



Yukon Legislative Assembly

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HANSARD

Thursday, November 5, 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. 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, November 5, 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 at this time with the Order Paper.

Tributes.

TRIBUTES

In recognition of Veterans' Week

Hon. Mr. Pasloski: Thank you, Mr. Speaker. Today, I rise to pay tribute to Veterans' Week and the men and women of the Canadian Armed Forces who have served, fought and died for our country.

Each year from November 5 to 11, Canadians join together to commemorate Veterans' Week. It is a privilege to stand before my colleagues today to acknowledge those who have served and are currently serving the Canadian Armed Forces and the RCMP.

For most of us, the realities of war and military service are things we have only read about or watched in movies. For many of Canada's veterans, combat and war are very much a reality in their lives. Today we acknowledge the courage and the sacrifice that those dedicated Canadians made when they left their homes and they left their families and joined the Armed Forces to make a difference.

I believe we all have a responsibility to keep alive the tradition of respect, reverence and remembrance for veterans. There is a need to ensure that all Canadians understand the sacrifices made by those who came before them so that we today can enjoy the freedoms that we now have. We must ensure that Remembrance Day and Veterans' Week are afforded the honour and dignity that they deserve.

We owe a debt to our veterans that can be repaid only through remembrance and reflection on their contributions. I strongly encourage Yukoners to take time to remember Canada's and Yukon's veterans. Whether through attending a Remembrance Day ceremony, picking up a poppy through the Royal Canadian Legion's campaign, making a donation to a veterans' organization, or simply saying thank you to a member, do your part to show appreciation and respect to your fellow Canadians who have dedicated their lives to protecting our nation.

Thank you, Mr. Speaker.

In recognition of Percy DeWolfe Jr.

Mr. Silver: Thank you very much, Mr. Speaker.

Mr. Speaker, I rise on behalf of all of my colleagues of this House to pay tribute to Percy DeWolfe Jr. and to wish him a happy 100th birthday.

Percy was born in Dawson City, the youngest of seven siblings to Percy Sr. and Jessie. Percy Sr. was a Klondiker who travelled from Wolfville, Nova Scotia to the Yukon to join the gold rush but found all the creeks were claimed, so, being industrious, he supplied firewood and freight gear to Forty Mile for miners and started a roadhouse at his base at Halfway.

He is best known for doing the mail run from Dawson City to Eagle, Alaska by horse, boat and dog team. He delivered the mail for close to 40 years and earned the title "Iron Man of the North". In 1935, Percy Sr. received a silver medal from King George for all of his achievements. To celebrate, every year in Dawson there is the Percy DeWolfe sled dog race in honour of Percy Sr., and there are also the Percy Junior races for the youngsters and that's in honour of Percy Jr.

Mr. Speaker, Percy Jr., from the age of five, had to feed and water 50 to 100 sled dogs and hang the fish out for drying. As a boy, Percy loved sports and playing baseball and hockey. He used to use Eaton's mail-order catalogues and put them down his socks for shin guards while playing hockey. He also enjoyed making trips with his dad, delivering the mail by dog team.

When Percy left school, he went to work for Yukon Consolidated Gold Corporation, working on the gold dredges. Then he left for Vancouver where he worked as a rivet heater, making corvettes for the docks.

Percy enlisted in the army in Vancouver on March 4, 1943. He was in the infantry. After advanced training in Vernon, Percy went to Calgary and Halifax before being ferried to Aldershot, England. He chose to join the Calgary Highlanders, and Percy stayed with them to the end.

Percy saw much conflict in France, Belgium, Germany and Holland and was even wounded at the battle to take Calais, but I will save that story for my Remembrance Day tribute next week.

I will mention that Percy travelled back to Holland in 1995 for the 50th anniversary of D-Day, and he was joined there by students from Robert Service School.

Mr. Speaker, in Vancouver, Percy's sister introduced him to Ruth Whyte, and they were married in May 1949. Percy then became a plumber, working at Kemano, Kitimat and UBC. For a brief time, Ruth and Percy started up a coffee shop in Sechelt and they called it the "Hava Java".

In 1954, Ruth wanted to visit the Yukon, so they travelled to Whitehorse. They ended up staying there for 22 years. Percy worked as a plumber, where he started up the plumbers and pipefitters union local 310. Percy was flown to Whitehorse a few years ago, where he was presented with a plaque in honour of their recognition of his services.

Percy and Ruth retired to Qualicum Beach in 1976 and Percy enjoyed his retirement. He loved to curl, to garden and to take the odd trip to Reno. He takes real joy in having his grandchildren visit him.

I want to thank Percy's niece, Bonnie Barber, for forwarding this tribute to me, which was originally read by his daughter at his 100th birthday party.

On behalf of all members of this Legislative Assembly, happy 100th birthday, Percy.

Applause

In recognition of La Semaine nationale de l'immigration francophone

Hon. Ms. Taylor: [*Member spoke in French. Text unavailable.*]

Mr. Speaker, I am very pleased to rise on behalf of all members of the Legislative Assembly to pay tribute to the third annual National Francophone Immigration Week. National Francophone Immigration Week is a tremendous opportunity to celebrate the important contributions of French-speaking immigrants to the growth and development of each and every one of our communities. It's an opportunity to strengthen ties among francophone immigrants who are already here, and an opportunity to acknowledge the important role the francophone community plays in welcoming newcomers and helping them successfully establish themselves here in our territory.

Our government recognizes the importance of francophone immigrants to the economic, cultural and social success of our territory and is really proud to work in partnership with the Government of Canada and l'Association franco-yukonnaise to recruit skilled workers from the French-speaking world as part of Yukon's overarching labour market framework.

The immigration strategy action plan for Yukon for 2015 to 2018, for example, identifies a number of key actions related to francophone immigration, including working collaboratively with AFY to support immigrant communities in assisting the francophone community to increase its capacity and services to French-speaking newcomers.

It also includes increasing retention rates by promoting the benefits of immigration and celebrating multiculturalism and also assisting more immigrants to engage in Yukon's labour market opportunities by providing better information and enhanced services.

Since the inception of the nominee program here in the Yukon, over 45 applicants from francophone countries have entered Yukon's labour force. Of course this number does not reflect the many other francophones who have chosen to make Yukon their home over the years and who contribute to our territory in a variety of ways. I would really like to thank and congratulate l'Association franco-yukonnaise for the essential role that they play in the successful settlement and the long-term immigration of francophone immigrants to our territory and their overall work to support and strengthen and celebrate Yukon's francophones. Our government is also pleased to work in partnership with AFY on a number of fronts and we very much look forward to strengthening and furthering its work to increase immigration to Yukon in the year ahead.

As part of the celebrations being held from coast to coast to coast, to commemorate National Francophone Immigration Week, Cafés-rencontres, featuring a special multicultural meal, will be held tomorrow at the Centre de la francophonie in Whitehorse. I very much encourage all members to join me

and all other Yukoners to partake in this special gathering and to help commemorate National Francophone Immigration Week.

Before I sit down, I would just like to have all members in the House join with me in extending a warm welcome to a number of members of our francophone community who have joined us here this afternoon in the gallery, starting with members and representatives of l'Association franco-yukonnaise: Angélique Bernard, who is the president; Christian Klein, who is our director; Édith Bélanger, project manager for the tourism sector; Catheryne Lord, employment counsellor; and Stéphanie Nobécourt, project manager for francophone immigration.

We also have a number of other members: Sophie Delaigue, bilingual information officer for the Department of Education; Jean-Augustin Some; Hélène Lapensée, Frédéric Lecomte; and Marie-Alexis Dangreau.

Also joining us here as well, other members from our French Language Services Directorate: we have our own director, Patrice Tremblay; Sylvie Painchaud; Catherine Huot; Jeanne Beaudoin; and also last, but certainly not least, Thibaut Rondel, who has joined us here from *L'Aurore boréale*. Merci, et bienvenue.

Applause

Speaker: Introduction of visitors.

Are there any returns or documents for tabling?

Are there any reports of committees?

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

Ms. Moorcroft: Thank you, Mr. Speaker. I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to encourage the federal Minister of Justice to address the over-incarceration of people with fetal alcohol spectrum disorder by amending the *Criminal Code* to add a definition of fetal alcohol spectrum disorder and consider it as a mitigating factor in sentencing.

Mr. Silver: Thank you, Mr. Speaker. I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to publicly acknowledge and take responsibility for the fact that it failed to honour the letter and spirit of its treaty obligations in the Peel land use planning process.

Speaker: Is there a statement by a minister?

This then brings us to Question Period.

QUESTION PERIOD

Question re: Peel watershed land use plan

Ms. Hanson: Thank you, Mr. Speaker. This government describes its efforts to undermine the land use

planning and the Yukon final agreements as an attempt to find clarity. Yesterday, the Yukon Court of Appeal found that the government had breached the final agreements and set back reconciliation — talk about a dose of clarity. Hundreds of thousands of dollars spent fighting Yukoners and Yukon First Nations in court and millions more in lost opportunities for Yukon — five lost years, further economic uncertainty and further erosion of trust between government and Yukon First Nation governments and Yukon citizens.

Does the Premier now acknowledge that the uncertainty caused by his government's disrespect for the final agreements and the land use planning process contained therein has harmed and continues to harm the Yukon economy?

Hon. Mr. Pasloski: As I said yesterday, we filed our appeal to gain greater clarity into the process and to protect the rights of all governments to make final decisions about their lands. To a large degree, this decision accomplished these goals. As Premier, I have a duty to ensure that public government retains the ability to make decisions about public land. With this matter resolved, we can sit down as governments and find a way forward that avoids further court action.

Ms. Hanson: Perhaps the government should start implementing their policy of zero tolerance for misinformation. When they talk about the Peel land use plan, what the court actually said — and their track record on Yukon final agreements — this government's record is clear: the Yukon Court of Appeal — an unbiased party — clearly stated that this government failed to honour the letter and spirit of the final agreements. This government's actions show what their words are attempting to hide. They do not respect the final agreements and have attempted to undermine them since they took office. Yukon First Nations have said that this government's determination to force them into the courts and their rejection of the negotiated land use planning process has breached their trust.

Will the Premier recognize that the actions of his government have hurt relationships with First Nation governments and harmed Yukon's economy?

Hon. Mr. Pasloski: I have consistently offered to resolve disputes outside of court. I offered to resolve this matter outside of court before it went to appeal. I made the same offer when it came to Bill S-6 and I am making that offer once again, Mr. Speaker.

I respect the final and self-government agreements and I believe that they give us a path forward on issues like this one. Now, we just need to sit down and find a way to work cooperatively toward that goal. Our genuine hope is that we can work with First Nations on these and other issues and we look forward to the next step.

Ms. Hanson: Mr. Speaker, the only clarity that the Yukon got from yesterday's court decision is confirmation that the Yukon government broke the rules and undermined reconciliation by failing to honour the letter and spirit of its treaty obligations. What is not clear is what is happening with land use planning in Yukon. We do know that the previous

Minister of Energy, Mines and Resources, the same one responsible — according to the court — for laying the groundwork for these legal battles, is heading up a review of land use planning — a review that is without a mandate from the parties to the constitutionally protected final agreements. The government has resisted its obligation to complete land use planning throughout the Yukon. This has hurt our economy, hurt our relationships and left us with even more uncertainty.

Will this government commit to resuming land use planning with Yukon First Nations and engage in good faith to implement the negotiated provisions of chapter 11 of Yukon First Nation final agreements?

Hon. Mr. Pasloski: Mr. Speaker, it goes without saying that this government respects and upholds the final and self-government agreements and our record demonstrates that. On this matter, we have the clarity that we need and it is time to move beyond court actions. As I said yesterday, this issue is not just about today's governments; it's also about future governments. The courts have given today's leaders an opportunity to work together and my hope is that all leaders will take up this opportunity.

Question re: Mental health services

Ms. Stick: Thank you, Mr. Speaker. In August the Yukon NDP hosted a roundtable on mental health with Whitehorse and Yukon service providers. Mental health services in the communities were identified as one of the leading mental health issues facing Yukoners.

Yukon service providers want to see coordinated and accessible mental health services that are available in the rural communities, not just based in Whitehorse. When I asked these professionals what experiences they and their clients have had in accessing mental health care in the communities, they described challenges of understaffing and a lack of coordinated services for concurrent mental health issues.

Mr. Speaker, when will this government heed Yukon's front-line experts and focus on community-based mental health service delivery?

Hon. Mr. Nixon: Thank you, Mr. Speaker. As I have indicated in this House before, mental health is a key focus area for the department. It is a key focus area for this government and me, as minister. It is also a focus for the provincial and territorial premiers in the Council of the Federation, who have asked ministers such as me — who are responsible for mental health — to look at innovative ways to address the complex issues and the service delivery challenges of mental wellness and mental health in the territories and provinces across Canada.

Yukon continues to work with the P/T ministers of health to look at the best ways to achieve a positive collective impact on the mental health and well-being of Canadians in the most equitable, efficient and effective way possible. I think that is very important as we move forward, Mr. Speaker.

We also want to ensure that the work that we do is evidence-based in our decision-making and in assessing how

system and delivery changes, through the implementation, are impacting the population.

As I indicated, this is a priority issue for this government and an important issue for me as minister and for the Premier. We continue the good work.

Ms. Stick: Thank you, Mr. Speaker. With Yukon's mental health services centralized in Whitehorse, it's little wonder that Yukon service providers are frustrated with the lack of coordination between government departments and with NGOs and service providers in communities. Roundtable participants had a wealth of ideas to support and enhance Yukon's community mental health services. They want to see collaboration between First Nation governments and the Yukon government, better communication between Whitehorse and the communities, and seamless coordination for Yukoners transitioning from Whitehorse services to the communities.

Mr. Speaker, when will this government sit down and listen to Yukon's front-line experts about their ideas to improve mental health services in Yukon's communities?

Hon. Mr. Nixon: Thank you, Mr. Speaker, and I thank the member opposite for her question. This is an important question for this government. It's an important question for me as minister. Certainly, as I indicated in my first response, this is an area of focus for the department and this government.

We continue to work with our provincial and territorial counterparts across the country on this very important issue. The department, along with Yukon Hospital Corporation and other health care providers, provide a range of services and supports to clients and families experiencing mental health issues, challenges, concurrent disorders and addictions across the territory.

In fact, Mr. Speaker, it was the Yukon Party that created rural positions that didn't exist before in the territory. I thank my predecessors for doing that good work.

We'll continue to look at gaps; we'll continue to look at services across the territory. This is an important issue for us. I again thank the member opposite for the question, but we will continue the good work.

Ms. Stick: In his report for 2014-15, the chief of medical staff at the Yukon Hospital Corporation said — and I quote: "Psychiatry and care of the mentally ill patient is probably the largest gap in service in the Yukon." He went on to cite a number of barriers including, but not limited to, insufficient mental health nurses and social workers, poor coordination of services within the community and lack of close follow-up of patients treated in the hospital and then released but not yet seen by a community agency.

Mr. Speaker, it is clear that there's much work to be done across the territory and that this work needs clarity and direction. So, Mr. Speaker, when will this government deliver, finally, its long-promised Yukon mental health strategy?

Hon. Mr. Nixon: Thank you, Mr. Speaker. What this Yukon Party did deliver were rural positions that weren't in existence before, something that the members opposite failed to do when they were in power. We will continue to look at

our internal delivery and gaps in integrated case management, transition points and effective utilization of our own internal resources. This is an important issue for this government and we do look for ways to work collaboratively on this very issue.

In fact, Ross River is a great example of collaboration between health, mental health and social services and First Nation staff to put client and patient first and wrap services together for greater access and improved outcomes.

We will want to now try different approaches in different communities and support through telehealth, and other simple technologies can certainly aid in that process.

We are committed to making mental health and addictions a key focus, as I indicated in both prior responses, and we will continue to learn from our provincial and our territorial colleagues on best practices.

I do thank the Premier for making this an important issue at the COF table. I thank my colleagues here on this side of the House for their support with mental health initiatives. There is some good work that is happening. I commend the department for being the lead on this.

Question re: Peel watershed land use plan

Mr. Silver: Thank you, Mr. Speaker.

Mr. Speaker, yesterday, three court of appeal judges ruled that this Yukon Party's government failed to honour the letter and the spirit in its treaty obligations in the Peel land use planning process. In legal circles, Mr. Speaker, I believe this is referred to as a "slap down".

Yesterday, the Premier read his prepared statements into the record three different times when he was asked about this judgment — and we heard it again today on the floor of this Legislative Assembly — but he simply refused to answer a very simple question, Mr. Speaker. Does the Premier take any responsibility for the government's failure to honour the letter and spirit of its treaty obligations in the Peel land use planning process?

Thank you, Mr. Speaker.

Hon. Mr. Pasloski: Mr. Speaker, we filed our appeal to gain greater clarity around the processes and to protect the rights of all governments to make final decisions about their lands.

