



# Yukon Legislative Assembly

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34<sup>th</sup> Legislature

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## HANSARD

Thursday, October 31, 2019 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

# YUKON LEGISLATIVE ASSEMBLY

## 2019 Fall Sitting

**SPEAKER — Hon. Nils Clarke, MLA, Riverdale North**  
**DEPUTY SPEAKER and CHAIR OF COMMITTEE OF THE WHOLE — Don Hutton, MLA, Mayo-Tatchun**  
**DEPUTY CHAIR OF COMMITTEE OF THE WHOLE — Ted Adel, MLA, Copperbelt North**

### CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
<b>Hon. Sandy Silver</b>	Klondike	Premier Minister of the Executive Council Office; Finance
<b>Hon. Ranj Pillai</b>	Porter Creek South	Deputy Premier Minister of Energy, Mines and Resources; Economic Development; Minister responsible for the Yukon Development Corporation and the Yukon Energy Corporation
<b>Hon. Tracy-Anne McPhee</b>	Riverdale South	Government House Leader Minister of Education; Justice
<b>Hon. John Streicker</b>	Mount Lorne-Southern Lakes	Minister of Community Services; Minister responsible for the French Language Services Directorate; Yukon Liquor Corporation and the Yukon Lottery Commission
<b>Hon. Pauline Frost</b>	Vuntut Gwitchin	Minister of Health and Social Services; Environment; Minister responsible for the Yukon Housing Corporation
<b>Hon. Richard Mostyn</b>	Whitehorse West	Minister of Highways and Public Works; the Public Service Commission
<b>Hon. Jeanie Dendys</b>	Mountainview	Minister of Tourism and Culture; Minister responsible for the Workers' Compensation Health and Safety Board; Women's Directorate

### GOVERNMENT PRIVATE MEMBERS

#### Yukon Liberal Party

<b>Ted Adel</b>	Copperbelt North
<b>Paolo Gallina</b>	Porter Creek Centre
<b>Don Hutton</b>	Mayo-Tatchun

### OFFICIAL OPPOSITION

#### Yukon Party

<b>Stacey Hassard</b>	Leader of the Official Opposition Pelly-Nisutlin	<b>Scott Kent</b>	Official Opposition House Leader Copperbelt South
<b>Brad Cathers</b>	Lake Laberge	<b>Patti McLeod</b>	Watson Lake
<b>Wade Istchenko</b>	Kluane	<b>Geraldine Van Bibber</b>	Porter Creek North

### THIRD PARTY

#### New Democratic Party

<b>Kate White</b>	Leader of the Third Party Third Party House Leader Takhini-Kopper King
<b>Liz Hanson</b>	Whitehorse Centre

### LEGISLATIVE STAFF

Clerk of the Assembly	Dan Cable
Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Karina Watson
Deputy Sergeant-at-Arms	Harris Cox
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly  
Whitehorse, Yukon  
Thursday, October 31, 2019 — 1:00 p.m.**

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

*Prayers*

## DAILY ROUTINE

**Speaker:** We will proceed with the Order Paper.  
Introduction of visitors.

## INTRODUCTION OF VISITORS

**Speaker:** It is my pleasure to introduce, from the Child & Youth Advocate Office: Annette King, the Child and Youth Advocate; Bengie Clethero, the Deputy Child and Youth Advocate; Lynda Silverfox, systemic analyst; and Taylor Greenwood-Pauuwe, helping out in the role of individual advocacy.

Welcome to the Assembly.

*Applause*

**Hon. Ms. Frost:** I ask my colleagues to please help me in welcoming some special guests here today from Hospice Yukon: Stacey Jones, Deb Higgins, Suzanne Greenshields, and Carlie Graef.

**Hon. Mr. Pillai:** Mr. Speaker, I would like to ask the Members of the Legislative Assembly to welcome individuals who are here today for two different tributes, one on the North of 60 Agriculture Conference as well as Yukoner Appreciation Day. For the North of 60 Agriculture Conference, we have: Manon Moreau, who is our ADM in Energy, Mines and Resources; Kirk Price, who has been our acting director; Brad Barton, who is here with us today; and also leaders in the agricultural field, both Jennifer Hall, the executive director of the Yukon Agricultural Association, and the president, Sonny Gray. It is great to have you here as well today.

Also for Yukoner Appreciation Day, we have: Mike Pemberton, who is the president of the Whitehorse Chamber of Commerce; Susan Simpson, the executive director; and Andrei Samson as well from the team.

*Applause*

**Speaker:** Are there further introductions of visitors?  
Tributes.

## TRIBUTES

### In recognition of Hospice Yukon

**Hon. Ms. Frost:** I rise in the House today to ask my colleagues to join me in two tasks: first, to recognize and congratulate Hospice Yukon on 30 years of service to Yukoners; and second, to thank the organization and all those who have worked for and volunteered with Hospice Yukon during those 30 years.

This organization, run out of a tiny house on Jarvis Street, has been providing compassionate support for Yukoners facing end-of-life and those dealing with grief. They stand with people facing some of the most difficult times in their lives. Within this Legislative Assembly, most of us will have lost a loved one. It is a difficult experience and one that we can't really ever prepare for, but Hospice Yukon is always there to help people with the end-of-life and bereavement supports.

They offer respect, compassion, and empathy. Through their work, they support parents and children who are living with loss. They work with employers and employees to support staff, and each December, they host the Lights of Life, which enables individuals to remember a loved one during the holiday season. There is something powerful and soothing about turning on a light for a loved one as a way to honour and remember their lives.

In Yukon, the term "hospice" refers to a philosophy of care rather than a specific place where people spend their last days. Hospice Yukon provides a vital part of the continuum of palliative and end-of-life care that is available within Yukon. The continuum involves and includes a wide variety of health care professionals, including physicians, nurses, and long-term home care staff. Hospice care, palliative care and end-of-life are provided in many different places for people living with or dying from a life-limiting illness, and it is provided by many different care providers.

Staff and volunteers at Hospice offer support for clients in hospitals, care facilities, homes, and workplaces. Dying doesn't change and grieving doesn't change, but Hospice Yukon is always looking for new ways to support Yukoners. Recently, we provided additional funding to Hospice Yukon to support an educator within their ranks. This person will be responsible for all educational outreach programs, as well as developing and coordinating educational opportunities for rural Yukon communities. I just want to give them a shout-out for coming to my community and helping to educate and train individuals to be those care providers. We will see that throughout the Yukon, Mr. Speaker.

We are very fortunate to have such a caring and compassionate community who has kept this work going for 30 years. I wish them another 30 years. Mahsi'.

*Applause*

**Ms. Hanson:** I rise on behalf of the New Democratic Party and the Yukon Party to thank all those past and present folks who have been part of Hospice Yukon. For 30 years, this organization of dedicated staff and volunteers have been offering compassionate support to Yukoners to better understand the profound journey of living, dying, and grieving. Too often, these are not topics that we want to talk about, whether for ourselves or our family members. It is uncomfortable for most of us. When it comes to an ill or dying family member, it feels as though we are giving up hope.

Hospice isn't about giving up hope at all; hospice is about living life to the very end in the best way possible.

At Hospice Yukon, the term "hospice" refers to a philosophy of care, a philosophy on living, dying, and grieving.

Support, education, and volunteering are the foundation of the services they offer. These three areas overlap to create holistic healing programs that help individuals, families, and Yukon communities through the challenges we all experience with dying and grieving.

For over 20 years, Hospice Yukon, through the Lights of Life, has given space to those Yukoners who want to honour the lives of loved ones during the holidays. By hanging a card with a name or a message, this simple ritual has allowed us to meaningfully honour our loss. Hospice Yukon has helped thousands of Yukoners in the last 30 years as they offer support to those at the end of their life journey and those left to grieve their absence.

They work where needed — at hospitals, care facilities, private homes, and workplaces. In their cozy and welcoming downtown office space, they offer counselling services, they have a resource library, and they offer a variety of groups and courses to help. They offer respect, compassion, and empathy to all who come to them for support. They continue to embrace a holistic philosophy of care and healing, addressing the diverse needs of those grieving and dying in our community.

We thank all of those, past and present, from Hospice Yukon for supporting us in our times of need and reminding us that, even the darkest of places, we can find light.

Finally, I want to thank the volunteers who make the little red felt hearts that have become talismans of Hospice Yukon and those whom it touches.

*Applause*

### **In recognition of the North of 60 Agriculture Conference**

**Hon. Mr. Pillai:** Mr. Speaker, I rise today on behalf of the Yukon Liberal government and the Yukon New Democratic Party to pay tribute to the 32<sup>nd</sup> North of 60 Agriculture Conference and the hard-working people in the Yukon farming community.

This coming weekend, farmers, gardeners, and ranchers will be gathering with experts and the public to celebrate Yukon agriculture.

This year's conference will focus on farmers and farm well-being. The conference guests and lecturers will cover topics such as mental health on the farm, food waste reduction, women in agriculture, disease identification and management, vegetable forage, and cereal crops.

Working in the agricultural industry is full of challenges, from unpredictable weather to small market size and limited infrastructure. Yet despite the challenges, our producers go to work every day to create great products that meet the needs of Yukoners. The agricultural industry is a key component to diversifying and growing Yukon's economy.

Farmers are working hard to innovate and grow the sector. This is critical to improving Yukon's ability to be more self-sufficient in food production and to reducing the greenhouse gas emissions resulting from transportation of products to the territory.

I would like to say thank you to everyone who works so hard every year to bring the North of 60 Agriculture Conference

together — this means the farmers, those who work with the agricultural industry, and all the hard-working members of the Yukon Agricultural Association, and our team at the Agriculture branch. As you probably know, the North of 60 Agriculture Conference is also where Yukon farmer and farm family of the year is announced. To add to the activity, it is also the weekend of the north of 60 local food banquet.

I look forward to seeing everyone at this weekend's conference and continuing discussions on how we can encourage local food production and support farming north of 60. I also encourage everyone to check out the workshops this Saturday and Sunday at Yukon College in Whitehorse. They are free, and subjects are wide-ranging and fascinating.

*Applause*

**Mr. Cathers:** I rise today on behalf of the Yukon Party Official Opposition to pay tribute to farmers, market gardeners, and producers across the territory who each contribute to local food production and the agriculture sector of our economy.

The Yukon's agricultural industry is sustainable and is growing here in the Yukon. It is the efforts of the individuals, families, and businesses who work hard to meet the needs of Yukoners year-round that not only keep this part of our economy going, but grow it year after year.

Locally grown meats and food products are available in abundance and in growing number. We are fortunate to have access to the variety that we do here in the Yukon, but there is great potential for further growth. As MLA for Lake Laberge, I am proud to represent most of the farmers who live in the Yukon, and I have had the opportunity to see many of these operations in action and I appreciate the hard work that they do.

It's not an easy job being a Yukon farmer or producer, no matter the scale of the operation. I will be tabling two motions today on behalf of constituents in the agriculture sector about problems that they're having which are caused by government.

The North of 60 Agriculture Conference takes place this weekend. The entire conference is free and open to the public. Presentations on different aspects of northern production and farming in the north will take place over the course of the conference, and anyone interested is encouraged to drop in and take part.

I also look forward to the north of 60 agriculture banquet to be held on Saturday, and I would like to congratulate all the nominees for the 2019 Farmer of the Year Award. Thank you again to everyone involved in Yukon agriculture, the local producers and to all Yukoners who support local agriculture by producing Yukon-grown products, including beef, pork, poultry, eggs, vegetables, hay, grain, and many more.

*Applause*

### **In recognition of Yukoner Appreciation Day**

**Hon. Mr. Pillai:** Mr. Speaker, I rise today on behalf of the Yukon Liberal government to pay tribute to Yukoner Appreciation Day, which takes place tomorrow, Friday, November 1. Yukoner Appreciation Day is an annual retail celebration focused on giving back to Yukoners. This event, originally Customer Appreciation Night, was started by the

Hougen Group of Companies in the mid-1960s before the Whitehorse Chamber of Commerce began hosting it in 2015.

The Whitehorse Chamber of Commerce uses the opportunity to encourage Yukoners to buy local through its “Look Inside” campaign, which is an integral part of the day’s celebrations. Approximately 60 businesses and organizations are participating, and Yukoners stand to benefit from an assortment of sales, giveaways, and hourly prizes. In addition to the incredible deals, there will also be a free shuttle bus, treats, and fun activities, including a photo booth, live music, and dance.

Mr. Speaker, when you buy local, you are supporting small businesses and helping to keep those valuable dollars circulating in Yukon’s economy. Buying local enables businesses, owners, and operators to continue investing in their businesses to expand and hire more Yukoners. In addition to the economic benefits, Yukoners choosing to buy locally are contributing to the revitalization of our commercial hubs and helping to build a sense of community.

The local businesses that Yukoners are supporting are the same ones that rally around community events and causes that matter to all of us through charity drives, fundraising efforts, and sports sponsorships.

Local businesses are investing in our communities, Mr. Speaker. They are helping us build vibrant neighbourhoods through the unique character of each of these businesses. The choice of where to spend your money is an important one, and I encourage Yukoners to shop locally and take the opportunity provided by Yukoner Appreciation Day to get to know your local Yukon businesses. The festive season is around the corner, which makes this an opportune time for Yukoners to start their shopping sooner rather than later.

I want to acknowledge the Whitehorse Chamber of Commerce executive director Susan Simpson and office manager Andrei Samson for all of their hard work in coordinating this year’s event. This is in addition to the many other wonderful initiatives undertaken by the chamber, which include training and development for small- to medium-sized enterprises and advocating on behalf of our business community.

Mr. Speaker, if you are in one of our communities and you don’t have a chance, then spend your money in your community — whether it be Dawson or Watson Lake — but let’s support our local businesses throughout the Yukon and attend the events in Whitehorse tomorrow.

*Applause*

**Mr. Istchenko:** I am also pleased to rise on behalf of the Official Opposition and the New Democratic Party to pay tribute to all Yukoners on this Yukoner Appreciation Day.

Tomorrow the businesses that work so hard to service Yukoners are taking the time to show their appreciation for all those who make their businesses successful. It will be a “buy local” frenzy, with sales, entertainment, fun, and prizes from 9:00 a.m. to 9:00 p.m. Hosted by the Whitehorse Chamber of Commerce, shoppers will be treated to an exciting passport

program, with over 60 businesses taking part — so stamp your way to winning some great prizes.

Last year, Yukoner Appreciation Day had an incredible turnout which saw 1,300 passports turned in for the big draws — which, I might add, are even bigger this year. Despite the northern chill, shoppers excitedly hurried from store to store on Main Street and beyond to fill their passports and take advantage of the great sales. It looks like we will have the added advantage this year of no snow. I am sure folks are looking forward to that.

There is no better time to check out a new business and get a head start on the holiday shopping, as the minister said. This year, it looks like a record number of businesses are taking part and some great activities and entertainment will be taking place at the Old Fire Hall, including performances by the cancan line and the Midnight Sons. So, if you are in Whitehorse tomorrow, I encourage you to get out and participate in this great event. If you live in the communities — I totally agree with the minister — let’s support local businesses. For those who cannot make it to Whitehorse for shopping tomorrow, it’s good to hear that the sales will be extended to Saturday for those rural Yukoners who show their ID.

Thank you again to the Whitehorse Chamber of Commerce, the City of Whitehorse for offering free parking to the shoppers, and all the businesses and their incredible staff, who we appreciate for their work in the lead-up to this event and for organizing a great day for Yukoners.

Mr. Speaker, it will be busy on the streets tomorrow — as it probably will be tonight with all the little ones out trick or treating — so let’s be cognizant when we are driving.

*Applause*

**Speaker:** Tabling returns and documents.

## TABLING RETURNS AND DOCUMENTS

**Speaker:** Under tabling returns and documents, the Chair has for tabling the Yukon Child and Youth Advocate Office 2018-19 annual report. This report is tabled pursuant to section 24 of the *Child and Youth Advocate Act*.

Are there any further returns or documents for tabling?

