

**Whitehorse, Yukon****Wednesday, October 31, 2007 -- 1:00 p.m.**

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

*Prayers*

**DAILY ROUTINE**

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

Tributes.

**TRIBUTES****In remembrance of Bruce O'Neill**

**Hon. Mr. Hart:** I rise today to pay tribute to the late Bruce O'Neill. Bruce was one of those who served his community with pride and dedication and took his responsibility as fire chief passionately, for the continued safety and well-being of all people within the Haines Junction and surrounding area.

Arriving in Haines Junction in 1978, Bruce joined the municipal fire service as a volunteer firefighter and within a brief period advanced to become the fire chief. Bruce held a similar fire service record with the Town of Faro, where he served as a fire chief for a period of time. Bruce took his job very seriously and worked with local residents to provide fire safety and prepare for crisis situations that could have impacted on his community. He took his responsibility for the safety of his fellow firefighters, the people of the community and the protection of the buildings and infrastructure very seriously.

As a long-time member of the Yukon's firefighting fraternity, Bruce was one of the old-school fire chiefs. He had witnessed the many changes and improvements made to the Yukon volunteer firefighting service. His contributions to this development over the years have helped advance the service to what it is today.

Bruce also had a positive working relationship with his municipal administrators, whether he was requesting new equipment or increasing the training budget for the fire department -- and getting money for firefighting equipment can be one of the toughest, ongoing jobs for a fire chief.

Bruce was not shy and would gladly provide his perspective on things when asked to comment. He was sincere, factual, and knew his role and how to perform it well. He spearheaded a training initiative for shuttling rural water tankers for re-supplying pumper trucks on a fire scene -- a very valuable function in rural communities where fire hydrants are not available.

Bruce was a problem-solver and, like most fire chiefs, he would apply his training and skills to the best of his ability when confronted with a challenge.

Bruce also did contract maintenance for the Yukon Housing Corporation and, similar to his duty as a firefighter, when someone would call with a maintenance concern or similar concern with their building, Bruce would attend to the trouble eagerly, at all hours of the day or night.

Bruce's talents as a tradesman were well known and he would often be called upon to assist on any number of construction projects for individuals and/or organizations.

Bruce also served his community by sitting as the chair of the Southwest Yukon Assessment Review Board hearing concerns from his neighbours in relation to their property assessments.

Tonight being Halloween, Bruce would have been busy in his community with his annual firefighter display ensuring the festivities were safe and enjoyable for all concerned. I know he will be missed this evening.

We honour Bruce today as a man who gave himself and his time freely to his community to maintain the public safety and respond to help his friends and neighbours when they were threatened by fire or when he could lend a hand in some other fashion. We are better for the time he was with us and the contributions he made to his family, his community and the Yukon.

Mr. Speaker, joining us in the gallery are: Bruce's daughter, Jennifer; his niece, Sue Merke; family friends Robin Chambers, Mary Quaile, Lauren Riedl and Susan Whitty. Also with us in the gallery from the Yukon's firefighting community are Yukon fire marshal Marty Dobbin, deputy fire marshal Kevin Taylor and the fire chief of the City of Whitehorse fire department, Clive Sparks. I would ask all members to welcome them here with us today.

*Applause*

**Mr. McRobb:** I'd like to thank the Member for Riverdale South for giving a tribute with permission from the family. With the family's indulgence I too would like to say a few words about this very special person.

Bruce O'Neill was well-respected for his volunteer efforts and occupational expertise. He was known as a great family man. He contributed a lot to the communities of Faro and Haines Junction, and will be deeply missed.

I extend my condolences to the family.

**In recognition of Eye Health Month**

**Hon. Mr. Cathers:** I rise in the House today to encourage all Yukoners to get their eyes checked regularly in recognition of Eye Health Month. The Canadian Association of Optometrists initiated Eye Health Month in an effort to raise public awareness about the importance of preventive eye care. Researcher has shown that getting our eyes tested regularly can identify eye diseases or tumors before they become serious or even fatal. We are fortunate in Yukon to have several talented optometrists available to us.

