairly straightforward piece of legislation. It is surprising, however, how long it has taken for us to take a look at this. It is surprising how many items are not already part of the courts' procedures, especially the provisions surrounding the court security offices. The changes will allow greater authority for our court security officers to deal with disturbances and other problems in Yukon's courts, including the sub-sections around screenings, which are very important, as mentioned in those high-profile cases.

The direct addressing of cellphones and recording devices shows how much technology and journalism, for that matter, have changed. These changes highlight how outdated some of our laws are and bring us in line with the rest of Canada.

At this point in time, I intend to support the bill and I look forward to discussing it further in Committee of the Whole.

Motion for second reading of Bill No. 81 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): I will now call Committee of the Whole to order. The matter before the Committee is Bill No. 81, entitled *Court Security Act*. Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 81: *Court Security Act*

Chair: The matter before the Committee is Bill No. 81, entitled *Court Security Act*.

Hon. Mr. Nixon: I would first like to thank my department officials for joining me today — Deputy Minister Tom Ullyett and Lawrence Purdy. They've done an incredible amount of work on this particular bill, so I thank them and thank the other individuals back in the Department of Justice for their work as well. I know this has been something that has been in the hopper for some time, so a lot of people have had their hands in this.

As I mentioned earlier, this bill being tabled today puts existing court security practices into legislation. Yukon, as I mentioned, is the only jurisdiction in Canada that doesn't have this type of legislation, so it's important that we move this

forward. Our government is committed to ensuring a safe, effective and efficient justice system, and this new legislation will provide more safety assurances for all court users. It enhances court security operations in Yukon courts.

I would again like to commend the team at the Sheriff's Office for their continued commitments to Yukoners and for consistently day in and day out conducting themselves in a professional manner. A lot of their work, as I had indicated earlier, is really not seen by the public and I know as minister I feel inclined to more frequently thank them for their good and important work.

Having the parameters of court security rules and legislation makes the rules more clear and effective. This legislation will define what our designated court areas are, which include the areas outside the court room, like interview rooms, common areas, building entrance and exits not only at the Whitehorse law courts and buildings but also in the communities when there is circuit court.

It will also allow for security officers to screen people before they enter the court areas and to deny entry to those who are either carrying a prohibited item or who refuse to be screened. As we get into the finer details of this legislation — I know the Member for Copperbelt South had asked earlier about media and that is certainly a circumstance where a judge can continue to make those exceptions as they see fit.

The Sheriff will similarly be allowed to evict a person who is creating a disturbance or who is found to be carrying a prohibited item, without those exceptions from the judiciary. This legislation will prohibit unauthorized recordings by camera, cellphone, recording devices or other equipment and it will allow the sheriffs to seize the equipment and destroy the recordings and/or remove the person who is making that recording.

It will also provide clear authority for sheriffs to assist the RCMP in carrying out searches of people held in court cells. A lot of that work is done by the RCMP now and certainly we have seen the Sheriff's Office step up to the plate time and time again.

Having said that, I will let the members opposite ask questions as they see fit.

Ms. Moorcroft: As the minister acknowledged at second reading, we've had no significant security breaches in courts in the Yukon. The Sheriff's Office, which provides security to the courts, does excellent work. I want to thank the officials for coming in this afternoon and thank them for the information they presented at the briefing on this bill.

The officials indicated that there was an extensive security audit done of the court building in 2007-08. The first question I have for the minister is: What prompted the 2007-08 security audit? What recommendations came out of that security audit? How are those recommendations addressed in the bill? Are there any recommendations that are not addressed?

Hon. Mr. Nixon: Certainly the review that was conducted back in 2007 was a result of the judiciary coming forward and asking for such a review. The report had many, many recommendations in it, many of which have been

addressed in this piece of legislation, but certainly not all of them. I don't have the detailed recommendations in front of me at this time, but we certainly consulted with the judiciary on this bill to move it forward and they certainly have supported this bill as it's written now.

Ms. Moorcroft: I thank the minister for that answer. Is he able to give any information about the nature of the recommendations that were raised at the court security audit that are not addressed in this bill?

Hon. Mr. Nixon: As I had indicated earlier, I don't have the full list of recommendations in front of me at this time so I'm unable to provide those to the member opposite. However, I can provide them perhaps at a later date if she would prefer.

Ms. Moorcroft: If the minister would undertake to provide a written answer, I'll submit a written question and look for him to answer it before this sitting rises. I'll let the minister speak to acknowledge that and then proceed.

