



Yukon Legislative Assembly

Number 188

1st Session

33rd Legislature

HANSARD

Wednesday, December 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

CABINET MINISTERS

NAME CONSTITUENCY PORTFOLIO

Hon. Darrell Pasloski	Mountainview	Premier Minister responsible for Finance; Executive Council Office
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
Hon. Currie Dixon	Copperbelt North	Minister responsible for Economic Development; Environment; Public Service Commission
Hon. Wade Istchenko	Kluane	Minister responsible for Highways and Public Works
Hon. Mike Nixon	Porter Creek South	Minister responsible for Justice; Tourism and Culture

GOVERNMENT PRIVATE MEMBERS

Yukon Party

Darius Elias	Vuntut Gwitchin
Stacey Hassard	Pelly-Nisutlin
Hon. David Laxton	Porter Creek Centre
Patti McLeod	Watson Lake

OPPOSITION MEMBERS

New Democratic Party

Elizabeth Hanson	Leader of the Official Opposition Whitehorse Centre
Jan Stick	Official Opposition House Leader Riverdale South
Kevin Barr	Mount Lorne-Southern Lakes
Lois Moorcroft	Copperbelt South
Jim Tredger	Mayo-Tatchun
Kate White	Takhini-Kopper King

Liberal Party

Sandy Silver	Leader of the Third Party Klondike
---------------------	---------------------------------------

LEGISLATIVE STAFF

Clerk of the Assembly	Floyd McCormick
Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Rudy Couture
Deputy Sergeant-at-Arms	Doris McLean
Hansard Administrator	Deana Lemke

Yukon Legislative Assembly**Whitehorse, Yukon****Wednesday, December 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 recognition of the Whitehorse Food Bank**

Hon. Mr. Graham: I rise today to ask of all members of the Legislature to join me in recognizing the Whitehorse Food Bank.

In addition to recognizing the Whitehorse Food Bank, I want all members to recognize the board of directors for the food bank; all of the volunteers who faithfully assist at the centre, week in and week out throughout the year; all of the groups and organizations who support the food bank financially; all the students who participate in the annual food drive as projects by various schools throughout the city; and all those who donate to the society and to the cause throughout the year.

In the five years since it opened, the food bank has provided much-needed nutrition to a cross-section of families and individuals, including seniors, students and immigrant populations. Its numbers have grown from an anticipated 300 people five years ago, during the first year of planning, to about 1,300 individuals on average each month. Stephen Dunbar-Edge, the executive director of the Whitehorse Food Bank, said that they have almost 3,000 people on their list. However, only about 500 to 600 of those people come in each month — more over Christmas, of course — and only about 300 of those are fairly regular users of the food bank.

We are indeed fortunate to have this very strong group of people who truly believe that those less fortunate — or those who are going through a rough patch in their life — deserve and need this support.

Over the years, the Government of Yukon has also provided funding to the society, and we do this in full recognition of the fact that government simply cannot be all things to all people. We really need the cooperation and the assistance, not only of the general public, but of businesses and government and NGOs throughout the year to assist in endeavours such as this.

Over the years, as I said, the Yukon government has provided \$50,000 in seed funding in 2008-09; \$5,000 per year beginning in 2010-11, 2011-12 and 2012-13, I believe. The Women's Directorate also provides support to the Sally and Sisters family violence prevention program since April 1, 2012.

This past spring, as most of you will remember, the Premier and I had the real pleasure to announce a more lasting

government contribution of \$750,000 to help the society purchase the building they currently occupy and continue operating in its safe and accessible downtown location.

All in all, the greatest support, though, to the Whitehorse Food Bank comes from individuals, organizations and businesses. Abundant community support proved true this last July, when the food bank shelves were empty. Businesses, groups and individuals gave fully to re-stock the shelves and we have been asked to name a few: Local businesses such as Bear's Paw Quilts, CKRW and Pacific Northwest Freight Systems; the all-schools food drive for the Whitehorse Food Bank; the RCMP and the Department of Justice; Yukon Employees Union Local Y010; employees from the Department of Finance, from the Department of Highways and Public Works; the airport security; Health and Social Services; and many more individuals who I may have missed in this tribute.

All of those individuals' support makes a difference in how the food bank can meet its demands. We all tend to think of those less fortunate than ourselves at this time of the year, especially when we gather friends and family close to celebrate the festive season, but the needs of the food bank are ongoing throughout the year, which is why community support is so important.

Mr. Speaker, if I can do a slight commercial at this point for the food bank — it is a method that the food bank offers in a way for folks to contribute throughout the year with its Green Apple program and if I can again quote: "The Green Apple Club is simply a club that through your Visa or through your bank account, the food bank can deduct a minimum of \$10 a month and then at the end of the year, send you a tax receipt. If you have more money to give at the end of the year, the food bank is only too happy to oblige you and take it. However, the consistent monthly contributions give the food bank a much better ability to budget their food and their expenditures to ensure that the food bank shelves never are completely empty again."

I encourage everyone — all members as well — to join the Green Apple Club and donate monthly throughout the year. There are almost 300 members currently, and I know the Whitehorse Food Bank would love to double that number if possible. The Whitehorse Food Bank is truly a community effort in the best possible sense. All of the participants deserve the recognition that we give them here in the House today.

The chair of the Whitehorse Food Bank, Stu Mackay, is here in attendance today. I must tell you that Stu is a former employee of the Yukon College and I can assure you that every retiring member of Yukon College works at either Habitat for Humanity or the Whitehorse Food Bank, and they all have Stu to thank for that. So thank you very much.

Applause

Speaker: Introduction of visitors.

INTRODUCTION OF VISITORS

Ms. White: I feel a bit like today is bring-your-friends-to-work day, and I'm really excited to welcome my friend

Stephanie Dixon to the Legislative Assembly. We were talking about it, and I remember meeting Stephanie for the first time on Grey Mountain as I was pushing up a 37-pound downhill bike and Stephanie was hiking, with crutches, down a fairly loose slope. Since then we have been fast friends and had lots of days on the ski hill and things. Thank you very much for coming.

We have Lisa Rawlings Bird in the back with baby Bird. It's very exciting to have people here, so thank you for coming.

Applause

Ms. Stick: I also would ask the members to welcome to the gallery today a group of citizens, including — and I know I'm going to miss some names — Colette Acheson from Yukon Association for Community Living; Stephanie Dixon; Heather MacFadgen from the Human Rights Commission; Tracey Wallace; Jessica Thompson; Lisa Rawlings Bird, who is the executive director at the Yukon Council on DisABILITY; Chase Blodgett; Gerard Tremblay, his interpreter; and Amanda Smith. I would like to congratulate this group on their work and efforts at the recent disability summit that was held earlier this month. It was called “Keeping Track of Our Rights”. Out of that has come a group that is looking at that — the Yukon disability rights committee. I look forward to meeting with them in the new year and spending time learning what their concerns are and helping them to move their plans forward.

I ask everyone to welcome them.

Applause

Speaker: In keeping with the spirit of the Member for Takhini-Kopper King bringing friends to work, I'm glad to see everybody is here.

Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Graham: I have a couple of documents here for tabling. I have: the *Health and Social Services Strategic Plan, 2014-19*, and also the Health and Social Services performance measure framework — also 2014-19 — both of which are also available on the Health and Social Services' website.

We also have the year-end review from the Yukon Hospital Corporation, 2013-14. I also have the annual report of the Yukon Health and Social Services Council, 2013-14 and, finally, I have the Yukon child care annual report, April 1, 2013, to March 31, 2014. I do have one more, and it is the health care insurance program annual report, also April 1, 2013, to March 31, 2014. That is the extent of it, Mr. Speaker.

Hon. Mr. Nixon: I have the following documents for tabling. First is the annual report of the Yukon Police Council, dated April 1, 2013 to March 31, 2014. I also have for tabling the Yukon Heritage Resources Board annual report dated April 1, 2013 to March 31, 2014. I also have for tabling the crime prevention and victim services trust fund annual report,

2013-2014. Finally, I have the ISO, Investigations and Standards Office, 2013 annual report. This annual report summarizes the work of the Investigations and Standards Office from January 1 to December 31 of 2013.

Hon. Mr. Cathers: I have for tabling today two documents. One is the Yukon Housing Corporation annual report for the fiscal year ending March 31, 2014. The second is the annual report of the Yukon Liquor Corporation for the fiscal year beginning April 1, 2013 and ending March 31, 2014. With your indulgence, I would like to thank the boards and staff of both corporations for their good work on behalf of Yukoners.

Ms. White: I have for tabling a letter dated October 30, 2014, from the Yukon Chamber of Commerce and the Whitehorse Chamber of Commerce to the minister responsible for the Yukon Housing Corporation regarding the northern housing trust and investment in affordable housing.

Hon. Mr. Istchenko: I know members opposite are looking forward to seeing this. I have for tabling the Queen's Printer Agency 2013-14 annual report from Yukon's Department of Highways and Public Works.

Speaker: Are there any further 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

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

THAT this House urges the Government of Yukon to consult with settled and non-settled Yukon First Nations, as well as settled and non-settled transboundary aboriginal peoples, in accordance with land claims agreements, statutory obligations and the common law.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to continue to work closely with First Nation leadership and the Yukon RCMP through the enhanced First Nation policing model to support Kwanlin Dun First Nation in their community safety planning efforts aimed at building wellness and security in the McIntyre subdivision.

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

THAT this House urges the Government of Yukon to improve access to childcare by making the following changes to the Yukon childcare subsidy funding program eligibility criteria to:

(1) increase the income threshold by five percent;

(2) increase the maximum childcare subsidy by 10 percent per eligible family;

(3) decrease the parent contribution rate by three percent for those families that exceed the eligible income threshold; and

(4) re-word the references to the applicant's ability to pay.

I also give notice of the following motion:

THAT the House urges the Government of Yukon to continue moving forward with the planning and construction of a new 300-bed continuing care facility in recognition of Yukon's growing seniors population, while at the same time continuing to enhance home care for seniors so that they can stay in their homes and home communities as long as possible.

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

THAT this House urges the Government of Yukon to continue to work with First Nations to develop recreational lot opportunities in various areas in the Yukon.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to work with the Yukon Hospital Corporation to ensure that there will be uninterrupted ambulance service from the Riverdale station during and following the hospital expansion.

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

THAT this House urges the Government of Yukon to continue to invest in firefighting response capacity by purchasing new equipment, such as the four new fire trucks purchased in 2014 which are now serving Ibex Valley, Tagish, Golden Horn and West Dawson.

I also give notice of the following motion:

THAT this House urges the Yukon government to continue to support Yukon Emergency Medical Services by ensuring that our full-time paramedics and volunteers have modern equipment and the resources they need through measures including:

(1) using the increased capital budget for Yukon Emergency Medical Services to purchase new ambulances, such as the two new state-of-the-art ambulances purchased in February 2014 and the two new state-of-the-art ambulances which were added to Yukon Emergency Medical Services' fleet in December 2014;

(2) using the increased capital budget for Yukon Emergency Medical Services to upgrade the communications equipment used by Yukon Emergency Medical Services dispatchers at ambulance station No. 1 in the 2014-15 fiscal year;

(3) using the increased operations budget for Yukon Emergency Medical Services to provide increased training to rural Emergency Medical Services volunteers; and

(4) implementing on-line training options to better assist full-time paramedics and rural volunteers in upgrading their training and maintaining qualifications to continue to do their good work as part of Yukon EMS.

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

THAT this House urges the Government of Yukon to continue to support the Community Wellness Court and the Justice Wellness Centre in responding to the needs of victims and in addressing recidivism and reoffending by extending the funding for an additional three years and looking for opportunities for partnership with other levels of government.

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

THAT this House supports the Government of Yukon's continued commitment to supporting student success by delivering experiential learning opportunities through programs including, but not limited to:

(1) the community heritage adventure outdoor and skills, or CHAOS, experiential learning program; and

(2) the new fall/winter experiential education program at the Yukon Wildlife Preserve.

I also give notice of the following motion:

THAT this House supports the Government of Yukon's commitments to the Centre for Northern Innovation in Mining (CNIM), including, but not limited to:

(1) providing \$5.832 million in operation and maintenance funding over five years to support the administration and program delivery of CNIM programs and courses;

(2) matching funding contributions by the Government of Canada of \$5.6 million to undertake the planning and construction of a new facility located on the Whitehorse campus, as well as renovations to the existing welding facility; and

(3) providing \$1.1 million to support Yukon College in its purchase of a mobile trade trailer for industrial trades in partnership with the Canadian Northern Economic Development Agency.

Hon. Mr. Istchenko: It is a pleasure to rise in this House today to give notice of the following motion:

THAT this House urges the Yukon government to continue functional planning on Yukon roads so that we are prepared for the growing demands for transportation infrastructure to support development within the territory.

I also give notice of the following motion:

THAT this House urges the Yukon government to continue to work with our key stakeholders, the United States government, the Canadian government and our Alaskan counterparts in ensuring Shawkw funding is reinstated to the United States federal transportation bill.

Hon. Mr. Dixon: As Minister responsible for the Public Service Commission, I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to continue its commitment to employment equity by providing programs and supports through the workplace diversity employment office that have helped make Yukon government one of the leaders among Canadian governments in assisting job seekers with disabilities.

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

THAT this House urges the Government of Yukon to hold community meetings with the citizens of Teslin to move forward with the planning of the Nisutlin Bay bridge rehabilitation project.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to encourage the Department of Community Services to meet with the community of Ross River in regard to their solid waste facility.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to continue to work with the Village of Haines Junction and its residents in their requests for infrastructure upgrades to support economic development, active living and community partnerships.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to work with Bell Canada to provide the Town of Faro with 4G cell service.

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

THAT this House affirms and supports the Government of Yukon's commitment to provide \$6.3 million in support of the continuation and extension of the Yukon Research Centre's programs over the course of the next five years.

I also give notice of the following motion:

THAT this House urges the government to continue to support the development and implementation of Yukon College's premiere made-in-Yukon degree and post-degree certificates: a three-year bachelor of policy studies and indigenous governance, as well as a one-year post-graduate certificate in climate change and public policy.

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

THAT this House urges the Government of Yukon to:

(1) take note of the extended length of time since the Standing Committee on Rules, Elections and Privileges last met; and

(2) to call on the chair of the Standing Committee on Rules, Elections and Privileges to convene a meeting of the committee between January 13 and February 1, 2015.

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

THAT this House urges the Government of Yukon to resolve the ongoing indoor air quality issues at Closeleigh Manor by:

(1) immediately completing all nine recommended repairs identified in the March 2014 report, entitled "Closeleigh Manor Ventilation System Report" by Northern Climate Engineering; and

(2) ensuring, upon completion of the above stated repairs, indoor air quality samples are collected by a certified independent technician and tested in an accredited facility.

I also give notice of the following motion:

THAT this House urges the government to:

(1) acknowledge the assertion made by the Yukon and Whitehorse chambers of commerce that the vacancy rate for affordable rental housing is below 2.3 percent, not 7.1 percent as previously stated by the government;

(2) acknowledge the chambers' assertion that the government's cancellation of their latest affordable housing program has had a "substantial negative impact on business" that "eroded trust regarding government process"; and

(3) recognize the need to work with local businesses and community stakeholders to develop a long-term affordable rental housing strategy that takes immediate steps to create new affordable rental housing units.

Speaker: Is there a statement by a minister?

Speaker's statement

Speaker: Before proceeding to Question Period, having done substantial reviews of the Blues over the course of this entire sitting, there seems to be a little bit of confusion — in particular, with Standing Order 19(h): "A member shall be called to order by the Speaker if that member: charges another member with uttering a deliberate falsehood".

That being said, it is in order for one member to disagree with another member about facts. It is also in order for one member to disagree with another member about their interpretation of the facts. It is not for the Speaker to decide or rule on who is right or wrong about the facts.

However, it is not in order for one member to suggest that another member is knowingly or deliberately presenting inaccurate information to the House, nor is it in order for one member to suggest that another member is knowingly or deliberately misrepresenting statements made by others. To do so is a violation of Standing Order 19(h). I would like all the members to keep that in mind as we progress into our last two days.

This then brings us to Question Period.

QUESTION PERIOD**Question re: YESAA process**

Ms. Hanson: You know, Mr. Speaker, when the federal Minister of Aboriginal Affairs stated that Yukon First Nation governments are not real governments, the Premier said that he — and I quote: “...will raise this matter directly with Minister Valcourt”.

This may have come as a surprise to many Yukoners who assumed that the Premier echoed the sentiments of the federal minister, given his backroom approach to the amendments on YESAA, his track record of confrontation over consultation and his complete lack of understanding of the final agreements at both the general and technical levels.

Mr. Speaker, has the Premier spoken directly with the federal minister and has he asked him to correct his statements and publicly acknowledged that Yukon First Nation governments are in fact real governments?

Hon. Mr. Pasloski: What has become obvious through this session is that the Leader of the NDP doesn't know Bill S-6, the act to amend the *Yukon Environmental and Socio-economic Assessment Act*.

As we have said throughout this process, during the consultation phase — where Canada's action plan was to improve the northern regulatory regimes — this government shared all of its comments that it provided to Canada with Yukon First Nations. We feel that we were adequately consulted and that they considered our comments prior to tabling the recommendations that they did through Bill S-6. We support those amendments, because they will provide an assessment process that is comparable with other jurisdictions, which allows us to be competitive and attract business investment, which creates jobs for Yukoners.

Ms. Hanson: This government's mismanagement of the YESAA file and their unwillingness to engage in meaningful consultation with Yukon First Nation governments has given those governments no option but to turn to the courts to ensure that the final agreements are respected. At a time of global uncertainty — global economic uncertainty — this government's choice of confrontation over consultation is having a very real impact on investor confidence in Yukon.

The presidents of Kaminak and Casino have expressed concerns that the process used to amend YESAA through Bill S-6 creates an uncertain environment that will hurt their ability to raise capital and, ultimately, hurt the success of their mining projects. You can bet that, for every company publicly questioning the Premier's support of Bill S-6, there are many more doing so in private.

How does the Premier justify supporting legislation that Yukon resource companies have publicly stated will create uncertainty and harm Yukon's economy?

Hon. Mr. Pasloski: I just stated in my first response that the Leader of the NDP doesn't understand Bill S-6, and she again gave us an example of it. Bill S-6 is federal legislation. It is not our responsibility to conduct consultation. We were consulted by the federal government before Bill S-6 was tabled, as were First Nations.

I suggest the Leader of the NDP should sit down, read the amendments and try to understand what exactly is being tabled by the federal government.

Ms. Hanson: The Premier proposed two of the most contentious amendments here. The Premier initially said that he supported Bill S-6 because it would create certainty; now key industry players have said that it will create uncertainty. Then he said it would make Yukon consistent with other jurisdictions. Yukoners have told him they don't want the made-in-Yukon environmental assessment legislation to be gutted in a race to the bottom with legislation gutted by the federal Conservatives.

