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HANSARD

Tuesday, April 23, 2019 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2019 Spring Sitting

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DEPUTY SPEAKER and CHAIR OF COMMITTEE OF THE WHOLE — Don Hutton, MLA, Mayo-Tatchun
DEPUTY CHAIR OF COMMITTEE OF THE WHOLE — Ted Adel, MLA, Copperbelt North

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Hon. Ranj Pillai	Porter Creek South	Deputy Premier Minister of Energy, Mines and Resources; Economic Development; Minister responsible for the Yukon Development Corporation and the Yukon Energy Corporation
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**Yukon Legislative Assembly
Whitehorse, Yukon
Tuesday, April 23, 2019 — 1:00 p.m.**

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

Prayers

In remembrance of victims of the terrorist attack in Sri Lanka

Speaker: I would ask all members and people in the gallery to remain standing.

On behalf of the Yukon Legislative Assembly, I wish to express our shock and sadness at the horrifying loss of life in Sri Lanka, where 321 people perished and many more were injured in a series of coordinated attacks on Easter Sunday.

We condemn these attacks unequivocally, and we are saddened that this is the second time this Sitting that a terrorist attack has resulted in a mass loss of life. There is no place in our world for this kind of behaviour and the hatred that drives it.

We offer our sincere condolences and prayers for this tragedy and, in turn, we offer our support for the Government of Sri Lanka as it works to restore order and to identify those who were responsible for this vicious and calculated attack against innocent people. We stand in solidarity with the families of the victims and ask that justice prevails for the perpetrators of these terrible crimes.

Last month, it was members of the Muslim community who were the victims of an awful attack in Christchurch, New Zealand. This past weekend, the violence appears to be targeted toward Christians.

We must ask ourselves: Where will it end, and what can we do about it? Standing here today and saying no to violence, saying no to terror, and saying no to hatred is a good first step. We must never forget the many lives lost and work constantly to denounce the motives that lead to senseless violence and murder.

Where people advocate hate, we must advocate understanding. Where people choose violence, we must choose peace. This was undoubtedly the hopeful message that many of the worshippers were receiving at their Easter celebrations in Sri Lanka and around the world.

We will now observe a moment of silence.

Moment of silence observed

DAILY ROUTINE

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

Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Pillai: Mr. Speaker, I would ask all Members of the Legislative Assembly to help me in welcoming the many visitors who we have here today. I will just go through

and welcome the guests who will be part of our tribute. There are many players who have been very successful this spring, along with their coaches. I want to make sure for the parents here — I did get some of their names. I don't want to miss any parents. These are the people, of course, who get up each morning and make sure that all this comes about — the moms and dads, the uncles and aunts and the grandparents — but I will focus on our players and coaches here today.

I would like to welcome to the Assembly Taylor Bierlmeier, who also is a member of the boys' peewee team that is here today as well, and Caely Burdes from Watson Lake. I will just touch on some of the people who have travelled in every weekend from the communities to be part of these teams: Clementine Burgess, Emma Curtis, Alia Drummond from Haines Junction — who I don't believe is here today — and Maelle Gouaillier. Be easy on me folks, I will do my best to get these pronunciations right. We have Kianna Loots, Livia Mortimer — who would be travelling in each weekend and for practices during the week from Carmacks — Heidi Nash, Kennedy O'Brien, Isabelle Paquette from Watson Lake, Callie Quaille, Jayda Steele, Brooke Tobler, and Emery Twardochleb. Their coaches are here with them as well: Pat Tobler, Trevor Twardochleb, and Collin Nash.

On our peewee Mustangs team: Gavin McKenna — who is in Italy at the World Selects Invitational — Luke Cozens, Jase Johnstone, Kaelen Halowaty, Keaton MacIntosh, Zack Seguin, Kayce Saligo, Conner Labar, Axel Anderson — I know that Noah Kinney is also on the team, but I don't know if he made it today — Zander Underhill, Nash Holmes, Landon Cowper, Chase Tuton, Robert Matthews, and Kieran Mooney. Their coaches are here as well: Derek Johnstone, Justin Halowaty, and Mike Tuton.

Mr. Hassard: If all members could join me in welcoming Kayce's dad — Lance Saligo is here as well. He is fortunate enough to have made about 900 trips from Teslin to Whitehorse over the last couple of years.

As well, we have Mr. Bill Burdes from Watson Lake, a friend of mine, and of course Richelle Bierlmeier. Thanks for being here.

Hon. Mr. Streicker: If we can welcome one of the hockey moms here today — Ms. Tiff Tasane. She is a past neighbour from Marsh Lake, and she does a lot for our community around mental wellness. She is Clem's mom.

Mr. Adel: I would like to ask my colleagues to welcome today from Tai Chi Yukon Marina McCready, Alison Conant, Lorne Whittaker, Helene Dobrowsky, Janet MacLachlan, and Jo-Ann Gates. Thank you very much for being here.

Hon. Ms. McPhee: I will take a quick opportunity to recognize Lareina Twardochleb, who is here with one of the hockey players today — a parent who is no doubt tired from

all of the hockey season, but also an integral part of our team at the Department of Justice.

Mr. Gallina: I would like to also introduce Trevor Twardochleb, who is a long-time colleague of mine in sport. This is the first time that he has been in the House and that I have had an opportunity to introduce him. We have had the opportunity to travel with Team Yukon together to many events, and I know that, in my new career here as an elected official, Trevor still appreciates receiving my updates. It is good to see you in the House today, Trevor.

Applause

Ms. White: I invite my colleagues to help me in welcoming — there are two people in the back row who are super uncomfortable about being here. Tanya is now trying to avoid eye contact. We have Tanya Ordish and Ken Anderson — a carver, as you may know.

I am super happy when high school friends come in because I never thought I would be here, but I never thought that you would have kids that we are paying tribute. So thank you, Jill Nash and thank you, Shawn Underhill — and of course, Mike is a hockey coach. It is lovely to have you guys here in this different capacity. Some of you, I will see on the trails; some I will see tomorrow, and some I see occasionally at the rink. Thank you so much.

Applause

Ms. McLeod: I invite the House to join me in welcoming some Watson Lakers — and kind of a Watson Laker — to the House today. I want to welcome Sylvain Paquette, and Bill Burdes, of course — and Meaghan Kimmitt, who sadly was stolen away from us by Whitehorse.

Applause

Speaker: Are there any further introductions of visitors?

Tributes.

TRIBUTES

In recognition of Whitehorse Mustangs and Yukon North Stars hockey teams

Hon. Mr. Pillai: I am pleased to rise today on behalf of the Yukon Liberal government to acknowledge the success of two Yukon minor hockey teams, who have joined us today in the Legislative Assembly.

I will start with the female squad, the Yukon North Stars. They participated in two tournaments: WickFest in Calgary in November and the Ice Classic in Richmond in March. They won gold in both events. They were in fact undefeated in both.

I understand that a couple of the girls only attended WickFest, but I know they're also with us here today. While the team is based in Whitehorse, there are players from several Yukon communities, including Watson Lake, Haines Junction, and Carmacks.

I also want to congratulate their coaches — Pat Tobler, Collin Nash, and Trevor Twardochleb — for the success of this team both on and off the ice. They have certainly done Yukon proud. We have seen a lot of growth in the Yukon's female hockey program, and Pat has been instrumental in that development.

I also note that there's a player in the gallery today who actually was on both the female and male teams. Taylor Bierlmeier led the North Stars and the entire tournament in scoring in Calgary with 13 points — all goals, Mr. Speaker — what we would call a "sniper".

Taylor also plays in goal for the Peewee Mustangs, who are also with us today. The under-13 Whitehorse Peewee Mustangs are this year's Peewee Tier Three BC champions after a successful trip to the 2019 Peewee BC hockey championships in Powell River on March 16 to 21.

I know getting to Powell River and back over the course of March break was a feat in itself that involved planes, buses, and ferries as well. An assist goes to Air North for changing their flights to accommodate this team of Yukon hockey players.

The gold is only the third medal won by the Yukon at a BC championship and they are the first peewee team to do so. They did it with a strong offence, scoring an incredible 61 goals in only six games, with Gavin McKenna leading the tournament in points. To the head coach of the Mustangs, Derek Johnstone — as well as the assistant coach, Justin Halowaty — congratulations of course and thank you for your countless hours that you put in as president of Whitehorse Minor Hockey Association. As well, Mr. Mike Tuton, who I know has been around any winning hockey team — Mike is usually there, providing great leadership.

Mr. Speaker, the young people in the gallery today make us all proud as Yukoners. They play hockey for fun, for recreation, and to spend time with their friends. Some of them may go on and continue to play and represent the Yukon. Both this men's team and women's team have done a phenomenal job in how they placed in BC. I know it is important to touch on as well — I know his little brother is here but as well, Dylan Cozens — a born-and-raised Yukoner of course, who we have been watching over the last weekend. He started playing in Whitehorse minor hockey and is set to be drafted of course in the first round of the NHL draft this summer.

What I would say to the children is: Dream big, and remember that, with hard work and dedication, absolutely so many things are possible. But I guess the most important thing to remember is that all of those people who are sitting with you today — the ones who get up an hour before you each morning and drive from Watson Lake and Carmacks — they play such an important role in making all this happen for you — so as much congratulations to the parents as to the coaches and to the players.

Applause

Mr. Istchenko: I rise on behalf of the Yukon Party Official Opposition and the Third Party to pay tribute to hockey here in the territory as we celebrate some incredible

hockey players here in the Yukon — and even in the gallery here today.

Being a rural MLA and a coach of minor hockey for many years, I have seen the Mustangs hockey provide so many opportunities for youth from Haines Junction — and all the communities across the Yukon — and here in Whitehorse.

I was intrigued to find out that the Yukon North Stars is made up of female players from across the territory, and I can't help but think that the communities' diversity is a contribution to what makes them so great.

Rural players — male and female — from over the years have had to travel sometimes three times a week or more all winter long to get to the games and tournaments. Players like Casey — the MLA for Pelly-Nisutlin figures he already has a harder shot than him — who is from Teslin — and Ecko Kirk from Haines Junction can attest to what it takes to be a rural player. Ecko has also been selected to play in the National Aboriginal Hockey Championships here in Whitehorse. I am sure she will continue to make her community proud. I can tell you that she has a way more accurate shot than I do, because we old-timers get a chance to play against the kids in Haines Junction so they can get some competition — and she has a good shot.

In cold weather and adverse road conditions, their dedication is phenomenal. The cost to hockey parents is incredibly high — not just financially, but in time and energy as well. Their dedication must also be highlighted and celebrated. So many of our Yukon youth have to travel hours — rather than minutes — to the arena. Quite often, you will hear them tell stories of doing homework and studying for tests on the road more often than at home. I wanted to be sure to recognize the efforts made across the territory so that these kids can play the sport that they love.

March 29 to 31, the ladies took to the ice in Richmond, BC for the 22nd Annual Ice Hockey Classic Female Hockey Tournament. The Yukon sent three teams south. The Atom girls made it to the semi-final round, while the midget Female Mustangs took silver. Our Yukon Peewee North Stars brought home gold. I would like to thank all Yukon players on a job well done in those tournaments and on maintaining Yukon's status as a fierce competitor outside of the territory.

Hockey continues to grow here in the Yukon. There are so many opportunities to play competitive hockey, both in the Yukon and Outside. We continue to see our home-grown talent, and we look forward to seeing just how far our players can go.

Speaking of home-grown talent, the minister mentioned Dylan Cozens. He is ranked fifth right now in the NHL draft. I do look forward to Don Cherry holding his top prospects and interviewing him. When we left our offices, it was 6 to 2 for Canada over the Czech Republic in the under-18 worlds.

Congratulations to all our Yukon Mustang players who are here today and all those who couldn't make it. Thank you to all the coaches and parents — especially organizers and volunteers — for making hockey possible for our youth.

Applause

In recognition of 30th anniversary of Tai Chi Yukon

Mr. Adel: I rise today on behalf of the Yukon Liberal government to pay tribute to Tai Chi Yukon's 30th anniversary.

In 1989, Cheryl Buchan moved to Whitehorse and began teaching tai chi and 90 students tried to sign up for that class. Today, hundreds of Yukoners have experienced the benefits of tai chi. They have taught as many as 10 classes per week, they have hosted guest instructors, and they have organized special events. Their chief instructor, Pam Boyd, achieved international recognition when she was named as a disciple by Grandmaster Yang Jun of the Yang Family Tai Chi organizations. Three of the other instructors — Helen Dobrowolsky, Jo-Ann Gates, and Lisa Pan — have also studied in China and ranked within the system.

This year, they are celebrating their 30th anniversary with a two-part celebration. They are reaching out to all former students and instructors who have supported them over the years, as well as anyone interested in learning more about tai chi. The two-part celebration will kick off at the Kwanlin Dün Cultural Centre this Saturday, on April 27, where they will be joining tai chi players worldwide to send a healing wave of chi around the planet to celebrate World Tai Chi and Qigong Day. They will be wrapping up with a birthday celebration that evening, which will include demos, audience participation events, a slide show of Tai Chi Yukon's highlights, draws, and a few surprises.

Congratulations to Tai Chi Yukon on this exciting milestone. Thank you for being here.

Applause

Ms. Hanson: On behalf of the Yukon New Democratic Party and the Official Opposition, I am happy to join in paying tribute to the 30th anniversary of Tai Chi Yukon. While the official celebration will be on Saturday, April 27, it is great to see some of the key players from Tai Chi Yukon here with us today and I just will note for the record that Pam Boyde has joined us. She wasn't available for introduction at the beginning.

As was mentioned, since 1989, when Cheryl Buchan moved to Whitehorse and began teaching tai chi, this ancient practice has captivated the minds, souls and bodies of many Yukoners. Although tai chi originated as a martial art, most folks are attracted to its health and meditative aspects. The many benefits of tai chi include calming the mind, relaxing the body, increasing strength and flexibility, relieving stress and improving general health.

A few years ago, Mr. Speaker, members of the then-Yukon NDP Official Opposition caucus sought to explore the benefits of tai chi. As all members of this House will know, there are days when anything will help to deal with the day-to-day stresses of this unusual environment and it is worth trying something. Under the guiding eye and hands of Pam Boyde, the senior instructor for Tai Chi Yukon, we dutifully gathered at 7:30 a.m., pushed office furniture aside and turned our minds to tai chi.

Although I cannot report that we became proficient, because to do so would be uttering a falsehood and we all know that is prohibited in these hallowed halls, but we did gain an appreciation of the potential that tai chi holds to help centre a person and with time, perhaps increase one's flexibility and calmness of mind.

Today we salute the many Yukoners who have not only worked to develop their own skills in the practice of both tai chi and qigong, but also their commitment to continuous learning and to reaching out to as many Yukoners as possible, including outreach to Yukon communities by offering special camps and seminars with visiting instructors once or twice a year. Yukon Tai Chi instructors also travel elsewhere to gain new skills and fresh insights. In fact, Pam Boyde, who started tai chi after moving to Whitehorse from Mayo, became the first Canadian to be certified as an instructor in the Yang Family Tai Chi Chuan organization. She — along with Helen Dobrowsky, Jo-ann Gates and Lisa Pan — has studied in China and are ranked within this system. And, in only another Yukon type of story, Pam was recognized as a disciple of the grand master of this international organization and is currently organizing an international tai chi gathering in Salerno, Italy for May of this year. Five Yukoners will be joining over 350 fellow tai chi practitioners from around the world.

Mr. Speaker, perhaps, as members of this Assembly, we would all do well to attend this weekend's celebration of World Tai Chi and Qigong Day at the Kwanlin Dün Cultural Centre. There is something to the idea of a practice that teaches one to work with your energy, to use intent instead of brute force to achieve one's objectives.

Congratulations to all members of Tai Chi Yukon. We look forward to seeing you on Saturday and all through the summer, practising at Shipyards Park.

