



Yukon Legislative Assembly

Number 205

1st Session

33rd Legislature

HANSARD

Thursday, April 30, 2015 — 1:00 p.m.

Speaker: The Honourable David Laxton

YUKON LEGISLATIVE ASSEMBLY

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

DEPUTY SPEAKER — Patti McLeod, MLA, Watson Lake

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Hon. Darrell Pasloski	Mountainview	Premier Minister responsible for Finance; Executive Council Office
Hon. Elaine Taylor	Whitehorse West	Deputy Premier Minister responsible for Tourism and Culture; Women's Directorate; French Language Services Directorate
Hon. Brad Cathers	Lake Laberge	Minister responsible for Justice; Yukon Development Corporation/ Yukon Energy Corporation
Hon. Doug Graham	Porter Creek North	Minister responsible for Education
Hon. Scott Kent	Riverdale North	Minister responsible for Energy, Mines and Resources; Highways and Public Works
Hon. Currie Dixon	Copperbelt North	Minister responsible for Community Services; Public Service Commission
Hon. Wade Istchenko	Kluane	Minister responsible for Environment
Hon. Mike Nixon	Porter Creek South	Minister responsible for Health and Social Services; Workers' Compensation Health and Safety Board
Hon. Stacey Hassard	Pelly-Nisutlin	Minister responsible for Economic Development; Yukon Housing Corporation; Yukon Liquor Corporation

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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
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**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, April 30, 2015 — 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 Faro Crane and Sheep Viewing Festival

Hon. Mr. Istchenko: It is my pleasure to give tribute in honour of the Faro Crane and Sheep Viewing Festival, which takes place this coming weekend. This year is the 12th annual festival. Faro has the good fortune to be right on the flight path of some 150,000 sandhill cranes as they make their way from their wintering grounds in and around Texas to their summer breeding grounds in northern Yukon, Alaska and even Siberia. The cranes can fly up to 800 kilometres in a day and with their eight-foot wingspan, easily swoop, soar and ride the thermals up in the Tintina Trench and around the town of Faro.

While this display unfolds above the town, nearby are the Fannin sheep making their way from their winter to summer range. Up to 100 sheep can be spotted from the Mount Mye Sheep Centre, with interpretive guides on hand to answer questions and explain what you are seeing.

The Faro Crane and Sheep Viewing Festival is an excellent example of how the Department of Environment works in partnership with others in order to foster stewardship and share knowledge. The department's wildlife viewing staff helped launch the first festival and worked closely with the town over the years so that now the event is completely organized by Faro. Wildlife viewing staff continues to participate by staffing the Mount Mye Sheep Centre and providing information about the sandhill cranes and leading guided walks to the mineral lick along the Blind Creek Road. Also, wildlife viewing staff lead nature walks in the arboretum, as well as the Van Gorder Falls.

The Government of the Yukon recognizes the value of tourism to the community of Faro. To this end, the department has helped the town grow its tourism sector by writing interpretive panels, preparing and publishing pamphlets, and developing trails in towns.

I encourage all members who have not had the chance yet to attend the sheep and crane festival, like me, to do so. It's truly wondrous to watch the cranes soar overhead, and the natural history talks and family entertainment just make it a fun weekend overall. I do look forward to joining my colleagues this weekend — the MLA, our Minister of Economic Development, my fellow colleague, the Minister of

Community Services, and our Premier. I hope to see you all there.

In recognition of Hepatitis Awareness Month

Hon. Mr. Nixon: I rise in the House on behalf of all members today to acknowledge May as Hepatitis Awareness Month in Canada. Hepatitis is a group of viral diseases in the liver that, if untreated, can inflame the liver and become a chronic and debilitating condition. It is important to detect and treat hepatitis early to avoid damaging the liver and transmitting the virus.

There are six hepatitis strains that are known, but the most common three are hepatitis A, B and C, which together cause approximately 90 percent of hepatitis cases here in Canada. Hepatitis A is transmitted by eating or drinking something contaminated, while hepatitis B is transmitted through unprotected sex or contact with an infected person's blood or bodily fluids. Immunizations are available for both hepatitis A and B. All Yukoners are encouraged to call or visit their local community health centre to check that their immunizations are up to date and to receive their hepatitis A and B vaccines, if necessary.

Of all of the strains, hepatitis C, which was only identified in 1989, is the most serious from a public health perspective. Hepatitis C can be transmitted by exposure to infected blood, such as through injection, drug use or through tattooing and body piercing. It is estimated that 275,000 Canadians are infected with hepatitis C, with 70 percent of individuals who have the virus not knowing they are infected.

There's currently no vaccine available for hepatitis C. While there's no vaccine available, public agencies, such as Health and Social Services Communicable Disease unit, and private agencies, such as Blood Ties Four Directions, work to educate the public on the dangers of contracting hepatitis C and how to protect ourselves against it. They also help those who have contracted hepatitis C to manage the disease and live as full a life as possible.

During Hepatitis Awareness Month, I would like to thank these workers for their efforts and for their commitment. I would also like to once again encourage Yukoners to ensure their immunizations are up-to-date. Our chronic disease program also supports individuals with hepatitis C by covering costs of their medications. The Yukon government now covers the cost of a new Sovaldi, which can cure up to 90 percent of people prescribed the drug. This expensive drug is not for everyone but, for those who take it, it is changing their lives for the better. There are significant advances in the treatment for chronic hepatitis C, and we're making sure we provide our affected citizens with better odds and better lives.

In recognition of the annual school-based bison hunt

Hon. Mr. Graham: I also rise today on behalf of all members to acknowledge one of the remarkable education initiatives in Yukon, the annual school-based bison hunt.

The first school-based bison hunt was the brainchild of teacher Peter Harms of Hidden Valley Elementary School. I

can only say this about Peter: Yukon schools, and indeed Yukoners as a whole, owe a great debt of gratitude to Peter for beginning this hunt 15 years ago because it initially involved only a very limited number of students. I believe seven students were involved in the hunt and since then, it has expanded to truly being a Yukon-wide experience.

Bison hunts have taken place at various schools since this initial hunt 15 years ago. The annual bison hunts are not only opportunities for students to get out on the land; they also entail classroom-based learning to provide context for the hunt and to prepare children or students for the experience. For instance, students study the management plan for the Aishihik wood bison and the hunter education and ethics development, or HEED, program. They learn how to survive outdoors in late winter. They gain an appreciation of the long-standing relationship Yukon people have with the land and with wildlife as a food source.

The bison hunt involves a range of activities, such as tenting, fire tending, wildlife identification, GPS training, quinzhee building, fishing, outdoor food preparation and of course the hunting. The students do not do any of the actual shooting; that role is taken on by a qualified hunter each year who can demonstrate safe and proper hunting practices. This role over the years has been filled by certified conservation officers, RCMP members, and members of the Yukon Fish and Game Association among others.

The bison hunt teaches students cultural and wilderness skills and helps to cultivate leadership, problem solving and cooperative abilities. The planning that goes into outdoor excursions like the bison hunt is formidable, with many, many logistical concerns to be considered. In fact, these hunts could not happen without the involvement of the whole community. There are drivers who provide various forms of transportation; parents who go out on the land and participate in the camping experience with the children and act as chaperones; guides who lend their tracking experience; hunters who actually bring down the animals; the off-site review committee and the First Nation perspectives review committee who respectively provide expert advice on safety and cultural knowledge for these trips; and of course teachers and other volunteers involved in the hunt.

I congratulate and thank every single one of them. I also acknowledge the support and assistance of the Champagne and Aishihik First Nations, in whose traditional territory the hunt occurs each year. Thank you.

I would like to also offer just a few highlights of the three bison hunts that schools participated in this year. Holy Family Elementary School had 20 grade 6 students out on the land in February with teacher Nicholas Vienneau and other staff, including Pascal St. Laurent, Terrie Forrest, Joe Stewart, Tamara Boiteau, and the shooter, Principal Ted Hupé.

The volunteers included: Clint Sawicki, Blair MacDonald, Jeff Wolsynuk, Dion Benoit, Stefan Gladwin, Cam Kos, and Joanne Petersson.

Guide and conservation officer Russell Osborne ensured all enjoyed a safe and ethical hunt. Mr. Vienneau also spoke about the bison hunt as the keynote speaker at the Council of

Outdoor Educators of Ontario at the Ontario winter conference this year.

Another school was the St. Elias Community School. Three grade 9 students in the school's wilderness integrated studies program and their teacher, Andy Preto, went hunting in March with community resident and designated hunter Matt Garnett, who donated the harvested animal to the WISE program.

Hidden Valley Elementary School trail guide and backup shooter Dan Drummond took 22 students in grades 5 to 7 hunting in March along with teacher Peter Harms and four other school staff. The Hidden Valley group was fortunate to get a bison on the first day of the hunt, taken by Chad Sjodin from the federal Department of Fisheries and Oceans. Guide Harry Smith from the Champagne and Aishihik First Nations also gave the children a great under-ice netting experience. I only think back to my under-ice netting experience with Dennis Smith of the Ta'an Kwäch'än First Nation some years ago to appreciate what a wonderful experience the children had.

A special participant in Hidden Valley's hunt this year was volunteer Tynan Thurmer. Tynan is great example of the impact that experiential learning can have on a person's life. Tynan was a student in one of Hidden Valley's very first bison hunts several years ago and has since become a Yukon conservation officer with the Department of Environment. He said that bison camps had had a great influence on his life and on his choice of post-secondary education. He has likely inspired a few students this year to consider a career in conservation.

One of the best things about any hunt is sharing the harvested meat. The St. Elias community bison feast and potluck lunch was held earlier this month on April 8. Holy Family and Hidden Valley schools will host their bison feasts tonight. Community events like these feasts connect us to traditional ways of living, to healthy lifestyles and to vibrant cultural practices. They bring us together to share in the bounty of our land, and I wish everyone involved a wonderful time and bon appétit.

We are truly fortunate to live in the Yukon, a place where generations come together to learn and to share on the land, where students have such a wealth of experiential learning opportunities. There are not many public school students in Canada who can say that they participated in a bison hunt as part of their public education. As Minister of Education, I am very proud and happy to recognize this unique experience to students in Yukon schools.

Speaker: Introduction of visitors.

Are there any returns or documents for tabling?

Are there any reports of committees?

Petitions.

PETITIONS

Petition No. 20 — response

Hon. Mr. Cathers: I rise today to respond to Petition No. 20 presented by the Member for Copperbelt South

regarding the rights of transsexual, transgender and gender-variant people.

Section 1 of the *Human Rights Act* outlines the objects of the act:

“(a) to further in the Yukon the public policy that every individual is free and equal in dignity and rights;

“(b) to discourage and eliminate discrimination;

“(c) to promote recognition of the inherent dignity and worth and of the equal and inalienable rights of all members of the human family...”

Section 7 of the Yukon *Human Rights Act* outlines prohibited grounds for discrimination. It is discrimination to treat any individual or group unfavourably on a number of grounds, including that of sex or sexual orientation.

In 2009, a number of changes were made to the act and regulations in response to the 25 recommendations from the Select Committee on Human Rights, an all-party committee of this Legislative Assembly. Changes included process-related changes, removing the specific wording around the definition of “sexual orientation”, changes in how complaints were handled, and changes in timelines for filing a complaint.

The government believes that the references in section 7 to sex and sexual orientation include prohibiting discrimination based on gender, and that includes men, women and transgendered people. In coming to this conclusion — this is based on work done by the Department of Justice in reviewing case law and common law and tribunal decisions from other Canadian jurisdictions, which I will briefly speak to in providing examples and context for the members and for petitioners.

In Canada, the jurisdictions that specifically reference gender identity as a prohibited ground under human rights legislation include the Northwest Territories, Newfoundland and Labrador, Saskatchewan, Prince Edward Island, Manitoba, Ontario and Nova Scotia. The remaining jurisdictions do not have gender identity explicitly mentioned in human rights legislation. The Nunavut definition only includes sex. Yukon includes prohibitions on discrimination based on sex or sexual orientation. In British Columbia, while the legislation does not specify it, the Human Rights Tribunal has ruled that their definition related to sex protects gender identity. In Alberta, the prohibited ground of prohibition on the basis of gender has also been interpreted to include gender identity. In Quebec, it defines sexual discrimination as discrimination toward someone because they are a woman, a man or a transsexual. In Canada, as members know, there has been an amended bill sent back to the House by the Senate, which is the status of federal legislation.

Some of the case law that has been reviewed by the Department of Justice in coming to this decision includes the decision in British Columbia of the Vancouver Rape Relief Society versus British Columbia Human Rights Commission in 2005; XY versus the Ministry of Government and Consumer Services in 2012 in Ontario under the Ontario Human Rights Tribunal; in the case of Kavanagh versus Canada in 2001; the case of Mamela versus Vancouver Lesbian Connection in 1999; and the Sheridan versus

Sanctuary Investments Ltd. decision by the BC Human Rights Tribunal in 1999; as well as the Ferris versus Office and Technical Employees Union 1999 decision by the BC Human Rights Tribunal.

For these reasons, we believe that this applies in the Yukon. Although it has not specifically been tested by court decisions or tribunal decisions here, we fully expect that the Yukon Human Rights Commission and Territorial Court would consider the section 7 prohibitions contained within our current *Human Rights Act* as including discrimination on the basis of sex, sexual orientation or gender, including discrimination against persons who are transgendered.

Mr. Speaker, I would like to add that lesbian, gay, bisexual and transgender rights in Canada are among some of the most advanced in the Americas and in the world, and I would also go on to note that specific reference to prohibition on the basis of gender identity may be something that, the next time the legislation is amended, the Legislative Assembly of the day may wish to consider.

As noted, based on a review of case law, the Department of Justice and the Yukon government believe that those protections currently exist under Yukon’s legislation.

Regarding clause 2 of the petition, I would like to note and say, on behalf of the government, that we are proud of the respect and service provided by the Yukon government public service and support full equality and respect for everyone. The Yukon government promotes diversity in the workplace and has been selected as one of Canada’s top 100 employers for 2015. This is the second year in a row the Yukon government has been named one of the top 100 employers.

Speaker: Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to table amendments to the *Elections Act* in the fall 2015 legislative Sitting, in order to address the many problems identified and to adopt the many reasonable proposals presented by the Yukon’s Chief Electoral Officer in the report entitled *Recommendations for Amendments to the Elections Act, December 2014* before the next general territorial election.

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

THAT this House urges the Government of Yukon to consult with the affected governments and the non-profit Skate for Life Alliance for the purpose of identifying a new visible downtown location and funding options for the design and replacement of a new skateboard park prior to the removal of the Second Haven skateboard park, which has been identified as the location of a needed French language public school.

