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HANSARD

Thursday, November 8, 2018 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2018 Fall Sitting

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**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, November 8, 2018 — 1:00 p.m.**

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

Prayers

In recognition of Remembrance Day

Speaker: Before the House proceeds with the Order Paper, the Chair will make a few remarks.

This coming Sunday is Remembrance Day. It is a day when Canadians from coast to coast participate in ceremonies that honour those who have served and continue to serve in the Canadian Forces, the RCMP and other related agencies. At this time, I would like to introduce the Yukon veterans and ex-RCMP who have attended today for this ceremony.

First, we have Doug Bell, my constituent, friend and neighbour, who is a World War II veteran. Welcome, Doug. We have Joe Mewett who is the president of the Whitehorse Royal Canadian Legion Branch 254, and I think I can get the rest in the correct order: Red Grossinger, Dave Laxton, Terry Grabowski, RCMP veteran Ken Putnam, and Morris Cratty. Thank you so much for attending this tribute today and attending the Legislative Assembly.

Every November 11th we remember men and women who defended Canada during times of war and continue to bring peace to troubled parts of the world. We are honoured to have veterans and serving members among us today for this commemoration. I would like to thank you so very much for your attendance.

In 2018, we commemorate the 100th anniversary of Canada's 100 Days — a three-month series of victories in the closing months of the First World War. We also commemorate the centenary of the armistice that finally ended the battles of the Great War, tragically misnamed “the war to end all wars”.

While Remembrance Day has always been a day to remember those who died in the service of Canada, we are also more aware that the price paid by our service men and women sometimes extends beyond their time in uniform. We must remember this and continue to support these fellow Canadians.

Acts of remembrance come in other forms as well. On October 25, 2018, the Whitehorse Royal Canadian Legion Branch 254 hosted an event where a book entitled *The Yukon Fallen of World War I* was released. Legion branch 254 sponsored the publication of that book that was written by Michael Gates and Blair Neatby. The book documents 101 Yukoners who died in the First World War. For 87 of the fallen, a dedicated page for each soldier has been devoted to telling their story. Where the documentation is incomplete, 14 other soldiers who made the ultimate sacrifice are included in a section near the end of the book.

It is actions such as this that give life to the refrain “We shall remember them.”

Today is also National Aboriginal Veterans Day. It must be remembered that status Indians in Canada did not have the right to vote or to be candidates for the House of Commons or the Yukon Territorial Council until 1961. In other words, Canada's aboriginal soldiers, sailors and air force personnel who fought in the First World War, the Second World War and in the Korean War fought for rights that they themselves did not yet have.

While remembering the actions of soldiers, sailors and air force personnel during times of war, it is also worth remembering the legacy they have left us. The freedoms we as legislators and as citizens exercise daily exist largely because of the sacrifices made by the brave individuals who have served Canada over the years, sometimes in unimaginably horrible circumstances.

As Members of the Legislative Assembly, we, like all Canadians, are the beneficiaries of freedoms that have been provided for us by the sacrifices of others. It is easy to take all of this for granted. We have been born in a country or have come to this country where these institutions already existed and are supported, not just by laws, but most importantly by the belief Canadians have in them and the commitment that Canadians must make to them on a daily basis.

The establishment of these institutions and the ideals they embody was only possible — and their continued existence is only possible — because there have been and continue to be millions of Canadians, past and present, who were and are willing to serve and risk paying the ultimate price to protect them. Let us forget.

Applause

DAILY ROUTINE

Speaker: We will proceed at this time with the Order Paper.

I will start with introduction of visitors, as we have a number of students here.

INTRODUCTION OF VISITORS

Speaker: We have the pleasure today of welcoming three separate F.H. Collins classes who have joined us today. I had the opportunity to speak to them briefly before the Assembly began, and I look forward to speaking to one of their civics classes tomorrow.

With apologies in advance for any mispronunciations that I am sure are going to happen, we will start with Gilles Ménard's class — if the person is not present, then you can let them know that they were welcomed — Sarah Aspinall, Bjorn Boone, Ulysse Girard, Marco Harwood, Ember Hodgkinson, Aidan Hupe, Eric Potvin, Liam Rollins, Austin Shaw and Sean Zealand Naylor. That is Mr. Ménard's class.

We also have Alexi Merk's class: Sydney Benoit, YoHanna Falle, Emma Gau, Camilla Hallock, Rorie MacDonald, Ben Machtans, Larkin Miller-Wright, Oliver Paldy, Emma Riske, Samantha Shaw, Jordanna Sias and Daniel Wilberforce — that is Alexie Merk's class.

I remarked to a colleague that Wilberforce was the name of a law lord from about 100 years ago, but I hadn't seen that surname — but it was great to see that it has occurred in the Yukon. There you go, Daniel — fantastic surname.

Sean Wilkinson's class: John Alesna; Nathalie Manuel Bungay; Titus Castillon; Chuidji Dangpilen; Leigha Douville; Leamar Gaje; Sofija Jewell; Malcolm Knutson; Max Logan; Tessa Moore; Erin Poulin-Parisien; Kailey Smith; Aleix Toews, a former page of the Legislative Assembly — and I think there was another one before that; I apologize — Brandy Tulk-Mulholland; and Kiela Coleen Valdez.

Well, there you go. Welcome to the Assembly.

Applause

Speaker: Are there any further introductions of visitors?

Hon. Mr. Silver: I would ask my colleagues to help me in saying *günilschish* for joining us here today to the Grand Chief of the Council of Yukon First Nations, Peter Johnston.

Hon. Mr. Mostyn: I would like the House to join me in welcoming Madelon Wilson and her mother this afternoon. Madelon's mother is visiting us from Outside, and she works in Highways and Public Works. I would also like the House to welcome Caroline Bell, who I used to work with at the *Yukon News*, and she's joining us this afternoon as well. Thank you very much.

Applause

Ms. Hanson: I would ask my colleagues to join me in welcoming three or four members — three members for sure — of the Hillcrest Community Association. Among them are Shaunagh Stikeman, Dan Bader and the gentlemen whose name I should know — I think it's Marc Boulерice — yes. Thank you.

Applause

Speaker: Are there any further introductions of visitors?

I was asked by the veterans to also acknowledge the service of MLA Wade Istchenko. Thank you.

Applause

Speaker: Tributes.

TRIBUTES

In recognition of Remembrance Day

Hon. Mr. Silver: I rise today in honour of Remembrance Day and to pay tribute to the courageous Canadians who died in combat so that we could have peace. I pay tribute to those who came home forever scarred by the hardships and horrors of war. I pay tribute to those who are still active in service across the globe today. Finally, I pay tribute to the families and the friends of fallen soldiers, both past and present. All have made sacrifices. All have known heartbreak and suffering.

This Remembrance Day marks 100 years since the end of the Great War. When war broke out in July 1914, over 1,000 Yukoners, more than one-fifth of the territory's population at that time, enlisted. They volunteered to enlist. Yukoners from all walks of life, from every corner of the territory, rallied to answer a call to arms and to fight in a war that was supposed to be over by Christmas. It lasted nearly four and a half years.

Between August and October of 1918, the Canadian troops were involved in a series of offences known as the Hundred Days campaign, and Yukoners were among them. During this campaign, they made advancements for the Allies that were previously believed to be impossible, and they did so at great cost.

The war ended for Canadians in the small Belgian town of Mons. Yukoners were among the Canadians in Mons, where on the 11th hour of the 11th day of the 11th month, the signing of armistice silenced the gunfire.

Today as a nation, and at that time, we faced all that we had done. We vowed to honour our fallen — never again repeating the massive loss of life and never forgetting the ultimate sacrifice made by so many. At the end of the war, barely more than 100 souls returned to Yukon. Yukon is still home to many veterans — those with collective experiences that span World War II, the Korean War, tours in Afghanistan and also work with the United States Army.

This year's public Remembrance Day ceremony for Whitehorse residents will be held at the Canada Games Centre and will remember the armistice and the four years of war that preceded it. This year's public Remembrance Day ceremony for me will be in Dawson City, and I am proud to be heading back to my hometown on Sunday to participate there.

Also, because Remembrance Day ceremonies can be crowded and sometimes overwhelming for some of our veterans, the Royal Canadian Legion has made it a practice to bring the ceremony to Yukon's veterans and meet them where they are. We can't thank them enough for that service.

The Whitehorse legion is co-publishing, as the Speaker mentioned, a book with Harbour Publishing entitled *The Yukon Fallen of World War I*, co-authored by local historian Michael Gates and military historian D. Blair Neatby from Yellowknife. It is worth reiterating that this book helps us to remember the special contributions that Yukoners made to the war effort, both on the front lines and at home.

Mr. Speaker, we also wear our poppies. We wear them to commemorate those who gave their lives, those who came home broken and burdened by war and those who have served abroad and continue to serve. We owe them our gratitude. We must remember, because they gave everything so that we could have unwavering freedoms. Lest we forget.

Applause

Mr. Istchenko: Every year at the 11th hour of the 11th day of the 11th month, we gather to stand in honour of all those who have fallen. Together we observe a moment of silence to mark the sacrifice of many who have fallen in the service of their country and to acknowledge the courage of those who still serve. Canadian veterans have served

throughout history in a broad range of conflicts and situations, from world wars to peacekeeping missions to crises on the home front. On Remembrance Day, we honour and remember all veterans.

As it is the 100th anniversary of the end of World War I, I want the focus on Yukon's contribution to the Great War. As alluded to by the Speaker and the Premier, I want to thank Michael and Blair, because some of my quotes will be coming from their book *The Yukon Fallen of World War I*.

On August 4, 1914, it was pleasantly mild, though overcast, in the Yukon. The movie theatres of Dawson were filled to capacity when the news was received that Britain was at war. This meant too that Canada was at war. When Yukon Commissioner George Black, read out the telegram in the Palace Grand Theatre, the Mounties in attendance rose and one began to sing *God Save the Queen*. The entire audience followed suit.

Over 600 Yukoners volunteered, out of a population of about 5,000. High school students enlisted, some even lying about their age to do so. Brothers enlisted, as did fathers and sons. Two men mushed all the way from Herschel Island to enrol in Dawson. Joe Boyle, who many of us know as one of Yukon's most prominent mining entrepreneurs, sponsored a machine gun battery of 50 men, which was one of the most highly decorated units of all the Allied Forces.

Commissioner Black stepped down from his comfortable position and enlisted and 225 men joined him in what became the "Black contingent". Mounties enlisted in droves. Miners came from Mayo, Atlin, Fortymile, Kluane, Carcross, Carmacks and Whitehorse. Yukoners gave 20 times the national average by 1917. They had raised nearly \$100,000, which would be millions today. The American Women's Club, the Japanese community and First Nations all contributed to the fundraising.

In the ensuing war years, the volunteers endured long periods of waiting to be sent to the front followed by days, weeks and years in the trenches subject to gas attacks, gunfire and constant shelling. The food was bad in the rat-infested, mud-filled trenches, but Yukoners served us well.

This year on November 11, as well as the regular remembrance ceremonies — at the going down of the sun — communities across Canada will mark the 100th anniversary of the end of the First World War with the ringing of 100 bells. The ringing of bells emulates the moment in 1918 when church bells across Europe tolled as four years of war had come to an end. This year, we will be engaging our youth in this significant initiative. Children will help in schools and youth organizations and they are encouraged to research, locate and place flags on graves of Canadian veterans of the Great War. I know we will be doing that in my community.

Legion branches in communities will host commemorative ceremonies and special activities to help Canada remember. At sunset on November 11, the bells will ring at Parliament Hill, city halls, places of worship, military bases and naval vessels and at ceremonies across the country to honour Canada's veterans and commemorate the end of the First World War.

When you hear the bells toll on November 11 at 1630 in the afternoon — Yukon time — take a moment to also pause and remember those who served and sacrificed.

We must remember. If we do not, the sacrifice of those Canadians' lives lost will be meaningless. They died for us, for their homes, families and friends, for a collection of traditions they cherished and a future they believed in. They died for Canada.

By remembering their service and their sacrifices, we recognize the traditions of freedom that these men and women fought to preserve. On Remembrance Day, we acknowledge the courage and sacrifice of those who served our country. Some of them are in the House today. We acknowledge the responsibility to work for the peace they fought hard to achieve.

By remembering all those who have served, we recognize their willingness to endure the hardships and fears they take upon themselves so that we can live in peace. I look forward to a great turnout in all of the communities and my community on November 11. Lest we forget.

Applause

Ms. White: I rise on behalf of the Yukon NDP in recognition of Remembrance Day.

Days before he was to deliver this speech to his companions at the annual veterans dinner in 1933, Sir Arthur Currie, first Canadian commander of the Canadian Corps, suffered a stroke. The speech was delivered in his name. He died shortly after on November 30, 1933.

The words he wrote then still ring uncomfortably true today.

He said, "To all who lived through the war years, and more particularly to those who active service — today has been a day of sacred memories, different perhaps in detail to each one of us, but yet all based on similar... emotions.

"With the lapse of years, Armistice Day becomes naturally less demonstrative. The ranks of those who saw service grow yearly smaller, as we pay our toll to time. And in future the day will grow less weighted with meaning to the generation born in the years between.

"But whatever changes may come, and however slight may be the recognition of future generations, I hope that Armistice Day may never cease to be impressive.

"But whatever changes may come, and however slight may be the recognition of future generations, I hope that Armistice Day may never cease to be impressive. I hope that the two-minutes interval of solemn silence will always be more than a formal, statutory gesture — that it will always mean a reverent pause, in which we gladly remember, with tender and grateful thoughts, those who nobly died for our country's ideals... We remember tonight the high resolves of that time 15 years ago. There was unspeakable sorrow for the great army of youth that had gone so early to its death. We were told that the world would henceforth be safe for youth.

"But what of youth today, and the opportunity for youth in our modern world? Where, ask the men who fought, is that new world of justice and goodwill they suffered so keenly to

create? Has the world done anything more in these 15 years than give lip service to the ideals for which our fallen comrades gave their lives? The answer to these questions is found in the actual conditions of the hour. And these conditions are such that Armistice Day should smite the conscience of the world... on this 15th anniversary of a peace which was to silence battle fronts forever, peace is not a fact, but still a dream.

“We need, as never before, the healing qualities of devotion and fidelity and self-sacrifice and goodwill and comradeship and friendliness, so that suspicion may be vanquished and justice and mutual trust may be permanently enthroned. All this desire is in harmony with the real spirit of Armistice Day — the day dedicated to sacrifice and loyal remembrance of others.

“Armistice Day is primarily a commemoration of the dead. But a commemoration of the dead should be likewise an appeal to the living not to deplore the past, but to awaken our sense of responsibility to make our world less deplorable.

“We know from experience the stupidity of war, and the stupidity of those who made or caused wars. Does our responsibility end with condemning the follies of the stupid or the vicious 20 years ago? What can we do as veterans to make the world less deplorable?

“Are we fighting so that the next generation of youth will not condemn our stupidity as we condemned in the trenches the stupidity of our elders in 1914 and the era immediately before it?

“The truest commemoration of our honoured dead will be in the vigorous enlistment of our own lives and capacities in the struggle between unselfishness and greed, honesty and corruption, justice and injustice, and in the serious application to our national problems of those qualities which distinguished our Corps in the war days, and enabled us always to advance and conquer.

“Armistice Day reminds our country of the steadfastness of our fighting troops. It should also be a reminder to every citizen that he still has a duty to discharge, if the war is to be fully won and its high objectives permanently secured. It should call us to a realization that we still have to complete the unfinished task of our dead comrades who speak to us tonight with a voiceless eloquence — the task of replacing the present system of suspicion and fear and conflict with the enduring fabric of confidence in humane law and order.

“And on this Armistice night, as we recall the nobility of your sacrifice, we turn away from trenches and wounds and death and we rededicate our lives with hope to the still unfinished work which you so gallantly advanced and for which you died.”

Mr. Speaker, it has been 100 years since the end of the Great War, yet these powerful words and sentiments need to be remembered. Lest we forget.

Applause

In recognition of National Aboriginal Veterans Day

Hon. Ms. Dendys: It is my honour to rise today on behalf of the Yukon Liberal government to recognize today, November 8, as National Aboriginal Veterans Day.

As many as 12,000 First Nation, Inuit, Métis and other indigenous people served in the First World War, the Second World War and the Korean War. Indigenous people brought many valued skills with them when they joined the military. They brought bravery, patience, stealth and marksmanship to their service. Many served as noted snipers and scouts. There were numerous indigenous soldiers who were decorated for bravery and recognized for their service. Indigenous languages were used to code sensitive radio messages so that they could not be intercepted. Here at home in Yukon, First Nation people also played an important part of the war effort in building the Alaska Highway as guides and suppliers. The impact of the wars had a lasting effect on indigenous people and communities. Today we remember the many soldiers who came home wounded, traumatized or not at all. The lives of those who did return were changed forever.