**Hon. Ms. McPhee:** I have for tabling the *Yukon Police Council Annual Report 2018-19*.

**Hon. Mr. Streicker:** I have for tabling today the Yukon Anti-Poverty Coalition *Living Wage in Whitehorse, Yukon: 2019* report.

**Hon. Mr. Pillai:** Mr. Speaker, I have for tabling the *2018 Yukon Minerals Advisory Board Annual Report*.

**Mr. Cathers:** I have for tabling a copy of the current *Fuel Oil Tax Act*.

**Speaker:** Are there any further returns or documents for tabling?

Are there any reports of committees?

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

## NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to continue to use the Yukon Forum to address joint priorities with Yukon First Nation governments.

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

THAT this House urges the Premier to explain how Yukon farmers who heat with propane can get either a carbon tax rebate or carbon tax exemption instead of being penalized for increasing production of locally grown food.

I also give notice of the following motion:

THAT this House urges the Premier to answer the letter he received almost two months ago about the difficulty Yukon farmers are experiencing in receiving an exemption from the fuel tax due to a change in policy by the Minister of Finance's department; and

THAT this House urges the Minister of Finance to recognize that both the letter of the law and the intent of the *Fuel Oil Tax Act* is to provide farming an exemption from the Yukon government's tax on fuel.

**Speaker:** Are there any further notices of motions?  
Is there a statement by a minister?

## MINISTERIAL STATEMENT

### Whistle Bend Place

**Hon. Ms. Frost:** One of my primary goals as Minister of Health and Social Services is to meet this government's commitment to enhancing the long-term well-being and quality of life for Yukoners — all Yukoners.

It will come as no surprise to anyone that we have focused this past year on our seniors and elders and how we can better support them to age in place. Through a significant public engagement exercise, which included engagement of about 1,200 Yukoners, we heard many ideas about how to support individuals to remain in their homes longer and how they can help to remain active and engaged.

While we look to supporting our active elders, we also have to address the needs of our seniors and elders who cannot remain at home and who will be supported in long-term care. It has now been one year since we welcomed our first resident to Whistle Bend Place. Since then, 116 Yukoners have made Whistle Bend Place their home, and an additional 18 individuals have used the facility for respite care.

We started by opening one unit — or "house", as we call them — at the time, and I'm very pleased to advise that, last month, we opened 24 more beds in the fifth standard house, the Porcupine River House. Not only that, but we are preparing to open an additional 18 beds in the community hospice house

shortly. The Wind River House will contain 12 hospice, palliative care, and end-of-life care beds and six long-term care beds. Through several engagements with the community, it was identified that the provision of hospice, palliative care, and end-of-life care had missing pieces.

I am pleased that we are able to move forward to fill the gap of hospice care in long-term care homes. This is not to say that we have not provided this kind of care, because we have. Through our long-term care homes and through home care supports, as well as the hospitals throughout the territory, individuals have been supported on their final journey, in partnership with their families and community caregivers, but this now gives us a dedicated space and dedicated program for quality hospice care.

The Wind River House will offer hospice, palliative, and end-of-life services to individuals with progressive life-limiting illnesses in order to support those who cannot or do not wish to be supported to die at home. The manager of Wind River House has been hired, and we are currently looking within our own staff to see who might be interested in this very specialized kind of care before we consider hiring outside. Some staff are now in place, and we are working to develop the programming necessary to operate this important program within Whistle Bend.

Hospice, palliative, and end-of-life care will continue to be an integral part of the continuum of the health care and social care systems that we provide in Yukon.

We will strive to ensure that we relieve suffering and improve the quality of living and dying. Wind River programming will be anchored in the principles of the Yukon palliative care framework, providing a holistic continuum of integrated services to people living with or dying from a life-limiting illness. These are clearly linked and based on a model of collaborative care — implementing best practice, service delivery, and care based on research and service evaluation and accountability. With an aging population and an increased prevalence —

**Speaker:** Order. Thank you.

**Ms. McLeod:** Thank you, Mr. Speaker, for this opportunity to respond. I'll start by saying that it's tough to take what the Liberals say in these ministerial statements seriously. Yesterday, the Minister of Community Services had to cancel his at the very last minute because he forgot that he already announced it all before.

Last March, the Minister of Highways and Public Works delivered one saying that the government would spend \$5 million at the Mayo aerodrome this summer, and that turned out to be completely inaccurate. So, the track record on these statements isn't the greatest.

But thank you to the minister for the update on the update on the opening of beds at Whistle Bend Place. This is an important thing. As you know, the Liberals once referred to Whistle Bend Place as a warehouse, so I'm glad that they're coming around to the fact that it's a very important and beautiful place.

I'm hoping that when the minister gets back up, she can provide us with updates on staffing at Whistle Bend Place. For instance, how many positions are currently vacant? Can the minister update us on the opening of the mental health wing at Whistle Bend Place? As you may remember, Mr. Speaker, the minister delayed the opening of that wing by at least a year. So, I'm wondering if she can update us on when that will open.

Can the minister also provide us with an update on housing for staff? Again, as you know, Mr. Speaker, the minister did not plan for the influx of staff required for Whistle Bend Place and was scrambling at the last minute to move people into spare bedrooms of Health and Social Services' staff.

I'm also wondering if the minister is able to update us on the bed pressures at Whitehorse General Hospital. Prior to the opening of Whistle Bend Place, there were significant bed pressures. So, I'm wondering by how much those pressures have been alleviated.

Now, on the topic of continuing care facilities, yesterday we asked the minister what the plans were for the old Macaulay Lodge and the minister was unable to answer at the time. Perhaps today she can give us an answer when she gets back up.

During the election campaign of 2016, the Premier went around the territory telling Yukoners that the Liberals would be building continuing care facilities in all communities. I'm wondering if the minister could provide an update on that initiative today. On November 6, 2017, we asked the minister about this commitment. In fact, the exact question was: "Aside from Whistle Bend, could the minister let us know how many continuing care beds her government will be building over the next two years and will any of these beds be in communities?" In response, the minister did not give a direct answer, but she did say that her government was building a continuing care facility in Carmacks.

So, since it has been almost two years to the day since we asked the minister this question, I am hoping that she is able to answer us today. Aside from Whistle Bend, how many continuing care beds has her government built over the past two years, and how many of those are in communities? Finally, can the minister provide us with an update on the continuing care facility that she referenced in Carmacks?

With that, Mr. Speaker, I thank you for the opportunity to respond today. I thank the minister again for an update, and I hope that she is able to answer our questions.

**Ms. White:** We agree that compassionate end-of-life care is critical to the health of any community. A place dedicated to palliative and hospice care has been talked about and promised in this Assembly for over 10 years. We expect that, with the opening of the 12 hospice beds and the six long-term care beds with palliative care services to individuals with progressive, life-limiting illnesses at Whistle Bend Place, the question of any resident requiring IV services will no longer be an issue at the care facility and that folks will be able to stay in their homes and not need to go to the hospital for IVs.

We wonder why the decision to move ahead with this level of care at this facility was made. Concerns have been raised

multiple times, both during the planning and construction of this facility, about the distance from the hospital and pharmacy services. More than once, Thomson Centre was considered as ideally situated for this level of care, so I wonder why it never came about. How have the concerns raised about accessing pharmacy services in a hospice or palliative setting been addressed? Has Yukon's palliative care doctor been included in the planning and program delivery for these 18 beds?

While on the topic of facilities, what is this government planning on doing for Macaulay Lodge? I noticed last night as I drove past that lights were on. We know from reports that this facility has a few more years of life left, so why not use it? What is the plan for the space?

What about Takhini Haven, located on the Correctional Centre property? We have asked both Justice and Highways and Public Works about it, to be told that it belongs to Health and Social Services. I am glad that the individuals there have been moved to more appropriate community locations, but it remains that this is a five-bedroom facility that has been empty since May. What is the department's plan for that facility?

Mr. Speaker, we look forward to hearing answers to our questions, and we look forward to future planning on both Macaulay Lodge and Takhini Haven.

**Hon. Ms. Frost:** I would like to thank the members opposite for their comments and feedback — very interesting comments from the members. Of course, we will attempt to get back to the Member for Takhini-Kopper King with some specific answers that the member opposite asked.

So, both the Porcupine River House and the Wind River House were budgeted as part of our plan for Whistle Bend. In addition to the manager who we have already hired, the new Wind River House will be staffed by registered nurses, nursing home attendants, and a part-time social worker. As I mentioned, we are looking internally first to fill these positions and then we will hire from outside, as necessary.

Mr. Speaker, I would like to thank all of the staff at Whistle Bend continuing care facility as well as the staff at the Department of Health and Social Services for their dedication and hard work. The staff deserve thanks because they have overcome many obstacles to make Whistle Bend Place a success.

As Yukoners know, the previous Yukon Party government had no plan for how to staff and operate the Whistle Bend facility. They had no budget for the operation and maintenance of the largest facility in the history of the territory. Yesterday, in this House, I heard the Member for Lake Laberge talking about the government's "... back-of-the-napkin-approach to planning..." and a "... visionless approach to governing..."

I must admit, Mr. Speaker, that I thought he was reflecting on the Yukon Party's time in office. The comments received just now from the Member for Watson Lake about the staffing and about the track record — the Yukon Party built the facility without any thought put into how it was going to meet the complex needs of the vulnerable Yukoners who it intended to serve. The Yukon Party liked bricks and mortar, Mr. Speaker,

but they didn't have any vision when it came to programming and services to help Yukoners.

Affordable housing is another important example of the Yukon Party's visionless approach to governing. While they were touting population growth year after year — apparently, they couldn't see that this would increase the demand in housing, or building a facility of this magnitude. Instead of doing the important work of addressing housing pressures, they sat on federal housing funding and cancelled affordable housing projects that would have helped Yukoners — that would have helped us ease into managing a facility of this magnitude.

I am glad to hear the Member for Lake Laberge realizing that details matter and numbers matter.

**Some Hon. Member:** (Inaudible)

**Hon. Ms. Frost:** It is just too bad that he didn't realize this when he was a Cabinet member, Mr. Speaker, who had influence over decisions that impacted and affected Yukoners.

The good news for Yukoners is that our government is guided by the people — our people-centred approach to wellness to help people thrive and our engagement with 1,200 Yukoners around aging in place, around palliative care, and around essential services necessary for rural Yukon communities that have been left behind for decades. We are making strategic investments to build healthy, vibrant, and sustainable communities across the territory.

We are doing it in a fiscally responsible manner, and we are committed to Yukoners to ensure that they live happy and healthy lives where they reside.

**Speaker:** This then brings us to Question Period.

## QUESTION PERIOD

### Question re: Budget estimates and spending

**Mr. Cathers:** Yesterday, the Premier tabled the Public Accounts for the 2018-19 fiscal year. The Public Accounts show the actual spending by government and are reviewed by the Auditor General of Canada. The Premier has talked a good line on being fiscally responsible, but instead, what the Public Accounts show is that his government increased spending by a whopping \$123 million in a single year compared to the previous year. That's a 10-percent increase in government spending in just one year.

How can the Premier pretend that increasing government spending by \$123 million in a single year is responsible?

**Hon. Mr. Silver:** I would love to have an opportunity today on the floor of the Legislative Assembly to talk about Public Accounts. As anticipated by the 2018-19 main estimates, the government Public Accounts for the 2018-19 fiscal year does show a deficit on a non-consolidated basis, and on a consolidated basis, the government's Public Accounts show a small surplus.

The non-consolidated deficit for this year was \$5.8 million, while the consolidated surplus was \$2.3 million. At the end of the fiscal year, the non-consolidated net financial debt was \$0.04 million, while the consolidated net financial assets were \$218.5 million.

Again, Mr. Speaker, these numbers are very close to the main estimates, which proves again that, if you do all of your budgeting up front in one year as opposed to trying to do a whole bunch of different budgeting in two different budgeting schedules, you have better numbers, and at the same time, you eliminate a lot of the extra processes from all the departments that spend a herculean effort in getting budgets out the door.

On this side of the House, we are very confident in the budgeting styles and procedures that we have initiated here in the Yukon government.

**Mr. Cathers:** Mr. Speaker, I do have to remind you that, on taking office, the Premier and his Liberal government inherited almost \$100 million of financial assets, basically cash in the bank — the rosiest financial situation any new government in the Yukon has ever inherited.

They have now blown through almost \$100 million in net financial assets and have taken Yukon finances into the red, with \$400,000 in net financial debt.

A couple of years ago, he criticized the previous government for a — quote: "... spending growth of 2.5 percent per year..." and said — quote: "... that this has caused the territory's financial position to deteriorate." Now he has gone on a spending spree, growing government spending by a whopping 10 percent in just one year. That is \$123 million, according to the Auditor General, in increased spending by the Liberals in just one year.

How can the Premier tell us with a straight face that 2.5-percent growth is unacceptable and then turn around and claim that his choice to increase spending by 10 percent in just one year is fine?

**Hon. Mr. Silver:** Mr. Speaker, back in the Yukon Party days, we were in a recession. Back in the Yukon Party days, they were spending \$1.50 for every dollar that they earned. It takes awhile to turn the ship around and we have done a very good job of that. We have also increased the capacity of the financial department. We have also increased the capacity of the agencies that plan and prioritize legislation and mandates.

Again, Mr. Speaker, what we have now is a booming economy and we have a government that is reacting, whole of government, to the pressures of a booming economy — getting money out the door for housing, getting the money out the door for infrastructure, making sure that the federal government listens to the unique considerations of not only living in the north, but also a climate change emergency as well. We plan for these procedures.

I know that the members opposite don't like to hear this, but again, we had a government that was growing unsustainably and we have a government now that is trying their best to get their finances back on check. When you take a look at the differences between our mains and our Public Accounts, you will see that there is not much difference in those final numbers. We are very proud of the work that our Department of Finance does with the Department of Community Services and the Department of Highways and Public Works when it comes to the new accounting standards and procedures, which clearly the members opposite don't understand.



**Mr. Cathers:** I have some bad news for the Premier: Just because he says it, that doesn't make it so.

Their talking points have been disproven by Statistics Canada. The Liberals have shown a disrespect for public money through actions such as when they famously wasted money spraying water into the air hoping for ice in the Premier's riding and voting the Premier a big pay increase. Revenues last year grew, but despite that, the Premier and his colleagues blew through public money at an alarming rate.

People know that the Premier's hiring spree added over 450 new government employees — about the same number of people who live in Mayo or Carmacks. Adding the equivalent of a small town to the government payroll and increasing spending by a whopping 10 percent in just one year are not financially responsible actions. They have piled on millions in new debt and the Liberal government is spending beyond their means.

I have to remind you that this Premier told Yukoners that a 2.5-percent increase in spending is unacceptable for previous governments and then, in a single year, the Liberals increased spending by \$123 million — 10 percent.

Will the Liberals stop their reckless spending spree and start treating taxpayers' money with respect?

**Hon. Mr. Silver:** I would encourage Yukoners to take a look at the scattershot of main estimates from the Yukon Party in the past and then the Public Accounts that came in with ridiculous variances comparatively.

Mr. Speaker, there's a strong demand for labour and it's continuing to rise. Right now, Yukoners are making more per week than ever before — almost five percent higher than last year, at \$1,170 per week — well above the national average weekly earnings. We only trail the territories. We're leading Canada when it comes to that capacity.

We have economic real GDP expected to grow by three percent in 2019, followed by the 2.7-percent increase in 2018. We have real accounting happening now. We have main estimates that reflect actual builds as much as possible compared to these wide scattershots that I mentioned before from the Yukon Party. I'm extremely proud of the financial acuity of this government.

#### **Question re: Mayo aerodrome**

**Mr. Hassard:** Speaking of scattershot approaches to things, this past March, the Minister of Highways and Public Works committed to spend \$5 million on the Mayo aerodrome this summer.

Yesterday, we confirmed that he is lapsing over 75 percent of that money. We've also confirmed that, even though he said that the work would be completed this summer, now it's not scheduled to be completed until 2021. That's about two years late, Mr. Speaker.