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

QUESTION PERIOD

Question re: Hydraulic fracturing in Liard Basin

Ms. Hanson: Despite widespread public opposition, this government is plowing ahead with its intention to open the Yukon to fracking, based on vague promises of creating jobs and bringing Yukoners home. Unfortunately, there is no comprehensive data or analysis in the north to back up this position. In fact, despite claims that fracking will create new jobs, there are no rigorous assessments of how many direct long-term jobs have been created from fracking projects across Canada.

To top it off, no Yukon highways go to the Liard Basin, the site of this government's pet project. One wonders how many Yukon jobs will even be created, since the basin is accessed from Fort Nelson. Where is the Premier's evidence that fracking will result in direct long-term jobs that will be held by Yukoners?

Hon. Mr. Kent: The oil and gas industry has a very long history in the territory going back to the 1950s. Total royalties from 1993 to 2013 from Kotaneelee gas — and that's conventional gas, Mr. Speaker — was over \$45 million. The First Nation portion of those royalties was just slightly under \$10.5 million. Those are for, I believe, settled First Nations that those numbers were distributed to.

As part of our response to the all-party select committee, including three members of the opposition benches and three members from the government benches, we've agreed to undertake an economic analysis. The Department of Economic Development, under the leadership of that minister, will be leading that study and will assess the potential economic impact of developing shale oil and gas resources in the Yukon.

There have been substantial economic impacts from this type of activity in northeastern British Columbia, Alberta and Saskatchewan. As I've mentioned on a number of occasions, it's time for us to step up when it comes to oil and gas — not let those jurisdictions do all the heavy lifting — so that we can become a net contributor to this country.

Ms. Hanson: The Yukon Party government tells Yukoners that deepening our reliance on a boom-bust fossil fuel industry will help diversify our economy and lead to new jobs. We don't need a crystal ball to correct these tales. We need only to look to our neighbours in the Northwest Territories.

The Pembina Institute reports that despite tens of millions of dollars spent on training programs for northerners in resource extraction over the past 15 years, unemployment rates have not improved there. The institute points out that, in fact, jobs and profits continue to leak to the south. \$380 million in wages leaked out of Northwest Territories in 2011, with workers flown in and out every two or three weeks.

Can the Premier point to a single jurisdiction in Canada that has public data showing the number of long-term, local

jobs created and sustained three, five or 10 years after fracking begins?

Hon. Mr. Kent: Again, I would point out that there is a marked difference between parties in this House on supporting the oil and gas industry. The Yukon Party government supports a strong and robust oil and gas industry that includes shale gas development, but only in a small portion of the Yukon — the Liard Basin — and only with the support of the affected First Nations.

Again, one only has to look to the Liard Basin portions that are located in British Columbia — and indeed the entire area of northeastern British Columbia — to see the impact that oil and gas has had on that jurisdiction. It has had the same impact on that jurisdiction that mining has had, perhaps, on our jurisdiction for creating long-term jobs and creating economic benefits and opportunities for residents of that area of this country.

When it comes to providing jobs and opportunities for Yukoners, one only has to look at the work done by this government in establishing the Centre for Northern Innovation in Mining. I believe it was this morning or perhaps yesterday morning that there was a young gentleman who was on the radio talking about his training to be a driller's helper and how he looks forward to working outside and the high-paying opportunities that job will bring him. He recognized, of course, that drilling is in downturn right now but that it would come back.

We believe in a strong and diversified economy. We believe in responsibly developing our natural resources.

Ms. Hanson: What they do believe in is not relying on data. This government has pointed to a recent study by the Canadian Energy Research Institute to justify their wishful thinking on Yukon's oil and gas industry. What they don't say is that the study, which promises hundreds of jobs, was co-funded and co-authored by the Canadian Association of Petroleum Producers.

A recent analysis of reports sponsored by the oil and gas industry found that the economic benefits are consistently unsubstantiated and overstated. One independent analysis in the U.S. found fracking created no more than two jobs per well — far below industry estimates of 125 jobs per well.

This government has said it will fight misinformation about fracking, so why then does it continue to tout massive job creation from fracking when multiple independent analyses show that industry-sponsored job estimates are overstated?

Hon. Mr. Kent: During the select committee process, there was an individual from MGM Energy, which is active in the Northwest Territories. During that process, from what I understand, he brought forward a number of economic indicators, such as GDP growth, jobs and contracting opportunities for northerners — just from the small operations that they're conducting in the Northwest Territories.

Mr. Speaker, when it comes to the Liard Basin, there is a significant amount of conventional gas there. There is also a significant amount, from what we understand, of shale gas opportunities there too. The Yukon Geological Survey will be

undertaking those studies as part of the economic analysis to determine exactly what type of shale opportunities are there. However, we do see significant opportunities just across the border in the same formation.

I believe one of our Yukon Geological Survey officials — one of the geologists — said that the Liard Basin is a world-class basin for this type of activity. Again, we're following the advice of experts. The Department of Economic Development will be undertaking an analysis of shale resources — the size. There will be a focus on the Liard Basin. There will be a reliance on current cost estimates for development of the basin and there will be multipliers used to assess economic potential such as the GDP impact.

When it comes to responsible resource development, the Yukon Party government believes that this will help to diversify the economy. It will help to increase opportunities and benefits for Yukoners. We stand alone in this House when it comes to supporting responsible resource development as a way to continue to diversify our economy.

Question re: Home care services

Ms. Stick: Mr. Speaker, last week the minister said he appreciates the good work carried out 24 hours a day, seven days a week, 365 days a year, by the women and men working in home care.

I'm sure the minister has since learned that home care is not available 24 hours a day, seven days a week. The minister also said that the number of home care clients has almost doubled in the past seven years. This is simply not true. The number of home care clients grew by 30 percent, not 100 percent. I know the minister said this is not a numbers game, but even he must admit these two numbers are quite different.

Mr. Speaker, the minister has heard the real numbers. Now, will he show it by expanding home care or will he expand home care to cover 24 hours a day, seven days a week, 365 days a year?

Hon. Mr. Nixon: Mr. Speaker, this government stands behind its commitments with home care and long-term care to provide those services to our seniors and to those individuals who are no longer able to care for themselves.

In home care, this government has increased the budgets over the last decade by 350 percent and we certainly appreciate the individuals working in those circumstances, providing that lower level of care for people who require it to stay in their communities and in their homes a little bit longer.

But this government looks forward to the development of the 150-bed, long-term care facility for those individuals who are no longer able to stay in their homes. This government believes in providing that care to those individuals in need.

Ms. Stick: The Yukon Party government's investment in continuing care has not kept up with the demands of our aging population over the last 10 years. The Yukon NDP knows that expanding home and community care is the most cost-efficient way to meet and reduce this demand. It's about providing the right care, at the right place, at the right time. When seniors cannot access needed home care, it can lead to decline in mobility and the ability to live independently and

the health community agrees — across Canada and here at home. Enhancing home care is what Yukoners want. It can improve health while relieving the pressure on overcrowded care facilities and hospitals, the most expensive part of our health care system.

Mr. Speaker, why has the minister overlooked the importance of home and community care in keeping seniors and elders healthy, mobile, independent, at home and in their community?

Hon. Mr. Nixon: The number of home care clients has almost doubled in the past seven years, resulting in additions to funding in the last three budgets — all of which, I will remind the members opposite, they continue to vote against. The referral rates and complexity of care required by clients continues to grow within the program. Home care is working collaboratively with Whitehorse General Hospital to support discharge of clients who require an alternate level of care, rather than the acute hospital care or the long-term continuing care. At the same time, home care has enhanced its service to specific clients to prevent hospitalization. Again, I thank them for their good work.

Home care in Yukon offers one of the most comprehensive services in Canada, offering professional health care service along with personnel supports that include light housekeeping, meal preparation, shopping and caregiver respite. I would encourage the members opposite to start voting in favour of providing these types of services to those seniors and individuals who require it.

Ms. Stick: Home care grew by 30 percent, not 100 percent. When a health care system is collaborative and patient-centred, it supports the well-being of seniors and elders as they age at home and in their communities, but this government has not made patient-centred seniors care a priority. Wait times have increased, seniors are stuck waiting in Whitehorse General Hospital and we have the highest utilization rate of long-term care beds in Canada. We can do better.

Home First programs identify individuals at risk and ensure appropriate supports are in place to transition and stay at home. One Ontario program has cut the number of seniors waiting in hospital for long-term care by half and diverted 76 percent of seniors at risk of institutionalization back home.

Why has this government decided to go forward with a 300-bed institution instead of expanding home care to reduce the demand for long-term care beds?

Hon. Mr. Nixon: I will just correct the member opposite because I know the NDP math is perhaps not the best. The number of home care clients has almost doubled in the past seven years, resulting in additions to funding in the last three budgets — all of which the members opposite continue to vote against.

We will continue down the path of building this 150-bed facility. We look forward to this facility. It will provide great care to a number of seniors and those individuals in our community who can no longer stay in their homes.

Contrary to what the member opposite has indicated, home care does work with the Whitehorse General Hospital.

They do work with individuals to keep them out of the hospital or in their homes longer and we commend them for the work they do.

Question re: Economic growth

Mr. Silver: Mr. Speaker, this week, Statistics Canada confirmed that we are in a recession. Yukon had the second worst GDP numbers in Canada in 2014, at negative-1.2-percent growth. On the other hand, GDP increased in British Columbia, Northwest Territories and Nunavut in 2014. Yesterday, the Premier blamed the downturn on mining. Let's look at the neighbours and mining, Mr. Speaker. Northwest Territories' GDP grew 6.8 percent and mining was up 21 percent. Nunavut's GDP grew 6.2 percent in 2014. Mining increased by 9.9 percent. British Columbia's GDP rose 2.6 percent — nickel, lead, zinc, ore mining all rose by 27 percent, mainly because of a new mine.

Our neighbours all saw economic growth last year and they all saw improvements in the mining sector. They are dealing with the same world mineral prices. Why is Yukon in decline when our neighbours are growing?

Hon. Mr. Hassard: It's important to understand that while we do have a decline in GDP here in the Yukon, this isn't something that makes us happy by any means. We have to understand that, knowing that we have a decline, this government continues to work hard in the Department of Education to do training for jobs for Yukoners. We continue to work hard in Energy, Mines and Resources to work on things like mine licensing. The Department of Economic Development — my department — works hard to continue to promote Yukon as a great place to invest so that when things do turn around the Yukon will be in a great place.

Mr. Silver: Our neighbours are all seeing economic growth and their mining sectors all performed well in 2014. The exception was Yukon, where our GDP declined for the second consecutive year under this government. Yukon is the only place in Canada to record two consecutive years of negative GDP growth, both in 2013 and 2014. It's interesting that the government continuously falls back to the argument of world mineral prices. It was singing a different tune not too long ago — and I quote: "Yukon's climb to the top of the rankings has absolutely nothing to do with world mineral prices; it has everything to do with us — this government — making the changes necessary to restore investor confidence in the Yukon." When you see the success all around us, it is clear that we are in a made-in-Yukon recession.

Does this government accept any responsibility for the dismal economic performance that we have seen over the last two years?

Hon. Mr. Hassard: As I said previously, we do understand that we have a slowdown, but this government is committed to looking at economic diversification. This government continues to work to increase the diversification and sustainability of Yukon's economy by identifying and exploring significant economic development opportunities. While this requires the capture of external wealth from a number of diverse sources, economic growth is a critical

component of determining and understanding government and stakeholders' roles in diversifying this economy.

Mr. Silver: We are in a made-in-Yukon recession. All around us our neighbours are seeing economic growth, and there is good success in mining in British Columbia, Northwest Territories and Nunavut — all in 2014, according to Statistics Canada. Our mining industry, on the other hand, is in decline because of this government's inability to get along with First Nations and huge regulatory problems that this government has yet to fix. Two mines have also closed since this government has come to office. At the same time, there has been little attention paid to diversification of our economy over the last decade.

My final question to the Minister of Economic Development: What new initiatives are underway to ensure that we do not see a third consecutive year of negative economic growth?

Hon. Mr. Kent: There are a number of new initiatives that are underway in my portfolio alone — Energy, Mines and Resources — to ensure that we continue to look for opportunities to grow the economy. Exploration expenditures are expected to be increased over last year in this upcoming year. We are seeing opportunities for expanded development, particularly at Alexco with the Flame & Moth opportunities there for them to get after that deposit. We are looking at developing a biomass strategy that will enhance forestry opportunities. We are looking at opportunities in oil and gas on this side of the House that members opposite, including the Member for Klondike, will not support.

Again, we see great opportunities to diversify the economy — not only on the natural resource side, but we're making significant investments in tourism, in the knowledge sector, the IT sector and across the spectrum — unlike the members opposite who want to shrink the economy — no oil and gas, removing vast tracts of land from exploration. Again, Mr. Speaker, I guess the only thing we can say — and it's becoming very apparent, not only to us on this side of the House, but to many Yukoners — is that the Liberals have no plan.

Question re: Keno area mining runoff

Mr. Tredger: With this year's spring thaw, the residents of Keno are once again raising concerns about the toxic runoff from the Onek adit and tailings. The historic Onek mine's effluent is high in levels of both cadmium and zinc and is considered to be one of the most toxic sites in Yukon and Canada. The discharge from the Onek adit is draining down the mountainside and into the community of Keno. The drainage ditch is overflowing due to blocked culverts, and the community is once again being flooded with the spring runoff from the mine site. The residents of Keno are rightly concerned about their health and safety.

Will this Yukon Party government take immediate steps to stop the overflow from the Onek adit that is affecting the community of Keno?

Hon. Mr. Kent: The historic properties that are at Keno are currently being managed by the Elsa Reclamation

and Development Company, Aboriginal Affairs and Northern Development Canada and the First Nation of Na Cho Nyäk Dun have selected a closure approach to address historic liabilities at the Keno Hill site, along with the Yukon government involvement there.

This is something that, I believe, came up in a previous Sitting of the Legislative Assembly where I talked to the Member for Mayo-Tatchun about this. It was found, during his questions, that the information he was bringing forward was inaccurate. He was suggesting that the company was out of compliance with their water licence. Having checked with officials, they weren't. Again, we have regulatory processes and licences in place, such as the water use licence opportunities, to take care of these things. I will look into the situation that the member is raising, but I wouldn't be surprised if he was wrong again.

Mr. Tredger: This is not a new issue. Residents have been raising concerns for years, but the people of Keno are learning that, when this government says, "We'll look into it", it really means nothing will happen. Keno residents deserve a permanent solution. When the effluent from the mine site is not pooling in Keno in the spring thaw, it is going to ground around the community. The minister has assured residents that discharge is not affecting Keno's groundwater wells, yet there is a poor understanding of the formation of the underlying aquifers in Keno and how the waters interact with each other at depth. In some cases, residents of Keno have been advised to stop using well water for drinking and bathing due to health concerns.

Why is it acceptable to allow this highly toxic water to go into the ground?