Though the negative impacts most certainly outweighed the positive, there were positive experiences as well. For indigenous and non-indigenous soldiers, the experience of fighting side by side built comradeship and bridged cultural divides. The spirit of teamwork and unity helped to break down stereotypes and built understanding between indigenous and non-indigenous people. Indigenous veterans brought home a sense of that comradeship and patriotism and Canadian citizenship.

Unfortunately, in many cases, this unity was not reflected in Canadian society that they returned to. The war changed indigenous veterans' perspectives, and the inequalities of society were laid bare to them because of their experience during the wars. Indigenous people did not gain the right to vote, as you stated earlier, until after 1960. Indigenous veterans were dismayed to find that they were not entitled to the same benefits as their non-indigenous counterparts. Their experience as equals during the war motivated many indigenous veterans to advocate for change in their communities upon their return.

There were many Yukon First Nation veterans who answered the call to service despite how they were treated in Canadian society. One example is Elijah Smith, who is known as a Yukon leader of the land claims process. He was deeply affected by his time in the army. He was treated as an equal in the military but was disheartened to find that this was not the case in Yukon society upon his return. For Elijah Smith, the experience of the comradeship and equality that he found in the Second World War was one that spurred him to champion the Yukon land claim and a political system in the Yukon where First Nation people were equal participants.

As I stand today to speak about the contributions of indigenous veterans, I remember my uncle, the late Arnold Edzerza, whom we laid to rest earlier this year. He served in the Canadian navy during the late 1950s and early 1960s. He was so proud of this, and we are very proud of it as

well — the service that he gave to our country, which served his higher calling.

He spoke it about it often — about the protection of his family, his home and his country. Today I would like to express our gratitude to all the indigenous veterans who served in the wars and their families who supported them. We thank the Yukon First Nation veterans who served. Their legacy lives on today in our hearts and minds as we remember their service and the role they played in breaking down stereotypes and bridging greater equality for our society.

Applause

Ms. Van Bibber: I rise today on behalf of the Yukon Party Official Opposition to pay tribute to National Aboriginal Veterans Day. Throughout World War I, World War II and the Korean War, Canadian aboriginal men stepped up to be counted. These men felt the same as every other man as they enlisted to stand for the rights of freedom. In Yukon, Canada, the Van Bibber family had many boys. Despite the distance and living in the bush all their lives, some were called to enlist.

Dan, the eldest, joined in 1944. After basic training at Little Mountain Camp in Vancouver, he did a tour of duty as a sniper in Belgium, Holland and Germany. He was a proud veteran, and like many vets, did not speak about his war time. When Dan passed in October 2002 at age 88 he received a military send-off.

Archie enlisted in July 1944, and after completing basic training in Vancouver, travelled around Canada for specialized training. He went to Wetaskiwin, Alberta, where he received a black belt in martial arts, then to Petawawa, Ontario to train in parachuting and then back to Calgary to complete rifle training. Like all the Van Bibbers, he was a great shooter. Archie was put on special service in Canada and did not ship overseas. He left the army in 1946 with an honorable discharge. He passed away January 2004, age 89.

Alex was hired to lead a survey crew from Mayo to Norman Wells, Northwest Territories for the Canol pipeline. In the winter of 1943, Alex got his army call, but he was able to postpone his enlistment by about a year because of his current assignment. In 1944 he began his training as a gunner. Delays and quarantines by two mumps outbreaks in two separate troops meant Alex never made it overseas before the war ended. Alex was a proud soldier and later a proud Canadian Ranger. He lobbied for First Nation veterans benefits and he worked with the Canadian Rangers to the end — a wonderful military send-off in 2014 for Alex at the age of 98.

John James, or JJ Van Bibber, was part of the local scouts, or the northern Pacific Coast Militia Rangers. There were about 50 members in Dawson, and they had local basic training. From his book *I was Born Under a Spruce Tree*, I quote: "... they just told us to keep our eyes out for balloons and stuff and report what we saw. We had no radios, we had to use the Morse Code, you know, the dee-dah-dee-dit-dit."

Another quote: "If the Japanese ever came over, then we'd be the front line. But nothing much ever happened. Life pretty much went on as usual for us." JJ left us at age 92.

The other brothers were waiting for their calls and knew it was only a matter of time. Thank heaven the war ended. All of the Van Bibber brothers are gone now, but their stories live on, and the military portion is a prominent and proud part of the family lore. These are just a few memories that come from some Yukon First Nation veterans who contributed to our Canadian war history. There are other families who have their stories to tell as well.

We send out our best wishes to all past and present veterans and their families. Lest we forget.

Applause

Ms. Hanson: I rise today on behalf of the Yukon New Democratic Party to pay tribute to National Aboriginal Veterans Day and to all of the indigenous Canadians who have served Canada, both in times of war and in peacekeeping. I thank my colleagues who have spoken about the many Yukon First Nation veterans whose stories continue to inspire.

Mr. Speaker, growing up, my awareness of the difference in how Canadian military veterans have been treated stems from my family's stories about my father's service as a flight instructor with the RCAF in England, along with those of his friend Joe, who was also from the prairies and served overseas.

After the war, my father was able to access various veteran benefits, including assistance to purchase land to build a home. His friend Joe was not. Joe was an Indian. Having enlisted to serve his country overseas during the Second World War, Joe, like so many other Canadian indigenous people, came back to Canada to find that he was no longer welcome on his reserve because, as an enlisted man, he had become enfranchised and so was no longer considered eligible for any of the programs and services that the federal government provided to Indians.

The catch-22 was that the services provided to returning veterans through Veterans Affairs were not generally available to Indians. While my father and many of his friends gravitated to the legion for comradeship, Indians were not allowed to drink alcohol, and so Joe could not join him at the legion. The legion was also where most of the information about veterans' services was posted, and so Joe, along with many of his friends, was denied information about basic programs or services that he should have had access to as a veteran.

Mr. Speaker, returning indigenous veterans who had fought in overseas wars on behalf of democracy were — as you said — denied the most fundamental exercise of democracy — that is the right to vote — until 1961.

Is it any wonder that so many Second World War veterans, including some of our most decorated aboriginal war veterans, re-enlisted in the Korean War simply because they were unable to return to their communities and their lives

before service or that the lives of numerous aboriginal veterans ended in despair and poverty?

There is an irony that today, as we celebrate National Aboriginal Veterans Day and the 100th anniversary of the signing of the armistice for World War I, we are reminded that it was not until 1995 — 50 years after the Second World War ended — that indigenous peoples were allowed to lay Remembrance Day wreaths at the National War Memorial to remember and honour their dead comrades. It is a sad reflection on Canada that recognition was so long in coming. In my mind, it is even more so when we consider that during the Second World War, more than 3,000 indigenous people enlisted, of which over 200 died. Despite all of that, those who remained in Canada supported the war monetarily.

It is hard to fathom that after many decades of poverty brought about by restrictive government policies, so many indigenous communities demonstrated a profound generosity of spirit through their contributions to various war funds.

According to the National Archives — and I'm quoting here: "One of the most outstanding examples of Indian generosity came from Old Crow, Yukon. Old Crow Chief Moses walked from his home into Alaska, carrying the community's winter furs. After selling them, he walked back to the nearest RCMP post and handed over some \$400 to be donated to the orphan children of London, England. The BBC and the government of Canada made much of this incident, sponsoring a broadcast by Indian soldiers in Britain. Before long, Old Crow had raised more money, this time for the Russian Relief Fund. Not content to rest on their laurels, the same band next contributed \$330 to the relief of Chinese victims of war." Compassion at its finest, Mr. Speaker.

Despite the recalcitrance of Canadian governments to honour and respect the many contributions of Indian, Inuit and Métis men and women who volunteered to serve on behalf of all Canadians, First Nations, Inuit and Métis people continue to serve Canada in operations at home and overseas as they have done for more than 200 years.

Today, we remember all of the indigenous people who have given their lives, and we express gratitude for the more than 1,200 indigenous members of the Canadian Armed Forces who continue to serve on behalf of all Canadians.

Applause

Speaker: I would like to ask all present to stand as we observe a moment of silence in honour of Remembrance Day.

Moment of silence observed

Speaker: They shall grow not old, as we that are left grow old

Age shall not weary them, nor the years condemn.
At the going down of the sun and in the morning
We will remember them.

Thank you. Please be seated.

Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Dendys: I have for tabling the 2017-18 annual report for the Yukon Geographical Place Names Board.

Hon. Ms. Frost: I would like to table a response to provide further clarification on group home staffing levels that came from comments made in the House on October 29.

Hon. Ms. McPhee: I have for tabling a legislative return with respect to a response to questions on November 7, 2018, regarding funding increases at the Wood Street School.

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

Are there any reports of committees?
Petitions.

PETITIONS

Petition No. 3 — received

Clerk: Mr. Speaker and honourable members of the Assembly: I have had the honour to review a petition, being Petition No. 3 of the Second Session of the 34th Legislative Assembly, as presented by the Member for Takhini-Kopper King on November 7, 2018.

The petition presented by the Member for Takhini-Kopper King appears in two forms. The Member for Takhini-Kopper King read the first version of the petition into the record during the Daily Routine. The second version was submitted to the Table prior to the end of yesterday's Sitting.

The first version of the petition does not meet the requirements as to form of the Standing Orders of the Yukon Legislative Assembly and will be returned to the Member for Takhini-Kopper King. The second version of the petition meets the requirements as to form. That is the version that will be entered into the working papers of the Legislative Assembly and is the version to which the Executive Council shall respond.

Speaker: Accordingly, I declare that Petition No. 3 is deemed to be read and received. Pursuant to Standing Order 67, the Executive Council shall provide a response to a petition which has been deemed read and received within eight sitting days of its presentation. Therefore, the Executive Council response to Petition No. 3 shall be provided on or before Thursday, November 22, 2018.

Are there any petitions to be presented?

Petition No. 4

Ms. Hanson: Thank you, Mr. Speaker. I have for presentation the following petition: a petition to install a traffic light for Hillcrest. It is addressed to the Yukon Legislative Assembly, and it states as follows:

"This petition of the undersigned shows:

"THAT it is unsafe for pedestrians, cyclists and motorists to cross the Alaska Highway at Hillcrest,

“THAT the 2015 Alaska Highway Corridor Functional Plan called for immediate improvement of the stretch of the Highway between Robert Service Way and Two Mile Hill,

“THAT the Alaska Highway Corridor Functional Plan called for a traffic light to be installed on the Highway at Hillcrest Drive,

“THAT the City of Whitehorse’s Bicycle Network Plan adopted in 2018 requires that a traffic light be installed on the Alaska Highway at Hillcrest Drive in order to implement that Plan,

“THAT the Yukon Environmental and Socio-Economic Assessment Board recommended in August 2018 that traffic lights and a crosswalk be installed on the Alaska Highway for Hillcrest,

“THEREFORE, the undersigned ask the Yukon Legislative Assembly to urge the Government of Yukon to install a traffic light on the Alaska Highway at Hillcrest Drive by 2020 in order to create a safe highway crossing.”

Mr. Speaker, the petition is signed by 22 people.

Speaker: Are there any further petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT the Yukon Legislative Assembly, pursuant to subsection 17(1) of the *Human Rights Act*, does appoint Michael Dougherty and Kimberly Green to the Yukon Human Rights Commission for a term of three years, effective December 11, 2018.

I also give notice of the following motion:

THAT the Yukon Legislative Assembly, pursuant to subsection 22(2) of the *Human Rights Act*, does appoint Carmen Gustafson to the Yukon Human Rights Panel of Adjudicators for a term of three years, effective December 11, 2018; and

THAT the Yukon Legislative Assembly, pursuant to subsection 22(2.01) of the *Human Rights Act*, does designate Carmen Gustafson as deputy chief adjudicator for a term of three years, effective December 11, 2018.

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

THAT this House urges the Government of Yukon to:

(1) reject the Government of Yukon’s push to approve the use of small modular nuclear reactors under the federal energy innovation program; and

(2) make public any submission made by the Government of Yukon as part of the federal-provincial-territorial discussions related to Canada’s small modular reactor road map.

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

THAT this House unequivocally denounce all acts of violence and intimidation towards the workers of Many Rivers exercising their rights to strike and hold a picket line.

Speaker: Are there any further notices of motions?

Is there a statement by a minister?

This then brings us to Question Period.

QUESTION PERIOD

Question re: Carbon tax

Mr. Hassard: The way the carbon tax scheme is designed, it will create an unlevel playing field for businesses here in the Yukon. Airlines that deliver freight will be exempt, yet transport trucks that deliver freight will not be exempt. In June, the Premier took credit for negotiating the aviation exemption. To quote him from the *Whitehorse Star* in June, he said: “We really fought for the aviation exemption hard.”

Did the Premier also fight really hard for an exemption for the trucking industry?

Hon. Mr. Silver: What we did fight very hard for was exemptions and rebates. We’ve been on the floor of the Legislative Assembly many times — we’ve actually answered this specific question from the Yukon Party this session. We’ve committed to making sure that 100 percent of the money collected will be going back to Yukoners and Yukon businesses. In that aspect, if you are a Yukon business — whether in warehousing or in transportation — you will be in that queue for rebates. That is exactly what we committed to for Yukoners.

We’re happy to see the federal government put forth an exemption when it comes to aviation. Again, that was the federal government that put forth that exemption. We have a job here in the territorial government to make sure that we rebate the remaining money, and we’re going to do that by rebating it to First Nation governments, to municipalities, to placer miners, dollar for dollar, and also to Yukoners and Yukon businesses. The final details of that are still remaining, but once we get that information, we will let it be known to Yukoners.

Mr. Hassard: Yesterday the CBC had an interview with a major trucking company from here in the Yukon who says that, because the Premier did not fight for a carbon tax exemption for the trucking industry, they will be at a competitive disadvantage. They estimate that the first year of the carbon tax will cost their company approximately \$150,000 and that cost will have to be passed on to Yukon families. That means that groceries, clothing and anything they ship will become more expensive. By standing up for one industry while ignoring another, the Premier is essentially picking winners and losers.

Will the Premier agree to ask Ottawa to exempt the trucking industry from the carbon tax, Mr. Speaker?

Hon. Mr. Silver: A little bit misleading, from the way that the Yukon Party is putting this down — the federal government is making an exemption, and we are happy with

that exemption. We are also working with Yukon businesses to make sure that we rebate.

The Yukon Party will give you one side of the story about how much individuals are going to pay at the pump. What they are not saying is how much that rebate is coming back. We already said that 100 percent of that money will be rebated to Yukoners and Yukon businesses.

We heard before from the Yukon Party that diapers were going to be more expensive, as they are shipped up from different areas. We know the four main districts that do most of the shipping for Yukon already have carbon-pricing mechanisms in place on a regional level. Our commitment to Yukoners is to make sure that, as they pay at the pump — these businesses that the member opposite clearly is talking about — there will be a rebate mechanism, and that money will be going back to Yukoners and Yukon businesses.

Mr. Hassard: Mr. Speaker, again I will quote the Premier from his *Whitehorse Star* article in June when he said: “We really fought for the aviation exemption hard”. Mr. Speaker, now he says that it’s the federal government that has provided this exemption, not, in fact, this Premier, as he stated in June.

You know, Mr. Speaker, this company says that they have been trying unsuccessfully to get details out of the Premier on what rebates they will receive as part of the carbon tax scheme.

Can the Premier tell us how these rebates will work for trucking companies? Will it be dollar for dollar — the same as the placer industry?

Hon. Mr. Silver: Again, I will stand by my statements. We did work very hard to make sure that certain exemptions happened, and these exemptions did come from the federal government. I don’t know how to be any clearer on that. We’re happy for those exemptions.

We’re also happy to work with Yukon businesses when they come to us with their concerns when it comes to the federal carbon-pricing mechanism.

I do appreciate the concerns of the transportation industry. We sat down with a few different companies, and we have heard their concerns. Again, we are happy to be working with the chamber of commerce when it comes to how we will rebate the money that is collected back to these companies, and we will continue to do that. All revenue will be returned to Yukoners, and we will not grow government in this pursuit.

Our rebate system will return revenues to Yukoners, Yukon businesses, municipalities, First Nation governments and also placer miners, dollar for dollar, as the member opposite pointed out. We are working with the federal government to ensure implementation and that it takes into consideration Yukon’s unique circumstances, and that’s what we will continue to do. We’re going to fight for Yukoners and for the unique circumstances of doing business in the north.