Mr. Speaker, as Premier, I have a duty to ensure that public government retains the ability to make decisions about public land. Now, with that matter resolved, we can sit down as governments and find a way forward that avoids further court action.

Mr. Silver: Mr. Speaker, with all due respect, the only shareholder who needs clarity in this process is the Yukon Party. If he wants to respect the final agreements, then he needs to apologize for his actions.

Yukoners are looking for leadership on First Nation relations and they're not getting it from this government. The courts have ruled — not once, but twice — on the same issue. Both judgments confirm that the government failed to honour the letter and spirit of its treaty obligations in the Peel land use process, and now the government can't even acknowledge that

happened and won't take any responsibility for how we got to this point. The government took the "my way or the highway" approach there, and they did it with Bill S-6 as well and provoked another lawsuit from the First Nations.

Does the government accept the ruling, and does it intend to move forward with reappointing a new Peel land use commission before the next election?

Hon. Mr. Pasloski: Mr. Speaker, I've consistently offered the opportunity to resolve these disputes outside of court. When it comes to this process, I offered the opportunity to try to find a path forward outside of the court prior to going to appeal. I made the same offer with Bill S-6, and I'm making that same offer again.

I respect the final and self-government agreements, and I believe that they give us a path forward on issues like this one. What we have to do is sit down and find a way to work cooperatively toward this goal, and our genuine hope is that we can work with First Nations on these and other issues.

I spent a sizable amount of time yesterday, Mr. Speaker — about two hours — in debate, talking about collaborations that occur every day between this government and First Nations, and we're very proud of that.

Mr. Silver: Mr. Speaker, the Yukon is the only place in Canada that has had its economy shrink for three years in a row now. One of the main reasons is this government's inability to work with First Nations. Potential investors looking at court cases take their money elsewhere. This government can't even bring itself to acknowledge that it's part of the problem — let alone change its ways.

It will take a new government to do that, and Yukoners will get their chance to elect a new government — one that generally wants to work with First Nations — in 12 months or less.

The court of appeal has been very clear. Yukon failed to honour the letter and the spirit of its treaty obligations and the Yukon Party government should publicly acknowledge its responsibility for this failure.

Mr. Speaker, has the government learned any lessons from this debacle, or does it intend to try to force its unilateral Peel plan through, now that it has been granted a do-over?

Hon. Mr. Pasloski: Mr. Speaker, we can look right across this country — in fact, across the continent — at jurisdictions that rely on commodities as a major part of their revenue to see, in fact, that they are exhibiting the same downturn that we are. The difference from us and the other two parties is that we have a plan on how to move forward toward prosperity for all Yukoners.

Mr. Speaker, it goes without saying that this government respects and upholds the final and self-government agreements, and our record demonstrates that. On this matter, we have the clarity that we need, and it is time to move forward beyond court actions.

As I said yesterday, this is not just about today's governments; this is about future governments as well. The courts have given today's leaders an opportunity to work together, and my hope is that all leaders will take up that opportunity.

Question re: Local advisory council funding

Mr. Barr: Mr. Speaker, I would like to start by thanking both Yukoners who put their names forward to serve in municipal government and those who have served in the past.

There is a great contrast of interest in the Yukon when it comes to our municipalities. In the City of Whitehorse, three people ran for mayor and 22 people campaigned for six council seats. When it comes to local advisory councils, or LACs, many candidates were acclaimed. Two LACs — in Carcross and Tagish — did not have a full council. It's troubling when people don't, or can't, fill the slate of seats on a democratic body, especially essential ones like local area councils.

Is the minister responsible troubled by this, and what does he plan to do to help fill and maintain vacancies on LACs?

Hon. Mr. Dixon: Thank you, Mr. Speaker, and thanks to the member opposite for this excellent question.

The issue and challenge that he has touched on in his question is a very real one and one that does indeed trouble me to a certain extent. Obviously we commend all individuals who are willing to put their names forward to reflect the interest of their fellow citizens by standing in municipal government. Whether they are successful in an election or not, we commend all of those people who are willing to put their names forward.

In some parts of the territory, we don't have municipalities; of course, we do have LACs, and in those areas we do sometimes face challenges in recruiting new people to put their names forward. Such is the case in some of the areas where the member opposite is responsible for.

The Department of Community Services' Community Affairs branch makes a concerted effort to raise the profile of LACs, to discuss LACs with the public and to encourage people to get involved. We have a concerted campaign that goes to those areas and drums up interest as best we can. If there are things that we could be doing more of, I would be interested to hear suggestions, but we do our best to raise the profile of LACs, to work with those LACs collaboratively, and to encourage people to get involved.

In areas where we don't have people, the *Municipal Act* does provide the minister the ability to add people on if there is no election, but I can get into that in the next response perhaps. But this is a challenge, and we are working toward addressing it.

Mr. Barr: At last count, there are three vacancies on the South Klondike LAC and two vacancies on the Tagish LAC. Previous councillors have said they often feel swamped by the workload of these volunteer positions, which, unlike professional town councils, don't have staff to support and advise them. What's worse, they don't feel listened to by the Yukon Party government. Community Services has provided limited professional support, but it's not enough.

A working group of LACs was once created by the deputy minister, and it held only one meeting. Our LACs are crying out for help, Mr. Speaker. Will the minister commit to

providing resources to breathe life into LACs over and above what he has in place at this time?

Hon. Mr. Dixon: Thank you, Mr. Speaker. Mr. Speaker, what I will continue to do is work with the Department of Community Services' Community Affairs branch to reach out to LACs, to work with them on an everyday basis and to determine what is the best course moving forward.

In those areas where we do have vacancies, the *Municipal Act* does provide the ability of the minister to fill those vacancies as needed. I will be working with the department very closely to try to find eligible and willing candidates to fill those vacancies.

To circle back to the first part of the question, Mr. Speaker, yes, it is a troubling challenge to have, but it's something that is the reality of governments. Finding qualified, capable candidates who are willing to put their names forward can be a challenge sometimes.

So, Mr. Speaker, we'll continue to work with those LACs very closely, we'll continue to provide resources, we'll continue to provide support, and we'll continue to work with them very closely and respectfully, as we totally and completely respect the role of LACs and the important work they do for all citizens of the Yukon, Mr. Speaker.

Mr. Barr: Mr. Speaker, the minister opposite just stated that he's interested in hearing further solutions. LACs have also repeatedly asked that Community Services provide them with their district residents' mailing information. It's impossible to be a functional government when you can't contact your citizens. At worse, some people don't even know the LAC exists.

Perhaps this is one reason why there's a lack of interest. Surely there's a solution that respects privacy while giving LACs the information they need to talk to their communities. Democracy deserves as much. Will the minister commit today to giving LACs access to their citizens' mailing addresses so they can actually do their jobs?

Hon. Mr. Dixon: Thank you, Mr. Speaker, and thanks to the member opposite for raising a constructive issue and proposing a way forward. Unfortunately we have considered that idea before, Mr. Speaker. It was determined, after review by departments, that our current ATIPP act wouldn't allow that, but if there is a wish to revisit the issue, I would be happy to consider it. But, Mr. Speaker, I should note for the House that we did look into that very matter. We took it seriously and our review of that legislation suggested that it wasn't possible because of the law.

If there are other ways we can support LACs, Mr. Speaker, I'm happy to hear them but, as I said in my previous response, we are happy to continue to provide resources to LACs, we're happy to continue to provide support for LACs through the Community Affairs branch of Community Services, and we will commit to continuing to work with LACs because we appreciate and respect the work they do for all citizens of the Yukon, Mr. Speaker.

Question re: *Oil and Gas Act* review

Mr. Tredger: Thank you, Mr. Speaker. The Yukon Party's approach on amending the *Oil and Gas Act* is all too familiar: communicate vague concepts, but conceal the true intent. There was no consultation on the proposed text of the *Act to Amend the Oil and Gas Act*. The First Nation request for formal consultation on the draft legislation was not honoured. Regarding extending the term of permit, the discussion documents states the proposed change — and I quote: "...will enable an existing permit to be extended by two years, but this can only be granted one time for any permit." Yet Bill No. 93 allows the minister to extend licence terms without limit.

Why is the Yukon Party government not consulting with Yukon First Nation governments as the laws of our territory and country require?

Hon. Mr. Kent: Thank you very much, Mr. Speaker. Just to reiterate what I said yesterday during Question Period, there was a 60-day consultation phase on the *Oil and Gas Act* amendments. It occurred from July 16 to September 14. That consultation with First Nations involved government-to-government engagement, as well as meetings of the oil and gas MOA working group. That working group met on two occasions: once at the beginning of the consultation period and again after consultation had concluded. At the second meeting, the feedback received during consultation was shared with the working group members. Part of that feedback that was brought up during the consultation was from industry and respected the extension of terms that the member opposite spoke about. We are very much a frontier jurisdiction when it comes to oil and gas activity. We want to ensure that we can have a robust oil and gas sector going forward that provides royalty revenue, employment and business opportunities for Yukoners.

Mr. Tredger: Here we go again, Mr. Speaker. When the government says one thing and does another, all Yukoners lose. We lose time. We erode government-to-government trust and we lose jobs and opportunities. It happened with the Peel. It happened with Bill S-6 and now it is happening with the *Oil and Gas Act*. In signing the 1997 memorandum of agreement, the Government of Yukon committed to recognize First Nations as full participants in the cooperative design, determination, development, administration and management of oil and gas regimes. The MOA specifies the amendments shall be jointly developed.

Why did the government draft amendments to the *Oil and Gas Act* unilaterally instead of jointly with First Nations as required by the 1997 memorandum of agreement?

Hon. Mr. Kent: Thank you, Mr. Speaker. As I mentioned earlier, during that 60-day consultation period, there were two meetings of the MOA working group: one at the beginning and one after the consultation had concluded to discuss the results of the consultation. In response to concerns raised by First Nations, the proposed amendment to section 68 of the act addressing the negotiation process for benefits agreements has been removed and deferred to enable further dialogue with First Nations. There is another MOA working

group meeting that has tentatively been scheduled for the week of November 9. First Nations' concerns regarding section 68 consultation process and the role of the MOA working group will be discussed at that meeting.

We are trying to develop an oil and gas industry here in the territory to: diversify our economy; provide jobs and opportunities and business opportunities for Yukoners; and, as well, increase royalty revenue. The one operating gas well that we have had in the territory in the Kotaneelee field contributed close to \$45 million in royalty revenue to the Yukon government during its lifetime — money that was used for important social programs such as hiring teachers, hiring nurses, investing in our infrastructure and investing in our education and our health care system.

Mr. Tredger: After the fact, Mr. Speaker — a discussion document that doesn't include provisions that end up in the draft legislation is a cynical waste of time. It's not consultation. The letter from three Yukon First Nation chiefs is evidence that government is not honouring its commitments with regard to Yukon's oil and gas regime. The "what we heard" report on proposed amendments to the *Oil and Gas Act* clearly shows who the government is listening to. Pushing a unilateral agenda and doing damage control later is no way to build a sustainable economy.

How does the minister responsible justify his disrespect of the governments of Na Cho Nyäk Dun, the Vuntut Gwitchin and the Tr'ondëk Hwëch'in?

Hon. Mr. Kent: Thank you, Mr. Speaker. After the consultation closed, there were two substantive changes made, as I mentioned. We removed the items around section 68 of the act addressing the negotiation process for benefit agreements. That has been, as I mentioned, removed and deferred to enable further dialogue with First Nations.

We also extended the opportunity for the extension of leases. This is something that we heard from industry. This wasn't strictly a government-to-government consultation with First Nations. It involved the public. It also involved industry.

I did receive the letter earlier this week from the three northern chiefs and I do intend to respond to that letter. In the meantime, I have asked officials to reach out to senior officials within those three respective governments and discuss the next steps so that we can move this important piece of legislation through the House and move on with developing an oil and gas sector that contributes to increased royalty revenue, employment and business opportunities for all Yukoners.

Speaker: The time for Question Period has now elapsed.

We will now proceed to Orders of the Day.

ORDERS OF THE DAY

GOVERNMENT MOTIONS

Motion No. 1036

Clerk: Motion No. 1036, standing in the name of the Hon. Mr. Cathers.

Speaker: It is moved by the Deputy Government House Leader:

THAT this House shall stand adjourned from its rising on Tuesday, November 10, 2015, until 1:00 p.m. on Monday, November 16, 2015.

Hon. Mr. Cathers: This is a largely procedural motion that I understand has been discussed by House Leaders and is in keeping with what has become almost a tradition for respecting the need for rural members to travel to their communities for Remembrance Day ceremonies. Typically, if there is one day either side of Remembrance Day we have usually not sat on that sitting day, allowing the members to remain in their communities — and then we have extended the closing sitting day by a day to accommodate that.

Ms. Stick: The NDP will be supporting this motion.

Speaker: Are you prepared for the question?

Some Hon. Members: Agreed.

Speaker: The yeas have it. I declare the motion carried.
Motion No. 1036 agreed to

Some Hon. Member: (Inaudible)

INTRODUCTION OF VISITORS

Hon. Mr. Nixon: I would ask all members of the Legislative Assembly to join me in welcoming a constituent of mine and a friend, Mr. Carl Friesen.

Applause

Speaker: Government bills.

GOVERNMENT BILLS

Bill No. 90: *Land Titles Act, 2015* — Second Reading

Clerk: Second reading, Bill No. 90, standing in the name of the Hon. Mr. Cathers.

Hon. Mr. Cathers: I move that Bill No. 90, entitled *Land Titles Act, 2015*, be now read a second time.

Speaker: It has been moved by the Minister of Justice that Bill No. 90, entitled *Land Titles Act, 2015*, be now read a second time.

Hon. Mr. Cathers: Thank you, Mr. Speaker. In the beginning — speaking on this bill — I would like to first of all thank members of the stakeholder groups and the advisory group who participated in assisting the government in drafting this legislation. It involves acknowledging some of those people who are in the gallery with us here today who have played a role in that. We very much appreciate the assistance of those with a technical knowledge, including lawyers and surveyors, for the work that they have done in helping government modernize this legislation. This bill is the first major redraft of a *Land Titles Act* regime that has occurred in over 100 years.

Mr. Speaker, in reviewing this legislation, readers may at times find that the bill is not as easy to read and is not in as plain language as is the common style now with legislative drafting, and that is in fact because some of the terms are

fairly technical in nature even though they may appear arcane, and getting into changing them would have caused additional legal complexity.

Complex legal language and concepts are found throughout the *Land Titles Act* as a result of that but, where possible, efforts have been made to modernize the legislation to make it easier to read and more in the same type of plain-language format that people are used to now, as is common in current legislation.

To understand the legislation, I would like to set the context of the Torrens land titles style system we use in the Yukon. There are two major variances of land titles systems in Canada: the Torrens land transfer system and the deeds system. In western Canada and the north, the Torrens system is used. Prince Edward Island, Newfoundland and Labrador maintain a deeds system. Ontario, New Brunswick and Nova Scotia have been transitioning from the deeds system to the Torrens system, and Quebec has its own unique system.

To ascertain security and title, the traditional deeds system relies on a costly and time-consuming process by which the title is traced back either to the original Crown grant in the land or back for a specified period of time. The major innovation of the Torrens land titles system style, which was first established in Australia in the 1850s, is that the public is entitled to rely on the accuracy of the state of title as it's registered in the government's land titles office. In effect, government guarantees the accuracy of the title to the land. To this end, the land titles office registers all interest in a parcel of land and all claims against it in a public registry.

Because it is a public registry, all interested persons — whether the person is a buyer, a lender, a lessor, or in another capacity — and all members of the public can access the information registered on certificates of title for all parcels of land in a land titles office. Additionally, they can access owner's holdings with regard to writs of execution.

Another major innovation of the Torrens system is that, since the government guarantees title, it also assumes liabilities for any errors that occur in the operation of the land titles systems or acts of fraud depriving an owner of title. Through an assurance fund, owners who have been deprived of their land or interest in land through fraud, errors by the land titles office or the operations of the Torrens system may be compensated from the assurance fund.

Yukon's Land Titles Office is currently responsible for over 220,000 instruments and over 200,000 certificates of title, dating back to 1897, in the earliest case.

Mr. Speaker, much has changed in the world of land titles in the years since 1897, and the *Land Titles Act* needed updating to modernize and reflect changes in the way that business is commonly done in the area of lands, both in the Yukon and across the country. Not only has the demand for land titles services increased, so too has the complexity of land titles transactions. As well, several new variants of land ownership have emerged, which this bill addresses.

Redrafting the *Land Titles Act* and the new *Condominium Act* are both key components of Yukon's land titles modernization project. Mr. Speaker, this project has four

major components: (1) new land titles and condominium legislation and regulations; (2) new information technology systems; (3) new business systems and processes; and (4) staff engagement and training in new land title processes.