Hon. Mr. Nixon: I thank the member opposite for her question. I can definitely commit to providing a written response to the member opposite.

Ms. Moorcroft: I spoke at second reading about the fundamental tenet of democracy that our courts, and indeed our legislatures, are open to citizens. I want to ensure that we are not looking at undertaking any extreme measures that may be unnecessary or that may intimidate people from attending in the court. I am confident that the judiciary will continue to preserve the democratic values of an open court and, that said, I look forward to reading whatever policy framework is added to the existing policies that the court has.

Can the minister tell us if there are any budget implications to the *Court Security Act*? Does he anticipate that he will be coming in with capital and operation and maintenance expenditures to implement the act?

Hon. Mr. Nixon: There may be some expenses pertaining to new equipment — so if we needed a wand for the Sheriff's Office — but it would be a nominal amount. It would just be for equipment. There wouldn't be any new staff required at this time.

Ms. Moorcroft: I would like to now ask the minister if he has a target date for the development of regulations and for the bill coming into force. Does he have an idea of how long that may take?

Hon. Mr. Nixon: Like most new acts, there are extensive regulations to be drafted and that will take some time. Also, given the importance of our courts to the public and the public's access to them, we will have a public consultation on these regulations. After the public consultation, Cabinet will consider the regulations prepared by the Department of Justice. It will be well into 2015, I would suggest, for the regulations to come into force.

Ms. Moorcroft: Can the minister tell us when the public consultation period will begin on the regulations?

Hon. Mr. Nixon: There have not been any dates set for public consultation at this point.

Ms. Moorcroft: Maybe I'll just add one question now, before we go into Committee, in case any other members wish

to come in and pose a question in general debate. I had asked a question related to the media's ability to tape-record trial evidence. Is that something that is allowed on a case-by-case basis, and media outlets must request authorization from the judiciary for or has it become standard practice?

Hon. Mr. Nixon: In response to the member's question, this comes down to a piece of legislation and then the judiciary would make exceptions.

That is a relationship between the media and the judiciary, one that has been positive, it seems, so far. I don't know if I should necessarily comment on how the judges are going to conduct any sort of policy or procedure within their courtrooms. That's something that the judiciary can take on with this new act and when the new regulations come into force.

The Yukon government is committed to ensuring a safe, effective and efficient justice system for all. This act provides a legislative addition to existing judicial authority and a clear basis for court security policies resulting in greater safety and transparency for all court users. The act ensures consistent security, technology and search and screening practices at all Yukon court facilities, including those that are used for circuit court.

Having the parameters of court security rules in legislation makes those rules more clear and it makes them more effective. Many people — whether they are witnesses, accused, jurors or courtworkers — go to court because they are required to. Therefore, it is the responsibility of the justice system to maintain safe court premises and to have consistent security rules and practices. This act improves safety for Yukoners by giving the sheriffs legislative authority to screen when it is needed for prohibited items before persons enter the court premises. The act also allows sheriffs to ask persons to leave if they refuse to be screened, possess a prohibited item or cause a disturbance.

The same court security rules have been in place, but they were directed by the judicial policy in common law. The *Court Security Act* formalizes these existing rules through Yukon legislation. Court security for Yukon's territorial and supreme courts is provided by the Sheriff's Office in the Court Services unit of the Department of Justice and is managed with the judiciary's direction and oversight. Since this legislation reflects many of the current policies and practices, the public will likely not notice a big difference in how they currently attend court or would expect to attend court.

Sheriffs are peace officers as defined in the *Criminal Code* of Canada. Peace officers are granted of power of the *Criminal Code* to arrest without warrant a person who has, is about to, or is committing an indictable offence. However, sheriffs did not previously have the explicit authority within legislation to screen for weapons or prohibited items. All persons using the court house should have the confidence that they are safe when conducting business in court or other associated areas. Creating the authority for sheriffs to screen and seize illegal items, to ask a person to remove prohibited items or to evict a person for disruptive behaviour is a

proactive risk management measure and it is consistent with the *Charter of Rights and Freedoms*.

Screening may include the use of handheld or walk-through metal detectors similar to airport type screening equipment or hand searches of backpacks or briefcases. Instances when screening takes place may be rare, but in some high-profile cases there may be reasons to do so.

All persons may be screened unless specifically exempted. Persons who may be exempted might include court staff, judiciary, lawyers, courtworkers and RCMP officers.