Applause

INTRODUCTION OF VISITORS

Mr. Adel: Mr. Speaker, if you could just indulge me. We had a late arrival: Lillian Nakamura Maguire for Tai Chi Yukon tried to sneak in unannounced.

Applause

Speaker: Are there any returns or documents for tabling?

Are there any reports of committees?

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to work with the Yukon Hospital Corporation to modernize Yukon's hospital information system.

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

THAT this House urges the Government of Canada to pass and enact the *Accessible Canada Act* before it rises at the end of the 42nd Parliament.

Mr. Cathers: I rise to give notice of the following motion for the production of papers:

THAT this House urges the Yukon Liberal government to provide any evidence it may have to back up its assertion that legal cannabis sales have displaced black market sales.

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

THAT this House urges the Government of Yukon to consult with Yukoners and disability experts on creating Yukon accessibility legislation to remove barriers and mandate a minimum accessibility standard that enables meaningful access that creates a place where people with disabilities can live to their full potential.

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: Procurement policy

Mr. Hassard: In February, the Liberals announced their new flawed procurement strategy. Included in this strategy is a watered down definition of a Yukon business. Under the new definition, a company could be considered a Yukon business even if it does not have an office here in Yukon. Further, it is not a requirement that Yukoners own a portion of the company, nor is there any requirement that Yukoners be employed by the company.

In defending the Liberals' new policy, the Minister of Highways and Public Works told media on February 19 that his department will now be using tax returns and documentation from the Canada Revenue Agency in Yukon to determine how much of a business's money is made in the territory. This will be used to determine what constitutes a Yukon business.

Can the minister tell us how the Department of Highways and Public Works will get access to this private tax information of Yukon businesses?

Hon. Mr. Mostyn: I am very happy to be talking about the improvements that we have made to the procurement system on the floor of the Legislature this afternoon. Our government is building a very strong future for all Yukoners, and the procurement improvements that we have undertaken within Highways and Public Works are part of that work.

Mr. Speaker, I think it bears noting that the definition of a business that we are now using in the territory, which is consistent across many different initiatives, is one that we developed in concert with the business community. We have an advisory committee made up of Yukon businesses that we worked very closely with to develop this definition.

Defining a Yukon business has bedeviled governments in this territory for many decades. We have come up with a

workable solution in concert with business that they felt adequately addressed the issue of what is a Yukon business. We are very happy to have put that definition in place.

We work very closely with the business community on this issue, and we will continue to work with them as we continuously improve procurement in the territory. I say that because we are not done yet. As I have said, procurement improvement is a journey, not a destination.

Mr. Hassard: We certainly didn't hear an answer there, so let's try this again.

Here is a quote from the minister, as I said, on February 19 defending his own new watered-down definition of a Yukon business: "Now we can actually look at the Canada Revenue Agency documents and see how much money a business actually makes in the Yukon, or is it all going to BC or Alberta?"

As indicated by the minister, the Department of Highways and Public Works is now going through CRA tax returns and documents from Yukon businesses. Mr. Speaker, this seems to me like a bit of a privacy breach waiting to happen, but as part of this process, is the government asking permission from the businesses to access their taxation information? What new process has the minister implemented in his department to protect the private tax information of these Yukon businesses?

Hon. Mr. Mostyn: I really do appreciate the Leader of the Official Opposition's interest in this matter. We know that defining a Yukon business — and he knows very well how difficult that process is. They suggested that this government was not going to redefine what a Yukon business is, and, lo and behold, we did — promise made, promise delivered. Mr. Speaker, that's what we did.

We had a whole panel of recommendations from the procurement improvement process that the former government launched. That process was launched because there was a problem with the way that procurement was being done in the territory. There were several problems, in fact, as I have said. The chief recommendation among the Procurement Advisory Panel's recommendations was that there was a lack of understanding in the government — meaning, I believe, from the point of view of the government — of how to use procurement to obtain these strategic objectives of the Yukon government.

We have recognized the importance of procurement in achieving these strategic objectives of the Yukon government. That is, we are making sure that we are spending as much of the \$280-million capital budget that we have identified inside the territory to benefit the territory.

Mr. Hassard: I think the lack of understanding lies with this minister. We certainly would like to see an answer to this question — not in my interest, but in the interest of Yukon businesses.

As we have indicated, the Liberals have brought in a watered-down definition of a Yukon business. To compensate for this, the minister announced that his department will now be going through Canada Revenue Agency taxation

documents of companies to ensure that they are keeping a certain amount of money here in the territory.

Can the minister tell us this: Under his new procurement policy, with the department now going through taxation documents from the CRA to determine if a business is a Yukon business for the purpose of awarding them a tender, what information in these documents will be used to determine whether a business will be awarded a tender? What will the thresholds be, or will it just be an arbitrary determination?

Hon. Mr. Mostyn: I am very disappointed in the tone of the of Leader of the Official Opposition this afternoon — using terms like "watered down", and raising fears that we are going to breach privacy concerns. That is all patently false. The truth is that we had to come up with a better definition of a "Yukon business" because, for many years, the existing definition wasn't serving the needs of the territory. We knew that because of the Procurement Advisory Panel's final recommendations, and so we strove to enact, within a very short period of time — two years, as a matter of fact — all the panel recommendations of the Procurement Advisory Panel. We worked in concert with business to find a definition that the Yukon business community could live with. We consulted with many businesses, and that definition was reached with the participation of Yukon businesses.

Guess what, Mr. Speaker — the member opposite is calling it "watered down". I call it collaborative. I call it a better definition. It was endorsed by the Yukon Chamber of Commerce and the Yukon business community, and I am proud of the work our department has done in implementing all of the recommendations of the Procurement Advisory Panel and improving Yukon procurement because we know how strategically important it is to spend the government's money in the territory.

Question re: Government contract budgeting

Mr. Kent: Last week, in response to a question about why the Liberals are cancelling work at the Ross River School because the lowest bid came in \$200,000 overbudget, the Minister of Highways and Public Works said — and I quote: "We are not going to award contracts that are grossly overbudget."

That is interesting because this Liberal government has already awarded a number of overbudget contracts. For example, the government had budgeted \$2.7 million for the Housing First project that is being built in downtown Whitehorse; however, the contract awarded was for \$3.9 million, or 44 percent overbudget.

Can the Minister of Highways and Public Works explain: Why, if his government doesn't award contracts that are grossly overbudget, they awarded this contract?

Hon. Mr. Mostyn: I thank the Member for Copperbelt South for his questions this afternoon. It is again a procurement issue, and one that we take seriously. We saw enormous growth in the government over the last 10 years. The Financial Advisory Panel charted that, with 14 percent growth in O&M costs, 12 percent or 11 percent growth in

O&M costs — it's unsustainable. We knew that \$1.50 was going out for every \$1.00 collected. We cannot sustain that, so we are doing things differently. We are fixing the way the government works — modernizing it and improving it.

When it comes to the Ross River School that the member opposite mentioned, our number one priority is the health and safety of all students and staff inhabiting that school. The school continues to be a safe place to learn and work, and the future of the Ross River School is not a decision that our government will make unilaterally. We will continue to work with the Ross River Dena Council to listen to the community's needs and to jointly determine a long-term solution to the future of the school. That does not entail awarding a contract for \$1.6 million worth of work that was supposed to be for three projects. That is the old way of doing business, not our way.

Mr. Kent: The minister is off to a pretty tough start here this afternoon, so we will ask some other questions on this line.

Just going back to what he said — and I quote: “We are not going to award contracts that are grossly overbudget.” Obviously that wasn't the case with the Housing First project. Now let's look at the francophone high school.

On March 6, 2018, the Minister of Education told this House — and I quote: “... there has been much work done with the partners on this project to maintain the maximum current budget, which is \$20 million from the territorial government and \$7.5 million from the federal government, for a total of \$27.5 million.” However, according to information from the Department of Education earlier this month, this has now skyrocketed to \$35.3 million. That is almost \$8 million overbudget — strange, because the minister claims his government doesn't award contracts that are grossly overbudget.

Can the minister explain why this project was handled so badly that it is now \$8 million overbudget?

Hon. Mr. Mostyn: The main estimates for this school this year included \$3 million for the French first language secondary school project, and the Department of Education is forecasting that actual expenditures by the end of this fiscal year will be \$2.33 million.

In fact, I am glad they brought up the French first language school this afternoon. I am happy to talk about that because it provides a good contrast to the way that things used to be done. The French first language school is being built by Ketz Construction. It is a local company that will employ local Yukon people. It was awarded through a procurement that took advantage of local knowledge — something that was absent in the past procurements.

One of the reasons we had a Procurement Advisory Panel is because the citizens of the territory were upset with money from the territorial government flowing south. We have taken steps to change that flow of money to the south. One of the ways we did this was through having local knowledge, and that was employed in this procurement — which we worked very closely with the business community on — and actually got a local company to win the contract. In the past, the

F.H. Collins project went south and a lot of money went into southern hands. We worked very hard to prevent that. I can say, Mr. Speaker, that on December 7, 2018, a contract for just over \$29 million was awarded to Ketz Construction.

Mr. Kent: That is interesting that the minister brought up F.H. Collins, because when the initial bids came in on that project, they were \$9 million overbudget. The Premier — the Leader of the Third Party of the day — put out a press release in which he said that he was open to several options to get the project down to a more reasonable number, including delaying the project, redesigning it, and considering a new location — which is what we actually did with that project and we did bring it in underbudget.

But once again, I just want to bring everyone back to the minister's comments from last week. Again, he said that the Liberals are — and I quote: “... not going to award contracts that are grossly overbudget.” Let's look at this year's budget. On March 25, the minister told us that his government budgeted \$1.9 million for the Klondike River bridge on the Dempster Highway. On April 11, the tender for this project closed, and the lowest bid was a million dollars over the minister's budget.

Can the minister tell us — since he claims his government does not award contracts that are grossly overbudget, and since this project is overbudget — will they be cancelling the work on the Klondike River bridge?

Hon. Mr. Mostyn: I thank the member opposite for his question this afternoon. We are not going to be cancelling work on the Klondike River bridge. We are not in the habit of cancelling.

The member opposite did bring up the F.H. Collins debacle, and I do want to address that for a second, because the member opposite is forgetting some history. The fact is that the school was delayed by many years. I believe that close to \$6 million worth of design work was thrown out — just squandered and tossed on the rubbish heap of history. Citizens of the territory remember that and say that it was a colossal waste of the public's money. I would agree with them.

We are not in that habit. We have delivered the French first language school. The contract award was \$29 million, which is within acceptable parameters, as far as I am concerned. That money went to a local company. That money will go to local Yukoners.

We have also, as I said earlier today, got a new definition of a “Yukon business” — one that the opposition apparently thinks is watered down, but was developed in concert with the business community — they endorsed and stand behind it. I am happy with the work that we have done to implement all of the recommendations of the Procurement Advisory Panel to capture the strategic importance of procurement in the territory.

Speaker: Order.

Question re: Death of Yukoner in custody in Alberta

Ms. Hanson: In July 2018, a young man from Yukon died while on remand in Edmonton, Alberta. He died of a

fantanyl and carfentanil overdose. I bring this up because this young man had been placed in a program in Alberta through Health and Social Services, but was in the process of coming back to Yukon under an order of the Yukon Review Board, a board of the Department of Justice.

There are a lot of moving pieces and complications with this particular case. This young man was diagnosed with FASD and was in Alberta to receive training and support not available here. In Alberta, when an individual dies while in custody under the *Fatality Inquiries Act*, an investigation must take place. Justice in Yukon — a public inquest must take place when an individual dies in custody.

Has the Department of Justice or the Department of Health and Social Services requested any information from Alberta since this Yukoner's death nearly a year ago?

Hon. Ms. McPhee: I appreciate the question from the Leader of the Third Party. I don't disagree that this is, of course, something that Yukon officials should be concerned about. The jurisdiction with respect to the death of the young man who is described in the question is and does rest with the Alberta coroner's services and the Alberta officials. We are working in concert with them and we expect that information produced from that investigation and those findings will be given to our department so that it can be adequately reviewed and dealt with.

Ms. Hanson: I appreciate the answer from the minister, because when the death of this young man occurred, the spokesperson for the Department of Health and Social Services said — and I quote: "... the department will be doing a critical incident review as standard procedure because even though an individual may have been out of the Yukon, 'they're still our clients, they're still considered to be in our care.'"

It was noted that because the young man was in remand, the justice system of Alberta trumped any responsibility of this government.

Can the minister tell this House when she followed up with the chief medical examiner with regard to an inquest report, and has an inquest been done on the death of this young man at the Edmonton Remand Centre?

Hon. Ms. McPhee: Again, I appreciate the question. I think it is an important matter that we must follow up on. I don't have any information as of yet from the coroner's report in the Province of Alberta. I will inquire after that and provide the same to the Leader of the Third Party, if it is available to us at this point. If not, I will inquire as to when it will be available and provide those dates to her as well.

Ms. Hanson: We raise these questions because the parents of this young man have been seeking answers into the death of their son. They approached both the departments of Health and Social Services and Justice looking for reports or any information on what happened to their son. Unfortunately, they have been met with silence — no reports, no follow up.

The Department of Justice, through the Yukon Review Board, had issued an order for this return to Yukon, and the Department of Health and Social Services was responsible for his placement, treatment, and training in Alberta. This

government talks about a whole-of-government approach, and it's time to walk the talk.

Mr. Speaker, who is going to take responsibility for following up on the death of this young man from Yukon, and who will share this information with his parents who, nearly one year later, are still seeking answers?

Hon. Ms. McPhee: I think that it's important to note for Yukoners that the Yukon Review Board operates independently of the Yukon government. Of course appointments are made, but the Yukon Review Board's purpose and jurisdiction is as a result of the *Criminal Code of Canada*.

I don't disagree. I'm not aware that these inquiries had come to the Department of Justice. I will ask about them today — if not immediately upon leaving the House — and determine where we are. I agree that if it is the case that inquiries have come and have not been met with either updates or the appropriate information sought, that is unacceptable. I won't comment further other than to say that when Yukoners request this kind of information or help with these kinds of situations — or any situation, frankly — it is our government's approach — we are proud to say that we have answered those inquiries at the best possible time, at the quickest possible opportunity because we work for Yukoners and that's the service that they deserve and the service that they should have. I won't comment on the specific questions other than to say that we will absolutely follow up.

Question re: Procurement policy

Mr. Hassard: Back to the Minister of Highways and Public Works on his announcement that his department will now be reviewing Canada Revenue Agency taxation documents of businesses — the minister talked about support for this from the business community. Would the minister be able to tell us today: Which businesses actually asked him to go through their taxation documents?

Hon. Mr. Mostyn: As I said earlier today, I'm very happy to talk about procurement and the way we're going about doing this differently. It distinguishes the approach that we're taking over past practices in the territory, and I'm very happy with the progress we're making on procurement.

We have a Procurement Business Committee. It is chaired by the deputy minister of Highways and Public Works. It's providing valuable input on evaluation clauses, procurement policy changes, and project selection criteria and ensures improvements to our procurement processes work for business. Our business community is fully involved in that process. They were involved in the development of the new definition of a "Yukon business" — which the Leader of the Official Opposition criticizes as being "watered down." I don't think that's a fair characterization of the new definition. I don't think that the business community feels that way. They are actually the ones who helped to draft the new definition, and they are fully supportive of it.

The member opposite as well has talked about privacy concerns. Well, Mr. Speaker, the Department of Highways and Public Works, under this government, just rewrote the

Access to Information and Protection of Privacy Act to modernize that piece of legislation and to make sure that the protection of personal privacy is taken care of through that new, modern piece of legislation — something that was woefully neglected.