Hon. Mr. Kent: As I mentioned in my previous response, the Yukon government, the Elsa Reclamation and Development Company, Aboriginal Affairs and Northern Development Canada and the First Nation of Na Cho Nyäk Dun have selected a closure approach to address the historic liabilities at the Keno Hill site.

I will remind members that this is one of the type 2 sites under the devolution transfer agreement of 2003. It is in an area that has seen mining activity for well over 100 years. Again, there are some historic liabilities there. We're working to address them. We're working with the regulators and the licensors, such as the Yukon Water Board, and the water use licence.

Again, with respect to the specific issues that the member opposite is bringing forward — given the history that I've experienced with him bringing incorrect information to the floor of this House, I don't think he'll forgive me, or any members will forgive me, for wanting to get to the bottom of it before commenting further.

Mr. Tredger: This isn't historic. This is today. It is beyond belief that contaminated water from the Onek mine site is flowing into the town of Keno. This would not be acceptable in any other community in Canada, yet here we are — another spring and Keno is again being flooded with contaminated effluent. The constant threat of contaminated

water affects Keno residents' ability to do business and live their lives.

It is well-known that the Onek mine is one of the most contaminated sites in Canada, and when Alexco took over the property, residents were promised better conditions. Is Alexco meeting all their licensing requirements and submitting their monthly, quarterly and yearly reports? Why is this information not being effectively communicated to the residents of Keno, the people most affected?

Hon. Mr. Kent: I recognize that this is a very emotional issue and an issue that highly charges the Member for Mayo-Tatchun. Of course, when it comes to the historic workings at the Keno Hill mine site — as I mentioned previously, there has been an agreement on a path forward for closure. There are existing bodies in place, such as the Yukon Water Board, that will address any water contamination. Of course, we deliver water in the community of Keno as well. I know that's something that is done through the Department of Community Services.

Again, if there are these concerns — if these concerns are valid that the member opposite is bringing forward, I'll look into them and I will get back either to the House or to the individuals in Keno who feel they're being affected by this.

Question re: Alcohol consumption and social responsibility

Mr. Barr: Last year, liquor sales were slated to bring in \$16.7 million in profits to the territorial coffers. Alcohol creates numerous harms for society, and a key goal of government policies on alcohol over the years should be to achieve a balance of the benefits and harms of alcohol.

As a part of a University of Alaska study, FASSY has installed pregnancy test dispensers in two women's washrooms in Whitehorse — at the college and at a local bar. This is a creative approach to highlight the risks of alcohol consumption when pregnant.

Has the minister responsible for the Liquor Corporation spoken to FASSY about expanding and funding an effort to place more pregnancy test dispensers throughout Yukon?

Hon. Mr. Hassard: I thank the member opposite for the question. I think that since someone else already has this program underway, we would be doing our due diligence by watching how their program goes and learning what we can rather than trying to reinvent the wheel.

Mr. Barr: I would hope that the minister would be proactive in speaking with FASSY to see how they can assist.

There are four Canadians killed and 175 injured in impaired driving crashes every day. Rates of drinking and driving in the Yukon are four times higher than the national average. I understand that the Minister of Justice has provided the RCMP with a list of policing priorities, and it includes the priority to reduce impaired driving. I absolutely agree, but we need more than policing to reduce impaired driving. Stopping drinking and driving requires a suite of policy measures, regulations, good serving practices, motor vehicle rules, public education and training programs.

How does the minister responsible for the Yukon Liquor Corporation intend to reduce Yukon's dangerously high rates of impaired driving?

Speaker's statement

Speaker: To me, this sounds like a new question. The purpose of the second and final supplementaries are to build on the original question, which was the pregnancy testing related to alcohol and FASSY. We have now changed questions to drunk driving, and also directed your question toward another minister, but you are still talking about alcohol. I am wondering if this is the intent of your questioning, or are you going in another direction because, if you read the Standing Orders, it clearly states that the questions must build onto each other.

Mr. Barr: Mr. Speaker, these are both directed to the Minister of Yukon Liquor Corporation.

Speaker: It doesn't matter who it is directed toward.

Mr. Barr: And it is concerning social responsibility. Both of them are about responsible drinking.

Speaker: Okay, I will accept that.
Minister of Justice, please.

Hon. Mr. Cathers: I will respond to this in my capacity as Minister of Justice and also note, and emphasize to the member, that there are a number of departments that work in supporting social responsibility. That includes my colleague, the Minister of Health and Social Services. The Department of Health and Social Services has, for many years, been a major funder of Fetal Alcohol Syndrome Society Yukon, along with other non-governmental organizations that are important partners to us in both social responsibility and supporting persons who have been affected by the consumption of alcohol during pregnancy.

In the area, as well, the member made reference to the letter to the RCMP, setting the policing priorities this year. One of the areas that I emphasized was the goal of intensive public information efforts, supported with partner agencies aimed at educating the public and reducing the incidence of impaired driving. Of course, as members will be aware, the Yukon Liquor Corporation has efforts both within and outside of its stores for things, including Be a Responsible Server training and for information presented to people to make them aware of the risks of drinking and also encouraging people — past campaigns have encouraged people to take responsibility for helping their friends, when they may be consuming too much.

We will continue to work across departments together in addressing this matter.

Question re: Homelessness

Ms. White: I am encouraged by the way that Yukon is having clear, solution-oriented discussions on homelessness and poverty, but I am disappointed by the Yukon Party government's continued inaction when it comes to homelessness and poverty in Yukon. We know that the single-most important way to put the brakes on the poverty cycle is

to ensure that everyone has an affordable, safe, warm and dry roof over their heads. Yet we know that, right now, that roof is not in reach of many, many vulnerable Yukoners. The Salvation Army's beds were used 5,700 times last year and the Outreach van reached an average of 34 people each night they were out.

What is the Yukon Party doing to reduce homelessness and break the poverty cycle in the territory?

Hon. Mr. Hassard: I don't think a person has to look too far to see what this government is doing in terms of housing. We have worked with the Salvation Army currently. We have ongoing discussions with Vimy — with their project. We have recently announced several new housing initiatives, rental quality enhancement grants, rental housing allowances and rental housing supplements.

Mr. Speaker, this government takes housing as a very serious responsibility of ours and we continue to do the good work and work hard for Yukoners.

Ms. White: In dealing with homelessness and poverty, it might be suggested that we'd be better off using a magnifying glass to find the solutions from this government.

The Yukon Party government just isn't doing its job when it comes to playing a meaningful role in the anti-poverty campaign. The Yukon Party government continues to trumpet its net surplus, claiming that all is well with the economy, yet food bank and shelter use is at an all-time high — talk about misplaced priorities, Mr. Speaker.

I don't mean to cast aspersions on this government but, reading their budget, you can't help but wonder when, if ever, they're going to take action to end homelessness in Yukon.

Mr. Speaker, I invite them to redeem themselves by finally answering the very simple question that I've been asking since 2011: Does the Yukon Party government believe that access to safe housing is a human right?

Hon. Mr. Nixon: Addressing homelessness is a challenge faced by many jurisdictions across Canada, and our government remains committed to ensuring housing needs are addressed for Yukoners. That's why Health and Social Services continues to work with Yukon Housing Corporation and other community partners to provide long-term housing solutions and support services for vulnerable Yukoners, particularly persons who are homeless and at risk of being homeless.

Mr. Speaker, I can let you know that we simply don't know how many people in Yukon are truly homeless. However, we do know that there are individuals without shelter, and I just spoke about that yesterday during debate. \$553,000 is contributed annually by Health and Social Services for the operation and maintenance costs of the 14-unit Options for Independence. We know that we've just recently announced the sixplex on Fourth Avenue to provide supports for people with mental health issues. We'll continue to work with organizations like the Salvation Army. I would encourage the members opposite to start voting in favour of some of these initiatives.

Ms. White: Mr. Speaker, that's the problem. This government has no idea of the rate of homelessness in the

Yukon or the precariously housed people who live here. You know, it's always disappointing to watch this Yukon Party government tap-dance around their neglect of the housing crisis. Thanks to the government's decade of inaction, Yukon's non-profit community has had to provide the bulk of the territory's anti-poverty relief. I'm so proud of the work of groups like the Yukon Anti-Poverty Coalition, Blood Ties and the food bank, which continue to fill the gap left so empty by this Yukon Party. The Yukon Party government could do one concrete thing to reduce poverty: They could work with community experts and draft a Yukon-wide strategy to end poverty and homelessness.

Mr. Speaker, I hope we're not doomed to another year of inaction on this issue until Yukoners show this Yukon Party government the door. Is the government prepared to create a Yukon-wide strategy to end poverty and homelessness in Yukon?

Hon. Mr. Hassard: This government — us over here on this side — we do appreciate those non-profit organizations and that's why we continue to fund them every year. That's why we're here, Mr. Speaker.

We have spent in the neighbourhood of \$150 million over the past few years to fund housing initiatives in the Yukon, so I think it's unfair for people to say we're not pulling our weight. I think the facts stand for themselves.

Speaker: The time for Question Period has now elapsed.

Some Hon. Member: (Inaudible)

Point of order

Speaker: Member for Mayo-Tatchun, on a point of order.

Mr. Tredger: I believe our guidelines for the use of electronic devices in the Chamber states: "Members may use electronic devices in the Chamber at all times, with the following exceptions" — and (c) is during the time of Oral Question Period.

I would ask that the Speaker enforce that please.

Speaker's ruling

Speaker: Was someone using an electronic device during Question Period?

This is a reminder for people not to use them during Question Period. I don't believe there was any harm done, but we appreciate the member pointing it out. Thank you.

We will now proceed to Orders of the Day.

ORDERS OF THE DAY

Speaker: We are now prepared to receive the Commissioner of Yukon, in his capacity as Lieutenant Governor, to grant assent to certain bills which have passed this House.

Commissioner Phillips enters the Chamber, announced by the Deputy Sergeant-at-Arms

ASSENT TO BILLS

Commissioner: Please be seated.

Speaker: Mr. Commissioner, the Assembly has, at its present session, passed certain bills to which, in the name and on behalf of the Assembly, I respectfully request your assent.

Clerk: *Interim Supply Appropriation Act, 2015-16; Act to Amend the Income Tax Act and the Yukon Child Benefit Regulation; Pharmacy and Drug Act.*

Commissioner: I hereby assent to the bills as enumerated by the Clerk.

Before I go — when I came in here today, I noticed that it looked like there were some major accidents in the Legislature. The Mace was on the floor, the Speaker is disabled and one of the other members has a cast on his arm so it has probably been a rough day in the Legislature. It is the last day of the week, so it gives you a few days to recover.

With that, I wish you all well and hope to see many of you this afternoon at the cancer fundraiser.

Commissioner leaves the Chamber

Speaker: I will now call the House to order.

GOVERNMENT MOTIONS

Motion No. 932

Clerk: Motion No. 932, standing in the name of the Hon. Mr. Cathers.

Speaker: It is moved by the Minister of Justice:

THAT the Yukon Legislative Assembly, pursuant to subsection 22(2) of the *Human Rights Act*, does appoint Geneviève Chabot as a member of the Yukon human rights panel of adjudicators and, pursuant to subsection 22(2.01) of the *Human Rights Act*, does designate Geneviève Chabot as deputy chief adjudicator.

Hon. Mr. Cathers: I will be fairly brief in my introduction of this motion. As all members are likely aware, this appointment is one of the appointments to this body, which is one of the boards that go before the Standing Committee on Appointments to Major Government Boards and Committees, which is an all-party committee of this Legislative Assembly. Ms. Chabot was recommended by this committee so the motion has also been subsequently presented by me as Minister of Justice as well as a member of the committee.

Ms. Chabot is a member of the Law Society of Yukon. She is legal counsel for the federal Department of Justice, which began in 2013 and continues until now. Other highlights from her resumé include: serving as a part-time professor at the University of Ottawa Faculty of Law and Civil Law from 2012 to 2013; serving as a volunteer of the Canadian Bar Association from 2005 to 2012. She has a Master of Laws degree from Harvard Law School and from the University of Ottawa a juris doctor designation and has previously served as an associate at Osler, Hoskin and Harcourt in Montreal, Quebec. She is currently a member of the board of directors of the Yukon Legal Services Society.

On behalf of the government and, I trust, on behalf of the Legislative Assembly as well, I thank her for her willingness to serve on this board and wish her and all members of their board luck in the work that they do and good decision-making on behalf of the people of Yukon in fulfilling their duties on this important body.

Ms. Moorcroft: I rise to express our support for this motion for the appointment of Ms. Chabot to the human rights panel of adjudicators. I would like to thank Ms. Chabot for putting her name forward for consideration and thank the boards and committees committee for their work. It's welcome to see the addition of another member of the Law Society on the human rights panel of adjudicators and we wish her well in her work as she takes on her new duties.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Mr. Elias: Agree.

Hon. Mr. Graham: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Hon. Mr. Hassard: Agree.

Hon. Mr. Cathers: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Ms. Hanson: Agree.

Ms. Stick: Agree.

Ms. Moorcroft: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

Clerk: Mr. Speaker, the results are 17 yea, nil nay.

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

Motion No. 932 agreed to

Motion No. 933

Clerk: Motion No. 933, standing in the name of the Hon. Mr. Cathers.

Speaker: It is moved by the Minister of Justice:

THAT the Yukon Legislative Assembly, pursuant to subsection 17(1) of the *Human Rights Act*, does appoint Russell Knutson as a member of the Yukon Human Rights Commission for a term of three years, effective April 30, 2015.

Hon. Mr. Cathers: The Human Rights Commission is one of the bodies that go before the Standing Committee on Appointments to Major Government Boards and Committees, the all-party committee of this Legislative Assembly that reviews appointments of those that are designated under the Standing Orders.

This appointment, as members know, was recommended by the committee. I will just briefly speak to Mr. Knutson's resume and thank him on behalf of the government and, I'm sure, on behalf of the Legislative Assembly, for putting his name forward.

Mr. Knutson has spent 35 years working for the Canadian Broadcasting Corporation, from 1978 to 2013. I know that I recall many a time listening to him on the radio, as I'm sure other members of the Assembly do too. During his time there, I was interviewed by him a couple of times and I wish him the best in this new appointment.

Mr. Knutson spent 20 years as a union representative and co-chair of the health and safety committee at CBC.

He has numerous courses in conflict resolution, negotiation, mediation and respect in the workplace. He has a diploma in journalism and has *Canada Labour Code* training in hazard recognition and workplace inspection as well as workplace accident investigation. Again, on behalf of the government, I thank him for putting his name forward and wish him the very best of luck in his duties on this very important body.

Ms. Moorcroft: I rise on behalf of the Official Opposition to indicate that we support the appointment of Mr. Knutson to the Yukon Human Rights Commission. I appreciate that he has relevant knowledge and experience and I wish him well as a member of the Yukon Human Rights Commission for the next three-year term.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Mr. Elias: Agree.