We talked a little bit about prohibited items. These items might include alcoholic drinks, illegal drugs, drug paraphernalia, weapons — defined by the *Criminal Code* — and other items that could compromise safety. The member opposite talked about digital devices, such as cellphones, cameras and recording devices. These are all considered restricted equipment and their use is prohibited at all times in the courtrooms and restricted areas, unless permission has been granted by the judge.

Restricted equipment zones will be marked but, if in doubt, a person should ask a sheriff for that clarification. Anyone not following the rules regarding the use of restricted equipment may be asked to leave. There may be instances where the news media or other court staff are given permission by the judge to use their devices.

So like other jurisdictions in Canada, penalties will be imposed for those who do not follow the rules. If a person is found guilty of an offence under the *Court Security Act*, they may face a fine of up to \$5,000 or imprisonment for a term not exceeding six months, or both.

Penalties may be imposed if a person enters a courtroom after refusing to be screened, enters or refuses to leave a court area or restricted entry area without authority under the act, possesses a weapon in a court area when not authorized to do so, or uses a camera, cellphone, recording device or other prescribed equipment without authority under this act.

Luckily, Yukon has not had any security problems like other jurisdictions in Canada; however, there are legitimate security concerns and this new legislation is a proactive measure to ensure the continued safety of all court participants.

Court areas are proposed to be outlined in the legislation to include courtrooms and other areas used for court proceedings, such as the Court Registry, Sheriff's Office, cell areas — perhaps interview rooms or common areas around the courtrooms — and entryways to and from the buildings and the parking lot. The legislation would also outline court areas in Watson Lake and Dawson City in what may be viewed as court buildings, or areas, or spaces when used for circuit court. Some court areas would be designated as restricted areas and they will be marked. Unless it is expressly permitted by the sheriffs or other authorized person, persons must not enter these areas.

Chair: Does any other person wish to speak in general debate?

We are going to move on then to clause-by-clause debate.
On Clause 1

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Ms. Moorcroft: The security officers who are designated as peace officers in this clause of the bill — does that apply to sheriffs as well as to security officers, or are those security officers additional to the Sheriff's Office?

Hon. Mr. Nixon: The act intends to make clear that sheriffs and deputy sheriffs are peace officers under the act, similar to all other jurisdictions. This section allows a security office without needing the permission of a judge to refuse entry or remove a person when there is reason to do so, so they would fall under the same classification as sheriffs.

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Clause 9

Clause 9 agreed to

On Clause 10

Clause 10 agreed to

On Clause 11

Clause 11 agreed to

On Title

Title agreed to

Hon. Mr. Nixon: Madam Chair, I move that Bill No. 81, entitled *Court Security Act*, be reported without amendment.

Chair: It has been moved by Mr. Nixon that that Bill No. 81, entitled *Court Security Act*, be reported without amendment

Motion agreed to

Bill No. 15: *Second Appropriation Act, 2014-15* — continued

Chair: We are going to proceed with Bill No. 15, entitled *Second Appropriation Act, 2014-15*, in Department of Health and Social Services, continuing with general debate.

We will recess for five minutes.

Recess

Chair: Committee of the Whole will now come to order. We're continuing general debate on Vote 15, Department of Health and Social Services.

Department of Health and Social Services — continued

Hon. Mr. Graham: There are a few points of clarification I would like to draw to the members' attention as a result of our discussion of the Department of Health and Social Services the last time we were on the agenda.

For the official Hansard record, I would like to clarify that the Blues on that day indicated on page 5029 that I stated, "I should add that two physicians in the territory total approximately \$35 million in this budget." The statement should read, "I should add that payments to physicians in the territory total approximately \$35 million in this budget."

With respect to our somewhat lengthy discussion on FASD that the Member for Riverdale South and I had with respect to the revote of \$105,000, I want to clarify that only a portion of the \$105,000 in funding includes a contribution of \$15,000 toward the FASD prevalence study being carried out by the Department of Justice. The funding is also being used to support the development of a common case management approach as well as the development of a local adult diagnostic team. The revote will be used to carry over funds needed to continue with the project management function as well as to finalize training events and to complete the development of an evaluation framework.

When we also had the discussion on home care, I indicated that we doubled home care in the last year. That was somewhat of an exaggeration because we didn't double it last year. The prior year was the big increase, and last year was an increase as well, but over the past few years, we have increased it tremendously to meet the increasing demand. I should add that we have also included home care in the communities in addition to Whitehorse.