Question re: Internet connectivity

Mr. Istchenko: Regarding the Dempster fibre project, I asked the Minister of Highways and Public Works this question two weeks ago, but he was unable to answer the question. Maybe he has had a chance to read his briefing binder, or he will stand up, shoot from the hip all willy-nilly and think that is really entertaining and maybe even Oscar-worthy, but we on this side just want answers — and so do Yukoners.

When will the regulatory submission for this project be submitted? Will the government be tendering any of the construction work for this project prior to the approval from any of the regulatory bodies?

Hon. Mr. Mostyn: It is a new topic, and I am happy to address the fibre optic loop for the territory. We are delivering on our commitment to build a fibre optic loop. Reliable telecommunications are vital to diversifying our economy and will help Yukoners and northern residents to participate fully in the digital economy, which is why this is such an important project.

Our government is building a strong future for all Yukoners, and this fibre loop project is an essential part of that whole modernization of the territory that we are undertaking. The project will benefit more than 70 communities, including 63 indigenous communities in Yukon, Nunavut, the Northwest Territories, and northern British Columbia. The northern route will create more employment opportunities for Yukon contractors and residents.

Something that is integral to this government's approach is making sure that local companies benefit from the contracts that we are letting. We have formed partnerships with the federal government and with Northwestel to deliver this project, and this is going to be an important modernization initiative for the territories, because it will be a pan-northern project that will bring benefits to Canada's north as a whole.

Question re: School catchment areas

Mr. Kent: I have some questions for the Minister of Education regarding capital projects. During general debate in Education, I asked the minister to confirm that no schools would be closed as part of the Whitehorse area school attendance review, which was, of course, initiated as part of Whistle Bend school planning. In response, the minister said — and I quote: "I suppose that if there are new attendance areas and individuals are moving neighbourhoods and all of a sudden we have a school somewhere that has very few students, that will affect decisions going forward." Unfortunately, Mr. Speaker, this minister tries her hardest at every opportunity to never give us a straight answer, but school communities deserve to know if school closures are on the table as part of this review.

Can the minister confirm that no schools will be closed as part of her attendance review?

Hon. Ms. McPhee: Aside from the personal insults, I will just speak about attendance areas — if that is okay with the member opposite. The *Education Act* requires, of course, that attendance areas are assigned to every school and, as part of the Whistle Bend elementary school project — which is how this conversation started — we will review all existing Whitehorse attendance areas. When we establish the attendance area for a new school, this work will be done with the Whistle Bend community and the nearby school communities.

We have already reached out to the Whistle Bend Community Association. I will use a section of the *Education Act* to form a committee that can be populated by some community members. We will speak to them and have their input on the review of that particular school attendance area — what it should be. Of course it will affect additional schools in that area as well.

Mr. Kent: Previously, we have asked the minister why Holy Family Elementary School and Christ the King Elementary School were in the capital concept and then later removed. In her responses, she had suggested that her department had spoken with the Catholic school councils about the future plans for these two schools. She has also indicated that the Whistle Bend school would be used as a flex space to send students from other schools as they are renovated and replaced. Since it is contemplated as part of the planning of the Whistle Bend school, it sounds like the government has started to consider which other schools will be renovated or replaced.

Previously, we have asked the minister to provide more details about her 10-year capital plan, but she has been evasive. I am hoping that today she will directly answer the question: What schools are being considered for replacement?

Hon. Ms. McPhee: I can indicate that — perhaps the member opposite knows this — we recently started to have meetings with school councils regarding the attendance area review of Whitehorse elementary schools. We are working closely with the elementary school councils as the spring progresses and into the fall of next year. We will continue to do that. Conversations have begun with school councils, and we are having those conversations based firstly on the first five Whitehorse elementary schools that are the oldest and have a seismic risk.

As previously reviewed by the Department of Education and the Department of Health and Social Services, the five oldest schools are Whitehorse Elementary, Wood Street Centre, Selkirk Elementary — all built in the 1950s — and Takhini Elementary and Christ the King Elementary — both built in 1960.

Mr. Kent: I appreciate that response. I think it would be easier for all of us in this Legislature to do our jobs as MLAs more effectively if the minister were to table the 10-year plan that she has promised this House on previous occasions when it comes to education facilities. However, the five-year capital concept lists an item called "Future school

planning and development”, which starts in the fiscal year of 2022-23. Considering that the Whistle Bend school is intended to be used as a flex space for other schools as they are renovated and replaced, it seems odd that future school planning would only occur three years after planning for the Whistle Bend school begins.

Can the minister explain how the Whistle Bend school planning can be properly done if future school planning isn’t set to begin until one year after the next election?

Hon. Ms. McPhee: I am afraid that I don’t understand the question, but I do understand that the member opposite is asking about the five-year capital plan. It may be that there is a misunderstanding with respect to when planning will happen.

Planning for a school and building a school, of course, takes a significant amount of time. The budgetary items in the 2019-20 budget that will begin the work on the Whistle Bend elementary school are not being done in isolation. They will, of course, as we have noted earlier in answer to some questions regarding the education budget, use the scalable plan — the functional plan for education facilities here in the territory. That planning will continue. The Whistle Bend school money is in the budgets going out into the five-year plan. There are also indications in that five-year capital plan for continued planning with respect to what is currently being called “Whitehorse school No. 1”. Ultimately, as well, Whitehorse school No. 2 — we are working closely with school councils to make sure that the planning for those buildings takes into account the five schools that I have mentioned or some of those schools as being the oldest and have the most seismic issues and, as a result, we will work with the community to make those decisions.

Speaker: The time for Question Period has now elapsed.

Notice of opposition private members’ business

Ms. White: Pursuant to Standing Order 14.2(3), I would like to identify the item standing in the name of the Third Party to be called on Wednesday, April 24, 2019. It is Motion No. 481, standing in the name of the Member for Takhini-Kopper King.

Mr. Kent: Pursuant to Standing Order 14.2(3), I would like to identify the items standing in the name of the Official Opposition to be called on Wednesday, April 24, 2019. They are Motion No. 484, standing in the name of the Member for Copperbelt South and Motion for the Production of Papers No. 19, standing in the name of the Member for Watson Lake.

Speaker: We will now proceed to Orders of the Day.

ORDERS OF THE DAY

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

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

The matter before the Committee is Bill No. 31, entitled *Act to Amend the Employment Standards Act*.

Do members wish to take a 10-minute recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 31: Act to Amend the Employment Standards Act

Chair: The matter before the Committee is general debate on Bill No. 31, entitled *Act to Amend the Employment Standards Act*.

Is there any general debate?

Hon. Mr. Streicker: To begin with, I would like to welcome to the Assembly today Ms. Louise Michaud, who is our assistant deputy minister for Corporate Policy and Consumer Affairs. She is joined by Ms. Bhreagh Dabbs, who is one of our very capable drafters from the Legislative Counsel office and who, I think, this past weekend, had a bit of a trek in my riding from Kookatsoon Lake down to the community of Tagish — which I am interested to hear about some other day. Today, what I want to do is to rise to speak again to Bill No. 31, entitled *Act to Amend the Employment Standards Act*.

I will just review very quickly, Mr. Chair, that the main types of leave that are being amended with this proposed act will affect parental leave and three types of special leave. The changes will allow an extension of parental leave to 63 weeks and support access to parental sharing benefits by adjusting the period in which parental leave may be taken. Changes to special leave include: extending compassionate care leave to 28 weeks and allowing intermittent use over a 52-week period; adjusting the leave related to critical illness of a child so that it can be used either consecutively or intermittently over a 52-week period; and adding leave related to critical illness of an adult, which provides 17 weeks of unpaid leave for a person to provide care or support for an adult family member who is critically ill or injured. This leave can also be used intermittently over a 52-week period.

The bill aligns leave allotments and other criteria under the *Employment Standards Act* with the federal employment insurance program so that employees in the private sector can

access the benefits without risk of losing their jobs. Increasing the overall time allotment to parental leave supports families with new additions by allowing employees to access both extended parental benefits and shared parental benefits.

The changes in this bill reflect changes in society, the role of the family, the expansion of the definition of “family”, and work-life balance. These amendments are consistent with similar changes in most other Canadian jurisdictions, and they help to modernize the Yukon labour market.

Overall, I just wanted to give those opening remarks, Mr. Chair, and I look forward to a more fulsome discussion about the bill this afternoon with colleagues.

Ms. Van Bibber: Welcome to the officials. We really don’t have too much to discuss on third reading. I think we had raised a number of questions previously around the *Employment Standards Act* and the amendments being made. We are in support of these changes, as they will provide much-needed additional support to caregivers within families. So it’s pretty straightforward, but we have a couple of questions regarding the consultation.

According to the “what we heard” document, it says that the government heard concerns from one chamber of commerce around some proposed changes. Specifically, they had concerns around increased costs, both direct and indirect, to employers such as top-ups, increased corporate taxes or lower productivity. That was just in summary form from the “what we heard” document, and it was very high-level and vague, so there wasn’t much more detail than what I just stated.

I am wondering if the minister is able to give a bit more detail around those concerns that the government heard from this particular chamber on these changes.

Hon. Mr. Streicker: Mr. Chair, I can give some high-level response today. I don’t have specific details in front of me. What I want to say is that when we engaged with the chambers, we heard a range of viewpoints, but we tried to make sure to capture some of those dissenting viewpoints so that they were there and reflected in the “what we heard” document. I don’t think that they were an indication of an overwhelming response from the chambers themselves.

For example, something that I can also say about the bill and what changes it would bring with respect to employers is that not all of the impacts are negative. For example, when we support employees to have the flexibility to take leave, it also helps to increase job satisfaction and increase retention. For example, when we are a jurisdiction that hasn’t yet introduced these — and I think only the territories, largely, are seeking to bring these in; the other provinces already have these leaves — then when employees are looking around the country for work, this is an indication that this is a progressive work environment, so that is positive.

Finally, Mr. Chair, none of these leaves that we are talking about are leaves with pay. They are all leaves without pay. In other words, there should not be any direct financial burden.

What you are weighing as an employer, in the types of conversations I have had, is the cost of bringing into place a

temporary worker versus the cost of having to find a brand new worker altogether and retraining someone. So those are the trade-offs at work.

I don’t have any more specific details about those comments that came from the chamber. Usually what happens — by the time the “what we heard” document comes to me, they are very broad statements. They are not attributed to any one group. I can always turn back to the department and ask those folks who were involved in the engagement to try to see if there was something specific, but I haven’t heard anything further in particular around this topic.

Ms. Van Bibber: That pretty well sums up what we had — the concerns that are going to be addressed at a high level with the chamber — there is really not much more that we can add from this side. Thank you for bringing this forward.

Hon. Mr. Streicker: Just a small response — just one other thing that I forgot to say for the member opposite — these leaves that we are seeing right now are not frequently used leaves. They are very special circumstance leaves which deal with critical stresses that families and people aren’t typically under — at least in how we see them utilized across the rest of the country, it is the exception, not the rule — typically.

We hope of course that our families don’t ever have to face these situations, but I think that this is a comfort for them. I think for our employers — they also are compassionate toward their employees and would recognize that when these critical situations arise, that there is the ability for their employees to take leave in order to provide the support and comfort that they need for their families because I think, at that time, it is hard for them even to be at work when their minds are so preoccupied with the things that are overtaking them at that point.

Ms. White: I of course welcome the officials for what is probably going to be the quickest Committee of the Whole debate ever on a piece of legislation or changes to legislation.

I have no comments other than what I made initially, which is: I appreciate the definition of “family” and how that includes not just the family we’re born to, but the family we choose. More than that, I believe that compassion is always the way we should respond to a situation. If someone requires these changes, the leave changes — that extends it by a great deal. The response is compassion. This is not a situation that we wish people to be in.

I thank the Yukon government for making the changes to align with the federal government. I thank the drafter and of course the assistant deputy minister, who is here with us today. With that, Mr. Chair, I have no questions today.

Chair: Is there any further general debate?

Seeing none, we will proceed to line-by-line debate.

Ms. White: Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 31, entitled *Act to Amend the Employment Standards Act*, read and agreed to.

Unanimous consent re deeming all clauses and title of Bill No. 31 read and agreed to

Chair: Ms. White has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 31, entitled *Act to Amend the Employment Standards Act*, read and agreed to.

Are you agreed?

All Hon. Members: Agreed.

Unanimous consent has been granted.

*Clauses 1 to 15 deemed read and agreed to
On Title*

Title agreed to

Hon. Mr. Streicker: Mr. Chair, I move that you report Bill No. 31, entitled *Act to Amend the Employment Standards Act*, without amendment.

Chair: It has been moved by Mr. Streicker that the Chair report Bill No. 31, entitled *Act to Amend the Employment Standards Act*, without amendment.

Motion agreed to

Chair: The matter now before the Committee is general debate on Vote 8, Department of Justice, in Bill No. 210, entitled *First Appropriation Act 2019-20*.

Do members wish to take a 10-minute recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 210: First Appropriation Act 2019-20 — continued

Chair: The matter before the Committee is Vote 8, Department of Justice, in Bill No. 210, entitled *First Appropriation Act 2019-20*.

Is there any general debate?

Department of Justice

Hon. Ms. McPhee: I am going to ask my colleagues to welcome to the House today Mr. John Phelps who is the deputy minister of Justice and Luda Ayzenberg who is the director of finance for the Department of Justice. I will rely on them for some assistance today with questions. Thank you both for coming.

I have a few opening remarks, Mr. Chair. I rise today to speak to the Department of Justice main operation and maintenance and capital budget for 2019-20. The Department of Justice remains focused on the modernization of Yukon's statutes and programs in order to serve Yukoners better.

I will summarize just a few of the items here that pave the way for significant improvements to program infrastructure, data collection systems and promotion of access to justice for all. This budget ensures that a number of exciting pilot

projects will remain well-resourced as more permanent funding options are explored. It ensures that the courts can support access to justice for victims, the accused and their communities, and it ensures that our policing partners, with whom we share the responsibility for Yukon's public safety, are fully staffed and trained in providing culturally sensitive and relevant policing services. We look forward to these budget items advancing Yukon's justice and court system through better program evaluation capacity, allowing departmental officials to make better informed and evidence-based policy decisions.

Over the last year, it has been my pleasure to oversee the Department of Justice's progress toward the goals that are set out in our mandate. To do this, we are continuing our collaboration between our government, Yukon First Nations, the RCMP, independent agencies and communities on a variety of initiatives that are making our communities safer and healthier places and our justice system more accessible and hopefully easier to navigate.

The estimates outlined in the 2019-20 budget consist of capital investments of \$5.15 million and operation and maintenance expenditures of \$73.23 million. Our government is being prudent in its expenditures to ensure that we remain within our means as a government while improving services to Yukoners.

Just some of the highlights of the budget include funding from the federal government for the guns and gangs initiative in order for Yukon to deal with organized crime. I am sad to say that our isolated communities do not leave us immune to the scourge of gang violence and the drug activity that fuels it. We are actively working with Canada to increase capacity and training for front-line enforcement officers and in researching the best practices to prevent gang violence. This year, we will be expending \$198,000 of that new money, 100-percent recoverable from Canada from the guns and gang violence action fund.

This year, the Department of Justice is winding down expenditures for Canada's legislation and implementation. Our portion of that work is coming to a close — at least, the initial legislation and implementation of that legislation.

I am very pleased to say that we are making tremendous progress toward transition from a public retail model to private sales. We heard a bit about that last week here in the House. The federal government is expected to finalize its regulation package dealing with edible cannabis products that it released in draft in December of last year. By October 2019, the full legalization of cannabis products is planned to be complete, and work continues regarding edible products.

The legalization of cannabis is supported by more than 80 percent of Canadians, Mr. Chair, and Yukon's largest public engagement poll in its history was to do with cannabis. Support for legalization by Yukoners was 81 percent.

We must always be vigilant with respect to impaired driving. We are acting responsibly as the cannabis portion of our legislation is rolled out.