Question re: Mining collaborative framework

Mr. Kent: On March 16, 2017, the Premier promised the mining industry via a press release that he would — and I quote: “... address industry concerns around timelines and re-

assessments through a collaborative framework.” On October 25 of this year, we asked the Minister of Energy, Mines and Resources for an update on this promise, and he said that — and I quote: “The work continues on the collaborative framework.” Can the minister update us on what work has been done to date on this collaborative framework?

Hon. Mr. Pillai: Mr. Speaker, as we had committed, there are multiple processes in place, and the conversation and the work continue. There is, of course, work being undertaken through the Executive Council Office with the Yukon First Nation groups, and that is the reset MOU that is underway — really looking at the YESAA legislation.

We also continue to work through Energy, Mines and Resources at our memorandum of understanding table — our MOU table — which looks at a series of different priorities, from timelines to class 1 notification and other points. That work continues at the MOU table almost on a monthly basis. My last two meetings were in September on the day after the Yukon Forum and then a week later here with the subgroup of chiefs from the Yukon First Nations. As we go into our Geoscience Forum — which is coming up — we will be hosting a meeting between the quartz mining leadership as well the chiefs. The structure is in place, the venue has been booked and we are just actually — even in the last couple of days — getting ready to put out our formal invites to industry and to our chiefs. I look forward to questions two and three.

Mr. Kent: On October 25 and again in his first response, the minister said that he was working on finalizing details of a tripartite meeting to discuss the collaborative framework during the Geoscience Forum, which is occurring later this month. After he made those comments in October, we reached out to industry to ask them if they had heard about this tripartite meeting, and no one had at that point.

Can the minister tell us when the details will be finalized and who he will be inviting from industry to this meeting?

Hon. Mr. Pillai: I thank the Member for Copperbelt South for this important question. First of all, the invitations concerning the representation from the First Nation community — being the leadership and chiefs — we are working directly with the Council of Yukon First Nations on that particular portion of invitations. I believe that the self-government secretariat is dealing directly with those conversations.

When it comes to the invitations and requests going out to the quartz industry, those will come from Energy, Mines and Resources. We are in pretty constant contact with the leadership of most of our junior mining companies and major mining companies as they request meetings directly with me through the Geoscience period. The member opposite would be used to that particular schedule. Our first meeting, which was historic, in January of last year, when the Premier hosted a meeting with CEOs and First Nation leadership — the first time that had happened within the framework of conversations here in the resource sector. We would be looking to see CEOs — that is what I have requested — of junior mining companies and for our major mining companies, if the CEOs

are not available, the secondary leadership from those organizations.

I look forward to question three, Mr. Speaker.

Mr. Kent: I'm sure I don't have to remind the minister that the time is getting pretty tight. The Geoscience Forum starts next weekend here in Whitehorse. If he could answer as well — I wasn't sure if he said the Chamber of Mines and the Klondike Placer Miners' Association — he mentioned CEOs of junior mining companies who would be invited. I would seek some clarification on that as well.

Mr. Speaker, as it has been over 600 days since the Premier made this promise to establish this collaborative framework, it is understandable that industry is getting worried and wondering when it will be completed. So can the minister give us the timeline for when the collaborative framework will be done?

Hon. Mr. Pillai: Once again, we're looking for leadership from the mining sector on the court side of things. So at this particular time, we have not reached out to any organizations such as the Chamber of Mines. We will discuss that.

In our first meeting and conversation with the First Nation chiefs, as we brought everyone together, was to not have any government officials from our Department of Energy, Mines and Resources or the Department of Environment either. So we will discuss that, but, I think, at this particular point, at the first meeting, the First Nation leadership asked for another one. I think that the CEOs who were in attendance also felt very comfortable as we sort of mulled through the history of some of the more challenging files over the last number of years and tried to reset that.

Just to be fair, there is a reason why the mining industry is in the position it is in right now. That is the certainty that is coming from the collaboration — through the relationship and framework. That is why we're seeing a comfort from investors — to know that there is a jurisdiction that has that consistency.

The member opposite just touches upon industry being nervous, but that's not what industry is telling me. He may be having different conversations. I'm always open to understand and to hear the concerns, but at this point in time, we're just going to continue down this road, and I look forward to the conversations at the Geoscience Forum.

Speaker: Order, please.

Question re: Alaska Highway and Hillcrest Drive intersection safety

Ms. Hanson: In a 2018 decision document, the Yukon Environmental and Socio-economic Assessment Board placed one condition on their decision. I quote: "The Alaska Highway-Hillcrest Drive intersection shall be upgraded to include a crosswalk and traffic lights at a minimum within three years of the Project's Completion."

One recommendation that would provide a safe crossing for Hillcrest's residents and travellers accessing the airport from two hotels and government and business workers in the Burns Road area — one recommendation — and the

government threw it out. Mr. Speaker, why would this government not agree to follow that one recommendation by YESAB — one that would make the Alaska Highway and Hillcrest Drive intersection safe?

Hon. Mr. Mostyn: I'm really happy to address this issue on the floor of the House this morning. I have met with the Hillcrest Community Association on several occasions to discuss their concerns with the Alaska Highway. We know that coming into office, there was a plan to greatly widen the Alaska Highway corridor from the south Klondike all the way to the north Klondike. That plan has been shelved. We're not going forward with that anymore.

But I have heard the concerns about Hillcrest Drive. We have carried out extensive functional planning along the Alaska Highway through Whitehorse, including the Hillcrest Drive intersection, with a focus on intersection safety and improvements for vehicles and pedestrians.

Highways and Public Works will continue to assess requirements for improved intersection safety and, as our plans develop and become more refined, we will seek input from the Hillcrest Community Association and other community associations up in that area to make sure that we can address their concerns.

That area within the vicinity of Hillcrest is a very complicated highway corridor. There is a lot going on there, and we are going to work with the community to make sure that we come up with the best solution for that corridor.

Ms. Hanson: Indeed there is a lot going on there, which is why the Hillcrest Community Association has pressed this, Mr. Speaker.

Along the Alaska Highway from the south city boundary to the north, there are four signalled crossings that allow pedestrians and cyclists to safely cross the Alaska Highway: beside the lights at Robert Service Way, at Two Mile Hill, and the other two in Porter Creek. There is nothing allowing pedestrians or cyclists to safely cross between Two Mile Hill and Robert Service Way, yet we have a residential neighbourhood — Hillcrest — the airport, two hotels, business and government offices — all located right across from the airport. The Hillcrest Community Association has repeatedly asked that this government upgrade access with traffic signals to allow the safe crossing of pedestrians, cyclists and even travellers crossing the highway.

Mr. Speaker, when will this government install traffic lights for pedestrians, cyclists and drivers that will ensure a safe crossing of the Alaska Highway from Hillcrest?

Hon. Mr. Mostyn: I appreciate the question from the Leader of the Third Party and her passion on this issue.

The issue has been raised through the Hillcrest Community Association with my colleague the MLA for Mountainview and me. I know her advocacy. She and I have spoken about this many, many times. She is a very forceful and vociferous advocate for her community. I am grateful for that sounding within the community.

We have to recognize — and the member opposite has identified — that this is a very complicated corridor to go through. There is a lot going on there. It is complicated. She

has mentioned the airport, she has mentioned the Airline Inn, and she has mentioned the upgrades to the Hillcrest community's infrastructure itself. There is a lot going on there.

The department is working very hard to come up with a cohesive plan to deal with that stretch of highway through Whitehorse. We are working on that. The Government of Yukon is responsible for safety within the Alaska Highway corridor. While it is the City of Whitehorse's jurisdiction beyond that right-of-way, we will work with the City of Whitehorse to ensure safety.

Ms. Hanson: Mr. Speaker, the Hillcrest Community Association has been asking for a safe crossing for years — years. But more than that, there are at least three reports that make this recommendation. There is the 2015 Alaska Highway corridor functional plan that recommends lights for that intersection. The minister may have thrown that plan out, but the lights are still recommended. There is the 2018 YESAB decision terms and conditions. Lastly, there is the 2018 City of Whitehorse bicycle network plan that recommends intersection improvements at the Alaska Highway and Hillcrest Drive.

This isn't only about what the Hillcrest Community Association wants; it is something that is evidence-based. With all of the evidence, recommendations and requests, can the minister simply answer: When will the safety of pedestrians, cyclists and drivers at the Hillcrest Drive and Alaska Highway intersection become a priority for this government? Not about how complicated it is, but when will this government do something?

Hon. Mr. Mostyn: I thank the Leader of the Third Party for bringing this to the floor of the Legislature. I know how important this issue is for the citizens of Hillcrest, also — I should say, for the citizens of Valleyview — and I have heard from the Downtown Residents Association as well on this issue. I understand the safety concerns that are being brought to my attention.

I will also note that some of the reports that the Leader of the Third Party has brought forward, such as the 2015 functional plan, are no longer in play. We have taken that off the table, so we are changing the way we deal with this corridor. We heard from Yukoners and they did not want that plan, so we are not going forward with it. I have heard that people in Whitehorse are happy that we have abandoned that plan, but in the absence of that plan, we have to come up with a new approach to the highway.

There are a number of competing views on that highway. Safety is certainly a very important element of the entire conversation. We are going to have that conversation with the citizens of Hillcrest, with Valleyview and with downtown and with the broader community as a whole — with Whitehorse. The issue is the 2018 YESAB plan, which was a plan that just came out in the last couple of months, and we are listening to that. We will put that into the planning exercise.

Question re: *Education Labour Relations Act* exclusion of teachers on call

Ms. White: Teachers on call, or substitute teachers, are essential to our education system. Yukon is the only jurisdiction in Canada where substitute teachers are not represented by a union, but it is not by choice. Substitute teachers organized last spring, and most of them clearly indicated their support for joining a union. There is a big stumbling block though, and that is the *Education Labour Relations Act*. It specifically excludes substitute teachers from the Yukon Teachers' Association. Provisions like this one have been rejected in court in other jurisdictions because it violates the workers' right to unionize and choose what union should represent them. The minister has been made aware of this issue previously.

When will this government amend the *Education Labour Relations Act* to allow substitute teachers to join the union of their choice?

Hon. Ms. McPhee: I am sure that the member opposite — interesting question — will understand that simply changing the *Education Labour Relations Act* would not resolve this problem. The Yukon Teachers' Association and the Yukon government have been for the last number of months negotiating a contract going forward — a collective agreement that expired a few months ago. Certainly, this is an issue that is on that table. I have assured the Yukon Teachers' Association that when the details of that situation are worked out, if there are any necessary amendments to legislation, we will proceed with those.

Ms. White: This has nothing to do with the current bargaining between the government and the Yukon Teachers' Association. The whole point of my question is that substitute teachers are not represented by the YTA, so nothing prevents the minister from talking about this issue. This is about the law and how part of a specific act violates the rights of substitute teachers. The minister knows this. Similar provisions have been thrown out of courts across the country.

Regardless of what happens at the bargaining table on the day after an agreement is reached, the law will not have changed. Substitute teachers rights will still be stifled by the *Education Labour Relations Act*.

My question, Mr. Speaker, is about the law, not the bargaining with the YTA.

Maybe I will ask the Minister of Justice the question: Why won't the Justice minister commit to changing a law that she knows would not stand if it was challenged in court?

Hon. Ms. McPhee: This is a situation where removing the requirements of the ELRA — and there are many more than the one that the member opposite has mentioned that deserve review — will not change the situation, because the details of how teachers on call will relate to their counterparts — teachers and education assistants — in the collective agreement for the Yukon Teachers' Association, of course, need to be worked out as well.

I have committed in writing to the Yukon Teachers' Association that when — and I have to respectfully disagree that these two issues are not related; they are, in fact,

absolutely related. The Department of Justice — this House — could change the law in ELRA, and it still wouldn't necessarily help with the details of what is currently being worked out. I am very pleased that they are at the table discussing these issues. I have encouraged them to do so. We asked for this issue to be on the table so that some certainty could be derived and arrived at for Yukon teachers on call, and I look forward to their result.

Ms. White: The minister has previously said that she appreciates the work of substitute teachers, but right now her words ring hollow when she doesn't act accordingly. The *Education Labour Relations Act* stifles the rights of substitute teachers to choose their union. This provision wouldn't stand the test of the courts. This change will happen in one of two ways: either the minister will amend the act or the government will eventually be taken to court and lose, at great cost to everyone involved.

If the minister knows that there are more barriers than the one that I mentioned, when will the minister and her government allow substitute teachers to join a union of their choice, by making the appropriate changes?

Hon. Ms. McPhee: I think I have been quite clear about this. I look forward to the fact that the Yukon Teachers' Association and the Yukon government are discussing how substitute teachers should be contained in the collective agreement. The *Education Labour Relations Act* simply indicates that it doesn't apply to substitute teachers. Changing that single provision would not indicate how it should or would apply. Those are things that need to be negotiated. They are currently being negotiated. I look forward to the result.

Question re: Stewart River watershed management

Ms. Van Bibber: In March of this year, the minister announced a subregional planning exercise for the Stewart River watershed. He also announced a management plan for an all-season tote road for exploration purposes north of Keno.

Can the minister tell us if the committee has been put together for this? If so, who is on it, and were the positions advertised publicly?

Hon. Mr. Pillai: The Yukon government and the First Nation of Na Cho Nyäk Dun were both decision bodies for the Atac road. There was significant concern raised by Na Cho Nyäk Dun about access to the region and this project proceeding in the absence of a regional land use plan.

While we work at completing the Peel watershed land use planning process and restarting the Dawson Regional Planning Commission and work with First Nations on how to improve the planning process, the Yukon government and the First Nation of Na Cho Nyäk Dun agreed to a new approach to plan the Beaver River portion of the Stewart River watershed and to work with Atac Resources Ltd. to develop a road access management plan.

The Atac road agreement between the Yukon government and the First Nation of Na Cho Nyäk Dun outlines how our governments will work collaboratively to complete the land

use plan and work with Atac Resources Ltd. to develop a road access management plan.

Ms. Van Bibber: I didn't hear an answer to my question there, but according to the government's press release, the time frame to complete this work is by March 31, 2020.

Is the committee on track to meet this deadline? Will the minister provide details of their work plan?

Hon. Mr. Pillai: Just to carry on — I want to make sure that I can provide some information, and I do respect the question concerning the composition of the committee as well as the timeline.

The Yukon government also works with First Nations and communities — it's important for Yukoners to know — in other planning exercises outside of chapter 11 as we talk about planning, including the local area planning and zoning regulations and special management area planning and forest resources.

So the government of Yukon is committed to advancing reconciliation with First Nations in bringing sustainable development and tangible benefits to our communities. The planning committee started its work, so, yes, the committee has been formed — this summer of 2018 — with the goal of completing the planning process in March 2020. As asked by the member opposite, we are absolutely committed to that timeline. At this particular point, with our group doing the work that's underway, we feel that this timeline can still be accomplished.

As well, I would just add that the planning committee is currently completing work plans, undertaking background research and preparing an engagement strategy. The next steps also would include GIS mapping as well as the identification of values, interests and issues.

Ms. Van Bibber: When this was first announced, we asked if the minister would provide us with terms of reference for the committee, and we haven't received them yet. I'm wondering if the minister will commit to providing them for us.

Hon. Mr. Pillai: Mr. Speaker, there were two questions — one in the first question, that I will get back to the member opposite on, concerning the composition and information concerning the composition. Of course, we will have to reach out through our officials to Na Cho Nyäk Dun just to discuss that.

Concerning the last question that was just identified, these are things that we are doing in conjunction with Na Cho Nyäk Dun. I would ask our officials to speak to the principles at the table, look at the terms of reference and then get back to the member opposite. I think it's a great question, and I would certainly do that.

I also think it's important to say — I want to thank Na Cho Nyäk Dun and really also my colleague the Minister of Environment, who helped to really take a look at the *Umbrella Final Agreement* and the chapters as well as the self-government agreement, to look at a very creative way to come up with some solutions in a very complex and tough situation.

I think that's one of the things we have committed to — ensuring the implementation of the agreement — looking at chapter 11 — as we are in some of the other subplanning, whether it be in the Member for Lake Laberge's region or others.

I'll end on that, but I'll also say, Mr. Speaker, that it is great to see all of these students here today, and we need to see more students here visiting us.

Speaker: Order, please. The time for Question Period has now elapsed.

I would just echo the comments of members in the House — thank you, students from F.H. Collins for attending, and have a great rest of your day.

We will now proceed to Orders of the Day.

ORDERS OF THE DAY

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Mr. Hutton): Committee of the Whole will now come to order.

Motion re appearance of witness

Committee of the Whole Motion No. 7

Hon. Ms. McPhee: Mr. Chair, I move:

THAT from 4:00 p.m. until 5:30 p.m. on Thursday, November 8, 2018, David Loukidelis, QC, appear as a witness before Committee of the Whole to discuss matters relating to the *Whitehorse Correctional Centre Inspection Report*.