Regarding the new continuing care facility and consultations with respect to the continuing care facility, I would like to ensure that all members realize that we will be engaging in targeted consultations. We will not be going to each community in the territory, nor will we be having massive public meetings, but we will be seeking input from clients, from staff members engaged at the department level.

We'll also be looking for First Nation input, as well as input from other stakeholder groups, such as seniors' organizations around the territory. We will be having public information sessions where the general public can review some conceptual designs and learn more. At that stage, they'll be able to provide general feedback on the concept plans.

With respect to our discussions on nurse practitioners and the revote on collaborative care, I can say that it did take some time for the working group, which was co-chaired by the assistant deputy minister of Health and Social Services and a YMA member, to decide upon the criteria for seeking an expression of interest from the Yukon medical community to use the collaborative care funding. That's why the revote was necessary.

The group is just now looking at whether or not we go out again for an expression of interest with the remaining limited funds, or use that funding to increase supports to the programs already running. The committee will meet in two weeks to further discuss the options we want to explore with them.

With respect to the discussion on audiologists, there is one private business operating — a resident audiologist — and she operates her business part-time. The name of her business is Better Hearing Audiology Clinic and it is operated by an audiologist with 16 years of experience, 12 of which were in Yukon. Her advertisement indicates that the clinic is open Monday, Wednesday and Friday from 1:00 to 4:00 p.m.

Finally, a member opposite asked about the increase in operation and maintenance costs once the Sarah Steele Building is completed. We do not have that figure at this point in time, as that is one of the details that are currently being worked on. Once I have a solid indication of that funding requirement, I will be more than happy to share it with members of the Legislature.

I believe that probably clarifies a number of issues that we discussed last time and I would like to welcome my departmental officials here today and we look forward to answering any other questions that you may have.

Mr. Silver: I would like to welcome the department officials to the House.

I am pretty much through all of my questions from the last time the officials joined us here. I have one last topic left — and it is great that the minister was talking about collaborative care, because it pertains to that.

In a report that was released last spring, it was recommended that six collaborative care centres be created outside of Whitehorse. Also, there were the recommendations, following Dr. Peachey's needs assessment for the hospitals — collaborative care and a couple of different areas here. I am wondering if the minister can do a little bit more of a breakdown on the timelines — the timing of the changes in the communities — for a more collaborative nurse-driven health care model.

Also, what is it going to cost to modify the hospitals in Watson Lake and Dawson that are acute-care facilities to properly work in the new changed model? I think it was almost a year ago when the minister confirmed from the number one recommendation from the Peachey report needs assessment that he and his department were going to move forward on the collaborate care number-one recommendation. This report has more recommendations, including mental health services.

Can the minister maybe update us on any other forward progression from the Peachey report as well?

Hon. Mr. Graham: I guess the member opposite seems to think that because the Peachey report was done that it's a static report and we are going to implement everything in that clinical care report immediately. It's not — it's a consultant's report; it's another tool that we will use in future planning for health care services in the Yukon.

As for collaborative care, we started that process in the territory long before the clinical care services plan was in place. We passed the legislation in this House. We hired our first nurse practitioner before that process began, and I know that we've already begun collaborative care in the Dawson City facility.

It isn't going to require a number of dollars to change the facilities themselves. The facilities are there and we'll work with what we have. People are located in both the Dawson and Watson Lake hospitals, and it's not always a nurse who has to be involved in the collaborative care clinics that we're working on.

We are having discussions right now with respect to setting up more collaborative care in the territory, and we are having an ADS worker and a mental health services worker and perhaps a social worker involved in the program. The idea is to involve as many medical practitioners as we possibly can when we talk about collaborative care. It's a method of providing the best possible care for patients. What is the saying — the best care at the right time at the right place. That's what we are trying to make sure happens here in the territory.

Department staff in Watson Lake is already doing collaborative case management for people with complex care needs. Usually, if a person goes in and visits their doctor, they are diagnosed and a program is sometimes laid out for them, but we can't expect a physician to administer all of that follow-up care, whether it is making sure that the person takes their drugs at the proper time or gets injections or changes dressings on a wound. All of those things have to be followed up by other people. That is part of what collaborative care is all about.

I have some notes here and I'm not doing such a good job of reading them.