Yukon is working with law enforcement in managing impaired driving — drug and alcohol impaired. The RCMP M

Division has trained 15 officers in the standard field sobriety test and two officers as drug recognition experts. The Department of Justice is working with its partners in Health and Social Services, Highways and Public Works, and the Yukon Liquor Corporation on educating Yukoners on the dangers of driving impaired as well as informing Yukoners of the offenses under the cannabis control and regulation act. This means a reduction of \$166,000, as the funding for the initial policy work for the cannabis control and regulation act are no longer required by the Department of Justice.

Mr. Chair, the land titles modernization project continues to move forward toward full implementation, and there is \$720,000 in capital dollars set aside in this budget for the new system known as the “Yukon electronic title information system”, or YETI. This year, the YETI system will get turned on, as it were, for the first time, marking another significant milestone in the ongoing land titles modernization project. The department’s capital budget also addresses an update of the public guardian and trustee interface. That office’s current system is rigid, dated and no longer capable of supporting its users’ needs, so \$200,000 has been allocated for the redevelopment of a modern system that will effectively support the staff and the client base of the Office of the Public Guardian and Trustee and serve Yukoners better.

With respect to the always-important topic of access to justice, this budget has a number of items that support fair and equitable access to justice for Yukoners navigating the justice and court systems. In the modern context, we know that access to justice means different things to different people, taking into account the needs of each individual and the reality that no two cases or experiences are alike. We have a number of initiatives that will support access to justice for Yukoners and promote safe and healthy community outcomes. As a result of a new access to justice agreement with Canada, Legal Aid will receive an \$86,000 increase in funding, 50 percent of which is recoverable from Canada, to ensure that those navigating the courts receive the best legal representation possible.

Yukon’s Community Wellness Court continues to be a therapeutic option for Yukon offenders in the criminal justice system who are dealing with addiction, mental health issues or FASD. Offenders who enter the Community Wellness Court can access community supports and referrals to relevant agencies to help combat the root causes of their criminality and facilitate their wellness and rehabilitation.

The court is also supported by the operation of the Justice Wellness Centre, which acts as a primary checkpoint for wellness court participants to receive support in case management services. As such, I am very pleased to note that this budget includes \$100,000 in funding for an additional full-time case manager/probation officer position to be housed at the Justice Wellness Centre. That funding, which is made possible through Canada’s drug treatment court funding project, is also 100-percent recoverable from Canada.

Another exciting initiative that will support access to justice in the territory is the independent legal advice pilot project, which will receive an increase of \$240,000 in time-

limited funding. The funding is 100-percent recoverable from Canada and provides independent legal advice for victims of intimate partner violence and sexualized violence. Victims will be able to access specially trained lawyers to discuss their case at any point in the process, including the pre-charge phase and during trials so that victims can make well-informed choices.

This project will also support training for service providers focused on the unique dynamics inherent to sexual violence and intimate partner violence and will assist justice professionals in understanding the complex legal framework surrounding sexual assault and developing case law in relation to consent.

Yukon’s family mediation pilot project is moving into its third year and will receive an increase of \$34,000 as per a recently updated family justice funding agreement with Canada. The Yukon family mediation service project is a people-centred alternative to settling family disputes. Parents are held to make decisions about parenting arrangements, child and spousal support, and property division together through mediation.

Yukon’s Court Services branch continues to make investments in videoconferencing equipment to support their operations here in Whitehorse and in the communities. Increasingly, the courts use conference technology to allow a client, judge, lawyer or observer to appear in court from another location. This \$75,000 investment supports court appearances from a distance by witnesses and victims of crime, and it enhances the quality and reliability of the court record. Investment in videoconferencing has significantly reduced travel costs for court participants, increased court efficiency, and improved public safety by reducing the frequency of prisoner transports.

With respect to public safety, this budget supports public safety by ensuring that Yukon RCMP remain well-resourced in their efforts to keep our communities safe from harm. Through the *Territorial Police Service Agreement* with Canada, Yukon and Canada cost-share the operation of the territorial policing service at 70 percent Yukon and 30 percent Canada. This agreement and the annual accommodations program charge provide for the ongoing maintenance, renovation and replacement of RCMP-owned policing infrastructure in the territory. As is currently the case each year, a fixed budget of \$2.273 million is allotted for the creation and renovation of RCMP detachments in the territory. The annual cost is based on the total estimated capital and maintenance costs for RCMP detachments and buildings averaged out over five years. The RCMP lead all capital projects related to their buildings.

In terms of operation and maintenance funding, the department has earmarked an increase of \$31,000 for RCMP resources. This is an ongoing increase to the territorial policing services budget for RCMP resources and the continuation of the phased implementation of our four-year resource plan, which began in the 2016-17 fiscal year.

The Department of Justice and the RCMP continue to work closely to monitor changing policing needs through a

multi-year planning process. In 2017, the federal government announced the renewal and increase of funding to the First Nation policing program. An increase of \$220,000 represents the change in Yukon's contribution to the First Nation policing program through a more favourable cost-share of 48 percent for the Yukon and 52 percent for Canada.

It also includes \$5,000 in support of the operation of community consultation groups in each of the 12 Yukon First Nations covered under the program. Currently, the First Nation policing program provides funding for 17 dedicated culturally responsible RCMP police members serving First Nation communities across the territory. We have an agreement with the Government of British Columbia that sees Yukon Victim Services provide timely support to victims of crime in remote BC communities such as Atlin, Good Hope Lake, and Lower Post. The \$9,000 increase is a result of a new funding formula and ongoing negotiations between Yukon and British Columbia. This funding is 100-percent recoverable from the Government of British Columbia.

Mr. Chair, with this increase, this agreement provides Yukon with \$39,355 per year and access 24 hours a day to VictimLINK, a crisis and referral line, in exchange for service delivery to these northern British Columbia communities — I would say a unique and modern opportunity for collaboration.

Mr. Chair, I thank you for the opportunity to outline these budgetary initiatives and I look forward to the positive outcomes that these items will provide over the coming fiscal year. I look forward to questions on the Justice budget.

Mr. Cathers: I would like to welcome the officials here today as well.

Beginning my remarks here during general debate, I would just like to start out with an area of concern — that is with regard to the RCMP auxiliary constable program. The minister will recall that we have debated this a number of times in this Assembly.

Just to recap for those listening or reading Hansard, in 2016, largely out of concern for the potential of Canadians in uniform potentially to be targeted by terrorists or other extremists, the RCMP, at a national level, made changes that effectively suspended the operation of the RCMP auxiliary constable program. This had a real impact on several provinces and territories, and in 2016, several provinces and territories — including the former Yukon government, with letters written by myself as then-Minister of Justice — lobbied the federal Minister of Public Safety and the commissioner of the RCMP to reinstate the program. As well, the then-Yukon Senator Hon. Dan Lang worked in support of seeing this program reactivated across the country. There are other — some of the provinces are affected to a greater extent than Yukon.

My concern in this area is that this program is a very valuable program which has been effectively suspended here for years now in the territory. It's a program that helps a lot with community safety, including playing a very valuable role in areas such as the checkstop program. These volunteers — RCMP auxiliary constables — do offer to serve the Yukon

and, through their work in areas such as the checkstop program, literally save lives.

I have raised this with the minister a number of times, including going back to the Spring Sitting of last year when the minister and I debated this on March 15, 2018. At the time, the minister indicated that — and I quote: "... absolutely supports the reintegration of the auxiliary policing program. In fact, Yukon benefits from the auxiliary constables..."

The minister went on at that point indicating that she was committed to moving forward with activating this program here. There are, as members may know, the changes made by the RCMP that resulted in there being three tiers made available of the program, with it being left to each jurisdiction to decide whether they wanted to implement some of those options or all of those options. Of course we, as the Official Opposition, have been encouraging the government to implement all three tiers of the program.

But we are now at the situation where, despite the reactivation that occurred, we are now in year 3 of the Liberal government's term and we really have heard nothing but radio silence on this important area. Every time I have raised it with the minister, I have received a response indicating that it is important to her, but we are waiting to see action.

Could the minister indicate what is happening with this program?

Hon. Ms. McPhee: I am happy to be asked about this because it is something that our government supports with respect to the auxiliary constables program, but I think the piece that is missing perhaps in the understanding is that the RCMP must reinstate the program. It is not something that the Government of Yukon can do. We certainly have explained our support for that, but in 2017, Mr. Chair, the RCMP announced that they were moving forward with the new three-tiered policing program, as mentioned in the question, allowing for different duties to be performed by different individuals based on their training and their competency. The information that we have is that the progress of implementing the revised program has been delayed while further consideration is given by the RCMP to addressing training capacity and contemplation of new insurance standards, which is an issue that must be addressed by the RCMP.

I must also emphasize that across Canada, the information that I have to date is that there are no auxiliary policing programs currently in operation as a result of the RCMP looking at this across Canada for implementation and having not resolved those issues which are clearly in their purview — that of training and the insurance standards.

The Department of Justice will continue to work in partnership with the RCMP as well as First Nation governments, First Nations, and the Yukon Police Council as well as communities to evaluate the feasibility and the operational requirements for implementing the volunteer auxiliary program, along with other alternative service delivery options that complement community policing — an example might be the Kwanlin Dün community safety officers.

The auxiliary policing program continues to be the responsibility of the RCMP. We are discussing it across jurisdictions at the provincial and territorial levels — and at the Contract Management Committee level, which is for providing services here in the territory by the RCMP. Discussions, as I have noted, have been focused on enhancing national insurance standards established by the RCMP and how provinces and territories are to meet that standard.

While I certainly don't disagree with the member opposite that the value of the auxiliary policing program here in the territory was known to us and that it was previously cancelled by the RCMP and then reinstated in 2017, it is again the RCMP in the driver's seat with respect to reinstating this program. I will continue to advocate and explain the impact of that in our discussions with our partners in justice, but it is not something that we can reinstate ourselves at this time.

Mr. Cathers: I appreciate that the RCMP does have a role, but it seems to me from what the minister was just saying on the record that the minister was not aware of a piece of legislation that she is actually responsible for, which is that the Yukon has the *Auxiliary Police Act*. Under that act, the powers of appointment of someone as a member of the auxiliary police officers are vested in the Minister of Justice for the Yukon. The duties, as set out in section 5 of the Yukon legislation, and the act further provides, under section 10, that — and again this relates specifically to the minister's indication that it was all about the RCMP needing to deal with insurance concerns at the national level. In fact, one of the key factors that have to be noted with the RCMP auxiliary program is that there is responsibility placed on the individual jurisdiction. Under section 10 of the act — and I will quote from section 10 of the *Auxiliary Police Act*: “The Minister, on behalf of the government, is jointly and severally liable for torts committed by officers in the performance of their duties.”

Mr. Chair, that section goes on to outline the responsibilities of both the Minister of Justice and the Minister of Finance if something goes wrong. So the minister's comments suggesting that it was all about waiting for the RCMP to deal with their insurance issues seems to ignore the fact that if there was an incident, the Yukon government bears responsibility just as it itself insures for a variety of matters within the purview of the Yukon government, including everything from road safety to building maintenance — the list goes on — across government. It does seem that this has been relegated to a briefing note in the minister's binder rather than a top-of-mind issue or something that the government is really pushing for.

I would challenge the minister to provide any letter she has written to the federal minister raising the issue and any letter she has written to the commissioner of the RCMP. I have previously tabled such correspondence from me as then-Minister of Justice to both the minister of public safety and the commissioner of the RCMP.

What we're hearing is bland assurances without any evidence that the minister is actually pushing for this issue. I do have to emphasize the importance of this program. This is

something that the minister should be making a high priority and raising this with the federal government rather than simply waiting for someone else to make a decision and do something. If there is action required by the RCMP — again, I have to question the minister's assertions about what action was required by the RCMP. I would ask the minister: What, if anything, has she done to work with provincial counterparts to push this issue toward a resolution if indeed there are matters that need to be addressed at a national level?

Hon. Ms. McPhee: I am fully aware of the legislation that the member opposite has brought to our attention. It doesn't change my answer in any way. What I have noted earlier in my response to this question is in fact that the auxiliary policing program continues to be discussed across jurisdictions — the federal, provincial, and territorial — and in our discussions territorially at the contract management committee level with senior management of the RCMP. The information we received is as I have said in my previous answer — the RCMP are looking at training opportunities. They're looking at the training capacity for their three tiers of auxiliary police officers and they are contemplating the new insurance standards and how the provinces and territories will meet those insurance standards.

Mr. Cathers: Again, it's unfortunate that this issue is not more important to the minister. The Yukon legislation as well as the fact that coverage, I believe, is provided under workers' compensation to RCMP auxiliary members — if there were to be an incident while they were performing their duties — my point is that the insurance coverage that has been provided by the Yukon government for RCMP auxiliary constables for decades should be sufficient to meet whatever the RCMP requires.

I guess I'm not going to get very far with the minister today. I have asked about this repeatedly. The answers really have not changed much since the Spring Sitting of last year when we debated this on March 15. Again, the minister has given no indication and provided no evidence that she has actually written to the federal minister — Minister Goodale — about this issue or written to the commissioner of the RCMP — both, as I mentioned, were things which I did when we were trying to get the program reinstated. We have seen no evidence that the minister has raised this issue at FPT meetings with provinces and territories. If she can provide evidence of that, I would invite her and welcome her to do so, because it does seem — the impression that Yukoners interested in this are getting and that I am getting is that this is an issue that the minister requested a briefing note on, but she is really waiting for somebody else to do something and does not see this as a high priority.

I'm going to move on to another area related to the RCMP — that is with regard to the mention that was made in the budget highlights — again, from last year — supporting community safety.

On page 4 of the budget highlights, there was \$442,000 announced for a new RCMP unit to investigate unsolved homicides and \$320,000 for a coordinated response team to give victims of sexualized assault the services they need when

they need them. I would ask the minister if she could provide an update on those areas. What has transpired with that funding?

Specific to the RCMP — were they able to fill the positions that the funding was allocated for? What results have we seen from both the funding for the new RCMP unit for unsolved homicides and the sexualized assault response team, including a specific concern that I had heard from Yukoners about whether the funding for the new RCMP unit for unsolved homicides might end up being reallocated to other cost pressures within the RCMP? Can the minister advise me as to what has happened in those areas and what the results have been from that funding that was included in last year's budget?

Hon. Ms. McPhee: I understand the question with respect to the Historical Case Unit and with respect to the sexualized assault response team. I think that there was a third question near the end that I didn't hear. I will respond now, and when the member opposite is on his feet again, he can perhaps repeat that — or he may have the answer. Since I didn't hear it, it might be included here.

With respect to the Historical Case Unit — which has been referred to by the member opposite as “unsolved homicides” — I can indicate that unsolved homicides and major crimes such as those involving violence against women remain a policing priority not only for our government, but for the RCMP and for the Police Council — always — and they are of deep concern here in the territory. Yukon provided funding for three years, starting in 2018-19, for the creation of a Historical Case Unit, which ensures that the RCMP have a greater capacity to effectively investigate historical homicides and missing person investigations. The members of the Historical Case Unit have extensive experience and expertise in carrying out in-depth and sensitive investigations related to serious crime. The Department of Justice officials meet regularly with the RCMP to ensure that our policing resources and funding are in place to solve these crimes. The information that I have is that those positions have all been staffed now, that we were fully staffed by February 2019, and that the work has begun with respect to those important resolutions to those important cases.

With respect to the sexualized assault response team — it is a multi-disciplined and multi-departmental project between the Women's Directorate, the Department of Justice, and the Department of Health and Social Services. The key components of the SART implementation are well underway, including the training of physicians and nurse practitioners in sexual assault examinations. This is just one element of the opportunity here to have a fully responsive sexualized assault response team.