Hon. Mr. Graham: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Hon. Mr. Hassard: Agree.

Hon. Mr. Cathers: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Ms. Hanson: Agree.

Ms. Stick: Agree.

Ms. Moorcroft: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

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

Speaker: The yeas have it. I declare the motion carried.
Motion No. 933 agreed to

Motion No. 934

Clerk: Motion No. 934, standing in the name of the Hon. Mr. Cathers.

Speaker: It is moved by the Minister of Justice:

THAT the Yukon Legislative Assembly, pursuant to subsection 22(3) of the *Human Rights Act*, does remove Heather McFarlane and Elaine Cairns as members of the Yukon human rights panel of adjudicators.

Hon. Mr. Cathers: This is again related to the changes in the previous two motions, as well for the two people mentioned in this motion — one has retired and the other has moved on to a full-time position within the Department of Justice, which required her to resign her position to prevent conflict of interest or perceived conflict of interest. Both have resigned from these positions, and I would like to thank them for their past service on behalf of the Yukon government and Yukon Legislative Assembly and wish them both the best in their future endeavours, whatever they may be.

Ms. Moorcroft: I too would like to express thanks for the work of Ms. McFarlane and Ms. Cairns as members of the Yukon human rights panel of adjudicators. We appreciate their contributions and wish them well in the future.

Speaker: Are you prepared for the question?

All Hon. Members: Agreed.

Speaker: The yeas have it. I declare the motion carried.
Motion No. 934 agreed to

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Ms. McLeod): Committee of the Whole will now come to order. The matter before the Committee is continuing consideration of Vote 8, Department of Justice, in Bill No. 18, entitled *First Appropriation Act, 2015-16*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 18: — *First Appropriation Act, 2015-16* — continued

Chair: The matter before the Committee is continuing consideration of Vote 8, Department of Justice, in Bill No. 18, entitled *First Appropriation Act, 2015-16*.

Department of Justice — continued

Hon. Mr. Cathers: I'm just going to briefly continue with remarks that I had remaining from my introductory notes that were far longer than 20 minutes and then I will turn it over to the Member for Copperbelt South for further questions.

Madam Chair, in this budget, the additional funds include management of land claims and implementation funding, which was previously overseen by the Executive Council Office and has been transferred to the Department of Justice with \$740,000 allocated for four legal positions and \$85,000 for a First Nation client administrative office. This is not a change in where those positions are located, but the funding previously had been coming from the Executive Council Office with a transfer to Justice. There has been an adjustment to that — that it is simply contained within Justice's budget to eliminate the need for transfer.

Other notable budget increases contained in this year's O&M mains include: \$15,000 to cover Yukon Utilities Board training, travel and contracting needs; \$16,000 additional funding for Human Rights Commission operating expenses; \$94,000 and \$219,000 respectively for judicial compensation and pension obligations. That concludes my introductory remarks. I will turn the floor back over to the Member for Copperbelt South and I look forward to further questions.

Ms. Moorcroft: I am going to be linking the questions I have for the minister this afternoon to the *Department of Justice Strategic Plan 2011-2016*. Although the strategic plan was signed off by two previous ministers, it is the most current one on the departmental website. If there is an update, perhaps the minister could let me know, but I expect the strategic goals will be more or less the same.

The first question I have relates to strategic goal 3, which is to maximize the value of legal services to the Government of Yukon. I will state initially that I do agree that the Department of Justice provides high-quality legal services to the government and we support the training opportunities that are offered to enhance the legal skills of Legal Services staff.

One of the items under that goal is to: "Continue to take steps to reduce the use of outside counsel." We certainly expect that the outside legal costs will escalate with the Yukon government having hired the prominent Bay Street legal firm of Torys to expand the scope of the Yukon Party government's appeal of the Supreme Court decision in the *Peel Watershed Regional Land Use Plan*. My question for the

minister is: What does the Yukon government estimate the cost of Torys law firm intervention on the Peel file will be, considering they have expanded the scope and selected a new legal counsel? The government must know what the costs amount to for the last number of months that the firm has been on the file, so I would ask the minister if he could respond to that.

Hon. Mr. Cathers: I would encourage the member, if she has additional questions related to the Peel watershed, to direct most of them to the minister responsible for Energy, Mines and Resources. The Department of Justice assists with and provides the inside legal counsel who assist the additional outside legal counsel contracted for this court case, but the file is primarily Energy, Mines and Resources' responsibility.

As the minister and the Premier and others have noted, the importance of seeking legal clarity on this — regardless of what the content of the final government plan is, it is important to protect the right of public government to make that final decision, which was what 30 years of land claims negotiation was about — providing clarity around the rights of First Nation governments for their land and the right of the public on their land.

That of course includes First Nation and non-First Nation citizens through their duly, democratically elected public government. So as of the end of March the outside counsel billings related to the Peel court case totalled just over \$53,000. I don't, at this point, have an estimate of what the additional costs would be, but I would hope the member will recognize and agree, even if she disagrees with policy decisions made by government, the importance of seeking legal clarity in areas related to specific fields of law and that there are times when government may need to contract some of the most skilled professionals within those specific legal fields — in this case, aboriginal law. That, in addition to our very capable internal counsel leads — together they will work on the government's case and we look forward to receiving that clarity from the Supreme Court of Canada, once that is concluded.

I will just move on to a couple of other areas I would just like to recap for the member. I should note that in the Legal Services branch, our cost increases this year include \$109,000 that has been allocated to hire another legislative drafter to increase our own in-house capacity. This is to better assist the Department of Justice in doing the work, both related to that department and to other client departments within Yukon government. This includes work that is done on drafting a new *Condominium Act*, ongoing drafting of a new *Land Titles Act* and supporting and assisting all other Yukon government departments in bringing forward legislative or regulatory changes to legislation under the jurisdiction of those departments.

I should also note that Legal Services has completed a consolidation of statutes project using in-house resources and new consolidation of Yukon legislation. In layman's terms, for people who are not familiar with it, when legislation is amended, unless steps are taken to consolidate it, it can be confusing for someone who is pulling the legislation on-line

or pulling a bound copy of it in paper form unless that consolidation is completed to show how the legislation looks with subsequent amendments that have been passed by this Legislative Assembly since the original statute was tabled, passed and approved by the Commissioner.

That project, as those familiar with the volume of legislative changes and regulatory changes should be aware, is a significant project in terms of scope and involvement. It is the good work of the staff at Legal Services, who have completed that consolidation of projects and put it out, live, on the government website, no doubt with the support of the Department of Highways and Public Works in January 2014.

Additionally this year, work that has been done in the First Nation administration of justice framework agreements includes signing agreements with Kwanlin Dun First Nation and Vuntut Gwitchin First Nation and substantive negotiations continue with KDFN in particular. The Champagne and Aishihik First Nations administration of justice framework agreement received approval for signature from Cabinet just last month.

I think that is the additional information I wanted to provide to the member, other than again recapping the fact that, of the \$1.6-million budget we have for Legal Aid, \$864,000 of that comes from Canada under the access-to-justice services agreement. The new access-to-justice services agreement I just signed today or yesterday — or a copy of it was received from the federal Minister of Justice. This funding will continue in future fiscal years, continuing to provide that important source of federal revenue that assists us in providing for the cost of that important program area.

Ms. Moorcroft: I would like to thank the minister for answering my question and, as I said previously in debate on this budget, it's very good to see the continuing consolidation of statutes on-line. Laws do affect people in their daily lives and we need to keep our laws current. That's why we do see legislation coming forward for debate in this Assembly. It's good to have the continuing consolidation of statutes available on-line, making it more accessible for the public.

I also want to congratulate the minister on signing a few more access-to-justice agreements with Kwanlin Dun First Nation, Vuntut Gwitchin First Nation and the Champagne and Aishihik First Nations. I recall signing the first access-to-justice agreement with the Teslin Tlingit Council, back in the late 1990s. So the progress is continuing, but does take decades.

I want to turn to the strategic goal of supporting safe and healthy communities through an integrated approach with partners, communities and governments. One of the objectives under that strategic goal is to develop preventive and collaborative approaches to community safety.

This morning, the government released new Yukon policing priorities, set for 2015-16. Those include: contribute to and improve responses to vulnerable populations; reducing drug trafficking through prevention, enforcement and education; fostering strong relationships with communities and First Nations; connecting with and supporting children and youth, including those at risk; and enhancing prevention,

investigation and enforcement activities related to violence against women. Those are all significant concerns in our community that relate to the Department of Justice's goal to support safe and healthy communities.

Last Friday, the Kwanlin Dun First Nation and the City of Whitehorse held a forum at the Kwanlin Dun Cultural Centre to talk about vulnerable people at risk. I know that two of my colleagues spent the day there, interacting with the people who were engaged in that discussion.

The commanding officer for the RCMP spoke about the fact that in Whitehorse 3,000 people went through the arrest processing unit with the RCMP in 2014 and many of them were the vulnerable people who were the subject of discussion at that forum. Those vulnerable people were not criminals; they needed shelter; they needed help.

I'm going to quote here from Peter Clark's statement at the forum: "They're in desperate situations and yet we are putting them into contact with police officers and incarcerating them. I think we need to find a better way of dealing with that, of helping them, not giving up on them and supporting them. I can tell you that of those 3,000 people, one woman leads the numbers with the number of arrests. She spent over 118 nights in our custody. That's staggering. What is also staggering is that she does not have a criminal record yet. So we're arresting her for her safety. We're putting her into our care and the care of the territorial government and she is not a criminal. That means 118 times she has left our care and my challenge is — and I challenge you to help us intervene in some way so that individuals like that are no longer going through that revolving door. We need to deal with them in a compassionate, fair and supportive way without involving the police as the wrong tool, the last tool of support for them. I think we're talking about a collaborative plan, an approach and identifying some of the boundaries and barriers that are in the way of that would go toward things like being able to share information between helping services, so legislation or policies or practices that allow us to talk to each other about these clients. I think the second pillar could be — I (am) just thinking — is the ability to have those services available 24/7, integrated services 24/7 so that when these vulnerable clients slip or they need to have that touch of care, love; that there's somebody there to give it to them during their moment of need."

My question for the Minister of Justice is how he and his department are working to develop those preventive and collaborative approaches to community safety to address the needs of women who have experienced violence, children and youth at risk, and vulnerable populations. Has the minister given any direction to his department in the way of amending legislation or policies or programs in order to have a more coordinated approach? What kind of work is his department doing with the Department of Health and Social Services and others who have responsibilities to meet the needs of these various segments of the population that were the subject of this forum and that are found in the policing priorities for 2015-16? It is not solely a job for the police and indeed, we're

asking the police to do things where government should be offering services.

Hon. Mr. Cathers: I thank the member for the question.

First of all, what I would like to note just in regard to her questions about the service that is provided and the assistance that is provided to vulnerable people is that there has been a lot of work done within the last 12 years in this area, as I'm sure the member is aware. While there has been much done, there is still more work to do. This is a challenge that every jurisdiction faces — that we are trying to, collectively within Canada and many other places in the world, figure out how to, in our changing world, better adapt to new challenges and better address the ones that have continued for some time. This includes everything from providing better supports to persons at risk to better coordination between agencies that are involved.

I should note to the member that, when she references the commanding officer of M Division's comments — my understanding of what Chief Superintendent Peter Clark was intending to indicate — and I am basing that in part on having been in the audience at that forum last week and from talking to him directly, privately. Prior to that meeting, some of the issues I believe he was referring to are not just territorial legislation but also federal legislation. The RCMP, under federal legislation, are restricted in the type of information they can pass on about individuals, particularly when it pertains to something that is, or might be, a criminal matter that they are investigating. While not intending to suggest that it is only federal legislation at play, I want to point out to the member that it is also federal legislation that is at play, and my understanding is that it is primarily federal legislation that restricts the RCMP's ability to share information with other agencies.

The challenge that governments and agencies face — and by "agencies", I mean the RCMP as well as departments and other service providers — is the balance between sharing more information between service providers and protecting personal privacy. Those two goals are often tugging against each other — the desire to protect someone's personal information and health information, including, for example, if someone has an addiction and, as a result of that addiction — whether it be to alcohol or drugs — if they have been in contact with government agencies seeking support, if they have been in contact with the RCMP through criminal action or through the RCMP being called in to investigate a complaint and, although choosing not to lay a charge — if it is due to alcohol — all of that information can be very relevant to everyone from mental health service providers to addictions counsellors to NGOs that provide support services.

There also does need to be very careful consideration given to at what point it is appropriate to share that personal information to better serve that person and at what point that information should be kept private, unless the person consents to waiving it, to better protect the dignity and privacy of that citizen.

I should note that others who can be involved and who could also benefit from more information sharing include doctors, community nurses, the hospital, and EMS staff.

I am not for a moment intending to diminish the importance of the issue that the member is raising. In fact I agree with her that there is more work that can be done. There is room to better coordinate between service providers and levels of government. I also should have noted in my list of some of those agencies and government entities affected that First Nation governments — for example, Kwanlin Dun health centre — can also have information that would be very relevant to the RCMP, to Whitehorse General Hospital, to a physician, to Victim Services, to Alcohol and Drug Services and to, in some cases, Health and Social Services or Family and Children's Services.

It is also not an easy challenge for anyone looking at that balance between the two to determine exactly where the line should be drawn and exactly who should have access to which information. When we consider a change, it is important to involve all of the key agencies, departments, governments and government service providers in considering what the benefits of a change would be and what the downside is in terms of the reduction of personal privacy if more information, including more personal health information, is shared. I should also note in that the Information and Privacy Commissioner is part of that well.

In laying that out, I want to emphasize to the member that we do treat this matter quite seriously, but I also want to make sure that she and others listening or reading this are aware of the fact that it is beyond what one minister and one department can directly do or should do on their own. It does require that coordinated effort, that very serious consideration of at what point providing more access to personal information — particularly if that information is provided without a person's consent — to other service providers or other agencies is a good thing, and at what point it is going too far in providing that information to others to the detriment of personal privacy.

I should note also that when the member refers to territorial legislation, as she is probably aware, that includes the *Access to Information and Protection of Privacy Act* and *Health Information Privacy and Management Act*. All of these areas need to be considered. Just as with the question that the member asked me earlier in this Sitting about moving toward the use of police body cameras — Yukon's Information and Privacy Commissioner provided a letter to government shortly after the member asked that question, reminding us of the concerns that Canada's information and privacy commissioners had noted to all levels of government about where they thought very serious policy consideration was necessary to consider if police wear body cameras. When are those cameras turned on? What additional information is captured by that — regarding not only people who directly may be the subject of an investigation, but other citizens who happen to be passing by? How is that information stored? How is it shared? Who has access to it? How is it secured — last but not least, considering the issues of ensuring that

information is kept secure enough to prevent hacking or other cyber security issues resulting in an uncontrolled release of that information.