As I've just been informed, we're moving on a bunch of different fronts all at the same time. It's not that we're going to run out there and set up a new clinic that is a collaborative care clinic for Dawson City, the Town of Watson Lake or the City of Whitehorse. What we're trying to do is integrate as many clinical professionals into care for clients that we possibly can.

I hope that answers at least most of your questions. No, it isn't going to cost us any more money to renovate. We're not going to do that. They're new hospitals and we'll be using them as they are.

Mr. Silver: I think the minister and I are going to disagree on the extent to which collaborative care is needed in the communities, but I would remind him that we did have this conversation in the Legislative Assembly in December of last year, where the minister did — I'll have to get the Hansard from that again — get up in this House and say, we are moving forward on the number-one recommendation of the Peachey report, a report — this needs assessment — that came out as a direct result of the Auditor General's rather scathing report on the capital investments that this government has provided for the communities, and their methodology therein.

The report had a number of recommendations. I'm wondering, past collaborative care, if the minister would comment on some of the other recommendations. I realize these are recommendations, but I also realize that these recommendations come from a needs assessment that happened after the fact because of the Auditor General.

I'm wondering how much of that report the minister and his department are moving forward on.

Hon. Mr. Graham: I'll go back to what I stated at the beginning last time. The Peachey report is a report providing some information — I think I called it a road map — for the department.

Now we integrate that with a number of other reports that have been done and needs assessments that have been done and consultations with the medical community in the territory, be that the nursing association, the Yukon Medical Association, the pharmacists — whoever. We work together with all of these people to try to determine where we're headed in the territory. We said that collaborative care was a very important part of what we're doing. It is a very important part. Collaborative care is about a culture change in the system.

When we first discussed the implementation of nurse practitioners with some members of the medical community, we were met with great resistance. Since that time we've had a chance for everyone in the medical community — as well as us because it's a learning opportunity for us in the department as well. We've had that opportunity and members of the medical community have seen that collaborative care in some instances can be a wonderful thing. We've also seen that there are some pitfalls that we have to avoid, so we're continuing to work together with the medical community — and by that I mean the whole medical community, doctors, nurses and everyone — because we need to do good planning.

We don't have an unlimited budget so we need to make the best possible use of every dollar that we have in this budget. We're not Ontario. We can't establish 18 new nurse practitioner-led clinics, as they did in Toronto in a very short period of time. We simply can't do that.

We have to work with the folks that we have here; we have to do what we can do in the territory. We know that in the communities there is a great need for mental health practitioners and for ADS workers and we're working at that. But we want those people to make sure that they work together with the medical facilities and with the staff that are already in the communities. We have ongoing discussions with the Whitehorse medical community.

Just in the last couple of weeks, we have had some really interesting discussions with them about an entirely new way that we should be going here in the Yukon. It is something that we are really interested in, because we can see, working in collaboration with these medical practitioners, wonderful results for patients. That is what it's all about. Many people lose sight of the fact that we're talking about health outcomes for people and that's what we'll continue working for. If the consultant's report becomes advantageous to us to see better outcomes for patients, then we'll work with it. Where we see difficulties, we will work in a different manner. It is all about people — it's all about patients — and that is what we're trying to do.

Ms. Stick: I thank the minister for clarifying some of the information that was given to us the last time. I was really

excited about the \$35 million that two physicians were getting, so I am pleased that he was able to clarify that.

I have a few questions that I would like to go back to — looking for a bit more clarification.

One of the things that has come out recently is with the women's clinic that was located at the hospital — the women's maternity clinic. It had a number of doctors available and had clinic space at the hospital for women who might not have family physicians or who were looking for some extra maternity care. We heard that it was going to be moved to the old Klondyke Medical building, but since then it seems that it is going to close at the hospital and is moving into two different clinics. I am just wondering if the minister could comment on this and what has happened to what was a very appreciated and accessible space for women with maternity issues.

Hon. Mr. Graham: I have said this on any number of occasions, but physicians are private business people. They have the ability to create or implement new clinics or close down current working clinics at any time. As I understand it, that is what has happened in this particular case. The clinic at the Whitehorse General Hospital was closed, or will be closing, but, as I understand it — and I was trying to find it — a new maternity clinic is opening at the Klondyke Medical Clinic, and there are four or five doctors involved in this and they are taking new maternity patients as we speak.

Both the Sage clinic and Klondyke clinic will be working together to give choices to people in the territory. I believe there was actually an advertisement — they've sent out messages to physicians saying that these physicians are currently taking new maternity patients. I think it's wonderful that a new clinic can be created and they are expanding their service to infertility and fertility.