The minister has stood in this House for the last three years claiming the amount of planning and thought that he puts into projects means they will be on time and on budget and that the announced money won't go unspent. But now we find out he has completely dropped the ball on this project.

Mr. Speaker, why has the minister failed to deliver on his commitment to spend \$5 million on the Mayo aerodrome this summer?

**Hon. Mr. Mostyn:** As I said yesterday, the Government of Yukon is making some investments in the Mayo aerodrome, including runway reconstruction, runway lighting, and purchasing new maintenance equipment and facilities. We are doing this, Mr. Speaker, because we have an incredible new mining project up in the Mayo district. This brings a lot of jobs and a lot of investment into the territory in producing gold. Because of that incredible economic story, we have to expand our airport. We are doing that, Mr. Speaker, to make sure that there are scheduled flights.

This summer, we applied to Transport Canada to certify the aerodrome as an airport and this will allow scheduled flight service on a long-term basis which will help support resource development and that mine in the region, which is a great improvement to the territory's economy and to our GDP.

**Mr. Hassard:** The Minister of Highways and Public Works has so badly managed the Mayo aerodrome project that he is lapsing over 75 percent of the budget, and it is now going to be two years late. This is a fast and loose approach to contracting, and it is going to create uncertainty for the industry, but since he committed that there was \$5 million in this year's budget for the Mayo aerodrome but only spent \$1.15 million of that, it should mean that the supplementary budget would show a \$3.85-million line item. However, there is no line item for these lapsed funds.

My question is: Why is there no line item for these lapsed funds? Has the minister reallocated this money to another project? If so, what project is it?

**Hon. Mr. Mostyn:** The mine in the Mayo district is just an incredible story, Mr. Speaker, and I am glad that we have that type of investment and confidence in our territory which is allowing our economy to grow and putting people to work. Because of that, we have had to improve the aerodrome in Mayo. We are spending \$1.1 million in upgrades this year and another \$1.8 million next year. We are also contributing another \$300,000 in operation and maintenance so that we can actually keep that airport running year-round.

Transport Canada will inspect the site to ensure that it meets certification standards once all of the reconstruction is complete. Lights will be installed next year to allow for night operations, which have been asked for by the flight operations at Air North and Alkan Air.

**Mr. Hassard:** I am not sure if my mic isn't working or what, but apparently the minister isn't hearing the question that I am asking.

We know that this minister really doesn't have a handle on his job, and he has a reputation for not paying attention to the details before he makes decisions. If he would like to, maybe he could take a 15-minute break and get briefed on this so that he can actually provide us with some answers, because we certainly haven't received one yet.

My question was: Why is there no line item for the \$3.85 million of lapsed funding for the Mayo aerodrome? Are

the Liberals purposefully delaying this project to try to get the budget back in balance?

**Hon. Mr. Mostyn:** Listen — a lot of words from the Leader of the Official Opposition. I appreciate his thoughts this afternoon. The Yukon government is building an aviation system that provides transportation options for Yukoners while supporting economic development. Just yesterday, Mr. Speaker, we heard that Air North is expanding its operations again, creating more work for the territory and creating more opportunities for Yukoners to get Outside.

Why is that, Mr. Speaker? Because of the strategic investments we're making in aviation throughout the territory.

We have a mine up in Mayo. Why is that? Because we're working with First Nations. We're making sure that industry has a secure — and they can be confident that, when they make investments in the territory, that investment will see dividends.

We take pride in providing a safe and secure environment for airport users, and we work closely with Transport Canada to meet or exceed national safety standards and industry best practices. The Yukon government manages and maintains four certified airports and 24 registered aerodromes in the territory, and we are very pleased with the investments — almost \$40 million in aviation this year, including \$1.1 million in Mayo, which is helping make that a certified airport to sustain the mine that has just opened under our government.

#### **Question re: Living wage and minimum wage**

**Ms. White:** Yesterday, the Yukon Anti-Poverty Coalition released their living wage calculation for 2019. A living wage calculates the necessary hourly rate of pay that a household with two adults and two children, accessing all available government services, needs to earn to survive.

The living wage calculation is a tool that helps us understand the cost of living for Yukoners, and unsurprisingly, it's going up. This year's living wage calculation is \$19.07, a 50-cent increase from last year. Last spring, this government received a set of recommendations from the Employment Standards Board on minimum wage. Rather than committing to implementing the full suite of recommendations, they decided that a one-time hourly increase of \$1.20 — to \$12.70 an hour — went far enough and would task the same board to go back to the drawing board.

Mr. Speaker, how does a government that says they are progressive and claims to understand the struggles of working people explain the continued disconnect between Yukon's living wage and Yukon's minimum wage?

**Hon. Mr. Streicker:** I would like to thank the Yukon Anti-Poverty Coalition for doing this study year over year. They started in 2016. I think this is the fourth annual. In 2016, the living wage was just over \$19 as well. It went down, and then it started to come back up. Over that same period, our minimum wage has gone up — in this past year, by \$1.20, but it has been indexed to inflation, so it has been going up.

I think the report that we read reinforces what we know about this issue that there are many factors that contribute to poverty and poverty reduction. We definitely heard from the Employment Standards Board. I would like to thank them for

their work. We suggested that we go off and do an economic impact analysis and that they consider that. That work is underway right now. I'm happy to talk further about that, but overall, the work of the Employment Standards Board — I'm looking for them to come back to us, and we appreciate the work that they are doing.

**Ms. White:** I just want to remind everyone that the gap between the living wage and the minimum wage is greater than \$6 an hour. In response to the Employment Standards Board's recommendations last spring, this government increased Yukon's minimum wage, but stopped short of committing to continue to increase the minimum wage to \$15 an hour by 2021. At the same time that the government is telling Yukoners that it won't increase minimum wage, this minister is publicly encouraging Yukoners to spend more money on goods so that their purchases last longer. The tone-deafness is off the charts on this one.

Assuming that Yukoners have the disposable income to buy higher quality goods when low- and modest-income households living in Whitehorse pay on average over \$1,800 a month for housing demonstrates a disconnect for a huge cross-section of Yukoners. If this government is telling Yukoners that they need to spend more to do their part to reduce waste, the government could at least increase the minimum wage.

Mr. Speaker, when will this government do the bare minimum and continue to raise the minimum wage, as recommended by the Employment Standards Board?

**Hon. Mr. Streicker:** When I looked, we have been increasing the minimum wage. We have increased it year over year, every year that we have been here, and I look forward to hearing back from the Employment Standards Board. As I said in the spring, we asked that the Employment Standards Board consider some economic data and analysis. My understanding is that report is just about complete. I look forward to getting that report to the board. We have certainly shared some early drafts with them. I look forward to hearing from the board.

I think that one of the things that we are saying to Yukoners around buying goods is that we hope that they will buy goods that will last longer so that they don't have to spend as much. I hope that all of us, as Yukoners, are looking to reduce waste. That includes helping all of us in our pocketbooks as well — including, and especially, for those who are living below the poverty line.

**Ms. White:** Thank you, Mr. Speaker. The living wage report is always a great example of how badly we are collectively failing to meet the needs of lower- and modest-income Yukoners. For a bit of context, if we in this Assembly were asked to live on \$19 an hour — the living wage — it would mean that I personally would take a pay cut of \$65,000; the Leader of the Official Opposition would see an \$85,000 cut to his annual income; and the Premier would be out over \$105,000 a year. And, if we are talking about earning a minimum wage versus earning a living wage, we would have to slash everyone's income by an additional \$10,000 a year.

So, Mr. Speaker, in this year's living wage report, YAPC again advocated that government introduce a basic annual

income pilot project that reflects the cost of living in the territory.

Will this government consider implementing a basic annual income pilot project, as recommended by the Yukon Anti-Poverty Coalition's living wage report?

**Hon. Mr. Streicker:** I just will acknowledge that today I tabled the very report that is being discussed here. I would like to thank the Yukon Anti-Poverty Coalition for the great work that they do on providing this analysis for all of us as Yukoners. There are quite a few suggestions in that report. I certainly will look at all of them, but I will turn to the Employment Standards Board to ask for their advice on minimum wage. That's what we're doing here.

I really appreciate that they're taking the analysis that we are supplying to them to consider how this will help in their understanding of the minimum wage for us.

The member opposite talked about a \$6 gap between the living wage and the minimum wage, but the minimum wage and the living wage are different things. What I understand is that gap when we first arrived here was over \$7.50, but that wasn't acknowledged.

Mr. Speaker, I think that it is important that we look to support all Yukoners, especially those who are struggling with poverty. I look forward to talking with the Employment Standards Board about their suggestions for the minimum wage.

#### **Question re: Government employee acquisition and retention**

**Ms. Hanson:** Last spring, the Minister responsible for the Public Service Commission admitted that he had not read the *Talent Acquisition and Retention Performance Audit* — 2017-18 — that had been submitted to him by the internal audit services in August 2018. He has now had an additional six months to read this important audit. This audit is important because it was intended to provide assurances that the talent acquisition and retention process within Yukon government was open, transparent, and inclusive and that it promotes professional merit-based public service.

Unfortunately, the audit could not confirm this and identified a number of significant problems with attracting and retaining employees, including how appointments are made to senior management positions.

Mr. Speaker, has the minister read the report, and can he outline the specific direction given to address the concerns identified in the internal audit services report of August 2018?

**Hon. Mr. Mostyn:** I thank the Member for Whitehorse Centre for the question this afternoon.

The audit to which she was referring focused on the Yukon government's human resource processes for acquiring and retaining senior-level, high-impact, and difficult-to-fill positions. The report's recommendations are being addressed through the *People Plan* — a strategy for the Government of Yukon's public service which will guide the Public Service Commission's work and set the priorities for the next three years.

Some of the initiatives currently underway that also support the recommendations of the audit report include the permanent establishment of the human rights service centre on April 1, which centralized high-volume transactional work so that departments can focus on strategic human resource work, including talent acquisition and retention and an organizational review of the Public Service Commission to realign programs and resources, so the department is well-positioned to deliver on the priorities identified in the *People Plan*.

I'm sure there will be more questions; I'm more than happy to address them this afternoon.

**Ms. Hanson:** The minister may want to reflect and comment on the number of appointments without competition to the ADM level in the last two years. But in reading the minister's mandate letter, the reference is made — and I quote: "Implement the three-year *People Plan*..." — which he just referenced — "... to guide the development of a modern public service that can respond to the challenges of a changing workforce..." — that's a hopeful start, Mr. Speaker.

I Googled the document — that's the only way to find anything on the government's new website. I found a one-page document that was very colourful, very pretty, and very thin on details, timelines, or action items — in other words, a nice schematic plan. But it's not a plan — it's a schematic.

Can the minister please inform this House: How are they going to implement, and how does the new *People Plan* for 2019-23 follow any of the recommendations of the *Talent Acquisition and Retention Performance Audit*?

**Hon. Mr. Mostyn:** Once again, I thank the Member for Whitehorse Centre for the questions this afternoon. As I was saying, the organizational review has highlighted the need for a human resource metrics and analytics branch which will lead the identification and development of appropriate performance measures and the evaluation of progress made over time and continued support for the leadership pathways program, which supports the development of emerging leaders and prepares them for senior leadership roles.

The Public Service Commissioner and I have been talking about the leadership pathways program. I was just recently at a graduation program where I got to meet some of the graduates from that program. It was a wonderful ceremony.

Mr. Speaker, the member has referenced the *People Plan*. We're working to ensure that the Government of Yukon public service is strong, engaged, and has a capacity to effectively deliver programs and services to Yukoners. As part of our ongoing efforts, the *People Plan* is a collaboratively developed strategy, intended to help us prioritize and focus on initiatives that are most important for developing an inclusive, engaged, and effective public service.

I'm sure the member opposite has more questions; I'm more than happy to answer them.

**Ms. Hanson:** The minister's response indicates that he hasn't read the audit. If he had, he wouldn't have made the comments he just made with respect to the pathways program. In the audit, starting salaries of successful candidates was investigated. When hired, new employees may negotiate a starting salary based on a salary range.

A third of new women hires started at the base salary. However, the audit showed that 77 percent of men landed above the midway point in the salary range and that no men started at the base salary level. The audit questioned whether this reflects a fair and merit-based hiring system for the talent group and how it aligns with the spirit of the employment equity policy. This audit raises serious questions about gender bias and indicates that Yukon government staffing does not reflect a fair and merit-based hiring system and does not align with the employment equity policy.

What direction has the minister given the Public Service Commission to address the findings of the audit, and where are they reflected in the *People Plan*?

**Hon. Mr. Mostyn:** As the member opposite knows, in 2012, an audit of staffing was carried out by the Yukon government's Internal Audit Services. The audit report contained 15 recommendations where improvements to staffing practices could be made. Since then, the Public Service Commission has made a number of improvements to staffing in response to those recommendations. I have outlined some of them today. We have done the *People Plan*. We have done a number of things in our approach to the public service in making the process of hiring and staffing our civil service more transparent and open. We are changing the leadership pathways program on an ongoing basis to make sure that it is more inclusive and that there are more opportunities for staff to apply to be part of that leadership pathways program. Those performance improvements are going to continue under the watch of the Public Service Commission and me.

#### **Question re: Nares River bridge project expenditures**

**Mr. Hassard:** As we have discussed, the Minister of Highways and Public Works appears to have a lot of trouble with details, which is causing a lot of projects to either be delayed for significant periods of time — such as the Mayo aerodrome, which we just spoke about — or, in other cases, projects go overbudget. The Nares River bridge project was supposed to cost \$12.6 million, but the final cost came in at \$2.4 million overbudget. When media asked the minister how he had mismanaged this project so badly that it went overbudget by \$2.4 million, he merely shrugged his shoulders.

We know that this minister has a tendency to make an announcement and then worry about the details later, but since he has had plenty of time now to get briefed on this, maybe he could provide us with an answer today. Can the minister tell us why this project is so overbudget?

**Hon. Mr. Mostyn:** I am happy to address the Leader of the Official Opposition's questions this afternoon on the floor of the House. I really am.

We just opened the Nares River bridge on Friday, as a matter of fact, and it was great to meet with the deputy chief of the Carcross/Tagish First Nation, a bunch of children from the local school, and the community residents. There were about 60 people out on the bridge that afternoon and it was really nice to see them, Mr. Speaker. The reason why that was such a great opportunity to go out and meet with the community is because

that bridge had a troubled launch, Mr. Speaker. It wasn't able to be done under the previous government. We worked with the First Nation very closely to make sure that we had the bridge go forward.

The bridge was budgeted at \$12.6 million. It came in at about \$14 million. There was a lot of extra paving to do within the community of Carcross. We had a lot of roadworks that we, working with my colleague, the MLA for beautiful Mount-Lorne Southern Lakes, had identified while working with the community. So, because we had mobilized some of the equipment down there, we decided to do some paving that improved the road to Tagish and other places. There was a lot of work done there, Mr. Speaker, and I'm happy to talk about this more.

**Mr. Hassard:** Apparently the minister's response as to why it went overbudget is because they had to do extra roadwork and extra paving. It's my understanding that the bridge is a certain length and it's going to stay a certain length, so I don't know why there would be extra paving or extra roadwork, but maybe the minister could explain that to us.

When the Premier was the Leader of the Third Party, he attributed any cost overruns on projects to incompetence by the minister responsible. Now we have a minister who has mismanaged the Mayo aerodrome project and he has mismanaged the Nares River project. So, to put it in terms the minister will understand, the \$2.4 million could have paid for 20 failed ice bridge attempts, maybe. Mr. Speaker, you'll remember that the minister famously told Yukoners that they will have to get used to lower standards. We didn't know that he was referring to his own job performance.

Can the minister tell us how many CTFN citizens and how many locals from Carcross were employed as a result of this project?