The association recommends getting our eyes tested at least once a year, and more often for those with specific conditions such as diabetes. Testing not only determines if we need glasses or contacts, it helps detect eye health problems before they become serious.

In the same way we get regular health checks with our doctor, we need to get our eyes checked to protect our vision. An association commission survey revealed that many Canadians believe they only need to get their eyes tested if they have a vision problem; however, many diseases, such as glaucoma and

diabetes, don't affect vision in the early stages. These diseases can progress undetected and cause irreversible damage.

I'm pleased that my department is able to support vision examinations for seniors once every two years and provide the financial support for new glasses, as well as through the drug and optical program for children under the age of 18 for low-income families.

It's a small investment in time and money that can save our vision, and I would urge all members to recognize this and get their vision tested.

**Speaker:** Are there any further tributes?  
Introduction of visitors.

## TABLING RETURNS AND DOCUMENTS

**Speaker:** Under tabling returns and documents, the Chair has for tabling the report of the independent commission on MLA salaries and benefits. This report is being tabled pursuant to Motion No. 110, as amended, which was adopted by this House on May 23, 2007.

Are there any further returns or documents for tabling?  
Are there any reports of committees?  
Are there any petitions?  
Are there any bills to be introduced?

## INTRODUCTION OF BILLS

### Bill No. 105: Introduction and First Reading

**Mr. Mitchell:** I move that a bill, entitled *An Act to Amend the Cooperation in Governance Act*, be now introduced and read a first time.

**Speaker:** It has been moved by the Leader of the Official Opposition that a bill, entitled *An Act to Amend the Cooperation in Governance Act*, be now introduced and read a first time.

*Motion for introduction and first reading of Bill No. 105 agreed to*

### Bill No. 106: Introduction and First Reading

**Mr. McRobb:** I move that a bill, entitled *Net Metering Act*, be now introduced and read a first time.

**Speaker:** It has been moved by the Member for Kluane that a bill, entitled *Net Metering Act*, be now introduced and read a first time.

*Motion for introduction and first reading of Bill No. 106 agreed to*

**Speaker:** Are there any further bills for introduction?  
Are there any notices of motion?

## NOTICES OF MOTION

**Mr. Inverarity:** Mr. Speaker, I give notice of the following motion:

THAT the chair of the Yukon Workers' Compensation Health and Safety Board and the president of the Yukon Workers' Compensation Health and Safety Board appear as witnesses in the Committee of the Whole during the fall 2007 sitting of the Legislative Assembly.

**Mr. Edzerza:** I give notice of the following motion:

THAT this House urges the Yukon government to immediately recognize the need for follow-up to the scarce addictions treatment available in the territory by financially supporting communities, NGOs and individuals to develop and implement after-care programs in all of the Yukon, with particular emphasis on youth and family supports.

**Mr. Cardiff:** I give notice of the following motion:

THAT it is the opinion of this House that

(1) territorial legislation requires a review of the Education Act, which is years overdue;  
(2) the education reform process that was funded with \$1.5 million in taxpayers' money has produced a draft final report;  
(3) Yukon taxpayers are anxiously awaiting the results of this extensive consultation; and

THAT this House urges the Yukon government to immediately release the draft final report of the education reform consultation and to respond publicly to all its recommendations so that all Yukoners can become aware of the report's contents and this government's position on responsibilities shared with First Nations within the education system.

**Mr. Hardy:** Mr. Speaker, I give notice of the following motion:

THAT this House urges the Yukon government not to enter into bilateral talks with any other Canadian jurisdiction with respect to the Yukon signing on to the trade investment and labour mobility agreement that currently exists between the provinces of Alberta and British Columbia without first conducting broadly based consultation with Yukon people about the implications of such an agreement and without seeking the consent of the Yukon Legislative Assembly to engage in such talks.

**Speaker:** Are there any further notices of motion?  
Hearing none, is there a ministerial statement?  
This then brings us to Question Period.

## QUESTION PERIOD

### Question re: Workers' Compensation Health and Safety Board goals

**Mr. Inverarity:** Mr. Speaker, recently I attended the Workers' Compensation Health and Safety Board public information session that was held in town here. I pointed out to officials at that time that the section of the 2005 annual report entitled "Results-Based Management" was not included in the 2006 annual report. As you can imagine, Mr. Speaker, this section of the annual report listed a number of goals and benchmarks that the organization had planned to achieve. The next year, after failing to meet these goals, the information was simply missing.