As a result of our government's SART initiative, victims of sexual assault in Whitehorse and in rural communities have priority access to mental wellness care through our new Mental Wellness and Substance Use hubs. During the implementation phase of the SART team, we continue to offer core support for victims through Victim Services, through project links, through the hospitals, through health centres,

through Mental Wellness and Substance Use Services, through the RCMP, through the Crown prosecutor's office, through witness coordinators, and through other services that support victims within and across the territory.

We remain committed to the development and implementation of SART and the approach to support improved access and care for victims of sexual violence. No matter where or how they enter the system, the response must be compassionate; it must be understanding; it must be swift, and it must provide the information to those victims where and how they need to receive it.

Mr. Cathers: I appreciate the personal answer from the minister.

Another area related to the RCMP — we were advised by the RCMP that there had been a reduction to the 100-percent federally funded policing program — or pardon me, the portion of the RCMP federal policing positions that are 100-percent federally funded — that they had seen a cut. Again, according to what I understand from the information the RCMP provided in response to a request for information that I made — that there had been a \$254,000 cut, which effectively meant that they lost two investigator positions. I should note that my understanding is that they didn't lay anyone off. They simply had two positions that they had planned on staffing which they were then not able to proceed with and instead collapsed those positions.

Could the minister clarify her understanding about what cuts have already occurred to the federal policing portion of the RCMP budget? She also made mention when I asked about this earlier to the possible impact on future years. I think she indicated at the time a potential impact of four positions that were being looked at. Can she clarify: What cuts have occurred in federal funding to the RCMP in this area? What cuts are being contemplated? What steps has the Yukon government taken, if any, to express concern to the federal government and impress upon them the importance of these positions?

I would note, particularly in light of the opioid crisis that we are seeing in the Yukon as well as across the country, that since dealing with drugs and organized crime is part of what this area of the policing program is dedicated for, it is particularly concerning, at a time when we should be seeing an increase in federal resources, to see what appears to have been cuts made to this program. Based on the indication that the minister gave earlier, it sounds like future cuts may be contemplated.

Hon. Ms. McPhee: I have answered this previously, but I am happy to provide more information regarding the federal policing funding here in the territory.

Reduction of the investigation- and enforcement-oriented federal RCMP resources took place in 2018-19 and this was a result of reductions in federal government funding to the RCMP. The Yukon Territory is seeking assurances from Canada to confirm their commitment to a strong federal policing presence in the Yukon by maintaining the funding and the resources in the federal policing budget that ensure effective investigation of organized crime, drug trafficking,

and border integrity. The conversations that we have been having with the RCMP have been to emphasize the Yukon's unique perspective and unique place with respect to those important public safety issues.

The Yukon has requested that the federal government review this issue and support northern federal policing enforcement and sovereignty. We are committed to working closely with the RCMP and Canada to ensure that the investment in Yukon policing supports effective and efficient enforcement and increased public safety.

The Yukon Territory is working with Nunavut and with the Northwest Territories in its conversations with the RCMP and the federal RCMP to request that the federal government re-examine the changes to federal policing and in particular with respect to the effect it will have here in the territory. We have explained the unique Yukon circumstances and the unique circumstances of the north. I have written over the last year on no less than four occasions, and we have sent a pan-territorial letter to Minister Goodale, to Minister Blair, and to the then-Minister of Justice. Those letters I am referring to went to Minister Goodale, but I have also had individual meetings with Minister Goodale, Minister Blair and then-Minister Wilson-Raybould about this particular issue. We have met with senior officials with the RCMP and the federal RCMP to discuss this issue, to discuss the effect it will have here in the territory. Those conversations continue and I expect to continue them in the very near future with the senior officials at the RCMP.

Mr. Cathers: I appreciate the answer that the minister provided. She did provide some additional information, but we still didn't actually get the numbers that are being dealt with here. We understand, based on what the RCMP advised us in response to the request we made for information, that it is a cut of \$254,000 that had affected them already in the 2018-19 fiscal year.

The minister again made mention of planned cuts — if she could provide the dollar figures for those as well as the estimated impact on the RCMP in terms of the number of positions that would be affected at M Division if the federal government proceeds as planned, I would appreciate that information.

Hon. Ms. McPhee: The numbers presented by the Member for Lake Laberge are correct with respect to the initial reduction. I know that he has received those directly from the RCMP, so far be it from me to correct those. I can also indicate that we are seeking that no further direct reductions be made on behalf of, or affecting, the Yukon Territory, and that those conversations are ongoing.

Mr. Cathers: That again was a partial answer. It sounds like the government has had some indication via expected future federal cuts. I appreciate that the minister is indicating that the government has taken the position that there shouldn't be future cuts.

I would hope — and I think she said that this is what has been done, but perhaps she could clarify — that they have argued for the reinstatement of the money which has already been reduced by the federal government.

The additional point that I am asking about is: They have had an indication of federal cuts that the federal government is currently planning on making, so what is the impact of those cuts? Clearly, if there has been an indication from the federal government of anticipated cuts in a future fiscal year, there must be a number associated with it. What we are looking for is simply public transparency on what the anticipated federal cut to this area is in future years, based on current indications from the federal government.

Hon. Ms. McPhee: I can advise — and I hope that this will help the member opposite — that the federal policing business line of the RCMP is undergoing — I think he might be aware of this as well — a three-year transition. I think that previously when I was asked about this, I indicated that the RCMP is looking at a three-year transition, which would see all the federal policing units in the country be either reduced or realigned. I think there is concern — I don't want to speak for the federal RCMP, but my understanding is that there is concern about the kind of work those individuals are doing and the focus that they have with respect to the funding that is directly related to federal policing business, and that is the conversation that is happening across the country.

I can also advise that the conversations with respect to Yukon's point of view were that this should no longer be reduced or should not be reduced any further, and of course that we would be looking for a full complement of officers and their work responsibilities. The conversation is revolving around restructuring and providing resources to the northern territories in their unique circumstances so that even if this work continues federally on behalf of the RCMP in other provinces — that the three territories should be exempted from such further reductions.

I can also advise that the current Yukon federal investigation unit complement is — or was, prior to the decision made that the member opposite has noted — 12 full-time officers or full-time equivalents doing that work. As the member opposite knows, the reduction was of two officers, so they have 10 full-time equivalents working in the Yukon federal investigation unit today.

Mr. Cathers: We still didn't get an answer on the projected impact on future years. Again, I would encourage the minister, if she has that information — has any information on that area — that is something that I think is perfectly reasonable, not only for me to ask as the Official Opposition Justice critic, but for the public to know about what impacts the federal government — what reductions the federal government is looking at in this area.

The public information about this as well, considering the fact that it is a federal election year — that while we in this House are focused on our job as representatives of Yukoners at a territorial level — for Yukoners who may be concerned about federal government decisions, I would argue that they have a right to information about what the current federal government is currently planning when it comes to future cuts to the RCMP which they have indicated they plan on making so that they have an opportunity to raise that with all of the candidates running in the federal election if indeed they share

the concern that we have about the federal government's vision in this area.

I would just go on to note that, in this area, we're seeing across the country an opioid crisis that has had impacts, according to Statistics Canada information in a period of roughly 2.5 years — the information released by Statistics Canada is that over 10,000 Canadians have died in connection to opioid overdose or to contamination of that. This is really a tragedy and it's a grave public health concern, but it is also a matter related to police enforcement. At the time when we're seeing this tragedy across the country and Yukoners and Canadians in other provinces and territories are seeing the impacts to their communities and, in some cases, their own families as a result of the opioid crisis and the inability of the enforcement agencies so far to prevent it — the fact that the federal government at that time would choose to cut funding in the very area of the RCMP that deals with enforcement is absolutely baffling.

In fairness to the minister — and I apologize for the impassioned tone in my voice. I'm not directing this to the Yukon's Minister of Justice; I know that this is not a decision made by the territorial government. But the fact that the federal government would even dream of cutting funding to the RCMP in this area is absolutely baffling. I cannot, for the life of me, understand why they would choose to make this decision.

In this area — and again, recognizing that the decision to cut the federal policing area of the RCMP is not the responsibility of the Yukon government — what I would urge the Yukon's Minister of Justice and the government to take responsibility for is championing this issue at the national level, working with provinces and the other territories to push the federal government for increased funding in this area, including to combat the opioid crisis and illegal drug trafficking and to crack down on this problem rather than simply letting it occur. Of course, no province or territory controls what the federal government does, but each government at a provincial and territorial level does have the option to choose to champion an issue and to try to get the support of other provinces and territories in making this a high priority and presenting, hopefully, a united front to the federal government in pushing them to reconsider their decision and cancel their plans to cut this funding and instead increase the resources to the federal policing budget of the RCMP.

I would encourage the minister to do exactly that — to contact every one of her colleagues and counterparts across the country and to do her part in trying to get a united national front of provincial and territorial ministers pushing the federal government to cancel their plans to cut the RCMP in this area, to restore the funding that has been cut already, and in fact to increase the funding that is available for the RCMP to combat illegal opioid use and the drug trade in general, as well as organized crime.

Mr. Chair, I am going to move on to another area of importance, and that is the Community Wellness Court in the Department of Justice. The minister made some mention to the implementation of a wellness case manager. Could the

minister just elaborate on what is occurring in the area of the Community Wellness Court? I notice that this area and the programming has been very successful within the Department of Justice. Could the minister provide us with an update on what is currently being done? If they are seeing a situation of allowing them to take on additional case work as a result of this new position, what is that envisioned to look like?

Hon. Ms. McPhee: The drug treatment court funding, as I mentioned in my opening remarks in the budget that is before the House, will be an increase — that funding will come from that federal program to increase \$100,000 into the budget for the Community Wellness Court and the community wellness centre. I also noted that increase is being paid for 100 percent by Canada. The funding will provide for a second full-time equivalent of a probation officer and case manager for the Justice Wellness Centre.

The member opposite is quite correct. The experience at the Community Wellness Court, as well as the community wellness centre, has been quite remarkable and successful. I can indicate that, previously, when the court began a number of years ago — almost many years ago now, but a number of years ago — there was a coordinator for the court and then probation officers were assigned from the probation office, and they worked with clients who were going through the Community Wellness Court and the community wellness centre and the services there, but we have now progressed to there being two full-time individuals who work and are assigned directly to that centre and to the clients of the court. The capacity has grown with respect to the court and the individuals who it serves, and the opportunity has been there most recently to increase to two full-time individuals who will supervise and assist those clients going through that process. I understand that one of those has been staffed for quite some time, but the new person — the competition closed not that long ago and the hiring of that individual is underway.

I can indicate that the annual budget for operating the courts and the wellness centre — that budget line item supports a number of the specialized courts — the Community Wellness Court and the Domestic Violence Treatment Option Court and their clients. Statistics collected over the last seven months show an average of 13 Community Wellness Court clients monthly, and approximately 23 clients have been involved with the Community Wellness Court at varying stages of engagement over the same period. I think that the member opposite and perhaps many Yukoners will know that individuals are attached to this process for quite a long time — almost a year and sometimes more than a year — so that the underlying issues that they present with can be addressed through that process.

A recent development of the therapeutic jurisprudence model of both of those two courts supported the expansion of programming and services offered at the wellness centre. Both DVTO, or domestic violence treatment option, and Community Wellness Court clients report to the wellness centre for primary case management programming when available or referral to programming and ongoing supports,

including wraparound services, which is of course the delivery model for those folks to be involved with the court.

I hope that answers the member opposite's question. If not, I am happy to provide more information, if I have it.

Mr. Cathers: I appreciate the answer. Earlier, the minister and I — I believe it was during debate on the 2018-19 supplementary estimates — had some discussion regarding the gun and gang violence action funding from the federal government. At the time, the minister had indicated that the federal restrictions on the use of the money prevented them from using any of that money to support the RCMP directly and it would be going to other uses.

Can the minister advise me of two things — one, whether the federal government consulted the provinces and territories on the terms of this funding, including whether provinces and territories could use that money to support police resources? Secondly in that area, could the minister outline — within the money that is allocated in her budget from that fund for this current fiscal year — what activities the government is currently planning on funding — whether it's within the SCAN office or other areas — what they are planning on putting that money to use for this fiscal year?

Hon. Ms. McPhee: I appreciate the opportunity to confer with the officials. I can indicate that we were not consulted. The Government of Yukon was not consulted by the federal government prior to the announcement of that funding and the situation involving how it can be used.

That said, I can indicate that immediately upon understanding what was being presented by the federal government — and I want to confirm or remind Yukoners that it is about \$2.2 million over five years for the territory. The item that I mentioned earlier, which I will come back to — which is the expenditure for this year — increases over the next five years. Immediately upon understanding the limitations of that programming and that funding, we contacted the federal department regarding public safety and indicated that it would have an impact on the north that might not have been anticipated, because the funding can be used for police forces. It's just restricted from being used for federal police forces, because their focus was to get these funds across the country to a localized level — perhaps municipalities and others. Of course, the effect in the north, where we have the federal organization of the RCMP providing policing for us through our arrangements and agreements with the federal government and with the RCMP — that effect was perhaps misunderstood.

That being said, I can indicate that conversations again are ongoing. I understand it is an agenda item on the future federal-provincial-territorial meeting scheduled for May by the deputy ministers. So we continue to advocate on behalf of the north with respect to the use of that funding going forward and seek flexibility, as we do with all things with the federal government involving the north — because it is a unique, small population, but we wrestle with the same — not all of the same, but many of the same — problems that provinces and territories do.

That said, I can indicate that work is ongoing. As I noted, there is \$198,000 in this 2019-20 budget, which is the first instalment — if I can call it that — focused on the Yukon. The Yukon is actively working with Canada to have those discussions moved forward. The \$198,000 is for the first year of the time-limited funding for the initiative under the federally funded countering gun and gang violence action fund. It is again 100-percent recoverable from Canada. The Department of Justice will add an investigative and intelligence capacity in this year — or begin to — we expect to do so over a number of years, but certainly in this year — to the safer communities and neighbourhoods unit — or what is known as the SCAN unit in the presentation by the member opposite — and some in Corrections, along with a new divisional policy analyst, which will help us determine how to best use these funds over the next what will be four years after the \$198,000.

The focus at this time is to determine how to best proceed, making sure that the funds are appropriately expended over this first year, with a focus on the SCAN unit as noted, as well as some elements in Corrections.

Mr. Cathers: I appreciate the information. I would just like to ask a couple of questions related to Bill C-46, which as the minister will know is federal legislation that made changes around impaired driving.

First of all, the minister had made mention of funding being provided last year — she indicated that the amount was \$525,000, 100-percent recoverable from the Government of Canada — for the implementation of Bill C-46. I would just ask for an update on what the money has been used for and what is being done in this fiscal year in that area. Is there federal money that is still being spent in this, or is it money lapsed?

Secondly, in the area of Bill C-46, there were some significant changes made and, as the minister will know well, there has been concern across the country by civil liberty advocates and some within the legal community about the constitutionality of some of the provisions in Bill C-46 — that includes the ability to do random breath sampling and random saliva testing, as well as the ability to demand a breath sample within two hours of somebody being on the road — which confers a power on police that has not previously existed to potentially show up at someone's house within two hours of them driving and ask them to demonstrate that they are not impaired.

Could the minister please elaborate: Did the federal government consult with the Yukon government on those provisions of Bill C-46 before putting them into legislation? If so, what feedback did she or the government as a whole provide regarding those proposed provisions before they were put in legislation? Thirdly, since Bill C-46 has been passed by the federal government, what concerns, if any, has the minister relayed about the potential impact of those provisions on civil liberties, or does she feel that the federal government has struck the right balance in this area?

Hon. Ms. McPhee: There is one question about consulting, and I think I know, but I just want to confirm.

With respect to the question regarding consultation, I can advise the member opposite that the concepts of Bill C-46 were discussed at the federal-provincial-territorial tables.

With respect to deputy ministers — our current deputy minister was not there because he came to us in January — but I know that it continued to be a topic for conversation with respect to the deputy ministers, as well as at the ministers of Justice table. I am not sure if consultation or those agenda items would be considered the same thing by the member opposite, but certainly there were some conversations about that.