The Premier has inaccurately portrayed the consultation process with First Nations. The Premier's arguments in favour of Bill S-6 have been whittled away. If he was listening, he would know that Yukon citizens, Yukon First Nation governments and Yukon business leaders do not support his ham-fisted attempt to gut the *Yukon Environmental and Socio-economic Assessment Act*.

Will the Premier finally own up to his mistakes and demonstrate that he is capable of listening by pulling this government's support of Bill S-6?

Hon. Mr. Pasloski: We support these amendments because they will allow our assessment process to be consistent with assessment processes in other jurisdictions. That allows this territory to be competitive for investment dollars; investment dollars coming into this territory create job opportunities for all Yukoners, creating wealth and prosperity for Yukon families.

I have met with First Nation leadership; I continue to speak with First Nation chiefs on a one-to-one basis. As I have stated in this House, after meeting with leadership, I did have the opportunity to talk to the federal minister and encouraged him at that time to meet with Yukon First Nation leaders, which he did do the following week when they came to Ottawa.

Question re: Government contracting

Ms. Moorcroft: A major Yukon construction project is in the news for potential non-compliance with Yukon's employment standards and the government's construction contract.

Yukon's *Employment Standards Act* applies to all employers and workers in Yukon, regardless of where the employer's head office is or where a worker lives. The standard hours of work for employees in Yukon are eight in a day and 40 in a week, and an employer must pay overtime for all hours that an employee works beyond those hours. Government contracts require contractors to comply with all laws and regulations applicable to the place of work, yet employees on-site at F.H. Collins say that this isn't the case.

Has the minister done anything since he told the House last week that the government enforces whatever is written into contracts to make sure that Outside contractors are complying with the *Yukon Employment Standards Act*?

Hon. Mr. Cathers: What the member may not be aware of is that, in fact, for complaints of this type — whether

on government projects or for general employment within the private sector or within the community at large — employees have the option of going to the employment standards office and filing a complaint with the director, which is then reviewed and investigated. That office is set up with power to investigate such complaints and determine if they are accurate or not.

So, if the employees in question have not already filed a complaint, then they are encouraged to do so and it will be duly investigated by that office.

Ms. Moorcroft: The government has the option of enforcing contracts, which the Highways and Public Works minister said last week they would do. The instructions to bidders for the F.H. Collins contract encouraged bidders to consider the availability of potential employees through the union hiring hall. Local unions were eager to supply highly trained and productive Yukon tradespeople who could meet all labour needs of the general contractor and the subtrades working on-site. The local unions even offered a wage subsidy of up to \$10.30 per hour for all apprentices under the age of 30 working on the site, yet there are few Yukon-based apprentices on-site and most of the subtrades from Outside are using their own workers rather than hiring locally.

How will the government improve its record on giving Yukon contractors a fair chance to bid and work on Yukon government projects and increase the number of Yukon apprentices and skilled tradespeople working on those projects?

Hon. Mr. Istchenko: Of course, the Yukon government provides incentives to construction companies to encourage the employment of local skilled tradespeople and to look to the local economy for their workers. Highways and Public Works also attaches appendices detailing local-hire working conditions and a fair wage schedule to relevant contractors, which includes this F.H. Collins project, to help the contractors.

The fair wage schedule, which is publicly available, sets the wage rates and can be paid to persons working on a contract for a public work of the Yukon. There are mechanisms to help workers resolve disputes. The Community Services minister mentioned those. Those mechanisms are being used.

We expect that the issues will be resolved. The complaint raised by these local workers wasn't made to Highways and Public Works, but we are still going to clarify the situation with our contractors and continue to make sure that they are fulfilling their contractual responsibilities.

We are committed to helping the local economy and helping local skilled trades to be successful. We have recently announced our first fall update on upcoming capital budgets that will help local companies plan for the upcoming construction season.

Mr. Speaker, this project is on-budget; it's on track for completion in the fall of 2015. We're confident that we are going to build a world-class facility that meets the current and long-term needs of our school community. Yukoners want this

government and governments to be fiscally responsible, and we are.

Ms. Moorcroft: I am asking the Public Works minister to use the mechanism of enforcing the terms of the contract. The F.H. Collins contract requires the contractor and sub-contractors to report to the government the hourly rates being paid and the hours worked by each employee on the project. The contract even indicates — and I quote: “the information supplied by the contractor will be monitored.”

The contract clearly states that the government will be monitoring the wages and hours of all of the contractors to ensure that workers are being treated fairly.

Can the minister confirm that the contractors on the F.H. Collins site have been paying employees as required by the *Employment Standards Act*, and if they are not, why not?

Hon. Mr. Cathers: If the member would listen to the responses, she wouldn't have had to ask this last question. I would point to the member again that the *Employment Standards Act* does apply. Again, the employment standards office is there for this very reason.

The employees of the contractor who are alleging that they were not paid appropriately have the ability to file a complaint with the director of Employment Standards. If they have not already done so, they should do that, and that will be duly investigated by that office. If it is found to be valid, then appropriate follow-up action will be taken.

Question re: F.H. Collins Secondary School reconstruction

Mr. Silver: I have a question for the Minister of Highways and Public Works about the long-delayed and overbudget F.H. Collins.

The government is ever-sensitive about the ever-escalating costs of this project, and it should be. Spending \$6 million on a plan for a new school and then scrapping that design is expensive. Pretending that the plans for the new school are free and then paying a company from Alberta almost \$1 million to change is also expensive.

The government is now trying to claim that renovations to the tech and trade wing are a separate project and that these costs shouldn't be considered in replacing the school. The government knew that the tech and trade wing had to be upgraded, because the heat for the building comes from the existing F.H. Collins building which will be torn down. When you take away a building's heating source, replacing it is part of the cost of finishing a project.

Will the minister admit that the renovations to the tech and trade wing should be considered part of the cost for rebuilding F.H. Collins school?

Hon. Mr. Istchenko: I just want to read something from February 28 about the member opposite: “F.H. Numbers Alarming,” says the member. The member says “he is open to several options to get the project down to a more reasonable number, including delaying the project, redesigning it, and considering a new location.”

He also says on another occasion — on March 12 — it says “he would like the government to examine the potential

of rebuilding the trade wing at the school now that the old project has been scrapped.”

These are some of the things that we are doing, Mr. Speaker. The trade wing is separate. We are just compiling the numbers from working with the key stakeholders so we can move forward on doing upgrades to that.

This government is committed to providing job and opportunities for Yukoners and their families. We're working to ensure that Yukoners have the opportunity to benefit from our infrastructure projects — which will be the trade wing and which will be F.H. Collins. That is one of the reasons that this year's fall capital budget — which not many members opposite are talking about — it was the largest in Yukon history.

Regarding F.H. Collins — things are coming along great. I said that earlier in one of my responses. It's an affordable design for a modern facility that meets LEED silver standard and our efficiency standards. Construction is well underway. I said that it is on track for a fall completion in 2015 — lots of Yukoners working.

Mr. Silver: The member opposite should wait until I am in government to ask me the questions, but right now I will ask the minister questions about the F.H. Collins build. It is clear that the government wants to exclude the cost of fixing the tech wing from their bill to replace F.H. Collins Secondary School — that is clear. When you take away a source of heat from a building and replace that source, the heat should be included in the final price. This morning, Yukoners got an idea of what that final price will be. The government released its plan to upgrade the tech and trade wing and has already set aside a budget of \$3 million to do so. We learned also today that the government already had two estimates that tell them that the cost of renovations would be higher. It would cost about \$5 million according to one estimate. Yukoners have seen this movie before at F.H. with the government burying estimates.

Why has the government set aside only \$3 million when it has already been told that the cost will be above that number?

Hon. Mr. Istchenko: It is a little disappointing to hear the numbers from the member opposite. There are Yukoners working there and focused on managing our capital projects responsibly. Planning government space efficiently and maintaining our buildings adequately — managing and maintaining our buildings and budgets are priorities for this government. It's a balancing act. I know the member opposite has a long, long wish list of what he would like, and on this side we are responsible for making sure that we use available funds in a most effective way and as responsible a way as possible. Sometimes this means making difficult decisions that the member opposite might not like.

We have 12 capital projects underway in various stages right now. Yukoners are working. We have promoted economic activity here, kept our local suppliers and contractors busy and created local jobs. We have much to be

proud of on this side with our capital project tendering. We are proud of it on this side.

Mr. Silver: Yukoners remember the Premier and a former Minister of Education holding a photo opportunity prior to the 2011 election promising a new school would be opened in August of 2013. Since that time, the Yukon Party government has gone through two more Education ministers and the cost of the school has continued to grow. That we know. The government's own budget documents put the price tag at \$51 million, and when you add in the new information released today, the figure jumps up to at least \$54 million.

For the record, what is the final cost of the project, including the renovations to the tech and trade wing, released this morning?

Hon. Mr. Pasloski: This is not the first time that we have had the Leader of the Liberal Party get up and quote numbers that absolutely he has no clue what he is talking about. What this government did is, after tendering the first design and the lowest bid came in almost \$10 million overbudget, having not even put a shovel in the ground, we redesigned that school. We went back out to tender. We saved the taxpayers millions of dollars, which we reinvested in other capital and we have reinvested in paying for teachers and doctors and building hospitals. What we will have is a beautiful school that the students and the teachers and the community will be very proud of, and we look forward to that school opening very shortly.

Question re: Raven Recycling Centre funding

Mr. Barr: As Yukoners celebrate the holidays, it is important for us to remember that not everyone is celebrating. Thanks to a lack of government funding, Raven Recycling, the territory's largest recycling organization, shut down its public drop-off. Meanwhile, the government has abandoned their election campaign promise to divert half of Yukon's waste by 2015.

Raven Recycling has told the government what they need to know to begin negotiations to help get Yukon's largest recycler back on its feet. Can the minister tell us what concrete steps the government is taking to address Raven Recycling's funding needs and whether discussions are on track so Raven can reopen their public drop-off?

Hon. Mr. Cathers: What I would note to the member is I will not bother to respond to some of the rhetoric in his question. I will note again the fact that, last year, the two recycling processors, Raven and P&M, jointly requested that the Yukon government implement a diversion credit. We implemented the diversion credit that they asked for and gave them the entire amount they did ask for, which was a combined diversion credit of \$150. In September of this year, Raven Recycling asked for that diversion credit to be increased to \$330. We asked them for additional information to explain why costs had risen so dramatically from what they had asked for at that time. They did take a while to provide that information.

Most recently, they have been in discussions with officials. I am not, in fact, certain at this point in time whether

they have provided all the information that we had required, but basically what we asked for — if we want to understand for each stream that they are talking about increased costs for — was how much it costs to ship, whether it's cardboard, tin, plastic, et cetera. We want to understand the shipping costs and the transport costs, because they do need to justify the request they've made, but we are talking to them about the option of potentially providing an increased diversion credit.

Mr. Barr: It's encouraging the government is meeting with Raven, and I have stated from them that they have forwarded all information necessary. It's important to have a timeline so Yukoners can have certainty about when recycling services will be fully restored.

The increase to rebates, through the government's new beverage container regulations, won't solve Raven Recycling's long-term funding woes, but it does provide some revenue for this recycling pioneer to compensate for its intake of non-refundables.

The government's waste diversion credit program is also scheduled to expire this month. When it's renewed, if it's renewed, it needs to reflect Raven's operational requirements. So, Mr. Speaker, will the minister give us a firm timeline for when the government's new beverage container regulations and a revised waste diversion credit program will be implemented?

Hon. Mr. Dixon: As the member correctly noted, the Yukon government is in the process of reviewing our beverage container regulations, as well as our designated material regulations, which are the financial foundation by which recycling occurs in the territory. We want to make sure that recycling becomes more financially sustainable, not only for the recyclers themselves — the processors, as well as the collection depots — but for everyday Yukoners who consume recyclable goods and, thus, turn around and recycle them with the available resources.

We've proposed increasing the beverage container regulations to make that more financially sustainable. We've also proposed including new materials under the e-waste category for the designated material regulation, and new categories for tires throughout the territory. All these changes are aimed at making recycling more financially sustainable in the territory.

I anticipate that those changes will come into effect very soon in the new year.

Of course, it does take time to advance these changes and we have recently concluded a public consultation wherein Yukoners and the public, as well as a number of stakeholder groups, provided input, which we are in the process of reviewing. Once that review is complete, we will begin the drafting of the regulations and they will go through the necessary process to come into law. I anticipate those changes coming into effect very soon and that Yukoners will enjoy a much more financially sustainable recycling industry in Yukon.

Mr. Barr: Raven needs our help now, not down the road. We need action on waste diversion. We need a clear timeline for the new beverage container regulations and an

updated diversion credit program. We need concrete steps to help Raven Recycling get back to the business of accepting the public's non-refundable recycling. Raven Recycling needs help now. The government has been stalling while they try to figure out what comes next.

What interim support will the government provide to Raven Recycling while we wait for it to roll out its new beverage container regulations and while we wait for updates to the diversion credit program?

Hon. Mr. Cathers: Contrary to the member's assertion, government has not been stalling on this. In fact, we have been waiting for Raven Recycling to provide the information that we requested again. Last year, the two processors jointly requested combined diversion credit of \$150 per tonne, which is what we did. This year, in September, Raven came back with a request for \$330 per tonne as a diversion credit, and we asked for accountability on that. We asked them to clarify where those increased costs came from and to demonstrate to us why there has been such a significant change in the amount that they are asking for in the period of one year. Discussions are underway and, as I noted, we are considering and have indicated to both processors, as well as to the City of Whitehorse, that, while we work on a long-term solution with the city, because that is estimated to take several months, we are also prepared to consider implementing an increased diversion credit as one possible option, but we do need to see clear demonstration of costs from both recycling processors before we determine the appropriate amount. Once that information has been presented to officials and given appropriate consideration, we again are open to the option of increasing the diversion credit for Raven Recycling and the other processor.

Question re: Air quality in government buildings

Ms. White: In Question Period and in written correspondence, the Official Opposition has repeatedly raised grave concerns about the indoor air quality at Closeleigh Manor. One month ago, the minister gave his word that he would specifically request an update on the status of the nine recommendations made in an independent report on Closeleigh's ventilation system. I took the minister at his word that action would be taken to ensure that repairs were made before another long winter season. It appears my confidence in the minister was severely misplaced.

Earlier this week, I received word that scheduled repairs for Closeleigh Manor have been delayed, possibly until next spring.

Will the minister confirm for this House and for the residents of Closeleigh Manor that the scheduled ventilation system repairs have been delayed?

Hon. Mr. Cathers: It is quite unfortunate that the member is choosing to take the angle that she is. It was this government that provided the resources to the Yukon Housing Corporation to do an investigation of issues at Closeleigh Manor. They determined that steps were needed to upgrade the system. We provided the capital funding for them to do just that. It is up to the governing board of Yukon Housing

Corporation and the staff to manage projects under their area, and I am sure that if the project has indeed been delayed — and I have not had that confirmed to me yet — I am sure there is a good reason for it because I am confident that the board and the staff of Yukon Housing Corporation are as committed as I am to ensuring that the air-quality issues at Closeleigh Manor are addressed.

It's truly unfortunate that the member is choosing in the Christmas season to throw unnecessary barbs in her question.

Ms. White: Landlords have a legal and moral obligation to provide and maintain residences that support the health and safety of their tenants. Yukon's *Residential Landlord and Tenant Act* requires landlords to make residences "...suitable for occupation by a tenant".

Last month, I went to Closeleigh Manor and I spoke to tenants. By their own account, tenants spoke of — and these are their own words, Mr. Speaker — having foggy brains, breathing trouble, pains and disorientation. Several tenants say symptoms began after they moved to the Closeleigh Manor and report that symptoms go away when they leave the building and this was because I spoke to tenants.

As landlord of Closeleigh Manor, the minister should be appalled by the condition of his residence and the clear health risks posed to his elderly and vulnerable tenants. Mr. Speaker, will the minister accept his ministerial responsibility as landlord of Closeleigh Manor and commit to taking immediate action necessary to complete all required repairs?

Hon. Mr. Cathers: I will certainly look into the assertions raised by the member and ask the president of Yukon Housing Corporation for information about it. But again, I would remind the member that it is in fact this government that provided the resources to the Yukon Housing Corporation to conduct the assessment of air quality in facilities. Upon determining that some steps were necessary at Closeleigh Manor, we provided \$250,000 in the 2014-15 capital budget to upgrade the ventilation system at the Closeleigh Manor seniors residence. I would also note that there are other upgrades to air systems in other Yukon Housing facilities, as well as some capital repairs and upgrades to other areas of the buildings, that were provided for within this year's capital budget as identified to us by staff and the board. Unlike the member opposite, we appreciate the good work that they do.

I would again note that if the repairs have been delayed, I'm sure there's a good reason for it, because I am sure that the Yukon Housing Corporation is as committed as I am to ensuring that any steps that are necessary to upgrade the air system of Closeleigh Manor are taken and are taken as quickly as we can reasonably ensure that those changes are made.

Ms. White: These repairs were to be completed by this fall and still tenants at Closeleigh Manor — they wait. Indoor air quality and sick building syndrome are part of an emerging field of scientific and regulatory investigation. Guidelines are being developed and progress is being made elsewhere in Canada. As it currently stands, about half of all residential indoor air quality investigations do not lead to the identification and resolution of the original complaint. This is

why it is essential for the health and safety of Closeleigh Manor residents that the minister takes every step necessary to ensure that there is evidence that the indoor air quality at Closeleigh Manor improves as a result of the recommended repairs.

Will the minister encourage the Yukon Housing Corporation to retain an independent, certified technician to collect indoor air quality samples from Closeleigh Manor and ensure these samples are tested in an accredited facility?

Hon. Mr. Cathers: You know, Mr. Speaker, I am disturbed by the assertions that the member is directing toward Yukon Housing Corporation, suggesting they're not a responsible landlord. Again, I have faith in the board and the staff of the Yukon Housing Corporation and I am sure that they are as committed as I am. We are all committed to ensuring that any steps that are necessary to address any outstanding air issues at Closeleigh Manor are taken. I would remind the member again that we provided the resources to Yukon Housing Corporation so they could assess the air quality at Closeleigh Manor.

We also provided them with \$250,000 in the 2014-15 capital budget to upgrade the ventilation system in the Closeleigh Manor seniors residence, based on the assessment that had been done that identified that there was a need to make upgrades. I am sure that if indeed the member is correct in her assertion that the repairs are behind schedule, I am sure there is a good reason for it. I will look into it, and ask the staff of the Housing Corporation to provide me with an update on the status of that work and when it is expected to be completed. But again, I am sure that they are just as committed as I am to ensuring that we address any outstanding issues that are at Closeleigh Manor in terms of air quality.