**Hon. Mr. Mostyn:** I am happy to talk about the work. The Nares River bridge has been completed, the Dawson City runway has been completed, we have just secured \$157 million for the north Klondike Highway, and we are working on Shakwak. There are an awful lot of things that we are doing, Mr. Speaker, and I'm happy to talk about any one of them today on the floor of the Legislative Assembly.

By investing in bridge infrastructure, Mr. Speaker, our government is strengthening the vital links that tie Yukon communities together and bring our resources to market. I won't apologize for that.

Two years after the shovels hit the ground, as planned, we have completed the Nares River bridge replacement project. There is still some work to be done on that — some finishing touches. The construction cost was \$14 million, including the paving of the area roads. There was some work with the Carcross/Tagish First Nation, a YACA agreement, that was about \$300,000. There was a house relocation that is still underway, so there are costs involved with this project.

The project is completed. The community was very happy when I was down there on Friday to open it, and I was pleased that we were able to finish this project.

**Mr. Hassard:** It is interesting that the minister stands up and says that he is happy to talk about this, but he certainly

doesn't appear to be very happy to actually talk about it. We know that the Minister of Highways and Public Works budgeted \$12.6 million for this project. He has admitted to that. The minister then told this House on October 24 of this year that the final cost came in at \$15 million — so that is about 19 percent overbudget, Mr. Speaker.

If the minister had mismanaged a project in the private sector so badly, he would have been shown the door, but according to the Premier, he won't shuffle his Cabinet because he thinks his minister is doing an amazing job.

So, can the minister at least tell us how much of the \$15 million actually went to local contractors?

**Hon. Mr. Mostyn:** From the onset of this project, the construction of the new bridge supported the community of Carcross and the Carcross/Tagish First Nation. We are actually looking at this project as a model for the next project, which will be the Nisutlin Bay bridge — for which, again, we have a contract agreement charter with the First Nation in Teslin.

For the first time on an infrastructure project of this nature, the government procurement process included a First Nation participation plan intended to address employment and training for Carcross/Tagish citizens and Carcross/Tagish firms. Direct local benefits included training opportunities, development of a quarry, and a number of sole-sourced opportunities.

The community benefited from this project. We were happy to have it open. It is now going to increase the ability for tourists to reach Carcross and the ability for larger trucks to come into the territory from Skagway. It was a successful completion, Mr. Speaker, and I am really surprised that the members opposite are so disparaging of its success.

**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. 80 — Appointment of Child and Youth Advocate

**Speaker:** Motion No. 80, appointment of the Child and Youth Advocate.

**Hon. Ms. McPhee:** I move:

THAT the Yukon Legislative Assembly, pursuant to section 4 of the *Child and Youth Advocate Act*, recommends that the Commissioner in Executive Council appoint Annette King as the Child and Youth Advocate for a term of five years commencing April 30, 2020.

**Speaker:** Is there any debate on the motion?

**Mr. Kent:** I thank the minister for bringing this motion forward. I thank Members' Services Board for the work that they did in reappointing Ms. King. Unfortunately, she was in the gallery earlier today, but has since had to leave. The Official Opposition, the Yukon Party, would like to congratulate her and thank her for the work she has done, and we look forward to working with her over the next five years.

**Ms. Hanson:** The Yukon NDP would also echo our thanks to the Child and Youth Advocate as an officer of the Legislative Assembly. We have seen in recent commentary that there is a mixed bag in terms of her accountability and reporting relationships and she has managed that very effectively and we are very pleased to see how that works. We look forward to working with all members in this Legislative Assembly to perhaps correct some of the anomalies in that relationship.

We are very pleased with the tremendous strides that the incumbent has made.

**Hon. Ms. Frost:** I would also like to take a moment to acknowledge Ms. King for her dedication to Yukoners, her dedication to ensuring that we have a better place for our children, and doing the comprehensive review and assessment in cooperation with the department. We know that, coming in, we had some major challenges. She stepped up and took that very seriously. I just want to acknowledge she and her staff for doing such excellent work to ensure that children in Yukon have an opportunity to live in a healthy environment. We continue to look forward to future engagements with the Child and Youth Advocate office, and a shout-out to them for doing such awesome work.

*Motion No. 80 agreed to*

#### Motion No. 81 — Appointment of Conflict of Interest Commissioner

**Speaker:** Motion No. 81, appointment of the Conflict of Interest Commissioner.

**Hon. Ms. McPhee:** I move:

THAT, pursuant to section 18 of the *Conflict of Interest (Members and Ministers) Act*, the Yukon Legislative Assembly reappoint David Phillip Jones, QC as a member of the Conflict of Interest Commission for a three-year period.

**Speaker:** Is there any debate on this motion?

**Mr. Kent:** Again, we would like to thank Mr. Jones for his long service to members of this Legislative Assembly and to Yukoners in general when it comes to advising us on potential conflicts of interest. I know that I have relied on his advice personally, as have colleagues in our caucus, so we would like to thank him again for his work and congratulate him. We look forward to working with him in the future as well.

**Ms. White:** I echo the comments that have been made so far. Mr. Jones has been a pleasure to deal with in the last eight years and we look forward to working with him into the future.

**Hon. Mr. Silver:** I might as well add my voice to that as well. I have been working with Mr. Jones for eight years now and he has always been extremely professional in his services. I want to thank him on behalf of the Yukon Liberal Party.

**Speaker:** Before putting the question, the Chair must draw members' attention to section 18(4) of the *Conflict of*

*Interest (Members and Ministers) Act*, which says, “In order to take effect, a resolution of the Legislative Assembly for the appointment or removal of a Member of the commission must be supported in a recorded vote by at least two-thirds of the Members present for the vote.”

In order to ensure that the requirements of section 18 of the *Conflict of Interest (Members and Ministers) Act* are met, the Chair will now call for a recorded division.

### Division

**Speaker:** The bells will ring. If all members are present, they can be shorter than five minutes.

#### *Bells*

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Silver:** Agree.

**Hon. Ms. McPhee:** Agree.

**Hon. Mr. Pillai:** Agree.

**Hon. Ms. Dendys:** Agree.

**Hon. Ms. Frost:** Agree.

**Mr. Gallina:** Agree.

**Mr. Adel:** Agree.

**Hon. Mr. Mostyn:** Agree.

**Hon. Mr. Streicker:** Agree.

**Mr. Hutton:** Agree.

**Mr. Kent:** Agree.

**Ms. Van Bibber:** Agree.

**Mr. Cathers:** Agree.

**Ms. McLeod:** Agree.

**Mr. Istchenko:** Agree.

**Ms. White:** Agree.

**Ms. Hanson:** Agree.

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

**Speaker:** The yeas have it. I declare the motion carried by the required support of two-thirds of the members of the Legislative Assembly present for the vote and that David Phillip Jones, QC has now been reappointed as Conflict of Interest Commissioner for a three-year period.

*Motion No. 81 agreed to*

**Hon. Ms. McPhee:** 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 (Mr. Hutton):** I will now call Committee of the Whole to order.

The matter before the Committee is clause-by-clause debate on Bill No. 6, entitled *Act to Amend the Corrections Act, 2009*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

**Chair:** We will take a 15-minute break.

*Recess*

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

### **Bill No. 6: Act to Amend the Corrections Act, 2009 — continued**

**Chair:** The matter before the Committee is resuming clause-by-clause debate on Bill No. 6, entitled *Act to Amend the Corrections Act, 2009*. Is there any further debate on clause 2?

*On Clause 2 — continued*

**Hon. Ms. McPhee:** I am just going to welcome the officials again from the Department of Justice: Bhragh Dabbs, from the legislative drafting group, and Andrea Monteiro, who is the director of Corrections. That is what I have to say as a result of my introduction.

**Ms. Hanson:** I also join in welcoming the officials this afternoon.

When we left off last, talking about Bill No. 6, we were at, as you said, clause 2, on the definitions section. It was there that my discomfort level went up significantly. I had signalled to the minister that I am extremely discomfited, as is my colleague from the New Democratic Party, with what I am seeing coming to the fore with respect to how this all plays out.

Just to reiterate and provide some background as to why I'm concerned: I had asked the minister to provide an illustrative explanation of the difference between disciplinary restrictive confinement and disciplinary segregation. If we look at the definitions of those two phrases, other than the first three words, the rest of the sentence is the same. This is where my discomfort arises.

The minister replied to me that the wording of (2)(b) regarding the difference between disciplinary restrictive confinement and disciplinary segregation exists there for the purposes of a definition section to line up later on with the definition of “segregation”.

“Segregation”, she said, is defined in Bill No. 6 as more than 22 hours. My heart stops there, Mr. Chair. She went on to say that “restrictive confinement” is defined as between 18 and 22 hours and adds an additional layer of oversight and review for individuals who are serving 18 to 22 hours. It's not just that you have to get over the 22-hour limit for the definition of “segregation”, but recognizing that restrictive confinement can also carry difficulties, problems, and concerns that require proper oversight, proper definition, and require proper care, attention, and review — and that kicks in at the 18-hour mark, between 18 and 22, which is defined as “restrictive confinement”.

The minister went on to say that it's designed to address some of the concerns in the recommendations from Mr. Loukidelis. It is designed to address some of the concerns that have been addressed and what has sometimes been defined in the federal process as “segregation light”, or something that is less than meeting the definition of “segregation”, but that it

still needs to be recognized as seriously restricting the services and care provided to inmates who are being restricted in their movement and in their confinement with their respective conditions of confinement at the 18-hour mark.

That is where we essentially — my response was that my concern is, and was, that we are now saying that, in fact, somebody can be put in segregation for more than 22 hours. When I read back what Mr. Loukidelis said — what he found in his report — that's the opposite of what he was trying to recommend to this Legislative Assembly.

I have heard the minister say — through the assistant deputy minister, who has spoken to Mr. Loukidelis — that he understands why the government might change from the 18 hours to 22 hours. I have not had the liberty of speaking to Mr. Loukidelis, because I can tell the Legislative Assembly that I reached out to him and said, "I have this concern." His response was, "It is before the Legislative Assembly, so I can't comment on that."

Now, it's unfortunate that, as a communications exercise, the ADM can do that, but I can't do that — because I am struggling to understand how, on one hand, you know, we can interpret that the person who wrote that report and who sat in this Legislative Assembly and explained to us how serious the consequences are for an individual to be confined — and we are talking about segregation as being essentially solitary confinement — 22-plus hours doesn't give you a heck of a lot more hours a day.

I am not a lawyer — and I will be clear about that: I am not a lawyer. I have no access to legal counsel in terms of trying to figure this stuff out, Mr. Chair. But I do come from a point of view — like many in this Legislative Assembly and many citizens paying attention to what has gone on — not just in this jurisdiction — we have our own little horror stories — but across this country.

But I want to go back to Mr. Loukidelis' report because that is the source document that I thought we were working toward when the government said last year — well, they sort of hedged but generally said, "We generally accept the recommendations of the inspection report." We can go through the 40 recommendations and the little matrix that was handed out to us and sort of say, "Well, yes, but maybe" — and then there were some that they were pretty clear about.

I said at the outset that I was really optimistic and hopeful when I saw the government taking action on some of those recommendations and dealing with — in particular — the very vexatious and difficult issue of how we treat people who are confined in our correctional system. Keep in mind, Mr. Chair: These are not all people who have been sentenced. Some of them are on remand because they are awaiting trial. When I asked the question as to if these conditions or the issues around non-disciplinary restrictive confinement, or non-disciplinary segregation, or restrictive confinement, or segregation would apply to that whole spectrum of — in quote: "inmates", I am told yes.

So, you get picked up and charged with something, but you will be remanded for trial. If — for whatever reason — something happens — I want to be hearing and I'm going to be

asking for some more clarity now that it has become really clear that we are now talking about the possibility of depriving somebody of what is called, as I understand it, the "residual liberties". It is a change in the form and intensity of your or my confinement as distinct from a mere loss of privileges or denial of a request. So that is different. You and I — say I am remanded and make a request, that is one thing — but if you're going to place me in some kind of restrictive form of confinement that restricts my mobility — doesn't allow me to walk down the hallway; doesn't allow me to interact with others — I want to know what the reasons are. I want to know how that conforms to what Mr. Loukidelis talked about.

I am just quoting here from page 45 — he said, "An often-cited definition of 'solitary confinement' is 'the physical isolation of individuals who are confined to their cells for twenty-two to twenty-four hours a day'..." — which sounds pretty damn close to what we're talking about here — "... even where individuals are allowed out of their cells for exercise." He cites the references there. In this one, it's kind of interesting. He also talks about the fact — I think it's important to note that he talks about: "Courts in Ontario and British Columbia have recently ruled on *Charter of Rights* challenges to administrative separate confinement in the federal corrections system. In *Canadian Civil Liberties*, the Ontario Superior Court of Justice held that the fifth-day review of administrative separate confinement provided for under the federal *Corrections and Conditional Release Act* was an inadequate procedural safeguard to ensure that sentenced inmates are not unconstitutionally deprived of liberty or security of the person, contrary to section 7 of the *Charter of Rights*. The Supreme Court of British Columbia went even further in *British Columbia Civil Liberties...*" — a case called *British Columbia Civil Liberties*.

So, we are saying that the frame that has been put around this, Mr. Chair, is that these forms of non-disciplinary restrictive confinement — which, I'm told, can also be for 15 days, and then it could have a break for five and have another 15 days, for a cumulative total of 60. I'm questioning how that fits with a more humane approach that we were talking about.

I have a question, in particular, with respect to these definitions and whether or not, within that 15-day period — so if somebody is told that they're going to be in any one of these forms of restrictive confinement, non-disciplinary segregation, or non-disciplinary restrictive confinement, is there a similar five-day review? An important question in my mind is — I was trying to think this through, and I was trying to write some notes to myself. The only way I can do this, Mr. Chair, is to put myself in this position.

I'm not a lawyer, again, so if I am in there on remand, how do I — what rights to question that decision and what rights to appeal that decision are built into the system? Will I have the right to have a lawyer to make a question of whether or not it's correct for me to be placed in any one of these non-disciplinary restrictive confinements, non-disciplinary segregation, restrictive confinement or segregation for up to 22 hours plus, 24 hours a day, for 15 days? At what point is my voice heard in

terms of the rights of an inmate to raise questions about the basis for the decision?

I'll leave it as a starting point there, but I'm really struggling to understand how this fits together.

It took me until this morning to send a note to the minister just saying that I am having a hard time with this. We have talked about it. I have tried reading some more stuff, and so it is going to lead to me asking more questions. This is the reason why I am asking these questions — because I want to understand. I will leave it there for now.

**Hon. Ms. McPhee:** I am going to see if I can provide an answer to this really important question, because this is the crux of what is happening here with Bill No. 6. In order to do that, I am going to first make reference to — I hope not, but there may be some misunderstanding. Let me just say that the conversation that the assistant deputy minister had with Mr. Loukidelis was a number of weeks ago before this matter was on the floor of the House, so I am not speaking for him. I don't know if that is why his issue was with speaking to the Member for Whitehorse Centre, but I certainly have no issue with that.

Mr. Loukidelis, in his report — and I am reading from the summary of the recommendations, number 13 — says: "The legislative amendments recommended in this report should include a definition of separate confinement, whether called disciplinary, administrative or secure supervision placement, as confinement of an individual apart from others for more than 18 hours a day." He wasn't saying 18; he said anything more than 18.

He also said, "The Corrections Act and Corrections Regulation should be amended to provide a clearer, more comprehensive, framework to govern use of separate confinement at WCC." That is part of number 14, and he goes on from there. I know that the member opposite has read that, and I am sure that she has understood it to be the case.

I am going to stop here to say that this is exactly what Bill No. 6 is doing.

I am also going to make reference to *The United Nations Standard Minimum Rules for the Treatment of Prisoners*, also known more colloquially as — although I'm sure that Nelson Mandela never considered it to be a colloquialism — the Nelson Mandela Rules. In Rule 44, which is known as the Nelson Mandela Rule, it states: "For the purpose of these rules, solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact. Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days." Again, these are the standards that are set out in Bill No. 6.