When it comes to cost of this equipment — the cost of the equipment is probably the least of the challenges. My understanding is that the cameras being used in the most recent trial at the RCMP training depot ranged in price from \$256 per unit to \$650 per camera. While not insignificant when one considers equipping potentially 100 or so officers with that — depending on which officers would carry them and when — actually the cost of the equipment is the easiest of the challenges that is faced by government and by the RCMP.

In the area of improving safety and wellness, the member asked questions about what was done generally on that goal. I should note to the member that, through our cross-departmental initiative, the Yukon government is addressing the serious issue of violence against women and children by developing a broad approach to violence prevention. The purpose of this work is to change attitudes, behaviours and cultures to reduce the high rates of violence against women in the territory.

Violence is a complex and multifaceted issue. In order to be effective in reducing and understanding violence, the Yukon government has continued to take efforts and opportunities to maximize shifts in attitudes, behaviour and culture, as well as reporting, particularly through the lead departments of Health and Social Services, the Women's Directorate, Justice, Education and Community Services. Madam Chair, our immediate objective in this area includes working together to introduce and continue to take an effective approach to training across departments in these areas.

What I should note is that this is part of a suite of actions that have been taken. As the member will be well aware, government has — both through departments and through funding NGOs, and in partnership with First Nation governments — done a lot to better support vulnerable persons. We have, over the past number of years, increased funding for mental health services.

I would point out to the members, in reference to previous debates in this House and questions about what government is doing on mental health, that when the members refer to three rural mental health positions and suggest that's not adequate, I would remind the members that those positions did not exist under previous governments. Two of those positions were created by me, during my time as Minister of Health and Social Services, and the third was added by the Minister of Education during his time as Minister of Health and Social Services. We have taken a number of steps to improve those mental health services. We've provided increased supports in those areas.

One area during my time in Health and Social Services, that we took action on addressing is — prior to changes that we made, it had come to my attention back in 2007, I think it was, that mental health services Outside for children were

only available to children in the care and custody of the director of Family and Children's Services.

It had come up through a case of a Yukon family who was affected by this. They were put in the situation where, because of the structure of government legislation and funding, they had a physician recommending that their daughter needed out-of-territory mental health residential treatment. They had Mental Health Services agreeing and were being told that their only option for their daughter receiving that care was to give their child up into the care and custody of the director of Family and Children's Services. That struck them as fundamentally unjust and it struck me as fundamentally unjust, so we changed that. That is just one of the examples of steps that have been taken to better improve mental health services within the Yukon.

I should note as well in a related area that because, as the member knows, one of the challenges that faces many people who are vulnerable and at risk have more than one challenge. There are many who are dual-diagnosed with mental health and addictions issues. Government has taken a number of steps to assist people in that situation. We of course are investing in major capital construction of the Sarah Steele replacement project.

The related NGOs — I won't list the full exhaustive list of NGOs the government has supported, but I should note that some of the important partners in addressing vulnerable people include Fetal Alcohol Syndrome Society of Yukon and the significant supports they provide to persons with fetal alcohol spectrum disorder. I would remind the member that we have invested in what they do through hundreds of thousands of dollars per year in support that had not previously existed. We fund Options for Independence in supporting independent living for persons with fetal alcohol spectrum disorder.

Through Many Rivers, we fund them with over \$1 million a year to provide services to Yukoners, both in Whitehorse and across the territory. That includes Mental Health Services and, of course, the Outreach van which, as members will no doubt recall, was an initiative that originally started without direct government support, but due to a loss of funding, was in a situation where they were going to be forced to cease operating the Outreach van. It was the Yukon government during my time as Health and Social Services minister that stepped in to provide them direct funding for the operations of the Outreach van as well as to support two youth outreach workers that were funded through government. Again, the total, if memory serves, of those combined contributions, back in the year they were originally funded, I believe was about \$275,000, all in increased funding.

What I do want to note is that we certainly very much appreciate the work that is done by all of the partners and acknowledge that, although government will take credit for what we have done, without many others who were involved, those efforts would have come to naught and would not have been possible. But I think that Yukoners and Yukon society should be proud of the significant improvements that have been made by many involved in this area.

Those include the Department of Justice, the Department of Health and Social Services, the Women's Directorate and many others that have supported the work that is being done to better provide supports to vulnerable citizens. I will once again emphasize that we recognize that although great work has been done, there is more room for improvement. As the representative of the Yukon Anti-Poverty Coalition noted on the panel at the Vulnerable Persons at Risk Forum — she acknowledged the fact that there are many services out there and spoke to the need for better collaboration between agencies.

A similar point, as the Member for Copperbelt South noted, was referenced by Chief Superintendent Peter Clark that there was room for better coordination and better information sharing. I certainly agree with that and look forward to working together with all of those partners in addressing the serious policy and privacy challenges that we all have to consider and determining how we can better work together and more effectively utilize existing resources as well as identifying where existing resources need to be added to ensure that, as levels of government and as a society, we are doing the best job we can to provide support to vulnerable people; to provide assistance to people with mental health or addictions challenges; to ensure safety of families and to ensure that we have provided supports and interventions to reduce crime, addiction and violence — including family violence, domestic violence and intimate partner violence.

Ms. Moorcroft: Certainly, the need to protect the dignity and the personal privacy of every citizen and vulnerable people at risk is a principle that we believe in. I would say to the minister that it is not a criminal matter when people are taken into custody, not arrested, not charged with a crime, but incarcerated because they need a safe place to sleep and/or a safe place to detox.

The minister also spoke about needing a coordinated effort and the value of collaboration, which is the goal that I had asked him to respond to a question on. The minister mentioned the Sarah Steele replacement project. My initial question was to ask the minister to indicate what preventive and collaborative approaches he is working on for community safety. In particular, I would like to ask the minister, since he does have previous experience in leading the Department of Health and Social Services and is now at the Department of Justice, whether he would support implementation of recommendations that were found in the Beaton and Allen report that was conducted a few years ago.

In Dr. Beaton and former chief Allen's report, they recommended a downtown sobering centre. We need to reduce the number of people that are being taken into custody and put up at the arrest processing unit at Whitehorse Correctional Centre, when their real needs are to deal with housing and/or addictions.

Does the minister support, and will he, at the Cabinet table, advocate for the Sarah Steele Building replacement project to include a sobering centre, which is widely supported by members of the community, by a number of organizations

and groups and First Nation governments, as well as having been recommended by that report?

Hon. Mr. Cathers: I would ask the member to save detailed questions about the Sarah Steele Building replacement project, or current alcohol and addiction services programming, for the Minister of Health and Social Services during debate of his budget, since the current actions of Health and Social Services are primarily the current minister's responsibility.

But I can tell the member generally that the Sarah Steele replacement project is an important commitment of this government. The new centre will enable better programming and allow us to expand services. My understanding is there are currently about six beds that can be used for detox at a time. I would encourage the member to ask detailed questions about the new programming provided out of the Sarah Steele replacement project with the Minister of Health and Social Services, once that budget comes up for debate in this Assembly.

Ms. Moorcroft: I did not ask a detailed question about the Sarah Steele Building replacement project — I asked a general question for the Minister of Justice as to whether he would agree that a sobering centre would be a useful part of the Sarah Steele Building replacement project. This question relates to one of the Department of Justice's strategic goals to develop approaches to community safety that focus on working with partners in communities and to collaborative approaches.

My suggestion to the minister is that good collaboration between the Department of Health and Social Services and the Department of Justice would include the Justice minister taking some responsibility for ensuring that people can be accommodated with the services they need at a sobering centre, instead of being housed or incarcerated at the arrest processing unit at the Correctional Centre.

I'll try again to see if the minister can indicate whether he would support a downtown sobering centre to meet the needs of people who are presently, under what is happening, resulting in some pretty high cost to the criminal justice system when it's not criminal matters that are being dealt with.

Hon. Mr. Cathers: Again I would reiterate to the member and encourage her to ask questions about the new Sarah Steele Building replacement project — I would encourage her to direct those to the Minister of Health and Social Services. He will be in a better position to speak specifically to the programming at that facility.

I would remind the member that we have in fact implemented medical detox care at the Sarah Steele Building. That was added after the Beaton and Allen report was received. While government did not accept the exact proposal that was received in that report from Dr. Beaton and former Chief Allen, we have enhanced care since that time, including provision of medical detox. My understanding is that that medical detox model will also be in place at the new Sarah Steele Building once that is constructed.

I should also note to the member — as she seems, by her line of questioning, to not be aware of it — that at the arrest processing unit, they use a health-based model when it comes to care, including care of people who show up under the influence of drugs or alcohol. That is different and a significant enhancement from what was previously in place when people were put into the RCMP facility for what was commonly, and not very sensitively, referred to as the "drunk tank" at that time. A significant enhancement has already occurred in that area. With the construction of the Sarah Steele replacement project, you will see staff better able to provide the care that is necessary to people who are seeking the services of Alcohol and Drug Services through the Sarah Steele centre.

I should also note to the member — not only today, but in previous debates I have noticed that the member doesn't seem to recognize that, when it comes to whether someone is kept within the arrest processing unit rather than in a purely health facility such as Whitehorse General Hospital, the considerations in place are not just whether someone has been charged with a criminal offence, which seems to be the member's primary concern. Another consideration that government and staff have to keep in mind is the safety of staff and of other patients, and that includes when people are at risk of violence. We need to very thoughtfully and carefully ensure that we have provided, as best as we can, for protecting the safety of nurses, doctors and others as well as other patients.

If the member is suggesting that people who show up who are intoxicated or under the influence of drugs should always be at Whitehorse General Hospital — even when there is a risk of violence that cannot be appropriately controlled and addressed at Whitehorse General Hospital — then I would respectfully and adamantly disagree with her on that point. Protection of the safety of other Yukon patients and of health care professionals is something that we always must keep in mind.

I would note that the secure medical unit we put in at the Whitehorse General Hospital several years ago was one that was taken — it began under my time and, I believe, concluded construction under Minister Glen Hart. That need was brought to me by the Yukon Hospital Corporation and by the staff of the Department of Health and Social Services. At that point in time, there had been several incidents where people who, in that case, had mental health challenges had posed safety risks to staff and to other patients. The construction of that facility — and the placement of people within that — is not about laying blame on those individuals, but it is about recognizing the importance that we also need to take reasonable steps to protect the safety of staff and other patients.

The same can be a factor at the arrest processing unit. I would remind the member that the arrest processing unit was created as a result of the final report of the review of Yukon's police force called *Sharing Common Ground*. That report recommended that the Department of Justice construct a secure assessment centre with appropriate 24-hour medical support in Whitehorse to accommodate individuals who are

detained or arrested by the RCMP and require secure custody, including acutely intoxicated persons.

That is what has been done. Again, that report acknowledges and the government has implemented at that facility the recommendation that it provide medical support and appropriate care for people who are detained or arrested by the RCMP and require secure custody, including acutely intoxicated persons.

I think the member is not understanding — or is simply choosing to disagree for philosophical reasons with having people there who are not incarcerated or charged. I would note that we're doing in that case what was recommended by *Sharing Common Ground*. That's because we believe that people who are intoxicated and may, at times, be at risk of action that harms themselves or others may need to be in a secure facility. They may need to be kept away from other patients they could injure, who would be vulnerable to someone acting out in a violent way at Whitehorse General Hospital. That does not mean that those people are criminals or are considered criminals by the staff at the facility or by the government.

The arrest processing unit is a joint initiative between the Department of Justice and the RCMP in response to that recommendation I read from *Sharing Common Ground — Review of Yukon's Police Force*. It has innovated the way that the Yukon manages people who are detained by the RCMP — whether or not charges are ultimately laid against those individuals. It provides a high standard of care and protection for people taken into custody, including people who are acutely intoxicated.

People detained by the RCMP — or I should probably say “persons”, to be technical — can experience medical complications that require medical assessment and supervision to ensure safe care and control while in custody.

The arrest processing unit also provides medical care and supervision by specially trained corrections officers for RCMP prisoners. The arrest processing unit also takes advantage of the intended multi-use nature of the new Correctional Centre, such as the admissions and discharge area, medical rooms and office space. The APU — arrest processing unit — includes the provisions for designated male and female grouping and individual cells; separate youth cells; a police interview room; and a harm reduction cell. Prisoners who are detained in corrections custody are kept separate from other inmates within the new Correctional Centre. As the member should be aware, the APU is attached to the new Correctional Centre, but is kept separate from it through secure doors. I should note that the operational policies for this facility have been jointly developed by the RCMP and the Department of Justice.

I hope that is more information for the member. I know that in addition to talking to staff and reading briefing notes and being briefed on this, as well as talking to the RCMP and other partners, I have also toured both the arrest processing unit and Whitehorse Correctional Centre. I thank staff for the good job that they did explaining the facility to me. Having previously been in the old Whitehorse Correctional Centre, as

a visiting guest on a tour as well back in 2002 or 2003 — I forget the exact date, but it was at the start of my first term in office — I, along with the then Minister of Justice and a couple of other colleagues, toured the now former Whitehorse Correctional Centre and the difference between those facilities is like night and day.

There has been a tremendous change in terms of the quality of the facilities, the ability of staff to supervise and separate inmates when necessary. There has been a tremendous advancement in the ability of inmates to get away from others who might put them in a situation where they are not at direct immediate physical risk where correctional staff would intervene, but are facing emotional pressure or uncomfortable situations. That includes having their own units where they have the ability to do everything from reading to watching TV. Having separate TVs in those facilities eliminated what had been a problem — I understand in the old facility — of arguments about who controlled the remote and the tendency for people with dominant personalities or intimidating personalities to exercise pressure on others and create, while on a minor scale, a very uncomfortable environment for people who were involved.

Those are just a few examples of the steps that are taken here, but I would again encourage the member to recognize and acknowledge that the intent of the arrest processing unit was also to allow for people to be kept in there who were acutely intoxicated but not necessarily meriting criminal charges. That is about, in some cases, their safety; in some cases, the safety of other patients who might be adjacent in a facility like Whitehorse General Hospital and for the safety of staff.

In addition to being a secure facility, it is also a medical facility that does provide care to people and is a dramatic change when it comes to programming from what was in place at the holding cells in the RCMP building, which had commonly — and quite unsympathetically — been referred to as the “drunk tank.” So it is an example of how the system has changed, how people's regard for it has changed and how that care has improved over the last number of years.

I should also add for the member a number of other steps that have been taken within the Whitehorse Correctional Centre — if my briefing book will cooperate here — which include the improvements to health services and nursing at Whitehorse Correctional Centre. Inmates at Whitehorse Correctional Centre have direct access to nursing staff, to contracted doctors, to psychiatrists, to psychologists, to dentists and to optometrists. Medical and mental health clinics are normally scheduled once a week. Inmates in need of medical service are referred by nursing staff to the care of a physician. The physician makes medical decisions pertaining to inmate health and is the primary physician of care for people intoxicated at Whitehorse Correctional Centre. A communicable disease control nurse attends typically once per week to provide testing and health education to inmates.