In drafting the act, the Department of Justice invited the participation of all Yukon First Nations. The Kwanlin Dün First Nation accepted, and their legal counsel and land department staff provided valuable advice concerning the new ability to register First Nation category A and category B settlement land, should a First Nation choose to do so in the land titles registry system. I will elaborate on that a bit more, later in my introductory remarks.

The Yukon government also invited participation from stakeholders from the real estate, law bar, and surveying sectors and other Yukon government departments and the federal Surveyor General branch. A broader stakeholder group, including the business community, has also been involved throughout the process of this project.

I would like to acknowledge and thank the organizations and the people who represented them for their help in assisting us in drafting this legislation. Some of those organizations include: the Whitehorse Chamber of Commerce; the Association of Yukon Communities; the Association of Canada Lands Surveyors; the Surveyor General branch of Natural Resources Canada; the Law Society of Yukon; the Canadian Bar Association Yukon branch, Real Property subsection; the City of Whitehorse; the Yukon Condominium Homeowners Association; Land Titles Office staff; and Yukon government departments, including the Department of Energy, Mines and Resources, the Department of Highways and Public Works, and, of course, the Department of Justice.

The participation and advice of all of these people has been important, and we continue to work together so that legislation and client-service components of the new system better meet the needs of Yukon citizens and those making real estate and land transactions.

I also want to particularly acknowledge a group of individuals who lent their expertise in the drafting process and met typically weekly with the Department of Justice staff and stakeholders from other Yukon government departments on the legislation. I would like to acknowledge some of them who are with us in the gallery here today. The people involved in this include Carl Friesen and Gabe Aucoin from the Association of Canada Lands Surveyors; Patrick Ross from the City of Whitehorse; Serge Lamarche from the Canadian Bar Association Real Property subsection; Bob Gray and Brian Thompson from the Surveyor General branch of Natural Resources Canada — and if I've missed anyone, I apologize for that omission. Their expertise and generous donation of time has been truly appreciated.

We have made several substantial changes to the act, including introducing new innovative provisions and making a number of housekeeping and modernization provisions. I want to draw the attention of members to several of those more notable points.

The bill includes the ability for the registration of First Nation settlement land, should a First Nation choose to do so.

This legislation not only allows for the registration of First Nation settlement land, but it allows First Nations to register that land and retain aboriginal title to those parcels registered in the land titles registry. This is one of the bill's major innovations, as these provisions not only modernize Yukon's land titles legislation, but clearly demonstrate and recognize the Government of Yukon's evolving relationship with First Nations and allow First Nations to better make use of the provisions that were provided to them both in the self-government and land claims treaties.

We believe this measure — the ability to register parcels while retaining aboriginal title in the Land Titles Office — to be the first in Canada, and it is responsive to the interests and specific requests of Yukon First Nations that wish to develop some of their settlement land to support economic development objectives but also wish to retain aboriginal title to those parcels.

What this means is that, under the new act, a self-governing Yukon First Nation can apply to register a parcel of category A settlement land or category B settlement land in the Land Titles Office, and they can also get a certificate of title for that parcel. The First Nation that registers category A or category B settlement land in a land titles office would be required to amend their final or self-government agreement to ensure that the *Land Titles Act* would apply to the land for as long as it remains registered in a land titles office, while this legislation does provide for the ability to deregister that land and remove it from the land titles registry.

The Kwanlin Dün First Nation, in particular, has been interested in exploring this new opportunity and, together with the Yukon government and the Government of Canada, has entered into an agreement in principle to make the required changes to the *Kwanlin Dün First Nation Self-Government Agreement*, which would enable these changes. As well, the act allows First Nations to later apply to withdraw these lands, as I mentioned, from the application of the *Land Titles Act*, once those lands are free and clear of any encumbrances that had been added during that.

Mr. Speaker, the underlying aboriginal title held by the First Nation will not be put at risk through registration in the system, and they will continue to have the right to remove it from the system if they wish to do so. As well, though not directly related to this section, the act also recognizes First Nations as approval authorities for subdivisions that occur on settlement lands.

Another significant portion of this legislation is the electronic registration and the provision for expanding the ability for a new electronic registration system in the Land Titles Office.

In many parts of Canada, land titles offices have converted from the paper-based system to electronic or digital land titles systems, while the Yukon still continues to use a paper-based system. The new act sets the foundation for the modernization of land titles services and operations, in part by allowing for an electronic land titles registration system. This new act enables and permits the use of electronic records and

electronic registry once that computer system and platform have been fully developed.

I also want to note that the transition from the current paper-based system to an electronic registry will be gradual and that the development of the registry system is currently underway and has not been completed at this point in time. The intention is to phase in the new electronic system after first establishing and operating an electronic land titles database while continuing with the paper backup and having the ability to eventually adopt and fully move to an electronic registration system. This would allow the Land Titles Office to: implement a new secure information technology and management system to store land titles information; develop efficient new business processes to improve service; develop the technological capability for secure online searchable digital land titles database for the use of stakeholders, which can be launched when Yukon is ready for service improvement; and to accept digital applications submitted online once Yukon is ready for and has completed the work to develop a secure, electronic land titles registration system.

There was some consideration given to converting to a purely electronic registration system all at once, but due in part to feedback from stakeholders, the decision was made to make it a phased transition and retain the paper backup for reasons including the security and integrity of the system. When ready, stakeholders will be able to electronically submit documents and title information from their own offices, saving time and money. I would also like to note that once the land titles system has moved to include an electronic system, it is the intention of government to allow the ability for all Yukoners — all members of the public — to be able to remotely access and view the land titles system and documents filed within it from the comfort of their own homes through the Internet, thus improving public access to the information that is currently stored in the Land Titles Office.

In the area of forms, the bill allows the Land Titles Office to take additional steps to improve the efficient delivery of its services to the public and stakeholders. New standardized, secure forms will be developed to help ensure applications are completed correctly, reduce the time needed to examine documents and reduce the risk of errors. This is intended in part to help the Land Titles Office be more responsive to the needs of stakeholders and the public. The new legislation deals with the overall framework, but the forms themselves will be developed and included as part of the regulations, which will be fully developed before this act is brought into force and effect. That allows for the creation of new forms and amending forms without amending the act and simply having to amend the regulations to enable that.

The new act will permit the registrar to correct, cancel or complete registered instruments if they have been issued in error, contain incorrect information or if information has been omitted in error. However, the registrar will not be able to make changes that would affect the boundaries of a parcel. This provision will also improve service to Land Titles Office clients by ensuring that land titles records are accurate, and is intended to reduce the risk to the assurance fund. It will

remain the responsibility of applicants to submit accurate information in the correct form. The act permits the registrar to reject incorrect or incomplete applications.

The new act allows new types of parcels to be registered in the Land Titles Office that are not allowed by the current act, such as air space parcels and utility rights of way. An air space parcel is a parcel of land that can — pardon me, let me start again on that. A parcel of land includes the air above and can include some portion of subsurface of the parcel over which ownership is claimed. The air space parcels are measured and used in a number of Canadian jurisdictions to allow owners and developers to secure interest in land. They can be bought, sold, leased and encumbered in ways similar to other parts of land. For example, an air space parcel could be used to provide title to an elevated walkway or to preserve used spaces around privately titled land. A Whitehorse apartment owner could theoretically buy an air space parcel from an adjacent property owner to prevent the building having an additional storey added on to it and to preserve their view of the surrounding area.

The act will allow for the titling of utility right-of-way — for example, a trans-territorial pipeline, if that were to occur. The measure will also permit issuance of a certificate of title for a utility right-of-way that may cross both titled and untitled lands with the approval of governments with jurisdiction and the owners. What that complex sentence meant, in more plain language, is that it will allow for this once it has the approval of whichever government has jurisdiction in that case. It might be the territorial government, it might be a municipality or it could be a First Nation.

This act will cancel the issuance of duplicate certificates of title. Today they serve no real purpose. In days past, they were used by one bank here in the Yukon as collateral for loans, but nowadays they are rarely used. Duplicates are a relic of previous land titles practices and today often have the effect of delaying application processing, increasing costs of providing services and creating confusion for property owners. Instead, as is the current practice, the Land Titles Office will issue certified true copies of a certificate of title to support applications and registrations in the Land Titles Office.

New rules for registration of leases and leasehold titles are included in this act. Only a lease of three years or more or for a life — or lives — can be registered against a fee simple title or a settlement land title as an encumbrance. However, the legislation also allows specifically for the titling of leasehold parcels if the lease is for a period of 15 years or more. A lease registered against fee simple land or settlement land title must be for the entirety of the land described in the respective titles. New lease provisions ensure that lands cannot be subdivided by means of a lease.

This act is intended to improve the alignment between the information on the plans of survey created by the federal surveyor general and the registration of parcels created by those plans in the Land Titles Office.

In the past, outmoded business practices have led to a divergence between the two records and, in many cases,

confusion as to the actual legal description of the parcels of land. The new act requires that all parcels that are defined by a survey plan will also be raised to title. Mr. Speaker, since the Land Titles Office is also a public register of land titles, only plans of surveys for titled lots will be registered in the land titles system.

Another new provision in the act gives the registrar the legislated authority to better define the requirements for documents registered in the Land Titles Office. The registrar is also empowered to determine how any documents will be examined and to establish operational practices and procedures for the Land Titles Office. These measures ensure that the registrar can properly oversee the operation of the Land Titles Office and make rules necessary to administer the *Land Titles Act, 2015*.

In the area of the assurance fund, which I briefly mentioned earlier in my remarks, the purpose of the assurance fund is to compensate owners deprived of their land due to fraud or through an error on the part of the Land Titles Office or through the operation of the Torrens model system.

Since the Yukon government guarantees the accuracy of a certificate of title for a parcel of land, it is also liable for any errors that occur in the operation of the land titles system and any errors included in a record that is registered. In the case of fraud, it also allows owners who recover none or only a portion of a loss that they've incurred through an action they've taken to court to apply to the fund for a payout to cover the uncompensated portion of their loss. The government could then take action to collect from the person responsible for the fraud to replenish the assurance fund.

The act empowers the Minister of Finance to determine the size of the assurance fund and to delegate to the registrar the authorization to make payments from it. However, during the 117 years of the assurance fund's existence in the Yukon, I've been informed that there has only been one claim against it that had a payout made as a result. In some additional cases, the registrar agreed to pay professional fees to ensure that plans and documents were amended to meet modern standards.

The new act grants Cabinet regulation-making powers in regard to the fees for Land Titles Office services. It also prescribes a specific fee to finance the assurance fund. The act also permits the registrar to allow clients to establish prepaid land office accounts against which the fees may be charged should they wish to do so. Also new in the act are several sections better defining offences and penalties, which are aimed at deterring fraudulent activity and are intended to change from the existing act to a model that is more in keeping with current levels of penalties across the country.

The maximum fine for fraud is \$50,000 under the act and the maximum jail sentence is six months. Those penalties may be jointly applied if the court decides to do so or applied separately or to a lesser amount of a financial penalty or a lesser amount of jail time. Those are also in addition to any other criminal or civil punishment or claim to which the person may be liable for any fraud committed under the act or any loss suffered by another person.

In the area of regulation-making powers, this act extends the ability for a number of regulations to be developed under it. New regulations are intended to be developed to address areas including the following: allowing for the registration of First Nation category A or category B settlement land; pertaining to plans of surveys and other plans; regulations pertaining to the assurance fund; general provisions of regulations; forms; and last, but not least, respecting any other matter necessary or advisable to carry out the intent and purpose of the act. The bottom line of that, in plain language, is that there would be a significant package of regulations required prior to the act being brought into effect.

Department of Justice staff will draft regulations on the advice of the drafting advisory group and the stakeholder advisory committee. Once again, I want to thank them and thank everyone who has been involved in this for the significant amount of time that they have invested in this land titles modernization project. In addition to stakeholders, I would also like to thank the staff of Yukon government departments — and, in particular, the Department of Justice staff who have led this modernization project — for their many hours of work in this area.

This legislation is intended to respond to the needs of Yukoners by improving efficiency and timeliness of the work at the Land Titles Office and modernizing our system. It also opens up a significant new opportunity to Yukon First Nations that choose to do so to register their land in a Land Titles Office if they wish to, and take advantage of the economic benefits from doing that.

In closing, I will commend this legislation to the House and look forward to hearing comments from all of members. I thank you very much for your attention.

Ms. Moorcroft: I rise on behalf of the Yukon NDP Official Opposition to support Bill No. 90, the *Land Titles Act, 2015*. The land titles function is to maintain a public registry of title and to ensure accuracy of title. Indeed, government guarantees that title. The push for a new and modernized land titles system has a long history in the Yukon. In 2009, community stakeholders approached the Department of Justice about their concerns that it often took about eight or nine weeks for the Land Titles Office to register title. The system was outdated and inefficient. During this period, when titles were submitted and when they were actually registered, a provisional number would be issued to the applicant that would eventually transition into actual title when it had been fully registered. During this time the applicant would assume the risk that the title might not be successfully registered.

The land titles modernization project got fully underway following an inspector's report published March 30, 2012, and tabled in the Yukon Legislative Assembly. Modernizing land titles administration has been an ambitious project with a large scope. The land titles modernization project reviewed and analyzed the land titles system, the legislation, a supporting computer platform, business processes, governance models and the financial and fee structure in Yukon and other Canadian jurisdictions.

After receiving the inspector's report, which laid out the need for improvement, the Department of Justice began to work to address these problems and, in 2012, released a land titles system discussion paper, entitled *Modernizing the Land Titles System in Yukon*. What the department found, and what it had already heard, was that the Yukon's land titles system was inefficient and it did not meet the needs of its users.

The department found that — and I quote: “The lack of ability to provide the expected level of service acts as a barrier to real property and economic development.” The *Land Titles Act*, which was enacted in 1898, and the *Condominium Act* of 1968 were both deemed to be out-of-date and needing changes.

Similarly, the computer system that supported the Land Titles Office was ineffective and inefficient, and the business processes were found to be unable to support a modern land titles office. The discussion paper was followed by a “what we heard” report on modernizing the land titles system in Yukon. This has been a multi-year project.

The new *Condominium Act* was passed in the last Sitting with unanimous consent, and now the *Land Titles Act, 2015* is before us.

I would like to thank the officials from the Department of Justice who provided a briefing to the opposition earlier this week, giving us an overview of the new act. The intent is to have Yukon Land Titles Office provide a quick, accurate and customer-oriented service. The Land Titles Office needs the ability to offer good service. This can be accomplished by modernizing the legislation and we, as I have said, will be supporting this bill.

However, modernizing the land titles system also requires updating the computer platform and the business practices in the Land Titles Office. The approach to modernizing land titles encompasses all aspects of a system to improve services. The office needs the new computer platform before it can implement the practice of electronic filing, electronic registration and searches of land title.

I would like to thank and congratulate all of the stakeholders who participated in this process, and some of them are in the gallery present today. The Department of Justice has worked with the public, other government departments and other governments, and agencies to modernize the land titles system in Yukon.

The participants in this project include the Council of Yukon First Nations, the Law Society of Yukon, Whitehorse Chamber of Commerce, Natural Resources Canada, the Surveyor General branch, Association of Canada Lands Surveyors, Kwanlin Dün First Nation, Yukon Real Estate Association, Association of Yukon Communities, architects practising in Yukon, and the City of Whitehorse. These stakeholders provided legal, technical and business process expertise to the land titles modernization process.

The Yukon land titles system, like many other Commonwealth entities, is based on Torrens title, a system in which the state guarantees title. This principle was created to ensure that title holders could have confidence in the land

titles system and not have to assume any risk. The new act is also based on the Torrens title system.

Another substantive component of the *Land Titles Act* modernization has to do with section 67, which allows Yukon First Nations to bring category A and category B settlement land under the act and have certificate of title issued for it. It will allow First Nation settlement land to be registered with the land titles system and access the benefits that come with that. Yukon First Nations will be able to lease land to citizens and commercial interests for development. It is important to state clearly that the ability to register settlement lands in the land titles registry does not extinguish aboriginal rights and title pursuant to section 5.10.0 of Yukon First Nation final agreements.

The ability to lease this land will allow Yukon First Nations to generate revenue from settlement land that they have not previously been able to. For some First Nations, like Kwanlin Dün here in Whitehorse, these changes could be a boon. Before these changes, Kwanlin Dün First Nation could not generate revenue on the valuable land that they hold in the Whitehorse area. These changes are encouraging because, with the ability to register title for leases on settlement lands, Kwanlin Dün can develop residential and commercial properties.

It is my understanding that other First Nations in Yukon are working on their own parallel land titles systems, but we have been assured that this will not affect the new legislation.

Mr. Speaker, the delays experienced by the public and stakeholders have decreased as the economy and real estate market have slowed over the past few years — from when these problems were first brought to the government's attention in 2009. Improving the system should mean that delays do not occur again when Yukon's economy rebounds.