Let me go on to say that there are more protections in Bill No. 6 with respect to making positive changes for the purposes of using segregation or separate confinement at the Whitehorse Correctional Centre. The Government of Yukon, Mr. Chair, is not proposing to abolish segregation. Segregation is a necessary tool that is used as a last resort to manage risk within the institution. What I want to add there is that the requirement to use this as a tool of last resort, to use segregation in any of its

forms as a tool of last resort, is embedded — or will be embedded if Bill No. 6 passes — in the corrections act of the Yukon Territory. Our current legislation does not require that.

I also want to note that, in order to ensure that segregation is used appropriately, the proposed amendments carefully differentiate between disciplinary and non-disciplinary circumstances. Further, non-disciplinary segregation contains criteria that must be met for an inmate to be held in a condition of segregation. Specifically, under section 19.05, an inmate may only be placed in non-disciplinary segregation under certain circumstances, and they are — so let me stop here. I note that the member opposite said something like, "Well, you could get into segregation for whatever reason." No, you can't. You can't get in there for whatever reason, because the changes in Bill No. 6 will set out, in section 19.05, that an inmate may only be placed in non-disciplinary segregation under the following circumstances: the inmate poses a serious and immediate threat, the inmate poses a risk to a disciplinary process or to a criminal investigation, or the inmate is at risk.

In addition to meeting these criteria, the Whitehorse Correctional Centre will need to demonstrate that they have exhausted all other options to manage a particular inmate. It's important to note that the Yukon, unlike most other jurisdictions, is limited to one institution and, therefore, is unable to transfer individuals between institutions, which is often what might happen in a larger province if there was an issue with individuals revolving around protection or inmates who are at risk. Of course, that's not available to us here in the territory. I don't think anyone would be suggesting that it is an appropriate remedy.

Transferring inmates to other institutions is often a tool in other jurisdictions to manage, or used to manage, security risks within their institutions. I would also like to note that the proposed amendments contain regulation-making authority — and this goes to many of the questions that were asked today — and the regulation-making authority will allow government to reduce the timelines contained in the definitions, including the timeline for segregation, so that is available as we go forward.

As an additional accountability measure, the proposed amendments provide oversight for the use of segregation — not only oversight within the institution, but external, independent oversight, which is a main part of the recommendation of the Mandela Rules.

It does not, in my understanding, exist anywhere in Canada at the moment. This approach has been taken to allow protective and progressive changes to be made as we move forward.

I would also like to note — as I did at the end of our conversation and debate on Tuesday — but I am happy to add or reiterate here that, again, it is not "for whatever reason". There are clear requirements set out in Bill No. 6 that will not only define, but set out parameters on how segregation can be used. It is currently not as robust as it must be in the current legislation.

The member opposite has asked, "How is this a more humane approach?" In Bill No. 6, the time limits will regulate the behaviour of the authorities at the Whitehorse Correctional



Centre. Bill No. 6 will place these provisions in the law. Those that do exist that are not as robust as necessary currently exist in regulation. It is not easy to change regulations, but it is much easier to change regulations than it is to change the legislation and the decision has been made here that these provisions must be entrenched in the law.

Again, I said earlier that it will be as part of the law, the requirement that any of this restrictive confinement or segregation at Whitehorse Correctional Centre can only be used as a last resort — again, entrenching that in the law — not currently done.

The caps or time limits that exist — the 15 days, the 60 days — the member opposite is quite correct. In the worst-case scenario — the math that she has done with respect to an individual being in segregation for that period of time are the time limits that exist. The member opposite properly explains what the time limits are in the legislation. But there will be regulations that require the review of that. The references that the member opposite has made with respect to the Ontario and BC cases involving dealing with review provisions have not been — the courts in those cases found that those review provisions were not adequate — and clearly, any of the regulations that we develop under the new corrections act, including the terms from Bill No. 6, will have to comply with the current state of the law or be even more restrictive, if appropriate.

But certainly, waiting five days, as in the BC case, to review provisions of segregation for a particular inmate has been found to be not appropriate; therefore, our regulations will need to be better, more robust, and stronger than that.

In addition — and this is extremely important, Mr. Chair — we have put in Bill No. 6 an absolute prohibition for certain individuals being held in segregation. That absolute prohibition lives in section 19.01. I will, for the purposes of trying to answer this question fully, note that this section reads: “An inmate must not be held in segregation (whether disciplinary or non-disciplinary) if the inmate, as determined in accordance with the regulations (a) is pregnant or has given birth within the prescribed period; (b) is suicidal or chronically self-harming; (c) has a mental disorder, or an intellectual disability, that meets the prescribed conditions; (d) requires medical observation; or (e) has a mobility impairment that meets the prescribed conditions.”

I appreciate that the prescribed conditions are not here for us to consider at this time as part of Bill No. 6. But I also can say with absolute confidence that this absolute prohibition on segregation being used in relation to any inmates who present these issues is unprecedented. It is the protection that Mr. Loukidelis was looking for. It is the protection that we need to be looking for as a Legislative Assembly in controlling what happens at the Whitehorse Correctional Centre in relation to decisions that are made for individuals who will be perhaps irreparably harmed by a segregation condition.

Lastly, what I will say in answer to this excellent question — because, again, it is about the entirety of what Bill No. 6 is trying to achieve — is that there are provisions here in Bill No. 6 for there to be review of individuals — like the cases that

have been taken in Ontario, BC, and others — requirements for review of individuals who are placed in this condition of confinement. They must be reviewed properly; they must be reviewed pursuant to the regulations. They must be recorded properly — records must be kept — and there must be oversight. Lastly, there must be external oversight in certain situations for individuals to be placed in this condition of confinement.

Again, it is unprecedented, except for the Mandela Rules, which is the standard we are trying to meet here, which is certainly above the standard in jurisdictions across the country.

I hope that is, in a nutshell, what we’re trying to do here in Bill No. 6. I completely appreciate that there are some unknowns here, because the regulations will put the meat on the bones or, as we have said in the past, the walls on the house. If this is the foundation and the structure or the skeleton of a home, then the walls, the furniture, and the things that come with that will live in the regulations. I appreciate that there is a leap of faith here with respect to some of that, but what I can say is that we have built into the proposed law that will be Bill No. 6, in conjunction with the *Corrections Act, 2009*, all of the structure that will make this the strongest, most robust segregation law in Canada, and the use of segregation as a last resort — when there is nothing else — will be the tool needed in relation to a particular inmate. As a result, it’s critical that we adopt these provisions.

Let me lastly say — phase 1 — there is more to come. There is more to come in relation to what Mr. Loukidelis has said is necessary. We have talked a little bit on Tuesday about other things that need to come — designations and those kinds of things. We have commented on those a bit. The regulation work will be critical to make sure that this can be phased in, in a way that does protect the rights of individuals, and that’s the balance that we’re trying to strike here — a tool for Whitehorse Correctional Centre to be able to use in relation to its requirement to provide care and programming for inmates, but also a balance to protect their personal rights.

This is my last “lastly” — because I know I have probably said that a couple of times — to do nothing at this point, Mr. Chair, means that we have a system that we know is inadequate and that we, as professionals in the department and who work with the department, know — and the officials in Corrections and in the Department of Justice know — is inadequate. Mr. Loukidelis has told us that it is inadequate; our Supreme Court has told us that it’s inadequate; Supreme Courts and other courts across the country have told us that it’s inadequate, and the United Nations has told us that it’s inadequate.

So, it’s time to make a move; it’s time to put these protections in our law; it’s time to move forward in this way so it is a limited but available tool for the Correctional Centre.

**Ms. Hanson:** I appreciate the minister’s response, and I think that we would all recognize that when a person is sentenced — again, I have a couple of concerns. One is that we are dealing with people who may not be sentenced, but once you are sentenced to jail, your liberty is — by necessity or by fact — reduced. There is a legal constraint to that. You still

have some liberties even if you are in jail, so this is what we are talking about here today — under what circumstances society and the corrections system can put restrictions on those liberties — as much as they are already constrained by the mere fact of being in a jail. Mr. Loukidelis referred to it — as did the Supreme Court of Canada — when we talk about segregation, we are talking about a prison within a prison. To get a better sense of how this might play out — because I hear what the minister is saying — that a lot of this is in regulations and stuff. But I have been around a long time. The legislation is also really important. We have had many debates in this Legislative Assembly, and I have been a public servant for longer than I would like to think. Regulations do change, and there are lots of reasons why they change and how they change.

I am more comfortable the more the legislation is clear in the guidance that it is giving so that the regulations are required to be giving more life, as opposed to maybe going off in a different direction.

In order to get a sense of how this might play out — when I looked at Mr. Loukidelis' report on page 48, he tracks the kinds of separate confinement by a number of days at the Whitehorse Correctional Centre. He notes that there was a marked decrease from 2014 to 2016. In 2014, there were about 1,100 days of separate confinement for all kinds of separate confinement. In 2016, there were 534. I am wondering if there is a breakdown in terms of indigenous and non-indigenous inmates who the number 534 represents.

**Hon. Ms. McPhee:** It's not something — the question is about whether or not we track indigenous versus non-indigenous individuals in segregation. I should first start by saying — and we can presumably get a statistic for the member opposite with respect to the use of segregation — but certainly there has been nobody in the current definition of “segregation” — which we are proposing to change of course — at the Whitehorse Correctional Centre for some extended period of time.

There is not a process by which indigenous versus non-indigenous individuals are identified, even self-identified. Of course, there is an over-representation in Whitehorse and in the Yukon Territory of indigenous individuals at the Whitehorse Correctional Centre, as is the issue across the country. It's completely unacceptable. We continue to work with our First Nation partners on a number of justice initiatives — including corrections issues — that we hope will address that. Certainly, it is something we would like to be able to break down statistically in the future because then we can know what's happening. I think that the member opposite has said on many occasions that, if we don't keep track of these kinds of things, then we don't know how to address the problems.

I also understand that these statistics are not necessarily kept across Canada. That doesn't mean that we don't want to do it. I have spent a lot of time in the last few days saying that we want to be leaders, so we do.

Certainly, there are racial breakdowns in some other institutions in Canada, but only self-identified, and again, that makes the statistics not necessarily accurate. So, the short answer is that we don't do this right now. I certainly expect that

we will do so in the future because we continue to work with our First Nation partners, and if we don't identify a problem, it is almost impossible to address.

**Ms. Hanson:** I thank the minister for that response. It is surprising to me that we don't have that data, quite frankly. Historically we have made decisions, in terms of design and programming at Whitehorse Correctional Centre, based on certain assumptions — in terms of the inmate population that is there. So, one would think that it would be driven to some extent by the people who are either sentenced or remanded there. That is curious to me.

So, going back to the underlying concern that I have expressed with respect to the whole issue of how these various forms of disciplinary, non-disciplinary, and restrictive segregation — or restrictive confinement — and confinement all link into segregation — when I asked the minister the other day — she had just outlined the limitations and segregation prohibitions in 19.01, and I had asked the question with respect to 19.01(c) — whether or not the “mental disorder” — we wouldn't call it that — or an “intellectual disability” — I had asked the question whether or not this was encompassing fetal alcohol spectrum disorder or FAE or anything on that spectrum.

I was told that it's not automatic, it's a possibility, and if so, it would be in the regulations. I go back again to trying to understand what “non-disciplinary restrictive confinement” would mean in action. If we talk about a person who — as Mr. Loukidelis does when he talks about FASD — is on the spectrum — and it can manifest in many ways, but one of the common behavioural issues is an inability to respond in what we or a corrections facility would think would be a behaviourally appropriate way so that discipline is counter-indicated.

How are the needs and the real-life lived experience of somebody on that spectrum addressed unless it's expressed? Quite frankly, we know that, even from the attempts — because when this issue was discussed with respect to making changes to the corrections act previously, based on the Canadian Bar Association and the Yukon bar association's recommendations around FAS and FASD — well, no, we won't do that, because we don't have the data; we don't have the stats. Then we do a prevalence study, and then we find that it's voluntary, so you really can't force anybody. I appreciate that, but we also know that FASSY and others have done this work for the last 40 years in the territory and have a pretty good idea of the prevalence of the undiagnosed.

If we restrict our protections under section 19.01 for those who are diagnosed, my question to the minister is: Where, how, and what kind of protections are going to be provided for those individuals who are on remand — because probably they have breached probation yet again — for the non-disciplinary restrictive confinement? What good is 15 days being confined, separated, going to do for that individual — or restrictive confinement — or, if they get really upset and they go into segregation, what good is that going to do?

I'm just unclear as to how this works. We have a pretty narrow definition in 19.01(c), and I guess I'm really not comfortable with how that opens up — I'm just not hearing

how that is addressing someone who hasn't been sentenced yet and could end up in one of those three or four categories.

**Hon. Ms. McPhee:** Let me just start at the beginning. In relation to the last question asked, the member opposite was surprised that we don't have a breakdown of how many individuals are sentenced or on remand or have self-identified as a First Nation individual. We do have that. The question that was asked was: Do I know how many people in the segregation number had self-identified as a First Nation individual? Just to clarify that, we do have details about inmate populations and certainly sentence remand status and those kinds of things. I just wanted to clear that up a little.

I certainly share the member's concerns regarding fetal alcohol syndrome disorder, assessments, the expertise at FASSY, the diagnosed versus undiagnosed question that has been around for quite some time — I won't go into too much detail with respect to that, but we are acutely aware that we are not looking for a diagnosis. That is not the decision that will get someone into a category or not into a category, but all of those categories will be fleshed out through regulation in work with our partners.

I do want to go back to emphasize something that we spoke about the other day, which is that individual assessments are going to become absolutely critical at the Whitehorse Correctional Centre. It is something that — I hesitate to use the word "luxury", but with a small inmate population and with the services that we have available here in the Yukon Territory, it is something that not only should be done, but can be done with respect to the reduction of the use of segregation. By reducing the use of segregation and replacing it with the individualized services for those inmates who cannot be managed within the general inmate population — which is what we are really talking about here — the Whitehorse Correctional Centre will be providing a safe and humane environment for staff and inmates. The idea is a more individualized process whereby behaviours — individual needs — can be met.

The goal with respect to this legislation and at Whitehorse Correctional Centre going forward is to provide an appropriate living environment for an inmate who cannot be maintained within the general inmate population, either for security or other reasons. This includes providing the inmate with the opportunity for meaningful human contact, regardless of their status, to participate in programs, and the opportunity to have access to services that respond to the inmate's specific needs while managing any risk posed to any other or by any other inmate.

The reason that this is so critically important is because it is a complete shift in how these inmates' behaviours and services will be provided to them. Some of this has been done across the country in other places — attempts to do this with respect to smaller versions of the population. It is entirely built on the concept that we are well aware of the fact that many individuals who find themselves in the Whitehorse Correctional Centre have mental health issues — have mental wellness issues. As a result, housing them or using old-school correctional pedagogy — if I can say it that way — or practices

is not responding to them. It is not relating to what individuals need.

Of course, our job, ultimately, is to make sure that Whitehorse Correctional Centre inmates don't come back, that we do provide — they are not just housed. They are provided a service and some attention to issues that might help them to not come again.

The Government of Yukon is mindful that restrictive confinement and segregation should be used as a measure of last resort. I have said before that this is being built into the legislation by way of Bill No. 6. At times, segregation may be necessary to maintain the safety of inmates, staff, or others at the Whitehorse Correctional Centre, but inmates who are placed in alternate housing, which is defined in the new bill, for non-disciplinary purposes retain the same rights as other inmates, subject to the practical limitations posed by the need to separate them, if necessary, from individual inmates or classes of inmates.

I guess that's a long way of saying that individual attention — the individual assessment — that will be required upon an inmate coming to Whitehorse Correctional Centre, the opportunity for us to have alternate housing units which are set out in Bill No. 6, and the opportunity and limitations on how these tools can be used will require us — and the experts there — to become more creative and certainly to adopt the process reducing the use of segregation and separate confinement. In order to do that, the individualized services for those inmates have to increase.