Chair: It is moved by Ms. McPhee:

THAT from 4:00 p.m. until 5:30 p.m. on Thursday, November 8, 2018, David Loukidelis, QC, appear as a witness before Committee of the Whole to discuss matters relating to the *Whitehorse Correctional Centre Inspection Report*.

Hon. Ms. McPhee: I don't have anything to add. I know that our colleagues across the way were aware that Mr. Loukidelis was invited for some time, and I expect that they will have something to say later on, when he arrives.

Committee of the Whole Motion No. 7 agreed to

Chair: The matter now before the Committee is general debate on Vote 15, Department of Health and Social Services, in Bill No. 207, entitled *Second Appropriation Act, 2018-19*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 207: *Second Appropriation Act, 2018-19* — continued

Chair: The matter before the Committee is general debate on Vote 15, Department of Health and Social Services, in Bill No. 207, entitled *Second Appropriation Act, 2018-19*.

Is there any further general debate?

Department of Health and Social Services — continued

Hon. Ms. Frost: I would like to welcome to the Legislative Assembly my deputy minister, Stephen Samis, and assistant deputy minister, Shehnaz Ali.

I would also like to take a moment to extend my condolences to your community for its recent loss. My heart goes out to you today.

Ms. White: Of course, I welcome back the officials.

Yesterday, I believe the last thing we were talking about was the safe injection site and whether or not government was going down that route. In my exuberance yesterday, I did not notice how close we were to the end of the day, so I feel that there is more for us to discuss there.

In her response yesterday, the minister spoke about also checking out wet shelters. I think that when we look at the harm that addictions cause — and, again, I firmly believe that addictions are a health issue and not a justice issue — and when we talk about places like safe injection sites or wet shelters or having managed alcohol programs — the reason why I bring those up is because it is about treating people where they are and giving them the opportunity to still be human and to survive without taking those risks.

Can the minister just let me know where Yukon government is as far as the exploration of either or both — preferably both safe injection sites and managed alcohol programs?

Hon. Ms. Frost: I would like to thank the member opposite for the great question, because those are things that we grapple with every day with respect to ensuring that we have appropriate services and programs for all Yukon citizens.

We recognize that alcohol is a huge part of the challenge that we are confronted with when we speak about addictions as well as concerns with respect to opioid overdoses and a strategy.

When we speak about Health and Social Services and strengthening our resources and the approaches that we take when looking at quality supports to all Yukon citizens and trying to bring that to them where they reside — we have taken some innovative approaches. In doing so, we also have a strategy that we are about to release. Working with the chief medical officer, we have four opioid working groups focusing on harm reduction, public awareness, surveillance and Health and Social Services reform. In doing that — clearly wanting to look at our commitment to harm reduction is, I think, one of

the key pillars and measuring what that looks like when it comes specifically to alcohol and the implications associated with that. Also, having the drug-testing site that we have just recently entered into with Blood Ties Four Directions — we are looking at the approaches that might better align with the service needs of Yukoners. I am really happy about the first step that we took to contribute to the launching of the drug-checking station at Blood Ties Four Directions.

We are working and will continue to work with our partners in the City of Whitehorse and, of course, in rural Yukon communities to ensure that we look at efficient programs and services. We are in the process now of embarking on the comprehensive health review, and certainly that will be one of the big discussion items that we will have.

As a result of our support to Yukon First Nations and Yukon communities over the course of the last year, really focusing our efforts on wellness and a wellness strategy for each one of the communities, with an emphasis on the whole collaborative care support to individuals — but also looking at the mental wellness hubs as a means in which to support harm reduction.

We also contributed, as noted, \$600,000 to Yukon First Nations to help to design strategies and models that hopefully will be better aligned to service needs in those respective communities. We are well on the way to addressing some of the major concerns. The Member for Takhini-Kopper King brings up some really great points, and we will ensure that we tie those things into our discussions and deliberations.

Ms. White: Just in all of that, is the government considering a safe injection site or a managed alcohol program?

Hon. Ms. Frost: I would like to thank the member opposite again for the great question with respect to managed alcohol and safe injection sites. We are working with the chief medical officer of health, and we are working with our partners. We know that it is the direction that some of our partners want to proceed in. Certainly, I am not shying away from that, but I do want to commit that we need to follow through with our partners and ensure that we have the necessary supports in place before we embark on something of that magnitude.

I think that improving health care and health services in our communities is really a key priority for us. We will continue to work toward addressing the quality of services and supports that we bring to Yukoners.

Ms. White: I didn't get a hard no, so I will hold onto hope that, at some point in the future, we may see both a safe injection site and a managed alcohol program.

The one thing the minister mentioned was the drug testing that is available at Blood Ties Four Directions. Can she tell me when that service is available?

Hon. Ms. Frost: I will endeavour to get back to the member opposite with the specific information that she is looking for. I do not have it at my fingertips. I will endeavour to do that.

Ms. White: The power of the Internet is phenomenal. Blood Ties Four Directions is open Monday through Friday, 8:30 in the morning until 4:30 in the afternoon.

Right now, if someone wants to get their drugs tested, they have to go to Blood Ties during business hours. This is a very real example. I got a text message from someone on Friday night at 10:15 p.m. asking me where drugs could be tested. Then I sent text messages to my friends who work in harm reduction in the territory, and they told me that, unfortunately, the drug testing is only available during business hours at Blood Ties.

When we talk about the crisis and we talk about the strategy — and we haven't been given a date when the strategy is going to be released — are there thoughts of increasing funding to Blood Ties so that they are able to offer drug testing outside of 8:30 a.m. to 4:30 p.m.? For example, with funding, would they be able to offer it through the outreach van?

More importantly, drugs aren't Whitehorse-centric. They are in every community in the territory. Is the government looking at making testing available outside of Whitehorse? Is the government looking at extending the hours of that availability so that it is actually meeting people where they are?

Hon. Ms. Frost: I would like to maybe just start on the note that I am very, very pleased about the initiative with Blood Ties Four Directions and the efforts over the course of the last year to get a drug-testing program launched in the Yukon. We did that by going forward to the federal government and seeking an exemption. That is a very positive thing for Yukoners.

I recognize and appreciate that Monday to Friday doesn't work for everyone, but it's the first time this has been offered in the Yukon. I am really pleased about that. The opportunity is there, and it was not there previously.

We are looking at an expansion of a program with regard to an opioid strategy in the Yukon, and we're doing that in collaboration with the chief medical officer and with our partners. We are looking at having further discussions with Blood Ties Four Directions on the program they offer. As part of our deliberations, we want to ensure that — given that this is the first time that we've offered this, we want to ensure that it's efficient and effective and, if it isn't, what can we do differently to expand that scope of supports.

When we speak about some of the key initiatives around an action plan moving forward, some of the things that we are considering looking at are alternative screening methods and seeking further partnerships. We know that we have the Kwanlin Dün Health and Awareness Centre, which is really an advocate for a wet shelter and for supports in the city. It has been very active in terms of the supports needed for vulnerable populations. What we're doing is working with our partners, ensuring that we provide the necessary supports to all of our communities.

We are also looking, as I noted previously, at negotiating and getting resources from the federal government — the \$500,000 — that will allow us to expand some of the supports

that we have initiated over the course of this last year. I am quite looking forward to that and to the deliberations with our partners.

Ms. White: Just to correct — if it sounded like criticism, it wasn't. It was mostly this: How do we expand a program? How do we do that?

The text message I got for friends looking for friends looking for friends on Friday night — there was no answer until Monday morning. If we talk about expanding those services and about partnering with Kwanlin Dün First Nation, and we talk about our partners in the community, then we need to look at those hours, because I'm sure drugs are consumed throughout the 24-hour span, but I would suggest maybe a little less at 8:30 a.m. and a little more after 4:30 p.m. That was my point.

The minister has mentioned the opioid strategy. Can the minister tell us when that will be released publicly?

Hon. Ms. Frost: I know that I have committed to releasing the opioid strategy, and I understand that it will now be released at the beginning of next week. It is in for final edits and final printing.

Ms. White: I thank the minister for that response.

Yesterday, we were talking about the opening of the new Whistle Bend facility, which is very exciting. I know that the elevators in that facility are pretty intense. It has the ability of the key cards so that residents can't go between floors and people with dementia are safe and where they need to be — things like that. From my recollection, there are three main patient elevators. Are they all operational right now?

Hon. Ms. Frost: To my understanding, they are, but if that's not the case, I will be happy to provide clarification back to the member opposite. I'm not able to answer that right now, but I will endeavour to get back. My understanding is it's all operational.

Ms. White: I actually would be really appreciative if that came back. It was my understanding actually that one out of the three is operating right now. One has been shut down by the builder, one is not working and one is working. That was just what I had heard recently. I'm happy to have that clarified and corrected.

When we talked about the move in for Whistle Bend, I believe Macaulay Lodge was going to be empty by December 1, or is it the end of December? I'm looking for confirmation about when Macaulay Lodge will be empty of seniors.

Hon. Ms. Frost: With the transition of our clients from Macaulay Lodge to Whistle Bend, my understanding is that the clients will be transitioning over in December once we address the hospital pressures and then, of course, the rural Yukon community pressures. So we're looking at having Macaulay Lodge fully transitioned by the end of January or beginning of February. I will commit to the member opposite that I will look into the elevators at Whistle Bend as well. Over the December break, there is a bit of a lull, and so as to not disrupt the clients during that time, there will be a bit of a delay there.

Ms. White: I do appreciate that answer.

So I guess one of my questions is — and we just have to do the word search through the Hansard of the 33rd Legislative Assembly, because as the NDP, we have talked about the Macaulay Lodge and how it exists and is already built. Is there the possibility that it could be repurposed for the short term? By short term I don't mean months; I'm talking a year or two or — obviously not long-term, which is in perpetuity, but in the short term, is there the possibility that Macaulay Lodge could be used for something else?

Hon. Ms. Frost: We are looking at the short, medium and long terms. I guess in the long term, we are obligated to demolish the facility given that it doesn't currently meet all the code requirements, but in the interim, we are working and looking at potential use for that facility if required. As things evolve, there is a possibility — I won't say yes and I won't say no. We are looking at some short- and medium-term possibilities.

Ms. White: I thank the minister for that answer. An example that I saw since 2011 was the destruction of a building on Hospital Road.

I am going to get the number wrong — it might have been No. 3 Hospital Road — but at the time, we were in a similar hard housing crunch, and there was a building that could be heated and people could be housed in it. It felt like a missed opportunity when it went to the ground during that time. I would just put it out there that we would be supportive of it being utilized for something else, because it exists already. That is an important thing.

The minister suggested the other day — and I appreciated that — to take a look at the yukon.ca website. I had been asking about the terms of reference for the Health and Social Services comprehensive review, and I was directed to a link on the website. I will start with the link that the minister sent me to, which is on the yukon.ca website. Is that the document that she is referring to when she talks about the Health and Social Services comprehensive review terms of reference?

Hon. Ms. Frost: I might be wrong also, so I will certainly seek clarification. My understanding is that the yukon.ca website, which is the government website — for the terms of reference for the comprehensive review, when the press release went onto the site, I was informed. If it is not right or it is not there, then I would certainly endeavour to get that to the member opposite.

Ms. White: I do appreciate that. I am just making sure that it has the link. What it actually takes you to is a document that says "Appendix C" on the very top right-hand corner when you are looking at it. The title of it is *Independent Expert Panel Terms of Reference*. What I am looking for is the terms of reference for the entire Health and Social Services comprehensive review. I am looking for something that would have timelines, that would have budgets and that would list purposes and goals.

The document that is online is very clearly marked in the title, *Independent Expert Panel Terms of Reference*. What this document does is talk about the independent expert panel. It talks about the terms of reference for the independent expert panel, but it is not talking about the terms of reference for the

comprehensive health review. In the last number of weeks — just over a month now — we have been asking for the tabling of the terms of reference for the comprehensive health review. I was wondering if that is somewhere on the yukon.ca website.

Hon. Ms. Frost: The specific information that the member opposite is looking for is not up on the website, as noted. It is absolutely correct — the terms of reference are for the independent expert panel. What I can note is that the expert panel is currently here. It is the first time they have come together. They are here for the next two days. They are looking at the compilation of information that has been conducted internally and then also looking at the comprehensive reviews that have been completed historically.

We know also that the committee is going to, of course, be looking at reviewing the terms of reference around the overall comprehensive health review that will, I believe — the recommendations that evolve from 2008, 2013 and now the 2017 Financial Advisory Panel — set the terms as we go forward. As part of the considerations as well, there were 27 recommendations from the last commitment that will set the priorities and terms for the health review panel. They will look at a comprehensive review of overall health expenditures, with emphasis on cost efficiencies. They will look at undertaking a detailed, comprehensive discussion around comparative jurisdictional analysis, looking at cost drivers, as noted in the Legislative Assembly.

We talked a lot about pharmaceuticals and the cost drivers around there. Medical travel came up as one component of discussions, as well as physician billings. We know that we have an aging population, and we are looking at ensuring that we have supports and services in all rural communities for those clients. An inventory and, of course, detailed analysis of all programs and services will be conducted by this comprehensive review.

I noted in the Legislative Assembly previously four specific areas of consideration. We have already done a bit of that work internally, and that will set the tone, I think, for the panel. It is a very tight timeline to get the job done, so we are compiling a lot of the report for them now. The work with respect to the engagement — preliminary research and analysis — has already been done and provided to the committee.

As well, the staff of Health and Social Services, in an effort to expedite it, are doing a lot of the status reports, analysis and drafting of the results from some of the public engagements that have already happened with the assessments that the member opposite spoke about earlier with respect to wet shelters, with respect to opioids, with respect to services, with respect to alcohol and drug supports in our communities, as well as looking at services we currently provide.

There is lots happening and, of course, we will continue to have discussions with the Yukon public and with our stakeholder groups and that will, I think, really drive what we do with respect to future policy development and assessments.

Ms. White: When I look at the independent expert panel terms of reference, underneath “Resources”, it says:

“The Department will provide the Panel with documents to inform its activities, including but not limited to...” — and then it lists off many reports, including the Department of Health and Social Services review in 2008, the Department of Health and Social Services clinical services plan in 2014, Financial Advisory Panel Report, et cetera.

I am not sure if it makes reference to these terms of reference. Under 6.1, “Activities & Deliverables”, it says: “Becoming familiar with and agreeing to be bound by the attached Terms of Reference”. By the term “attached Terms of Reference”, it makes me feel that there might be an appendix D that was not put online.

If the minister can let me know — in section 6.1, it says “Becoming familiar with and agreeing to be bound by the attached Terms of Reference”. Is that referring to a separate document, or is that talking about the independent expert panel terms of reference that I have in my hand?

Hon. Ms. Frost: It is referring to the terms of reference.

I wanted to make a note and go back a little ways to the question around whether the elevators were all working. I can confirm that they are.

Ms. White: That is fantastic. It is a whole new world. I cannot imagine how legislators worked back before the Internet and cellular telephones. The juxtaposition between now and the past is incredible. I thank the minister for that, and I am glad to hear that the elevators are operating.

For clarification, are the terms of reference that are referred to in section 6 the terms of reference in my hand?

There was just an affirmative nod across the way, Mr. Chair. I was just looking for that.

So when can we expect the terms of reference for the comprehensive Health and Social Services review that this independent expert panel will be completing?

Hon. Ms. Frost: We are meeting with the expert panel this week, as I stated earlier. At that time, we will have a detailed discussion around the comprehensive review, and shortly thereafter I would be happy to provide a summary document with respect to some of the terms to the member opposite.

Ms. White: Was this the timeline that the department had hoped for? Was this the timeline, when this was announced, that was going to be one of the recommendations from the Financial Advisory Panel — that the government was going to complete? Is the current timeline that we are operating on right now what was expected?

Hon. Ms. Frost: Yes.

Ms. White: I appreciate the direct answer.

Is the minister able to share with us the number of opioid overdoses that the hospital has treated? We can look at the 2016-2017 or 2017-2018 or even the current 2018.

Hon. Ms. Frost: My understanding is that in 2016-17, there were 14 overdoses from fentanyl resulting in deaths. Most recently in 2018, we have two confirmed cases.

There are many other overdoses reported through the hospital. As I believe was recently noted or announced

through Dr. Hanley's submission to the CBC, I am able to say that recently — let me just go back a bit here.

Of course, it is a key priority for this government, given that we are in a bit of a crisis right now with the rising number of deaths associated with fentanyl and fentanyl overdoses, but we are also attempting very quickly to put in place some swift action around a strategy that might look at harm reduction. Overall, we have made some significant efforts in getting the naloxone kits.

I want to just correct the record. Yesterday in my submission to the Legislative Assembly, I noted that we had distributed 1,700 naloxone kits, but, in fact, we have actually submitted 1,900 naloxone kits. I just wanted to correct the record on that.