Last Sitting, the Legislative Assembly passed the *Condominium Act* and here we are with the new *Land Titles Act*. Our understanding is that the business processes and the computer system are being worked on. So it's great that we have the two new acts. There are outstanding questions about the time frame on how they will be implemented and how we will get the most out of the new legislation. Now that the land titles legislation has been modernized, we will be asking the minister in Committee to indicate how long he anticipates it will take the Land Titles Office to get a new computer system and to implement that new computer platform.

The land titles system has a user fee that goes into an assurance fund. As I mentioned earlier, the state guarantees the title. If a mistake is made, it is on Yukon. The assurance fund exists to compensate any users for mistakes that were made by the office. The new legislation has provisions that allow the minister to apply the assurance money to improving the land titles system, or to move it to general revenue. We were told at the technical briefing that there is around \$4.5 million in the assurance fund and that is likely more than enough to cover any future liabilities.

If, after assessing the fund, there is additional money, we would like to know whether the minister is considering using it to cover improvements to the Land Titles Office computer

system, or what intentions they may have for the assurance fund.

The current computer system in use is the Land Information Management System computer software or LIMS. A number of other government departments and organizations use LIMS, including the Yukon government Energy, Mines and Resources department, the Community Services department, Yukon Housing Corporation and also the Canada lands disposition at Indian and Northern Affairs, the City of Whitehorse and Natural Resources Canada Surveyor General branch. So for the departments of Government of Yukon that currently use the land information system, what effect will bringing in a new computer platform for land titles have on the use of their system?

I know that other ministers do intend to speak on this bill so if we don't hear a response to those questions in the second reading speeches, we can follow up on them in Committee.

Mr. Speaker, we're hopeful that the new act will improve administration of the land titles registration and thus improve Yukoners' confidence in the Land Titles Office. Thank you, Mr. Speaker.

Mr. Silver: Thank you very much, Mr. Speaker. I'm happy to rise today to speak to Bill No. 90, which contains amendments to the *Land Titles Act*. I do want to thank the officials from the Department of Justice for the very thorough briefing on this bill that they provided earlier this week. It has been a long time coming — really, since the gold rush. This is the first major rewrite of the legislation since 1898 and I understand the project began in earnest in 2009 and was driven initially by complaints about how long it took to register land titles.

We have the longest delivery time in all of Canada, we were told. Changes being proposed today will, over time, lead to improvements in service times. Mr. Speaker, it was a major undertaking to drag this piece of legislation forward into the 21st century and I want to thank everyone involved in this process from the policy workers to the legislative drafters to the members and stakeholders of the advisory committee. The new act allows for the potential for electronic record-keeping. The paper we use now is one of the biggest stumbling blocks of the current system. At some point, this will allow for the public to view documents that are in the registry online instead of having to go there in person to view them. It will also modernize the system for those who work with it on a daily basis.

Mr. Speaker, the other major item of note in the legislation is that it introduces the ability for Yukon First Nations to register their lands in the Land Titles Office while retaining aboriginal title. This will allow First Nations who choose to opt in to set up long-term leases on their own land. I believe this arrangement is the first of its kind in Canada and I want to congratulate the Kwanlin Dün First Nation for their leadership on pushing for these changes. I look forward to the positive economic impact that this will have on our territory.

There are changes contemplated in part 7 of the bill to the assurance fund as well, and we're looking for assurances that

the government is not making these changes so that government can be funded — sorry, that the money in that fund can be transferred to general revenues and used for other purposes — and we're looking forward to that debate later on as well.

There are a variety of other changes to the registrar and to the creation of air space parcels that were also included in the new bill. The work doesn't end of course when the bill is passed. At the end of the Sitting, there are regulations that are needed to be completed for the bill, and it will take time to put this together. We're looking for the minister to inform the House as to when the government anticipates the bill actually coming into force as well.

We will be supporting this legislation here at second reading and, again, thank you to all of those who have put so much hard work together in its makeup and I look forward to discussing this further in Committee of the Whole.

Hon. Mr. Nixon: It's certainly a pleasure to speak today to Bill No. 90, the *Land Titles Act, 2015*.

The issue with land titles came to my attention prior to the election. In fact, it was during the 2011 election campaign that the issue became even more prevalent to both me and my colleagues now in government. Following my appointment as Minister of Justice in 2011, in talking to my caucus colleagues and stakeholders it became clear that we had to act on modernizing the land titles process.

Cabinet approved the proposal for a new *Land Titles Act* in January 2014, which was followed by a fairly substantial drafting phase and, as I understand, has been regularly reviewed internally and with a drafting advisory committee made up of stakeholders. Discussion papers addressing the modernization of the *Land Titles Act* were posted on the land titles modernization project website along with the records of "what we heard" during the consultation.

In the summer of 2014, stakeholders were concerned that not all major policy issues would be addressed in time for tabling the bill in the spring 2015 session and they asked government to delay the tabling of this bill. Stakeholders did not necessarily disagree about the outstanding issues, but they were complex and they wanted to make sure that the legislation was of the highest quality.

A further consultation process in respect of the elements of the legislation took place in December 2014 and January 2015. I'm pleased with the work that has been done and the additional time the group took to ensure that a solid piece of legislation was brought forward. This bill replaces the outdated *Land Titles Act*. The new act significantly modernizes Yukon's land titles system without changing the fundamental legal framework upon which the system is based. Users will benefit from greater clarity and flexibility in the law and enhanced and improved services by the Land Titles Office. Important measures in this new act include: improved recognition of titles in respect of leaseholds, life estates and utility rights of way; introduction of registration options for First Nations in respective category A and category B settlement lands, which will allow aboriginal title to be

maintained in accordance with the final agreements; additional flexibility for governments in respect of withdrawal of public land from under the act; greater clarity with respect to the incorporation of changes to natural land boundaries; introduction of a new rate of applicants to request reconsideration of a rejected submission; introduction of the expressed ability for the registrar to set standards for registration and documents and to correct errors in anything filed with the Land Titles Officer; and introduction of the potential for electronic record-keeping and additional clarity around the office provisions relating to fraud, false representation and tampering with the land titles records.

I would also like to bring to your attention, as I alluded to, section 8(1) where the "...Commissioner in Executive Council may appoint an inspector of land titles to exercise the powers and perform any of the duties in subsection (2)". As members of the Legislative Assembly will recall, we were able to retain an inspector for the Land Titles Office. That was Lora Bansley, who is a lawyer with the Saskatchewan Crown corporation responsible for land titles. That province, as you will know, went through a modernization project similar to the one that we will implement.

Saskatchewan emerged with a completely up-to-date land titles system that facilitates online registration and access, something that we see happening in the future in our territory. The inspector who was appointed had expertise in the legal, operational and technological matters that are crucial to a successful land titles modernization, as well as familiarity with land titles business practices and processes.

We know that the Department of Justice analyzed the details of the inspector's report and its recommendations. Those recommendations were used for the subsequent work to move forward with the modernization of this land titles system. Following that project, we were able to visit the British Columbia and the Northwest Territories land titles offices. We were also in discussions with several jurisdictions across Canada.

There is no question in my mind as former Minister of Justice that the department took a great deal of time and effort to bring forward legislation that was accepted by the stakeholders. The Yukon *Land Titles Act* is one of the oldest pieces of legislation in the territory, as we have already heard. It is over 100 years old, and it was adopted from the former federal legislation when land titles were devolved in the territory in the early 1990s. Given our growing population and economy, it is no surprise that all of the activities in the Land Titles Office have been increasing year after year. The number of documents, titles, survey plans, certificates of search and their complexity will continue to increase as our economy grows.

The tabling of this bill shows that our government is strongly committed to facilitating land development and fostering economic development by removing barriers and improving services in the Land Titles Office. Through this modernization process, we will see the level of service at the Yukon Land Titles Office meeting the high standards necessary to support a thriving economy. We also understood

early on that in order to bring about this transformational change, we would need to work very closely with our stakeholders, and that is what we have accomplished. I would like to thank the stakeholders and the stakeholders advisory committee, which includes the Whitehorse Chamber of Commerce, the Law Society of Yukon, Association of Canada Lands Surveyors, City of Whitehorse, Yukon Condominium Homeowners Association and several other key groups.

The first phase of our modernization project, the scoping phase, included the creation —

Some Hon. Member: (Inaudible)

INTRODUCTION OF VISITORS

Hon. Mr. Cathers: I would just take this opportunity to interrupt my colleague to welcome some of the stakeholders. I didn't have everyone's name earlier in my remarks. I would like to welcome stakeholders who participated who are in the gallery today. Please join me in welcome them: Bob Gray from Surveyor General's branch; Brian Thompson from the Surveyor General branch; Carl Friesen from Underhill Geomatics; Colin Beairsto, Energy, Mines and Resources lands branch; Terri McLeod, Information and Communications Technology Division of Highways and Public Works; Evan Wise, Information and Communications Technology Division of Highways and Public Works; and last but not least, Denise Dollin, the registrar of land titles.

Hon. Mr. Nixon: I was talking about the first phase of the modernization project, which included the creation of the stakeholder advisory committee, the preparation of a discussion paper on land titles modernization to help focus the discussion and a fairly intense stakeholder consultation.

The outcomes of the scoping phase were reflected in the recommendations that came to our government as what the legislation should do and say, where the relative responsibilities should lie. This scoping phase created the foundation for the transformation in land titles that everyone agreed was needed.

The Department of Justice staff has been working with stakeholders on the drafting of the *Land Titles Act* since early 2014, as I've indicated, while at the same time working on the *Condominium Act*, which passed in the spring session. As my colleague, the Minister of Justice, indicated in his remarks earlier, the present *Land Titles Act* has not been significantly amended since it was passed in 1898 by the federal government, and it does not reflect the realities of modern real property transactions.

The new legislation will maintain the present Torrens system and streamline and clarify procedures in the Land Titles Office. It will specifically allow for the retention of records in electronic form. It will clarify that a far greater range of interests can be registered against title so that those submitting new forms of financing arrangements or development agreements do not have to try to fit them under the present forms, which are established in the legislation and have never really been modified. It will allow for the

registration of category A and category B settlement land, as I've indicated earlier.

Mr. Speaker, speaking of the registration of category A and category B settlement land, members will find the details of this in section 67 of the act, where it indicates that, "Subject to the regulations, an eligible Yukon First Nation may apply to the registrar to bring Category A settlement land or Category B settlement land under this Act and have a certificate of title issued for

"(a) the eligible Yukon First Nation's entire interest in the land under section 5.4.1 of its final agreement; or

"(b) the fee simple title in the land.

"(2) A certificate of title issued under subsection (1)

"(a) must name as owner the eligible Yukon First Nation making the application;

"(b) if issued under paragraph (1)(a), may be referred to as a Certificate of Category A Settlement Land Title or a Certificate of Category B Settlement Land Title, as the case may be; and

"(c) if issued under paragraph (1)(b), may be referred to as a certificate of fee simple title."

That's important on a move-forward basis, and I'm pleased to see that Kwanlin Dün is very eager to participate in this new system.

Overall it will structure the legislation so that many areas will be contained in regulation, rather than legislation, so it can be updated more easily as needed.

Now, Mr. Speaker, I recall during my time as Minister of Justice a thorough consultation process in 2012 where recommendations came forward on the elements of the new *Land Titles Act*.

It's evident that stakeholders had valuable input and the recommendations really formed the basis of this new legislation. In fact, this piece of legislation relates directly to the Minister of Justice's mandate, during my time as Minister of Justice, to advance the land titles modernization project by completing drafting of legislation.

As members of this House, the public and the stakeholder advisory group will now know — and as the Minister of Justice alluded to — the *Land Titles Act* is a daunting bill that has complex language and concepts. I am pleased to see — and as the stakeholder advisory group had recommended — that we modernize the language as it makes the legislation easier to understand.

Mr. Speaker, I support the modernization of the *Land Titles Act*. I would like to again thank all of those who were involved in the modernization project, including the stakeholder advisory committee, other stakeholders who provided really valuable feedback, and those working within government who have worked so very hard and put thoughtful consideration into this very technical piece of legislation.

I commend this bill to the House.

Ms. Hanson: I too rise to speak in support of Bill No. 90, and I thank the members who have spoken to the bill and the broad implications of the modernization of the *Land Titles Act*.

I was struck as I was reviewing it — and particularly as I listened to Chief Doris Bill on the radio over the last few days talking about the implications of the amendments to this legislation for Kwanlin Dün First Nation. It prompted me to go back and look at the Kwanlin Dün First Nation's final agreement and to recall that there really is a very deep importance to what is being proposed here today finally — to put into effect provisions that will allow the Kwanlin Dün, in particular, to maximize on the potential that is contained in their First Nation final agreement.

Before I get started, I just in particular want to recognize Chief Doris Bill and their legal counsel, Rod Snow, who I believe have demonstrated yet again that First Nation governments' perseverance will find a way to overcome what is initially and repeatedly put forward as roadblocks to trying to achieve what the parties intended — working toward finding a solution for Kwanlin Dün settlement lands, and their land holdings to be registered in the Yukon land titles system without negatively affecting aboriginal title.

As passing these amendments is an essential first step, the key is to really make sure that the intentions of the Kwanlin Dün — as the largest landholder in the City of Whitehorse — and the Government of Yukon when they signed that memorandum of understanding back in, I believe, August 2011 — that we ensure that the bill moves forward in an expeditious manner on developing the necessary regulations. The details that will be fleshed out in regulations will have real financial implications for the Kwanlin Dün First Nation.

To realize the importance of this, we need to look at why that is, and that's what struck me. I recall the conversations that went on talking about — as First Nations — Kwanlin Dün First Nation, as they looked at the kinds of choices they would have to address chapter 9 of the First Nation final agreement. That talks about land selections, and 9.5 says it shall be a balanced selection, and First Nations — this is the language: "...may select land to address needs including, but not limited to..." and so it's the standard ones that one would expect to see — hunting, fishing, trapping, habitat areas, gathering areas, historical, archaeological, residence, waterbodies or access to waterbodies. There are 11 different criteria, Mr. Speaker.

But when you keep in mind that, in the Kwanlin Dün First Nation, when you look at the land and who else is around here since the early 1900s, Kwanlin Dün is very much unlike Na Cho Nyäk Dun or Old Crow. There are many non-First Nation people who have settled in this region — in this area. So most of the land that would be used for those — for large blocks — large wilderness blocks — are alienated. Kwanlin Dün was, by course of history — geopolitical reality — to look at more strategic land selections within the City of Whitehorse to achieve the purposes of 9.5.7.10 of their First Nation final agreement — which is to make land selections that would — in terms of areas of economic development potential.

I would suggest the Kwanlin Dün First Nation was very successful with that, but a success thwarted is not success. So, 10 years after their final agreement has come into effect, they

are facing a real challenge: yes, Kwanlin Dün does hold the most significant land holdings within the City of Whitehorse, but they also face the reality that chapter 21 of their final agreement says that those land parcels within the City of Whitehorse will be subject to property tax. So there is a time frame. There is a listing of all the property selections — all the land selections — within the municipal boundaries of Whitehorse and it does say — you can point out, find on the map which property will suddenly become subject to property tax, and that made sense and it does make sense, Mr. Speaker, as long as the systems are there to enable First Nations — this First Nation, in particular — to realize the economic potential.

So, that is why I say that we urge the government to ensure that there is no delay — no 10-year delay; no five-year delay — in making these regulations that will give life — put into effect the provisions that are contained in the *Land Titles Act, 2015* because it will have — this is either a great opportunity to assist and work with, on a government-to-government basis, the Kwanlin Dün First Nation to allow them to realize the significant economic potential that their final agreement speaks to — and that's the hope that we go forward with, because we see that this is a really positive first step. But the second and most important step is putting into effect those regulations so the Kwanlin Dün can move forward as it's intending to and as it has great plans that will ultimately enrich all of us and provide many, many opportunities to further the economic vitality of this part of the territory.

We look forward to the passage of this bill and to the work that I understand is still necessary to be done and the discussions that are hopefully ongoing now in anticipation of the passage of the bill to draft the regulations that will be necessary to make it all come together.

Hon. Mr. Istchenko: It is a pleasure today to stand in this House and speak to Bill No. 90, *Land Titles Act, 2015*. Again, I would like to concur with others in thanking those who worked so hard on accomplishing this. It's a big task at hand.

I want to read something from the press release that I think is key to this: "The Yukon government is committed to building Yukon's economy and the new *Land Titles Act* will help us deliver more efficient and effective land titles services for the benefit of all Yukoners"... That was a quote from our Premier.

The other quote that he had was: "In a first for Canada, the new legislation will allow for registration of First Nation Settlement Land in the Yukon Land Titles Office while safeguarding aboriginal title."

Of course the Land Titles Office will have to transition to an electronic registration system, which streamlines and speeds up some of the business process. Another thing is that this bill strengthens Yukon's land titles system. It improves on Yukoners' access to land titles information and services and it provides a stronger legislative framework to meet the volume and complexity of Yukon's dynamic real estate market. This is a component of this Yukon Party's land titles modernization

project that is examining all aspects of Yukon's land titles regime and the associated business processes used in the Land Titles Office.