Speaker: The time for Question Period has now elapsed.

We will proceed to Orders of the Day.

ORDERS OF THE DAY

GOVERNMENT PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 251

Clerk: Motion No. 251, standing in the name of Mr. Silver.

Speaker: It is moved by the Leader of the Third Party: THAT this House urges the Government of Yukon to correct the mistakes in the Peel land use planning process when it begins work on other plans by:

(1) sending clear and specific direction regarding the nature of changes it desires to the particular land use planning commission to ensure the plan's approval and implementation; and

(2) developing an effective implementation plan.

Mr. Silver: It gives me great pleasure to rise on this motion. As members will note, this motion was tabled on October 25, 2012. However, more than two years later, the sentiment still rings true. The biggest difference between when it was introduced and today is now the Supreme Court of Yukon has confirmed the substance and the sentiment of the motion to be correct — I think we need a break, both you and me, Mr. Speaker. The court has informed this government why its approach to the Peel was such a mistake. The Yukon government's plan for the Peel contravened the land use planning process set out in the final agreements with First Nations.

Since 2012, and really even before then, the Yukon Party government has had a number of warnings from lawyers, First Nation governments and even the Yukon Land Use Planning Council itself, about the way it has approached the regional planning process and, for that matter, consultation in general. Ultimately, the majority of these issues results from this government's lack of respect for the consultation process and the contentious approach to First Nation relations.

The Yukon Party spent the duration of 2011 election campaign hiding its cards from Yukoners on the Peel watershed. It even refused to be clear with the planning commission about what it wanted, and that is the reason for the motion. Now the Yukon Supreme Court has come out against the way they approached the consultation process.

The Yukon Supreme Court issued a scathing decision of this government's approach to the consultation over the Peel. I would just like to read into the record the concluding remarks from Justice Veale's decision — and I quote: "I conclude that it is not appropriate to return the process to the s. 11.6.3 stage and allow the Government of Yukon to put its Government approved plan to the Commission as 'proposed modifications'. At the appropriate time to propose these modifications in February 2011, the Government of Yukon was content to put a general preference to the Commission without enough concrete detail to permit a detailed response. The Government of Yukon had the option of dealing with the Commission response in a collaborative manner as set out in the 2011 LOU or seeking a court interpretation upon receipt of the Final Recommended Plan. However, it instead took over two years to pursue this flawed process, which betrayed the spirit of the Final Agreements and was criticized by both the public and by the Land Use Planning Council. In my view, it would be inappropriate to give the Government the chance to now put its January 2014 plan to the Commission.

"The road to reconciliation has been a long one — from the promise in the 1870 Rupert's Land and North-Western Territory Order to the Umbrella Final Agreement in 1993 — and it continues in the process of treaty interpretation.

"The Government of Yukon is entitled to modify the Final Recommended Plan in accordance with s. 11.6.3.2. If it wishes to modify the Final Recommended Plan according to Yukon proposed modifications 3, 4 and 5 and the 16-page Detailed Yukon Government Response, it can do so, should it not be satisfied with the Commission's Final Recommended Plan in that regard. It is not entitled to revisit Yukon proposed

modifications 1 and 2. These statements of preference for more balance and access were too vague and general, and failed to give detail sufficient for the Commission to address them.

"I therefore make the following declaration and order:

"1. A declaration that the Government of Yukon failed to act in conformity with the land use plan approval process for the Peel Watershed under s. 11.6.3.2 in that it did not properly conduct the final Consultation and it introduced new proposed modifications that were not presented to the Commission.

"2. An order:

"a. To quash the final Consultation and the Government approved plan of January 2014;

"b. To remit the matter for reconsideration to the Government of Yukon, requiring the Government of Yukon to hold final Consultations with the First Nations and affected communities under s. 11.6.3.2, based on the Yukon proposed modifications 3, 4 and 5 and the 16-page Detailed Yukon Government Response advanced by Minister Rouble on February 21, 2011, the written reasons of the Commission, and the Commission's accompanying Final Recommended Plan, dated July 22, 2011, and thereafter to approve or modify, the Final Recommended Plan pursuant to s. 11.6.3.2; and

"c. That should the Government of Yukon elect to modify the Final Recommended Plan pursuant to s. 11.6.3.2, such modifications are to be limited to the Detailed Yukon Government Response and the Yukon proposed modifications 3, 4, and 5 as follows:

"3. Simplify the proposed land management regime by re-evaluating the number of zones, consolidating some of the land management units and removing the need for future additional sub-regional planning exercises.

"4. Revise the plan to reflect that the Parties are responsible for implementing the plan on their land and will determine the need for plan review and amendment; and

"5. Generally, develop a clear, high level and streamlined document that focuses on providing long term guidance for land and resource management."

Mr. Speaker, the Yukon Supreme Court ruled that this government's approach of merely stating a preference for more balanced and increased options for access had an insufficient level of detail for consultation and lacked any tangible or practical guidance for the planning commission. He continues that this government needed to set out the details on what it had wanted, where its designated usage zones should be, and its reasoning for those demands in the land use plan in order to comply with the final agreements and respect the planning process. These details should have been tabled during consultation, not years after the planning commission's report.

In a letter dated April 7, 2013 to the minister and the chief of the affected First Nations, Ian Robertson — the then chair of the Yukon Land Use Planning Commission — identified that because of the government's approach to the Peel plan, a negative precedent had been set that undermined the legitimacy of the regional land use plan going forward. He outlined four concerns in his letter:

(1) The approval process did not follow key sections of the letter of understanding that the parties agreed to in January of 2011.

(2) The development and release of plan principles was done independent of any consultation with First Nations or input from the council.

(3) The proposed modifications were not based on consultation outcomes but cobbled together with — and I quote: “little supporting evidence as to their validity”.

(4) It is desirable that the land designation system used across all Yukon regional plans should be relatively consistent in terms of definition and application. The approved *North Yukon Regional Land Use Plan* provided a guide to build upon.

Mr. Speaker, this government has severely undermined its own ability to carry out land use planning. In Mr. Robertson’s letter, he also stated that it would take a courageous amount of leadership in order to restore the public’s faith in this process.

Yesterday the Minister of Energy, Mines and Resources said in regard to the Peel case — and I quote: “This is a very complicated decision and it will have far-reaching effects...not only on future land use plans and how the government carries out that process, but also on the future economic status of the Yukon.”

Clearly he also believes that this government’s approach is going to affect how well it can continue to do land use planning. Certainly, I hope that he is going to mend relations with the First Nations and other stakeholders.

Mr. Speaker, the Government of Yukon and the Vuntut Gwitchin did successfully complete the North Yukon Land Use Plan. It was signed off in 2009; both parties deserve credit for that accomplishment. Unfortunately, the Yukon Party didn’t follow the same process with the Peel and it has ended up in the courts and of course the government has lost that case.

I am very concerned about what this entire episode has done to the land use planning process in Yukon. We know the problems with the Peel have spilled over the Dawson planning process. It has been shut down indefinitely. This government’s term will likely end with no land use plans signed off during its entire five years in office. There will only be legal bills because of this government’s failure to listen to the repeated warnings about its unilateral approach to land use planning.

I want to touch quickly on the second part of the motion — develop an effective implementation plan. When the government released its version of the Peel watershed land use plan, it neglected the most important step — how it will be implemented. Changing land use can take time, and the stakeholders who may currently be using the land — in this case, tourism operators, for example — need to be able to adjust their business models years in advance. Not having an implementation plan does a huge disservice to the private sector and creates economic uncertainty.

This government needs to learn from this debacle — the debacle that the Peel case has been. In addition to the concerns flagged by the land use planning commissioner, the

government should be addressing the root causes that have got them there, and that is a disregard for the consultation process.

Unfortunately, this government’s bullish approach to consultation extends well beyond just land use plans, and the Yukon Party government seems to be determined to make this mistake again. I discussed two weeks ago the court cases that are piling up here in the Legislative Assembly. This government lost a major decision at the end of 2011 with Ross River Dena Council, and it lost an even bigger one with the Peel. The Premier has made no attempt to learn from this government’s mistakes and seems destined to take its YESAA amendments to litigation because it cannot maintain respectful relationships with the Yukon First Nations. The Premier’s requested changes have once again put the Yukon government in a position where money will be wasted on likely losing battles with the Yukon First Nations. This is no doubt going to spur even further economic uncertainty for the territory, much like the Peel decision.

In the Peel land use plan, the government is accused of violating the spirit and the intent of the consultation process. I urge this government to learn from their mistakes made in the Peel land use plan and walk away with a lesson learned, rather than waiting until after the sitting is over and announce its intention to appeal the case. The government has until January 2 to appeal the Yukon Supreme Court decision on the Peel, and I hope the new year will come and go without an appeal announcement.

In summary, Mr. Speaker, two years ago this government was warned that its refusal to send clear and specific direction regarding the nature of changes that it desired to the Peel land use plan would be a huge problem. It has turned out to be true and has been confirmed by the Yukon Supreme Court. The government has only itself to blame for the mess that we are in currently, and we can only hope that the Government of Yukon is a better partner in future land use planning exercises.

I look forward to healthy debate on both sides of the House for this motion. Thank you for your time.

Ms. Hanson: I thank the Member for Klondike for his motion today. I think that the intent of the motion as put forward today is very good. It does provide us all, as legislators — and the Government of Yukon in particular — an opportunity to learn from the mistakes made by the current government with respect to its conduct throughout the Peel planning process.

As the previous speaker has noted, the Supreme Court ruling of December 2 did provide a number of very, very useful insights into the process of land use planning and in particular the land — the process of land use planning as contemplated by those who concluded the *Umbrella Final Agreement* as well as the 11 First Nation final agreements. I think it actually, hopefully at some point, will form part of the curricula for all students in Yukon and, I would suggest, all legislators, because what Supreme Court Justice Veale has done is laid out in good sequential means the history of this process and placed it in the context of the relationship that’s created through the First Nation final agreements. I think that

one of the things that comes out loud and clear throughout the ruling is not just the nuts and bolts of what the framers of the *Umbrella Final Agreement* had in mind when they put in place chapter 11 of both the *Umbrella Final Agreement* and the First Nation final agreements, but the underpinnings of that process of reconciliation, which is at the core of these First Nation final agreements.

The court was really clear that their job was to interpret whether the planning process as envisioned in the *Umbrella Final Agreement* and the First Nation final agreements has been followed and to determine a remedy, if not. The court determined that the planning process envisioned in the final agreements had not been followed and has offered and suggested remedies to the parties. Those remedies necessitate the building of bridges and building and working toward reconciliation. I do hope that the members opposite will be participating in this debate because as it stands as of today, this is the law. It's not a subject of a future court case. It is the law of the land of today.

Mr. Speaker, one of the things that I found when I was going through the ruling from the Supreme Court was that it's important to recognize that, in terms of the timeline — and there have often been suggestions by the Yukon government that somehow they were confused or duped or whatever — they didn't really understand what was going on in this land use planning process, but in fact, in paragraph 42 of the ruling, the judge says: "In the Fall of 2005, the Commission issued its Statement of Intent:"

This is quoted from 1.4 of the recommended plan footnotes: "The goal of the Peel Watershed Regional Land Use Plan is to ensure wilderness characteristics, wildlife and their habitats, cultural resources, and waters are maintained over time while managing resource use. These uses include, but are not limited to, traditional use, trapping, recreation, outfitting, wilderness tourism, subsistence harvesting, and the exploration and development of non-renewable resources. Achieving this goal requires managing development at a pace and scale that maintains ecological integrity. The long-term objective is to return all lands to their natural state".

It goes on to say: "The Statement of Intent was accepted by the parties without reservation". So, Mr. Speaker, the parties clearly knew, going back almost 10 years. That was the agreed-upon statement of intent for the planning of the Peel watershed.

The court also made a number of findings of fact. These findings of fact are not disputed by the parties. I think it is important for us to just quickly look at those findings of fact when we are considering how we can improve the process of land use planning, because we have a commitment and an obligation to complete land use plans in the traditional territories of all 11 First Nations. We all know that means there is overlap of traditional territories, so there is not an intention of having 11 separate plans, but we have an obligation through these treaties to complete land use planning.

One of the findings at number five of the findings of fact was that the Government of Yukon proposed five

modifications in its individual response. The "Yukon proposed modifications 3 through 5 largely mirrored the comments made by the Senior Liaison Committee" — and we have heard much about the senior liaison committee in the Legislature, so I don't need to remind members here. "These were addressed to the satisfaction of the parties as reflected...in the Foreword to the recommended Plan."

The judge goes on to say — and again, this is a finding of fact in terms of lessons learned — that "Yukon proposed modifications 1 and 2 are at issue in this case". One is: "Re-examine conservation values, non-consumptive resource use and resource development to achieve a more balanced plan"; and two is: "Develop options for access that reflect the varying conservation, tourism and resource values throughout the region".

The seventh finding of fact was that the "Yukon proposed modifications 1 and 2 were framed as a general criticism of the recommended plan, without the identification of specific Landscape Management Units or planning measures. While some elaboration was provided in Minister Rouble's letter, the Commission found that it could not address Yukon's proposed modifications 1 and 2 without returning to an earlier stage in the planning process. However, at least partly in response to Yukon's modifications one and two, the Final Recommended Plan changed the designation of the overall 80% protected area from 'SMA' to 'Conservation Area', of which 55% was Special Management Area, as that term is understood by the Final Agreements. The other 45% was termed 'Wilderness Area' and given interim protection subject to periodic review as part of the formal Plan review process", which speaks to the need for having a good implementation plan.

There are just a couple of other findings of fact that I think are important to have on the record so that we can be talking about how we make changes to improve the land use planning process. "The 2011 letter of understanding was agreed to by all parties and set out the same coordinated process to conduct consultations and present a joint response to the final recommended plan as the 2010 LOU did for the Recommended Plan. This process was not followed." This is the quote from the finding of fact.

The finding of fact number 12 says: "The modifications advanced by the Government of Yukon were not part of its proposed modifications to the Recommended Plan, and the Peel Watershed Planning Commission did not have an opportunity to address the new concepts before the release of its Final Recommended Plan".

The finding of fact number 13 says: "The Government of Yukon put the 'toolkit' and the new concepts forward during its Consultations on the Final Recommended Plan under s. 11.6.3.2 of the Final Agreements, effectively changing the focus of the Consultations from the Final Recommended Plan to the Government's modified Plan." The final finding of fact — and there were 17 of them — was that the government-approved plan was not reviewed by the commission.

In speaking about the importance of looking at how we learn from lessons, and the opportunity to learn from the mistakes by the government in dealing with land use planning

in the future, I think what is going to be important — and certainly from this side's point of view — is that it will not be acceptable for the Yukon government to directly or indirectly, through the placement of the former Minister of Energy, Mines and Resources cited in the Supreme Court of Yukon's ruling, who is now putatively responsible for the mess that we are in with respect to the Peel planning process in terms of the exchange, or lack of clarity of the correspondence from Minister Rouble at the time to the planning commission.

I, among others, sat through the whole week of the court proceedings this summer and certainly heard in detail all of what we see reflected in the court ruling today — and more. What is a concern to this side of the House is that there is a process in play right now that is being directed by the former Minister of Energy, Mines and Resources in his new role as the head of the Yukon Land Use Planning Council to develop a common land use planning process review, 2014-15.

We believe that there are opportunities as the terms of the request for proposals for this common land use planning process review — there are opportunities to look at the lessons learned. We will be wanting to ensure that as the jurisdictional review and other matters are carried out over the course of the next while with the view, according to the timeline, that this is going to be a report that is going to be completed by the end of March 2015, that all of the principles and objectives that are part of constitutionally protected agreements — all of the principles and objectives of chapter 11 — are actually respected — not just respected, but are enshrined in whatever process going forward for the land use planning council.

I said at the outset that I thought that the overall intent of what has been put forward by the Member for Klondike is clear, but I think that there was — and I have spoken to the Member for Klondike — there is an opportunity for a friendly amendment here. I would just like to move the following motion to amend.

Amendment proposed

Ms. Hanson: I move the following amendment:

THAT Motion No. 251 be amended by:

(1) replacing the phrase “to correct” with the phrase “to learn from”;

(2) adding “(1) Consulting with First Nations in accordance with the *Umbrella Final Agreement*, to ensure the goal of reconciliation and to uphold the honour and integrity of the Crown” after the phrase “begins work on other plans by.”; and

(3) renumbering the remaining clauses accordingly.

Speaker: The amendment is in order.

It is moved by the Leader of the Official Opposition:

THAT Motion No. 251 be amended by:

(1) replacing the phrase “to correct” with the phrase “to learn from”;

(2) adding “(1) Consulting with First Nations in accordance with the *Umbrella Final Agreement*, to ensure the goal of reconciliation and to uphold the honour and integrity

of the Crown” after the phrase “begins work on other plans by.”; and

(3) renumbering the remaining clauses accordingly.

Leader of the Official Opposition, you have 20 minutes on the amendment please.

Ms. Hanson: I think it's worth spending just a couple of minutes on this notion on the honour and integrity of the Crown. I do know better — how could I? — than to quote Chief Justice McLachlin from the Supreme Court of Canada, who is cited by Justice Veale in the Peel decision. He cites her at 134, when he talks about the duty that flows from the honour of the Crown. He says at 74 that the “...the duty that flows from the honour of the Crown varies with the situation in which it is engaged. What constitutes honourable conduct will vary with the circumstances.”

She goes on to say, “By application of the precedents and principles governing this honourable conduct, we find that when the issue is the implementation of a constitutional obligation to an Aboriginal people, the honour of the Crown requires that the Crown: (1) takes a broad purposive approach to the interpretation of the promise; and (2) acts diligently to fulfill it.”

She further says, “This jurisprudence illustrates that an honourable interpretation of an obligation cannot be a legalistic one that divorces the words from their purpose. Thus, the honour of the Crown demands that constitutional obligations to Aboriginal peoples be given a broad, purposive interpretation.”

Justice Veale said, at 137 in that ruling, “In the context of the case at bar, the conduct of the Government of Yukon is similarly reviewable on a standard of correctness. The Government of Yukon is required to act honourably and respect its treaty obligations. If it has not respected the legal and constitutional limits that govern in this context, that is an error in law. While there is an issue with respect to the adequacy of consultation in the late stages in this planning process, the overriding issue is whether the Government of Yukon acted honourably and interpreted its constitutional obligations under the Final Agreements broadly and purposively rather than narrowly, divorcing the words of the Final Agreements from their purpose.”