The Whitehorse Correctional Centre also contracts a local dental clinic and optometrist to provide basic dental services, eye exams and glasses to inmates who require those services.

The Whitehorse Correctional Centre ensures access to emergency room doctors and nurses by transporting the inmates to Whitehorse General Hospital and in the event of an emergency, an ambulance is called.

Emergency Medical Services works in partnership with the Department of Justice to attend to individuals in the arrest processing unit who require medical attention during the night shift when nurses are not on-site. The manager for health services is on staff at Whitehorse Correctional Centre to oversee health operations, which include an additional staff of four registered nurses and one licensed practical nurse.

The cost of providing health care services at Whitehorse Correctional Centre is not insignificant and it includes, in the last full fiscal year that we have actual numbers, \$341,507 in fiscal year 2013-14. I don't have a final number in front of me for the 2014-15 fiscal year.

In the area of mental health services, the Department of Justice at Whitehorse Correctional Centre has a psychologist on contract who undertakes screening, assessment and referrals for treatments related to mental health issues. A psychiatrist is also on contract to provide medication management for inmates who require medication and one-to-one counselling is also available to clients, in addition to the group sessions that are provided there.

Similarly, the Community Wellness Court and the Justice Wellness Centre work with a variety of service providers to provide integrated case management for offenders with mental health issues under supervision in the community. All the Corrections branch staff are provided with training with respect to working with mentally ill clients.

At risk of being repetitive, we have taken tremendous strides in this area and recognize the great work that has been done by staff of the Department of Justice and many other departments in improving services over the past number of years and modernizing the way that Yukon deals with people — both those who are in contact with the justice system and those who have mental health, addiction or other medical issues that may put them in touch with the justice system.

Great work has been done. We recognize that there is more that can be done and room for better integration and collaboration between levels of government and between the RCMP and departments within Yukon government and non-governmental organizations, but we are very proud of the work that has been done and all who have been involved in it. All who have been involved should be proud of the significant steps they have taken. Naming one example in particular that comes to mind — one of the many specific examples is the tremendous work that has been done at the Community Wellness Court and the success that they have achieved in providing services to their clients. That model is being looked at by a number of other jurisdictions, not just within Canada, but internationally. There is much that Yukon service providers should be very proud of in the past number of years. We look forward to taking further steps and making additional improvements in this regard.

Ms. Moorcroft: I would certainly never expect that the minister would take a risk of being repetitive, so that comment was unnecessary on his part.

Some Hon. Member: (Inaudible)

Ms. Moorcroft: You are welcome.

The minister has just referred to a dramatic change in programming at Whitehorse Correctional Centre. He also referred to having a tour with some of his colleagues, so I want to put a question on the record before I continue with my remarks. I ask the minister to confirm that, as has been the case with previous ministers, he will direct his officials to accommodate me and possibly other members of our caucus and staff to have a tour of the Whitehorse Correctional Centre and the arrest processing unit.

Turning to the minister's comments about improving care and dramatic changes in programming, I wonder if the minister has read the report of the Auditor General of Canada to the Yukon Legislative Assembly in 2015 on corrections in Yukon. I was planning to turn to another area, but the minister has been speaking about corrections and that is the first strategic goal of the Department of Justice — to redevelop the correctional system to respond to the needs of Yukoners. I am going to refer to a number of the findings of the Auditor General and ask the minister to respond on how his government will take action to address the shortcomings that the Auditor General has identified.

The *Corrections Act, 2009* sets out that the Department of Justice is responsible for correctional services, and this is a significant issue in Yukon because crime rates in the territory are among the highest in Canada. The Yukon's crime rate in 2012 was the third highest in the country. In the 2013-14 fiscal year, the Whitehorse Correctional Centre had 732 admissions. We have a lot of inmates being housed on remand, as well as those who are sentenced to jail terms of less than two years. There were also 103 admissions of people on probation orders, conditional sentences and bail orders.

The Auditor General referred to several challenges in managing corrections. There is a prevalence of mental health issues and fetal alcohol spectrum disorder, and an estimated 90 percent of offenders have problems with substance abuse. The Auditor General found that programs and services for mental health, substance abuse and fetal alcohol spectrum disorder are limited in the territory, particularly in the communities outside of Whitehorse, and that there are 14 Yukon First Nations with cultural distinctions that must be respected.

The focus of the Auditor General's report on corrections was whether the Department of Justice was meeting its key responsibilities for offenders within the corrections systems, in the Whitehorse Correctional Centre and under community supervision. Overall, the findings of the Auditor General, found on page 3 of his report, were that the department is missing two key opportunities to improve offenders' chances for rehabilitation and successful reintegration into the community: first, when offenders begin serving their custodial sentence in the Whitehorse Correctional Centre; and second,

when they make the transition to serve their sentences under community supervision.

The Auditor General found that most offenders who were not offered the core rehabilitation programs identified for them while they were in the Correctional Centre were also not offered the programs when they were under community supervision. Many of the people who are sentenced in the courts complete their custodial and community sentences without getting access to all the core rehabilitation programs identified for them.

That's an important finding, because the primary goal of the correctional service is the safe reintegration of offenders into communities as law-abiding citizens. The primary goal of correctional case management is to reduce offending by encouraging and enabling behavioural change. The Auditor General found that the department is not meeting this goal.

The Auditor General found that many of the offenders do not have the case management process followed that should be followed in accordance with the *Corrections Act, 2009*. One of the weaknesses in the supervision and in the case management in the case sample done by the Auditor General was that there were no return-to-custody interviews — zero percent.

So why were no return-to-custody interviews done? If we're trying to reduce recidivism, if we're trying to help people change their behaviour, and if we're trying to have people safely reintegrated as law-abiding citizens, and then we don't follow up when people are charged with a crime and convicted and returned to the correctional system to find out why, then there's a failure.

Can the minister explain what he has directed his department to do in order to conduct return-to-custody interviews and try to find out what can be done to prevent recidivism? I would also like the minister to provide a breakdown of the number of the recidivism rates. How many of the 732 admissions to the Whitehorse Correctional Centre in the 2013-14 fiscal year, or in the calendar year — whichever way the department keeps those statistics — how many of those were people who were returning to custody after having previously been incarcerated? What are the recidivism numbers?

Hon. Mr. Cathers: A few things I again need to draw the member's attention to: first of all, I remind the member of the time period that the Auditor General was reviewing a number of files, and I again note, as I have previously in Question Period, that the findings from the Auditor General — the report from the Auditor General — provide us with useful information. As I previously noted in this Assembly, some of the findings noted by the Auditor General in that report had already been also noted by staff through internal quality management procedures, and action had already been taken to address them. Those remaining ones that were new — steps are being taken to address them and, as I have said to the member, I of course will be supporting the Department of Justice staff in doing their good work and the necessary work in coming up to the standard that has been set out by

government, through the standard that it was raised to after the correctional forum project in 2009.

I again have to remind the member that the standard of care and treatment and offender management and rehabilitation programming has been significantly raised from what it was during her time as Minister of Justice, and we of course believe the new standard is a good one but recognize that, in the early time after that standard was implemented, at least in some areas, the Department of Justice and Yukon government had not met our new standard to our satisfaction in all areas.

I should also note that, in the Auditor General's report, some of what — the member is referencing program delivery. There were 21 files that were reviewed by the Auditor General. That compares to the member citing 732 total admissions within a calendar year — so a small percentage of it, a valuable snapshot, recognizing the Auditor General always does tend to do more detailed reviews of specific program areas. I should note that it was a specific type of offender and only 21 files that were looked at. I recognize and note that, during that time period of 2012 and early 2013, we recognize that the new, raised standard that we had set out was not being met as it pertains to some of those offenders. We and all staff are working to ensure that we meet the standard that we have set out.

When it comes to the amount of violent crime, where the crime severity is indexed, I should also note that the Yukon had the largest decrease in the crime severity index among the territories over the past decade — a reduction of 36 percent, compared to a 22-percent reduction in Nunavut and seven percent in the Northwest Territories. The relevance of that to the member's question is that, when you refer to the crime rate, one also needs to look at the percentage of it that is violent crime, and note that the Yukon's rate, though high in overall standings, when compared to the percentage of total criminal acts — or crime severity index — of the other territories and provinces, does change how the picture looks. A higher proportion than in many other jurisdictions are less severe crimes and that is reflective of RCMP and others involved in law enforcement doing a better job of enforcing minor crimes, and may be reflective, in part, of the fact that Yukon has a higher percentage of RCMP officers per capita than is the standard policing level across the country.

I don't have the exact figure right in front of me here but, as the member will recall, I pointed out previously we have significantly more policing than is the standard across the country for the Yukon. So when looking at numbers of crimes and reported crimes, it's always a bit of a challenge for statisticians, government or police to determine at what point an increase in reported crime is a bad thing — i.e., being reflective of an increase in total crimes committed — and at what point it's a good thing — i.e., a reflection of an increase in reporting on the part of the public or service providers.

I'm not intending with that to suggest that that definitely means it's only because of increased reporting that some of those numbers have gone up; I can only note that there have been efforts within government and within the RCMP to

improve and increase reporting of everything from domestic violence and sexualized violence to child protection issues, and so on and so forth.

If those measures are successful, they will lead to increased reporting and that will lead to an increase in the overall crime rate. It is important to keep those factors in context. I will again note that, in fact, statistics in this case do provide useful information, but they don't really provide us with a full picture because it is very difficult for statisticians, government or the RCMP to precisely determine what percentage of actual crimes are being reported and to what extent an increase or a decrease in reported crimes is reflective of an increase or a decrease in people reporting violent crimes that are occurring — or other crimes, I should note, for that matter.

There was something else that I meant to mention to the member. I am trying to regain my train of thought here. Another area that has been done to improve what we are doing as government and within the department to address repeat offenders is the implementation of the prolific offender management program. This is an important part of what the Yukon is doing to address repeat offenders who are responsible for a fairly high portion of crimes within Yukon communities. Across Canada and in places like the United Kingdom, prolific offender management programs have experienced success in reducing crime by targeting the small number of people who commit the most crimes.

The Department of Justice, in collaboration with the RCMP and other partners, established the prolific offender management program in 2011, and it has just completed its third year of operation. The program team includes representatives from the Department of Justice, the Department of Health and Social Services, the Royal Canadian Mounted Police, First Nations, Council of Yukon First Nations and the Public Prosecution Service of Canada. The team meets monthly in order to ensure close supervision of common clients and ensure that opportunities for program referrals and follow-up are coordinated between all of those agencies.

A three-year evaluation by an independent contractor was concluded and presented to the Department of Justice in October of 2014, and the findings of that evaluation indicated that the prolific offender management program is fulfilling its role effectively and, ultimately, improving public safety with approximately half of the original 20 clients reflecting more positive outcomes over time in terms of a decrease in offending. I should note that within that group of most challenging clients — unfortunately, that has to be the measure of success here, as it is in other jurisdictions. A reduction in them offending is a step in the right direction. Ultimately, everyone involved in trying to prevent them from committing crimes would like to see it reduced to zero.

That decrease and the fact that half of the original 20 clients have had more positive outcomes over time in terms of a decrease of offending is definitely a positive step in the right direction and a positive trend. More work is required in this area and, as Yukon agencies involved with this gain more

experience with it, there will undoubtedly be lessons learned that help identify room for further improvement in this coordination and approach.

The program's objectives aim to reduce the total crimes committed by prolific offenders and improve coordination and access to services for prolific offenders to enable and encourage positive behavioural change. The program also ensures effective risk management of prolific offenders through appropriate sanctions and intensive supervision by the RCMP and by offender services. These objectives, as I mentioned, are met through monthly meetings or multi-agency prolific offender management teams, who work together at creating an intensive and effective package of interventions by combining and coordinating resources.

Another one of the steps that have been taken to improve this, as I mentioned — also initiatives including the Community Wellness Court and the supports they provide and the domestic violence treatment option have achieved positive results in reducing the rate of recidivism — “re-contact”, which I understand is now being used to replace the word “recidivism” commonly within the criminal justice system. The criminal justice system moved away from the term “recidivism” because it has never been clearly defined. There is no standard definition or methodology for measuring recidivism, and justice partners active in the area of the Canadian Centre for Justice Statistics determined that “re-contact” was a more appropriate term, given multi-sector interest in measuring reoffending behaviour. That meaning, of course, that re-contact with multi-sectors and agencies might not always be something that is measured by a criminal charge at the end of the day but is still an official intervention by police, courts or corrections. “Re-contact” is defined as a subsequent contact with police, courts or corrections signifying a new official intervention.

In the area of policing, the re-contact includes a subsequent incident for which the accused was cleared by charge or cleared otherwise within four years of the initial incident. In the area of courts, the initiation of a new-person case within four years from either the initiation of the first-person case or the completion of the first-person case and in the area of correction, the occurrence of a new legal-hold status within four years from either the conclusion of the period of involvement or commencement of period of supervision.

Measuring re-contact helps determine the prevalence of what portion of people who came into contact with police, courts or corrections had a subsequent contact within a four-year period. It helps identify the frequency of re-contact, how many times and how many subsequent contacts they had and time to re-contact as well as the nature of the re-contact.

As the member will hopefully understand, moving toward a more common methodology helps us better understand and better compare ourselves to other jurisdictions.

While there is still some more work that needs to be done on improving our ability to actually measure that re-contact, some of that relates to better coordination between agencies and the issues around privacy and storing of data — including

that for certain types of contact, my understanding is that, within the justice system and within the RCMP, there are certain types of contact or offences that legally they're not allowed to store beyond a certain number of years at this point in time. Again, those steps that have been taken by legislatures — including, in that case, the federal government — to try to protect the rights of citizens and their ability to get passed past criminal actions or other inappropriate actions, do in fact have a net effect on the ability of the police and other agencies to track, monitor and understand past behaviour of people currently in contact with those agencies or with the RCMP.

Ms. Moorcroft: The Auditor General's report indicates that they reviewed the case management files of a random sample of 25 offenders who were sentenced to the Whitehorse Correctional Centre for 90 days or more between April 2012 and March 2013, with a period of community supervision to follow. As the minister has stated, that was the same fiscal year in which the new Correctional Centre opened. I'll thank the minister for providing the information about the common methodology and the change in terminology to deal with measuring re-offending behaviour — and the term "re-contact" is being used. I understand his explanation and that the police and the courts and the correctional system will need to maintain different records, but what I asked the minister to do was not to explain the method of collecting the information on re-offending behaviour, but to tell us what those numbers are. Has the department measured the re-contact?