We know that there are at least — from my understanding — two to three every week at the hospital. We are obviously working very closely with the Yukon Hospital Corporation to look at supports for those clients. We are looking at alternate supports rather than using the emergency facility at the hospital as a means in which to address acutely intoxicated individuals — but trying to look at supportive measures for those who appear to have requirements for a medical emergency like overdoses. We are trying to ensure that we provide the supports there. We are also looking at ensuring that we work with our partners through Blood Ties Four Directions and work with our partners in Yukon communities through our education campaign through the Sarah Steele facility.

In 2018 alone, there were 26 overdose visits. That is a lot to date. As noted, we also have had some deaths associated with that. We know that two are confirmed. We are doing everything that we possibly can through this crisis that we are in right now and ensuring that we take this very seriously.

Ms. White: This is one of those times when I regret that my iPad doesn't have the "word find" option on it. When the Yukon Hospital Corporation witnesses were here, I believe that Mr. Bilsky at the time gave us numbers of overdoses, keeping in mind, of course, that overdoses don't automatically lead to death. An overdose is a medical condition that happens, and you can have a death caused by an overdose.

One of the reasons why I was asking about that number is — I can't ever overstate the tragedy of a death due to a substance, if we talk about opioids or alcohol or any of those things. When we look at those numbers, those numbers were very high. I believe it was 140 for one year and approximately 120 for another year, understanding that those people had only been saved because of medical intervention. I'm happy to know that the government has given out over 1,700 naloxone kits. I also appreciate that there is an advertising campaign right now asking people to check their dates, because, of course, after a year, it becomes less effective and so it needs new ones.

When I was asking about that number, it's just to highlight — there are just no words for the tragedy of death, like I said. But to understand that there are that many close calls is upsetting. I wanted to know if government tracked, in

a similar fashion, close calls with alcohol — so brushes with alcohol — whether they involved hospitalization or pneumonia because of alcoholism. Then, of course, the next step tragically is death. Are those numbers kept? Do we know the cost of alcoholism and alcohol in the territory?

Hon. Ms. Frost: I can't say for certain whether that's kept or not, but I can say that we are working with the Canadian Institute for Health Information to assess and determine, over the course of time, deaths related to alcohol or illnesses that we have seen in the Yukon so that we can start looking at preventive measures.

We have been collecting data for a long time in the Yukon but have not ever taken the initiative to analyze, assess and look at what that information tells us and what story is revealed from the data that has been collected over time. I absolutely agree that alcohol is a driving factor in a lot of our illnesses in Yukon communities, and therefore we are working very closely with our partners, working with the First Nation communities and the health centres, working also through the health commission to try to provide supports and look at a whole system of reform. With respect to specific data and information, that is being compiled, as I understand it — but, of course, in recognizing and appreciating the right to privacy of individuals, sometimes it's very difficult for us to determine a specific cause unless it's revealed and it's evident. We do try to work with our partners, and we look at discussing the whole issue around alcohol use and abuse and look at the supports that we put in place with our communities to design wellness models.

As we go ahead and look at the strategy — we have had detailed discussions with the chief medical officer, and my deputy minister will continue to do that. That is really to look at cooperation between the hospital and Health and Social Services, and, of course, designing models through a preventive approach.

Ms. White: We can have a much broader conversation about alcohol and drug services, the amount of money that the Yukon Liquor Corporation brings in and then how much of that gets put back out and all those things, but I'm going to leave that for right now.

My next question is: Is telehealth an insured service? The reason I ask is: Do doctors get paid for those appointments?

Hon. Ms. Frost: Yes — to the question.

Ms. White: It is interesting, because November is actually Diabetes Awareness Month. I've asked at different times if we track the number of diabetics in the territory. We have entire programs teaching people about diabetes and diabetes prevention. Does the minister have a better grasp on how many type 1 diabetics and how many type 2 diabetics we have in the territory?

Hon. Ms. Frost: What I can respond to is that self-reported rates of diabetes in the Yukon population of 12 years and over was estimated at 5.4 percent in 2015-16 compared to 6.9 percent nationally. Due to the small sample size of type 1 and type 2 diabetics, there were some challenges around getting specific data, but we are happy to say that we are working, and we have worked, with families with children

with diabetes and effectively supported the parents and, of course, the children.

The THIF funding that we announced — and we had some great discussions on it in the Legislative Assembly — is intended to significantly increase remote care and telehealth in the Yukon but to also work with our Yukon rural populations. My understanding with regard to data specific to type 1 and type 2 diabetes — given the small sample size — is that it is very difficult for us to pinpoint, but I would be happy to sit with the member opposite offline and provide more specifics on that, in collaboration with the department. Always, of course, what the department is focusing on — and putting best efforts forward on — is addressing chronic diseases, including diabetes and, of course, looking at collaborative care.

In particular, we want to ensure that rural Yukon communities and the clients in the communities are provided the essential services that they need in their respective communities and, of course, are fully occupying the health centres in both Watson Lake and Dawson City. We will look at a mental wellness health hub. That was clearly defined as one of the key recommendations and pillars from the 2008 review, and I am happy to say that we have made efforts to implement those recommendations. We will continue to work with our health centres and with the health centres that we control through government and, of course, the hospitals through the Hospital Corporation to expand the supports for chronic diseases.

Ms. White: Part of the reason why we talk about having those numbers when the government talks about evidence-based decision-making is that when I asked the Hospital Corporation why we didn't have access to hemodialysis, I was told we hadn't hit the threshold. I asked what the threshold was and they said, "We haven't hit it yet." I know two people personally who are receiving hemodialysis out of the territory in British Columbia. How many more people have to be out of territory in order for it to make sense here?

On October 18, the Hospital Corporation told us that there were 595 employees within the Hospital Corporation — 247 were full time, 140 were part time, 33 were term and there were 175 casuals. It becomes really alarming that as of this morning on the website, the hospital is looking for a human resources business partner, and they are looking for a manager of communications. They are also looking for a manager of quality improvement and risk management, a manager of organizational development, an occupational health and safety consultant and a manager of human resources. Part of the reason why this is alarming is that these just appeared in recent days — a flood of them. This is just the upper management ones; it isn't talking about the number of jobs that have just recently been posted.

My question is: Is everything okay at the Hospital Corporation? Is there any need to be concerned that there are six managerial positions listed in the last 72 hours?

Hon. Ms. Frost: Back to the point that was made earlier, and then I will respond to the second point that was made — the typical population base for hemodialysis is

85,000 to support in-centre hemodialysis. This is the information that I have from the hospital.

With respect to the flurry of recruitment activity at the hospital, I have not been informed that there are any issues there. I don't believe there are. I would certainly be happy to have that conversation with the CEO of the hospital, but my understanding is that there are no concerns.

Ms. McLeod: Thank you to the government for bringing health back on a second day and welcome again to the officials.

I want to just turn to aging in place for a minute. With respect to the government's long-term public engagement to determine a Yukon definition for the term "aging in place" and to identify ways to support aging well in the territory, can the minister confirm some things around this engagement, such as when it is expected to be completed? When can Yukoners expect to see a "what we heard" document?

Hon. Ms. Frost: Thanks for the question. I am happy to say that the efforts and the discussion with respect to aging in place — early on last spring, I had a really great engagement and discussion with Seniors Action Yukon, whereby they raised some specific concerns and wanted to look at a model of engagement. They also came forward with some really good recommendations and clarification around what they saw as healthy aging where they reside, be it in rural Yukon communities or in Whitehorse. The priorities from that discussion kind of drove what we did with the aging population.

We also committed in one of mandate pillars to look at our aging population. I think it was prudent of us to do that, given that our population is aging very rapidly. By 2030, we are going to see a significant number of middle-aged folks — like me — who will find ourselves in that category in the very near future.

What have we done to ensure appropriate supports are in place? After the initial face-to-face discussions with the Seniors Action Yukon group, we committed to holding a first aging-in-place summit, and that happened in June. We organized that in collaboration with Seniors Action Yukon, the Yukon Council on Aging and the Association of Yukon Communities. That was very well-received. We had over 200 participants there. They were very passionate about having a voice, being heard and presenting their perceptions and perspectives as to what they wanted to see with respect to a Yukon strategy on aging — the aging population and aging in place. They recognized that we have already made some efforts to provide services and supports. We were happy to provide them with more information on how they can access existing programs.

I think we have taken some very proactive approaches with services and service delivery, such as looking at the home first initiative and how we can keep clients at home longer. We did that in collaboration with Yukon Housing Corporation and, of course, made resources available for families to retrofit and modernize for accessibility, making homes more mobility accessible.

Of course, following that, we committed to seniors at the June 2018 meeting that we would have face-to-face meetings throughout the Yukon. We are now at the tail end of those face-to-face engagement sessions. I have pretty well attended every community with the exception of Old Crow, Pelly Crossing and Carcross.

Once we complete the community-based engagement sessions, which will be at some point toward the end of this month, in the new year we will then have a compilation of all of the documentation, all of the information and the notes that we have acquired from the respective communities. Then we will produce a “what we heard” document. That will then be presented back to the seniors. It’s their document, it’s their vision and it’s their direction of what they wanted to see happen.

Under our platform commitments and enduring priorities is committing to improving public engagement — getting Yukoners involved in an informed decision-making process.

I am very happy to say that seniors have been kept informed and abreast but also are very much engaged in the concept of the aging-in-place philosophies that we have had such great debates and discussions on in the Legislative Assembly.

We have combined various initiatives in Yukon — the reablement units at Thomson Centre, for example. We have increased our budget in 2018-19 by \$1 million for the Yukon home care program. Those are things that we will certainly tie into the “what we heard” document and use as a discussion base or a pillar to discuss how we can make further improvements as we advance our next set of priority projects and our budgets moving forward.

We appreciate that 10 beds or a few beds and a few initiatives are not going to address the long-term pressures that we are seeing, so it is really imperative for us to go further, seek further engagements and continue to look at our partnerships with Yukon communities.

Ms. McLeod: I am glad to hear that the round of engagements will be wrapped up by the end of this month and that early in the new year — January I hope — we will see the “what we heard” document.

I know the minister mentioned that she would share that document with the affected seniors, but I hope that it is a much broader sharing, since behind those seniors are families who also are quite concerned about the outcome.

The meeting in Haines Junction that was one of these engagement series was held on October 26. I hear that it was one of the largest turnouts throughout all of these engagements. One of the main reasons for the high turnout was the fact that residents were told that the minister would be in attendance at the meeting.

Many seniors, of course, have conveyed their disappointment that the minister was not at that meeting. The minister had committed in the House and committed to the MLA for Kluane in response to letters and discussion to meet with the Haines Junction seniors.

Can the minister confirm whether she has plans to meet directly with the Haines Junction seniors? If she doesn’t have plans now, will she agree to set a date for the near future?

Hon. Ms. Frost: With regard to the information in the “what we heard” document and our discussions with the senior groups of Yukon, I think the key priority is to ensure that we have engagement with the group that this is intended to address or, of course, provide services and supports to. I certainly want to ensure that we bring that broadly to Yukon communities and also ensure that residents in Haines Junction are provided the necessary supports. With respect to my commitment to the residents of Haines Junction, I wholeheartedly commit myself to all of Yukon communities and all of the seniors in Yukon to ensure that we provide appropriate and necessary services and supports to them.

I will endeavour to at some point meet with all Yukon communities and the seniors as we go ahead and offer up the next meeting date, which is in January. We want to ensure that we bring as many seniors into the sessions as possible, and we will certainly extend the invitation to the residents of Haines Junction so that they have an opportunity to come. At that point, I would be happy to meet with Yukon seniors, and perhaps at some point if time allows I would be happy to have that discussion, but unfortunately my time isn’t always conducive to addressing meeting the needs of individuals when it’s requested. I try to balance appropriately, and unfortunately I was not able to make it to Haines Junction, but it doesn’t mean that I don’t give them the support or that I don’t support the community. Most certainly I do, and I support all Yukon communities with the intent of ensuring we provide and engage with all communities. Of course, all communities matter and every person matters as we ensure that we provide the supports to all our seniors.

Ms. McLeod: Thank you to the minister. I have a question about social assistance. With respect to issuing social assistance payments, as I understand it, these payments are in the form of cheques and they are mailed to the recipients. While generally speaking I can understand why the department would do payments that way rather than direct deposit, I am wondering if the government would consider the direct deposit option on a case-by-case basis where recipients are in a situation where they’re going to be on social assistance for life.

For instance, a Faro resident was recently hospitalized, and his cheque was sent to his mailbox in Faro. Of course, he is in the hospital in Whitehorse and that cheque isn’t doing him any good while it sits in his mailbox in Faro. Situations like this can make it challenging for people to even get home from the hospital. If clients are never going to be able to go back to work and if they had the option of direct deposit, it would eliminate this type of problem from occurring in the future. Is issuing social assistance via direct deposit on a case-by-case basis something the minister is willing to consider?

Hon. Ms. Frost: I appreciate that there are challenges with how the cheques are distributed. Those may be challenges that we tried to work through case management, ensuring that we provide supports to the clients as they need

it. I recognize that it's not an easy fix. In order for us to make, perhaps, the consideration to deposit income-support clients' cheques directly into their account requires us to conduct regulation changes, so that will take some time. Those are certainly things that we are working on and looking at, and we are always looking for efficiencies — and not intending in any way to detrimentally affect or impact our clients' well-being, care and access to the resources that they are entitled to.

Ms. McLeod: I just have a couple of questions regarding the comprehensive health review. We have had a bit of discussion about this review over the past couple of days, and some of my questions have been answered. The minister yesterday, I believe, mentioned that the cost for the review was \$600,000 plus — I don't have the exact figure. Does that amount cover all of the costs for the panel such as the honoraria, travel and per diem expenses such as renting space, telephones, administrative support? Is all of that tied up into that one figure?

Hon. Ms. Frost: Health and Social Services, as noted, is undertaking a comprehensive review. The review was recommended by the Financial Advisory Panel and, as noted, is really looking at the historical and future projected cost drivers and service proficiencies.

In my submission yesterday, I said that it was \$600,000, but, in fact, it is actually \$665,000. The funding for the comprehensive review is being taken out of the THIF funding, which is 100-percent recoverable from the federal government. The cost, as noted — the \$600,000 — will cover engagement sessions throughout the Yukon. It will look at the research as required — comprehensive research and reviews of historical documents that pre-existed. As I noted earlier, there are some 27 recommendations that have been identified in the 2008 report. We really want to ensure that we do a detailed analysis and look at that to ensure that we have addressed some of the cost drivers out of that, the inefficiencies and where we are currently and point-in-time assessments — some really great discussions in the Legislative Assembly with regard to collaborative care and what that means. How do we bring specialized services and supports to our rural Yukon communities? The research will really take a comprehensive and broad look at those initiatives.

We also want to ensure that we collaborate with all Yukon communities and that we have engagement sessions. The independent expert panel will certainly provide, as a result of their deliberations and analysis, advice back to Health and Social Services and me.

The funding, as noted, will cover the engagement sessions — the internal engagements and the external engagements and, of course, the Yukon public engagements. It will cover the costs for travel. It will cover their engagement sessions in the communities, and it will cover communications as well. Obviously we are going to have to go out and have some correspondence to identify dates and times and potentially have facilitated discussions in our larger centres.

As well, we have a lot of work to do with respect to our research. We want to ensure that we give as much support as

we possibly can to the comprehensive health review process and to the expert panel, ensuring that they have everything that they possibly need to conclude their assessments and their work, given that it is a very ambitious agenda.

The ambitious agenda requires us to look into our discussions with some of the federal initiatives that are happening as well — the discussion that we had yesterday around the national pharmacare program, for example, and our discussions around the CIHI assessments and the data that we have collected for the last 10 years. Efficiencies — we talked a bit about mental wellness and the mental wellness hubs. The report from 2008 really highlights that as well — mental health and mental health providers. My colleague the Member for Takhini-Kopper King had mentioned efficiencies around drugs and alcohol and the Sarah Steele facility. When we speak about collaboration and engagement, we really need to do that with our NGO groups and also with our government service providers.

The work with respect to public engagement is going to be covered, and we will also continue to have discussions with the Yukon Medical Association. In fact, just last week, we had this discussion with the Yukon Medical Association and we assured the physicians that they would be very much involved and active in that discussion. That was something I was very pleased to provide for them — a venue in which to participate in a comprehensive health review.

Ms. McLeod: I have a question about radon testing that was to be done in Yukon daycares and day homes. Can the minister confirm whether there were any facilities or homes that tested at high levels that required mitigation efforts? Does the government have a plan in place to provide financial help to families who own a day home that requires mitigation work?

Chair: Seeing the time, would the member ask the Chair to report progress?