Mr. Speaker, when we talk about the purpose of these agreements and the importance of moving forward in land use planning with First Nations and ensuring that with the notion of working and consulting with First Nations in accordance with the UFA and ensuring that the goal of reconciliation is upheld, I was taken by the comments and the quote that Justice Veale chose to stress and to utilize in this ruling when he quoted Justice Binnie. I would note that it's interesting that both Justice Binnie and another constitutional expert, who I will cite in a moment — both of these gentlemen were involved in the Yukon land claims negotiations process and understand from both the practitioners point as justice and also constitutional law experts what these new arrangements and this new relationship is all about, but also practically on the ground.

Justice Binnie of the Supreme Court of Canada said — this is at 145 of the Peel ruling: “...stress the importance of interpreting land claims agreements in a manner that furthers the objective of reconciliation. Treaties are as much about building relationships as they are about the settlement of past grievances. They are to be interpreted in a manner that upholds the honour of the Crown. Both parties agree that they must be given a large and liberal interpretation consistent with the objectives of the treaty...the interpretation must also be in a generous manner consistent with the intended purpose of the Final Agreements to further reconciliation and give meaning and substance to the collaborative and consultative nature of the s.11.6.0 land use planning process.”

“As Binnie J. stated in para. 9 of *Little Salmon/Carmacks*, the First Nations surrendered their rights to almost 484,000 square kilometres in exchange for defined treaty rights which include participation in the management of public resources, not just on Settlement Land, but throughout their Traditional Territories.”

Professor Peter Hogg, cited by Justice Veale at 147 — again, Peter Hogg, interestingly enough, worked on behalf of the Council of Yukon Indians as we were negotiating Yukon First Nation agreements. He was engaged by Yukon First Nations because he is an internationally recognized constitutional law expert. He stated the following about modern treaties in Canadian Constitutional Law: “These land claims agreements reserve large areas of land (settlement land) to the aboriginal signatories as well as considerable sums of money in return for the surrender of aboriginal rights over non-settlement land. As well, however, the agreements constitute sophisticated codes with respect to such matters as development, land use planning, water management, fish and wildlife harvesting, forestry and mining. These codes assure a continuing role for the aboriginal people in the management of the resources of the entire region covered by the agreement, not just their own settlement land.”

So, Mr. Speaker, what we are hearing from the court and from constitutional law experts is that the Government of Yukon’s position up until this point — and I know that they will endorse the ruling of the Chief Justice of the Yukon Supreme Court, because what they are doing is giving an opportunity to understand in the broad sense the correct interpretation of the relationship that is created through these final agreements, a relationship that will build toward reconciliation.

Justice Veale said that that passage — as I just read from Professor Hogg — sets the stage for understanding the different interpretive approaches taken by the First Nations and the Government of Yukon. “The First Nations understand the Final Agreements to give them certain rights in their Traditional Territories in exchange for the release of their claim to it. The Government of Yukon sees the Agreements, while requiring Consultation with affected First Nations and Yukon communities, as providing certainty to their right to have the final say in land use planning...”

Justice Veale goes on to say: “In my view, the essence of treaty interpretation is set out in the previously quoted statement in the *Little Salmon/Carmacks* case...”

“These interpretive provisions establish, inter alia, a principle of equality between the parties” — that is from section 2.6.3 of the final agreement — “and a principle of contextual interpretation based on the general scheme of the provisions, divisions and chapters and of the treaty as a whole in accordance with its systematic nature...”

“Or, as stated in the *Manitoba Métis* case, an honourable interpretation of a constitutional obligation cannot be a legalistic one that divorces the words from their purpose.”

So, Mr. Speaker, it is abundantly clear that it is important that we learn from where we have gone off track — in this case, we learn from the mistake that has gotten us to this stage — and, as we move forward, that we look to ensuring that actions taken going forward will be done in consultation with the First Nations and in accordance with — of course, being guided by — the principles and objectives that are set out in the *Umbrella Final Agreement*, keeping in mind that we are supported in that by the findings of multiple Supreme Court decisions across this land — provincial and federal, Canadian Supreme Court. I don’t imagine there is anybody in this House who would disagree with the goal of reconciliation and the upholding of the honour and the integrity of the Crown, so I would look forward to the support and endorsement of all members of this Legislative Assembly to this amendment.

Hon. Mr. Kent: I would like to take the opportunity to thank the Member for Klondike for bringing this motion forward, as well as thank the Leader of the Official Opposition for bringing forward the amendment.

I am just going to spend a couple of minutes walking through some of the process that took place from July 2011 to where we are today with respect to this plan. Of course, July 2011 is the date at which we —

Speaker: Order. Are you speaking to the amendment or the original motion?

Hon. Mr. Kent: I am speaking to the amendment with respect to the consultation process that is referenced in the amendment.

Speaker: The Minister of Energy, Mines and Resources, please continue.

Hon. Mr. Kent: The amendment to the motion does speak to consulting with First Nations, so I just wanted to walk through briefly what has transpired since July 2011 and where we have arrived at today.

The *Final Recommended Peel Watershed Regional Land Use Plan* was received by the Yukon government from the planning commission in July 2011. A four-month public consultation was held from October 2012 to February 2013, which included meetings in Whitehorse, Dawson, Mayo, Old Crow, Inuvik, Fort McPherson, Tsiigehtchic and Aklavik.

During the consultation, the Yukon government consulted on the final recommended plan as well as on a proposed new

land use designation system along with concepts illustrating the designation system's possible applications. These proposed designations and concepts were to address Yukon government's concerns surrounding access and balance. The development of the proposed designation and concepts were guided by a number of principles that Yukon government advanced for the Peel regional land use plan. Consultations with First Nation parties — the Na Cho Nyäk Dun, the Tr'ondëk Hwëch'in First Nation, the Vuntut Gwitchin and the Gwich'in Tribal Council — took place on YG's proposed modifications. They commenced with public consultation in October 2012 and concluded in January 2014. There were consultations throughout that period with the affected First Nations.

The approved modifications included new tools for managing access, protecting major river corridors and viewscapes, and managing industrial activity. On January 21, 2014, the Yukon government approved a modified version of the final recommended plan from the Peel Watershed Planning Commission as per section 11.6.3.2 of the final agreements.

On January 27, 2014 — earlier this year — the First Nations of Na Cho Nyäk Dun and Tr'ondëk Hwëch'in, as well as two conservation groups, the Yukon Conservation Society and the Canadian Parks and Wilderness Society, filed a statement of claim with the Supreme Court of Yukon asserting that YG had not complied with the approval process as stated in the final agreements. Of course that led to an initial hearing in July that was presided over by Justice Veale and a second hearing where he called the parties back in October of 2014.

I would like to take this opportunity to thank all Yukoners and all officials from the various levels of government, whether it be Yukon government or First Nation governments, that participated in the process after we received the final recommended plan and, of course, the process that was put together by the Peel Watershed Planning Commission prior to us receiving the plan. I know many Yukoners from many different walks of life participated in that process. I should take the opportunity to thank and recognize Justice Veale as well. He has served a long term as the Supreme Court Justice here in the Yukon. Prior to that he had a very distinguished career as a lawyer here in the Yukon and he even served as an MLA and Leader of the Liberal Party in the early 1980s in these chambers for a short time.

With respect to Dawson regional plan and the fact that that was set aside — and again this speaks to consulting with First Nations — we were able to come to an agreement with the parties to the Dawson regional plan — the Tr'ondëk Hwëch'in and Vuntut Gwitchin governments — mutually agreeing to suspend that plan until such time as the decision or processes with respect to the Peel watershed plan were made more clear.

So we arrive at where we are today. The decision came down on December 2 of this year, with respect to Justice Veale rendering his decision. I have mentioned a number of times in Question Period that the government needs to carefully review the decision of that day before determining

how to move forward. We will assess implications of the judgment on not only the land use plan that the Member for Klondike identified — and was further added to with the amendment to the MLA for Whitehorse Centre and the Leader of the New Democrats — but also on the economic impact that that decision will have in the Yukon. It is not just an impact on the resource sector. There will be impacts, of course, for guide outfitting as well as wilderness tourism, depending on where those activities are taking place within this region — or there is the potential.

As has been mentioned, we do have until January 2 to decide whether or not we will be appealing this case and, given that, I don't think it would be prudent for us to vote on this motion at this time, whether it is to approve the motion or to disagree with the motion. I know that certainly doesn't sit well with the Leader of the Official Opposition.

Mr. Speaker, I am directing my remarks through you, of course, but, as individuals who are able to attend these proceedings know, she often gets animated and very frustrated when she doesn't get her way in here. With that, I am going to move that we adjourn debate.

Speaker: We were just discussing the amendment and not the main motion, so can we adjourn debate at the amendment stage?

I have conferred with the Clerk to confirm the procedures. We can, in fact, adjourn debate when we are discussing an amendment.

Are you prepared for the question?

Some Hon. Member: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Graham: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Mr. Hassard: Agree.

Mr. Elias: Agree.

Ms. Hanson: Disagree.

Ms. Stick: Disagree.

Ms. Moorcroft: Disagree.

Ms. White: Disagree.

Mr. Tredger: Disagree.

Mr. Barr: Disagree.

Mr. Silver: Disagree.

Clerk: Mr. Speaker, the results are 10 yea, seven nay.

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

Debate on Motion No. 251, and the amendment, accordingly adjourned

Motion No. 804

Clerk: Motion No. 804, standing in the name of Mr. Silver.

Speaker: It is moved by the Leader of the Third Party: THAT this House urges the Government of Yukon to tell Yukoners whether or not it supports the Conservative Party of Canada's decision to scrap Bill C-583, *An Act to amend the Criminal Code (fetal alcohol spectrum disorder)*, legislation brought forward by Yukon's Member of Parliament, that would have allowed fetal alcohol spectrum disorder to be considered a mitigating factor in sentencing when a judge believed fetal alcohol spectrum disorder was a factor in a crime.

Mr. Silver: This spring, our Legislature voted unanimously to support Bill C-583, a rare feat in this House, as is clearly indicated today. We debated a motion on it, in fact, April 16, and again April 30. There were a couple of amendments but, in the end, everyone did agree.

Here is what we voted in favour on in the spring:

"THAT this House urges the Government of Yukon to demonstrate its support for Bill C-583, *An Act to amend the Criminal Code (fetal alcohol spectrum disorder)* by:

"(1) urging the Government of Canada to support Bill C-583; ..."

We also voted in favour of this, and I'm quoting again from that previous motion:

"Further, THAT this House directs the Speaker of the Yukon Legislative Assembly to convey the consensus of this House in support of Bill C-583 to the Speaker of the House of Commons of Canada, the Speaker of the Legislative Assembly of the Northwest Territories and the Speaker of the Legislative Assembly of Nunavut."

It is one of those rare moments when everybody in here agreed on something, and we would like to see if we can replicate that today. Unfortunately, our unanimous support showed more resolve to defend the bill than our current Member of Parliament, who introduced a bill in the House of Commons. He agreed to stand down on the bill soon, as he was instructed to by the powers that be in the federal House and the Leader's Office. This happened last month in Ottawa. Bill C-583 is now dead. It has been removed from the federal Order Paper willingly by our Member of Parliament; the Yukon MP didn't necessarily back this; didn't defend it, I guess.

I must admit that this decision did catch me by surprise, given how important he said the bill was to him and how important it is to the constituencies he represents. In the short time frame since last spring, FASD has not decreased in its significance, Mr. Speaker. In an odd turn of events, our Member of Parliament talked about this bill very frequently. He did boast that it was one of the biggest achievements since

coming to office; it was one of his top priorities, and then we see that, when he got the call from his colleagues, it was dropped — and it was dropped promptly.

Our Legislature unanimously supported Bill C-583, and I believe that was a good idea. It stands to reason that this House still thinks that. We will know at the end of the debate on this motion. We'll see if the members of the House support the federal government's decision to scrap the bill.

We have seen this Yukon Party government recently disagree publicly with federal counterparts, and that's on the details of Bill S-6, so it wouldn't be entirely out of the realm of possibilities to see that here today. It would also be, in my opinion, the right thing to do.

We debated the motion in the spring. I began by congratulating the Leader of the NDP for bringing it forward and standing up on this important issue. It was of huge significance to all Yukoners. It was also admirable for the Yukon's Member of Parliament, Ryan Leef, to buck the trend and to table legislation that actually looks to help protect people in the Canadian justice system, rather than handcuffing them with mandatory minimum sentences with the FASD.

I will read from a consensus statement found in a Member of Parliament's act to amend *The Criminal Code of Canada* with respect to fetal alcohol spectrum disorder — FASD — and I quote: "The failure to have a full diagnosis of FASD should not be an excuse for ignoring relevant neurological impairments that may be associated with FASD. The imprisonment of an innocent man or woman because of misunderstandings created by a condition over which an accused has no control should shock the conscience of society".

Mr. Speaker, there is still much research that is needed to be done in terms of FASD. The Canada FASD Research Network notes that no two cases are identical and that the effects that alcohol has on brain development can vary widely. There are no statistics on how many people in Canada have FASD, but research indicates that in some other western countries, it may be as high as five percent in all live births.

I would like to take this opportunity today to thank FASSY, the Fetal Alcohol Syndrome Society Yukon, for the hard work that they do to create an accepting and educated community in the Yukon for those whose cases have been identified, as well as the work that they have done to prevent FASD. I know from my many years teaching that children born with fetal alcohol spectrum disorder do require special attention from professionally trained individuals. It stands to reason that if a government is acknowledging FASD as an issue in the education system, that they should also be doing so in the judicial system. FASD is a complex issue that requires compassion.

I should also note that Bill C-583 had the support of all opposition parties in the House of Commons before it was pulled.

I would like to thank Sean Casey, the Member of Parliament for Charlottetown who will be retabling this bill. I believe it is important for this House to stand behind unanimous resolutions that it passes. It's an easy decision for

me to make. I stand behind the bill that our current Member of Parliament tabled and I do not support the decision to withdraw it from consideration. I believe the disagreement should be conveyed to the federal Conservatives and I hope that my colleagues in this House feel the same way and support the motion that is before them today as we unanimously support the motion deliberated in the past on this bill. With that, Mr. Speaker, I open it up to the floor to debate and comments.

Hon. Mr. Nixon: Mr. Speaker, I thank the member opposite for bringing this motion forward. It's important to keep the topic of FASD on the table, not just here in Yukon, but across Canada. I know this is something that we bring up regularly at our federal, provincial and territorial justice ministers' meetings as recently as September when we met in Alberta.

As members of this House are aware, on April 30 of this year, the Yukon Legislative Assembly passed a unanimous motion encouraging the federal government to support Bill C-583 in principle so that it could go to committee for further review and analysis. When I spoke to the motion, I pointed out that while Bill C-583 is a good starting point to generate discussion, there was a strong need for greater review of the proposed criminal law reforms, including the need for consultation with the provinces and territories and experts who work in this field. I also indicated that some of the proposed amendments presented significant implications for the provinces and territories as well as to individuals who live with FASD.

Those sentiments were also brought up by many of my colleagues at the federal, territorial and provincial justice ministers meetings just last September.

While the bill was withdrawn, we are very supportive of the fact that this subject will receive a broad-spectrum review and analysis through the Standing Committee on Justice and Human Rights. Now, just a quick fact that you might appreciate, Mr. Speaker, in 1996 Dr. Ann Streissguth and others found that in a sample of individuals with FASD, 60 percent of adolescents and adults had some contact with the law.

This process will allow for the input — I am speaking about the process of the member's bill — from a good cross-section of subject experts and the development of recommendations for moving forward. In Yukon, we have been working very hard on the issue of the government's overall response to FASD and, in particular, how we treat persons with FASD and other disabilities, for that matter, when they are offenders and when we continue to do so. We very much look forward to the final report of the committee working on this matter.

Yukon is exploring the options with respect to the process for actually providing evidence to the committee. A determination on the next steps will be made once the work is complete. As members of this House are aware, this is an important topic for Yukon and, as such, Yukon has played a

leadership role in raising FASD as an access to justice issue nationally.

After an extensive application process, we know that the University of British Columbia was granted the research team ethics approval to begin data collection in early 2014 on the FASD prevalence study that we are working on here in the territory. This past spring, a preliminary pilot project involving a small number of adult offenders was launched at the Whitehorse Correctional Centre and the offender supervision services office here in Whitehorse. The pilot project allowed the research team to evaluate study procedures and protocols to identify areas for improvement before the official launch. The official launch took place earlier this summer and the project is now fully underway.

Currently, the research team remains focused on completing FASD assessments and on completing data collection, as well as day-to-day operations for the project. Now another interesting fact — it is estimated that FASD affects approximately one percent of the Canadian population.

Once the study is completed, the focus will return to data input and analysis by the University of British Columbia. The final research report is expected to be completed sometime in 2016.

Mr. Speaker, the process for assessing adults for FASD requires a team of clinical professionals to administer multiple interviews, medical exams, and neuropsychological tests. Regardless of meeting the criteria for an FASD diagnosis or not, each participant receives a personalized report that will explain their cognitive strengths and challenges. This report will also provide recommendations to help each of the participants.

The research team will meet with participants and work with them to help them understand what their results actually mean to them. This report is owned by the participant, and they have the right to decide whether or not they choose to share it. Each report will be written in such a way to help inform service providers what interventions should focus on for that particular individual. After each FASD assessment is complete, the participants will be given the opportunity to meet with a post-study coordinator. This post-study coordinator will work with the participants to connect them with Yukon services that may be able to provide them with assistance in their respective communities. It will be up to each participant as to whether or not they wish to follow up with these services.

Mr. Speaker, you may be asking yourself how much money the government has spent on this FASD prevalence study to date. In fact, we have committed \$643,000 for three fiscal years for the development and implementation of the study. We are currently in the second fiscal year of that approved budget. I do have to extend a great thanks to my government caucus and Cabinet colleagues for their support in this initiative. It has been something that this government — all of my colleagues — have been behind, and I do appreciate their support.

The allocated funds have covered the costs of clinical training for the local research team for the purchase of

neurological tests as well as the personnel to administer those tests and other administrative costs and knowledge translation.

FASD is not actually a diagnosis, but is an umbrella term that describes permanent brain damage that is associated with prenatal exposure to alcohol. Persons with FASD experience difficulties such as decision-making, problem-solving, mental health problems, or drugs and perhaps alcohol abuse. The purpose of the FASD prevalence study is to better understand how many people in the corrections system face challenges linked to FASD, as well as challenges linked to mental health and substance abuse issues. One of the major goals is to determine the prevalence of FASD in the adult correctional population.

It's important to note that this study does not actually target individuals who are suspected of having FASD; rather, the research team wants a wide range of individuals to participate, with and without behavioural and health challenges, in order to accurately determine the prevalence of FASD among the adult correctional population here in our territory.

The research team consists of a study manager, a psychologist, a physician, a research assistant, a post-study coordinator, and supervising professionals who are truly experts in the field of FASD. This team is led by the study's principal investigator.