In the interest of public accountability, we need to know what Workers' Compensation Health and Safety Board is trying to accomplish over the next year. This is a significant omission in terms of information reporting and a step backward in public accountability. Who made the decision that these important

indicators were to be removed from the annual report, and will the minister assure us that the Workers' Compensation Health and Safety Board's corporate goals are disclosed to the public in future annual reports?

**Hon. Mr. Cathers:** I have to point out again to the member opposite that it would really be helpful, seeing that he is the critic for the Workers' Compensation Health and Safety Board, if he took the time to familiarize himself with the act and perhaps took advantage of one of the sessions provided by a group, such as the Yukon Federation of Labour, to better familiarize himself with the structure.

The member is asking about matters that are within the board's area of jurisdiction. The board is complying with requirements for annual reporting and, with respect to the member's concerns, I'm sure the board will be monitoring this, and they will take his concerns and suggestions under consideration.

**Mr. Inverarity:** Well, I think it's the government's responsibility to table the report. During Question Period yesterday, the Minister of Health and Social Services indicated that amendments to the *Workers' Compensation Act* will not be brought forward this fall. The minister further indicated that the joint agreement by stakeholders will be a key factor in developing final legislation and that the key consideration will be the joint recommendations of major stakeholders. I presume the minister is referring to the nine priority amendments, as recommended by major stakeholders.

Compared to the number of recommendations developed by the *Workers' Compensation Act* review panel, it appears that the minister is endorsing a 10-percent solution. He has almost 90 recommendations from which to choose, but he is considering only nine of them. What is to become of the other recommendations? Will the minister commit to ensuring that all 88 recommendations be considered for incorporation in the new legislation? And I think this does fall under his purview.

**Hon. Mr. Cathers:** Yes, it does fall under my purview, as the minister responsible for the Workers' Compensation Health and Safety Board. But, again, in this area, it would really be helpful if the member took the time to do his homework.

The major stakeholder group presented a joint recommendation on 88 issues, not on nine. There was a recommendation from the same group to move forward more expeditiously with nine issues than with the remaining issues. But there was a joint recommendation on the issues identified, not on a mere nine, as suggested by the member opposite.

**Mr. Inverarity:** Mr. Speaker, I have received requests for assistance from injured workers who believe they have been mistreated by the Workers' Compensation Health and Safety Board. I received copies of letters that were sent to Workers' Compensation Health and Safety Board by lawyers who have challenged that the Workers' Compensation Health and Safety Board was not complying with the act as it is currently written.

My constituents have been assured by officials that the recommended amendments to the act would address their specific cases that have remained outstanding for many years and that the legislative changes would happen this fall.

Mr. Speaker, the minister stated yesterday that the legislative changes will not happen this fall. Will the minister direct the Workers' Compensation Health and Safety Board to develop a contingency plan to deal these long-standing case files, or do I have to prepare my constituents for another long, cold winter without their issues being addressed?

**Hon. Mr. Cathers:** Mr. Speaker, the member should be well aware that the structure of the act is designed to ensure independence. The minister is specifically prohibited from getting involved in individual case files. Perhaps the member opposite might wish to consider the appropriate balance between facilitating the interest of his constituents and politically interfering and taking a political position on an individual case file.

I appreciate the member's concerns. His assertions that there was a commitment made by anyone in writing, or verbally, that the act would be passed -- that denying changes to the act would be passed fall -- is incorrect. Certainly I would have to point out to the member that if someone made that commitment, they did so without due authority because only Cabinet can give that authorization and Cabinet has not done so. Yesterday I informed members opposite in the interest of openness and sharing information that, no, amendments will not be tabled for the *Workers' Compensation Act* this fall. The intention is to table those in the spring, subject to Cabinet approval.