**Ms. Hanson:** I thank the minister for that explanation. I would be interested in knowing: Will the individual assessments that she has mentioned be for every individual who presents at the Correctional Centre? Will individual assessments be done on sentenced individuals? As well, will individual assessments be done on every person on remand at the Whitehorse Correctional Centre?

When she is thinking about that answer — I would be interested in knowing how many of the 37 individuals who are the current population are there under some sentence, and how many are under remand?

The other day, there was mention that there's an average of 64 people over the year at Whitehorse Correctional Centre for the past year — I think that is what I was told. I am just interested in a rough breakdown of how many of that average population are sentenced and how many are on remand.

**Hon. Ms. McPhee:** I will try to answer that in order, Mr. Chair.

At this time, there are admission intakes done with respect to every inmate. Again, by definition, the word "inmate" includes individuals who are there under remand orders or individuals who have been sentenced. Our goal — and it's currently being worked on — is for those admission assessments and intakes to become more like individual assessments and become more robust. Ultimately, the goal will be that, as a result of those, there will be an individual care plan for every inmate, so that will include inmates who are serving sentences or inmates who are on remand.

Since we were here on Tuesday, the total inmate count in the Whitehorse Correctional Centre as of today is 39. There are 35 males and four females. There are 15 individuals who are serving a sentence and 24 individuals who are there by way of remand.

**Ms. Hanson:** So these individual assessments are going to be integral to assessing what may or may not be an appropriate response to an individual who is either sentenced or on remand at the Whitehorse Correctional Centre. So, what is the target for implementation of the more robust assessment process? What is the target period or target date?

**Hon. Ms. McPhee:** Thank you to the member opposite for the question.

These things of course are a bit like a spider's web; they're all tied in together. I don't know if that's a good analogy on Halloween or not.

Part of the issue will be — first of all, let me back up to say that the individual assessments and making the admission intake more robust — that work is currently underway. Part of the opportunity for there to be an individual care plan for every inmate is also contingent on the development of some of the regulations and also in particular on the alternative housing opportunities that are defined there. Bill No. 6 will give us the authority to do that.

Of course, that's partly the case — that's mostly — the authority to make those individual housing conditions is almost entirely what Judge Veale has said recently in the case in the Supreme Court of the Yukon Territory, because he found that there was not current authority in the *Corrections Act, 2009* for that to happen. So clearly, that's part of Bill No. 6 coming forward so that we would have the authority to do that.

It doesn't mean that any of this work stops until those kinds of things can happen; in fact, the work is ongoing with an opportunity, we hope, in the future to see that the decisions around alternate housing and decisions around care for inmates will all come as a result of the changes that are in Bill No. 6 — but they will all come as a result of us trying to use segregation and restrictive confinement only as a last resort. If you're only doing that as a last resort and you're not using it as a tool as it has been used — as has been properly criticized for many years; not necessarily here but in other places across Canada — you must be able to provide the alternatives.

That sort of work is connected one to the other. But Bill No. 6 is integral in that moving forward.

**Ms. Hanson:** I appreciate getting an understanding of how that care plan links.

I just want to go back to a question that I asked the minister earlier. It links to whatever the current situation is — and as we go forward — it is getting an understanding of what rights an inmate or person on remand has and what process will be in place to question or appeal — or raise questions about the basis for the decision to place one in any of the alternative housing — non-disciplinary, disciplinary, and segregation. If we recognize that somebody who is in jail — and even somebody who is on remand — although there was talk the other day about how we might be thinking of more novel approaches on some of that, too. But when we are changing the form and

intensity of somebody's confinement, does that person have any rights at the outset to raise questions? If not, at what point do they have those rights and how does that work? Who informs somebody who is in jail as an inmate — sentenced — or who is there on remand that they may have some rights, and that is a process that they could follow to raise objections to or appeal a decision that has been made?

I want us to be clear about the reference to the five days — saying that this wasn't adequate. So, what is the intention of the Yukon government with respect to assessing whether or not solitary confinement of 24 hours a day, or 23 hours a day — whatever we want to call it — more than 22 hours — should be shorter? Because the definition says, "... unless a shorter period is prescribed..."

So, I am just curious as to how and when any of that might be triggered so that we minimize the circumstances that Mr. Loukidelis and so many others have pointed out — that there are times when there are reasonable restrictions of somebody's liberty — their residual liberty — because they have lost the main form by being in jail. But the research and that shows us that the impact or the effect of solitary — restricted; whatever you want to call it — confinement starts at 48 hours for many people. I would just ask us all to think about — some of us may think we would like to be kind of quiet some days and just go and contemplate, but that's very different from knowing that you have no ability to be in contact with others for 48 hours, for 15 days, for 60 days.

I'm just wondering if the minister could outline sort of what those measures are to safeguard that residual liberty of the individual.

**Hon. Ms. McPhee:** Let me see if I can unpack that a bit, because I certainly understand the point that is being made. I think there are a few parts that I should note here.

I am going to go here first: 19.06(1): "If an inmate is being held in non-disciplinary segregation or non-disciplinary restrictive confinement, the inmate's circumstances must be reviewed in accordance with the regulations." So, that needs to go into the regulations. Of course, the standard that will exist in the regulations — I am saying "of course" because we talked about it a little bit earlier — will be as directed by the case law across the country and the limitations that are being placed on the law as it develops with respect to segregation going forward. There have been conversations about that being every 24 hours. There have been cases that have not prescribed that, but are saying that five days is way too much, is not constitutional, not secure, or not appropriate for inmates.

That is just an indication. I don't want to quote the cases that I haven't read, but certainly, as I've said, this law is developing going forward.

With respect to hearing processes set out in Bill No. 6 and underway at the Whitehorse Correctional Centre — now and in the future — there are tenets of administrative law that require fair process. They require individuals to know the case against them. They require the individuals to have representation and a full copy of the information. If we are talking about a disciplinary matter, for instance, they must have an opportunity to review that. They must have an opportunity, if they want

someone to help represent them there, to avail themselves of that.

There is a process by which those hearings must be held. The process must be respected. That will apply both to the review process in Bill No. 6 that deals within the Whitehorse Correctional Centre, as well as the external independent review. Those processes exist external to the *Corrections Act, 2009* — external to the requirements of Bill No. 6. In fact, they are the foundation of administrative law and the body of law that regulates those behaviours and those activities.

Inmates who are held in conditions that amount to segregation and restrictive confinement will continue to have access to visitors, elders, and other spiritual advisors. They will continue to have access to legal counsel, health care, mental health services, and — when it is safe and feasible to do so — they may have access to modified programming and personal belongings, if it's safe for them to do that.

I can note that — again, this is part of the puzzle that is involved in this question — but section 19.05(3) — I can remind the Legislative Assembly and Mr. Chair that if, at any time, the director of Corrections or an authorized person determines that the requirements that someone is in segregation no longer exist — you know, along with the tenet of it being least restrictive — if those provisions, if those circumstances — if I can say that word — of putting an individual in that condition of confinement no longer exist, they must immediately be released from that condition of confinement. That is again there in 19.05(3).

What I would also like to say is that, at the moment, currently at the Whitehorse Correctional Centre, the operational standard is that, if an individual is placed in segregation or separate confinement for any reason, an interdisciplinary care team is developed for the purpose of reviewing that situation and that condition of confinement. What we want to do with Bill No. 6 is put those operational plans — put those operational practices — into the law, and that's not something that currently exists.

I think I have answered all of that, but I can certainly get up again, if I haven't.

**Ms. Hanson:** I thank the minister. I'm just going to come back to the distinction between disciplinary and non-disciplinary. I'm going to go back again to Mr. Loukidelis' report.

On page 64, where he talked about the seven significant changes that he identified — the fifth one — and I'll just read it. He said, "... in recognition of the mental wellness risks that can appear as early as 48 hours, non-disciplinary separate confinement should be limited to no more than 48 hours in the first instance. Non-disciplinary separate confinement should be renewable in successive 24-hour periods, up to a maximum of 132 further hours, but only in the most exigent circumstances, such as continuing real and imminent threats to the safety of the individual in separate confinement or the safety of others." Again, this is where he comes back: "As recommended earlier, there should be a 15-day maximum for non-disciplinary separate confinement in the one-year period following first confinement" — which, in his case, would be 48 hours.

I guess my question is: From a best-practice perspective for non-disciplinary separate confinement, why are we retaining the 60-day maximum?

**Hon. Ms. McPhee:** Thank you for the question. Again, I think it's critical to understanding what we are presenting here in Bill No. 6. I will say it this way — what Bill No. 6 is doing when it passes — I hope — and will be part of the *Corrections Act, 2009*, is building a tool that can manage the most difficult behaviours presented at times by some — very few — inmates in Whitehorse. It is building a tool of last resort.

The reason we need a tool of last resort — as I've said on a couple of occasions — but I'm happy to reiterate here is that, again, we have one institution. Often in other larger places, much of this behaviour is managed if they have the opportunity, for instance, to remove an inmate who is part of a gang and affiliating with other gang members inside an institution. There may be a person who is moved to a different institution. We just don't have that opportunity here in the territory.

I also want to draw attention to section 19.05 again, because it indicates that, "... an authorized person may order that an inmate be held, or continue to be held, in non-disciplinary segregation or in non-disciplinary restrictive confinement..." — which is the question — if "... the inmate has committed, attempted to commit or plans to commit acts representing a serious or immediate threat..." Again, we talked about that the other day — "serious or immediate" — so actual threat to the physical security of the Correctional Centre or to the personal safety of any other person there — and "... that the inmate's associating with other persons in the correctional centre would substantially interfere with a disciplinary process or a criminal investigation..." Again, often there are situations continuing to be investigated, and even if a person — an inmate — is in a correctional centre on remand or for other reasons, they could interfere in that investigation going forward. Also, if "... the inmate's associating with other persons in the correctional centre would jeopardize the inmate's own safety..." — there are certainly circumstances where that might occur — and "... all other options to manage the inmate without segregating them or imposing restrictive confinement on them have been exhausted." So, this is the requirement.

Again, we are placing it in the law, the purpose of which is to make it that much more robust to require the compliance of the Whitehorse Correctional Centre and the officials there to make sure that this is a full understanding of how individuals are to be managed. I can indicate as well that those provisions of section 19.05 — and I may have slightly misspoken; I was trying not to paraphrase, but I got it for the most part — are in line with what Mr. Loukedelis has recommended. I think that has been noted by the member opposite in her question.

**Ms. Hanson:** I think it is a "yes, but", because I totally understand what the minister has outlined with respect to the focus being on imminent risk, not on potential risk, when we talk about section 19.05. My question is: Why has the government chosen to use a blunt instrument as opposed to a more refined one, as was proposed by Mr. Loukedelis?

What we have here is no constraints. When you are doing non-disciplinary separate confinement, what he recommended

is that it should be limited to no more than 48 hours in the first instance. What we have is a blanket 15 days — five, 15, five — to a total of 60. That is an exaggeration, but it could go that way, as I understand it and was confirmed the other day. The inspection report said that non-disciplinary separate confinement should be renewable in successive 24-hour periods. He also said it would be a maximum of 15 days in a year.

My question is — we are talking about non-disciplinary. Surely to goodness, if there is apprehended sense of physical security of the Correctional Centre — within 15 days you would have resolved that, I would hope. Given that the centre has 64 people on average there, you have a problem if you can't do that.

My question is — it is more the use of the appropriate tool to address the situation at hand. I am really looking to understand why. The recommendation was that: "... in recognition of the mental wellness risks that can appear as early as 48 hours..." — we are talking about non-disciplinary separate confinement or non-disciplinary segregation. "Segregation" as it is defined right now is basically a 24-hour lockdown and is only renewable to a maximum of 132 hours, on top of the 24.

Why wouldn't that be built in to demonstrate — to me, that is more reflective of understanding the risks associated with this kind of separate confinement.

**Hon. Ms. McPhee:** I completely appreciate what Mr. Loukidelis has put in his recommendation, but what I think is not in his recommendation is the limits that are built into section 19.05 — that only in certain circumstances can non-disciplinary segregation or non-disciplinary restrictive confinement be used.

Because those sections are there, I'm prepared to point out that, in my view, we have built in when it could be used and only when it could be used. I think that, while the 24 hours mentioned — I'll just come to that in a second.

What we're dealing with here at the Correctional Centre — and I know that the members in this House know this — are very, very complex clients with very complex needs. We know that many of them are related to mental health issues. We know that they will be properly assessed coming in, and we will be looking for further and more opportunities to provide services and care to them, but I read this section noted by the member opposite about Mr. Loukidelis' recommendation — that he is really talking about and advocating for a review process, as are we.

A constant monitoring of individuals who are placed into this condition of confinement is and will be required. This is and will need to be built into our recommendations going forward when we work with our partners to do so. We know very well that individuals can, again, have adverse impacts at a very early stage of separate confinement. I want to go back again because this is all related.

I noted earlier about how individuals who are in this condition of confinement will still have access to visitors, to spiritual guidance, and to elders. We're not talking about — and perhaps years ago we were — depriving individuals of

meaningful human contact in a way that was, perhaps, inappropriately done in the past.

I also want to note that there are certain categories of individuals — and I appreciate that I'm repeating myself — who will not be able to be held in these conditions and that the assessment process will build into that with the idea of providing them better care in a way that it is not available at the moment.

**Chair:** Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

**Chair:** Order, please. Committee of the Whole will now come to order.

The matter before the Committee is resuming debate on Bill No. 6, entitled *Act to Amend the Corrections Act, 2009*.

**Ms. Hanson:** I think I just drew a blank — my last question was on definitions, Mr. Chair. We'll come back to definitions, because we have pulled it into the body of the amendments by trying to get an understanding of how these definitions relate to the various statements and recommendations in David Loukidelis' report of May 2018.

I'm going to end on the definitions section, where we left off the other day. Really, my bottom-line question is: Why is it necessary to retain the ability for the Correctional Centre to have somebody in solitary confinement for 24 hours?

**Hon. Ms. McPhee:** At the risk of sounding repetitive — and I appreciate that this may not satisfy the member opposite; her questions have been extremely thorough and she has obviously worked hard through this bill. But this proposal in Bill No. 6 does not propose to abolish segregation. It is a necessary tool of last resort to manage risk within the Whitehorse Correctional Centre, in this case, or within an institution. I want to say that not only is that recognized by Mr. Loukidelis in his report, but it is recognized by the United Nations in their rules regarding how prisoners should be treated — which is also known as the Mandela Rules — and it is critical for that reason. That is why the definitions exist the way they do in Bill No. 6, because it is — although we wish it weren't — necessary. It is a necessary tool. It is to be used as a last resort. It is used to manage risk in a correctional institution. It is used sparingly. We know the dangers of it. We know that it can have adverse effects on individuals.

We have built into Bill No. 6 many protections to alleviate what we know are potential problems with the use of segregation. We will continue to build those into the regulations. I want to note that segregation, when it is used — and we ensure that it is used appropriately — the proposed amendments here carefully differentiate between disciplinary and non-disciplinary circumstances. As I said earlier, we are entrenching this in the law — practices that have been in place — and we are limiting how non-disciplinary and disciplinary segregation can be used.

The non-disciplinary segregation contains criteria that must be met for an inmate to be held in a condition of segregation, specifically under 19.05 — as I have noted on a couple of occasions — an inmate can only be placed there in certain circumstances.

Lastly, meeting the criteria that are in 19.05 — in addition to that, the institution has a responsibility to make sure that they have exhausted all of their options. I guess that is the answer. Segregation is not being abolished. We are improving its use, we are limiting its use, and we are making sure it must be reviewed. We are instituting external independent review processes and we are bringing the Yukon law to the standard that is, worldwide, held up as the best possible use, recognizing that segregation is a necessary tool when we are dealing with correctional institutions and that it must be used as a last resort.

**Ms. Hanson:** I appreciate the member's response.

It was a statement about what the government is going to be doing. That they are doing this — I guess my question is still: Why is it necessary to retain that? Why was it not considered to put into law those constraints on the use of solitary confinement? Effectively, what we are saying is that it is okay for 15 days as opposed to a graduated approach.