We are hoping that 150 offenders between the ages of 18 and 40, both men and women, with or without FASD, will be invited, I guess, to participate in the study. Participation by adult offenders is completely voluntary. I know we are off to a bit of a slow start with not attaining the numbers we had hoped, but again this is a voluntary study for participants to be involved in, and they have the right to choose whether they wish to or not to participate in the study.

The Government of Yukon and Yukon's Member of Parliament have worked to get this bill on to the national agenda. I think it was kind of the Member for Klondike, in his words, to say that it was admirable of Yukon MP Ryan Leef to table Bill C-583. We certainly think it's admirable as well that our MP has worked diligently on this file.

Just a few weeks ago, I met with my federal, provincial and territorial counterparts for Justice, as indicated, and I talked about this very issue, because Yukon, along with the Government of Canada, is the co-leader in addressing fetal alcohol spectrum disorder. We're so grateful for the support, first, by Minister Nicholson and Minister Toews, and now by Minister MacKay and Minister Blaney, in our efforts to address fetal alcohol spectrum disorder. I'm also grateful for the support Yukon's MP, Ryan Leef, has provided on this file.

The MP brought his private member's bill forward as a tool, and I think that's the key word — a tool — to advance the discussions about FASD. Bill C-583 was withdrawn after our MP realized that there likely wasn't sufficient time left for it to become legislation prior to next year's federal election. Our MP believes that, on a move-forward basis, the best option to keep this issue front and centre was to have government bring it to committee for full examination of FASD in the criminal justice system.

As MP Leef has indicated, this may not be the best option for Bill C-583; however, it may be the best option for the issue of fetal alcohol spectrum disorder.

I understand that there were 391 private member's bills presented to be considered by Parliament. This was just one of them. I believe that's over and above a large number of government bills also to be considered. It seems to me that our MP has made a smart business decision in order to keep the issue of FASD in the criminal justice system alive. We committed to addressing FASD in our platform and, Mr. Speaker, we are delivering.

The MP had drafted Bill C-583. He has tabled Bill C-583 in first and second debate, and it was actually coming up for second reading vote when the decision was made to take it from the bill into committee. The third reading, as I understand it, would have been in April or June and, time-wise, in speaking to our MP, it would have been impossible to bring it forward in Parliament for legislation.

As I also understand, being in committee, the subject will be studied more fulsome and, by March of 2015, we believe that it will be before the Justice committee. This is the first, with a multifaceted and multidisciplinary approach on a bill, as such.

In looking at an e-mail that had been sent out from our MP's office, I just want to go over this e-mail because it certainly lays some groundwork as to where we were and where we are now and where we ought to be. It reads: "Colleagues, Several of you have contacted our office about outreach over Mr. Leef's bill and the FASD community. Here is a news release we issued as well as a Facebook graphic and tweet. Hope this helps with your communication."

It goes on to read: "Bill C-583 has pushed a pivotal moment in FASD advancement at the federal level. Yukon's MP Ryan Leef has been able to secure, through tabling his bill and discussions with his colleague in the government, significant steps forward for FASD.

"Upon reviewing the parliamentary calendar, and the lengthy procedural process that still lay ahead, it was clear, despite wide support, that there was very little chance of the bill being able to achieve Royal Assent with the time left in the 41st Parliament."

It goes on to provide a quote from our MP, saying: "I have worked closely with the government to broaden the focus and expedite an action plan that will have wide ranging influence and greater net benefit for the entire FASD community."

"Parliament has only ever studied FASD from the Health lens. It is certainly a key player, but not the only one. It will now also engage, Justice, Public Safety and Status of Women into the discussion to make sure the action plan developed has a focused commitment that will address all the issues, from prevention through support for those that live with FASD. This will be a great venue to showcase Yukon experts that have been at the forefront of this issue and highlight best practices and next steps towards concrete solutions.

"Through the introduction of my bill, we all recognize that more needs to be done to educate, prevent, support and

accommodate this community. This exciting development is a significant step forward in pursuing the needs of FASD action. I am pleased that the efforts to bring forward C-583 has led to this level of positive intervention and support by the Government of Canada and I look forward to the study and subsequent recommendations and government action.”

In other words, our MP believed he was simply running out of time and he didn't want to see his private member's bill lose the focus and attention that it deserves.

I know our MP has had great support from the FASD community, as most members in this Legislative Assembly will well be aware. I want to read to you an e-mail from Amy Salmon, who has a PhD and is the executive director of Canada FASD Research Network. She wrote to our MP, Ryan Leef, saying: “Hello, Ryan and Kay — I hope this message finds you both well. I've noted with interest the statements made by Sean Casey regarding a Liberal-backed FASD bill. Just thought I'd let you know they've not been in touch with us at all. We did hear from Tom Mulcair's office shortly after your bill was withdrawn asking our opinion about this development. I told him we welcomed the opportunity that your motion has provided to bring much-needed attention to the full range of issues associated with FASD and its prevention, and saw this as a net positive for advancing a broader national dialogue on FASD that is urgently needed. Thanks again for all your hard work on behalf of the people living with FASD and the families and communities who support them. You are truly making a difference, and we salute you for it. Again, if there's anything we can do to help, don't hesitate to call. Cheers, Amy.”

In looking at the motion the way it's worded, I don't know that it's particularly factual. I don't believe that the government scrapped the bill at all. I think it has provided a new opportunity for the bill, and one that seems to be very welcome from the FASD community.

We do know that the only people who voted against expanding and expediting the study were the federal Liberals. I personally think that it is a little disappointing that we see this motion the way it's worded on the floor from the Liberal leader, the Member for Klondike, without consulting people in the FASD community prior to doing so. I guess “shame” really comes to my mind, which is unfortunate, for using a community of people with disabilities for political gain. As a father of a child with a disability, I am disappointed.

I have some experience in the field of working with people with disabilities. As I've mentioned, I have a son with autism, but I also worked for organizations over the last 20 years, like the Port Colborne District Association for Community Living where, looking back, I suspect — and although diagnosis wasn't as prevalent as it is today — there were a number of individuals being supported by that organization who had, I believe, FASD — as well as the Metropolitan Toronto Association for Community Living, where I was for approximately two years, then moving on to the Walkerton and District Community Support Services and, yes, Mr. Speaker, I left prior to the Walkerton water crisis.

I moved up here initially to manage a group home for Teegatha'Oh Zheh, but I also did some work with Big Brothers Big Sisters of Yukon and, as many members will know, was the cofounder of Autism Yukon.

I truly need to thank previous Yukon Party governments for their support over the last number of years, not just in the area of autism with my family, but in the area of FASD. We've seen some great gain. I know the previous Minister of Justice also worked extremely hard on this. Looking back at my experience, none of the work that I did over that 20-year period would have prepared me for having a child diagnosed with a disability.

I also need to extend a great thanks to the staff, management, directors and the minister in the Department of Health and Social Services, not just today, but over the last 12 years — specifically with Family Services for children with disabilities. I know they've done a great deal of work with individuals with FASD as well as a number of other disabilities.

While I'm on the topic of thanking people, I think the Member for Klondike reached out and thanked the team at FASSY, but I would also like to take the opportunity to thank other government officials who have worked on this area in Justice and a number of the departments as well as NGOs such as Teegatha'Oh Zheh, the Yukon Council on Disability, Yukon Association for Community Living, Learning Disabilities Association of Yukon, and a number of others. Without their drive and their commitment to providing supports for people with FASD and other disabilities, we certainly would be in a different place today.

Mr. Speaker, I want to put on the record some fairly important facts. As you may very well know, I have a lot to say on this subject. We've done a lot of work. My first draft on today's motion was well over 10,000 words, so I did have to pare it down some. It seems to me that the Member for Klondike's motion is somewhat negative and perhaps awkward in my opinion. After some reflection, I think that what he's trying to talk about is how we address people with FASD who are engaged in the criminal justice system particularly.

I would like to talk about the contents of Bill C-583, especially the part surrounding the definition of FASD, the ability for a court to assess FASD and the ability for a court to consider FASD in sentencing. I can tell all members of this House that the Yukon Party is committed to addressing FASD and I do believe we are delivering.

Let me share with you some of the fast facts about FASD and its impact on the correctional system. As mentioned earlier, in 1996, Dr. Ann Streissguth and others found that in a sample of individuals with FASD, 60 percent of the adolescents and adults had some contact with the law. FASD got put on the Ministers of Justice FPT agenda following a discussion between Minister Nicholson and Justice Minister Horne, following a presentation by FASSY to consult on youth criminal justice matters. During FASSY's presentation, they spoke very powerfully about the importance of addressing FASD. Most of us in this House are familiar with

Mr. Snow, who became the president of the Canadian Bar Association. FASD was indeed one of the issues he identified as a priority for him. Early on in his mandate, MP Ryan Leef spoke with me about how to advance FASD as a priority for Yukon. Since then, MP Leef has spoken to me on many occasions about addressing FASD in the territory and even across Canada. In fact, he and I have worked to keep it on the national agenda. Mr. Speaker, you know that Yukon is the FPT co-chair and we bring this up at every Justice FPT.

Now as I prepared for today, I realized that I didn't see much from Yukon's previous MP on this issue, so I checked a couple of websites on what he had done and said during the debate in the House of Commons and really found very little. But moving forward, I would like to point out the response of the government and the courts to FASD as I really think we need to correct the record.

Now in terms of next steps, as members of this House are aware, on April 30 of this year, the Yukon Legislative Assembly passed a unanimous motion encouraging the federal government to support Bill C-583 in principle, so that it could go to committee for further review and analysis.

At that time, I had indicated that some of the proposed amendments had presented some significant implications for the provinces and territories, as well as those living with FASD. While the bill was withdrawn, we continue to be very supportive of the fact that the subject will receive a broad-spectrum review and analysis through the Standing Committee on Justice and Human Rights. This process will indeed allow for the input from a good cross-section of subject experts from across the country — perhaps across the globe — and the development of recommendations for moving forward on this subject.

In Yukon, we have been working very hard on the issue of the government's overall response to FASD and, in particular, how we treat persons with FASD when they are offenders, and how we will continue to treat those individuals.

We very much look forward to the final report of the committee. Yukon is already exploring the options with respect to the process for providing evidence to that committee. As I understand it, determination on next steps will be made once this good work continues and is complete.

Yukon hosted with Justice Canada, in September of 2008, a national conference entitled: "The Path to Justice, Access to Justice for Individuals with Fetal Alcohol Spectrum Disorder". Officials from the department have been continually working on how to address FASD and the challenges it presents from a policy and a program perspective, both internally and collaboratively. As I have indicated prior, this issue remains a priority item for the federal, provincial and territorial ministers responsible for justice and public safety as well, as I understand it, for the departments of health. Therefore it gives us a unique opportunity to work with our counterparts across the country to develop the most effective responses.

Yukon will continue to bring forward FASD as an access to justice issue to the federal, provincial and territorial ministers, as well as the deputy ministers, and to other

agencies to ensure that work continues at a national level. The department is working on the development and implementation of the prevalence study that I previously spoke about for FASD, mental health, substance use issues and the Yukon adult correctional population. The government committed over \$600,000 to fund this, so we can have a really full understanding of the impact of FASD on the correctional system. This study is a significant undertaking and I am very pleased to report that this project is moving forward and we truly look forward to the results.

Our government believes that an important component in reducing the number of individuals born with FASD is good education on the harmful effects of drinking alcohol while pregnant. As far back at 1991, the Yukon Liquor Corporation began placing warning labels on all wine, spirits and packaged liquor products to warn the public of the potential risks of drinking while pregnant.

Efforts to continue to raise awareness, including the September 9 launch by the Yukon Liquor Corporation of a new poster campaign, run in partnership with FASSY. This launch coincided with FASD Awareness Day and included radio campaigns as well.

These posters will be on display year-round. In an effort to focus on the important social responsibility aspect, the Yukon Liquor Corporation has also developed a new social responsibility coordinator position and recruitment will commence shortly. I do need to extend my sincere thanks to the hardworking officials at the Yukon Liquor Corporation, as well as the minister responsible for that portfolio.

These are just a few examples of some of the work already underway to continue educating Yukoners on how to consume alcohol in a way that is socially responsible, as well as educating them on the dangers of drinking alcohol while pregnant. I know both the Department of Health and Social Services and the Yukon Liquor Corporation, among others, continue to work on initiatives that will raise awareness in all our communities. The Government of Yukon's Justice and Health and Social Services ministries have partnered with Justice Canada, Yukon College's Northern Institute of Social Justice and the Yukon Research Centre, as well as the Canadian Centre on Substance Abuse, Correctional Service Canada, Fetal Alcohol Syndrome Society Yukon — otherwise known as FASSY — and the Yukon First Nation Health and Social Development Commission to study the prevalence of FASD among adults in the correctional population.

With these partners, the government has developed a research methodology to determine the extent and degree that FASD and other mental health and substance use issues affect individuals in the correctional population. Yukon will oversee a number of FASD assessments and examine the rates of mental health and substance use problems reported to the correctional population.

In January 2009, at the direction of deputy ministers responsible for Justice, the Coordinating Committee of Senior Officials, otherwise known as CCSO, struck a steering committee on FASD and access to justice. Yukon co-chairs this committee with Justice Canada and has representation

from Northwest Territories, British Columbia, Alberta, Manitoba, Saskatchewan, Ontario, Quebec, New Brunswick and Newfoundland and Labrador. Remember Yukon, in partnership with Canada — particularly Justice Canada — has been the lead in bringing the issue of FASD as an access to justice issue forward to the deputy ministers' and ministers' national agenda.

I should also note that, in 2013, the federal, provincial and territorial deputy ministers approved a second framework for a plan, which builds on the initial plan and remains focused on three essential areas. Those areas are education, information sharing and identification.

Ministers have also reviewed an extensive report on proposed criminal law reforms at the past FPT meeting. We have directed officials to conduct further research on key issues, taking into consideration the input of the Canadian Bar Association and the private member's bill, Bill C-583.

External initiatives that have raised the profile of FASD as an access to justice issues include: in 2010, the Canadian Bar Association passed a resolution addressing notions of criminal liability applicable to those with FASD and the development of policies and solutions regarding FASD as an access to justice issue. In August of 2013, the Canadian Bar Association passed another resolution on FASD and the justice system, which urged the federal government to make several amendments to the *Criminal Code*. In September of 2013, the consensus conference on FASD and legal issues echoed many of the same recommendations, including the ability of judges to order assessments and for discretion in sentencing where mandatory minimum sentences would potentially exist.

With that said, Mr. Speaker, the Yukon Party has recognized that FASD is a serious issue here in the territory. It was something that we committed to address in our 2002 platform. When the Yukon Party campaigned for office in 2002, one of the areas that was highlighted in the Yukon Party platform was the need to address substance abuse in Yukon. Part of that included the need to address FASD. We, the Yukon Party, committed and we are delivering.

The five-step FASD action plan was set out in the 2002 Yukon Party election platform. The five steps were: to promote prevention programs to eliminate alcohol consumption of high-risk parents in order to foster the birth of healthy babies; early diagnosis of FASD before the age of six; supporting people and families with FASD through a wide range of services such as professional counselling and foster homes in order to provide a stable, nurturing home environment; enhance supported living arrangements for adults with FASD; and form a diagnostic team of professionals trained in personal counselling and social work to provide services to Yukon schools in order to provide support for students with FASD and their families.

In June of 2005, the government of the day held a substance abuse summit. This summit resulted in the recognition that the old ways of dealing with substance abuse were not as effective as they have been. The summit eventually led to the *Substance Abuse Action Plan*. Along the

way, we have had the incredibly hardworking team at FASSY by our side. Yukon has financially supported FASSY and we are so very grateful for their contributions to our community.

Yukon funded two diagnostic teams. An adult diagnosis is performed in conjunction with the Fetal Alcohol Syndrome Society Yukon. Yukon has education and awareness campaigns as well. The youth FASD diagnostic and support team provide supports for public schoolchildren based on identified need. Our platform recognized the need to address FASD.

The administration of the day committed to address the need to deal with Yukon's serious alcohol and drug problems, as a matter of top priority. These include addressing the drug and alcohol rehabilitation package, including counselling offered to offenders.

The government developed the *Yukon Substance Abuse Action Plan* as a way of addressing Yukon's substance abuse issues. The government of the day committed to continuing to implement the *Yukon Substance Abuse Action Plan* in 2006. One of the areas that was identified was the need for a more skilled workforce in the area of substance abuse, especially with respect to FASD. This led to the Yukon Party government developing the Northern Institute of Social Justice, because it would assist by providing more skills development and training opportunities for Yukon. Mr. Speaker, we committed and we delivered. I will speak more about the Northern Institute of Social Justice in a few moments.

Yukon, as I have indicated, also hosted the Path to Justice: Access to Justice for Individuals with Fetal Alcohol Spectrum Disorder, a conference of 130 government and non-government stakeholders. Although that conference was in 2008, it set in motion initiatives and work that is ongoing today, including the FASD prevalence study that I'll speak more to in a few moments.

As a government, we are committed to creating safer Yukon communities and to dealing with substance abuse in our communities. To do that, we are changing the way we do corrections in Yukon. The Member for Klondike likes to cite the new Whitehorse Correctional Centre as an example of a capital project that went overbudget. He likes to say it went from \$30 million to \$70 million. The old model of corrections had the inmates on the inside of a concrete wall and the guards on the outside.

The previous Liberal government was planning on building a replacement correctional centre. Sure, it would have had newer, thicker, stronger concrete, but it was predicated on an outdated model of corrections. The Yukon Party government of the day asked: "Is there a better way?" They consulted extensively on changing the approach to corrections. The feedback that was received indicated that public safety and holding offenders accountable were key principles that needed to be promoted. As a result of that consultation on corrections, the government changed our philosophy of corrections. We developed a new act and we built a new correctional facility.

That new correctional centre is predicated on a new model of corrections called “enhanced direct supervision”, “Gen Three”. That means that instead of offenders on one side of the wall and the guards on the other side of the wall, the guards are in fact in the units with the offenders. To make that happen safely, it meant that the correctional centre had to be redesigned from the flawed, outdated Liberal concept to the modern, new, effective, enhanced, direct-supervision model that we have today — one that we are so very proud of.

The reason that the Liberal budget was half of what we built was because their plan seems to have been half-baked. Clearly, one of the issues is that we have people in our correctional system who have FASD.

My concern is that processing people —

Some Hon. Member: (inaudible)

Hon. Mr. Nixon: One hopes that the member opposite would get into the spirit of the season and show some generosity and perhaps listen to the debate today.

Clearly one of the issues is that we have people in our correctional system who have FASD. My concern is that processing people with FASD in the same way that we process other offenders may not be all that effective. The previous administration was successful in having FASD placed on the national agenda at both the justice and mental health ministers meetings.