I want to close by emphasizing to the members opposite that we appreciate the views of all who have presented in this process on amendments to the act, and particularly those of the major stakeholders who came together on joint positions on what were often difficult issues and on which, in the past many decades, have been issues that labour and employers did not come together to research consensus. They took the next step. They worked on achieving a mutually agreeable compromise and we certainly appreciate their efforts in it.

#### **Question re: Education reform**

**Mr. Fairclough:** Mr. Speaker, it's now general knowledge that a draft copy of the final report of the education reform project was leaked to the media. It has also been stated that the draft is now undergoing a technical review. So will the minister inform the House when the technical review will be completed and released to the government, and when will it be made public so that all Yukoners will be able to read and respond to its contents?

**Hon. Mr. Rouble:** Mr. Speaker, I'd like to thank the member opposite for his question on the education reform project. I appreciate the opportunity now to clear up some of the confusion and misunderstanding out there on this.

The education reform project is a joint Yukon government and Council of Yukon First Nations project. It's a commitment between the two bodies to work together to come up with strategies to improve education for all Yukoners. Mr. Speaker, we're working through that right now. We're working through our agreement. We've received a draft of the education reform team's work. When we first received it, they cautioned us that it was incomplete, that there were additional papers coming and that they were going to be making changes to it, including changes to recommendations and other spelling and grammar

errors as well. That's an update on that. We've agreed with the Council of Yukon First Nations to work together on this process.

**Mr. Fairclough:** Well, Mr. Speaker, I asked when it would be completed and released to the government so the public can also comment on its contents.

The minister is also a member of the executive committee. My understanding of a technical review is to edit the report in terms of typos, formatting, spelling, spacing, et cetera. Will the minister, as member of the executive committee, assure members of this House that the content of the report and, more specifically, its position papers and recommendations will not be altered, changed, deleted or added to?

**Hon. Mr. Rouble:** The education reform team has almost finished its work. They presented an update to the executive -- and that includes Chief Joe Linklater and Chief Liard McMillan and me -- in August. When it was presented to us, they cautioned that it was incomplete and that they were going to continue to make changes to it. In September, we held an executive committee meeting in Old Crow and further took a look at the draft that had been submitted. We recognized that we wanted to take a look at education, look at some of the recommendations and also look at some of the changes that have happened in the education system in the last couple of years. We felt it was very important to look at some of the recommendations in light of some of the recent changes in education, things like the First Nation Education Advisory Committee, the regular meetings of the Chiefs Committee on Education, experiential education programs being expanded and some of the other changes. I expect that there will be changes to the educational reform team's work. That's why they have it; they're still working on it and they haven't submitted their final copy yet.

**Mr. Fairclough:** It's our understanding that it's a technical review and that's what it should be. The report has been under this review now for months. There has been over \$1.6 million spent to date, and I hope that it will not be a repeat of the Hold Fast report that was not released until the sitting rose last spring -- two days after, Mr. Speaker. I see no reason why, as both a member of the executive committee and a minister, that he cannot set a time frame.

Will he set a date for the report's release before the end of this legislative sitting and give us his assurance that it will not be altered beyond a technical sense?

**Hon. Mr. Rouble:** I need to clear up something for the member opposite. There are two different processes going on. One is that the education reform team is completing their draft. They have additional information to add to what was originally given to us. They are continuing to make changes to their draft.

As well, the Council of Yukon First Nations and YTG are jointly doing a technical review. We are continuing our partnership in this project and having some of the senior Education officials and the senior officials from the Council of Yukon First Nations looking at where we are at in education. There are two processes going on.

When my office was in contact with one of the co-chairs earlier this week, we were advised that it was almost finished and that we could expect a final copy any day. Once we receive

it, we will continue with the process that the Council of Yukon First Nations and the Yukon government have agreed to.

#### **Question re: Woodcutting permits**

**Mr. Edzerza:** I have a question for the Minister of Energy, Mines and Resources. Eight kilometres of road have been built by this government in the Fox Lake burn area to facilitate access to firewood. Will the Minister of Energy, Mines and Resources tell us if an advertisement was placed in the last six months that stated that one section of road in the burn area would be accessible to the public?

**Hon. Mr. Lang:** On the question from the member opposite, I would get back to him on that question. I can't answer that question.