I can indicate that with respect to the funding, pursuant to the implementation of the new provisions of the *Criminal Code*, Canada had allocated certain funds that would come forward, but they did not provide them in 2018-19 — but through our conversations with them, they will extend the agreement for a further year and will provide funding through 2019-20 and likely 2020-21 as a result. Some of that funding was used for training of individual officers with respect to enforcement of Bill C-46, remembering that the changes to the *Criminal Code* regarding impaired driving — drug-impaired and alcohol-impaired driving — were partly related to the legalization of cannabis in October 2018. They were also based on the concept of protecting Canadian citizens from what is a completely and utterly preventable crime, where far too many Canadians are affected, as well as Yukoners.

I note that the provisions have been discussed widely and are somewhat controversial. I expect that the court cases — the challenges to those new provisions will play out in the Canadian court system, and those individuals — the judiciary who are required to test the constitutionality of those provisions will do so in due course. I can indicate that alcohol-impaired driving and drug-impaired driving in the Yukon are a combined public health and safety issue that we must all work to address. The changes coming forward — it continues to be a priority for the RCMP, and Yukon continues to work closely with Public Safety Canada, other provinces and territories, and the RCMP to determine alcohol and drug enforcement issues and how they can be properly addressed in our communities — addressed by the RCMP — not only their capacity and their testing, but the methodology and the training that is needed.

This is absolutely an ongoing implementation of these changes to the *Criminal Code* and something that — Canadians have supported stronger impaired driving laws throughout the country. Certainly we know that impaired driving continues to be an issue here in the territory that we must address, and we will do so with all available resources.

Mr. Cathers: I appreciate that the minister did answer parts of the question, but she did not provide a fulsome response. I was just asking — primarily in the area of Bill C-46 — what the Government of Yukon was consulted on, what feedback they provided, and after the passage of that legislation, whether they have expressed any concerns with it, or if the minister believes that it struck the right balance. I didn't get an answer on that area.

I just want to note that of course we in the Official Opposition are strongly in favour of efforts to reduce impaired driving, to catch it, and to encourage people not to drink and drive — or to consume cannabis or other intoxicating substances and drive. Personally, I am a strong believer in personal responsibility for not taking actions like that which could put other people at risk.

The significant changes in Bill C-46 — as the minister will recall, the Canadian Bar Association, when the original legislation was presented publicly for the first time, wrote and expressed concern about the constitutionality of the provisions and expressed the concern that provisions contained in Bill C-46 were similar to provisions in a previous private members' bill about which they had then raised concern. They noted that the provisions were not identical, but they expressed similar concerns. It appears to me that those matters were not addressed within the final legislation.

Notably, the most significant change in Bill C-46 is one that has not gotten too much public attention, and that is the fact — and I am looking — according to the federal government's Justice website page regarding impaired driving laws — that, in explaining what the legislation does, they note themselves under the penalties that, for the charge of alcohol-impaired driving, having a blood alcohol concentration at or over 80 milligrams for 100 millilitres of blood within two hours of driving is an offence. They go on to note that for drug-impaired driving, having more than a certain amount of THC per millilitre of blood within two hours of driving is an offence.

The primary concern — I think it is fair to say — with civil libertarians and the Canadian Bar Association is that the change from roadside sobriety testing to the ability for an officer without a warrant to go to someone's house and require that they provide a breath or other sample — there are concerns about the constitutionality of it. What I am asking the minister to indicate is: Did the Government of Yukon express an opinion on the appropriateness of that ability to demand a sample within two hours after driving? If so, what opinion did they provide? Can she provide us with any documentation or letters — either at a ministerial level or at an official level between themselves and the federal government — both before the legislation was passed and after it was passed? Last but not least, can she indicate whether she thinks that the federal government has struck the right line in terms of that legislative provision? If not, what are they going to do to encourage the federal government to adjust this legislation?

Hon. Ms. McPhee: The significant change with respect to the *Criminal Code* that has been expressed by the Member for Lake Laberge seems to indicate that there is a change about the impaired driving readings being within two hours of driving. The law has always been that a breath sample could be taken and the idea of somebody having operated a motor vehicle — that a breath sample could be taken within two hours of operation of a motor vehicle and could be evidence of the offence, evidence of the crime.

What has changed now in — it is not Bill C-46 anymore — the changes to the *Criminal Code* that were the result of Bill C-46 were in fact about the continuity of that breath sample and the responsibility of the individual — if they were to have left the scene of an accident, for instance, or if they left a vehicle on the side of the road and there was evidence that the individual had been driving that vehicle, that the sample could be taken by the RCMP and that continuity of their location of that individual would not be an issue.

Proving an impaired driving charge by drugs or alcohol has always been a complex and sometimes technical situation, Mr. Chair. There has often been expert evidence required. In some cases, there is an extrapolation that might be required. The changes that have been made to the *Criminal Code* with respect to the results of Bill C-46 have not changed that situation.

I can indicate that, other than the discussions that I have already noted, with respect to the FPT meetings — the federal-provincial-territorial meetings — the Government of Yukon did not express an opinion on the changes other than the conversations, as I have noted, that took place at those meetings with respect to the provisions that were changed. I have noted that the constitutionality remains an issue — that there will be individual lawyers, individual clients, and individual offenders who will bring forward those challenges through the court system and that is where they should be.

I did not express publicly or otherwise my opinion on whether or not the government struck the right balance. It is the law passed by the federal government, by the Parliament of Canada — changes to the *Criminal Code* as the result of Bill C-46 — therefore it is the law of the land. Challenges, like many challenges, may come forward and the court system will sort out appropriately whether or not the right balance has been struck.

Mr. Cathers: I would just note before moving on to other questions that I appreciate the minister's point that it is the law of the land; however, I would contend that there is a role for ministers of Justice and the Attorney General at a territorial or provincial level, if they have concerns with provisions in federal legislation, to choose to raise those matters with the federal government.

I am just going to quote two excerpts from the federal government's own website — the Department of Justice Bill C-46, *An Act to amend the Criminal Code (offenses related to conveyances) and to make consequential amendments to other Acts*. This is from the Charter statement, as shown on the Department of Justice's website. I will quote two parts of that Charter statement on the Justice website: "Searches or Seizures (section 8) — A number of provisions in the bill have the potential to engage section 8 of the Charter, which protects against 'unreasonable' searches and seizures. A search or seizure will be reasonable if it is authorized by a law, the law itself is reasonable in striking an appropriate balance between privacy interests and the state interest being pursued, and the search is carried out in a reasonable manner.

"Rules surrounding roadside screening for alcohol and drugs, and rules surrounding breath and blood testing, govern

searches and seizures and therefore implicate section 8 of the Charter."

The other excerpt, I would just note, is that — the statement makes mention of "Life, liberty and security of the person (section 7) — Section 7 of the Charter guarantees to everyone the right to life, liberty and security of the person, and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

I am just going to move on to that same section a little later: "Change to 'over 80' offence — Clause 15 (new paragraph 320.14.(1)(b)) rewords the current 'over 80' offence to prohibit having a BAC at or over 80 mg/100 ml within two hours of driving. This would be subject to an exception for 'innocent intervening consumption', meaning consumption that occurred after driving, where the individual had no reason to expect a breath or blood demand, and where the quantity consumed was consistent with a BAC that was below 80 at the time of driving. This would criminalize consumption of alcohol prior to driving in quantities sufficient to result in a BAC at or over 80, ('bolus drinking'), even where the BAC at time of driving may have not yet risen above the limit. It also criminalizes consumption after driving, in situations where an individual had a reasonable expectation that he or she may be required to provide a sample (for example, after an accident), and that may serve to obstruct investigation of the offence."

Again, I would just leave that out there for the minister and invite her to express her opinion of the Government of Yukon's view on whether they are concerned that this has overstepped the constitutionality or whether they support that current level. I do just want to note, in closing on that point, that we all do support the efforts of course to crack down on impaired driving, but — as always in these types of matters — in the balance between the ability of enforcement agencies to catch someone who is committing an offence and civil liberties, including the right against self-incrimination and the protection of the rights of the person protected in sections 7 and 8 of the Charter, as I referred to — these are important matters that must be taken in balance.

I am going to move on to a related area that the minister referred to — what they used funding from the federal government for in terms of the training of RCMP members. I believe she indicated that there are only two who are currently trained in drug-recognition efforts. Could the minister confirm that this is the case or correct me if I misheard her?

Hon. Ms. McPhee: I will give a little bit of background. I appreciate the concise question, for which I have an answer. Since the fall of 2018, Yukon has had approval to spend funds from Canada under the program while waiting to sign a finalized contribution agreement — that is the implementation of the impaired-driving provisions and the drug-impaired provisions as well.

A total of 15 officers have been trained in the standard field sobriety tests, so they are in-the-field officers who are authorized to determine sobriety tests at the roadside, either with or without machines, for the individual drug-impaired charges that may come forward. There are two officers who

have been trained as drug-recognition experts — so back at the detachment — and who are authorized and determined to be experts in providing evidence gathered on any particular case that someone was or was not drug impaired.

I hope that is of assistance.

Mr. Cathers: I do appreciate the answer, and I would just ask a related question — whether there is a plan to train more drug-recognition experts. It does seem, in a territory of our size, that having a situation where there are only two RCMP members who have that training — it is concerning when it comes to the issue of enforcement, especially as it relates to cannabis and other impairments.

Just a related question in that area — I would ask the minister if she would provide information about what additional steps the government is planning to take, or is considering taking, as far as educating people about the responsible usage levels of cannabis. It is an area where — cannabis and alcohol actually, I would add. In the area of cannabis, it is something that people may not be clear about what the appropriate limit is, and with it being legalized, an important part of that equation is: What steps is government taking to educate people, rather than simply arrest them — ensuring that government is educating people on what the responsible usage levels are or what responsible behaviour is. I know what the government has put out so far — but if the minister could clarify whether they are planning on doing more in this area, specifically pertaining to cannabis.

Secondly, as it relates to alcohol impairment — the government is currently consulting on changes to the *Motor Vehicles Act*, and in their survey questions, it appears to be indicating that they may be lowering the legal limit of alcohol in the bloodstream. I would ask in that area: If the government is indeed pursuing that step, or is considering it, what steps are they considering to educate people that even having two drinks may be more than is legally allowable under the law? As the minister is no doubt aware, for some people, even consuming two drinks — which is generally thought by many people to be the acceptable consumption level before driving — some people will blow over the lower limit if they consume just two drinks.

Again, both areas that I am asking about are — not only what the government is doing around enforcement, but what they are doing around education, so that hopefully we avoid the situation where people who genuinely think they are behaving responsibly end up running into problems with the law. Instead, we should be taking the steps to help people be aware of what responsible behaviour is before getting behind the wheel, rather than surprising them when they find out that they have crossed over a line, even when they thought they were doing the right thing.

Hon. Ms. McPhee: With respect to the first part of the question from the Member for Lake Laberge — yes, we are committed to training more officers. I think the number I saw recently — although I wouldn't quote me on this — was that across the country, there are 96 individuals — that might be a few months old — who were trained at that level. Of course, more are needed in all jurisdictions. We have our officers

trained through the program in British Columbia. It is of course in high demand for training, and it takes six weeks for an individual officer to complete that. They have to be in British Columbia at the training facility, but they also have to be away from their duties here. So yes, we are intending to continue that opportunity and make sure that we have individuals who can properly assess, provide evidence, and enforce drug-impaired driving.

With respect to the *Motor Vehicles Act* provisions — I appreciate that there is a question regarding the lowering of what is currently the limit of 0.08 in the *Criminal Code* to 0.05. It is a question on the engagement survey, and the question on the engagement is exactly for the purpose of obtaining individuals' ideas and thoughts about that. I can indicate that 0.05 is a provincially regulated limit in many jurisdictions across Canada. I can indicate that there are even jurisdictions in the world that have zero tolerance for the use of alcohol and vehicles. At this point, it is an opportunity to engage with Yukoners, to find out their ideas with respect to that. Would the members opposite see that as a plan to go there? I think it's appropriate for me to explain that the question is an appropriate one in the survey, in the engagement, to find out what Yukoners think about that limit on the use of alcohol and operating a motor vehicle because it is widely used in other jurisdictions.

I can indicate, with respect to the concept of public education — it is an absolutely key component. Any of us who are — I'll say older than 20 — which all of us are in this room at the moment — maybe even older than 30 — understand the evolution of the changes in impaired driving laws since the 1970s here in Canada — maybe even earlier than that. But I will say that public education has been a primary driver. Of course accidents — needless deaths caused by individuals getting behind the wheel of a vehicle in an impaired state have been determined by our society to be completely unacceptable, and our laws have changed as a result of that; our practice has changed as a result of that.

We hope that we are penetrating the use of individuals getting behind the wheel of a vehicle after having used alcohol or drugs in any way.

Public education has been a very key factor in changes and the public acceptance of that behaviour over the years. That being said, I think that needs to be continued. We are in the process, of course, of making sure that people are informed about drug use and getting behind the wheel of a vehicle. It is, of course, completely subjective. It depends on the individual; it depends on the use; it depends, like alcohol, on body mass; it depends on the strength of the intoxicant — all of these are impossible to regulate and give anyone the idea that one marijuana cigarette or two drinks is sufficient and you can still drive a vehicle. My answer to that is that you should never drive a vehicle having consumed an intoxicant.

Health and Social Services' campaign was introduced to focus on the effects of cannabis use on a person's mental and physical well-being. Highways and Public Works has a social media education plan that is being implemented and an awareness campaign to communicate the dangers of driving

under the influence of cannabis. The Department of Justice has rules for the legal possession, consumption and sale, which come under our department's jurisdiction. The Public Service Commission has education out to individuals and to Yukoners about the health and safety obligations of Yukon government employees and Yukon government policies and procedures governing the YG employment health and safety. The Yukon Workers' Compensation Health and Safety Board, I know, is working on educating its individuals and Yukon citizens about the use and dangers of the use of drugs and alcohol of any kind when trying to go to work or operate machinery. It doesn't really matter what sort of work you have.

The cannabis legislation was carefully designed to legalize cannabis because Canadians, of course, have spoken very clearly on this issue, but we have also been careful in the Yukon legislation to make sure that it is used in people's homes and that it is not being permitted to be used in public places — all of which is to indicate that your personal decisions while you are not at work or endangering others are in fact your personal decision, but you cannot infringe on the rights of other individuals. Certainly, drug-impaired driving does that, Mr. Chair.

Those education components will continue, and I think they will continue for many years to come, to be frank, because our society is trying to decide and adjust to the legalization of cannabis. We are still working hard to convince individuals that any alcohol consumption and driving of a motor vehicle can be dangerous and that other citizens' lives are in your hands when you do so, so please do not.

Chair: Do members wish to take a 10-minute recess?

All Hon. Members: Agreed.

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

Recess

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

The matter before the Committee is Vote 8, Department of Justice, in Bill No. 210, entitled *First Appropriation Act 2019-20*.

Mr. Cathers: Thank you, Mr. Chair. Just briefly, before moving on from the issue of impaired driving, testing and so on, I am going to encourage the minister and her colleagues to have a focus, when they are talking about — especially when they are considering new legislative provisions, but even with the existing ones, I would think that public education about the effects of alcohol consumption, cannabis use and the potential impairment that may result is something that government should be communicating on with the public and doing so regularly and in an easily digestible fashion. It is important, in my opinion, to ensure that we do our very best to prevent a situation where someone who genuinely thinks they are being responsible ends up finding themselves stranded at the side of the road, having contravened the impaired driving laws with no intention of

doing so. Ensuring that the government is taking a leadership role in helping people understand their responsibilities and reasonable consumption limits is absolutely vital in this area.