Mr. Speaker, I hear the Member for Whitehorse Centre speaking off-mic — the Leader of the Official Opposition — and we all know on this side of the House what the NDP did for corrections when they were in power.

Yukon has been, and continues to be, the co-lead with Canada on the FASD file. I heard one of our staff who was retiring reflect on the changes that she had seen in Yukon from when she started to when she retired. The file was one of those ones that she commented on. She indicated that, early on, kids with FASD were diagnosed as FLKs. This was short for “funny-looking kids”. We have come a long way.

One of the accomplishments of our MP Leef’s bill is that it identifies what fetal alcohol spectrum disorder means. I would now like to talk about what this means for the correctional system, and I would like to talk about how Yukon is responding.

We have developed the Community Wellness Court. This court was implemented as a pilot project in June 2007 in response to the call for the creation of a therapeutic court in the *Yukon Substance Abuse Action Plan* that is directly linked with individuals with FASD. In March 2009, the pilot project was extended for three years to allow for an evaluation of the project and to further develop the court. In 2011, the Canadian Research Institute for Law and the Family, a non-profit, independent research institute in Calgary, evaluated the court and provided comments to support a further three years of pilot project funding. This report is available on the Yukon court’s website.

In February 2012, the project was extended again until the end of 2014-15 to allow further assessment of the achievement of the court’s objectives.

The Community Wellness Court is currently being evaluated by Dr. Joe Hornick. I can’t quite recall if this evaluation has actually been — yes, it has been completed. It was completed this past summer.

Since implementation, over 2,000 charges and 208 offenders have been referred to the Community Wellness Court. One hundred offenders were accepted into the program, and 80 offenders have graduated from the program, receiving either full or partial credit for their participation. As I understand it, there are currently 24 active clients in the Community Wellness Court.

Following several assessments, an in-depth wellness plan is tailored to the needs of the individual client. The wellness journey can take up to 18 months before sentencing and may include the following: individual or group therapeutic counselling and treatment; assistance with employment, housing or other basic needs; medical assistance, including psychiatric services; assistance from agencies, such as Fetal Alcohol Syndrome Society Yukon — otherwise known as FASSY — and Many Rivers Counselling and Support Services; as well as intensive supervision and support by a probation officer working closely with that individual; and assistance with building family and community supports.

Community Wellness Court participants are given priority placement for risk assessment and offender programming.

In speaking about FASD, as a parent, there are moments when one feels completely helpless as a parent of a child with a disability. There are moments when you know your child needs help and you know that it’s your job, as a parent, to ensure that that help is found, but there are times when a parent simply can’t do it all themselves. It’s an awful place to be; I cannot put words into the feeling, other than to say it’s awful and it’s overwhelming.

As parents of children with disabilities, including FASD, we’re very fortunate that, with the support of the previous Yukon Party government, many children, including my son, were able to get help from incredible teams. I cannot say enough about the work of individuals, like Joanne Stanhope, Nate Searle, Andrea Sharpe, Karen Rach, Teresa Smith and others who have helped so many in this community of ours.

In the past, I’ve spoken about family-centred approaches, and that’s certainly something that is essential when providing supports, where possible, to individuals with FASD and other disabilities. We know that each child is unique and each family is unique, and I think the Department of Health and Social Services has certainly taken that into consideration when providing supports to individuals with FASD and other disabilities in our community.

I know, Mr. Speaker, you’re very well aware that one of the reasons I decided to run for office was because I wanted to work on issues such as this. After setting up services for my son which, in return, opened doors for many other children and families to receive support — after founding Autism Yukon — I became convinced that it was an area where I could play my part in making our territory’s response even better to people with disabilities, including those with FASD.

During the campaign, I was knocking on doors. Yukoners shared with me their struggles, not only with autism and FASD, but with other disabilities. As we talked about this as a campaign team, I know many of my colleagues on this side of the House were hearing similar stories. I take great pride in the fact that Yukon Party committed to providing support services for children and adults with disabilities, including FASD, in addition to the services already provided to many Yukoners.

Having seen first-hand how much these support services can improve the life of a child with autism, FASD and disabilities, I am pleased to support these services being extended to families with a wide range of ability.

I felt it was necessary — as many members of this House are aware, here in Yukon, the Department of Justice is responsible for reporting on how Yukon is working toward implementing provisions of the conventions that Canada signed off on our behalf with the U.N. *Convention on the Rights of Persons with Disabilities*. We take this responsibility very seriously. At the beginning of this month, it was a real pleasure to provide some closing remarks at the disability rights summit in honour of Disability Awareness Week — a number of those individuals we saw in the gallery here earlier today. The event was made possible by the community development fund and I have to extend my thanks to the minister responsible for Economic Development. It was truly an excellent event and I was surprised how well-attended it was.

The Government of Yukon is committed to meeting the requirements of a number of important U.N. conventions, including the *Convention on the Rights of Persons with Disabilities* — that individuals with FASD would clearly fall into. We are currently working with representatives of the Yukon disability rights committee to set up a meeting to discuss further options. Now as a government, we take very seriously the need to ensure that we have programs and we have services that ensure inclusivity and accessibility for those with disabilities. I would like to turn my attention now to some of those services and programs, starting with the Department of Justice.

Since 2008, the department is working very hard at addressing some of the challenges those with one disability, in particular, face when they come into contact with the justice system. Mr. Speaker, that disability is fetal alcohol spectrum disorder. Here in Yukon, we have been struggling to effectively work with a subset of our justice clients who, due to the nature of that disability, presented significant challenges to the existing system, its programs and its services.

As I spoke earlier about the 2008 conference, it identified for everyone in attendance that the issue of FASD in the justice system is complex. It's a complex topic that encompasses many different areas, including prevention, policing, victim services, corrections, programming and criminal, family and civil courts. The outcome of this conference was the recommendation that policy makers focus on four main areas in order to increase access to justice for people with FASD.

Some of the ways that Yukon has been working to address the need to increase access to justice for FASD would include the Community Wellness Court. It was implemented as a pilot project in response to the call for the creation of a therapeutic court in the *Yukon Substance Abuse Action Plan*.

I can tell you that when we talk about the Community Wellness Court at the federal, provincial and territorial justice ministers' meetings, there is great attention from all jurisdictions across Canada. Initially I thought we would see the focus of the attention coming from the northern territories, but indeed, the provinces from west coast to east coast and the three territories all share similar interests in how to move forward. We have hosted ministries from Nunavut and Northwest Territories to look at our Community Wellness Court. In fact, the Northwest Territories is in the process right now of starting their very own Community Wellness Court, which will be the second one in Canada.

The Community Wellness Court is an innovative, therapeutic court designed to contribute to building safer Yukon communities through crime reduction. It does this by working with offenders in the criminal justice system on what some call are the root causes of their offending behaviour. Following several assessments, an in-depth wellness plan is tailored to the needs of that individual client. I think that is important, moving forward on the topic of FASD, and that is something that I spoke to just moments ago when I talked about a family-centred approach in providing services to children with disabilities.

The wellness journey can take up to 18 months before sentencing and may include things like individual or group therapeutic counselling and treatment through both government services and community organizations. Also, assistance with employment, housing and other basic needs — there can be assistance provided with medical assistance and there can be assistance provided from other agencies within our communities, such as FASSY, Challenge, Blood Ties Four Directions' services for people with disabilities and the Learning Disabilities Association — just to name a few. I mentioned a couple of other organizations earlier in my comments.

The participants of the Community Wellness Court are given priority placement for risk assessment and offender programming. In conjunction with the Community Wellness Court, we also have the Justice Wellness Centre. The Justice Wellness Centre provides a wraparound service for clients of the Community Wellness Court as well as ongoing support and after-care after they have completed the Community Wellness Court. The centre also serves as a check-in centre and offers programs for low-risk offenders on probation and bail. The Wellness Centre is open from 8:00 a.m. to 4:30 p.m. six days a week. Through extended hours of operation, programs are offered during the day and on weekends to enhance access for clients and to offer support during period of time when they are most at risk of reoffending or being victimized themselves.

In addition, the Corrections branch is embarking upon a complex needs pilot project, which is currently in the

development stage. The goal of this project is to develop an effective, integrated, client-centred model of case management for inmates with cognitive impairments and mental health issues, which would and could include fetal alcohol spectrum disorder. The project includes the development and validation of a screening instrument that will be administered upon admission. The screening will be done in addition to the mental health screening.

If the screening tool indicates that further assessment is needed, a referral will be made to the psychologist for full functional assessment. This functional assessment will provide specific information on the client's cognitive strengths, as well as potential deficits. This will assist in the development of the case management plan, and it will identify the necessary referrals to other service providers in many of our Yukon communities.

Finalizing policy governing the project and piloting the screening instrument will take place over the next few months. Work must also be undertaken to engage with a number of our partner agencies and stakeholders around the territory. This all leads to the prevalence study project currently underway and the need to understand just how many offenders in the corrections population have FASD or some other form of cognitive disability. It is through this knowledge that we can ensure our staff are able to provide appropriate services to these individuals. It is also one of the best ways we can hopefully prevent their involvement in the justice system in the first place.

The Department of Justice recognizes that a number of people in the adult correctional population have cognitive impairments, along with mental health and substance abuse issues. The Department of Justice is committed to learning more about these kinds of challenges and perhaps barriers that people face while involved in the criminal justice system.

In terms of addressing the need for education and raising awareness among justice system professionals, our government, in cooperation with the Northern Institute of Social Justice and Yukon College, developed a training program in 2010 for front-line justice system professionals whose clients have FASD. I really need to extend my thanks to the previous Yukon Party government, which was responsible for creating the Northern Institute of Social Justice at the Yukon College. It's certainly very well utilized by many professionals in our community. I know the Correctional Centre staff and I believe some of the RCMP members have participated in that, as well as their own training through the RCMP training program across Canada and at RCMP Depot in Regina.

I was just speaking about the program — the Northern Institute of Social Justice — since that time and at the request of other departments, that course offering evolved to also provide training opportunities to front-line staff who are providing services in the area of education, as well as health and social services sectors.

From March 2010 to the end of this recent October, over 580 seats have been filled in the FASD training courses offered by the Northern Institute of Social Justice. This

training has not only been offered here in Whitehorse, but also in several of our Yukon communities. The training was also provided in 2011 to staff in several departments of the Government of Nunavut. I'm very pleased that not only have front-line staff in Yukon benefitted from this training, but we have been able to share this type of training with other northern jurisdictions.

One of the recent additions to this training is training on collaborative case management. This training was designed for service providers working in a case-management capacity with adults and youth who have FASD. During the course, participants gain a greater understanding of the nature and consequences of FASD for the individual, for their family, and indeed for their community. They also learn the skills and techniques necessary to effectively develop a community case plan for persons with FASD and improve overall case management, case coordination and support for offenders with fetal alcohol spectrum disorder.

I would be remiss if I didn't also mention that training on how to work effectively with clients with FASD is also provided to all of our correctional officers as a core component of correctional officer basic training provided to all new officers.

In addition, the Victim Services unit provides services to victims of crime and can modify their services to accommodate the needs of persons with other disabilities. The department is also the home of the public guardian and trustee's office, which protects the legal rights and financial interests of children, acts as guardian of last resort for adults who have no known relatives or friends to assist them, and administers the estates of deceased and missing persons where there is no known next of kin.

This is just a sample of some of the initiatives the department has undertaken and does not reflect the daily efforts of individual staff to respond appropriately to the individual needs of the clients they serve — often, many of those having FASD.

I am very proud of the work of the department and the work that they have done to develop more appropriate services for those individuals with FASD and other disabilities who come into contact with our criminal justice system. Of course the Department of Justice is not the only department that has developed programs and services to address the needs of persons with disabilities. I know, and give top marks to, the Minister of Education.

The Department of Education has a branch dedicated to helping students with special education needs to participate fully in school. The Student Support Services branch provides a number of supports, including speech and language, hearing, movement, academic, emotional, social or intellectual development. Student Support Services provides support to schools and families in the delivery of services to students with FASD and special educational needs, to establish and maintain consistent ways of responding to schools, to help identify and assess students with special needs and FASD, as well as to collaborate with school-based teams to determine, plan and organize required services. They recommend and

assist with the coordination of resources needed to deliver a full range of programs and services, and they provide advice and assistance to help school-based administrative staff and teachers who are dealing with FASD and trying to be proactive in keeping them out of the justice system — hopefully — potentially many years down the road. They also participate in local inter-agency structures to provide coordinated services for children and youth.

They provide advice and assistance in the development of territorial policies and procedures. They maintain information systems necessary for planning and reporting data on students with special needs and FASD. They plan and coordinate staff and development programs for personnel.

Now, Mr. Speaker, with funding from the labour market agreement for persons with disabilities, Advanced Education also provides support, training, information and other services to the employees, the employers and organizations within the Yukon labour force. This includes several programs that help persons with disabilities to be successful at work such as the capability assessment and accommodation program, which helps organizations to provide assessment, services and supports for developing workplace accommodations for people with a disability, including FASD.

Individual training and supports program — this program supports persons with disabilities who need training to gain or maintain employment and provides personal supports to accommodate a disability. We understand that, by assessing FASD, especially within the criminal justice system and pertaining to our MP Ryan Leef's Bill C-583 — and the more support that we can provide early on in education and employment training — it is in the hope that we can steer an individual down a healthier path.

We also are aware of the workplace supports program through Education. This program particularly helps employers and organizations to assist employees with disabilities so they maintain employment or a future employee to obtain employment. The Advanced Education branch of the Department of Education is also responsible for overseeing financial assistance to post-secondary students with disabilities and those with FASD.

Mr. Speaker, you might be interested to know that there are two grants under the Canadian student loan program specifically for students with disabilities. There is a grant for students with permanent disabilities of up to \$2,000 per academic year to help cover the costs of accommodation, tuition and books. There's a grant for services and equipment available for students with permanent disabilities, such as FASD, of up to \$8,000 per year to help cover exceptional education-related costs such as tutors, note-takers, interpreters, Brailers, or other technical aids, and we know and have proof that aids such as those are a tremendous help for individuals with FASD.

I know the Department of Health and Social Services also is doing a number of works in support of individuals with FASD, both adults and children. Family supports for children with disabilities play an integral role in helping families who have children with disabilities: by supporting families to care

for and support the development of their child with disabilities; by providing coordinated access to supports and interventions; by supporting early intervention to increase a child's lifelong potential; and promoting inclusion of children with disabilities, including FASD, in community life.

I could go on for literally hours and hours about this program, specifically in relation to my son, and how the programs that we set up when Jack was diagnosed at just after two years old, I believe, have made such a difference in his life. I've said it before on the floor of this Legislature, but I believe, had he not had those supports — especially from age two to the age of six, where he had one-on-one support for, I think it was, about 36 hours a week, and we held him back from kindergarten for a year — but I believe that had we not provided those supports — and he's 14 now — he would have been at a stage in his life where he would have been sitting in a corner, rocking, not communicating — I hate to say it on the floor of the Legislature, but probably, well, I'll call it incontinence — screaming, perhaps beating himself and thrashing out at others. These are things that I've seen in my years of experience in working with people with disabilities.

Because of the actions that the Yukon Party government took in 2002 to provide additional supports to people with disabilities, we all know Jack's story today is much different from what I previously described, and he has the ability now to communicate with his peers, with people in his class, with his family, and next is the T4 slip.

In addition to the Department of Health and Social Services, they also provide funding to the Child Development Centre, another program that my son, Jack, was a part of early on in his life, as he was born at 28 weeks — so he was three months premature, weighing two and a half pounds, and spent the first three months of his life down in Vancouver.

Once he returned, he was immediately assessed and had continual assessments by the Child Development Centre to monitor his development and progress in getting himself back on track. I believe it was through the good work of the staff of the Child Development Centre and through Jack's doctor that a referral was made to a team down in Edmonton. It was indeed that team that — actually, what happened was, the team was assessing Jack, and they all of a sudden stopped and left the room, and maybe an hour later, a new team came in, and this was an autism-specific team that provided diagnoses for children with autism. In a matter of five minutes, they were — I don't want to say pleased, but they were able to make that diagnosis.

We also see this in many children with FASD, and certainly targeting their development at an early age is crucial. You'll know this as well, Mr. Speaker — the Child Development Centre has been serving Yukon and children with disabilities, including FASD, since 1979. They work directly with families and community members across Yukon to provide key early supports and therapeutic services to Yukon children from birth to school age.

Some of these services include assessments, follow-up programming and valuable support and education services for children with disabilities as well as parents. It is all free of

charge to those accessing the services, and we certainly — all members on this side of the House — extend our gratitude for those services.

For adults, the services for persons with disabilities unit funds a range of different services for adults with developmental disabilities, including case management supports, which I believe is a crucial component for individuals with FASD. They also support residential care services in group residences or approved homes.

That is something that brought me to Yukon 17 years ago when I was looking for a new challenge — perhaps an adventure. I went on-line and applied to Teegatha'Oh Zheh to manage one of their homes in Riverdale. I conducted several phone interviews with the executive director at that time, who was Mary Scholz, and was subsequently offered a position with that organization, and I thank them for creating this new opportunity for me.

Also offered through the services for persons with disabilities unit — they support independent living services, which are often referred to as SIL services. They offer day programming and they offer respite care. In fact, it is services for persons with disabilities and Yukon Housing Corporation that work with Options for Independence to develop a new and expanded supported living residence for adults with FASD.

Also through the Department of Health and Social Services in partnership with the Department of Justice, we know that we provide services from the Yukon Review Board. It is through the good work of the review board that often individuals with FASD are provided with a slightly different type of service other than the criminal justice system here in the territory or elsewhere. The Yukon Review Board clients have access to the same services, programming and recreational opportunities available to other individuals held at the Whitehorse Correctional Centre. The Correctional Centre has dedicated nursing staff, a forensic therapist and contracts with a local psychiatrist and family physician who attend the centre once a week. Counsellors from the offender services unit attend the centre on a weekly basis.

People are referred to the Yukon Review Board under two circumstances: either when a court finds an accused to be unfit to stand trial or the court gives a verdict of not criminally responsible on account of mental disorder. Where an accused is found to be unfit to stand trial, the Review Board is responsible for further assessment of whether that particular individual is fit to stand trial. The Review Board is made up of seven Yukon members and three members from British Columbia. A quorum of three members must be present to attend a hearing. Also, where a judge finds an accused not criminally responsible on account of mental disorder, the accused is referred to the review board for a disposition hearing.