When we embarked on this, I didn't know very much about land titles. I didn't realize there were two different systems and that, in western Canada and the north, we use the Torrens system, which was first established in 1850 — it is interesting information — and it's that the public is entitled to rely on an accuracy of the state of the title registered in the government's Land Titles Office. In effect, it's the government guaranteeing the accuracy of the land titles to the land.

So much has changed since 1897 — like my fellow colleague said before, 100 years is a long time. There is a bigger demand for services and there is definitely an increase in complexity of land titles transactions.

This project has four major components: (1) the new land titles and condominium legislation regulations; (2) the new information technology system; (3) the new business system and processes; and (4) the staff engagement and training in the new land titles process.

I was glad to see the Department of Justice had invited the participation of all the First Nations and I think some of my fellow colleagues and members opposite have spoken that Kwanlin Dün First Nation accepted it and their legal counsel and their lands department staff provided valuable advice concerning this registration of category A and category B settlement land — and I will speak a little bit about why this is so important and the precedent that it sets.

We also invited of course — we've heard it earlier — the participation of stakeholders from the real estate, from the law bars, the surveyors sectors and our government departments — some of them are in the Legislature today — and also the federal Surveyor General's branch.

I want to speak a little bit about why I'm pretty proud of this new legislation and what it will allow for the registration of First Nation settlement lands while allowing them to retain their aboriginal rights.

With this government's evolving relationship with First Nations, this is something — I believe we're the first in Canada, you know, listening to First Nations that wish to develop their land for economic development. It's great that, through this work, we can see a self-governing Yukon First Nation apply to the registry for their category A and B lands and get a certificate of title to a parcel.

Knowing this, a First Nation wanting to register category A or B, first of all, in our Land Titles Office would be required to amend their final and self-governing agreement so the *Land Titles Act* would apply to the land. Why I speak to this, Mr. Speaker, is because one of the things I heard on the doorstep was the opportunity for economic development and the opportunity for land. I heard it from First Nations talking about their lands and I heard it from locals talking about Crown land. After I was elected, one of the things for me that was very important was meeting with the First Nations — the settled First Nations and non-settled First Nations — but the settled First Nations — knowing that we were moving

forward on the *Land Titles Act* and the modernization of it. It was the opportunity for them to develop economically because communities need to grow and we need land for economic development.

You'll see that there was a press release not long ago — a partnership with this Yukon Party government and Kluane First Nation on cottage lots. The great thing about that, Mr. Speaker, is that some of the cottage lots will be on Crown land and some of the cottage lots will be on First Nation land. With this, we'll be able to move forward with getting land out to Yukoners.

One of the things we heard on the doorstep — one of our platform commitments — was to get cottage lots out for Yukoners. This is something that we've committed to.

Another thing that just came up in the last little bit was — I believe it was back in February of 2015. The Minister of Energy, Mines and Resources, Chief Smith — chief of the Champagne and Aishihik First Nations, shortly into his new tenure as chief — and I sat down and talked about local area planning process for the settlement and non-settlement lands along the Alaska Highway corridor, basically between the Ibex Valley and Takhini River bridge through to Haines Junction. It was about having a local area plan or policy document that would help guide the development of the land use in these unincorporated areas.

They are developed through an extensive public consultation process and under the guidance of a planning steering committee. The process can take a few years, Mr. Speaker, but I'm happy to say that's an agreement we've come up with, with the First Nations. The planning area covers approximately 613.7 square kilometres and encompasses lands, like I said, along the Alaska Highway corridor between the Ibex Valley and Haines Junction.

This is something, through conversations that I've had with the chief, with the mayor and with constituents about — where do I develop? We see tractor-trailers drive the Alaska Highway daily. I would like to develop a tractor-trailer maintenance shop somewhere around Takhini. Well, where do we do that? You know — industrial lots, residential lots, agriculture. Where's the best area for farmland? Country residential and cottage lots — so sitting down and doing this planning with the community, community-based planning, and finding out where it is. This gives us opportunity. The other thing that it really does is it promotes with the local First Nation their opportunity to be part of this as a key player when it comes to economic development and getting land out there.

It just makes sense to convert the old paper-based system to a new electronic or digital land titles system online. That was another commitment that this Yukon Party government had when it came to e-services and online services.

It allows the Land Titles Office to implement the new secure information technology management system that will store land titles information; develop an efficient new business process to improve services; develop the technology and the capability for a secure, online searchable, digital land titles database for the use of stakeholders that can be launched when

Yukon is ready for the service improvements. It will also be able to accept digital applications submitted online, once the Yukon is ready for a secure digital land titles registration system. This will take some time, but we're moving forward.

In closing, I am pretty excited to see this come on the floor of the House today and to be able to get up and have a conversation about this. I am happy and I want to thank the stakeholders and the partners and the land titles staff who contributed so much time. I also want to thank my fellow colleagues who support this. I think this is really good for the Yukon. I know it is good for my community. This shows that this Yukon Party government is responding by listening to Yukoners and by improving some of these efficiencies and timelines in the land office.

It is also giving our local Yukon First Nations innovative new options in developing settlement lands. This is all about supporting economic development for years to come.

I commend this and I thank you for the opportunity to speak in this House today.

Hon. Mr. Pasloski: I rise today in second reading to support this historic bill. I would like to acknowledge a number of people who have joined us in the gallery today, signifying the significance of this legislation. I am going to limit most of my comments to my constituency, which includes the community of McIntyre and the homes of many Kwanlin Dün First Nation citizens.

This enabling legislation, the first of its kind in Canada, will allow First Nations to register settlement land without losing aboriginal title. I am very pleased to be speaking in support of this bill. A lot of time and hard work have gone into getting us to this point that we are at here today. I would like to thank the staff from the Department of Justice and from Kwanlin Dün for their many, many hours.

The Yukon Party made a commitment back in August 2011, and I made a personal commitment to Kwanlin Dün First Nation to see this through. This is yet another example, Mr. Speaker, of the Yukon Party government delivering on its promises that it has made to Yukoners.

As the MLA for Mountainview, I am particularly proud to be delivering this for my constituents, but this legislation won't just benefit Kwanlin Dün citizens, but all Yukon First Nations and all Yukoners. I am proud of this government's record of working with First Nations.

Yesterday in motion debate, I listed numerous examples of collaboration between Yukon government and Yukon First Nation governments. The list keeps growing every day, and Bill No. 90 is an extremely important example of collaboration between our government and the Kwanlin Dün First Nation government. In speaking of this collaboration, Chief Doris Bill stated — and I quote: “The visionaries of Kwanlin Dün self-government and land claim negotiations intended that settlement land be available to citizens forever and, that our land and its resources bring prosperity to our people. Our challenge has been to develop a system that retains Aboriginal rights and title, has the confidence of lending institutions and is cost effective. We have worked

with the Yukon government on these amendments to enable KDFN settlement land leases to be registered. This will mean that our economic development corporation will be better positioned to increase the wealth of our Nation.”

Under the current land titles regime, First Nations that wanted to register land could only do it if they gave up aboriginal rights and title first to render it fee simple, like all other privately owned land. With the passage of this bill, Mr. Speaker, First Nations will be able to register all or some of their settlement land with the Yukon Land Titles Office. This is something many First Nations had been calling for, for years.

Yukon's First Nations don't want to give up their rights that were recognized through their land claims agreements just to be able to register their land. Without registered land, it is difficult to develop land. Even if you have a residential or commercial lease agreement with a First Nation, it's difficult to get a mortgage if a bank can't find you in an established registry.

The passage of Bill No. 90 is an important step in resolving this difficulty and will help Yukon First Nations in developing their economic potential. While Kwanlin Dün First Nation is leading the way, any self-governing First Nation could use this enabling legislation under the new *Land Titles Act*. New regulations to accompany the act will provide details on the process for the registration of First Nation settlement land, as well as the rules governing plans of survey.

New standard forms, filing processes and other requirements of the Land Titles Office will also be addressed. Mr. Speaker, drafting of the regulations is currently underway.

This new bill is a component of the land titles modernization project, which is examining all aspects of Yukon's land titles regime and the associated business processes in the Land Titles Office. Other provisions in this bill allow the Land Titles Office to transition to an electronic registration system, which will streamline and speed up business processes.

Overall, this bill strengthens the Yukon's land titles system, improves Yukoners' access to land titles information and services, and provides a stronger legislative framework to meet the challenges of Yukon's real estate market.

Mr. Speaker, I want to again just recognize all the work of the people who were involved — officials from Yukon government, from Kwanlin Dün First Nation, from the City of Whitehorse and the many lawyers, land surveyors and realtors for their commitment and their expertise to see that we get to the day where we are now in second reading of this important bill.

Hon. Mr. Kent: Much has been said about the *Land Titles Act* and the modernization of the act throughout debate today, so I'm not going to repeat what a number of my colleagues on this side of the House have said. I too am pleased with the work that has gone into this and am thankful for all the officials and all those who gave their time to ensure that we could come up with a bill that meets the needs of so

many Yukoners when it comes to the availability of land moving forward.

That said, Mr. Speaker, I would like to just speak briefly on a couple of initiatives and maybe turn the clock back to 2011, as others have done before me.

When I first signalled my intent to seek the nomination for the Yukon Party in Riverdale North, I was approached by friends in the legal community at that time about the *Land Titles Act* and how it needed to be modernized. Arriving where we are today is certainly something that's exciting for me as an MLA.

Also, going door-to-door during the 2011 election, I think most members of this House and all candidates who ran for the different parties would have knocked on doors where land availability and housing were a major concern. It doesn't take much to cast your mind back — I think actually four years ago today was the swearing-in of the Cabinet of the Yukon Party for this current Legislative Assembly. Casting our minds back to that time, there was an awful lot of pressure. I will speak for myself personally. I am sure rural members can speak for what the situation was in the communities, but within Whitehorse, in Riverdale, there was pressure for infill lots. Whistle Bend had not started to come out the gate yet. There was pressure for Porter Creek D to be developed. There was pressure for land availability from a number of individuals and business organizations throughout the Whitehorse area.

Just to fast-forward to today, now in the Yukon we have an inventory of 273 developed lots for sale — 124 of those are in the Whistle Bend subdivision here in Whitehorse. For individuals who are listening or here in the House, lots continue to move and they continue to sell very well at Whistle Bend. On September 22, we had 143 lots, so 19 have been sold and a total of 20 lots were sold throughout the Yukon, even in what I would consider to be some difficult economic times. Lots are still moving throughout the territory and, in particular, in the Whistle Bend subdivision, builders are building and people are working developing that property.

That said, I think we still need to be prepared for the economic upswing. If, for instance, Victoria Gold's Eagle mine were to open, it would instantly become the largest private sector employer in the Yukon. That is all it would take, one mine or one project to go forward — for us to see a substantial economic boom in the territory again. I do not think it is in anybody's interest for us to be caught unprepared for that eventuality. We have a number of projects that are in advanced permitting, or moving through the permitting phase or into the exploration phase. I think it's incumbent upon all of us as decision-makers to make sure we are prepared for that, not only the opportunities for First Nations that are included in this bill, but we need to be looking at different ways to deliver land availability to Yukoners as well.

Some of the things that we've done in the past — one in particular is we did update our rezoning process, and this affects the majority of rezoning applications, particularly in rural residential settings. What previously took an average of 18 months to complete is now down to four to six months. That is an administrative improvement we have made within

the Department of Energy, Mines and Resources. I thank my colleague, the previous Minister of Energy, Mines and Resources, for his work on that file. It came to fruition just shortly after the Cabinet shuffle in 2013 and under my watch.

We also have two initiatives that are underway right now that I'll just briefly highlight before wrapping up my remarks that I think are exciting and a departure from the traditional way that we've developed land here in the territory.

First, I would like to speak about the Fifth Avenue and Rogers Street development here in Whitehorse. Yukon government and the City of Whitehorse are considering development options for a seven-and-a-half-acre undeveloped parcel at Fifth Avenue and Rogers Street that will be consistent with City of Whitehorse zoning and the previously endorsed downtown south plan, which received full public input. The parties have worked together to finalize criteria for a joint planning process to guide future development. The Fifth and Rogers steering committee — which is a planning partnership between Energy, Mines and Resources, the Yukon Housing Corporation and the City of Whitehorse — has prepared a request for proposals to hire a consultant team to produce design options.

Mr. Speaker, that RFP will be closing on — it's scheduled to close, pardon me, on November 12. This parcel has the potential to provide a good mix of affordable housing and commercial development opportunities close to the Whitehorse downtown core. I would also like to add that, in addition to the government and City of Whitehorse members, the committee also includes membership from the Yukon Contractors Association and the Vimy Heritage Housing Society. So this is an exciting multi-stakeholder initiative that we're looking forward to concluding and seeing some positive developments on that portion of land.

One of the facilities going in there, which is being built on there right now, is the St. Elias Residence. People in the area who are familiar with that area would notice that construction going on right now. That actually is part of a YACA agreement with the Kwanlin Dün First Nation. They are constructing that, and I think they've partnered with Evergreen Homes to be the contractor on that. So, that's one of the within-city-limits projects.

The other one that I wanted to highlight is what we're planning to do with the McGowan lands on the Carcross Road. We certainly recognize, as a government, the high demand for land over the last decade, which is in large part due to Yukon's economic growth, as well as the increased population, and we're seeing demand for rural and country residential lots. It has been constant in most communities but high within the City of Whitehorse and the Whitehorse periphery. We are in the midst of a consultation with the Carcross/Tagish First Nation, Kwanlin Dün First Nation — whose traditional territory this parcel lies on — as well as the Ta'an Kwäch'än Council.

This is a 350-hectare parcel and we want to make it available for rural residential and agricultural development. It's located, as I mentioned, on the Klondike Highway — or the Carcross Road — at Kilometre 151. It's within the Hamlet

of Mount Lorne. Going back, Mr. Speaker, to 2005, that's when that area of land was first identified to the Mount Lorne community and the hamlet council, as YG had intentions to plan and develop land in that area. Again, the exciting part about this and the departure about this project is we'd like to make this land available to the private sector to develop.

Traditionally, a lot of the development, whether it's residential or rural residential or country residential, has been done by the Yukon government, with the exception of some of the smaller developments that we've seen in and around Whitehorse. For instance, over the past number of years, I think of the development out by the Meadow Lakes Golf Course, as well as developments on the Fish Lake Road and just on the south side of McIntyre Creek. I guess for those who have been in the Yukon for a while, they'll remember that Pineridge, the subdivision just south of the main City of Whitehorse, was developed in this fashion a number of years ago.

So again, we see this as an opportunity, again pending consultation requirements with the First Nation, for us to depart from a normal delivery system and modernize how we're doing things — building on a successful model that has been delivered in other parts of Canada.

With that, I will conclude my remarks and just once again thank all those who have been involved in developing this act, and we look forward to working with First Nations and members of the private sector on future land development opportunities not only in and around the City of Whitehorse, but also throughout the territory.

Hon. Mr. Dixon: I will be very brief today in speaking to this bill at second reading, but I just wanted to make a point or two, if I could.

Members previous to me have explained some of the technical details of the bill and discussed its impact on the land and the distribution of land in the territory, but I think it needs to be mentioned that the simple fact is that these changes to this legislation are good for the economy and good for Yukon businesses — and that's a very positive thing. Our commitment has always been to reducing red tape, to growing Yukon's economy and to promoting small business trade and investment. We've made concerted efforts to do that over the past four years and this is yet another step forward.

The Minister of Justice quite ably explained how this fits within a broader land titles modernization that includes changes to this act, as well as the *Condominium Act* that was brought forward previously, but it also fits into the larger picture of changes that we made to legislation over the years that improved the business climate here in the territory.

As members will recall, earlier this year changes came into effect that improved and modernized just about all of our business legislation here in the territory. We made substantive amendments to the *Business Corporations Act*, the *Partnership and Business Names Act*, the *Societies Act* and the *Cooperative Associations Act*. We also created a new *Securities Transfer Act* and new and amended regulations related to business and not-for-profit laws in respect to these

and related statutes. All of that was aimed to help promote the territory as a business-friendly jurisdiction, and that work was done with significant help from the legal community and the business community, which helped us finalize that project.

As well, earlier this year I brought forward changes to the personal property security registry, which adopted an online paperless registry system that is becoming the industry standard in Canada. The personal property security registry is a public registry that is used by lenders to review borrower credit worthiness and to register their interests in properties or in vehicles, for example, against which they have extended credit. That's just another example of how we have moved forward by creating more business-friendly legislation in the territory that reduces red tape and reduces the amount of paperwork the government has to deal with on a daily basis.

In discussing that, I would be remiss if I didn't mention that, last year, we reduced the small business tax rate by 25 percent. We cut the small business corporate tax rate from four percent to three percent, which was effective as of July 1 last year. We have made legislation more conducive to business. We have improved the conditions for Yukon businesses. We have cut taxes for businesses and, in general, we have done our best to ensure that Yukon is viewed as a favorable climate for business to occur.