**Mr. Edzerza:** Well, I find that unacceptable because the minister should know about this issue. Firewood is a necessity for a large number of my constituents because that is their main source of heat in the cold winter months. A person who cannot obtain firewood is like someone who can't buy fuel for their oil stove. This is a very critical and a very important issue. I would ask that the minister really take this issue very seriously.

In the burn area there are four different roads that all have locked gates on them. This was confirmed by one of my constituents who is a commercial woodcutter and said he has keys to those gates. The department says the roads are accessible only to the commercial operators. When and why did the minister decide to make the access roads available only to commercial users?

**Hon. Mr. Lang:** In addressing the member opposite, the Department of Highways and Public Works, or Energy, Mines and Resources, manages approximately 5,000 kilometres of road. I'm being honest here in the House. I don't know what the member is talking about, but I will get an answer back to him that hopefully will resolve the issue, and I'll do that very shortly.

**Mr. Edzerza:** Maybe I can help the minister a little bit because, upon being made aware of this, I went to the department and asked for a firewood-cutting permit for the Fox Lake area and was told that it's only for commercial woodcutters. The government did build -- and they confirmed this -- eight kilometres of new road to access that firewood, but it was only open to commercial woodcutters.

This may not affect the minister, but there are many Yukon families who cannot afford to pay \$200 plus, which is the going rate for a cord of wood now. What they can afford is filling a pickup with gas, taking their power saws and working hard enough to get wood for the winter.

Will the minister tell us he will instruct the department to open one access road to the public --

**Speaker:** Thank you.

**Hon. Mr. Lang:** Again, I say to the member opposite that I will address his issue and have something back in writing to him. We hopefully can resolve the issue he has brought forward in the House. I will do it as soon as I can.

**Question re: Psychiatric assessment and treatment**

**Mr. Edzerza:** I have a question for the Minister of Health and Social Services. Today I'm continuing with questions on how this government will start dealing with the social problems in the Yukon, after giving us our great economy. It's important for the Minister of Health and Social Services to recognize how intertwined and interdepartmental all social problems are. The result of poverty can only be addictions, violence and child abuse.

Treating one condition does not mean another problem is gone. That is true of mental disorders, as with anything else.

Will the minister tell us how he is responding to the complex needs of people with psychiatric problems?

**Hon. Mr. Cathers:** Mr. Speaker, I appreciate the question from the member from the third party, the Member for McIntyre-Takhini, and I especially appreciate the compliment he paid this government in thanking us for -- I believe his words were "giving us our great economy". I do thank him for that compliment.

But moving on to the member's question, I do sincerely appreciate the issue here. We have acted in a number of areas. We have acted through efforts such as expanding our clinician services through the department in terms of providing a youth clinician for mental health, a nurse clinician based out of Dawson City to handle issues in Dawson City and the surrounding area. As well, we have just contracted with a second psychiatrist who will begin serving clients, I believe, at the first of the year. The contract has been signed and approved, and we will be moving forward with other areas that I hope to announce in the near future to further expand the services to people with mental health issues. I certainly appreciate his comments and recognize that he is indeed correct. The linkage between that and family violence and, of course, alcoholism is one that we're concerned about, and we're taking action to address it.

**Mr. Edzerza:** There are many levels of psychiatric and mental distress. Some afflicted people can be helped and sometimes even healed with simply starting a job. Some need housing. Some need social skills training. Some respond well to counselling. Others need medication to face their problems. But there are those who cannot be assisted without hospitalization, if even for a brief time. Will the minister confirm that there are mental health patients now on open wards with seniors in the hospital and advise us if this is both safe and comfortable for all patients?

**Hon. Mr. Cathers:** In answer to the Member for McIntyre-Takhini, I don't manage the current clientele at the hospital. We provide the hospital with direct funding. We work with them on the issues they identify to us, but they are managed by the Yukon Hospital Corporation Board of Trustees, which has the CEO and administration under them. We deal with them through that level. I certainly don't manage the current numbers of people in those areas, so I can't answer the member's question.