Mr. Speaker, you might be asking yourself what happens to Yukon Review Board clients. Individuals who are found not criminally responsible, many of those with FASD, on account of mental disorder, may be remanded to the Whitehorse Correctional Centre, they may be given an

absolute or conditional discharge, they may be held in custody in a designated hospital, or they may be released into their community on very specific conditions. Both the Whitehorse General Hospital and the Whitehorse Correctional Centre are designated hospitals for the custody, treatment or assessment of an accused for whom an assessment order, a disposition or a placement decision has been made.

Members will be familiar that the Yukon Review Board is an independent quasi-judicial tribunal established under the *Criminal Code* to deal with cases where an accused person who is charged with a criminal offence is found unfit to stand trial or not criminally responsible on account of mental disorder, which I've indicated. A court may find an accused person not criminally responsible on account of the mental disorder if the judge is satisfied that the accused committed the criminal offence and, because of a mental disorder, the accused was unable to understand that the offence was wrong.

The court may then grant, as I've indicated, an absolute discharge or transfer the case to the Yukon Review Board for the hearing, where the Yukon Review Board may decide that the accused may be granted the absolute or conditional discharge, or be held in custody in a designated hospital. An accused who is found unfit to stand trial will likewise be required to appear before the Yukon Review Board for a hearing to further assess their fitness to stand trial.

If the Yukon Review Board finds the accused is fit to stand trial, the matter is returned to court for a fitness hearing. If the Review Board decides that the accused is still unfit to stand trial, they must decide on a disposition of that particular matter. The board must hold a hearing at least once every 12 months to reassess the ability of the accused who is unfit to stand trial or, when an accused has been found unfit to stand trial, must be returned to court no later than two years after the verdict — one year for young offenders — to decide whether sufficient evidence can be brought or put or used to put the accused on trial. A person may be transferred to a psychiatric hospital outside of the territory, and we do see this from time to time.

Victims have the right to attend the Yukon Review Board hearings. The public may attend and participate in hearings if the chair of the Yukon Review Board approves that. The Yukon Review Board will consider requests by victims for a copy of its decisions on a case-by-case basis.

Mr. Speaker, I had indicated earlier that a number of departments across government are responsible when it comes to providing a variety of different services to individuals with fetal alcohol spectrum disorder — FASD. This leads me then to the work that the Yukon Housing Corporation does through their programs and services to address the needs of people with disabilities, including those individuals with FASD. Finding suitable housing accommodations can be very challenging for individuals with disabilities in general.

I would like to thank the minister responsible for the Yukon Housing Corporation and the good staff who work very hard in that organization to provide services to people with FASD and people with disabilities in general.

To ensure that Yukon Housing Corporation is in fact meeting the needs of people with mobility challenges, the corporation established the Accessibility Advisory Committee in 2003, which provides input into the design of new and existing social housing developments, including the new Alexander Street seniors' complex, and consideration would have been taken into other buildings that we have seen for individuals with FASD in our communities.

Yukon Housing offers several programs to help address those challenges, such as home repair programs, which provide low-interest loans to homeowners wishing to repair their homes for a variety of reasons, including improved accessibility. I know a number of my constituents in the good riding of Porter Creek South have prescribed to this program and certainly I am thankful, on behalf of them, that programs like this exist.

There is also the rental rehabilitation program, which provides low-interest loans to landlords who upgrade their rental units for health and safety, as well as energy efficiency and access for elderly or individuals with special needs. Yukon Housing also manages subsidized housing units throughout the Yukon, including those designated as barrier-free.

I know the Yukon Party government, since 2002, has made significant investments through Yukon Housing, despite what the members opposite believe. In fact, in the 2014-15 budget, there was \$250,000 that was earmarked for accessibility upgrades in a number of residences to improve the quality of life for those particular tenants.

There was also an announcement made this November by the minister responsible for Yukon Housing regarding an \$11.5 million contract being awarded and construction beginning on a new 48-unit accessible seniors housing complex, which is great work.

Mr. Speaker, you'll know this, but the Public Service Commission also provides some great services for people with FASD and people with disabilities in general. These services include the Workplace Diversity Employment Office, which has been assisting job seekers with disabilities since 2004 as part of Yukon government's ongoing commitment to employment equity. That is really important and we see those individuals from that office on a daily basis in the lobby of this government.

I would certainly like to extend my sincere thanks, as Minister of Justice and also the parent of a child with a disability, for their ongoing and very important work on a day-to-day basis.

Mr. Speaker, these programs and the supports provided by the Workplace Diversity Employment Office have helped to make the Yukon government one of the leaders among Canadian governments in assisting job seekers with FASD and with other disabilities. One of the main goals of the office is to facilitate the successful hiring and the retention of employees with disabilities by providing information and support to job seekers, to employers, to supervisors and, perhaps most importantly, to their co-workers.

Some of the services that that office provides include: career counselling, resumé assistance, on-the-job training, accommodation solutions, wage subsidies, and manager or co-worker training.

In addition to the Workplace Diversity Employment Office, they're also responsible for services related to American Sign Language interpretation. Mr. Speaker, you may not be aware of this, but back in college I took American Sign Language. I can't remember much of it, but I did study it for one semester.

Some Hon. Member: (inaudible)

Hon. Mr. Nixon: I can't demonstrate it.

Mr. Speaker, an accredited American Sign Language interpreter is available and we saw that individual in the gallery today, providing a support to individuals from Yukon's deaf community. It's important work and I thank her for being available throughout Yukon government. In fact, this service is offered through a two-year pilot project. Interpretation services are available for medical or health care requirements, for employment needs, education and training, and community and cultural events.

For existing employees with disabilities and FASD, the Public Service Commission Disability Management unit works with other departments across government to provide for workplace accommodations and disability management services. I want to extend my appreciation to the current Minister of Community Services, as he was previously the minister responsible for Health and Social Services, and the work that he is currently doing by supporting this office and by the work that he did in the past to provide support to many families and to children with FASD and other disabilities, so thank you.

Mr. Speaker, the guiding principle of this service is to ensure that employees with injuries, illness or disabilities are able to remain at work or return to work in an early and safe way that respects the dignity of the employees and results in meaningful and productive work, benefiting the employee and the Yukon government. I can say from first-hand experience that, over the years that I worked in this field, from time to time you would see people working with people with FASD or other disabilities and sometimes it didn't come across as meaningful or productive or sincere. That's not to overstate that there are a large number of individuals working in this field, both in the territory and across Canada, who do it because they truly love the work and love to see the outcomes that their work accomplishes.

Much of the good work, services and programming available to persons with FASD and other disabilities are delivered by our non-governmental organizations. These non-governmental organizations do great work in advocating and providing services for those with disabilities. Some of these organizations include, but certainly are not limited to, the Yukon Council on DisABILITY, the Yukon Association for Community Living, Challenge Community Vocational Alternatives — and I think it's a great opportunity to thank the individuals who work in Bridges Café, right here in this building, for their great service every day and great food.

Mr. Speaker, you can rest assured that, when you go into Bridges for your muffin in the morning or your coffee, you're certain to be greeted with a smile. Many of us on this side of the Legislature appreciate that service.

There are other organizations, such as Options for Independence, Autism Yukon — which is near and dear to my heart as a cofounder of that organization, following the diagnosis of autism with my son, Jack. There's also Teegatha'Oh Zheh, which I talked about earlier. It was Teegatha'Oh Zheh that gave me the opportunity to take that first step necessary to move to Yukon 17 years ago, a step I've never once regretted.

There's also the Learning Disabilities Association of Yukon, Fetal Alcohol Syndrome Society Yukon, and People First Society of Yukon. An interesting fact, Mr. Speaker — two of the cofounding members of People First of Canada, Patrick Worth and David Charles, I had the pleasure of meeting and working with when I worked in both the Metropolitan Toronto Association for Community Living and Walkerton District Community Support Services years and years ago.

I know that, without the support, without the services and without the advocacy of groups such as these, many individuals, their friends and their family would struggle even more in navigating what can all too often be a very challenging world. I know first-hand how challenging that world can be.

I would also like to take a moment to talk about the Human Rights Commission, as it has a valuable role to play in educating all Yukoners on their rights and in administering the provisions set out under the *Human Rights Act*. The Human Rights Commission is an independent commission created by the Yukon Legislative Assembly. The commission reports to the Yukon Legislative Assembly, but it is funded by the Department of Justice to carry out its mandate as laid out in the *Human Rights Act*.

In this fiscal year, 2013-14, the Department of Justice provided the Human Rights Commission with \$567,000 in funding. In 2014-15, they are receiving \$582,000 in funding.

The Human Rights Commission's mandate is to provide the principles of human rights and settle human rights complaints and arrange for adjudication, if required. The commission plays a very important role in promoting human rights in the territory. I for one am very appreciative of their work.

As I have gone through this listing, I have come to realize just how many wonderful supports and services are available to people with disabilities and FASD across government and in the non-government world. Yet, while this is a long list, I am fairly sure that I have not touched on every single program and service available in the territory for persons with FASD.

In closing, our society has come a long way in becoming more inclusive in ensuring that persons with FASD have the opportunity to be actively involved in decision-making processes about policies and about programs, especially when they are concerning them, but there is always an opportunity

to do better. I have certainly seen that put into action by this Yukon Party government since 2002.

I look forward to meeting with the Yukon Disability Rights Committee soon and learning more about the proposed disability rights actions here in our territory as well as discussing options for moving forward.

Thank you, Mr. Speaker. I look forward to hearing some comments from other members.

Ms. Stick: I want to thank the Member for Klondike for bringing forward this motion. I am not sure that there is anything in the history of FASD that hasn't been touched on today, but I do have a few comments. It will be a repeat of what some of the others have said, but in particular I am reminded that on April 30 of this year we did pass a unanimous motion supporting the bill that our Member of Parliament had tabled in the House as a private member's bill.

It was good to see everyone agree that this was important. Someone commented on part of the motion — said that we would direct the Speaker to inform the Speaker of the House of Commons as well as the Speaker for the Northwest Territories and the Speaker of Nunavut. I was kind of struck by that today when I was reading over Hansard from that time. I was thinking: I wonder why we stopped there, at just the north and just Ottawa. FASD knows no boundaries; it knows no race; it knows no class level. It is a disability that impacts children when there is prenatal drinking.

I was just looking at that and I thought, really, this is so important, because I am sure that in every jail, whether it is territorial, provincial or federal, across this country — even city jails — and it doesn't matter whether it is a young offenders facility or whether it is an adult correctional facility — there are individuals — male and female — with FASD.

I had the good fortune to work in the Department of Health and Social Services for many years. When I first started, it was in the early 1980s. FASD was really a new thing and nobody was quite sure what it meant. We knew how it happened but I don't think we really understood the outcomes — and we've come a long way since then because I remember working with individuals who were in the correctional institution here in Whitehorse. I always remember that, when it would come toward the end of their term and they were getting ready — closer to their release date, we would try to set up a meeting or a case conference to determine how we were going to help this individual when they left. The reaction always was — they're fine. They're fine. They did really well. They did really well in the Correctional Centre and we should just be able to release them. I don't know how many times we had to repeat — of course they did well there. There was structure. There was supervision. The day never changed. There were people to direct these individuals — when to get up, when to eat, what to put on. There were a lot of boundaries. There were boundaries and they had to stay within those. Sometimes they didn't. There would be a behaviour, but everyone thought, well, this individual was fine.

For many of the adults — and I know this from personal experience also; I do have family members who are impacted by FASD. Their ability to socialize and speak and communicate is — you would not know that there was any hidden disability there. You would not know that they had FASD because they can talk your ear off. They could sell you a car, and you would be happy to take it and you would believe that you were getting a good deal. It would only be later that you would find out that it wasn't theirs.

So you don't suspect anything, and when you try to work with these individuals and family members and really try to get them to stay on the straight and narrow, it is hard, because they will sit there and talk with you, they will agree with you and they understand that moment and in that place. They mean it with their heart that, yes, this is what they are going to do, and tomorrow when they get their paycheque, they are going to do this, this and this. You set it all up and tomorrow comes and they are gone. It is frustrating for families, it is frustrating for workers, but it is not intentional. It is just the way FASD impacts their lives and their brains and how it works.

I think when we pass this motion, for me it was important to realize — for everyone to realize — that there are a lot of people in jail who will come out and if they have not been identified, they will be back. They will be back in jail and they will continue that pattern. They will do well in jail, for the most part. There might be behaviours, but it is structured and supervised and it is what they need.

To me it was really important with this legislation that was tabled was that we identify these individuals and we find another path for them. We don't want them to not face consequences because that is part of life for any adult. You have to understand there are consequences to your actions. It is more recognizing that most of what they do is not intentional. They did not intentionally set out to do something wrong. It is very easy for people to claim to be their friends and their best buds and to just get them to go right along with them because they believe them. "I'm your friend and if you're my friend, you'll do this thing for me and it'll be fine, it'll be okay." They will do it because, just like the rest of us, they want to belong, they want family and they want friends. So I was disappointed when this didn't go forward further to its own committee for study, because I believe that until we face up to the population in our jails and until we actually start looking at the numbers of the adults — I know we talk about kids lots. We talk about education and early childhood — all of those things.

Every single child is going to be an adult and until we — for those in the jail system now, we need to identify them and we need, if they are already caught up in the system, to find ways to work with individuals, with communities and organizations so that when people are released, there is a network around them that they'll accept and keep them from going back there. That is why a lot of the diagnoses for children and for adults that might not be in the justice system yet are also so important, because we want to keep them out of there.

What they do — we could talk about remorse, we could talk about intentions — but, more often than not, it is not something that they deliberately do. We can explain consequences and we can talk to them: "What's going to happen if you do this?" and they will agree with you and tomorrow they will forget, or maybe the next day or the next day after that.

I was disappointed when I saw that this private member's bill would not get the opportunity for a committee to hear from witnesses from across Canada — from Justice I'm sure, from Health and Social Service ministers, from specialists, from doctors — who would talk about why these individuals really are not being served well in our justice system and that it is not the place for them. They do well there, but they do have to come out; they do need services. If we can steer them in another direction before that, then I think that is a good thing.

I thank the Member for Klondike for bringing forward this motion. You know, we need to encourage this. We need to see all provinces and territories and the federal government looking at this, because as I started off, I am sure in every single jail, without exception, there will be individuals with FASD — male, female, all nationalities — you'll find them there.

Ms. Hanson: Madam Deputy Speaker, I am pleased to stand to speak to the motion put forward by the Member for Klondike. I understand and respect the disappointment that is contained in the motion that is before us today, because I share it. I just want to reflect on the fact and remind us that, as a Legislature, this past spring we had before us a motion for debate. The purpose of it was to demonstrate non-partisan support for the initiative of the Yukon Conservative Member of Parliament Ryan Leef. We felt, as the Official Opposition, that Yukon's Member of Parliament had in fact acted on an initiative that had been generated in the Yukon and had brought forward a private member's bill, Bill C-583, *An Act to Amend the Criminal Code (fetal alcohol spectrum disorder)*.

That bill was in response to the work and initiative of the Yukon chapter of the Canadian Bar Association. At the time, in 2010, the president of the Canadian Bar Association was the president of the Yukon bar association, Rod Snow. Mr. Snow and his members had recognized, just as my colleague from Riverdale South said, that the issues that are faced by people with fetal alcohol spectrum disorder, when they encounter or get caught up in the criminal justice system, there is a grave inequity that results. Through their experience, attempting to defend those individuals and their experience of working with families and with those individuals, they realized there was much more to this.

We brought forward the motion last spring. It was really to try to provide an opportunity because, despite what the minister — I mean, it was ironic, in a way. The Minister of Justice went over reams and reams of stuff about all the stuff that has been done and all the research that has been done about the issues associated with fetal alcohol spectrum disorder, but the reality is, what the Member of Parliament for

Yukon's private member's bill was trying to do and was trying to reflect was the recognition by 37,000 members of the legal profession across this country that the changes made by the federal government to the *Criminal Code* with respect to sentencing make it impossible for a judge to deal with the person presenting in front of them who has permanent brain damage acquired before birth. They had nothing to do — there is no cure for this permanent brain damage — no cure. There is no rehabilitation, Madam Deputy Speaker.

Consequences, as my colleague humorously depicted — and it's humorous at times, but it's not humorous when you're dealing with a criminal justice system that says, within these strict parameters, this is what you might just do, and you say to a judge that you may not take into consideration in sentencing the fact that this person before you has permanent brain damage.

The Member of Parliament rather courageously, given the environment that he works in, did take forward aspects of the motion that the Canadian Bar Association put forward. That bill received first reading in March 2014. The bill would have amended the *Criminal Code* to add a definition of fetal alcohol spectrum disorder and establish a procedure for assessing individuals who are involved in the criminal justice system and who are suspected of suffering from fetal alcohol spectrum disorder. That's key, because it's suspected — who are suspected of suffering from fetal alcohol spectrum disorder. That is what was missing in the current system now that the change has been made to the *Criminal Code*.

What Bill C-583 would have done would have required the court to consider as a mitigating factor in sentencing a determination that the accused suffers from fetal alcohol spectrum disorder and that they have certain symptoms of it. We've heard that it's a spectrum, so those symptoms are never going to be definitive and one is exactly the same as the other.

It was disappointing for sure that when, effectively, this bill was pulled — although I have to say it's kind of ironic when I heard the Minister of Justice speaking, I made a note to myself that there's good news here, because following the Minister of Justice's logic that Bill C-583 wouldn't have made it through Committee or anywhere in the parliamentary process before the next election, that should give hope to all of us who hope to see Bill S-6 — those regressive amendments to YESAA — also not make it through the system before the next federal election is called. So there is always hope in the sort of — inane at times.

It was clear that there was all-party support at the federal level for Bill C-583. We had the opportunity at a federal level and at a territorial level to do more. One of the things I want to remind members that the past president of both the Yukon and the Canadian Bar Association, Rod Snow, has been really clear. In his initial initiative in terms of the changes to the *Criminal Code*, he was looking at the sentencing provisions. Over the course of time, after the initial, sort of, unanimous acceptance by the CBA of that motion by the Yukon bar with respect to fetal alcohol spectrum disorder, and after it went through a plethora of federal, provincial, territorial meetings and there was all these various committees struck to deal with

this matter and commitments made by federal Conservative Ministers of Justice to deal with this matter — to address it with regard to sentencing and you know, all the wonderful praise and rhetoric about how everybody agreed with it all — three years later, the Bar Association was faced with exactly the same conundrum. There had been no actions taken and, in fact, the changes to the *Criminal Code* were more regressive and there was even less discretion available to a judge when a person who has fetal alcohol spectrum disorder presented.

That led the Canadian Bar Association to recognize — and I quote Mr. Snow here: “If a judge decides to treat fetal alcohol spectrum disorder as a mitigating factor because she understands that the offender's disability is responsible for their behaviour ...” — the key question was: “... will our corrections system accommodate that person's disability when they arrive in jail, or will Corrections expect the offender to meet standards of behaviour that their disability prevents them from meeting?” We cannot be guided — said the CBA — “... by one principle of justice, fairness and ethics in the courts and by a different principle of justice, fairness and ethics in our corrections system. Our judges and our jailers must be guided by one consistent set of principles applied both outside and inside our jails.”