The changes to the act that we have before us today will do just that as well. As we all know, the sale, purchase, development and the use of land are critical economic activities. By improving this legislation, by modernizing it, we create yet another opportunity for Yukon businesses to thrive. Obviously I am supportive of this legislation. I am happy to see it coming forward and happy to see red tape further being cut by this government, the climate further improved for Yukon businesses and the modernization of some very old legislation. There is more work to be done and we certainly have a plan to do that. I look forward to bringing forward changes to legislation that needs to be modernized in the coming weeks, months and years. I would like to thank the Minister of Justice for his leadership on this, as well as the former minister, who explained some of the work that went into this bill.

With that, I would commend this bill to the House and thank members for their comments already.

Hon. Mr. Hassard: I too will be brief, but I am just pleased to be here today to speak at second reading to Bill No. 90, entitled the *Land Titles Act, 2015*. This legislation relates directly to the Minister of Justice's mandate to advance the land titles modernization project by completing drafting of this legislation. As mentioned before, Mr. Speaker, the *Land Titles Act* has not been significantly amended since it was passed in 1898 by the federal government, so it definitely doesn't reflect the realities of modern, real property transactions.

I too would like to thank the Minister of Justice and his department and all of the stakeholders for the continued work on this file. When I was knocking on doors four years ago, the availability of land was a very important issue to many voters.

I am happy to see that we are moving forward on this. In Teslin, we have the Little Teslin cottage lots, which are a joint venture with Energy, Mines and Resources and the TTC. They built a subdivision there with leased cottage lots. In Teslin itself, we have the Sawmill Road project, which was done in conjunction with the TTC, the Village of Teslin and EMR, where we now have residential lots for sale, fee simple lots on the Yukon government or the Village of Teslin side, and the Teslin Tlingit Council side has leased lots available. As well, we are currently working on a country residential and recreation lot possibility in the Morley Bay subdivision and that too is done in conjunction with EMR and the Teslin Tlingit Council.

I know that Bill No. 90 is very important to the TTC. They have done extensive work on their own land titles act. I'm really happy to see this moving forward, I look forward to seeing this bill pass this House and look forward to hearing any other thoughts and concerns about this today.

Speaker: Are you prepared for the question?

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

Hon. Mr. Cathers: I would just like to thank everyone for their comments in support of this legislation and thank all of the people who participated in developing this legislation for their hard work — particularly the technical advice of those on the stakeholders advisory committee, as well as staff of Department of Justice and other involved Yukon government departments.

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.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

Clerk: Mr. Speaker, the results are 16 yea, nil nay.

Speaker: The yeas have it. I declare the motion carried.
Motion for second reading of Bill No. 90 agreed to

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Ms. McLeod): Order. Committee of the Whole will now come to order. The matter before the Committee is general debate on Vote 15, Department of Health and Social Services, in Bill No. 20, entitled *Second 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: Order. Committee of the Whole will now come to order.

Bill No. 20: *Second Appropriation Act, 2015-16* — continued

Chair: The matter before the Committee is general debate on Vote 15, Department of Health and Social Services, in Bill No. 20, entitled *Second Appropriation Act, 2015-16*.

Department of Health and Social Services

Hon. Mr. Nixon: I'm pleased to introduce the Department of Health and Social Services supplementary budget for this year. I would certainly like to take the time to welcome the officials to the Legislature today and thank the department staff for all the work that they do each and every day for all Yukoners.

The department is requesting an overall net increase of just under \$5.3 million in O&M and \$3.9 million in capital for a total of around \$9.2 million — a 2.2-percent increase from the \$422-million mains budget.

The \$5.3-million increase in O&M mainly originates from the \$3 million in funding required for the Yukon Hospital Corporation's pension solvency as per federal legislation. The \$3.9-million net increase to the capital budget is mainly attributed to major capital projects, including: Whistle Bend; the Sixth Avenue facility — formerly known as Oblate; the demolition of the old Watson Lake hospital; and the system development for e-health. The additional expenses are offset by an increase in revenues and recoveries of \$790,000 for O&M and over \$1.9 million for capital.

Starting with O&M expenditures in the Adult Services Unit, they require an increase of \$100,000 for the fetal alcohol

spectrum disorder project, 100 percent of which is recoverable from Health Canada. As I mentioned before, this is a three-year project to improve the outcomes of individuals with FASD. A total of \$260,000 is budgeted for the entire project. This year's work is focused on increasing the capacity of Yukon's Health and Social Services' support providers to assess and diagnose individuals with FASD.

In Health Services, the \$766,000-increase required under Health Services primarily stems from the federal territorial health investment fund, or THIF, and from the collaborative care initiative.

Under THIF, a \$476,000 net increase is for the pan-territorial component of the new THIF. This is a carry-forward from 2014-15 and is 100-percent recoverable from Canada. Of this amount, \$363,000 will be allocated to e-mental health and \$113,000 to tele-psychiatry. E-mental health uses the Internet and related technologies to deliver and enhance mental health services and information while supporting and enhancing care as it is currently provided.

Madam Chair, under the collaborative care initiative, Insured Health requires supplementary funding of \$232,000 for the collaborative care initiative, which I spoke about earlier. The collaborative care initiative is a joint effort between the department and the Yukon Medical Association to promote collaborative care in Yukon and establish a multi-disciplinary care in family practice.

This revote of funds will be used this fiscal year to support the work of the nurse practitioner currently hired, along with recruiting other nurse practitioners to work in local medical clinics.

Under Continuing Care, the Sixth Avenue continuing care home, formerly known as the Oblate Centre — the Continuing Care division requires an increase of \$846,000 to cover operational costs for the new Sixth Avenue continuing care home, which is slated to open in early 2016. This amount is mainly to cover staffing and other operational costs for the remainder of this fiscal year. A staff of 13.8 FTEs, mostly nursing staff, will provide medical and other personal support to residents while allowing residents to be as autonomous and involved as possible.

Moving on to the Yukon Hospital Corporation — we require an increase of just over \$2.9 million to cover the Yukon Hospital Corporation's pension solvency requirements. This funding is based on the latest actuarial reporting, which determines the level of additional funding that is required by legislation to be added to that specific pension plan.

There is also an additional \$297,000 request to cover the interest charges of the letter of credit for the pension plan solvency funding requirements.

Under tele-radiology, an increase of \$159,000 is required to cover contract funding for the Whitehorse General Hospital's tele-radiology program. The program was designed to enhance the quality of care by speeding up x-ray transfers and diagnostic reporting for patients outside of Whitehorse. The program was funded by the federal government, but that funding source expired in March 2015.

Moving on to the capital budget — under Corporate Services, we have a number of projects that require budget increases. A \$254,000 revote is required to complete the public health information system called Panorama. Panorama is a national electronic public health information system that is currently implemented in Yukon and five provinces. BC has played a key role in building a national Panorama system on behalf of all provinces and territories. The revote is in response to project delays on the BC side. The ongoing implementation budget for Panorama in Yukon is \$250,000 per year for two staff.

Within the department, Panorama is currently being used by Community Nursing and Yukon Communicable Disease Control. The interoperable electronic health record, or iEHR, provides health care providers with a secure and private record of the individual's health history and care within the health system. That system is designed to facilitate the sharing of data across the continuum of care, across health care delivery organizations and across geographical areas. Yukon, along with every province and territory, is working to implement an electronic health records systems, or e-health, that will transform and improve the way health care is delivered to Yukoners. A revote of \$585,000 is required to complete the acquisition and implementation of the client registry, drug information and lab information systems. Virtually all of the amounts are recoverable from Canada Health Infoway. Since the official launch of e-health in January of 2015, we have been able to focus on defining clinical specifications for the system, connecting with key stakeholders and ensuring that the systems that are implemented best meet the needs of patients.

We also require a \$237,000-revote to complete system development work on the hospital information system and electronic medical recording connect initiative, or HIS-EMR Connect. This project involves making enhancements to the existing system at the Whitehorse General Hospital, called MEDITECH, to permit an information exchange on lab tests and results between the hospital and physician systems. The revote is necessary due to the technical system-related delays and \$191,000 of this project that is recoverable from Canada Health Infoway.

Under Adult Services, we have several construction projects underway. I spoke earlier about the Sarah Steele Building project. A revote of \$167,000 is required to align with the construction schedule and to complete the construction of the building. Construction is on schedule and is progressing well. We are looking forward to being operational by next summer.

Another important infrastructure project that I spoke about earlier is the replacement of the St. Elias group home. Madam Chair, as you are well aware, construction is well underway. A revote of \$184,000 is needed to complete the project, which is scheduled for this coming winter.

We are also seeking a revote of \$225,000 to cover renovation work on our social assistance building in the Kluhini Building. Renovations were expected to begin earlier, but delays were encountered due to the extensiveness of the

renovations, and the project had to be postponed until this year, but we are very pleased to report that construction started in May of 2015 and is now wrapping up.

The capital costs of the Salvation Army redevelopment project were addressed in this year's main estimates. However, this year we will be receiving a third party recovery of \$1.175 million from Yukon Housing Corporation's affordable housing initiative.

We have a number of infrastructure projects under the Continuing Care division that require additional funding, generally as a revote. We are seeking a revote and some supplementary funding totalling \$130,000 for an energy audit for Copper Ridge Place. This energy audit was initiated in 2014-15, but requires a revote to complete it this year.

Residents of Dawson will be pleased with the imminent completion of the new McDonald Lodge. A revote totalling \$174,000 is needed to finalize the construction of the McDonald Lodge replacement and to purchase operational equipment for the new facility. The new facility will be ready to be moved into in the spring of 2016.

The new Whistle Bend continuing care facility requires a revote of \$435,000 to continue with planning work. We expect construction to begin early in the new year.

The new Sixth Avenue continuing care home will need \$420,000 to purchase furniture and equipment for the facility, which is now close to being completed. That facility is slated to be open in early 2016 as well. We expect to be fully staffed by then and we will start operating this small but very important intermediate-level facility based on a resident-directed model of care.

The capital request under Yukon hospital services is for the demolition of the old Watson Lake hospital. We estimate that cost to be about \$900,000 to undertake that work.

Certainly those are some important highlights from the budget. There are also a few other items that I spoke about that I would like to elaborate on and a few other items that I would just like to speak about in general.

Yukon currently has two resident psychiatrists. As well, we have itinerant psychiatrists for children, youth and seniors who provide services for our residents. Mental Health Services delivers a host of programs to our residents in Many Rivers, our partner NGO, which also provides a variety of services to our residents to help ensure their mental well-being. We are working together with the resident psychiatrists, management from the Yukon Hospital Corporation and members of the Yukon Medical Association to address gaps in services that have been identified. Work is underway to address these gaps with certainly short-, medium- and long-term plans for change.

Health and Social Services will also provide supportive transitional housing for individuals with mental health conditions in the vacant sixplex at 4050 Fourth Avenue currently owned by Yukon Housing Corporation. I would certainly like to extend my appreciation to the minister responsible for the Housing Corporation for his support on this program.

An agreement was recently signed with the Challenge-Disability Resource Group for the operation of the mental health transitional living residence. The Challenge-Disability Resource Group and the Department of Health and Social Services are collaborating on the delivery of services to residents of this transitional living home. We anticipate residential occupancy in the next month or two.

Addressing homelessness in the territory is certainly a challenge that is faced by Yukon, but also by many jurisdictions across Canada.

Our government continues to be committed to ensuring the housing needs for all Yukoners and to ensure that those are addressed, particularly persons who are homeless or at risk of homelessness.

Providing a 14-unit complex for individuals with FAS or FASD, 22 units of impending transitional housing operated by Salvation Army, expanding the St. Elias group home for individuals with moderate- to high-cognitive disabilities and transitional housing for persons with mental health issues or conditions are just examples of the development that has recently been completed or is currently underway.

In addition, our government continues to collaborate with our partners and stakeholders to increase the housing success of Yukon's most vulnerable and at-risk. Partnership examples would include the implementation of short-, medium- and long-term goals of the Yukon Housing action plan and supporting the federally initiated point-in-time count and redevelopment plans for the Salvation Army.

Madam Chair, our government is also very committed to ensuring that there are services and supports available to children with disabilities and their families. The family supports for children with disabilities — that program is one of the ways that this commitment is realized. FSCD serves children and families with a broad range of disability-related needs, including chronic developmental, physical, sensory, cognitive, mental health, or neurological conditions or impairments. The program provides a range of supports to families, as well as interventions for children. These may include homemaking, respite, family counselling, inclusion supports, sibling care and interventions such as speech and language therapy, physical therapy and occupational therapy.

There is no cap in the overall amount of funding a family can access. This is different from BC, for example, which provides up to \$22,000 for children under six years and up to \$6,000 for children six to 18 years under a number of different programs.

I would certainly like to extend my appreciation to the staff and management at FSCD for their hard work since the creation of that division in 2007-08, I believe it was.

Caring for children is society's most important job and foster families play an essential role by providing homes for children whose families, for whatever reasons, are temporarily unable to look after them. Fostering is challenging; it is demanding; it requires love, patience and strong parenting skills. We certainly thank the approximately 75 foster families for opening their hearts and their homes to Yukon children and families needing that type of support. We appreciate the

great service that foster families offer to our collective community.

We recently launched a new foster care awareness recruitment campaign, entitled “Fostering is Inclusive”. Just yesterday I saw that on display out in the lobby of the main government building here. We’re using this campaign to dispel some of the misconceptions around fostering. We always need new foster homes and new foster parents who can offer a variety of skills and perspectives to better match children’s specific needs and characteristics.

The campaign addresses the misconceptions about who is qualified to be a foster parent. A foster parent can be from many culturally diverse backgrounds, single or married, same-sex couples, homeowners, home renters. They can live in a house; they can live in an apartment or in a mobile home, or a cabin in the woods, for that matter.

An inclusive foster care force is key to a healthy foster care system for Yukon, and we continue to build just such a force with those who are fostering today and future foster parents.

Again, Madam Chair, I would like to thank the officials for joining me here today. I again extend my thanks to the good men and women working so hard each and every day within the department, and I look forward to hearing comments from my colleagues on both sides of the floor pertaining to the supplementary budget.

Ms. Stick: I would like to thank the officials for being here today. I have a lot of questions to ask. In the spring we had a very short period of time to actually ask questions on one of the — well, the largest department in terms of funding. I will be asking some questions that I didn’t get to back then.

Hopefully we’ll be able to stay on track with these, but I will go back to some of the initial comments that the minister made and just ask some very pointed questions on some of the budget information he gave us this afternoon.

I heard that there has been an increase in O&M for Adult Services for the FASD project. I have two questions. One is that it mentioned that there’s funding for this program for three years, and I’m just wondering if there’s planning for what happens after that and funding for it. Then my other question, directly related to that project, would be: How many FASD assessments have been completed by that team, not including the Whitehorse Correctional Centre?

Hon. Mr. Nixon: I must apologize. I was under the impression that the member opposite was going to be just talking in general debate, not going right to questions, so if she could repeat those questions please?

Ms. Stick: I really wanted just to get into questions. I have many to ask, and I know the member for the Third Party also does. My first question was on one of the comments that the minister made very early on with regard to increased O&M in Adult Services. He spoke to the FASD project that has been going on. What I was asking was if he could tell us please, since the project began, how many assessments have been completed by this new team — not including those assessments performed at the Whitehorse Correctional Centre?

I’ll just add this piece — how many team members are there now on this new project?

Hon. Mr. Nixon: The information that I have at my fingertips right now would indicate that the first assessment occurred in October. The clinic expects to complete between 10 and 12 assessments in its first year. Previous assessments were undertaken by an Outside agency travelling to the territory and they were doing eight assessments per year. The department partnered with Yukon Housing Corporation and Options for Independence to support the development of the new housing complex, but that’s not really addressing the member’s question.

As for team members, I’m going to have to commit to getting back to the member on the actual number and the breakdown of members on that team.

Ms. Stick: I’ll just continue along asking a few questions on the comments that the minister made today.

He talked about, under health, the funding from THIF and talked about e-mental health. I wondered if he could give more of a description of who is using that, or is it currently being utilized, and who would be using those services — what service providers would be involved.

Hon. Mr. Nixon: This program is just starting. We are going to be kicking this off with apps that will be used by the individuals. The system is actually out of British Columbia. It is called the “buddy system”, and that system will be monitored when it is up and running by health care professionals throughout the territory.

Ms. Stick: I’m looking for a little more clarification on that. Would these apps actually be used by individuals who are getting mental health counselling with a buddy?

The second question to go along with that is: How do we make that available to people in communities or individuals who might not have access to the — I don’t know what you would use — an iPad or Skype or something like that? How do we make sure that those things — Internet access, Wi-Fi — can all be in place for individuals trying to use that program?