Let me give a bit of an example here. In the Auditor General's report, in Exhibit 2, about the gaps in the case management of offenders, the Auditor General found that, in 92 percent of the cases, a case management requirement had been completed, but only 67 percent — 12 of 24 files — were completed on time. In looking at developing an actual case plan, the completed assessments or plans were done in 88 percent, or 21 of 24 files. So then this takes me down to the bottom of that chart, where conducting return-to-custody interviews was zero percent — zero of 14 files. That would indicate that, of the random sample of the 25 offenders, 14 of them had been returned to custody, so 14 of them would have offended previously. So if that's 14 out of 25, it may or may not be representative.

I'm sure the department has the ability to measure those numbers within the correctional system, so I'll ask the minister again: What is the frequency of people who were incarcerated of re-contact? How many of the 732 offenders who were measured and reported as having been incarcerated at Whitehorse Correctional Centre had had previous contact with the system and would be captured in the re-contact numbers? Does the government have those? Can the minister tell me what they are?

Chair: We will have a recess after Mr. Cathers' response.

Hon. Mr. Cathers: The answer is no. I had actually made a brief reference to that to the member in my previous response, which was that more work needs to be done on having the ability to effectively monitor and track re-contact and report on it. The department advises me that they don't

have the ability to do that without a file-by-file review at that time. That is an example of the benefit that can be provided by the Auditor General. I should note — and the member may be aware — that the benefit the Auditor General provides to Yukon government and governments right across the country includes areas that government doesn't have the internal audit resources to fully look into and do a detailed file review of matters that are not fully or clearly tracked by computer. Doing that detailed work is a big part of what the Auditor General does, and that is why their reports and recommendations can sometimes cause a headache for government, but it is also very valuable for us to have that information.

As I noted to the member, Justice does not currently have the ability to track that information. Steps are being taken to gain that ability. The justice enterprise information network system initiative is a software database system for storage and retrieval of court records and, once fully implemented, the justice enterprise information network project will substantially change business practices in courts and corrections. Among other advantages, it will offer faster production of court documents, more complete and easily produced statistics and eliminate the need to enter information manually in each office. That is the simple answer to the member's question. We don't currently have the ability to provide the information that the member would like but, through this investment and through this work, steps are being taken to gain that ability to better track information and to have the ability to better report not only to the Legislative Assembly but within Justice and within other departments, as well as with the RCMP, to be able to have a clearer picture of what is occurring and be better able to make effective decisions about how to improve services and how to address problems and how to designate and dedicate additional support or intervention services to where they may be needed.

Chair: Would members like to take a brief recess?

All Hon. Members: Agreed.

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

Recess

Chair: Committee of the Whole will now come to order. We're going to resume general debate on Vote 8, Department of Justice.

Ms. Moorcroft: Coming back to the question for the minister about how large a problem it is that people are returning to the Correctional Centre and are having re-contact with the correctional system — I've been hearing for over three years now that there is an outdated computer system and that work is being done to improve it. For all that modern technology is promoted as a means of improving information gathering, the project seems to be moving at a glacial speed.

I note from the Auditor General's data that, from a random sample of 25 case files at the Correctional Centre, when he was assessing the case management requirements, he reported on 24 files. On zero of 14 files, there was a return-to-

custody interview. That implies to me that, of the 24 files referred to on this Exhibit 2, 14 of them were returned to custody, which means that they were re-contact. That is more than half of the files that were examined. Surely there is information available — even given the limitations of the computer system. One would think that, by just running a search of the names of people who are in custody, you could see duplicate names. I am puzzled and I am disturbed that the minister doesn't have better information on how severe a problem it is with re-contact. I think that there should be at least some informal knowledge if they are unable to do a detailed and accurate computer registry to respond to that.

I want to move on because there are many areas identified in relation to the correctional system with the Auditor General's report that I want to ask the minister about, and there are also other matters in the Justice debate that I have questions about.

One of the findings of the Auditor General is one that many people in the communities said, "Well, this is what we have been saying for years." Core programs are not offered in Whitehorse Correctional Centre and core programs are not offered under community supervision. The minister said — and he was quite accurate in his statements — that the Auditor General's reports are helpful to governments. They can be challenging because they identify problems, but that also gives you an opportunity to address them. What I am looking for from the minister this afternoon is some accountability on how he and his department are addressing the problems that the Auditor General has identified.

We understand that there are a number of challenges in the provision of programming for offenders under community supervision orders, and I would like to know what the strategy is for addressing those shortfalls. We understand that there is a problem with many of the probation officers not having safe physical spaces available in the communities to meet with the clients and to provide them with both case plans and programming, and I would like to know what is being done to address that.

There was also an extensive section of the report that dealt with the need to provide First Nation cultural heritage training to all probation officers and to all correctional staff. The finding that the department is not yet meeting its obligations to incorporate the cultural heritage and needs of Yukon First Nations into its programs and services is one that is of grave concern. That is an obligation found in the corrections act — to incorporate the cultural heritage and needs of Yukon First Nations into their programs and services. The finding is important because between 70 and 90 percent of offenders in Yukon are members of a Yukon First Nation.

In the Auditor General's report, it states that the department developed a First Nation program strategy to expand access to First Nation programs in the Whitehorse Correctional Centre, but it has failed to deliver very much of that. There are some language and carving courses, and those have been effective — there should be more of them — but the Auditor General found that the department has not adapted its core rehabilitation programs — its core programs for

helping those who are incarcerated at the Correctional Centre to change their behaviours to include First Nation content.

I would like the minister — instead of merely saying they are taking steps to address the challenges it faces in delivering correctional services and programs that incorporate the cultural heritage of Yukon First Nations and meet the needs of offenders who are First Nations — to tell us how the department is working to address those challenges. I understand that the department is keenly aware of them. I understand that there are capacity issues within the department and within the First Nation communities, but I believe that both the department and the staff who work in the Correctional Services branch and Yukon First Nations want to see these changes being made to programming. There are people in our community who can help to write programming, there are people in our community who can help to deliver programming, and they are willing to do it.

I would like to ask the minister if he can tell us what specific actions are being taken and on what kind of a timeline.

Hon. Mr. Cathers: I will note to the member that on this — my first opportunity, first session — to have the Department of Justice, I am pleased to report on the good work that has been done to date and thank my predecessor for his work in this area and note that when the member is referring to some of the issues that — for example, she referenced the computer network and noted that she has been asking questions for a couple of years and heard that this is a work in progress. I would also point out to the member, which she seems to fail to recognize, that the review done by the Auditor General was also a couple of years ago — that the data they were using applied to. There has been work done since then and, as I have stated on several occasions to the member, some of the issues identified by the Auditor General were already identified through internal quality review processes and steps were taken to address them. Where additional areas were identified by the Auditor General in the report, we will take the additional steps that are necessary in those areas.

Again, I note to the member that staff are working on this diligently. They have my full support in doing that. We all remain committed to achieving the standard of programming that we have set out in the 2009 amendments to the corrections act and in our own standards and programming, and look forward to reporting the success of further actions to continue to improve rehabilitation programs. I do have to remind the member that because she is characterizing programming and work done by Department of Justice staff as failing — in the work they are doing — I also do have to point out to her, and remind her, that, compared to back when she was Justice minister, with the standard that we now have set and were not meeting in 2012, it is a significantly higher standard of rehabilitative care than was in place at that time.

We recognize, in those areas where the standard was not met, that more needs to be done and we are committed to doing exactly that and look forward to reporting on the success of those initiatives.

Ms. Moorcroft: Again there's no answer from the minister, so I'm going to move on and ask him another question related to the recruitment challenges. I would also repeat that I am reflecting, in the debate this afternoon, the findings of the Auditor General.

There are recruitment challenges in the correctional system. I know that the Northern Institute of Social Justice launched a law enforcement career orientation program to try to increase the number of women and the number of First Nations employed in the correctional service. I also know that there was a high staff turnover rate in corrections.

Can the minister tell the House what the staff turnover rate has been in the correctional system since March of 2012? Can he also report on how many women and how many First Nations are currently employed in the correctional system, and whether those percentages have increased since March of 2012?

Hon. Mr. Cathers: First of all, I would like to thank the member for acknowledging the work of the Northern Institute of Social Justice. I can't resist reminding her that that is another initiative of this government that has achieved positive outcomes in terms of the work that has been done.

When it comes to the hiring of the male staff at Whitehorse Correctional Centre, Whitehorse Correctional Centre hired, in 2014-15 fiscal year, 23 new correctional officers — 15 were male and eight were female. The present staff roster includes 74 correctional officers, 23 of whom are female — so a little over 30 percent.

I should note that, when the member is looking purely at statistics, the departures and staff turnover at Whitehorse Correctional Centre, just as within any of the many government departments and branches, include a variety of reasons — including retirement, resignation or other reasons, including that people in some cases choose to move to a different department within government, or choose to move to the private sector, or choose to move to Alberta or Ontario or Nova Scotia or — I won't bother naming the long list of provinces, territories and other places that people leave the Yukon for but, as the member knows, that is a challenge that every department has when it comes to recruitment and retention. People see changes in their lives.

In the area of First Nations, I should note that there is also a First Nation reintegration worker at the Whitehorse Correctional Centre who works with the Council of Yukon First Nations to carry out various duties associated with this work. That is all the information at my fingertips related to that specific question that the member asked. Again, I would note that when it comes to recruitment and retention, we do acknowledge and recognize the issue that the Auditor General has identified and, of course, at the risk of being repetitive to the member opposite, we recognize that, in those areas where the new standard that had been set was not yet being met during the 2012 and early 2013 review conducted by the Auditor General of a select number of files, staff are working to ensure that those types of issues don't happen in the future. I and this government, of course, will support them in doing that work. We should also acknowledge the many elements of

good work that are done within the Whitehorse Correctional Centre, including excellent rehabilitative programming that is provided and the challenging work that is done by staff — and done quite well — but acknowledge also that there is room for improvement. We are focused on working together to take those necessary steps to improve that standard.

Ms. Moorcroft: I am going to return to paragraph 88 of the Auditor General's report with the recommendation that the Department of Justice address the challenges in delivering correctional services and programs that incorporate the cultural heritage of Yukon First Nations and meet the needs of the 70 percent to 90 percent of offenders who are First Nation members. The department has responded, saying that it agrees and remains committed to continuing its strategic planning and implementation of initiatives to meet that challenge over the next five years.

The response from the department indicates that it continues to take steps toward incorporating Yukon First Nation heritage by embedding cultural practices into the fabric of corrections operations. The minister referred to the fact that there is a First Nation reintegration worker who works with Council of Yukon First Nations and I applaud that. I am wondering whether the First Nation reintegration worker is able to work with all of the First Nation offenders on reintegration. I would like to know from the minister what outreach has been done to Yukon First Nation governments, to Yukon First Nation justice directors, and to the Yukon First Nations' elders advisory committee at the Correctional Centre to get their input into incorporating First Nation heritage and embedding First Nation cultural practices into the corrections operations. We have heard that the progress has been slow. We have heard that, notwithstanding that this research was done awhile ago — the report of the Auditor General only came out in 2015 — but there are still many of the same issues that need to be dealt with.

Can the minister respond to what work his department is doing to work cooperatively with First Nation governments and justice directors and how that is improving the cultural practices of First Nations in the correctional service?

Hon. Mr. Cathers: We do recognize — and it has long been recognized that there is an over-representation of First Nation people at the Correctional Centre. A number of steps have been taken, including in the design of the Whitehorse Correctional Centre to incorporate and be sensitive to, mindful to and respectful of those needs and the importance of the cultural heritage of Yukon First Nation citizens who are in the facility.

The Correctional Centre was designed with that in mind, including the healing room. The new legislation that was developed and that is in place now was focused on extensive consultation with First Nations and the Whitehorse Correctional Centre has been very active in incorporating First Nation culture into the fabric of operations and programming at Whitehorse Correctional Centre. Measures taken include: incorporating traditional foods into the menu at Whitehorse Correctional Centre; supporting the development and implementation of a Yukon First Nation land-based healing

camp and referring offenders from the Correctional Centre and the community to participate in the program when it is offered; establishing an elders advisory board to consult on cultural matters; including First Nation cultural training in correctional officer basic training; and increasing the availability of First Nation facilitators to provide cultural workshops, such as beading, drum-making, carving, spirit rattles and handling hides.

It also includes offering two First Nation language courses and partnering with Yukon College to deliver heritage and cultural essential skills to offenders. It includes making smudge kits available on every unit and individual smudge kits available on request by incarcerated offenders. It includes incorporating some traditional medicines into health services available upon request. It includes establishing a library of Yukon First Nation books for offenders — the selection, from what I understand, is currently 19 volumes. It includes starting a video library project that involves the elders talking about their clans, cultural practices and telling stories, with two completed to date. The goal is to make these available to offenders on televisions and undertaking recruitment initiatives to hire First Nation people to work in Corrections.

Corrections remains committed to respecting First Nation culture and to making available culturally relevant programming to incarcerated offenders at the facility that respects the cultural heritage of First Nations and are aimed at helping people who have been incarcerated to turn their lives around and avoid future re-contact, recidivism or whatever term members wish to use. Of course, re-contact is the current terminology in place.

This is — as are other areas, including the land-based treatment centre — funded in partnership with the Kwanlin Dun First Nation. It's important to understand what is culturally and spiritually important to individuals and, particularly in this case, what is relevant to Yukoners of First Nation ancestry who find themselves in the Whitehorse Correctional Centre.

Ms. Moorcroft: Does the minister know how many offenders have spent time and have been able to avail themselves of the land-based healing camp?

Hon. Mr. Cathers: No.

Ms. Moorcroft: Can the minister provide any information at all regarding the land-based treatment facility and how many people who have been in the criminal justice system have been able to take programming there?

Hon. Mr. Cathers: I thank the member for the question. Unfortunately, much as her last question, I don't actually have that information available to me at this point. I can certainly look into whether we're able to get that information but, unfortunately, like her last specific question, I don't have an answer that I can provide her with here today.

Ms. Moorcroft: One of the issues that's found in the Auditor General's report and which we debated in the Legislature yesterday afternoon has to do with the need for mental health services. As the Auditor General pointed out, there's a huge prevalence of mental health issues within the corrections population. It's essential to have appropriate

supports available for staff that works with the offenders on a daily basis within the correctional system.

Given the prevalence of mental health issues in that population the risk of self-harm and the risk of suicide is high. I would like to hear what the minister can tell the House about what programming has been offered to staff and what services can be offered to the corrections population to prevent and respond to self-harm and risk of suicide.

Hon. Mr. Cathers: As I mentioned earlier, the Department of Justice has a psychologist on contract to undertake screening assessments and referrals for treatment to inmates with mental health issues. There's a psychiatrist also on contract to provide medication management and one-to-one counselling available. As well, the Community Wellness Court and Justice Wellness Centre work with a variety of service providers to provide integrated case management for offenders with mental health issues under supervision in the community. Corrections branch staff is provided with training with respect to working with mentally ill clients.