Hon. Ms. Frost: Mr. Chair, I move that you report progress.

Chair: It has been moved by Ms. Frost that the Chair report progress.

Motion agreed to

Chair: Pursuant to Committee of the Whole Motion No. 7 adopted on this day, Committee of the Whole will receive David Loukidelis, QC. In order to allow the witness to take his place in the Chamber, the Committee will now recess and reconvene at 4:00 p.m.

Recess

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

Appearance of witness

Chair: Pursuant to Committee of the Whole Motion No. 7 adopted on this day, Committee of the Whole will now receive David Loukidelis, QC.

I would ask all members to remember to refer their remarks through the Chair when addressing the witness, and I would also ask the witness to refer his answers through the Chair when responding to the members of the Committee.

INTRODUCTION OF VISITORS

Hon. Ms. McPhee: I will take a moment, with the indulgence from my colleagues, to also introduce a number of visitors who we have here this afternoon for the purposes of witnessing this afternoon's Committee of the Whole.

We have with us: Shadelle Chambers, who is with the Council of Yukon First Nations; Mary Vanstone; Norma Davignon; Jeff Ford; Eric Stevenson; Gary Rusnak; Al Lucier, who is the Acting Deputy Minister of Justice; Kelly Gruber; Jayme Curtis; and Vincent Laroche. I apologize if I have missed anyone who has just stepped in.

I can indicate that also among our visitors today are members of the implementation working group for the Whitehorse Correctional Centre report. Thank you very much, and thank you all for being here.

Applause

Witness introduced

Hon. Ms. McPhee: Mr. Chair, I will just take a few moments to introduce our witness, Mr. Loukidelis, to the House. As everyone will know, he has decided that he would accept our invitation to come here today to answer questions about a report that he has authored at my request as minister, pursuant to section 36 of the *Corrections Act, 2009*, and will have a little more to say about this later. The terms of reference were issued in January of 2018, the issues were reviewed and the report was subsequently done.

Mr. Loukidelis is a graduate of Osgoode Hall Law School, University of Oxford and the University of Edinburgh. He was appointed Queen's Counsel in British Columbia in 2010, and he is a member of the bars of British Columbia and the Alberta. In 1999, Mr. Loukidelis became the Information and Privacy Commissioner for the Province of British Columbia, which he held for two terms. During that role — I am going to note this because we have been talking about ATIPP and public bodies here in the Yukon — the legislation in British Columbia covered some 2,000 public bodies. A gigantic job, absolutely.

He also served as Registrar of Lobbyists for British Columbia from 2003 until 2010. In 2010, he was appointed the Deputy Attorney General of British Columbia and the Deputy Minister of Justice.

Career always moving — in 2012, Mr. Loukidelis was appointed as a chair of Alberta's Law Enforcement Review Board: the independent civilian oversight tribunal for police conduct and discipline in Alberta.

Mr. Loukidelis has been a frequent speaker at conferences across Canada and abroad. He teaches in specific areas of law at the University of Victoria and has done in the past at the University of Alberta, Thompson Rivers University and the University of British Columbia. As I said in January of 2018, he very generously agreed to conduct the first-ever review

pursuant to section 36 of the Yukon *Corrections Act, 2009*. We have invited him here today to speak to us about his experience and answer questions from Members of the Legislative Assembly about that process.

Chair: Would the witness like to make opening remarks?

Mr. Loukidelis: Mr. Chair, if I may say through you, sir — my thanks to the minister for the introduction and to all members for the opportunity to join you today.

I would propose to spend a few minutes, though I am known to be a person of not few words — I will put it that way — but I will try to be concise to provide the House with an overview of the work that I did, how I went about the work and the key findings and recommendations that I have made. After that, if there is any discussion or questions that members might have, of course, I would be pleased to answer them as best I can, if that is acceptable.

I should note at the outset that with the delivery of my report in mid-May of this year, my involvement in follow-up ceased. I did have an opportunity to meet this morning with the implementation working group, and I had a very positive meeting with them. It was very satisfying to hear of the work that is being done and has been done since the government's response to the report was issued in August of this year, but as I said, since I delivered my report, I have not really had any involvement in the ongoing work. To the extent that I am asked today about developments and progress, I am afraid I am not really going to be in a position to be particularly illuminating, but based on this morning's meeting, I think I will be in some position to assist as best as I can on that score.

It was an honour to do this work. My overall goal in undertaking the task was to look into questions of the use of separate confinement as the terms of reference required me to do at the Whitehorse Correctional Centre, but with specific regard to use of separate confinement where inmates are suffering from a mental illness or other mental wellness challenges of one kind or another. That was the mandate. I was not asked — in fact, it was outside of the scope of the mandate to make findings about the conduct of any particular individual or to make findings or recommendations specific to the case of any individual. It was really a mandate to look at the policies and procedures in place at the Correctional Centre as they relate to separate confinement, mental illness and associated challenges.

My overall goal in doing the work was to assist as best as I could to try to illuminate issues associated with use of separate confinement in light of what I quickly came to realize are the multiple complex challenges that so many individuals who are at the Correctional Centre from time to time face. I will go into that in a little more detail, because it is important context for the recommendations that I did make about the use of separate confinement.

My work brought home to me very quickly how the challenges that individuals at WCC face are, as I say, complex and varied. I think that has to be said in particular reference to some of the challenges that members of Yukon First Nations face. These are not challenges that are unique to this

Correctional Centre or to this community, to this territory. Indeed, my work quickly revealed that these challenges are shared across the country, with ample opportunity to have that brought home to me — whether it's within the federal corrections system, the corrections system in British Columbia or Alberta — there is a commonality there in terms of the challenges around use of separate confinement, mental health issues faced by inmates and, indeed, challenges faced by First Nation individuals in the correctional systems across this country.

I also came to quickly realize that there is no quick fix. Really, one way of looking at this is that this Correctional Centre is one end point in the criminal justice system, but the issues and problems that individuals face and that those who work in the criminal justice system face go beyond the criminal justice system. They are social issues, and many of the recommendations that I have ended up making actually reach out more broadly beyond the correctional system and, indeed, beyond the criminal justice system in an attempt to try to bring about change that can reduce the need to use separate confinement, can improve outcomes for individuals and improve outcomes for their communities.

As has been mentioned, the terms of reference under the *Corrections Act, 2009* were to look at the policies and procedures of the Correctional Centre that might affect inmate mental health, with specific consideration of the Correctional Centre's use of separate confinement or segregation — if you will — of clients with mental illnesses. I didn't make many findings about the conduct of any individuals, as I have indicated, but really tried to look at systemic solutions that might be implemented here in Yukon.

My work involved a number of kinds of activities. First and foremost I think, in many ways, I interviewed dozens of individuals. I might mention in no particular order that I interviewed members of WCC management, and I interviewed correctional officers and health care staff, including contracted medical professionals who work with inmates at the Correctional Centre. I spoke with the staff of the Investigations and Standards Office — some of whom are here today — Corrections management, former and present inmates, members of the Community Advisory Board for the Correctional Centre, and elders who work with inmates at the centre, as well as First Nations individually, and also with the Council of Yukon First Nations. I spoke with Legal Aid lawyers. I spoke with criminal defence lawyers at the bar here in Whitehorse, and I spoke with Human Rights Commission staff, including the executive director.

I wanted to particularly mention the two days that I spent earlier this year attending and participating in the Exploring Justice: Our Way event that the Council of Yukon First Nations organized, which had representation from across Yukon — from First Nations across Yukon as well as representatives from the Corrections branch, the defence bar and other, if you will, participants in the criminal justice system. That gave me a really significant, meaningful and at times moving opportunity to hear and to learn from First Nations across Yukon about their experiences, about their

community's experiences and about individual First Nation individual's experiences with the Correctional Centre and with the broader justice system.

I also conducted extensive research. I reviewed all of the relevant policies in the legislative framework that apply to the Correctional Centre, with specific regard to separate confinement. I looked at international and domestic research and reports relating to separate confinement and its impact on mental health, and I looked at the international treaties and covenants to which Canada is a signatory and, therefore, to which we are subject. I want to say right now, though, that everyone I dealt with was unfailingly helpful, open, direct, collegial and very constructive. At risk of failing to mention some organizations or individuals, this included: the management of the Correctional Centre, Corrections branch management, individual inmates, First Nation governments and individuals, and the Council of Yukon First Nations. All of that support and cooperation really assisted my work a great deal. So any errors or omissions, any deficiencies or any failings in the report are entirely mine and wouldn't reflect well on the great support that I received and for which I am so grateful.

In terms of the key findings and recommendations, I am going to begin with an overview of the findings and recommendations as they relate to mental wellness, addictions and the implications for management of WCC — the management of inmates there — and the use of separate confinement. Again, consistent with the picture across the country, there is a very high incidence of mental illness, whether it is a clinical diagnosable condition or other conditions that might include intergenerational trauma, PTSD, brain injury or cognitive challenges that inmates face — again, it is experienced across the country. At least 50 percent of inmates in the federal penitentiary system have one form or another of a mental illness, whether it is a diagnosed personality disorder ranging on to more serious conditions.

Another feature, I think, of the population at Whitehorse Correctional Centre — and this is based on a study that was done here in Yukon a few years back — is that there is a very high incidence of FASD as it affects individuals. That study indicated that something like 17 percent of all inmates at WCC have FASD, and roughly 25 percent more beyond that have some level of prenatal exposure to alcohol.

This is an important point, because individuals who have FASD have cognitive difficulties. They have behaviour management difficulties and, of course, that goes straight to the point of what forms of discipline are used to manage their behaviour within the facility and whether solitary confinement or segregation is a constructive response to the challenges that their behaviour can sometimes raise for management and for other inmates.

Another finding is that the need for integrated supports that go beyond the time that an individual spends at the Correctional Centre is quite acute. Again, this is something that we find across the country — it is not unique to Yukon. This comes to the fore, I think, when you recognize that something like 65 percent of the individuals who are at the

Correctional Centre on any given day are there on remand. In other words, they are being held in custody pending criminal trial. The vast majority of individuals are there awaiting trial. They may be up on charges — not the first time they have been charged — and this is consistent across the country — 65 percent of individuals in any correctional facility, provincial or territorial certainly, are awaiting trial. Many of them cycle in and out of the facility. Many of them have mental health challenges, whether diagnosed or suspected and, of course, many of them have substance addictions, whether it is to alcohol or drugs or certainly problems with the abuse of alcohol or drugs.

We also have to recognize — I think it's clear — the legacy of residential schools and the colonialism that has afflicted and brought about consequences for First Nation communities across the country and the role that plays in some of the challenges that individuals who are at WCC at any given time face, because there is a very high proportion of inmates there on any given day who are First Nation individuals. First Nation communities in this territory — their members are vastly overrepresented in the Correctional Centre compared to the population as a whole here. Again, that is the case right across the country, whether it is in the federal, provincial or territorial system.

With all of this backdrop of high incidence of mental health challenges, high incidence of substance abuse and the fact that people tend to cycle in and out of facilities of this kind — including here in Yukon — and the reality of the challenges that so many First Nation individuals who are there have faced in their lives and continue to face, I had regard to what the Truth and Reconciliation Commission said, which is that reconciliation depends on constructive action to address the ongoing multigenerational impact of a variety of adverse factors, of which we are all aware, I think it is fair to say.

In light of that, some of the recommendations that I made — specific on-the-ground recommendations, if you will — to try to address some of the challenges around mental health issues and so on were: better mental health screening on admission to the Correctional Centre; the presence of an on-site mental wellness coordinator; using a case-management approach to assist individuals who are struggling with mental wellness challenges; improved FASD diagnosis and treatment; improved behavioural management for individuals who have FASD — if you can manage their behaviour, then you are less likely to have to discipline them using separate confinement as a means of addressing behavioural challenges — and better mental health treatment and supports — through an on-site facility, ideally — and I had regard to what they are doing in Nova Scotia with the so-called transitional day room, which is a consent-based approach where inmates who consent to being treated in the particular facility within a facility, if you will, will get enhanced mental health supports and treatment; enhanced counselling and elder visits; more in-community mental health treatment and supports, including ideally more residential treatment beds, which is a challenge that we see across the country — British Columbia, for example, continues to struggle with a shortage of residential treatment

facility places — and perhaps looking at enhancing and expanding initiatives such as the Community Wellness Court so that you can bring in the prosecution services, the judiciary, Social Services and Health Services — actors, if you will, from outside Whitehorse Correctional Centre — again recognizing that many who are there are cycled in and out of the facility. They are there for a very short period of time. The average sentence, if I recall correctly, at the time of the report was something like 77 days, of which 65 are served — that is for the sentenced individuals — and the average time on remand is quite a bit shorter than that, and so helping them better in the community is something that has to be looked at.

In terms of separate confinement specifically, it is undoubtedly the case that separate confinement — for even as short a period as 48 to 72 hours — can have an impact on an individual's mental health, and that is someone who is not already suffering from mental health challenges when they go into separate confinement. For those who have those challenges going in, there is clear evidence that it exacerbates those challenges and can make things much worse. International and domestic sources agree on this, and this has been affirmed by recent court decisions here in Canada, which have accepted expert evidence to that effect. It is also recognized, I think, by Bill No. C83, which was tabled in Parliament last month and looks to move toward structured living units as a means of reducing — if not entirely eliminating — the use of solitary confinement.

The reality is that — whatever the practice on the ground here at the correctional facility is — the legal and policy framework that applies there does contemplate use of solitary confinement for reasons other than personal safety or disciplinary reasons. For example, at least in theory — and again, this may not now be the practice, and in fact, the example I'm about to give is not now the practice — it is possible that an inmate can be placed in solitary confinement because they have a mental illness, and yet we have seen that solitary confinement can exacerbate that. At least in theory, legally, whether or not it is the practice, an inmate at WCC can be placed in administrative separate confinement or disciplinary separate confinement when the client's behaviour jeopardizes WCC management. There is no link there, necessarily, to a health or safety risk; it's just if it jeopardizes or interferes with the management.

These are examples that led me to recommend, among other factors, that there be a complete overhaul of the legal and policy framework as it applies to separate confinement use at WCC. There needs to be a rationalization. I think a decision ought to be made about what we hope to achieve by any ongoing use of solitary confinement — whether it is for personal safety reasons in some cases, perhaps, where you have a severely ill inmate who is a danger to herself or himself. Identify what the objectives are, overhaul the system, rationalize it — and this could entail even legislative amendments or regulatory amendments, but certainly policy amendments at WCC. That was a key recommendation specific to solitary confinement.

Another recommendation is to consider alternatives to the use of separate confinement for behaviour management when there is no safety risk. Revise the rules of conduct for inmates so that they are clear, more easily understood and more clearly communicated to inmates, particularly those who have cognitive challenges in understanding what's expected of them. Overall, reduce use of separate confinement — ideally even where risks are present, recognizing that the safety and security of individuals, staff and members of the public who are in the facility have to be the paramount concern. But there should nonetheless be a serious consideration given to reducing the use of separate confinement even in cases of risk — risk assessment and looking for alternatives — and using it only as a last resort, which is currently the goal of those who manage the facility.

I made recommendations around transparency. The Investigations and Standards office has an important role in overseeing administration of the scheme for separate confinement at Whitehorse Correctional Centre, and so there are recommendations around improving transparency and the collection of data and analysis to enable not only a public understanding of what the practices are there, but also to enable those who are responsible for managing the facility to better manage risks and to better support inmates.

I made recommendations —

Chair: If you could wrap up in two minutes, please, and then we will get to the questions. Thank you.

Mr. Loukidelis: Yes, I am on my second-to-last page. I told you that I was not an individual with few words.

I did want to conclude by noting some of the recommendations that I made in relation to First Nation individuals. I recommended that: there should be a First Nation liaison officer at the facility to help coordinate services for First Nation clients; there should be a new mandate for the superintendent there to support that work; there should be improved correctional officer training to help them better understand the needs of First Nation inmates, enhanced First Nation representation on the community advisory board and improved First Nation programming — renewing and enhancing access to elders and also enhancing access to treatment facilities, which is a matter that I already mentioned.

In conclusion, I would be happy to take questions from members.

Mr. Kent: I would like to, on behalf of the Yukon Party Official Opposition, thank the witness, Mr. Loukidelis, for appearing here today. We appreciate the work that he did. I would also like to thank the members of the implementation working group who have joined us in the gallery.

The position of the Official Opposition — obviously we have read the report, and we certainly appreciate the work, time and effort that you've put into it. But, as I have indicated to House Leaders, the Official Opposition doesn't have any questions for the witness. Our questions are more focused on the implementation of the report. As appropriate, we will follow up with the minister on those questions, either in the House or through written correspondence.