Given the minister's comments before the break with respect to the complexity of many of the individuals who present or who are incarcerated or on remand at the Whitehorse Correctional Centre, it seems to me that we de facto recognize that many of the people who are in the Whitehorse Correctional Centre or who will be there are there because of other mitigating circumstances that lead to less-than-robust mental wellness. Why would we not be building that into the legislation so that, instead of saying that there will be a review contemplated through regulations, we want to make a statement in our legislation that we recognize the impact of separate confinement — particularly separate confinement of a prolonged period of duration in terms of the number of hours in a day? I am at a loss to understand why that cannot be built into the constraints that are in any of the sections that describe the kinds of conditions that apply in each of the areas of 19.01, 19.02, and so on.

I said it was the last, but it's very difficult.

**Hon. Ms. McPhee:** A couple of times, the member opposite has used the term "solitary confinement", and I appreciate that's the term that has historically been used, in addition to some others. Of course, the modern process involves the concepts of "segregation" and "restrictive confinement". The reason I'm noting that here is because, as I have said earlier — and I wouldn't want this to be missed — inmates who are held in conditions that amount to segregation or restrictive confinement in the Whitehorse Correctional Centre continue to have access to visitors, elders, other spiritual advisors, legal counsel, health care, mental health services, and — when it's safe and feasible to do so — they may also access modified programming and personal belongings.

So, gone are the days of solitary confinement — one being in a place, a cell, a hole — you know, a location where individuals would be held and deprived of not only meaningful human contact, but any human contact — deprived of light,

deprived of proper service and proper care. I just want to be clear about that, because even in all of the conversation we have had with respect to these conditions of confinement, individuals will have access to all of those things, because we know that they are so important.

I also just want to note again that the proposed amendments to the *Corrections Act, 2009* redefine our approach to segregation. Through this new approach, "segregation" will be defined as a form of custody where an inmate is held, absent association or some association with other inmates, for a period of 22 hours or more a day. That's the definition of "segregation", but it is a condition versus a place. I know this brings us back to some of the conversation we had earlier.

With these amendments, the department will be moving away from identifying individuals as being in segregation, based on the unit that he or she is housed in, and we will instead be recognizing that an inmate who is held in a condition of confinement and meets the definition, regardless of where they are physically placed in the institution — and this is an important piece, because when they're being held under a condition of confinement, it means that all of these protections kick in. I think I spoke the other day — but one of the criticisms of the concept of segregation and the definition of "22 hours or more" is that institutions have, in the past — and I'm not suggesting WCC or Whitehorse Correctional Centre has — gone right up to the limit to where somebody is not defined as being in "segregation" for the purpose of not having to provide them with the proper care.

If the limit is 22 hours and they are held for 20 hours and then released, or held for 21.5 hours — I mean, that is just not acceptable and is not what we are suggesting here. We are defining "restrictive confinement" as anything over 18 hours, between 18 and 22 hours. Again, the conditions of confinement permit individuals to have meaningful contact. This approach is proposed and designed to ensure the appropriate oversight for individuals who are segregated and thereby making the Yukon government, making the Department of Justice, and making correctional services more accountable.

**Ms. Hanson:** I thought I was finished, but the minister's comments have just triggered another question with respect to how that actually works, then. "Segregation" means: "... any type of custody where an inmate's association with other persons is significantly restricted..." — so for 22 hours or more. How does that facilitate interaction with elders, care providers, or visitors? I don't get how that works.

**Hon. Ms. McPhee:** It actually brings us back to section 2, Mr. Chair — which is, I think, where we got stuck — and the definition in section 2 of "segregation". It is set out there in that section, so I won't read that. That is the definition of "segregation". The concept of the definition of "segregation" is that, if that condition of custody is applied to an individual inmate, the safeguards have to be in place. Once they are defined as being in "segregation" for that purpose, then the review safeguards, the reporting safeguards and all of those things have to happen as a result of making sure that the individual is properly cared for, because in the past, it has

certainly been the case where someone could go into segregation for two, three, four, or five days and not be reviewed and not see someone.

If an elder were to come to visit someone for an hour during that period of segregation, that wouldn't change the definition of the fact that they were in the segregation category or that condition of confinement. We also want to be clear that we know — and I think we are saying the same thing — that the deprivation of meaningful contact for individuals is almost always a problem — despite the conditions where someone might want to be alone for awhile.

We know that this is a problem. We know that it is not going to improve the conditions of an inmate or their attempt to reconnect with their family or reconnect with behaviour that will keep them out of the Whitehorse Correctional Centre. So, while that definition is there of “up to 22 hours”, it is truly there for the purposes of saying that, if that is the condition in which they are being held, all this other stuff has to happen.

My point about meaningful contact was to dispel the concept of solitary or an opportunity for someone to be held confined in a situation where there is no meaningful contact. I hope that gets us there.

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*On Clause 4*

*Clause 4 agreed to*

*On Clause 5*

*Clause 5 agreed to*

*On Clause 6*

**Hon. Ms. McPhee:** I can speak to either clause 5 or clause 6, Mr. Chair. I am going to speak to clause 5 if I can have your indulgence to do so, Mr. Chair.

**Chair:** We need unanimous consent to go back.

**Some Hon. Member:** (Inaudible)

### Unanimous consent re revisiting clause 5

**Chair:** Ms. McPhee has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to revisit clause 5.

Is there unanimous consent to revisit clause 5?

**All Hon. Members:** Agreed.

**Chair:** Unanimous consent has been granted.

*On Clause 5 — revisited*

**Hon. Ms. McPhee:** I will be very brief. I appreciate that this has been a long conversation, although a very thorough one. I appreciate very much the opportunity to speak to it.

I want to note that section 5 is the concept about the regulation-making authority. I just want to note that on the record because, while the clauses have gone pretty quickly, there is certainly lots of detail in each of them. Section 5 deals with the regulation-making — sorry, I have a copy that may not be accurate.

Section 6 deals with those — I misspoke. My version is an older copy, and I think the numbers are incorrect. We're in the right place. Section 5 — 6 — deals with the regulation-making authority. That's the only point that I wanted to make.

**Ms. Hanson:** I thank the minister for asking for unanimous consent, because you were going really quick, given that it took two days to get through the definitions section.

I just wanted to ask the minister to confirm for the record that, when we look at section 19.08(1) where it says, “The Minister may appoint persons, in accordance with this section, as review adjudicators to review, in accordance with the regulations, the segregation and restrictive confinement of inmates in a correctional centre and perform...” — the functions that are enumerated. Does this appointment of persons require a trigger — i.e. an incident — or will there be appointments concurrent with the regulations, or before?

**Hon. Ms. McPhee:** If I could just have one moment. I want to make sure I understand the section.

I think the question is about section 19.08, so am I in the right place?

**Some Hon. Member:** (Inaudible)

**Hon. Ms. McPhee:** Okay. I just wasn't sure that we were back there. In accordance with the regulations, the assistant deputy minister may appoint review adjudicators to review the segregation and restrictive confinement of inmates to perform the following functions — and a number of them are listed there.

I think we spoke about this the other day. The adjudicators will be appointed or lined up to be appointed because it will be necessary to have them in place when the act comes into force and effect in order to give life to those very important external review provisions.

**Ms. Hanson:** I'm just curious as to why the ability in section 26(1) — under the hearing adjudicators — to appoint persons is a ministerial appointment process, as opposed to a public service appointment process now?

**Hon. Ms. McPhee:** I think I said “deputy minister” or “assistant deputy minister” — so I apologize for that. Clearly, section 19.08 says, “The minister may appoint...”

The decision was made to proceed in this fashion because the review adjudicators, contemplated by section 19.08, cannot be government employees and are designed to be independent of government, and as a result, connecting them to the public service was determined to be a situation — if the minister does the appointments, they could be just that much more separate from the working machinations of the department.

**Ms. Hanson:** I understand that entirely, but there is subsection 26(2): “The Minister may delegate the power to appoint persons as hearing adjudicators under this section to the deputy head.” So, in fact, we have pulled it back into the public service. How does that work?

**Hon. Ms. McPhee:** I want to draw the distinction that, in section 26 — where section 26 will be amended — deals with ministerial appointments to the hearing adjudicators and the hearing adjudicators are not — are internal to the process, not necessarily the external reviewers who are required by the Mandela Rules and other cases — as suggested by other cases across the country.

The difference between hearing adjudicators and the review adjudicators are distinct in Bill No. 6. I can note that the delegated authority to the deputy minister is possible. Again,



it's one of those forward-looking concepts in that, of course, their being as independent as possible is required. Deputy ministers can do that. I don't anticipate that they would initially have that authority delegated to them, but it's one of those forward-looking issues as the law develops. There may be opportunities for other adjudicators to be appointed as well through that process. That's vested, not in the public service, but at the level of deputy minister or minister.

*Clause 5 agreed to*

*On Clause 6*

*Clause 6 agreed to*

*On Clause 7*

*Clause 7 agreed to*

*On Clause 8*

*Clause 8 agreed to*

*On Title*

*Title agreed to*

**Hon. Ms. McPhee:** Mr. Chair, I move that you report Bill No. 6, entitled *Act to Amend the Corrections Act, 2009*, without amendment.

**Chair:** It has been moved by Ms. McPhee that the Chair report Bill No. 6, entitled *Act to Amend the Corrections Act, 2009*, without amendment.

*Motion agreed to*

**Chair:** The matter now before the Committee is general debate on Bill No. 200, entitled *Second Appropriation Act 2019-20*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

**Chair:** Order, please. Committee of the Whole will now come to order.

### **Bill No. 200: *Second Appropriation Act 2019-20* — continued**

**Chair:** The matter before the Committee is resuming general debate on Bill No. 200, entitled *Second Appropriation Act 2019-20*.

Is there any further general debate?

Mr. Silver, you have 17 minutes, 35 seconds.

**Hon. Mr. Silver:** Thanks to Chris Mahar for being here today. I'm a little upset that she didn't keep her costume, but that's okay. We can still endeavour to continue.

I do have some updates from previous questions that I told the members opposite I would get some answers for. So, I would like to start my time answering some of those questions that were asked in Committee of the Whole on October 17. The first question I have a response for — and I'm going to paraphrase these questions, as opposed to getting them perfect. I was asked if the minister would consider providing

specialized maternity certification to provide local nurses interested in opportunities to fill nursing gaps.

Mr. Chair, maternity nurses require a specialized certification in order to be considered fully competent maternity nurses, and it can take close to a year for a nurse to complete the certification. Yukon Hospital Corporation supports mentorship for maternity nurses to complete the certification.

On a continuing note as well, this is one of those things that is a continuing conversation happening at the Council of the Federation with the premiers, whether it be nursing certification and how we can do better cross-jurisdictionally as well, and also with doctors — trying to see if there is a way to streamline some of these processes. Right now, we are looking to Newfoundland and Nova Scotia, which have been doing a lot of really progressive work — working with the agencies that are responsible for doctors and nurses as well — to see if we can expedite that process. Again, it is not necessarily helpful today, but there's continuing work not only necessarily with the Department of Health and Social Services and the Yukon Hospital Corporation, but ongoing work at the Premier's level as well.

Another question that was asked was: Why is the MS clinic in jeopardy of being cut, and why were the MS gym and therapies at the hospital closed? Mr. Chair, we have not reduced any services, but we are exploring ways to more effectively deliver these services to best meet those needs of Yukoners. In-territory services continue to be provided by a visiting neurologist. This reduces the need for Yukoners with MS to travel out of the territory.

In some urgent cases, Yukoners with MS may need to travel outside of the territory to access specialized services and multi-disciplinary team members via an established MS program in larger cities. Again, the Government of Yukon and the Yukon Hospital Corporation are assessing the current model of care for clients with MS to determine possible solutions to improve accessibility and sustainability of MS care, whether here or with our partners in health care.

I was also asked what the status of the school program is and if it is reaching the communities of Destruction Bay, Beaver Creek, and Haines Junction. Mr. Chair, we are changing the way in which — again, this is the status of the school program in response to a dental program — we are changing the way we provide dental services to children through the Yukon children's dental program in order to best meet the needs of children throughout the territory. This is not a reduction in services, but it is a change in services to better utilize the resources that we have.

All Yukon students from kindergarten to grade 8 will continue to be offered enrolment in the Yukon children's dental program. To date, Mr. Chair, the enrolment process has been initiated with select schools in a way that prioritizes rural students and rural schools with the highest needs for dental services — in Whitehorse as well.

Enrolment has been initiated in Haines Junction and the Yukon children's dental program will run in Haines Junction for the 2019-20 school year. Beaver Creek and Destruction Bay

have only 15 students between the two schools, and neither school has a proper clinic that meets the standard protocols for infection control. I don't think that is anything new. Students in Beaver Creek and Destruction Bay can enrol by contacting the program directly and completing a consent for enrolment form. Once complete, the program participants will be given a referral to a dentist in Whitehorse. All treatments will be pre-authorized and the cost of the service will be covered by the referral. Students also have the option of attending the children's dental program in Haines Junction if they so chose.

Another question asked was specific to proof of residency. I was asked: What happens to fix issues raised in summer, through casework, about proof of residency? What is the process for proof of residency? How do we ensure that people are covered? Those were three specific questions that were asked.

Mr. Chair, we have reviewed all letters sent out in the past year and confirmed that this was the only error. Upon learning about the error, the family was immediately contacted and all insurance benefits were reinstated. We have reviewed our process and will improve upon our current decision-making criteria and accountabilities before letters are issued to the public. When applying for Yukon health insurance, people can use the following as proof of residency — they can use utility bills, plane tickets to Yukon, pay stubs, bills in their name from Yukon businesses, rental agreements or receipts in their name, or also a letter from their employer.

Moving on to the next question asked that we didn't have an answer to on the floor of the Legislative Assembly: How much should seniors expect to pay for increased co-pays on medical services and drugs?

There have been no recommendations from the independent panel to date. The panel is still collecting information. Currently, there is a public consultation and we are looking forward to seeing the recommendations, which we will take into consideration at that time.

I was also asked: What is the current wait time for cataract surgeries? How many people are on the wait-list? We did have a conversation and I did provide some information at that time, but just for more clarity on this issue — from January until the end of September of this year, 508 cataract surgeries have been completed and 294 patients have had their cataract assessments. Both the number of cataract surgeries performed and the number of assessments are ahead of the targets for this year. Wait times for assessments are down from 37 months to 18 months.

Health and Social Services, in partnership with the Yukon Hospital Corporation, has made cataract surgery wait times a priority, obviously from these results and these numbers. We have developed a plan to address the wait times for Yukoners for consultation with the ophthalmologist and for those waiting for cataract surgery.

The plan that was implemented in January provides funding to allow the Yukon Hospital Corporation to more than double the number of patients seen for consultation and the number of surgeries being performed each year. Again, kudos

to Health and Social Services and to the Hospital Corporation for reducing the wait times and making this a priority.

I was also asked: "Can the Premier advise us as to what the hospital is having to do right now to deal with what are, in real terms, cuts imposed on their funding by this Liberal government, which chose not to provide enough money to keep up with the rate of inflation?" That was a direct quote.

Health and Social Services has increased its investment in the Yukon Hospital Corporation from 2018-19 to 2019-20. This investment includes funding priorities, such as cataract surgeries — as mentioned — orthopaedics, chemo drugs, diagnostic procedures, and also wage growth. We continue to work with the Yukon Hospital Corporation to ensure that its pressures are identified and funded for the benefit of all Yukoners.

The Yukon Hospital Corporation is an active participant in the comprehensive review, looking for ways to improve quality, access, sustainability, and coordination of care.

I was also asked: What are the current estimated capital and O&M costs for the secure medical unit? The Department of Health and Social Services and the Yukon Hospital Corporation are in the process of planning for a new secure medical unit at Whitehorse General Hospital. Further engagement with YHC and other partners is taking place on the proposed clinical models to ensure a clear, clinical pathway across providers, given the current health system.