Hon. Mr. Nixon: The individuals who will be using this are individuals who have been diagnosed with some sort of a diagnosis. The app is used by the clients who have that diagnosis. As I indicated, it will be monitored by health care professionals. This system can be used via an iPad, it can be used through a cellphone or it can be used at one of the health clinics throughout the communities or in Whitehorse.

Ms. Stick: Thank you for that answer. I’m going to move on. There was a revote for the collaborative care initiative, which the minister described as a partnership between the department and the Yukon Medical Association to promote collaborative care and to encourage the hiring of nurse practitioners for clinics.

This has been since the legislation came in, so my question is: Are we still only at one nurse practitioner available? I know there were others who were hoping to be hired. I guess my question would be: Why haven’t we seen the pickup from the YMA or from the medical clinics for the hiring of a nurse practitioner, which we know would ease the time burdens on physicians, would be able to provide more

preventive care and education and be able to see people quicker than they are seen now in clinics?

I do know there is one at the collaborative care clinic here in town and I've heard nothing but positive things from those patients who attend there; that it's wonderful to be able to go in and spend half an hour or longer with someone and have their blood pressure done, or talk to them about their diabetes or the complications they might be having with their complex needs. So we know that this works; we know across Canada that nurse practitioners have become integral parts of collaborative care clinics. What's the holdup here in the Yukon that we can't seem to get them into any of our local clinics? I've asked this question of my own physician: where is the nurse practitioner? I have received less than a forthcoming answer.

Along that same line, the minister mentioned that the Sixth Avenue residence, or what was formerly known as the Oblate Centre, will primarily be hiring nurses, so I'm not sure if that's LPNs or registered nurses, but my question would be: Would not this be an ideal place to put a nurse practitioner?

Hon. Mr. Nixon: I certainly thank the member opposite for her question, specifically talking about nurse practitioners. Right now there are two nurse practitioners in the territory and those individuals are shared — for lack of a better word — between a number of different clinics. There are services at the collaborative care clinic; there are also nurse practitioners at the referred care clinic. This is a new program. This is something that we've rolled out, thanks to the former Minister of Health and Social Services and his hard work. While we progress into this different fashion of providing health care, there are certainly opportunities for us to monitor and review the program to determine the best way forward.

We know that nurse practitioners could be used for other things, like mental health. The member talked about the potential of having a nurse practitioner in the new continuing care facility on Sixth Avenue. We don't see that as necessarily a good fit, because we don't require that level of expertise in that type of home. The makeup of staff there for nursing will be a combination of LPNs and nurses. Other than that, I just want to add that the Yukon government is committed to introducing nurse practitioners into our health care system. To date, we have the nurse practitioners that I indicated are working in private and public clinics. One works in our continuing care facilities, one is shared between two clinics and we are looking at one additional nurse practitioner to contract to provide for vacation or sick relief as needed.

As part of implementation, we will continue to explore opportunities to expand access to health care for Yukon individuals. More importantly, we will continue our working relationship with the Yukon Medical Association. We know that they are holding their AGM tomorrow, and I can only guess that they will be speaking about important issues like nurse practitioners and other health issues for Yukoners. We will continue with that relationship and look forward to seeing a new president after tomorrow, taking the time to meet with them, get up to speed on their mandate and what's important to their membership.

Ms. Stick: I find it disappointing that we really only have two positions now — one with the clinic and one in continuing care. I was going through the directory and noticed that there is a nurse practitioner, but that person seems to be in more of a management position than actually providing direct service.

I will move on to some of the capital costs. My question has to do with the St. Elias group home. Maybe I will put a few of these together. They would be the Oblate Centre — the St. Elias group home — and the transitional home on Fourth Avenue that we are looking at. What I am looking for are numbers in terms of how many people those particular services will be providing services to. How many people will be housed at St. Elias, at the Oblate Centre, and at the transitional housing for mental health?

Hon. Mr. Nixon: For those programs, we are certainly looking forward to the opportunity to open the new St. Elias group home. We see the construction of it happening right now. I know a number of people who work in that program and live in that program are anxious to see its completion. St. Elias will have room for up to 10 individuals, as I understand it. The Oblate seniors facility that is nearing completion on Sixth Avenue will also have 10 beds. The Fourth Avenue mental health transitioning home will be able to house or assist five-to-10 individuals in that program, run through Challenge-Disability Resource Group, the non-profit that was just awarded the contract to provide that service.

Ms. Stick: So a question with regard to the transitional home for individuals with mental health — the minister mentioned that it would be between five and 10. We know there are six units in there and I'm assuming one of those would probably be used for offices and overnight staff and that type of thing. So are we looking at roommates — people sharing apartments within that model?

Hon. Mr. Nixon: I thank the member opposite for her question. When we talk about a five-to-10 range, we know there are five units in there that will be available for individuals. We would always look at emergency situations and, if deemed possible and there were appropriate matches, could look at, I guess, a roommate situation, for lack of a better word.

This facility will provide supportive transitional housing for individuals with mental health conditions in the vacant building I talked about. It's currently owned by the Yukon Housing Corporation. As I indicated earlier, we signed a contract with Challenge to provide those services.

The annual operating costs for this facility are approximately \$650,000. Three years of funding is provided by Yukon government, with an evaluation early in the final year to determine if that program has met its objectives. It will provide individuals with stable transitional housing for a few months up to two years, while ensuring that they support and transition into self-management and enhanced suitability for longer term housing situations.

As the member talked about earlier, we would consider the roommate possibility, depending on the conditions and the compatibility of those individuals potentially moving in

together. We know that originally the building had six units in it, but because we've changed the focus of the service in that building, we're down to five units, and the sixth unit is being used as an office.

Ms. Stick: I am going to move on to some other questions that I have that I have been anxious to ask from the spring. I apologize if I seem to go off in different directions. I will try to keep them together in the same areas.

One of the first questions that I was curious about was the new department website. I'm wondering if this came out of the Health and Social Services' budget area. I find it more difficult to navigate than the old one and I find less information available. I have tried to look — or I was trying to help someone go through to look — at what services might be able to be provided to an adult with disabilities, and there were a lot of other services mentioned from other departments, but it didn't really talk about what Health and Social Services or what Adult Services might be able to do. I'm just curious as to whether this came out of Health and Social Services' budget — and how much for that new website?

Hon. Mr. Nixon: I certainly thank the member opposite for her question regarding the new website for Health and Social Services. This upgrade was done internally because of concerns that we had from the public on navigation. I would ask the member opposite that, if there are specific concerns, perhaps she could send me an e-mail with a list of those concerns. This is a living site so, as people have issues with navigating the site, we would certainly be very interested in hearing about those issues so we can try to correct them.

Ms. Stick: If I could just have an answer to the second part of that question — what the cost for that project was.

Hon. Mr. Nixon: The site was done internally so there was no external cost to it. It was with existing dollars with our own staff.

Ms. Stick: Thank you for that answer.

My next question has to do with some contracts that were out for tender or had been issued — their contracts for hiring for an executive position within the department and one for the HR director. I'm just wondering why we are going through that process of contracting out to — I'm not sure what the term is — firms that find new employees. They were quite large — those two contracts.

A couple of questions — why wouldn't we be doing this through the department's Human Resources unit, which is quite large and there are a lot of people involved in that? Why were these positions not posted through PSC?

I guess I have a few more questions actually: What were the outcomes of those two contracts, and were they successful? Is this a new policy direction for hiring executive positions and ADM positions within the department?

Hon. Mr. Nixon: I certainly thank the member opposite for her question.

Recruitment, certainly in the territory, is no different than in any of the other northern provinces. It is a challenge, to say the least. On these positions — I could speak specifically about the ADM position, but also with HR — those are

positions that were advertised within the territory, but they are very hard to fill. They are very technical positions and they weren't answered successfully, so we did go to the Outside search firm in hopes to recruit somebody from across the country on these positions. I think we are still working on that recruitment.

Ms. Stick: In the past, through PSC — you can just go to the *Globe and Mail* or another Outside newspaper, and you will see government job advertisements, so I am just curious why we didn't do the usual, which is to advertise nationally for these positions, the same way that we have, or other departments do, instead of paying a contract for \$70,000 and another for \$75,000.

It sounds like the one still hasn't been filled — the ADM position — and I am not clear on the HR one.

Hon. Mr. Nixon: Again, I thank the member opposite for her question.

Certainly in the past, we have used a variety of different avenues to post positions. The department has found that the newspapers really aren't that successful in recruiting for new positions. As I understand it, for both the ADM position and the HR position, we had a successful recruit and offered, but both were turned down so we continue with that recruitment on those two positions within the department.

Ms. Stick: Are we anticipating more costs, or is this a one-time cost with this business that provides this head-hunting service. The contract for \$70,000 and \$75,000 — does it grow as they go back out and look for two more people to fill those two positions?

Hon. Mr. Nixon: It is my understanding that these organizations really have to produce a successful candidate. If, on several rounds they aren't successful, costs could go up slightly but nominally. We don't expect any significant or greater costs to the recruitment on these two positions, but we'll continue to work with the agency, and I'm hopeful that we will be successful in recruiting both an assistant deputy minister and an HR person.

Ms. Stick: I hope they are successful too. That is close to \$145,000 in contracts to hire someone, and there are a couple of good positions for which the money could have been used within the department. Health and Social Services does have a fairly large contingent — if we look in the directory — of human resource officers, administrators and trainers. I'm just wondering if that money couldn't have been spent better otherwise. But I will move on.

I was glad to hear the minister bring up foster care. He mentioned there were 75 foster homes. I have a number of questions. I will ask them together and then give the minister time to respond. There are 75 foster homes approximately. What I'm looking for is this: What is the number of children in foster care in Whitehorse and the regions? How many First Nation children are in foster care? Do we have children coming from the communities to Whitehorse to receive foster care?

Hon. Mr. Nixon: I thank the member opposite for her questions. Certainly, the foster families and foster care have been very important to me. I'm pleased to have the support of

my colleagues on this side of the House to work on initiatives to increase the capacity and the number of foster families in the territory.

We know there are approximately 75 foster families throughout the territory. I don't have a breakdown in front of me of how many are from the communities or how many are in Whitehorse. I presume that the majority of them — or at least half of them — would be in Whitehorse though. In the communities and with First Nation children, we look for a multitude of different opportunities for those children. There is certainly an extended-care foster-care type situation where the children would be placed in a home they might be familiar with — a family member or relative. Certainly, those would be opportunities that we would look for first and foremost before placing them.

Then, obviously, if we weren't successful in that capacity, we would look for a foster placement within each of the communities. If we aren't successful in those opportunities, then we would certainly look for an opportunity to place a child in Whitehorse with another foster family.

Getting back to the campaign that we are currently running, what we're looking for is to have a larger pool of foster parents to draw from than there are kids needing that type of placement. We look for the best possible match for that child, as opposed to just putting them in a foster home. That's one of the reasons why we are running this campaign — to increase the number of foster families to better match and place those kids.

As I understand it, there are about 105 to 110 foster children in those approximately 75 homes throughout the territory. Another reason that we are trying to increase the number of foster families is so that we don't have to break up sibling groups too. That is one of the most difficult foster children placements to make — when there is a sibling group of three, four or five kids, putting them all in the same home is a challenge. If we have a larger group of foster parents to draw from, some might be very interested in taking all of the siblings, and that is certainly what we hope for.

As far as the detailed statistics that the member opposite is looking for, I can commit to getting back to her on those statistics. I just don't have them at my fingertips here on the floor of the Legislature.

Ms. Stick: I will be looking for how many children, between the communities and Whitehorse, and how many of those children are First Nation.

I have a couple more questions with regard to foster care and foster homes, or under that same area. It was something that was brought to my attention, and I am just wondering if the minister can confirm or otherwise: Have children or youth who have been in care been placed in hotels or B&Bs in the last year?

Hon. Mr. Nixon: Certainly this is another reason why we want to expand the foster family pool, but no, there have been no children in foster care placed in hotels. On a rare occasion we may have to use a bed and breakfast for a short-term period while there is a placement pending, but it is a very rare occasion.

Ms. Stick: In those instances where a youth or child in care, versus foster care, has to be in a B&B, are they accompanied by an adult or a caregiver during that time?

Hon. Mr. Nixon: Yes, there would be a social worker or staff who would be assigned to that individual.

Ms. Stick: The last question in this area is not really about foster care, but it is children in care. How many children are placed — or are there any — who are placed Outside in services, whether it's residential or day program services outside the territory?

Hon. Mr. Nixon: In the event where there is a situation where there is a foster child who has very severe mental health/psychiatric issues that we simply don't have the capacity here in the territory to assist them, we will look for opportunities outside of the territory for an appropriate placement for those individuals. As I understand it, there are three kids in care outside of the territory at this present time.

Ms. Stick: Thank you for that answer. Can the minister give us an idea if these are permanent placements Outside, or are there plans in place to bring them back to the Yukon and back to their communities and families?

Hon. Mr. Nixon: As the member will appreciate, when kids are out for reasons, such as I explained in my previous response, we move forward on a case-by-case basis, so if there are significant improvements in that child's being; if there are family members in the territory who are willing and capable of taking that child in; if for some reason we had a foster family that had that expertise, we could potentially look at those situations. But it really comes down to a case-by-case basis for these kids. We want to ensure that they do have the best care. If the best care for them is not in the territory, then we will look for it elsewhere.

Ms. Stick: I'm going to move on to the Young Offenders Facility. I'm wondering if I can just get an update on the numbers who are incarcerated or in remand at the Young Offenders Facility and a breakdown between males and females there.

Hon. Mr. Nixon: Those would be hard numbers to give to the member opposite, because really, at the Young Offenders Facility, those numbers change potentially on an hourly basis. We could have three kids; we could have zero kids; we could have two or five. I can commit to getting back to the member opposite for the number of kids at the Young Offenders Facility at the point in time when we make the phone call, but the member opposite can appreciate that this number is going to change potentially hourly, daily and weekly.

Ms. Stick: I thank the minister for the answer. One of the issues that I hear, because the word is on the street — and I just want to confirm or not confirm that this is true — that I understand that sometimes it's difficult to have female staff or females on staff at the Young Offenders Facility, which makes it impossible — if there's a young woman incarcerated there, they are not going to be able to get outside time if there is not a female staff person. This is something I've heard — he can confirm or deny.

Hon. Mr. Nixon: I don't know where the member opposite is getting her information from, but if there was a female youth at the Young Offenders Facility, we would either have female staff on at that time or bring in a female auxiliary on call to provide those opportunities for that youth.

Ms. Stick: I just brought that forward because it was a concern brought to me by someone, and I just wanted to clarify that. I'll get back to that person with the answer from the minister — I thank the minister for that.

I'm going to move on to Alcohol and Drug Services. With the new Sarah Steele Building, there have been announcements of new programming, including community addictions program, more intensive in-house treatment et cetera. I am wondering if the minister could please tell us how many new staff persons are anticipated and what areas will be receiving more staffing?

Hon. Mr. Nixon: I certainly thank the member opposite for asking this question.

We're very excited to see the construction happening at the new Sarah Steele Building and anticipate the opening of that facility. It will certainly provide a great service to our community, not only in the sense that it will provide programming, but it will provide expanded programming and continuous programming, whereas in the past as you know, Madam Chair, we were able to offer a 28-day program for men — one month — then they would have to take a break, get the facility ready, and then break and then move into a subsequent program for women or for men depending on the need at that given time. So, we know with the new facility that we'll be able to run men's programs, women's programs and youth programs all concurrently, and we really are looking forward to seeing that expanded service in the community.

A new community addictions program was developed to address gaps that were identified through a number of different reviews that the department has done and those were highlighted by First Nations. The branch collaborated across the department with Mental Health Services and Community Health Programs and with key partners and stakeholders, including First Nation health programs, Many Rivers and the Department of Justice to identify the gaps and services, particularly in the communities.

The CAP, or community addictions program, is providing supports within communities including prevention, pre-treatment, counselling and after-care support. We are very excited to see the potential for those programs to move forward. Counsellors have been placed in Haines Junction and in Watson Lake and Dawson City to support the outlying communities. Additional itinerant staff is based here in Whitehorse.

As part of the department's move to client-centred collaborative care, CAP, or the community addictions program, will be using a community outreach model to collaborate with existing services, including the First Nation health programs, providing a team approach across social work, community health and mental health services.

There have been many enhancements to ADS, or Alcohol and Drug Services, to address program gaps for youth and

adults with substance issues. We continue to collaborate, as I had indicated, with key stakeholders and partners on the redesign of the Alcohol and Drug Services programs to ensure that the program enhancements address the identified needs and gaps. Those identified needs and gaps, as I had indicated, have been brought forward by working with Yukon First Nations and other stakeholders.

The government is the process of implementing the new program design, which provides enhancements enabled by the new Sarah Steele Building.

In addition, the department has staff permanently located in Watson Lake, Haines Junction and Dawson, as I've mentioned, who work very hard in those communities and outlying communities to service those individuals who need that level of care. The new Sarah Steele Building construction has begun, as you know, Madam Chair, and we are looking forward to next summer when we are ready to open the doors for that facility.