I also just want to note that the awareness of mental health issues is something that has certainly grown, not only within the Yukon, but in Canada.

That includes work that has been done through, for example, initiatives like Clara's Big Ride. She cycled in provinces and territories, including our own, to bring attention to the number of people — and this is within society, not just within an inmate population — who have mental health issues. There is, to some extent, the question of whether mental health problems are on the rise, or simply that there is more awareness of them.

There also are some drivers like on-line influences. It is certainly — through anecdotal reporting as well as some clear statistical evidence — obvious that that has some negative impact on youth, especially. We have had some tragic cases that have drawn attention to cyber bullying and the fact of negative on-line activities, but I think, to some extent, there is more awareness within society than there was even a handful of years ago about the importance of everyone taking steps to provide for their mental wellness, whether it's through spending time with your family, spending time reading a good book or meditating — or in the Yukon for many of us, that includes spending time outside and enjoying our natural environment. That is something that is common among those of First Nation ancestry and Yukoners who are not of First Nations ancestry — that most of us do have a great appreciation of the Yukon. I think it's fair to say that for many Yukoners, even if they don't actually have a mental health problem per se, that being in touch with the land and appreciating our natural environment is an important part of what we do to keep ourselves enjoying life and to have a healthy sense of well-being.

I also, as part of what I personally do to enjoy myself and to deal with job stress, enjoy going over and visiting my family across the lake and spending time with my father and with our horses. My horse — my father refers to her as "my big puppy".

Taking those steps to do what we have to for our personal well-being is something that should be understood across the board, and within the Whitehorse Correctional Centre, significant steps have been taken to improve the mental health programming that is available, as well as to improve diagnosis, just as has occurred within society. Again, this is another area where excellent work has been done to deal with mental health issues to help people — including specifically Whitehorse Correctional Centre, to help inmates better understand what they need to do to self-regulate and to avoid getting into situations, especially when it comes to things like anger management or dealing with partners — to understand what they have to do to take the steps to prevent themselves from crossing over into not just criminal behaviour, but socially unacceptable behaviour.

There is more work that can be done, but it is also appropriate that we acknowledge and recognize the excellent steps that have been taken to date.

Ms. Moorcroft: I am pleased to hear the minister speaking about well-being and about access to nature and how that can be beneficial to anyone. I have raised the issue with previous ministers about the concrete yard at the Correctional Centre — about the fact that there is concrete on the floor and concrete on the walls and a concrete grate over the ceiling, and that those yards are very small. I have asked previous ministers about whether they in fact meet correctional standards.

When I talk with Yukon First Nation people — both people who have been incarcerated and people who have been victims of crime — about safety and dignity and about respectful relationships, they say that what is most beneficial is to have access to things like treatment programs on the land and to be able to be present in nature. I really did appreciate hearing the minister speak about that, and I would ask him to take that into account when the department is looking at improving corrections and improving access to programming that does incorporate First Nation culture. In the past there have been work programs where inmates could be working outdoors. There have been programs where inmates were able to participate in some of the Habitat for Humanity housing construction projects.

The minister was responding about improvements to mental health and I want to say that I hope there are more than two hours a week of psychiatrists' services available for people in corrections. That was a number found in a clinical services plan that was released not too long ago. I think there is a need there that needs to be addressed.

Earlier this afternoon, we passed motions in the House dealing with the human rights panel of adjudicators and making new appointments. In 2009, the *Human Rights Act* was amended, and one of the ways it was amended was to improve the efficiency of the system. Part of that was the ability of the Yukon Human Rights Commission to give a direct referral to the human rights panel of adjudication to make decisions on cases when the commission had determined that a detailed investigation report was not

necessary, that the matter was something that could be referred directly to the human rights panel of adjudicators.

I have heard that there have been more than seven cases referred by the commission to the panel of adjudicators since September of last year. Perhaps the minister has the information from over the last six or more months. Does he know how many cases have been referred to the panel of adjudicators and whether there have been any panels convened to make decisions on those cases? What, if any, standard is there to try to deal with cases referred to the panel of adjudication in a timely manner?

One of the reasons the commission and the panel of adjudication structure is in place to deal with human rights complaints is because they can be faster than the courts and so that matters can be dealt with more expeditiously. Does the minister have any information available on that?

Hon. Mr. Cathers: First of all, as the member, I'm sure, is aware, the human rights panel of adjudicators is an independent quasi-judicial body. Therefore, as minister, I am not able to give them direction and have to be careful in how I pass on concerns or information.

I have met with the chief adjudicator and other members, and I did, at that opportunity, make them aware of concerns I had heard from others, including the Human Rights Commission, with the speed at which hearings were being convened including, at that point, that the Human Rights Commission had referred six matters that had yet to be heard by the panel of adjudicators. I made them aware of that concern, while noting that, of course, it was entirely up to the board of adjudicators — as an independent quasi-judicial entity — to determine how or if they wished to respond to that concern I passed on. I also made them aware of the fact that I did treat the concerns raised with me seriously and asked them not to underestimate or underrate the concern and recognize that part of the responsibilities that bodies of that type are tasked with is performing the duties that are entrusted in them by the Legislative Assembly and the public — also recognizing that they should do so in a timely manner because of the importance of access to justice in a timely manner.

That's about all I should say on that matter. I hope that answers the member's question and provides some additional context.

Ms. Moorcroft: I appreciate that the minister has an obligation to respect the independence of quasi-judicial boards. I'm pleased also to hear that he has raised this concern with the human rights panel of adjudicators — that they do have duties to perform and that the oft-said expression "justice delayed is justice denied" needs to be borne in mind.

Also, earlier this afternoon, the minister presented a response to a petition that I had tabled in the House regarding the rights of transgender and transsexual and gender nonconforming people. The minister indicated that he felt there was no need to amend the *Human Rights Act* to include trans rights in section 7 of the act, as an enumerated grounds of discrimination, because the department had provided legal advice that sex, including sexual orientation, covered gender and trans rights.

I am aware, though, that trans people in the Yukon have brought attention to barriers that they face in access to programs and services. One of those is in the area of getting new identification — a birth certificate, a driver's licence and a health care card. There are legislative or policy barriers that I would encourage the minister to look into to see if he can address them.

The human rights system is one that is complaint-based. It requires an individual to take forward a complaint. What I'm advocating for is that the minister actively investigate these problems and respond to them. I'm wondering if the minister is aware of the barriers in relation to having a driver's licence changed or getting a new health care card issued and what he may be able to do to make that easier.

Hon. Mr. Cathers: As the member is hopefully aware and appreciates, this is an evolving area of law and case law for not just the Yukon but many jurisdictions. The awareness of transgender people and the challenges they face is one that for many years, really, there was very little awareness of, and people undoubtedly were not comfortable coming forward with that. It is, to some extent, probably analogous to the challenges that gays, lesbians and bisexuals faced adapting to and advancing their rights within society. Again, for many years, it was not something that was really acknowledged by governments. In some cases, and in some jurisdictions — I'm thinking particularly of some of the States where it has been illegal in the past to practise a same-sex lifestyle.

Again, steps have been taken. This is an evolving area of law. We will, along with other jurisdictions, have to consider it in future. I don't have any simple answers for the member here today on that matter, but I would note that — as I indicated earlier today — it is the belief of the government, based on advice from the Department of Justice, that Yukon human rights legislation already includes protections for people of transgender, based on common law and case law in other jurisdictions. Though it has not specifically been tested here in the Yukon, we expect that, were a matter to come before the Human Rights Commission or the court, they would likely make a decision consistent with what courts and human rights tribunals in other jurisdictions dealing with similar legislative provisions have determined in those cases, which is that prohibition against discrimination on the basis of sex, gender or sexual orientation does include protections for transgender Canadians.

I hope that, in part, at least, answers the member's question.

Ms. Moorcroft: Earlier the minister spoke about a question I had asked in the previous debate on Justice about the use of personal video devices by the RCMP in the Yukon. I have read the documents that the Yukon Information and Privacy Commissioner has produced. They are very thoughtful, and I have also looked at the federal paper. In fact, in every jurisdiction in Canada, the Information and Privacy Commissioners have published guidelines on the use of personal video devices by the police. One of the recommendations — recommendation 5.3 of the *Sharing Common Ground — Review of Yukon's Police Force* — is that

M Division monitor the national pilot project on the use of personal video devices and, if the project is successful, adopt the technology for Yukon.

If the minister was to read the submissions from youth groups, the submissions from First Nations, the submissions from women's groups — in fact, the 28 submissions that are found on the *Review of Yukon's Police Force* website — he would quickly get an understanding of how that recommendation came to be part of the *Sharing Common Ground* report.

I believe there are more than 25 jurisdictions in Canada where there have been pilot projects on the use of personal video devices by the police, and their use has also been widespread in the United States. What has been found is the use of cameras dramatically reduced the number of complaints about police behaviour, and dramatically reduced incidents of allegations of violence by the police and actual incidents of violence. It also protected police from unwarranted complaints. I fully agree that there is a need to protect the privacy of citizens and to protect the privacy of law enforcement personnel who do important work every day to keep ourselves and our communities safe.

There does need to be security of information. That is why Information and Privacy Commissioners have prepared guidelines. I would like to ask the minister if he supports this recommendation about possibly adopting the technology of personal video devices in the RCMP in the Yukon and what information he may have about the national pilot project on using body cameras by the RCMP.

Hon. Mr. Cathers: The RCMP has closely monitored the implementation of body-worn video by other police agencies and is aware of both the benefits and challenges the technology presents. The RCMP communicated a number of operational challenges related to the use of body-worn video that must be overcome prior to the RCMP adopting the technology.

Some of those challenges relate to: the durability of the technology, when used on a daily basis in an operational setting; the effectiveness of the video at capturing the scene from an evidentiary perspective; and the need to find a practical digital video storage solution for the huge amount of data that would be captured on routine daily police operations.

One thing that should be recognized by the member and others is the size of video clips — if this becomes a common part of police storage, there is a dramatic spike in the amount of storage space that is required for it. Certainly, it is much larger when implemented on a full-scale operational basis versus a pilot project — not to say that that is an insurmountable issue, but it is one that needs to be considered.

The RCMP have also identified the challenges related to the privacy implications of digitally recording persons involved in interactions with the police along with other bystanders and concerns about the court disclosure parameters which the data would be subject to. We are confident that the RCMP is taking a careful and evidence-based approach prior to implementing this technology.

I have also personally discussed this with the commanding officer of Yukon RCMP M Division and gained an understanding of some of his concerns related to it. My sense from the conversation with him is that he, like me, sees these challenges as ones that can ultimately be addressed, but that do need very thoughtful and careful consideration so that government and the RCMP do not stumble or bumble into this area of body-worn cameras being used in policing.

I would also just reference an article that my deputy minister has handed me here from the *The Lawyers Weekly*, dated March 13, 2015, that refers to police-worn camera policies coming into focus across Canada. Privacy watchdogs outline legal issues amid pilot tests and review, noting that cameras are already in regular use by a growing number of police forces south of the border and are being pilot-tested in major centres across Canada, including Victoria, Edmonton, Calgary and Ottawa, and that the Toronto police began a trial last month.

In an independent review contracted last year for the Toronto police service, retired Supreme Court of Canada Justice Frank Iacobucci recommended the force issue body-worn cameras to all officers who may encounter “people in crisis” — I believe that is, though that word is actually punched out by a three-ring binder punch. I believe it says, “people in crisis to ensure greater accountability and transparency for all concerned.”

Iacobucci also urged police to develop a protocol to protect privacy, including policies on using and retaining recorded information, the scope of police discretion to disable recording and discipline for officers who violate the privacy and discretionary use protocol.

It talks about work done by privacy commissioners as well earlier this year to collaborate on helping police forces evaluate whether to equip their officers with cameras or not, given the equipment’s serious privacy implications.

This is an area that is an active file across the country. The Yukon is closely monitoring the work that is being done. I should note, as the member is probably aware, that when it comes to the RCMP, the policies that they are developing and considering what they believe is appropriate — they do, when they develop policies, tend to have national implications of the work they do. My understanding was that they are testing it primarily at RCMP “Depot” and doing their pilot project. We look forward to hearing more about what the RCMP on a national level are thinking and considering, and what they are willing to do and what steps they are willing to support — seeing government funding and implementing at an operational level and having a very thoughtful and considered dialogue with them about that. We do expect that this will result, at some point in time, across the country as well as within Yukon, in there likely being increased use of the recording devices. Hopefully the end outcome will be a thoughtful and considered one that balances the need for improved evidence and accountability while also considering personal privacy issues and ensuring that the information is accessible to RCMP, courts and others when they need, including the public prosecution service, but is also protected

and not susceptible to on-line hackers choosing to access the system.

Ms. Moorcroft: As I have said, I’m aware that there are privacy and security concerns. There are infrastructure and cost implications. However, evidence has shown that there have been a number of positive effects from police having video cameras as one more tool at their disposal.

I want to move on to victims of crime and also to child victims. The previous minister had placed a motion on the Order Paper about providing a child advocacy centre where a collaborative team of professionals could work in a child-friendly setting to help a child or a youth victim or a witness of crime to navigate the criminal justice system.

The system is daunting for adults — even more difficult and challenging when there are child victims. I would like to ask the minister for an update on what kinds of services are provided for children, and how the Department of Justice is working with law enforcement, child protection, prosecutors and medical professionals, as well as the victim services and counselling services, to provide an integrated support system for young victims and witnesses of crime and their families.

Hon. Mr. Cathers: What the member is referring to is called project Lynx, the multidisciplinary coordination team that includes Victim Services, Family and Children’s Services, the RCMP, the Public Prosecution Service of Canada and Children’s Assessment and Treatment Services. They have been meeting biweekly since January 2014 and have provided a coordinated service for over 50 child and youth victim files. Victim Services provides a safe and confidential service to support and inform those affected by the aftermath of crime.

That is a short update. That is all the information I have at my fingertips.

As you know, as requested by the Speaker, because of the cancer care reception that is being hosted right now in the gallery, we have been encouraged to adjourn the House a little earlier than usual today. Seeing the time, I move that you report progress.

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

Motion agreed to

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

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair’s report

Ms. McLeod: Mr. Speaker, Committee of the Whole has considered Bill No. 18, entitled *First Appropriation Act 2015-16*, and directed me to report progress.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

Mr. Elias: I move that the House do now adjourn.

Motion agreed to

Speaker: Your attendance at the Speaker's reception for the cancer care fundraiser is not mandatory but consider it under the description of "other related duties".

This House stands adjourned until 1:00 p.m. Monday.

The House adjourned at 5:12 p.m.