We have had graphic evidence of the inability of our corrections system to deal in a fair and ethical manner with respect to people with fetal alcohol spectrum disorder.

That was one of the challenges that we faced. We know that Bill C-583 would have changed the *Criminal Code* to allow judges to accommodate fetal alcohol spectrum disorders and that it was guided by that single principle that explicitly accommodates FASD as a disability in the *Criminal Code*. We were challenged as a Legislative Assembly to do the same with respect to accommodating fetal alcohol spectrum disorder as a disability in the *Corrections Act, 2009*.

I just wanted to say for the record what the Canadian Bar Association was looking for and why this issue will not go away. We will be back debating this again because the reality is not going to disappear, as my colleague from Riverdale South said, and I believe the Member for Klondike referenced this in terms of the incidence of FASD — it crosses all barriers.

The resolution that the CBA put forward had three points. As I said earlier, it had to be introduced twice because no action was taken. So the second time around — again, this is a massive organization and this resolution that emanated from the little jurisdiction of the Yukon received unanimous support from this massive national body, the Canadian Bar Association. In their resolutions, they get to use “whereas” and I kind of like them because you get to say a lot in them.

Their resolution said: “WHEREAS a person whose mother consumed alcohol during a critical development period in her pregnancy may be born with a permanent organic brain injury” — and I don't know how many times we have to say that — this is a permanent organic brain injury — “which results in a cognitive disorder” — this is not a disability, this is a permanent organic brain injury, which results in a cognitive disorder — “known as Fetal Alcohol

Spectrum Disorder (FASD), a range of neurological and behavioral challenges that may affect an individual; WHEREAS disabilities of FASD reflect the underlying brain and central nervous system damage, including impaired mental functioning, poor executive functioning, memory problems, impaired judgment, inability to control impulse behavior, inability to understand the consequences of their actions, and inability to internally modify behavior control; WHEREAS the nature of behavior resulting from these disabilities means that persons with FASD frequently come into conflict with the law; WHEREAS in 2010, the Canadian Bar Association: supported the initiative of federal, provincial and territorial Ministers responsible for Justice with respect to access to justice for people with FASD; urged all levels of government to allocate additional resources for alternatives to the current practice of criminalizing individuals with FASD and develop policies designed to assist and enhance the lives ...”

They urge the federal government to amend criminal sentencing laws to accommodate those with FASD. Unfortunately, despite the fact that the federal Minister of Justice said in 2010 that FASD is a huge problem in the Canadian justice system and said he would put it on the agenda — and it was on the agenda — it didn’t happen.

So, Mr. Speaker, what we’ve seen is that, despite the best efforts of those who are in daily contact, who are charged in our justice system with working with people toward justice, we put in systemic barriers here because we refuse to acknowledge the nature of fetal alcohol spectrum disorder and the impossibility, or the collision course, that occurs when you put somebody with FASD in front of an unyielding criminal justice system.

I just want to comment too that, at the federal-provincial-territorial level, it was a joint committee of the Canadian Bar Association and the federal-provincial-territorial Coordinating Committee of Senior Officials, and they made a whole bunch of really good recommendations. Five years later, we’re still debating it. Five years later, there’s no concrete action. We’re talking about more studies 40 years after Dr. Asante identified the serious incidence of FASD in the Yukon.

It’s disheartening. That’s why I said at the outset why I appreciate the sentiment that’s expressed by the Member for Klondike. When we put forward the motion last spring that would have seen both — as the CBA said, we have the same principles guiding both the sentencing of those before the criminal justice system and our corrections system. The sad reality is that this government chose, I think, to seize defeat from the jaws of victory. Where they could have taken a principled stand in non-partisan support of their Member of Parliament — our Member of Parliament — those chose to say, “No, we’re not going to deal with the issues of corrections. Forget that; that’s gone; we’re too good for that; we don’t have to have any humility that perhaps we need to look at our corrections system.” As I said, the evidence is very clear that our correction system needs some looking at with respect to people and how we treat them — the absolutely

awful way that some people with FASD are being treated within our corrections system.

This government chose to amend that resolution and then further dilute the impact. I would say that the lackluster support of this government for the Member of Parliament’s Bill C-583, because they put in there, “Well, you know, if you give us some money, we might consider it.” How embarrassing was that, Mr. Speaker?

I feel sorry for the Member of Parliament. He was abandoned by his colleagues in the Yukon Party here and he has been abandoned by his colleagues, the Conservatives in Ottawa. This issue will not go away. We will be debating it again. We will find a way, as a society, to deal with and to respect the needs of every citizen in this territory, regardless of who they are, and the justice system will be not just a legal system, but a system that is just — justice for all.

I thank the Member for Klondike for bringing this forward and I look forward to the comments of others in the Assembly this afternoon on this very important issue — one that, sadly, is no closer to being resolved than it was five years ago when the Yukon Bar Association got the unanimous support from all members of the Canadian Bar Association, and one year ago when it got similar support.

Hon. Mr. Graham: Mr. Speaker, I had intended to just briefly address a few issues today because the Minister of Justice did an excellent job of summarizing everything that is happening in the Health and Social Services department, but there are a few things that I think should be addressed.

One of the issues that the Leader of the Official Opposition brought forward when she read the Canadian Bar Association resolution was the fact that there has to be, at some point, a diagnosis of FASD, because I think the Canadian Bar Association in their resolution stated “where there is evidence of a mother drinking”.

During all of the discussions that I have had with people working in the field of fetal alcohol spectrum disorder and Health and Social Services, and my own time in the system too, because I spent quite a few years as a youth offender release home — we took a large number of kids into our home over the years and, looking back over those years, we realize that many of them were probably FASD, but there wasn’t a single child there whose mother would admit that, “Yeah, I drank and that is why they are like this.”

We, many times, had parents — mothers and fathers — visit the kids, while they were in our custody and we always had the time to talk to them — virtually none will admit it. So there has to be a diagnosis of FASD in order for many of the supports and the government initiatives to kick in.

Consequently, one of the things that my department has been doing is developing a Yukon-based team to assess and diagnose individuals who are suspected of having — or being affected by — FASD. We intend to put the emphasis on functional assessments that will assess the person’s strengths and needs in order for us to provide the supports that we feel that individual needs, and we can tailor those supports to that specific individual.

Training of the diagnostic team will begin in January of 2015, because I believe that in November of this year, we hired an assessment coordinator. The assessment coordinator began work on November 3. He is an employee of Social Services and we will be retaining the services in addition to a physician and psychologist — both of whom will be retained through contracts. These people will be working with a neuropsychologist out of the Glenrose Hospital, FASD assessment team. These folks will be doing training throughout the territory. Well, they will be training in Whitehorse — but individuals from throughout the territory. We will hope to train a pool of physicians and psychologists so that we can build capacity within the Yukon among our service providers here so that we will have that capacity here and we will not have to call on Outside experts to provide the assessments so badly needed in the territory.

The department has invited a number of key stakeholders, including FASSY, to participate on an advisory committee to provide input on the development of the FASD assessment team. I believe that the first meeting of the assessment team took place just recently, or is due to take place in the very near future. I have to thank the Public Health Agency of Canada, which provided us with some funding for this project. The department will be providing a lot of funding as well, but the Public Health Agency of Canada also provided some funding and we're very pleased to see that cooperation.

We're also very pleased to say that FASD diagnostic clinics are provided through the Department of Health and Social Services for a number of preschool and school-age children. They are delivered by trained professional staff, Mr. Speaker, as you're well aware, because you were a former chair of the Child Development Centre, and also the Department of Education provides some of those diagnostic clinics.

We're well aware of the difficulty that people affected by this disability go through during the course of their life here in the territory, and that's one of the reasons that we cooperated with the Options for Independence Society to enhance housing for adults with FASD. It's also one of the things that prompted us to also begin discussions and approve another facility to deal with persons who are affected with mental disabilities as well, and we hope to be bringing that on-line early in the new year.

Mr. Speaker, those are a few of the points. I was going to respond to some of the Leader of the Official Opposition's comments as well, but I guess my time would be wasted if I took the time to do that. So rather than waste that time, I will say that I think this side of the House expressed their opinion of support when we voted in favour of Motion No. 638 back in April of 2013.

At that time, we realized that the bill wasn't a perfect example of a piece of legislation that would be sent to the House of Commons. As it turns out, the Liberal Party also decided to resurrect this bill and attempted to go ahead with a private member's bill, but they are making changes. So they also realize that the bill that was presented, Bill C-583, was not a perfect piece of legislation.

We believe that, given the opportunity to study the bill more closely and to have expert witnesses testify before the committee, the bill will be better and it will be more appropriate to folks suffering from FASD.

So in that light, Mr. Speaker, I would like to propose an amendment — I think it's a friendly amendment — to Motion No. 804.

Amendment proposed

Hon. Mr. Graham: I move:

THAT Motion No. 804 be amended by deleting the words: "Government of Yukon to tell Yukoners whether or not it supports the Conservative Party of Canada's decision to scrap" and replacing them with the words: "Parliament of Canada to further scrutinize".

Speaker: It is moved by the Minister of Health and Social Services:

THAT Motion No. 804 be amended by deleting the words: "Government of Yukon to tell Yukoners whether or not it supports the Conservative Party of Canada's decision to scrap" and replacing them with the words: "Parliament of Canada to further scrutinize".

Hon. Mr. Graham: As I said previously, one of the things that I believe must be done here is that the bill be scrutinized further. It was a fairly good bill. I think after reading the amendments proposed by the Liberal member for — I don't remember which federal riding he was from, but I actually thought that one of his proposals would have been an improvement to the bill as well.

But having members of this side — having spoken to Mr. Leef and having him tell us that he believed that the best way to have this bill survive was to take the action he had taken, and that was not to scrap the bill, but to refer it to committee. I think it is important that that part of the motion be deleted, because this bill — and I believe Ryan when he tells us that he felt that this was the best course of action in order to preserve the bill. I believe him, as I believe most members of the opposition most of the time. Even though we have clear evidence to the contrary, I still on occasion believe them.

So, Mr. Speaker, I am attempting to make this a friendly amendment, because this is something we can live with. We believe that the bill is not being scrapped. We believe that, if Parliament is given the opportunity to further scrutinize the bill, it will come out with even a better bill that we all agree with.

Some Hon. Member: (inaudible)

Speaker: Minister of Justice, on a point of order.

INTRODUCTION OF VISITORS

Hon. Mr. Nixon: I would ask the indulgence of all members of the Legislative Assembly to help me in welcoming the commanding officer of M Division, Peter Clark, to the gallery.

Applause

Mr. Silver: If I wasn't going to say that this wasn't predictable, then I wouldn't be telling the truth. The intent of the motion today was to remind the Legislative Assembly of a previous motion, of a previous motion that was tabled by the Leader of the Official Opposition and that received unanimous support.

By replacing the words "the government to tell the Yukon whether or not it supports the Conservative Party of Canada's decision to scrap" and then replacing it with the words "Parliament of Canada to further scrutinize" — what we have here is an attempt from the Yukon Party to pretty much gut the motion, as it was presented on the floor of the House today. I don't think I can support that.

What we did see in the Legislature, just a few short months ago, was an intent to support a national movement given by our current MP, and not much has changed since then, as far as research, as far as FASD issues. What has changed is — for some reason — our MP was told by his party that he needs to scrap his bill — the bill that we unanimously, as a House here, decided to support.

It is interesting because I honestly haven't heard of very many other bills where MPs have gone back to their constituents and said, "Good news, we're going to scrap this but, in scrapping it, we are actually moving forward."

So again, on to the amendment — I am not necessarily sure that by replacing the words "Government of Yukon to tell Yukoners whether or not it supports the Conservative Party of Canada's decision to scrap" and then replacing with the words "Parliament of Canada to further scrutinize", actually relays the message that this motion should have.

Really, if nothing else has changed in the world of FASD, then you would think that a motion that passed a few short months ago should be able to be passed again here in the Legislative Assembly today. What we see instead is our MP telling us that the best thing we can possibly do to advance FASD for the Yukon, for the nation, is to take the intent of his bill, which was completely supported by everybody, I believe, in this Legislative Assembly, and then to just drop it.

I wonder what the next steps would be for this current plan for our MP's bill that has been scrapped. Is it to then put it back on to a bill later? It just begs a lot of questions. Another question would be: Is it that the current government doesn't believe that they're going to have a government mandate? My first thoughts were maybe this — it just has left us wondering, as far as why. Why would this bill be scrapped at the last minute, especially after all of the time that was spent from the MP praising the bill and saying this is good for FASD, this is good for the Yukon. We're wondering: What is the intent? Why would his bosses in Ottawa say, we need to get this off before the next election?

The original thought that crossed my mind would be, they don't have confidence that they're going to form the next government, but then that can't make any sense, because this was supported by all parties. So if it was supported by all parties, again, I just don't see why it would be so important to scrap this bill because they weren't sure if they were going to hold a mandate after the next election, and then you have other MPs putting forth very similar motions.

I agree, the motion that was put forth by the Liberals — it's not the same; it isn't. But this is the first time, when we heard from the Minister of Health that maybe this is the reason, because the original bill had some issues with it.

Now, that's the first time for me hearing that, because what I've heard in the past — and what we were told, I believe, when the Minister of Justice got up — and I'm glad that he reduced his 10,000-page essay to 9,999 pages. What we did hear — we didn't hear that the reason was that the original bill was somehow inadequate. That wasn't the reason. It was based upon timelines and elections.

So for me, today's debate might have added to the confusion as to why exactly is it that the Yukon Party does not necessarily support FASD in this motion, in this bill. Once again, go back a few short months, and the motion that was passed here in this House supported the bill, and now we're left wondering why exactly.

Honestly, from the conversations that we've had today, there was a limited number of people who actually had a chance to get up to speak to this, but what we did hear was a laundry list of initiatives from the Yukon Party when it comes to FASD, when it comes to autism, when it comes to lots of different issues — and that's great. We did hear about Walkerton; we heard some personal tales, and I tell you, these are very important to put on the record — I totally do agree.

But, once again, with this amendment to the original motion, it just leaves us wondering why exactly is the Yukon Party not just saying — because there were three motions on the floor today and we could have spent a lot less time to just say: "Yes, not much has changed."

We voted in favour of this motion to begin with. The intent is still there. The only thing that has changed is Ottawa has told our MP that his bill needs to be trashed.

I don't really understand how exactly we can get from a unanimously supported motion in this Legislative Assembly in the spring session to where we are here today, debating the same motion with the same intent on the same issue, and I still am at a loss to see what has changed in this Legislative Assembly. I don't think that the testimony and the debate that we have had here today can answer that question for me. What I can attest to is that I am wondering if this is some kind of way of prolonging the debate. I wonder if this some kind of way of allowing some time for our MP to decide how he can now package a new FASD platform for himself, because I am sure, on a local basis, FASSY and others are going to have lots of questions as to the real intent as to why this motion has not been unanimously agreed upon, perhaps, or why it was changed or why we are now dealing with a whole other array

of issues, as opposed to what we should be talking about, which is the changes.

So I'm wondering if it's an attempt to buy some time, and this is why I'm — and I didn't want to go this way. I didn't want to think this way, but I didn't necessarily hear today in the Legislative Assembly a legitimate answer to the questions we have as to how could we possibly have come so far in six months, yet I'm led to have to think this way. It harkens back to a stakeholders group that was the brain trust of our MP, Mr. Leef, when the issue of cuts to Parks Canada came up.

I know the Minister of Tourism and Culture — I don't know if he was particularly involved, but I know that he had staffers on the phone. I was on vacation at the time and we all remember the issue that occurred at the time. Those cuts to Parks Canada included cuts to the staff internally, and there were cuts to the tours that were happening to some of these assets, and we were told, let's all meet together and let's come up with a solution. Let's make a solution as to how we can move forward, a made-in-Yukon solution to the problems that Ottawa was facing.

I tell you, that was a great idea. So everybody at the table — I believe KVA was there; I believe the Minister of Tourism and Culture had some individuals there as well on the phone. I don't recall him being there — I know he wasn't there. It was absolutely members of his staff. There was also the KVA; there was also Tourism Yukon, TIAY, a whole group — of course, Parks Canada; members from Dawson and also from a national basis; and also people who were going to start this concept of the friends of the Klondike.

Speaker: Before we adjourn, I would like to ask all the members to join me in wishing our Deputy Sergeant-at-Arms a very happy birthday and thanking her for her duties today.

Applause

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

Debate on amendment to Motion No. 804 accordingly adjourned

The House adjourned at 5:30 p.m.

The following Sessional Papers were tabled on Wednesday, December 17, 2014:

(33-1-142)

Yukon Hospital Corporation: Taking Steps, A Year in Review 2013/14 (Graham)

(33-1-143)

Yukon Health and Social Services Council 2013-2014 Annual Report (Graham)

(33-1-144)

Yukon Child Care Board Annual Report April 1, 2013 - March 31, 2014 (Graham)

(33-1-145)

Health Care Insurance Programs: Health Services – 2004-2014, Annual Report April 1, 2013 - March 31, 2014 (Graham)

(33-1-146)

Yukon Heritage Resources Board Annual Report, April 1, 2013 - March 31, 2014 (Nixon)

(33-1-147)

Crime Prevention and Victim Services Trust Fund Annual Report 2013-2014 (Nixon)

(33-1-148)

Yukon Housing Corporation Annual Report for the year ended March 31, 2014 (Cathers)

(33-1-149)

Yukon Liquor Corporation Annual Report, April 1, 2013 - March 31, 2014 (Cathers)

The following documents were filed on Wednesday, December 17, 2014:

(33-1-102)

Health and Social Services Strategic Plan 2014-2019: Healthy communities – wellness for all (Graham)

(33-1-103)

Health and Social Services Performance Measure Framework 2014 – 2019 (Graham)

(33-1-104)

Yukon Police Council Annual Report April 1, 2013 – March 31, 2014 (Nixon)

(33-1-105)

ISO Investigations & Standards Office 2013 Annual Report January 1 to December 31, 2013 (Nixon)

(33-1-106)

Northern Housing Trust, letter re: (dated October 30, 2014) from Rich Thompson, Chair, Yukon Chamber of Commerce, Peter M. Turner, President, Yukon Chamber of Commerce, Josh Clark, Chair, Whitehorse Chamber of Commerce, and Rick Karp, President, Whitehorse Chamber of Commerce to Hon. Brad Cathers, Minister responsible for the Yukon Housing Corporation (White)

(33-1-107)

Queen's Printer Agency 2013/2014 Annual Report (Istchenko)