I would just note, as well, Mr. Chair, that with regard to the often-criticized government surveys that ask very leading questions — often present biased information and then ask people a fairly broad question — when the minister and I discussed the fact that the *Motor Vehicles Act* survey that is currently out talks about lowering the allowable blood concentration of alcohol to 0.05, one of the things that this survey, like many others, missed is that it doesn't provide information to people on what that means — the fact that for many people this may mean that two drinks may be fine, but for some, two drinks would put them afoul of that legislation.

Providing that information and background to people in an easily digestible way is an important part of actually getting sound public feedback on any survey questions. If someone doesn't understand what they are commenting on and they are asked a question in a way that — to me, current government surveys often seem inclined to provoke a quick response or an emotional response or an off-the-cuff response to a survey question rather than providing detail, making it available to people so that they can research and consider if they wish. They are given where they have to click through each page and you have your multiple-choice options on each question, and it is not the best way to have an informed public debate and to seek public input with people actually understanding what they are commenting on.

Moving on to a few other areas — previously, I have raised with the minister, as well as the Premier and others, the issue of the mental health framework critical incidents stress management to avoid first responders and others ending up with post-traumatic stress disorder. I have expressed concern in that area and suggested that the government needs to do more to protect both their staff and volunteers. That includes in areas such as Victim Services and the coroner's office. I would ask the minister if she can provide us with an update on what the government is doing in that area.

Secondly, in the area of the coroner's office specifically, there have been changes to the act. The minister still has not agreed to add a second full-time coroner as I have previously suggested they consider. I have heard concern from communities that there seems to be increased centralization of the responsibilities and concern that there has been a reduction in support available to communities and community coroners. I would ask the minister if she could provide any information about what, if anything, government is doing in regard to those areas.

Hon. Ms. McPhee: I agree and our government agrees that looking after the mental health of our employees and front-line workers — whether they are connected to the departments of Justice, Community Services or Health and Social Services or any other department — is in fact a key component of safety in the workplace and of productive and happy Yukon employees. I can indicate, for instance, that at the Victim Services unit in the Department of Justice, they have extensive opportunities and they work to make sure that

vicarious trauma is dealt with, and safety plans are in place for individual front-line workers there. I can also indicate that I know of some — although I don't want to speak specifically of them — in the Department of Health and Social Services, as well as opportunities for employees through the Public Service Commission to access supports.

It is something frankly that was relegated in the past, I think, to sort of "Go seek your own supports" or "Here's the counselling service that we have available". The concept of mental health and the effect of individuals' work on their own mental health and how that affects a team or a unit is something that is recognized more and more now as being the responsibility of all individual departments and individual service units that work in this area. I can also indicate that, for instance, at the Whitehorse Correctional Centre, the correctional officers are also availed of that opportunity.

I will turn my comments now to the Coroner's Service. I am quite concerned that the comments made by the Member for Lake Laberge would indicate that there are some community coroners not feeling supported. Very recently, Mr. Phelps, as the deputy minister, and I attended part of a morning session with the community coroners who were being trained. There were individuals from almost every community — maybe not Old Crow, but certainly individuals from almost every community. There were more individuals present than I have seen in the last number of years. We were trying to fill all the vacancies or make sure that communities have more than one person so that they can not only obtain the training together, but support each other in the communities.

I can indicate that on many more than one occasion, Mr. Chair, I have personally spoken to the chief coroner to indicate that whatever her or her staff need, we are keen to work with them, that we find it a priority, that with the very difficult work that is done by her and her staff and community coroners together on individual cases and on a daily basis, we need to make sure that the office and individual community coroners are very well supported going forward. As a matter of fact, there are probably not too many conversations I have even had with the chief coroner that didn't involve at least part of me expressing that to her, because it is something that the department believes; it is something that I personally believe.

The work that we ask of the chief coroner and of community coroners is extraordinary and in order to have good people take on that challenge and to be supported — we have community coroners — some individuals have been community coroners for many, many years. I trust that they feel supported. If they don't, we have asked them to please tell us, tell the chief coroner, and tell the department so that we can make sure that they are well-supported so that they can have those jobs long into the future. They can continue their commitment because what we all know is that they need to be looked after, they need to be safe, and they need to feel that they are supported. Communities that have a community coroner for a longer period of time — rather than changing people — who have some sort of investment in the community and have some opportunity to know the

community and the community members — they will be far more effective individuals in those very difficult roles than individuals who are brand new to the job or who change frequently.

I encourage the member opposite, if he is aware of individuals who have expressed their concerns to him and not to the chief coroner and not to our department, to please encourage them to do so because it is a conversation, as I have said, that I have had many times, and I certainly don't want someone out there feeling like they are not properly supported in that role.

Mr. Cathers: I do appreciate the response from the minister and her positive comments, but I would encourage her to ensure that good intentions are actually being translated into results because I have heard the concern coming from communities that there is a feeling that there has been a reduction in support for communities and community coroners. I would ask the minister to look into areas such as whether there are any areas that community coroners are being asked to cover out of their own pocket — such as the training session the minister made reference to — whether their costs were paid to attend it and to participate in it. It is an area where I think that more is needed. I would just flag those issues for the minister's attention and would also suggest that it may be time, in addition, to consider adding a second full-time person in the chief coroner's office — that it may be time to look at just expanding the number of community coroners who are in place in each area.

Of course, as the minister knows, those people who are appointed are in a position that they are called as needed, and it seems to me that there may be issues — I have heard concerns about this — that in some communities, due to the small number of people who are available with the authority to act — that various things such as somebody being away or having an illness or an injury can effectively reduce it to the point where, on paper, there are multiple people, but in fact it may be down to one person having no choice but to carry the load all the time.

I would just encourage the minister to look at those areas. I am not going to press her for further information. I appreciate her statement about intent. In making this point, I do just want to encourage the minister to look into the details of this and ensure that good intentions are not being sidetracked in the details — that in fact the support that should be there for communities and community coroners is in place and that steps are being taken to ensure that there is not too much load being placed on anyone or that they are being required to cover any costs out of pocket associated with attending training or other meetings.

Moving on to another area, I would ask the minister — in the area of the *Land Titles Act, 2015* and the implementation of the new registry — to provide an update on the expected timelines of that — as well, the *Condominium Act, 2015*. Previously, the minister has indicated that they expect regulations to be completed in early 2019. Can she provide an update on the timeline of that?

I am just going to add one more question on a slightly different matter that I meant to ask earlier around the area of enforcement. That is related to school busing. I had previously written to the minister expressing concern that some of the specific references around enforcement of safety around school buses and school zones had been in the policing priorities letter issued by the Minister of Justice. They had been notably absent in the letter that was most recently issued. I encourage the minister to ensure that enforcement related to school bus safety was added into the policing priorities letter that is coming up, and as well to ensure that there is more specific reference to dealing with the opioid crisis — if the minister could provide an update regarding the timing of when she expects to sign off on the policing priorities and whether she will be incorporating those two requests that we have made.

Hon. Ms. McPhee: I will see if I can address a number of questions there.

With respect to the *Condominium Act, 2015*, there was discussion last year, I think, and our plan was to try to get the regulations done for the spring of 2019. We have been in discussions with the industry represented by legal counsel who work in the area of condominium development and sales, by developers for condominiums, by individuals who have looked over a number of years — just as a reminder to all Yukoners: the *Condominium Act, 2015* was passed in 2015, but no regulations came into being as a result. It is one of the early things that I wanted the department to work on. We also are very keen to make sure that we get this correct. There are a lot of voices at the table, and rightly so, with respect to getting the proper balance between individual developer plans and consumer protection rights with respect to condominiums. That said, that group continues to work.

I know the deputy minister has been involved first-hand on this file and determining how to go forward. We anticipate that there may be some changes necessary based on the regulations to the actual *Condominium Act, 2015*. The plan is to have those come forward in the fall of 2019, along with the regulations. I want to make sure that I note for the record, and for individuals who work in this area, that the coming-into-force date — which has been a topic of discussion among the industry experts who work in this field — will be an important consideration and we will make that decision with the input from industry and individuals who work in the area.

Of course, like all complicated and complex issues, the building of a condo that would start or finish on a particular date and what piece of legislation will apply will be a major factor in determining how the coming into force of that legislation and those regulations — which are very important, to have that move. What we hear from industry is that it is better to take the time to make sure that all of their concerns are expressed and dealt with rather than simply trying to move for the purposes of getting that done.

That is what I have to say about the *Condominium Act, 2015*. I anticipate fruitful work between the deputy minister's office, other officials in the department and trying to move

this matter forward, making sure that we hear all of the voices in relation to having that legislation finally proclaimed.

With respect to the land titles question, I will note that I did mention earlier in my comments that the Land Titles modernization project, which commenced back in 2012, has already resulted in many changes to the business process and policies in land titles. Even with the condominium legislation that I have just noted, the work is currently focused on implementing phase 1 of supporting YETI, which I mentioned earlier — the Yukon electronic title information computer system. We expect that to turn on or go live — or whatever the term for that is — in the very near future. Modernization will improve the service quality provided so that it meets national standards while maintaining the Land Titles Office's current high level of accuracy and certainty of title which is respected by all.

To date, the project has accomplished the following, which is: performed a complete business requirements analysis. As I have noted, the *Condominium Act, 2015* has been passed, but it requires additional work.

The *Land Titles Act, 2015* and supporting regulations have been brought into force. Provisions allowing Yukon First Nations to register category A and category B settlement land in the Land Titles Office were designed and implemented. As we know, Kwanlin Dün First Nation is the lead proponent and their work is being properly recognized. The YETI system was procured.

Just on that point, I think it is important to recognize that on November 28, 2018, the Kwanlin Dün First Nation registered a parcel of its settlement A land in the Yukon Land Titles Office. It was a historic opportunity and moment, and the development may trigger other First Nations wishing to do so. The provisions have been allowed for that.

I just want to check my note with respect to YETI's date.

Just to confirm, the YETI — for Hansard and those listening, it is the Yukon electronic title information system — is planned to go live in June 2019 — so in a couple of months.

I will leave that topic. I think those were the questions. I will return to speak in response to the question about policing priorities for a moment. The policing priorities for 2019-20 were communicated to the commanding officer of the RCMP in March 2019.

The year's policing priorities create the foundation for effective policing in the Yukon and continue to advance important work focused on addressing violence against women, responding to serious and organized crime, and fostering meaningful relationships with First Nations, communities and youth. The policing priorities, for those who are not aware, are informed by recommendations from the Yukon Police Council, a unique system here in the territory — across Canada, and unique here — where our Police Council travels to communities, interacts with Yukoners and citizens and hears their concerns and issues about what policing in the territory should be focused on in any given year. Their recommendations come forward as a result of thorough and vital community engagement activities. That helps to identify the policing needs in all of our communities. We also have

officials from the Department of Justice who work with the Police Council, and all of those things go into wrapping up the individual policing priorities.

A social media survey was launched through the Police Council in the fall of 2018, which is new. They will make that decision on their own as to whether or not they will do it on an annual basis, but this year, in 2018, it resulted in 674 responses that raised public awareness about the priorities across the territory.

I don't recall myself — but my memory could be faulty — that school buses were a specific policing priority. I take the member opposite at his word — that he thinks that was the case. I will return to looking at that. I can indicate that my response to his letter that he mentioned included reference to appreciating the concept about school bus safety being a priority. In fact, I think that my response was that community safety in relation to youth was a broad enough concept to encompass school bus safety.

I also note that with respect to the RCMP involved in the current issues around school bus safety, I am aware that there is a pilot project with respect to some communications and cooperation with Highways and Public Works, that some school buses — I am not going to say where or which ones — have installed cameras on them for the purposes of determining how that will work out going forward. I know that the RCMP have patrols and have indicated specific up-limits of patrols around certain school bus areas and certain times of day in vehicles that are not marked.

I also note that the RCMP has been cooperating and coordinating with the Department of Education, with the Department of Justice, and with the Department of Highways and Public Works to make sure that we are addressing the school bus safety issues that were brought to light in January 2019, and that work will continue. I know that they are dedicated to that work. As a result, it is not specifically in the policing priorities letter to the commanding officer, because there often tends to be more broad strokes, but we have confirmed — and I can confirm for this Legislative Assembly that the RCMP are keen and very aware of the issues around safety of school buses and work with us on a weekly basis to make sure that our children who travel on school buses are safe.

Ms. Hanson: I just also want to join in welcoming the officials here this afternoon. I also want to say to the minister and to the officials that she and they no doubt have heard me complain often about departmental websites, and I have to say that I am happy to see that the Department of Justice has not migrated its information to the lost land of yukon.ca and that in fact you can find out information about the Department of Justice with respect to the various functions of the department and also — importantly, I think — relevant information with respect to how those functions relate to the minister's accountability in this Legislative Assembly. I just wanted to say that, because I think that is incredibly important. It is not just important for departmental officials or the casual observer, but it is important for citizens as well as us as Members of the Legislative Assembly.

With that in mind, I want to ask the minister — on the front page for the Department of Justice, there is a link to a potentially very useful document called Department of Justice "Quick Facts". When we look at that document, it tells you a whole bunch — basically it says that this facts document follows the general path of the criminal and civil justice system and provides a summary of charges laid — so it's all the kind of databased information that one would hope to see when you're looking at departmental programs and services.

It has a good backdrop in terms of the mission, the values, and the vision of the department. Then it lays out, in clear ways, the criminal justice system, the criminal crime rates in Yukon and in Canada, the Yukon violent crime rate, the Yukon property crime rates, court operations, and court fines and surcharges. I think this sets a really good precedent, Mr. Chair, but my concern is that it is dated 2011. My question for the minister is: Is there an intent to update this document? If so, when? If not, why not?

Hon. Ms. McPhee: I was basking in the compliments about the Justice department website and have to now tell the member opposite — the Leader of the Third Party — that everything is eventually migrating to yukon.ca. The Department of Justice is dedicated to that work already, but will start that work and the actual migration in the early part of May — which is soon. A lot of the updated information will be available. So because that was happening, the idea would be to have that information when it is migrated.

I know that there is a different format, but I take the point made by the member opposite that, if we can, we should keep those kinds of opportunities for Yukoners to look at that information in a way. I am not familiar enough with the actual interface and what it will look like, but the deputy minister has heard the question and is involved with the migration project. Our goal of course is to provide Yukoners with whatever information — statistical or otherwise — from various departments that they may find useful, and more importantly — or maybe equally as important — to provide them with access or direction to the services that they might be looking up on a website. Improvements are absolutely needed.

I also take the Premier's point that the focus is for yukon.ca and the departments that arrive on an Internet or web search with respect to those departments — it should be focused on providing information to the public and not sort of internal information to government employees, because I think the focus of yukon.ca has been — not in my departments — but has been to provide better information and better interfaces for the Yukon public. I appreciate that there are some glitches with respect to that. If the member opposite thinks we have it right so far, then we should use that as a goal going forward, because it's about usability and about accessibility.

Ms. Hanson: The minister had me right along to the very end there, because it's absolutely imperative. I am not an employee. None of the people on this side of the House are employees of the Government of Yukon. We are elected to represent Yukon citizens, and it's absolutely imperative that we have access to correct information, which is why I was

praising the kind of information that is currently on the website. It is dated — it is absolutely dated — but if I'm going to be a Justice critic, I need to know the data, and I cannot search every database across the country to find out what the hell is going on in Yukon justice in terms of recidivism rates or what's going on with this or that. That's why it's incumbent upon the government to design its information systems so they're both usable for those citizens who want the front-of-counter — they want to know how to get land titles. The actual website right now tells you what the Land Titles Office does and what it does not do.

However, I go back to my question: Will the data — regardless of what messy way we have to access it — that is currently contained in the report "Department of Justice Facts 2011" be updated to reflect the 2019 reality, at least?

Hon. Ms. McPhee: The Leader of the Third Party and I are saying the same thing, and I think we agree on the accessibility and usability concepts of this particular information. I also think we agree that 2011 is dated information and not appropriate for Yukoners.