I have a few more questions here that were asked, questions from October 17 in Committee of the Whole. I was asked — and this is a direct quote: "Will the Premier rule out a \$900-per-person-per-year health care tax — yes or no?"

"In this case, it is a fair assumption that Yukoners are not going to support the \$900-a-year health care premium that is in the survey that is out right now from the government's handpicked health care review panel. Why worry people, if you're not prepared to go there?"

Mr. Chair, the independent expert panel is not making any decisions. The panel is making recommendations to the government, and I am pleased to announce that the panel is on schedule to make recommendations to the department in December to inform the 2021 budget process, and it is on schedule to provide its final report to the department by March 31, 2020.

We made it clear to the panel at the very beginning that they are free to go in whatever direction they want to go to make whatever recommendations they wish if they deem them beneficial to Yukoners, and we will continue to keep the independent panel exactly that — independent.

I was also asked — and I quote: "For seniors who are planning right now for their retirement and may have to be in a continuing care facility, how much should they be budgeting and expecting to pay in increased continuing care fees and increased co-pays for medical services and drugs?"

Again, Mr. Chair, the independent expert panel has still not made any recommendations to the government. Right now, they are in phase 4 of the review, which includes a second round of public engagement. It is holding a series of public meetings to hear Yukoners' thoughts on building a system that is

effective and sustainable for decades to come. These meetings will be held in 14 communities. That's between October 7 all the way until November 8.

Phase 2 of the public engagement focuses on six primary themes, one of which is aging in place. The panel is reaching out to NGOs — non-governmental organizations — and community organizations to solicit further feedback on how to improve the health outcomes for all Yukoners and how to help Yukoners age well. It works with senior-focused NGOs. It builds on the momentum of aging-in-place public engagement, during which the government heard from more than 1,200 Yukoners.

Coming to the end here, Mr. Chair — thank you for your patience. I was also asked, in speaking about the two foundational elements of the comprehensive review — and I quote: “Where is the reference to quality health care, patient outcomes, and reducing wait times? Why are none of those matters important enough in the view of this Liberal government to make any of those a foundational element of the comprehensive health review?”

Mr. Chair, the comprehensive review of Yukon's Health and Social Services focuses on how to improve health care and the wellness of Yukoners to make sure that patients, clients, families, and providers have positive experiences and provides better value for money.

In addition to the two fundamental elements of (1) data collection, analysis, and performance measures and (2) cultural safety and cultural humility, the comprehensive review is framed around six other key themes. Those six themes are: primary health care and delivery models; coordination of care within and outside of the territory; systematic structures to better meet the needs of individuals with multiple layers of needs; aging in place; pharmacare and pharmaceutical benefits; and social supports. The two fundamental elements are not separate from the themes, but they underlie all of the themes that are being considered, as they relate to each theme.

The last question we had to get some clarity and background on was about wait times for an MRI at Whitehorse General Hospital. The question was — and I quote: “We don't see that anywhere in the health care review — the investment in increasing technology here — and we don't see any action from the government.”

Mr. Chair, the independent expert panel is, again, not making decisions. They are making recommendations to the government. That comprehensive review of health and social programs and services focuses in on how to improve the health and wellness of Yukoners to make sure that everybody in that continuum — patients, clients, families, and providers — have a positive experience. Again, we are trying to find better value for money as well. We made it clear to the panel at the very beginning that they are to be independent. Again, there is a very similar answer to that question as well.

I will now cede the floor and see if there are any more questions from the members opposite.

**Mr. Kent:** I too would like to welcome the official here today to provide support to the Premier during general debate on the budget. I am going to focus on education questions

today. We only had an afternoon in the spring budget debate to talk about education — which wasn't very much time given the size of the budget, unfortunately. So, there are a number of questions we have left over from the spring, and some questions on the budget and other aspects regarding education that have happened since the spring.

I am going to first of all focus on the 2017 mandate letter that the Premier gave to the Minister of Education, as well as the 2019 version of that mandate letter — some of the changes in there. As these are authored by the Premier, I am expecting that he will be able to answer some of the questions that I have with respect to both of these mandate letters and some of the differences that are between them.

I know that we probably won't have time today, but when we come back into general debate, I will look for some additional answers on school busing, some of the after-school programs, attendance areas, and a number of capital projects that are underway with respect to schools — whether it is portables, expansions, new builds, or some of the promises that are laid out in the mandate letter.

I also want to touch base with the Premier on the Auditor General's report that was recently sent out. I know that it will be the subject of, I'm sure, a future Public Accounts Committee discussion, but I have some questions with respect to the departmental responses on these recommendations that the OAG put forward and some progress reports on what is being done, because a lot of it is described as being done in the 2019-20 school year or the 2019 calendar year.

I am going to start with the 2017 mandate letter. In it, there is a request — I will just read a brief excerpt: “In particular, I expect you...” — the Minister of Education — this is from the Premier — “... to work with your colleagues and community partners in the near term to deliver on these key goals...” So, the first one is to: “Implement the new student-centred, Yukon version of the revised BC curriculum”.

That appears in the 2017 mandate letter, but is not specifically in the 2019 mandate letter. So, I am assuming that this work is done. Can the Premier confirm for us that work is done or give us a reason why he didn't include that implementation piece in the new mandate letter that he provided for the Minister of Education?

**Hon. Mr. Silver:** As the member opposite can understand based upon his experience as the Minister of Education, we are always continuing to go forward as far as curriculum development. When it comes to BC and Yukon's modernized curriculum — that is based on some leading practices in education across Canada and absolutely internationally as well. Some of the locally developed curriculum that we see from this pedagogy is fantastic — whether it is programs like First Hunt or First Fish of the Tr'ondëk Hwëch'in, in partnership with the Department of Education and drawing down on chapter 17.7 of their own self-governing agreements. It is just an amazing opportunity for us to take a real look at how traditional knowledge mixes and matches with scientific knowledge. It is an amazing opportunity to allow locally developed curriculum to move forward as well.

I know that when the member opposite was in his role, there was curriculum developed based on residential schools — just really powerful and important curriculum — so I will give him the credit where it is due. To see that type of curriculum being applied in this overall framework shows an importance here locally, but also a framework or a curriculum that allows this type of modern curriculum to be led by local knowhow.

This year is the first year that all students are learning in the new curriculum, from K to 12, and following the same implementation schedules as BC schools as well. There is no difference as far as that goes.

The redesigned curriculum is student-centred, with more hands-on learning opportunities and more career and financing education, which is great. I had the opportunity, Mr. Chair, when I was working in education, to teach the Planning 10 courses and the health and career courses for grades 8, 9, and up. What a great opportunity to get some financial literacy into the minds of our youth. Our focus, through the planning courses, always was — if a youth, for whatever reason, has to, at the earliest possibility, leave their community and go to a city, you have to make sure that they have the resources and the understanding — to be able to balance a chequebook, but also be able to take care of themselves as far as understanding self-worth. Sexual education is in Planning 10. There is a whole gamut of things. I really always thought that we underutilized that amazing program. So, it is always good to see and to talk to teachers now about how they are implementing their own ways of using that curriculum. I have heard of teachers taking people from the public in — nurses to come in and do the sex education component, or people from the local banking community to come in to teach financing. It's just a wonderful opportunity.

The difference between the two mandate letters specifically was mentioned in the minister's mandate letter for 2017. That curriculum implementation is ongoing, and so, as it was struck and implemented and now is ongoing, we decided to make the new mandate letter more of a — that's ongoing work, but we want to expand the mandate letter to other specifics.

I do have to add too that Yukon schools maintain extremely high academic standards. Every grade level and subject area in the curriculum has performance standards to measure student achievement. Yukon educators are helping to develop and redesign curriculum with the BC ministry and continue to embed Yukon and Yukon First Nation content and resources as it rolls out — so just a little bit of background of the continuing work that is happening, which is great to see.

I had some personal development days and professional development days when I had opportunities as a young teacher in the education system to correct provincial exams, work with my colleagues down in BC, and compare best methods and best strategies. It's nice to see that, with this modernizing of curriculum, these important values and these important experiences are still being continued through the Department of Education.

**Mr. Kent:** Just for the record — and perhaps the Premier can confirm for us that it's not the new student-centred Yukon

version of the revised BC curriculum; it's an ongoing task. It was flagged in 2017 as a key goal, but it's not flagged in 2019, but it's still ongoing. He can perhaps just confirm that. That's what I think he said.

The second goal that was identified — or key goal that was identified in 2017 but is not mentioned in the 2019 mandate letter is to review teacher hiring practices in conjunction with the Yukon Teachers' Association, or YTA. I'm assuming that it appearing in 2017 and not in 2019 means that this review is done.

Can the Premier confirm that this review is finished? I don't recall ever hearing any of the results of it, so if he has any results that he can share, that would also be great.

**Hon. Mr. Silver:** To answer the member opposite's original question, yes, the curriculum implementation is ongoing.

When it comes to teacher-hiring practices and the review therein, it's extremely important — effective teachers are an important factor in students' success, and the Government of Yukon needs to continue to work to ensure that we are providing caring, quality teachers in the Yukon schools. The Government of Yukon has been working with the Yukon Teachers' Association, as the member opposite referenced, to enhance those hiring practices for teachers to ensure that they are fair and that they are transparent and consistent. Those hiring practices need to meet the requirements of the legislation, but also the collective bargaining agreement and the needs of all the individual schools in which we're educating.

We reviewed the hiring practices, and we continue to review those on an ongoing basis and consult with the YTA, as required, on any revisions, changes, or issues as they are raised.

I do want to thank the Yukon Teachers' Association. It is thanks to the recent hard work of both parties in bargaining that the staffing protocol for hiring teachers is part of the current collective agreement with the Yukon Teachers' Association. That new collective bargaining agreement, just to refresh members opposite's memories, was ratified on January 14 of this year, and the staffing protocol is now within the collective agreement.

**Mr. Kent:** Can the Premier confirm if there have been any changes to the teacher-hiring practices as a result of this review that is being done in conjunction with the Yukon Teachers' Association? Again, it was a key goal two and a half years ago when these were initially done, but it no longer appears to be a key goal for the minister. Does the Premier consider that this work is finished at this point?

**Hon. Mr. Silver:** As I said, Mr. Chair, this is ongoing work. Just because it's not in the new mandate doesn't mean that it's not a priority. It means that it is ongoing work. This work has started. It is moving forward. It has been embedded in the collective bargaining agreement. The department consults every year with the Yukon Teachers' Association on the guidelines that relate to teacher hires, education assistants, and aboriginal language teachers. So, there have been changes, and it's good to see that this is now implemented in that process.

In recent years, there were a higher number of grievances with regard to staffing issues, posting vacancies, priority

placements, employment probations, and those types of issues. The updating of the staff protocol in the collective agreement increases the preference for the hiring of, for example, Yukon First Nation teachers who are interested in returning to their traditional territories, which again, is fundamental to how this government wants to ensure that not only do we have local curriculum, but we also have local teachers teaching local curriculum, which is extremely important to building rapport.

In my experience, Mr. Chair, I was teaching for four or five years. Every year after four or five years, you wouldn't think that you would be meeting more and more people, but you would. They would say, "Well, okay, I see that you are staying, so because you are staying, we are going to open up to you a little more." That's extremely important. A lot of times in the past, you would have a situation where you are not only teaching a particular subject, but you are actually working through some of the most complicated years of a young person's life.

To show up as a teacher from away and then for whatever reason leave again, it's heartbreaking to students and to the community. It is understandable how important it is that we keep local teachers in the communities, allow people to have the ability to grow roots in the community and thrive, and allow the students' educational experience to also thrive.

Mr. Chair, many changes were discussed as the *Education Labour Relations Act* was amended — also in the spring of 2018, just to refresh the member opposite's memory.

**Mr. Kent:** Perhaps the Premier can come back — or we'll follow up with the Minister of Education at some point about what changes have been made to the teacher-hiring practices as a result of this key goal that was set for her in the 2017 mandate letter.

The next part of that mandate letter, the next key goal, was to work with the Minister responsible for the Housing Corporation to initiate a new approach to staff housing that increases opportunities for teachers to remain in communities. Some of the announcements that came out earlier this year — we heard some concerns and saw some concerns from the YTA with respect to new staff housing policies.

Maybe the Premier can tell us how those changes increase opportunities for teachers to remain in communities — the changes that were announced earlier this year.

**Hon. Mr. Silver:** We recognize on this side of the House that staff housing has a role in supporting the recruitment and retention of teachers in Yukon communities, and we are continuing to work with all available resources to assist staff in rural communities with housing.

It is interesting, Mr. Chair, that when I was first elected in 2011 and I was in opposition, I was thrilled to come down and start working on my community's behalf in the Legislative Assembly. The individual teacher who replaced me did not have guaranteed housing under the former government. He was from Toronto. For two months, he tented on the banks of the Klondike River at a good friend of mine's house — trying to get housing. At that time, there were policies that didn't really make sense, as far as having some houses that were there but were kind of earmarked — and some needs from people who

were there at the ground floor wanting to be part of the community, wanting to have an investment in the community, needing some housing — and it just wasn't available for them. Again, we are continuing to work on that policy — absolutely.

Just a little bit of background, Mr. Chair — the Yukon Housing Corporation manages the Yukon government housing units in accordance with the *General Administration Manual*. Yukon Housing Corporation acts as landlords to lease the units to employees, and the YTA staff have expressed concerns about whether the revised housing policy for May 2019 applies to communities where there is no private housing market, and especially whether the maximum tenancy of three years will apply.

Again, there has been a lot of work by the Housing Corporation. I want to say to them that this is great work in trying to modernize how we work with communities. I learned a lesson when I was presenting at the Association of Yukon Communities — I said something that I ended up having to retract. I said, "Oh, every community has housing issues", and then the representative from Faro came back and said, "Yes, but it's not the same in every community" — and that was so true.

So, to have a policy that is developed writ-wide through the Yukon might not be the best way of approaching this. Again, to have the Education department working with the Yukon Housing Corporation to work together in the communities outside of Whitehorse — it is great to see a willingness to see how we can support our employees.

There are currently 52 teachers in the Yukon Housing Corporation staff units, as we speak. So, that is great — and including my community of Dawson City — I believe there are six who are in staff housing. Watson Lake has 12. So, it is good to see this policy, for sure.

I will sit down now. I don't know if I answered all of the specifics of the member opposite's question, but I will give him an opportunity to ask more.

**Mr. Kent:** Thank you, Mr. Chair. I do have a number of other questions, but seeing the time — and seeing that it is Halloween — I move that you report progress.

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

*Motion agreed to*

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

**Chair:** It has been moved by Mr. Silver 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**

**Mr. Hutton:** Mr. Speaker, Committee of the Whole has considered Bill No. 6, entitled *Act to Amend the Corrections Act, 2009*, and directed me to report the bill without amendment.

Committee of the Whole has also considered Bill No. 200, entitled *Second Appropriation Act 2019-20*, and directed me to report progress.

**Speaker:** You have heard the report from the Chair of Committee of the Whole.

Are you agreed?

**Some Hon. Members:** Agreed.

**Speaker:** I declare the report carried.

**Hon. Mr. Silver:** Mr. Speaker, I move that the House do now adjourn.

**Speaker:** It has been moved by the Hon. Premier that the House do now adjourn.

*Motion agreed to*

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

Happy Halloween.

*The House adjourned at 5:28 p.m.*

**The following sessional papers were tabled October 31, 2019:**

34-3-16

*Advocacy in Action — 2018/2019 Annual Report — Yukon Child and Youth Advocate Office* (Speaker Clarke)

34-3-17

*Yukon Police Council Annual Report 2018-19* (McPhee)

**The following document was filed October 31, 2019:**

34-3-17

*2018 Yukon Minerals Advisory Board Annual Report* (Pillai)

**The following written questions were tabled October 31, 2019:**

Written Question No. 1

Re: Members' Services Board agenda (Istchenko)

Written Question No. 2

Re: Carbon price exemption for farm propane (Cathers)