What I can tell the member is that we are providing the hospital with additional funding to create a second secure facility for patients with mental health challenges, and we're working with them on other expanded options for addressing the

needs of patients with mental health needs. It would be premature for me to announce details at this point, but it is an area that we're currently working on -- the Department of Health and Social Services -- and the CEO and administration of the Whitehorse General Hospital are working on the details. I look forward to making an announcement once we have steps of a plan concluded for those areas.

**Mr. Edzerza:** Maybe the minister should catch up with the national agenda to try to understand all the serious issues that have happened in other areas across the country with regard to violent people put in places where they can't be maintained.

At one time, it was proposed by this government that the Thomson Centre would be used to accommodate psychiatric and medical detoxification patients -- both very important areas of need. The latest news on the extended saga of the use of this building is that it will be used for long-term continuing care. Let us hope that those long-term care seniors won't still have psychiatric patients on the same ward with them.

When will psychiatric patients receive help? Will they still be left as afterthoughts in some hospital ward or will they finally be treated with respect and compassion?

**Hon. Mr. Cathers:** I appreciate the member's concern on this issue. It is an area that we are concerned about. That is why, as I indicated to the member opposite, we are providing the hospital with funding to do renovations and make a second secure bed available for patients with mental health issues. Of course that, as the member knows, provides the ability to deal with those who may be violent at that time.

Again, I want to expand on what I said earlier to the member in my previous response. We are working with the hospital on further options for addressing patients with psychiatric challenges and mental health needs. With regard to the member's suggestion about the Thomson Centre, we had a functional review done by a consulting firm known as Options Consulting. They gave us the recommendation that we concur with, that the most appropriate use for the Thomson Centre, and the most cost-effective use, is to use that for continuing care, for which it was designed, and to proceed with other issues such as mental health by using a different building. It would otherwise require very significant renovations to the Thomson Centre to address those needs.

The issue of expanding the availability of beds for mental health is something I discussed with the board of the Yukon Hospital Corporation when I met with them earlier this month. It's an issue that we agreed is a priority to work on together, subject, of course, to funding approval through Cabinet.

**Question re: Workers' advocate job termination**

**Mr. Mitchell:** I have a question for the Minister of Justice. Yesterday I pursued a line of questioning concerning the firing of the workers' advocate. I'd like to quote from section 2 of the *Canadian Charter of Rights and Freedoms*: "Everyone has the following fundamental freedoms: (a) freedom of conscience and religion; (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; (c) freedom of peaceful assembly; and (d) freedom of association."

Mr. Speaker, it is of paramount importance that political firings do not take place anywhere in Canada. It is also equally important that they are not perceived to have taken place. So I will ask the Justice minister: does she understand the importance of standing up for these fundamental freedoms, and will she reinstate her employee who was fired for expressing his freedom of thought, belief, opinion, expression, and association?

**Hon. Mr. Hart:** I will discuss the situation as we did previous times when we came to this question. We on this side of the House do not get involved in personnel matters. That is left to the Public Service Commission.

There are venues where a person can appeal a decision that has been made.

**Mr. Mitchell:** That's not an answer, and it certainly wasn't the Justice minister. It was more ducking and dodging. Let me be very clear, Mr. Speaker. We believe this was a political firing.

The minister has three choices: she can continue with the same "no comment"; she can do what was done in Energy, Mines and Resources recently and blame the public service; or she can stand up and assure Yukoners that this was human error, and she will take immediate steps to reinstate the workers' advocate. Which one will it be?

**Hon. Mr. Hart:** This side of the government will not be involved in personnel issues, and we will continue to allow the Public Service Commission to take care of all personnel issues. We will let them do what is necessary through their process.

**Mr. Mitchell:** The Official Opposition has no intention of sitting by while fundamental rights are trampled within this territory. We will never accept what is happening to the workers' advocate or any other Yukoner who is on the wrong side of this government -- not for one minute.

Why were the workers' advocate's files taken away from him, and why was he fired?

**Hon. Mr. Hart:** I am unaware of why he was fired. I was only made aware of it through the previous question from the member opposite. As I stated earlier, we do not get involved in personnel issues; that is handled by the Public Service Commission, and it is their prerogative as to how they deal with a situation. As I mentioned earlier, there are venues and processes through which an individual can appeal. He can either go to the Ombudsman or go through a court process to get his case heard.