Again, I appreciate the witness coming here today and taking the time to answer questions of colleagues from the other two parties in the House. With that, I will conclude my remarks.

Hon. Ms. McPhee: Mr. Loukidelis has answered or spoken about a number of the topics that I would like to ask about, but I have some other questions. I have spoken to the House Leader for the Third Party, and they have indicated about 40 or 45 minutes or so. I will endeavour to stop my questions at about 4:45 p.m. and will try to get through them as quickly as possible. I appreciate the opportunity.

Mr. Chair, one of my first questions was about describing how the review was undertaken and who was spoken to? I think that was answered by the witness, Mr. Loukidelis, previously, so I will move on to ask if he could describe the interactions that he had with current and former inmates or clients of the Whitehorse Correctional Centre. How did those interactions inform his work?

Mr. Loukidelis: A number of the inmates and former inmates with whom I spoke had concerns other than those related specifically to separate confinement. I think it is fair to say that a range of issues were raised by them. In some cases, they wanted to discuss the fact that they weren't guilty of the offence with which they had been charged. I don't mean to be facetious or glib when I say that, but when it came to issues of separate confinement, there was a consistent focus on — in their minds — the use of separate confinement for relatively minor disciplinary matters. That was a theme that emerged time and again.

That has to be seen against the backdrop of the fact that, since 2014, there has been a significant decrease in the use of separate confinement in any one of the several forms in which it exists at the Correctional Centre. The numbers of days spent in separate confinement have been reduced drastically. I think that speaks to a change in approach to more of a behaviour management approach. There remains some concern on the part of inmates about use of solitary, as they put it, or segregation for relatively minor disciplinary offences. That was one thing that informed some of my recommendations.

Hon. Ms. McPhee: I am wondering if Mr. Loukidelis could tell us if there were any individuals, organizations or materials that he was not able to access for whatever reason and that he wanted access to for the review and the preparation of the report?

Mr. Loukidelis: The only challenge that I faced in that area was my own time, frankly. Consistent with what I said earlier, Mr. Chair, I was deeply impressed by and grateful for the openness displayed by all organizations and individuals with whom I spoke. I had no difficulty speaking to anyone with whom I wished to speak.

Hon. Ms. McPhee: The term “mental wellness” is inclusive of health, mental health and mental disorders, trauma and mental health problems. There is need for enhanced and integrated approaches and services inside and outside of the Whitehorse Correctional Centre, as we have heard.

I think that Mr. Loukidelis was aware during the review that the territorial government was in the process of settling a number of Yukon Human Rights Commission complaints that arose at the Whitehorse Correctional Centre, and a settlement agreement was reached. This has been shared publicly and, as per the agreement, the government is currently working toward the establishment of a forensic mental health care unit and team.

I wonder if Mr. Loukidelis can tell us about what he heard when developing the recommendations that were related to mental wellness and integrated services when a client in WCC is on release into the community. What has he heard about the transition piece and the recommendation?

Mr. Loukidelis: I think it is fair to say — and there is always a risk when you enter into this kind of conversation — that there was a perception that there needed to be better integration between such mental health services or counselling services as are available at WCC and what is available in the community. That includes for individuals who have been sentenced, served their time at WCC and have gone out on probation in the community. The danger there, of course, is that you simply say, “Oh, more is better, and we just have to throw more money at it”. What I concluded — and some of the recommendations are aimed at this — and this is consistent with the challenges, again, across the country — is that a multi-party, multi-disciplinary approach needs to be taken to integrate the case management efforts that are made for individuals inside the correctional facility with the services that are available to them once they have left the facility.

If they are on probation, that means a formal integration with, again, a broader sort of approach on a case management basis. For individuals who have been there on remand and then returned to the community and are not on probation, that means taking, again, a multi-disciplinary, multi-stakeholder approach to better integrate services so that they are more seamless between those available in the facility and those that are available in the community. To a degree, that does mean more resources just on the sort of managerial approach, if you will, but also in terms of what is available in the community. I have mentioned the example of residential treatment facilities. That was the message that came across very clearly to me through my conversations with a whole range of stakeholders.

Hon. Ms. McPhee: Thank you very much for that answer. There has been some commentary with respect to the overrepresentation of Yukon First Nation individuals at WCC and, of course, on attempts and moving forward on improving outcomes for those individuals. As we know, First Nation individuals are overrepresented in the WCC population, as they are in Canada generally in correctional facilities. We also heard about the inadequate culturally relevant programming that has been noted as needing improvement in the report that is being discussed today. Furthermore, in 2015, the Office of the Auditor General stated that our mandate in the *Corrections Act, 2009* to provide culturally relevant programming was not being met at the time of that review. We acknowledge that efforts have fallen short to date, and we are committed to working with Yukon First Nation partners to enhance

culturally sensitive programming and services for Yukon First Nation clients at WCC.

Mr. Loukidelis heard from First Nations that it is time for increased First Nation cultural programming, staff training and overall more Yukon First Nation involvement to meet the Yukon *Corrections Act, 2009* goals. I am wondering if he can tell us more about the related recommendations and what he heard from those whom he spoke with, in particular in relation to the cultural programming piece.

Mr. Loukidelis: A strong and consistent message that I heard — even speaking with inmates, certainly, at the Correctional Centre, but also in consultation with Council of Yukon First Nations and individual First Nations, including, for example, Kwanlin Dün — was that, given the challenges that many First Nation individuals have faced and continue to face and the nature of the challenges they face, there is a need to help them improve their lives, integrate back into their communities and contribute to their communities through enhanced programming and supports. Efforts have been made. There are resources and services available at the Correctional Centre, but again, the consistent theme was that more needed to be done.

Again — and I know I am sounding a bit like a broken record here, but it is the case that this is a challenge across the country, given, as I mentioned earlier, the overrepresentation of indigenous individuals in correctional systems. British Columbia, for example: the Corrections branch there is in the middle of or has embarked upon a renewal of its programming and services for First Nation individuals, First Nation inmates. Federally, they have made a lot of strides in the last number of years in improving the services.

Things that kept coming up as goals or needs were better access to elders and to spiritual care that elders can provide, better facilities in the Correctional Centre — a sweat lodge came up quite frequently. There is a healing room, and people asked that it be made more congenial — if I can put it that way — in terms of the benefits that it can provide and better connection with communities as well. It ranges from things like phone calls — inmates told me on a number of occasions that they had to choose between saving what funds they had to perhaps purchase snacks at the canteen so they wouldn't be hungry when they were locked up overnight, as opposed to phoning home to speak to relatives in their community. That is not specific to First Nation individuals obviously, but that is one of the ways in which — apparently a small way, but an important way — things could be improved for them.

Very much on the end of spiritual care, connection with the land — so time outdoors as opposed to in exercise yards kept coming up, ranging right up to the sort of more significant approach about needs around, as I mentioned a couple of times already, residential treatment facilities that were geared perhaps to better assist First Nation individuals specifically.

Hon. Ms. McPhee: Part of the discussion in the report identified the need for a new facility and case management system. That is something about which the department has been aware for some time. In recommendation 40 of the

report, Mr. Loukidelis has said that there needs to be more information publicly available — and what kinds of information.

My question is — a few parts really: What sort of information does he suggest sharing with the public? Is he seeing any jurisdictions that do this well, so we can learn? As part of that topic, I am wondering — as former Information and Privacy Commissioner of the Province of British Columbia — does he have any specific concerns regarding the privacy of personal information and/or access to such information with respect to that recommendation?

Mr. Loukidelis: The recommendation around transparency being improved — I did not and do not have in mind specific kinds of statistics, other than generally speaking as follows: a salutary step, which has been taken already, is for publication of the annual reports and the other reports prepared by the Investigations & Standards Office, which plays an oversight role there; a case management system that enabled, first and foremost, correctional centre management; and a timely, fulsome access to statistics around, for example: How many inmates at any given time or over a specified period do, in fact, have a diagnosed clinical mental illness? How many of them have addictions or substance abuse challenges? How many of them have FASD? All of those can help inform not only the kinds of reforms that I have recommended, but obviously keep tabs, if you will, on trends and help, in a more timely way, identify changes to programs or the addition of new programs or services that might better support individuals and therefore, again, lessen the need for any use of any form of separate confinement or solitary confinement, just as an example.

On the third point, with that objective in mind, clearly it would be necessary to ensure that those statistics are kept as that — as statistics — and not as personally identifiable information, and that can be done. It is something that other jurisdictions have wrestled with somewhat. I should say that this is something that other jurisdictions — and I did not get into this frankly in any great detail in terms of researching who has what kind of case management system and what kind of statistics — are not really much further ahead on. Data-driven correctional facility management is something that other jurisdictions are really just getting their heads around and moving forward on.

Hon. Ms. McPhee: With the indulgence of my colleagues, I think I have two questions left. Reference has been made to remand inmates, and I would like to ask about that for a moment, Mr. Chair. WCC serves a varied population, such as different genders and individuals with different custody status and requirements. The Whitehorse Correctional Centre must always be staffed and resourced to provide appropriate services. Remanded inmates cannot be compelled to take programming, and any inmate cannot be compelled to access health or mental health services unless it is court ordered, which is a challenge in some cases. I am wondering if Mr. Loukidelis could tell us how the recommendations that he has made take into account that

inmates on remand status cannot be forced to access services and programs.

Mr. Loukidelis: That is an excellent question. I have two responses to that, if I may. The first speaks to the aspiration that underlies a number of the recommendations as they relate to, as I was explaining a few moments ago, the enhancement of in-community services, recognizing that a reasonably material number of the individuals in the correctional facility on any given day are not there for the first time and that they do tend — some individuals who have the most complex challenges cycle in and out. So again, this speaks to in-community services.

In terms of encouraging individuals who are on remand and who go back to the community and come back on remand to avail themselves of those services, it's absolutely the case that you can't force them to do that, but it is a question of encouragement and communicating to them the opportunities that are there, the services that are there for them and working through a case management team while they're actually in the facility to try to encourage them to make a change and to avail themselves of those services. But it is absolutely aspirational and it is about encouraging people to avail themselves of those services.

Hon. Ms. McPhee: I appreciate my questions are going all over the place, but I'm trying to use the time wisely, and so I'm going to skip to yet another subject. I appreciate the comments about remand, because they have certainly been a challenge over the years, based on custody status, and I think that there are ways we will be able to address those.

With respect to the design of the Correctional Centre, it allows for separation between men and women and separation between women in the female unit if and when necessary. I'm wondering if, as my last question, I could ask Mr. Loukidelis how he considered gender in his recommendations around separate confinement perhaps specifically, because that too can be a challenge.

Mr. Loukidelis: To be perfectly candid, my focus was on separate confinement as it affects inmates of either gender, of any gender. I think it's fair to say that the recent experience has been that, given the disproportionate number of males who are in the facility as opposed to females, the experience of separate confinement has been mostly with males. There have been some females who have been in separate confinement.

The facilities are separate, as you have indicated, and I think that to the extent that separate confinement might continue to be used in last resort extreme cases, it would be for WCC management to best manage that, which is, I guess, the best that I can offer in response.

Hon. Ms. McPhee: I will just stand to say thank you to the witness for answering my questions today and to cede the floor to the Leader of the Third Party.

Ms. Hanson: I thank the minister for being so gracious as to cede the floor. I guess it's probably now time for a switch because we're not going to have lawyers talking to lawyers. I'm not a lawyer. I'll just be clear about that at the

outset, but I do come at the issues that you raised and identified in your report.

I want to thank you for the readability of the report that you put forward to Yukoners on this inspection report at Whitehorse Correctional Centre. I come at it as a person who has watched over the last many, many years in Yukon a series of situations where I have read the court decisions going back almost 30 years where we see situations where individuals are before the courts as a result of systemic failures. I'm very interested in the recommendations, so whether going back to Marcellus Jacob or to a horrendous failure of the system and a horrendous outcome to the situation that I think, quite frankly, precipitated this report, which was the Michael Nehass situation.

I look at this report and I look at the frankness with which you make a number of recommendations. I would like to talk with you this afternoon about a few of those and get your response.

You mentioned that you had not been involved in any of the follow-up subsequent to tabling your report with the minister, other than the meeting today. I just wanted to clarify whether or not you had been made aware of the matrix of recommendations put together by, I'm presuming, the Department of Justice with respect to a response to the recommendations that had been made.

Mr. Loukidelis: Yes, I have been made aware of that. I have that in hand, in fact.

Ms. Hanson: That will make our discussion going forward a lot easier.

There are a number of recommendations. I look to what you, as the inspector, were charged with doing. As you said, the focus primarily, through the terms of reference and as the minister outlined, was on issues associated with segregation, solitary confinement and then the links around mental health and mental wellness.

In terms of considerations, I will just work them through. I wanted to first get to the first one.

You were talking about creating a mental wellness unit along the lines of the Nova Scotia day program. The response of the government is that it is under consideration. When we read the language in your report, you make reference to the fact that at any given time — there are 200 beds in this place, and there is a lot of space available. The response seems to be: Well, we will think about it.

Do you see any real constraints to actually moving from considering it to acting on it?

Mr. Loukidelis: The only constraints that I can think of — starting with the bottom line, of course — are the resources needed to do that. Just in terms of infrastructure, you would be looking at retrofitting portions of the existing Correctional Centre, I would imagine, which is what has been done in Nova Scotia.

I would also think that it would be necessary to ensure that a program was well-designed and well-thought-out. One of the features of the Nova Scotia program, as I recall, is the integration of the services, case management and supports that are provided to inmates who participate voluntarily in that

program, with services and supports in the community for when they return to the community. I don't know if it is a cart-and-horse situation necessarily, but I would think one would have to ensure that any move toward a transitional day unit approach would have to work within the context of other reforms that had been made in the areas that I have just described.

Ms. Hanson: Another recommendation that you made was with respect to the whole issue of Whitehorse Correctional Centre being designated as a hospital. You make note in several sections of the report that there has been some discussion about a new secure forensic unit being created at Whitehorse General Hospital.

You made the point in the report that — and I quote: “No one interviewed believes this is appropriate...” — that Whitehorse Correctional Centre is designated as a hospital — “... and the Supreme Court of Yukon has strongly recommended that WCC's status as a hospital be revoked.” You say again that it is a correctional facility and not a hospital. “It has neither the equipment or staff to fulfill that role. The government should immediately remove WCC's statutory designation as a hospital.”

You go on to say that: “The government should at this time remove WCC's statutory designation as a hospital, without waiting for creation of a new secure forensic unit at the Whitehorse General Hospital.” The response has been to do further research and consideration required — so it is under consideration.

I guess I would like you to elaborate on why you think it is imperative — why you made that statement in this report. I will obviously reveal that I agree with you. That doesn't matter; it is neither here nor there. I would like, from your informed position, to know why you think that is an important recommendation that you made.

Mr. Loukidelis: I don't want to say that the recommendation for an immediate removal of that designation was urging anything precipitous. I did want to convey a sense of urgency that change is needed — in my view — and these are, after all, my views and recommendations only — as soon as practicable.

The recommendation, I think, should be viewed in the context of other recommendations that urge enhancement on-site of mental health treatment and services — more of a team approach with a mental health case management approach as well so that improved care can ultimately be provided on-site — while recognizing that it is not a hospital. It is a place where there has to be security. There will be cases undoubtedly in the future again where individuals are not, by order of the court, going to be placed in a designated forensic psychiatric hospital. But the overall thrust of that recommendation was to try as soon as practicable — with alacrity — to get to improved services for those individuals who don't quite fit into that forensic category.

What that looks like ultimately, I don't know, but I would like to see — and the recommendation was — a much more robust and supportive suite of services for mental health needs of inmates at the Correctional Centre.

Ms. Hanson: Thank you for that, Mr. Loukidelis. I would also just state that it is not just the most recent Yukon Supreme Court decision that has made that observation about the jail not being appropriate as a hospital — that designation.

In your recommendation 13, after a fair amount of conversation in your report with respect to the labels that are used around separate confinement — so you talk about: "... disciplinary separate confinement and administrative separate confinement (short-term and long-term), both of which involve an individual being confined to his or cell for up to 22 hours a day."

Again, backing that into the international standards and references to the Corrections Service of Canada, you make a recommendation that "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." The response by the government is that it needs greater consideration and further research.

I guess I would like to ask you to comment on the research that led you to come to that conclusion and make reference to some of the works that you reference in your report, if you would, please.

Mr. Loukidelis: It is true that there is a consensus that around 22 or more hours a day of confinement, apart from others, represents solitary confinement.