I won't go any further there.

Ms. Stick: Yes, the reason I was asking the question is there was an ad in Friday's paper with regard to this and the fact that the clinic is closing at the hospital and then moving into two already existing clinics. It will be like a subclinic within the Klondyke clinic and within the Whitehorse Medical Clinic. I wonder if the minister can tell us what will happen to that space at the hospital that was used for this clinic, how it will be repurposed, and whether it will possibly be for more beds.

Hon. Mr. Graham: I wish I could tell you that this is exactly what it will be used for, but it is a Yukon Hospital Corporation building. No decisions have been made, as far as I know.

I am sure that my department will be consulting with the folks at the Yukon Hospital Corporation to discuss possibilities, but I know from what I have read in the news media over the last few days, there is going to be a huge lineup to use that space. They should be interesting discussions. At this time, I really don't know.

Ms. Stick: Speaking of space at the hospital, there was an article in the paper that mentioned that — as part of the hospital expansion for the Emergency department and for the MRI — there would also be 10 more beds — 10 new inpatient

beds. How exactly those beds will be used is not yet determined. This was the first that I had heard that there would be 10 new beds added to the hospital. I wonder if the minister could give us more information on that. How will those beds be used? I can't imagine building them without knowing ahead of time why you need them.

Hon. Mr. Graham: I didn't read the news article, but I know that if you saw it in the news or on TV or read it in the newspaper, it must be true. What we are doing at the hospital is a revision to the Emergency department and to intensive care. There will be spaces added. Exactly how that will be has not yet been determined.

There are several concepts — this is a lot like the long-term care facility — there are concepts; there are general orders of magnitude of money involved but, at this point, we haven't determined that these will be Emergency beds, these will be medical and these will be surgical. There will be space for new beds. We anticipate there will be some changes in the intensive care unit — more than anything — and perhaps those beds will be then opened up for other uses.

I think these are good questions that you can ask the Hospital Corporation when they arrive here in the next week or so.

Ms. Stick: I certainly intend to ask the Hospital Corporation when they're here, but I thought the minister responsible for the Hospital Corporation might have more information, especially when it regards 10 new beds at the hospital.

It seems in the last week or so there has been quite a bit of information in the news about beds — or lack of beds, sometimes — at the hospital. I did read this also in the paper, but I'm going to take it as the truth, because it was Dr. Chris Simpson, who is the president of the Canadian Medical Association — talking about hospitals are not places for people to go for long-term care, or seniors to wait, and certainly are not good for people with chronic disease. He talked about home care.

Again, I know I asked this question previously, but home care does — the minister explained that, yes, they have increased home care, but it is still limited in that individuals cannot receive any home care outside of office hours, cannot receive home care over the weekends, and this is a problem for people. Even those kinds of changes, extended hours — I know the minister will talk about trying to find staffing, but those kinds of services are still cheaper — even though it might require more hours — than keeping people in acute-care beds. I just wondered if the minister had any comments on what the president of the Canadian Medical Association spoke to.

Hon. Mr. Graham: I will give a short answer. We do provide home care outside of basic office hours. We have for awhile and we will continue to do so, because not all families can look after bedridden, shall we say, patients. We do provide home care in certain instances outside of normal working hours. I am not going to comment on what the president of the Canadian Medical Association said in his comments. Why I am fumbling around a little bit when we

talk about beds is because a bed is not always a bed. They are not all the same. A bed in intensive care — when compared to a bed in Emergency — is like the difference between night and day. In Emergency, they are surrounded perhaps by curtains and in a long row. In intensive care, it is completely sealed and it has its own ventilation. So it is really difficult to say there will be 10 new ED beds or there will be 10 new intensive care beds because, at this time, those decisions haven't really been made.

Seeing the time, Madam Chair, I move that you report progress.

Chair: It has been moved by Mr. Graham that the Chair report progress. Are you agreed?

Motion agreed to

Chair: It has been moved by Mr. Graham that the Chair report progress.

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 resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Ms. McLeod: Mr. Speaker, Committee of the Whole has considered Bill No. 81, entitled *Court Security Act*, and directed me to report the bill without amendment.

Committee of the Whole has also considered Bill No. 15, entitled *Second Appropriation Act, 2014-15*, and directed me to report progress.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

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

Motion agreed to

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

The House adjourned at 5:27 p.m.