#### **Question re: Workers' advocate job termination**

**Mr. Mitchell:** Let me ask the minister another question that he might be able to answer without having to repeat himself. The workers' advocate had e-mails going back to 1997. Many of these e-mails will substantiate his claims. He has been denied access to these files. He has further been told that now, after 10 years, while he was away from the office, the computer information has been destroyed. I'm not an IT specialist, but I do believe that all that is required is to go back to a recent date prior to when the files were corrupted and run a backup to restore them to that date.

Can the Justice minister at least agree to have these files restored and returned to the workers' advocate so that he may proceed with his defence?

**Hon. Mr. Hart:** I sort of understand what he's trying to get at here, but I wish he would understand our position. The Yukon government does not get involved in personnel issues. This issue is handled by the Public Service Commission. I had mentioned that there are venues through which he can apply, and he can get the information that the member opposite is discussing. There are venues he can approach, but right now, we don't get involved in this process; it's being handled by the Public Service Commission.

**Mr. Mitchell:** The workers' advocate is finding himself in a very difficult position without access to this. He had other files in addition to his e-mail. He represented many Yukon workers in their struggles with the Yukon government. Many of these files contain very confidential information that may well have been medical records, psychologist reports and so on. We have grave concerns about the integrity of this information, and Yukoners should be equally concerned.

Will the minister now do the decent thing, restore the files to the workers' advocate, reinstate him to his position and allow him an impartial and fair process through which to deal with the accusations that have been made against him?

**Hon. Mr. Hart:** I will reiterate what I indicated earlier. There are options open for this individual through which he can obtain the information. He can go through that process and try to obtain this information. He can deal with the employer in that case and apply for that information. But that's up to him and he has processes through which he can get it.

As I mentioned, those are available to him and he can approach that process. He has that venue open to him. Whether the information is private or not, with regard to the individual, I'm sure that the appropriate measures have been taken to ensure that the privacy of the information is maintained.

**Mr. Mitchell:** Mr. Speaker, nowhere else in this great country can a person be accused of such a serious offence and then be denied access to the very information that is a crucial part of his or her defence. This is ludicrous. It is incumbent upon the Justice minister to assure Yukoners that fairness prevails, Mr. Speaker.

In August 2007, the president of the Yukon Employees Union said he was "profoundly concerned" over restructuring taking place at the workers' advocate office. He further said, "It is impossible to ignore the fact that the workers' advocate supported another political party during the last Yukon election." The writing was on the wall in August, Mr. Speaker. Will this minister or the Deputy Premier, or someone on the government side of the House, take immediate steps to cancel this miscarriage of justice?

**Hon. Mr. Hart:** We do not, nor do any of my colleagues, get involved in any personnel matters, especially the one that member opposite is indicating to us. That is not something that we do. We are not involved in that process. It is entirely handled by the Public Service Commission and there are avenues the individual can take and I strongly suggest that they do so.

**Speaker:** Time for Question Period has now elapsed. We will proceed to Orders of the Day.

## ORDERS OF THE DAY

### OPPOSITION PRIVATE MEMBERS' BUSINESS

#### MOTIONS OTHER THAN GOVERNMENT MOTIONS

##### Motion No. 178

**Clerk:** Motion No. 178, standing in the name of Mr. Hardy.

**Speaker:** It is moved by the Leader of the Third Party THAT this House urges the Government of Yukon, in conjunction with the leadership of self-governing Yukon First Nations, to adopt a new protocol for government-to-government relationships; and

THAT such a protocol would allow all Members of the Yukon Legislative Assembly to engage in open, transparent dialogue with First Nations leaders, to promote mutual understanding and foster collaborative approaches to governance for the benefit of all Yukon people in the future; and

THAT the *Co-operation in Governance Act* be amended to provide for formal meetings between First Nations leadership and Members of the Legislative Assembly on an annual basis, with the proceedings of such meetings being open to the public and forming part of the public record of the Yukon Legislative Assembly.