I understand that we have the data much more recent than that. It may not be in exactly the same format, but part of this migration project is to get that updated information. It won't be to date in 2019 — because it's only the early part of 2019 — but I think we have the 2017-18 information and we can confirm that, if that's not the case. The information I have now is that we have the 2017-18 information, and that would appropriately go onto the website to be accessed by Yukoners.

Ms. Hanson: I look forward to that and I look forward to being positive about that next year at this time when we are doing this budget and being able to say, "Hmm", and I will make a copy of this so that I can actually have a comparative document. One of the really interesting challenges with the current website is, once it disappears, it totally disappears, and then you have nothing.

I'm not going to go on with any more — it just drives me nuts.

I wanted to come back to the land titles. The minister made a comment with respect to the uptake by First Nations in terms of registering category A and B — although I found it strange that anybody would register a category A selection, given the subsurface rights — to be used for residential development. When she indicated that — I think it was Kwanlin Dün First Nation in December 2018, had registered a parcel. Does that parcel represent X number of lots, or could she signify what we are talking about here? Is that a parcel within the municipal boundaries of Whitehorse?

Hon. Ms. McPhee: I have November 2018. If I said December, I am sorry, but it was November 2018. This is by recollection only, and I stand corrected — if I am incorrect, I am happy to get that information and pass it over. My recollection is that it was a commercial property of fairly significant size, and it was within the bounds of the City of Whitehorse. But again, I am going from my memory from being at the event, and I haven't looked at any documents with respect to that land on a map recently or anything like that. We will confirm that for the member opposite.

Ms. Hanson: I appreciate that. Can the minister confirm — when she was talking about the independent legal advice pilot project — again, this is another one of these time-limited pilot projects that has 100 percent federal money. The challenge that we face with these pilot projects is that we do them, and then all of a sudden the money stops from the feds and Yukon goes, "Oh, whoops — we're not doing that anymore."

My question is: Are there built-in assessment criteria that would lead the Yukon government to determine whether or not it has achieved its objectives and that those objectives make it worthy of finding Yukon government resources to sustain it if, at the end of the project, that is what is deemed worthy? Are we just going to drop this after three years?

Hon. Ms. McPhee: The question is about the independent legal advice pilot project. The item in the budget marks an increase of \$240,000 — again, time-limited funding — for this pilot project. As noted by the member opposite, it is 100-percent recoverable. Yukon is working with Canada to secure funding for 2019-20 and 2020-21. By that, I mean that it has been identified as an opportunity for funding, but there is no funding agreement in place — but I expect that it is not an issue.

The project provides independent legal advice for victims of intimate partner violence and sexual violence, and victims will be able to access specially trained lawyers to discuss their case. I mentioned a few of these things earlier, but I think that it is very much worth repeating — including that access to these services is pre-charge and during a trial, if necessary. The concept and the focus of this is to provide advice that will assist victims in making informed choices. It could be considered to be part of a wraparound service to victims of intimate and sexual violence. I think it is always necessary to assess the data. As I said, there is no funding agreement in place, so there is no provision for that to be built into the program or to the expenditure of these funds — but absolutely, when Yukon takes on one of these endeavours — a pilot project, in particular — it provides us with the knowledge of who is accessing such a program, the data, work with the department to help to determine if there are gaps and if these gaps can be filled in this way — if there are gaps identified, if this is not the best way to fill those. Absolutely — those are assessed by the department as they go on.

Often what happens with these kinds of programs, if they tend to be successful — and Yukon has had much success with these — is that we seek further funding. In some cases, we can share funding going forward. In some cases — the Community Wellness Court, for instance, was maybe the longest pilot in history — over almost 10 years. We put in place secure funding for that. So far be it from me to say that we take a long time to learn. Funding from year to year — or from one year to two years to three years — is complicated and difficult for such programs, but it is also a way for us to learn what works here in the Yukon and how we might be able to better provide services for Yukoners.

That is the information that I have about that now. We will be assessing it. We will be wanting the program to keep

its own data. Whether or not it is required by the funding agreement with Canada or not, I think these are important opportunities for us to learn what services are required by Yukoners and how they will use them.

Ms. Hanson: I appreciate the minister's answer, and I do fully agree with that perspective.

The minister is well aware from her previous experience of the work that was done by the Yukon chapter of the Canadian Bar Association and the Canadian Bar Association — I think in 2010 and 2013. First, in 2010, when the Yukon chapter took the lead in pressing the Canadian Bar Association with respect to having changes made to the *Criminal Code* for sentencing with respect to people who are affected by fetal alcohol effect or fetal alcohol spectrum disorder — and subsequently, as I recall, in 2013 — it was a subject of a lot of debate in this Legislature with respect to not just the — because nothing had happened on the federal side with respect to sentencing, then it was broadened to also look at changes that would be necessary with respect to Yukon corrections and the need to recognize that somebody with a permanent brain injury cannot and is not going to respond in the same way as somebody without one.

The response by the government of the day was to do a fetal alcohol study — FASD study — and a prevalence in corrections study with the BC Children's Hospital.

What I'm getting to is that the study found that there was prenatal alcohol exposure confirmed in 25 percent of the study population at the Whitehorse Correctional Centre, 25 percent had no prenatal exposure, 50 percent were unclear, and 17.5 percent came out with a diagnosis. What that meant — and this is really where I'm going with my question — is that the intention was to inform future program and policy decisions, both within the Department of Justice and for larger work being done to develop a Yukon fetal alcohol spectrum disorder plan.

Can the minister outline how this prevalence study has in fact affected and informed program and policy decisions within the Department of Justice?

Hon. Ms. McPhee: I very much appreciate this question. It is an important topic for the Yukon. It crosses departments, it crosses communities, and it crosses families and caregivers. It is an important opportunity to speak just a little bit about this.

Probably the first letter that I wrote — once I was given the responsibility of this position — to the federal Minister of Justice at the time — I had not been involved in the FPT meetings where this was discussed and where changes to the *Criminal Code* were discussed, but I was approached by our MP, Mr. Bagnell, in the late part of 2016. I wrote a letter then on behalf of the Government of Yukon to support the changes that were being proposed to the *Criminal Code* to take into account FASD — fetal alcohol spectrum disorder — in the concepts of sentencing. I am told that maybe I was the only minister who had done that because they had had several conversations in which they had decided — by that, I mean other provincial and territorial ministers — that this was not something they were prepared to support. I wrote nonetheless

to urge the federal minister to please reconsider because it is a critical issue here in the territory.

I am well aware of the work done by the Canadian Bar Association and the Yukon branch of the Canadian Bar Association to have the Canadian Bar Association go forward with it, and the leadership of Rod Snow when he was president of the Canadian Bar Association to have the Yukon voice heard on this important topic. I agree that it is a keenly important topic.

I can provide the following update with respect to the fetal alcohol spectrum disorder action plan: Our government is working with the public, community agencies, and First Nation governments to develop a comprehensive Yukon FASD action plan. The plan is in draft, as I understand it, and the parties are looking at it. It should be released later this year.

The action plan will provide a vision, principles, goals and actions for improving Yukon's response to FASD. I know that the work mentioned by the member opposite has informed this work going forward and that there has been extensive community engagement with the partners who work in this area. It took place in 2017-18 to help us better understand how FASD is affecting the communities, and there was an extensive study.

The "what we heard" report, as the House may remember and individual Yukoners may remember, from that engagement was released in the fall of 2018. The FASD action plan is part of our commitment to working collaboratively with Yukon First Nations, expanding maternal and prenatal community delivery supports, developing alternative correctional therapeutic environments for those with disabilities related to FASD, and working across departments to harmonize support for children with FASD.

The question specifically was about the Justice response to this. We are a partner in this work. I will note that some of the mental health issues that were reviewed by David Loukidelis in the report with respect to the Whitehorse Correctional Centre did deal with the idea of treatment services for inmates who are struggling with mental health issues or mental health disorders — I will go so far as to say — and the Department of Justice is working on an alternative correctional concept of a therapeutic environment so that individuals are not harmed by actions that may land them in the Whitehorse Correctional Centre, but in a wide variety of mental health issues, the concept will be how can treatment be appropriately and properly provided to individuals who — everybody is responsible for their own actions, but for the intervention of a mental illness or mental disability, may not find themselves in that location.

We know that we must do better with respect to providing such services in the Correctional Centre.

Ms. Hanson: I appreciate the answer. The minister didn't touch on whether or not, as was recommended by both the Yukon bar and Canadian Bar Association, changes to Yukon corrections legislation, particularly with respect to acknowledging that — again, as we would acknowledge if there were changes made to the *Criminal Code* with respect to

sentencing — somebody with a permanent brain injury that comes before birth is not going to change or get better, and they are not capable of responding in the same way as somebody who does not have that permanent brain injury, so the expectations in a corrections facility — which is very much command and control — you cannot get that same response.

I'll come back to that in a minute. The minister referenced something else that I was pleased to see in the March 7, 2019, letter and report of the implementation working group for the Whitehorse Correctional Centre inspection report — this is the Loukidelis report the minister referenced. Again, I'm pleased to see that this has been posted on the website, because it's part of the commitment that was made to providing ongoing information. I hear oftentimes government ministers stating, "Yes, I'll make that available", but then it doesn't show up. Again, the ministers and her officials are — I don't often commend several times in an afternoon — I am — and some of the ministers know exactly what I mean.

The report touches on some of the aspects of what needed to be followed up from the Loukidelis report. It points out some specific areas that the working group has been engaged with and references also the fact that, as Mr. Loukidelis had recommended, the minister had actually attended and saw what has been going on at the Central Nova Scotia Correctional Facility to address the real issues about how you deal with people who present in a correctional facility with mental health issues.

The report also talks about — a fair amount, it sounds to me — conversation and research that has been done further to the work of Mr. Loukidelis in conjunction with Howard Sapers, the well-respected expert on confinement — segregation — whatever you want to call it. What I noted here is that it is a growing consideration of the group that, to achieve this work — maybe I should step one back. Key in the work is creating a clear understanding of where the use of separate confinement is appropriate in discipline considerations and where it may apply in administrative situations. Principles such as no punishment outside of the law, least amount of force to achieve best outcomes, right to procedural fairness and review, and the preservation of human rights at all costs are key elements that will need to be considered and applied to these changes proposed. It is the growing consideration of the group — this is the working group — that to achieve this work in its best form, there may need to be changes to the governing statute or regulation. It is the intention of the working group to explore this fully and then present options to decision-makers for consideration.

My question, Mr. Chair, is: When would we anticipate seeing that work being completed by this working group? I understand that it is important to bring people onside, but in fact we have been talking about this very same issue in this territory for many years. I am keen to see a resolution to this.

Hon. Ms. McPhee: I appreciate the question. I too am pleased to see the updates on the website available for public

consumption from the working group. I am very pleased with the work that they are doing.

I have recently had the opportunity to visit — in February, actually, I was in Nova Scotia for a matter involving the Department of Education, invited to participate in a conference there with respect to indigenous education. I took the opportunity to visit the Central Nova Scotia Correctional Facility on that trip because I tend to be a visual learner, and it was important for me to understand what we were talking about with respect to how they have advanced their care of individuals with mental health issues in the correctional facility.

That said, I know that members of the working group were also familiar with that situation, and while nothing is the be-all and end-all, they have certainly made great strides there in focusing on this.

Let me just say that the working group's work and updates to the deputy minister — through him to me and then publicly available — is really the vehicle for the implementation of some of these changes. I am pleased that is in fact the case. I don't know that there has been a vehicle like this in the past. Certainly this is the first time that we have had such an inspection or that section of the *Corrections Act* was used. We anticipate that, while the core part of that work — I don't want to usurp the work of the working group because it is important that they are able to do that and to provide whatever recommendations that they want to with respect to how to achieve the recommendations set out by Mr. Loukidelis. My understanding, and my most recent update, is that the *Corrections Act* — some minor changes might be brought forward in fall 2019 for the purposes of allowing regulations to be made to achieve some of those recommendations.

Certainly I am not promising an extensive rewrite of the *Corrections Act* or anything to that effect, but we are focusing at this point on what changes might need to be made to the legislation so that proper regulations that will allow us to improve situations will be permitted after that.

Ms. Hanson: We will look forward to that, hopefully in the fall — some sort of regulatory changes or recognition.

The minister had mentioned some work with respect to working on restorative or alternative practices to deal with different kinds of infractions. I'm talking about specifically within the context of Whitehorse Correctional Centre. The report of the working group recognizes — just as the Auditor General's report did some years ago — that the duration of stay for most people is short, so it is kind of difficult sometimes to deal with it unless you get caught in a series of infractions, and you end up getting stuck in there forever before you even get to trial.

One of the things that was noted was that: "A meeting has been held..." — and I am presuming it was with the Investigations and Standards Office — "... with the independent adjudicators responsible for hearing discipline matters at the WCC and avenues have begun to be explored and to have them consider Gladue factors in disciplinary proceedings is underway. This will likely require some form

of formal education to ensure the access and use of the information related to the individual is done so in an appropriate manner.”

Can the minister expand on that and give us some sense of when this might happen? Use of Gladue reports in the Yukon took a very long time to actually begin to happen. I understand that there is a project in place to resource training for people to do those. What is involved in terms of incorporating Gladue factors and disciplinary proceedings at WCC?

Hon. Ms. McPhee: I’m mindful of the time, so I will try to answer as succinctly as possible. This is an important opportunity and an important issue.

I can indicate — the short answer is that training in-house at the Whitehorse Correctional Centre, as well as the individuals who are independent of the Whitehorse Correctional Centre who are the hearers — or the triers of fact for hearings of discipline — are already being trained with respect to the concepts of Gladue.

The idea at this point is not necessarily full Gladue reports being done to support those kinds of sanctions or decisions about sanctions, but in fact the concepts and ideas around Gladue and the factors that should be taken into account are part of the education that is currently happening.

I just wanted to correct one point. This is not to split hairs, but Gladue reports have been used here in the territory for quite a long time. It’s only in the last couple of years that there has been a properly funded program that is managed right now by Legal Aid in conjunction with the CYFN. Those reports are being properly funded and presented to the court. But for many, many years, Gladue reports have been used — either brought forward by individual First Nations that are trying to present that information or sometimes by individuals who have volunteered to do so and were paid sort of erratically. It is important information that has to come before the courts and it has done so in the past.

I can indicate that correctional officers and probation officers are receiving training in First Nation history and culture, developed in partnership by Yukon College and the Council of Yukon First Nations, as well as training on how to better work with and support inmates with mental wellness issues, including cognitive disabilities such as FASD. Correctional officer basic training now includes an orientation session with a human rights focus, developed and delivered by the Yukon Human Rights Commission.

I will probably leave it at that, Mr. Chair — other than to say that these measures, in my view, are a path forward. They’re not the end. It’s not sufficient for us to say, “Oh, we have that training and that’s it. That’s enough, and we have properly checked that box.” This is something that we need to work — the departments of Justice and Health and Social Services and other departments need to work together on these initiatives so we are modernizing our responses to these kinds of things and really supporting individuals with FASD or with mental wellness issues so that our entire community can benefit and those individuals can.

Mr. Chair, noting the time, I move that you report progress.

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

Motion agreed to

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 from the Chair of Committee of the Whole?

Chair’s report

Mr. Hutton: Mr. Speaker, Committee of the Whole has considered Bill No. 31, entitled *Act to Amend the Employment Standards Act*, and directed me to report the bill without amendment.

Committee of the Whole has also considered Bill No. 210, entitled *First Appropriation Act 2019-20*, and directed me to report progress.

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

Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

The House adjourned at 5:30 p.m.

The following written questions were tabled April 23, 2019:

Written Question No. 36

Re: bituminous surface treatment on community roads (Kent)

Written Question No. 37

Re: Takhini River bridge walkway (Cathars)