The member opposite had asked about staffing for those new programs. A Management Board submission is in the works for that program, so I am not able at this time to give that information to the member opposite. Once the Management Board submission has been approved and we are ready to move forward, those numbers will be made available.

Ms. Stick: Thank you for those answers. I am sure it will be in next year's budget mains, when we see the increase for staffing. I did have one more questions with regard to ADS, and that is: Is this where the FASD prevention strategy is housed? I am wondering if it is ADS that is leading on this. Is there going to be collaboration with other NGOs and communities on the FASD prevention strategy, because I think that should be a very large piece of the ADS services provided?

Hon. Mr. Nixon: I thank the member opposite for her question. There is no program for FASD specifically for outreach that is going to be housed at Sarah Steele. Having said that, all divisions within Health and Social Services address FASD collaboratively as an issue. We will continue to move forward in a collaborative model, but certainly there will not be a program for assessments or anything like that at the Sarah Steele Building.

Ms. Stick: Maybe I didn't make myself clear. I was talking about an FASD prevention strategy — prevention of more individuals being born with the impacts of alcohol intake by the mother. What I was looking for was information on a prevention strategy that would save us millions and millions of dollars into the future.

Hon. Mr. Nixon: Health and Social Services continues to fund and/or provide a comprehensive range of initiatives, services and programs related to FASD in partnership with others. For example, seven assessments are now in progress through the new FASD diagnostic clinic operated by Health and Social Services. The first step in the assessment is to gather all relevant health information for each of those individuals.

A local assessment team comprised of a physician, a psychologist and the adult assessment coordinator will then

assess each individual in order to make or not make a diagnosis. The first assessment, as I have indicated, occurred in October. The clinic expects to complete between 10 and 12 a year — I have already mentioned that on the floor of this House. Previously, assessments were undertaken by an Outside agency.

The department partnered with the Yukon Housing Corporation and Options for Independence Society to support the development of a new housing complex — we have talked about that.

Health and Social Services and the Department of Justice are implementing a protocol agreement that sets out a process for case coordination for common clients with complex needs, including those affected by FASD. We in the Department of Health and Social Services have undertaken awareness campaigns about the prevention of FASD and healthy pregnancies.

Alcohol and Drug Services develops and delivers the FASD prevention initiatives to increase awareness and healthy behaviours. ADS detox reserves two beds for women and provides priority admission to pregnant women; out-patient and in-patient treatment programs also provide priority access to their programs to pregnant women. In 2013-14, Health and Social Services contracted with Charis Management Consulting Inc. to conduct a literature review and gaps analysis related to FASD prevention programming in our territory. A number of reports were produced and those reports were paid through the THSSI funding that we had previously.

As I had mentioned earlier to the member opposite, FASD and addressing FASD is something that we work on collaboratively throughout the department and we'll continue to do that.

Ms. Stick: The minister mentioned that they did a contract for a literature review and looking for gaps in prevention. I am wondering that — from this, did they come up with a strategy that is going to address an FASD prevention? It's good to hear about all the assessments and what-not, but we need to get back to the beginning, which is supporting healthy families and healthy babies, so that we don't continue to see these individuals with FASD. It is probably one of the few preventable disabilities from birth than can actually be prevented, and I think that efforts really need to be focused on that, whether it is in the schools or wherever.

I am just wondering if there is a strategy, a plan that says we are going to do all of these things to really try to prevent something that is 100-percent preventable.

Hon. Mr. Nixon: I thank the member opposite for specifically asking about the contractual agreement that we had with that organization to provide reports. Those reports were research-based, but that research is not to necessarily create a strategy for FASD in the territory. What it does is inform us on our service delivery and the service delivery across government. We share that information from department to department but, specifically on Health and

Social Services, that research really does inform the service delivery for the service providers.

Ms. Stick: I'm going to move on because there are lots more questions to ask. I will just make the one comment, though, that I think this is one area where more work can and should be done when it's something that's preventable. It's something that — all births at this point take place at Whitehorse General Hospital, and it seems to me there were recommendations in the past for there to be a clear screening of newborns as part of the assessment and intake with the mothers to determine whether this baby is at risk of being FASD so that we know from the beginning — so we're not waiting until they're adults or into the school system before we're doing those assessments.

At one time that was a recommendation that these things happen at the hospital when a child is born. I wish we would be doing more on the prevention side. It's very important that we provide service to those individuals now. I'm not going to argue that. In fact I would argue we need more services for individuals with FASD.

If we're going to stop it — of having to continue to grow services and pay for services — we need to prevent FASD.

I'm going to move on to income support. Just from some of the statistics that we were looking at in the mains, I wanted a breakdown. It said there were 691 — that was the number given. I'm just going to go to that page. The number of clients was 691 for 2014-15, and then there was a number for this coming year.

What I wanted to understand was — cases often involve more than one person. It could be a couple, it could be a family, it could be a single family or it could be seniors. What I wanted to do was just get a breakdown of that number from last year in terms of how many of those cases were actually families, how many of those cases — like, what are the numbers? Not just that we have this many cases — but it involves this many children, this many seniors, this many single-parent families or individuals, single persons.

Hon. Mr. Nixon: Certainly over the last decade, this government has improved social assistance policies and processes, and we've done that in order to increase social inclusion and enhanced quality of life for Yukoners requiring this level of service. This includes providing more individualized, integrated case management supports and streamlining some of the application procedures to make it easier for individuals to access the benefits that they would be eligible for.

Yukon social assistance benefit rates are, just like with any other province or territory, not something that we want to advertise, but we're always looking at ways to create a stronger economy and get people off social assistance. We continue to look for ways to better support those individuals in financial need.

We certainly don't take enough opportunities to thank those front-line social workers who work each and every day to support Yukoners requiring their assistance. I've toured a number of our offices and continue to. I'm always impressed by the work that our social workers and foster care workers do

within the territory. I think that, more often than not, these individuals are taking on roles and responsibilities that really not many people in society want to take on. The social workers see things on a daily basis that most of us probably aren't even aware of, and I think that we should take more opportunity to thank them for the good work that they do for Yukon citizens.

The number of cases that the member opposite is talking about would fluctuate and, as the member opposite indicated, sometimes we see individuals, sometimes we see families, married couples and same-sex couples. Those aren't numbers that I have at my fingertips today, but I can commit to getting the numbers that I can to the individual. It may not provide numbers of children but I can certainly look at the data and see what is available and what I can provide the member opposite.

Again, on behalf of this government, we certainly want to extend our thanks to the many social workers working across the territory for the work that they do and the situations that they are in each and every day. They certainly look out for the best interests of kids in government care, and I thank them for that.

As I indicated, we will be touring a number of the offices — if I haven't already. I look forward to meeting with more of the social workers, with the foster care workers.

They were certainly integral in the campaign that we launched looking for foster parents, which the member opposite earlier spoke about and I spoke about. They were involved last week when we hosted an appreciation dinner for the foster parents, and workshops for foster parents, social workers and foster care workers. We'll continue to do our best to support those individuals. Again, we thank them for their hard work.

I will commit to getting back to the member opposite with a breakdown.

Ms. Stick: I'll just go over again the statistics that I'm hoping to collect, because I know, through the computer programs that they use, that these reports can be produced. What I'm looking for are the number of families on social assistance, the number of single persons, and the number of children. The other one would be the number of seniors — those over the age of 65 — who are utilizing the services of social assistance.

I agree that it should be our goal to get people off social assistance, but there always will be that need. I think it's important that when we say there are 100 or 200 cases — it's actually more than that, if you drill down, if you look at the number of individuals or families who are relying on that. We know that from statistics we get from the Food Bank. They can tell you how many children, how many families, how many single individuals every month are coming into those services looking for food, including how many of the recipients of food from Food Bank are on social assistance.

I'm going to move on from there and talk a bit about services to persons with disabilities. I have a number of questions — some of them I might just put in a letter to the minister, just to move things along. There are a couple of

questions in particular that I do have. One I've asked in a number of the last sittings, and it has to do with Takhini Haven and its location. It's still behind a barbed-wire fence; it's still located at the jail. All of the individuals there are not necessarily Review Board clients, and it's not a community. I know some of the individuals who live there and they still talk about living at the jail. It's not an appropriate placement. I think there is better utilization of that building at the jail — that it could be used for. At one time it was the women's unit, and they spent time there making their own meals, eating together, learning life skills and taking care of the place. We still need a halfway house for women coming out of corrections.

My first question will be: What are we going to do about Takhini Haven and when do we move those individuals back to an appropriate neighbourhood and community instead of at the jail, behind the barbed wire?

Hon. Mr. Nixon: When I was Justice minister, this was an issue that was brought forward by the members opposite. At that point in time, I had a little bit more information on Takhini Haven than I do at this point. I am going to defer this to a certain degree to either the Minister of Justice or the Minister of Highways and Public Works, but I do know that there are several individuals in Takhini Haven who are Review Board clients. Whether there is a partial fence around the perimeter or not, that is Corrections' land.

I'm not going to talk about the appropriateness of having Review Board clients housed in a building separate from the jail on Corrections land. Some might find that is completely acceptable and others, as the member has indicated, may not. The fact of the matter is we do have a contract with, I believe it is Challenge-Disability Resource Group, to provide a level of care to the individuals who are living in that home. The member is right: some are Review Board clients and, as I understand it, there might be one or two who are not Review Board clients, but we have a challenge finding potential placements for them.

That is an operational issue that Challenge-Disability Resource Group would need to discuss with us. I haven't had those discussions with Challenge. They haven't reached out to me.

I have been inside the building. It is a very nicely laid-out building for people to live there. For individuals who have Review Board status, I think it's — depending on the needs and what their orders look like, it could be very well an appropriate placement. Again, I am going to defer the fence issue to either the Minister of Justice or the Minister of Highways and Public Works.

Ms. Stick: I am going to keep coming back to this, because the jail is not a neighbourhood. It is Justice land — great. I know you have a contract with Challenge, but the contract was to provide services in that place. There are houses for sale around this town. We have group homes located throughout this city. There are all kinds of individuals who come under Review Board orders who are not living there. It's just not a place — they are not criminals — it's not a place for people to live. It's not a neighbourhood. It's not

community. They don't have neighbours; they have a jail, and it is not appropriate for those individuals.

Find another place for them; find a house and move them. I am sure there would be an uproar if we said, "Well, this is a nice place. This is lovely inside and staff can come here and these people need support, and we put seniors in there." I don't think that would go over very well. So why are we putting individuals with special needs at the jail? This is the 21st century and it's just wrong, and I am going to come back on this one all the time until it's changed, because I don't agree with it and I don't think anyone would agree that is a place for people to live.

They leave every day: they have jobs; they go to activities; they do things and they are in the community — that's great. So why can't they live in that community and not at the jail? Make it a halfway house for women leaving corrections. We need that; there is nowhere for them to go. Let's use that appropriately, but it's not appropriate for these individuals at all.

Sorry, Madam Chair, I got on my soapbox a little bit there. I'm passionate about this. This was my background. This is the training I have and I worked at one time in an institution with 1,200 people who lived there, and that wasn't appropriate. Thankfully we closed those down, but I am going to keep fighting, even for the small units like these.

So far in 2015-16, this budget year, we're close to \$1.5 million in contracts for Outside placements, whether it's residential or day programming out of the territory. I would just like clarification if these are just adults, or children and adults. We already had the numbers from the minister on the — I think it was three children that are placed Outside. I would like to know how many adults are currently placed Outside in services that have already, six months in, amounted to \$1,413,575.

Hon. Mr. Nixon: A number of these placements, as the member opposite can fully appreciate, are for a variety of different services, for a lack of a better word.

Certainly we see Yukon Review Board clients leaving the territory for placements elsewhere, simply for the fact that they're on a case-by-case basis. Some individuals, like other individuals in care — we just don't have the capacity, the expertise and people trained to provide that level of care for those Yukon Review Board individuals.

Certainly we see a number of instances where there are youth out for treatment — and those are the three youth who I spoke about earlier. I certainly have that number here for the member opposite, but we also see hospital placements and that could be for anything from severe mental health issues to forensics to treatment. We have, I think, two beds in Nova Scotia that we pay for on an ongoing basis, and certainly from time to time look for opportunities for those types of placements in other provinces closer to Yukon.

There is potentially a wide range of children, youth and adults at any given time. That number isn't going to be static; it's going to change potentially from week to week. I can commit to getting the adult numbers for the member opposite.

I don't have those at my fingertips, but right now we do have three youth who are out for treatment.

Ms. Stick: In looking at contracts over the last number of years, we see the same service providers receiving contracts for Outside placements, including Catholic social services, I Have a Chance Support — those types of things. I am wondering if any of these are long term. Are any of these beyond five years, beyond 10 years of a resident who has been placed Outside in a service?

My other question, Madam Chair, is: What is going to be the tipping point when we say, "Wow, we're sending all of this money outside the territory"? When can we use some of this money and start building our own services and keep residents — Yukoners — closer to home, closer to their families, which would be better for them and for their families too? I imagine it's very difficult for some families to be able to be able to go and visit family members who are out-of-territory. When you don't have that contact, I think it just makes it more difficult.

One is: Do we have some who have been out there for a long time? What is the tipping point when we decide maybe we can do that here, we just need to create the service?

Hon. Mr. Nixon: I certainly thank the member opposite for her question.

We as a government and as Health and Social Services — when these issues or occasions or circumstances arise where we have to send somebody out for treatment — Madam Chair, I should note that the two beds that we had in Nova Scotia — we no longer hold those. We've moved those to Ottawa now. I did say Nova Scotia earlier, but it slipped my mind that we had changed those beds to Ottawa.

The member opposite was talking about keeping people in the territory. Certainly, that's our first priority — to keep those individuals in the territory if we have that level of care to provide to them.

On rare occasions where we just don't have the expertise to provide that high level of care for those individuals dealing with a number of different issues, we need to look at the expertise of those health care professionals from down south. More often than not, there really isn't a business case. We haven't hit that tipping point, as the member opposite alluded to, yet where it would be less expensive to provide that high level of care to those individuals in the territory. Although, certainly, it is not our first priority to ship people out, sometimes it's a necessary evil and, for those individuals to get that best level of care, we do need to look at those opportunities.

This is something that the department continues to assess and, if there comes a point in time where it becomes more viable and there is a stronger business case to provide those psychiatric-type levels of care in the territory, we can look at it at that point, but we haven't even come close that tipping point yet.

Ms. Stick: Thank you for those responses. My one question that I'm still curious about is the long term. Do we have people who have been out there for five, 10 years or longer? The question would be: At what point do we just carry

on paying that? I can think of one individual from quite a while back who I am aware of, who I worked with, who went out — I'm just wondering — I don't know and I don't want to know, but I am curious. I know that person never came back. Did they stay on as a Yukoner to infinity kind of thing — if they are required to stay Outside for the rest of their lives? If it is 10, 20 years, do they remain a Yukoner and do we continue to pay, or at some point do they become a resident of that province?

Hon. Mr. Nixon: As the member opposite could very well appreciate, from time to time — and it's very rare — where we have severe forensic placements, those placements could potentially be long term. If we don't have the capacity or the expertise in the territory and the level of care that they require doesn't improve, we need to look at very specialized placements out-of-territory for those individuals.

Again, it is on a case-by-case basis, so there could be opportunities where the individual has family where there is a placement, and that is great that they have family nearby. Potentially that individual could move into that jurisdiction with their family and those costs be covered by that jurisdiction. There could also be instances where an individual is out long-term and Yukon government would continue to pay for that forensic type of treatment. Like I said, it's very rare, but it just comes down to a case-by-case basis.

Ms. Stick: I do understand the need. I was just curious if there currently were some long-term ones. I am going to move on.

I'm going to come back a bit to the FASD and the clinical coordination of assessments that the minister has already spoken to. He spoke about the stats. We have one completed. We have seven on the way — and hoping to do 10 or 12 a year. I have a couple of questions. One would be about how these referrals are being made and if they can be made by an individual coming to the department and asking for an assessment. I'm wondering about communities and individuals in the communities — if a family member can make a referral for an assessment. I think that is it for a start.

Hon. Mr. Nixon: Certainly, again, we talk about case by case. This is a perfect example. For individuals who are living in the communities — certainly we look at essentially triaging the needs and requirements of those individuals.

Often, families will work with local service providers — so those could be nurses; it could be social services; it could be professionals from Alcohol and Drug Services. Typically what we do like to see is — and in most circumstances I would suspect that it's professional to professional, so it could be a doctor in the community. It could be a community nurse making that referral for that assessment.

Seeing the time, I move that you report progress.

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

Motion agreed to

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

Chair: It has been moved by Mr. Elias 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. 20, entitled *Second 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.

Speaker: It has been moved by Mr. Elias that the House do now adjourn.

Motion agreed to

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

The House adjourned at 5:25 p.m.