One thing I should say is that I think it's useful to think of separate confinement as a state of existence or a condition, so that the place in which you are held, whatever it is labelled, shouldn't be what drives any policy reforms that are made. For example, an inmate might be locked down or an inmate population might be locked down for days or weeks at a time — rare that it would be longer than days — for more or less the entirety of a day. They are in their regular cell. They are in the general population, but they are locked down. That becomes a form of solitary confinement. Stripping away the labels and trying to identify what you are trying to achieve as your goal — is it to eliminate or greatly reduce health and safety risks for the inmates themselves or the population? If it is for discipline, does it actually work? Does it actually have a deterrent effect and a corrective effect when you put somebody in a prison within a prison?

The consensus of around 22 hours — there is some literature that suggests that a lesser period in a given day of confinement apart from others without meaningful human interaction can also have negative impacts on the well-being of individuals. The goal there was to recommend that careful consideration be given to whether or not — again, viewing solitary confinement as being a last resort with no alternatives kind of thing — whether you couldn't achieve some of the objectives that you are seeking to achieve — for example, discipline, deterrence and so on — using a lower threshold than the 22-hour consensus. So you would have individuals who would be potentially locked up for 18 hours a day, but they would have a longer period of meaningful human interaction to maybe minimize some of the negative impacts

or reduce the risk of them occurring, while at the same time achieving what you are hoping to achieve, once you have defined what those goals are.

Ms. Hanson: I thank the witness for that.

You also made a recommendation that the *Corrections Act, 2009* and corrections regulations — notwithstanding whether or not you get the amendments that you are referencing with respect to legislation — that the regulations should be amended to provide a clear, more comprehensive framework to govern the use of separate confinement, and that this needs to define what separate confinement is, when it may be used and how it is regulated. You say that this is necessary even if the substantive changes recommended in this report are not implemented.

Again, the response in the matrix is that this is another one under consideration, and that it is going to look at reviews of contemporary legislation and regulations in Canada. I am raising this, because I am frustrated as a citizen when I read that. When I say, "Well, I have this report. He is supposed to have reviewed all the legislation regulation and international instruments and has come up with these recommendations." Again, I'm asking you to situate where that recommendation comes from and how you think, in terms of moving it forward, how you see it being implemented.

Mr. Loukidelis: One driver of that recommendation was, quite frankly — I found that to be a somewhat complex and in many ways confusing matrix — if you can put it that way — or framework, whether it is under the act, the regulations or the policies and procedures of the correctional facility. We have a variety of different kinds, as it stands, of separate confinement, which is — I think we could all agree — segregation, whether it is "segregation lite", as it is sometimes called, or whether it is administrative, short term, long term or disciplinary. It seems to me that the fair, efficient and ultimately just, viewed from any perspective, administration of a regime of solitary confinement or separate confinement, if it is to continue, requires that there be a clear, comprehensive, comprehensible framework to administer. That was actually an important driver of it. What the number of hours might be and what the conditions might be — there is just a need to rationalize, clarify and make a more workable and more easily administered scheme in place.

Ms. Hanson: I understand that explanation, but is there an evidence-based framework now that would guide that, as opposed to putting it off to yet further research? I guess, from the public's perspective, every time you see something that says that we are looking at it and it is process driven, then I come back and I think, "Well, five years ago, we were looking at the Whitehorse Correctional Centre in this Chamber with the Auditor General." I'm trying to find ways that we can use the recommendations and the research that backs those up to expedite the changes that have been identified for quite a long time and most recently in your report.

Mr. Loukidelis: To follow up — and thank you for the follow-up question — legislation has been enacted in Ontario. As I understand it, it is not enforced. Work is underway in British Columbia. We have seen Bill C-83, which I referred to

earlier, tabled federally. A lot of these legislative initiatives have been driven by court challenges in Ontario and British Columbia in particular, and there are some pending court challenges federally in relation to the federal scheme, so I think it is fair to say that this is an area in which government's policy-makers across the country are to a certain degree playing catch-up with the courts.

So there is work that is being done, there is legislation that has been introduced and there is legislation in preparation that could be referred to and could be used as a model. I don't have specifics of that for you today, but that's certainly something that I would encourage government to take into account.

Ms. Hanson: Thank you for that explanation. You also recommended that the corrections regulations and Corrections branch policy should be amended to provide an expeditious and independent external review process for decisions to place individuals in both short- and long-term administrative separate confinement, with reviews being completed as soon as practicable — using that word again — with a 24-hour turnaround being optimal. There is some overlap between what you've suggested here and what's been proposed, as I understand it, with the settlement agreement with the Human Rights Commission, but you talk about the absolute imperative of having that decision base so that you don't have people languishing beyond the 24 hours. This is another one that would be under consideration, and we'll continue to explore opportunities and do another cross-jurisdictional scan.

Is there any impediment to actually — what would you see as the key elements as you have identified? I will let you explain what you identified and some of the background to that recommendation in terms of ensuring that it is effectively implemented.

Mr. Loukidelis: That recommendation was driven in part because, in some instances — as an example, an individual can be placed in administrative separate confinement by direction of the superintendent. Although the possibility of a complaint to the Ombudsman is there, the Investigations and Standards Office can get involved.

In the case of short-term placements, the only practical recourse is for the inmate to complain to the superintendent, who is the individual who approved the — no doubt — recommendation to put the individual in there. So it's cases like that where I was recommending that there be something expeditious to deal with those situations, especially because you could have somebody cycling in and out of that kind of separate confinement kind of over and over. It's short term, but if it's cumulative — and so there is no remedy necessarily for any one placement, and if they're repeated time and time again, cumulatively they become more significant. What that looks like — candidly, I don't know — whether you have externally appointed adjudicators who can come in quickly and review the basis for the decision or review the propriety of the decision, perhaps even frankly by telephone if you can do it that way is one option that you could pursue, but expeditious, manifestly independent and external ideally would be what we would be looking at there.

Ms. Hanson: Thank you for that clarification, particularly the aspect of being external in terms of not being embedded or part of the system for, I guess, the sake of confidence.

Another recommendation — and building on this notion that people can churn through the 24-hour kind of thing that could get extended or repeated — you make a recommendation that the corrections regulations should be amended to prohibit use of any kind of separate confinement for more than 15 days in any one-year period, running from the date on which an individual is first placed in separate confinement. Pending this change, the Corrections branch should undertake that no individual will ever be held in separate confinement of any kind, other than in compliance with this recommendation.

Essentially, the Whitehorse Correctional Centre makes an undertaking that no individual in the course of one year is in separate confinement for more than 15 days.

Could you provide the background to that? Again, this is another one that is under consideration, and further research is required. It is my understanding from reading your report and some of the research that you cite that there are reasons for that. Could you please explain that to this House?

Mr. Loukidelis: In relation to this question and also in relation to the previous question, I should underscore that I am not suggesting in either of these cases that practices are followed at Whitehorse Correctional Centre or that, in fact, people are now cycled through for repeated 24-hour placements in administrative separate confinement. It's just the possibility that it could be done. We obviously have to arrange legal frameworks and policies so that we could prevent these kinds of things from happening, but there is no suggestion on my part that this is now occurring.

The 15-day recommendation, quite candidly, would be leading-edge if it were adopted here when you look across the country certainly, although some countries — I believe Germany, for example — have abolished the use of separate confinement altogether. The 15 days was really a recognition of the very real prospect that successive placements in separate confinement, even if separated during the course of a year by a number of weeks or even months perhaps, can still have an impact on an individual's mental wellness or mental well-being, especially if it is an individual who is already suffering from mental wellness challenges.

Is there any magic in the 15-day recommendation based on science? Candidly, no — but I did think it was important to try to bring home the need to ensure that this isn't something that is overused at any given time, because it does have a very serious impact on individuals. When you weigh it against what you are hoping to achieve and what you actually do achieve, it certainly leaves questions in my mind about whether or not it should be used for any longer period than that.

Ms. Hanson: I thank the witness for that explanation.

Another area that seemed to be accepted — well, it's not accepted; it's under consideration — is where you made the recommendation that “Consistent with the above

recommendations, ‘jeopardizing the management, operation or security of WCC, or being a risk to the management, operation or security’ of WCC, should not be a ground for placement in segregation after a disciplinary conviction. Disciplinary separate confinement should be reserved for more serious offences, being those involving actual harm to others or a real risk of it. If this recommendation is not accepted, it would be desirable to clarify what is intended by ‘jeopardizing the management, operation or security’ of WCC and to restrict its use as a sanction to the greatest extent possible.”

This was in a section where you reviewed a number of the internal policies of Whitehorse Correctional Centre and pointed out how some of these policies are used. You make it clear that there is no evidence or assertions that these policies are being used, but the fact that they do exist as they are written now creates the possibility that they could be used, and that has implications. Could you give your rationale for why you think that this recommendation is important — because I am concerned that it is another one that is sort of punted?

Mr. Loukidelis: There are two reasons underlying the recommendation that you have described. First and foremost — and this is consistent with what I was saying a moment ago about this annual cumulative use of separate confinement — is my clear conviction based on the literature, and indeed in light of recent court decisions in Canada, that if any separate confinement is to continue, it should be a last resort and used only where no other alternatives could reasonably be expected to suffice and only in the clearest and most serious of cases. We see that to a degree with the new federal Bill C-83, which speaks to, admittedly, the security of the institution as being a ground for putting somebody in a so-called structured living unit. The focus really is on risks to the safety of others or to the individual inmate.

The thinking there is that it ought to be reserved for only those most serious cases. Related to that, and perhaps coming at this from a recovering lawyer’s perspective, is just the language used. It is very broad. It is quite vague. I don’t know what it means really to say that you are jeopardizing the management of the institution. Does that mean you are talking back to a correctional officer, or does it mean that you are otherwise showing disrespect for management? It is unlikely that this would suffice, but there needs to be some clarity, at the very least, as to what would underlay that recommendation.

Ms. Hanson: I thank the witness for that, because you do make the point in that whole section about the need for that clarity. I would hope that we would see some progress on that. It seems to me that you are making recommendations, like the internal policy ones, which could be moved much more rapidly than, for example, the legislative framework that may take more time and does necessarily require broader consultation internally to government and externally, particularly with First Nation government partners that are part of this whole scenario.

One of the recommendations that you make — I will just read it and then come back to it — is a recommendation that was accepted by government: “The Corrections Branch should take measures to ensure that, if a First Nations individual at WCC is to be sentenced for a disciplinary offence, any existing *Gladue* report that is available is used in the sentencing. If one is not available, the Corrections Branch should be required to provide the adjudicator with information sufficient to enable the adjudicator to consider *Gladue* factors in fashioning an appropriate sentence. The Corrections Branch also should ensure that disciplinary adjudicators are provided with training and information necessary to enable them to apply *Gladue* factors in disciplinary proceedings.”

I just wanted to raise this with you, because it’s also an issue that comes up very clearly in the settlement agreement with the Yukon Human Rights Commission. Again, I’m not a lawyer, but it strikes me as strange that, almost 20 years after the *Gladue* Supreme Court case — and we’ve supposedly had the *Gladue* factors considered in sentencing for aboriginal people — as a requirement built in. You make that comment — is it because you’re surprised that, after this long time, we really haven’t been implementing that within our correctional system here in the Yukon? Did you find any evidence that those factors were being used at the Whitehorse Correctional Centre in terms of the assessments and interaction?

Mr. Loukidelis: Taking the last point first, no, I didn’t find any evidence that *Gladue* factors were being used in sentencing. It’s not to say that it hasn’t been done, but certainly not by policy. I don’t know that it’s — let me put it this way — uncommon for a correctional service or system to not use *Gladue* factors. I don’t know that it’s a common practice. I think the tendency has been to treat the *Gladue* decision as relating to criminal proceedings, and that’s the end of it. But certainly if disciplinary separate confinement is to continue here, I think the opportunity is there to be seized to introduce that kind of thinking — if I can put that way — and those kinds of assessments in the case of sentencing for First Nation individuals. The opportunity is certainly there to be taken.

Ms. Hanson: I thank the witness for that response. I would hope again that it’s an area that would be followed up on as well.

The minister made a reference to the internal structuring of the Correctional Centre with respect to separation of male and female inmates, and your report does reiterate the findings of the Auditor General with respect to working with people as they transition — or trying to work with — and setting in place systems to work with people as they transition back and reintegrate into communities as one of the objectives. That was certainly a finding of the 2013-14 period when the Auditor General was looking at WCC. A particular concern was: Did any of the witnesses or any of the individuals whom you interviewed — ex-inmates or current inmates — raise with you any questions or concerns that they might have about release planning for women? It’s a concern that I hear often, and I’m just sort of wondering if that came up as distinct from the general male population.

Mr. Loukidelis: Not that I can recall, candidly — it could be a failing of my memory, because the overall theme in this area that I heard was that the present approach to reintegration — in terms of the efforts that are made, the facilities and services that are available — requires enhancement and improvement.

Now that I think of it, I do recall one conversation in particular in which the example or anecdote that was given was of a female inmate being released at 6:00 in the morning with light clothing in the middle of winter. Basically, it is dark out and there is nowhere safe for her to go — including to sleep that night. That was one example that I can recall offhand. It just speaks to the general challenges as well, without diminishing or minimizing the special risks that it could involve.

Ms. Hanson: Yes, I would echo that — we have a facility called the ARC for males, but we don't have anything for women in Whitehorse, so that is not just a perceived challenge; it is a real challenge.

I would like to go back — again, it is a small example, but I was really happy that you had touched on it in your report when you talked about the importance of even the small things, such as the visits and other communications with families and friends that you say can, of course, occur, and that help WCC clients keep in touch with their communities. You also make the point that, to a large extent — particularly those people who are from outside of Whitehorse, but our experience is that it is not just people from outside of Whitehorse — they are cut off from their social connections. I just want to come back to the current policy of charging clients for local and long-distance calls. You talk about how it may have originated at a time when long-distance services were costlier than they are now, and it may be intended to ration calls, but you think that there are other ways of controlling this. You said, “Many present and former clients, and observers with knowledge of this, reported that they are often forced to choose between connecting with loved ones by phone or using their scarce funds to purchase food from the canteen.”

You just make the observation that I think is fairly important. The cost to WCC of permitting free calls to family members is unlikely to be substantial, but you didn't get any figures on this. You said, “The Corrections Branch should change its policy and permit clients to place calls to family and friends free of charge.” Your recommendation is that they should cease doing this — and again, it's the final one under consideration. I'm not sure it needs much more elaboration than that, but I just wanted to thank you for making that recommendation, because it is one that we hear often from families who are concerned, and there is a bizarre process with cash cards or Visa that costs money, and then you get it taken off the top of that, so it is even more costly — \$2.40 a call is the last I heard.

There are so many areas in here, and I'm mindful, Mr. Chair, of the time, and I am sure that Mr. Loukidelis will probably want a minute or two to summarize.

I just want to thank you for your report and for the thoroughness with which you have presented the information. It will be providing, I think, the basis for a lot of ongoing work, and for the implementation working group members who are here, they are going to be very busy over the next while, because we, as Members of the Legislative Assembly, will be looking to hear the progress that is being made on the recommendations — all 40 of them that you have made here.

Chair: Do you have further remarks — brief — Mr. Loukidelis?

Mr. Loukidelis: I was just going to say, Mr. Chair — be careful what you ask for.

Thank you — through you, Mr. Chair — to all members for the opportunity to appear today. In conclusion — and I will be brief — my meeting today with the implementation working group left me feeling very positive about their commitment. It is a multi-stakeholder group trying to bring about change through implementation, through recommendations. Obviously, it will take the will of government ultimately and many of these there is, and perhaps governments — plural.

The challenges are not simple. They are complex and large, but I am hopeful, given what I have observed, that there is an impetus for change or commitment to change. I would certainly encourage not just government, but all those participants in the broader justice system to work together toward effecting the needed changes in these areas.

Chair: Mr. Loukidelis, you are now excused.

Witness excused

Hon. Ms. McPhee: I move that the Speaker do now resume the Chair.

Chair: It has been moved by Ms. McPhee 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 the Chair of Committee of the Whole?

Chair's report

Chair: Mr. Speaker, Committee of the Whole has considered Bill No. 7, entitled *Second Appropriation Act, 2018-19*, and directed me to report progress.

Also, pursuant to Committee of the Whole Motion No. 7, David Loukidelis, QC, appeared before Committee of the Whole to discuss matters related to the *Whitehorse Correctional Centre Inspection Report*.

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.

The time being 5:30 p.m., this House now stands adjourned until Tuesday, November 13, 2018.

I wish everyone a safe long weekend.

The House adjourned at 5:30 p.m.

**The following legislative returns were tabled
November 8, 2018:**

34-2-167

Response to oral question from Ms. White re: children in care — group home staffing (Frost)

34-2-168

Response to oral question from Mr. Kent re: Department of Education budget concerns and whistle-blower protection — Wood Street School funding (McPhee)

The following document was filed November 8, 2018:

34-2-59

*Yukon Geographical Place Names Board 2017-2018
Annual Report* (Dendys)