**Mr. Hardy:** I don't intend to speak very long on this motion, but I would like to provide the House with some thoughts about the context, the intent and what this motion can mean in terms of the Yukon's future. We have an opportunity this afternoon to take a great step forward in terms of the relationship between public government and First Nation governments. We have an opportunity to be part of bringing about a positive change in our democratic process that will help move the Yukon away from some of the more negative aspects of our history and toward a kind of collaborative, cooperative governance that will benefit future generations and serve as a model for other jurisdictions across Canada.

My purpose in bringing forward this motion is to challenge members of this Assembly to demonstrate courage, vision and open-mindedness about how we can break old patterns that have not worked to the best advantage of our society and develop new patterns and new approaches for the future. From time to time in this House, we have seen what can happen when we step back from rigid partisan positions and put our attention where it belongs on doing what is best for Yukon people. I believe that each and every one of us in our hearts is in this place because we want to make a difference, because we want to help make life better for our families and our communities. Unfortunately, it is too easy to get caught up in the things that divide us -- differences of political philosophy, our personal conflicts -- and lose sight of why we are really here, Mr. Speaker.

But when we do that, it only leads to public cynicism and mistrust of government and the legislative process. From time

to time, we have talked about the need for legislative renewal, for changing how we do things here in the Legislature. We have talked about making our proceedings more open and transparent but, to be honest, we haven't really done too much about that.

This motion is an opportunity to show that we are open to change, that we can be more inclusive and open. It's an opportunity to show we can get beyond conflict and confrontation and that we can actually model a more cooperative, collaborative way of conducting public business on behalf of the people we are elected to serve.

Let's not forget this is exactly what Yukoners were promised in 2002 when the current government first took office. Instead of confrontation and conflict, we were promised government based on collaboration, cooperation and compromise where necessary. Mr. Speaker, it's time we started to live up to those principles. We can do it here this afternoon.

This debate is not about scoring points. It is about moving the Yukon forward so that all people in the Yukon feel their voices are being heard. In particular, it's about providing a new, more open and more cooperative approach to how the public government and First Nation governments can address the needs of their citizens.

At this point, what I would like to do is go through this motion clause by clause to provide a bit of background and explanation about what we are proposing and why we feel this is a proposal that is worth serious consideration by this House.

The first clause calls for a new protocol between the Yukon government and First Nation governments. There already are protocols in place, and we acknowledge that. This fact in itself shows that we have come a certain distance in the relationship between public government and First Nation governments. There are many agreements in place between the Yukon government and individual First Nations on a wide variety of subject areas. There has been a certain amount of cooperative effort on issues such as the *Children's Act* review, education reform and the corrections review. There have been economic development agreements in different parts of the territory, both with self-governing First Nations and with other First Nations that do not have final agreements with Canada and the Yukon.

There is a lot of work being done by very hard-working individuals in both the public government and First Nation governments on implementation of land claims and self-government agreements. And there is, of course, the Yukon Forum. And there is the *Co-operation in Governance Act*. All of these things, in their own way, are part of an evolving relationship that began over 30 years ago, when the land claims process first got started. Now, let's not ignore or minimize those achievements. At the same time, let's not fool ourselves that the work is done or that there isn't a great deal of room for improvement.

We all know that there are still conflicts and divisions -- perhaps there always will be, but surely we can find better ways to resolve them than what exists at present. We all know that living conditions for many Yukon First Nation people fall

far short of what is acceptable in a modern, wealthy country like ours.

For example, the figures on employment, health outcomes, educational levels, involvement in the criminal justice system, and community infrastructure all point to chronic systemic disparities between First Nations and other members of our society. I'll put it very bluntly -- until we have closed those gaps, we will never be able to call ourselves a fair or just or progressive society, nor can we sit down and negotiate equally.

If we are serious about closing those gaps, we must be open to new ways of addressing the problems and reaching effective solutions. We must be prepared, as legislators, at all levels of government, to break down barriers, to challenge existing power structures, and to take responsibility together for solving the problems that are so evident and so long-standing. If we want to build a Yukon where everyone is equal, we need to start by treating each other as equals.

And if I may digress a little, I'd like to refer to what's known as the "golden rule". Now, originally, that principle was spelled out as: "Do unto others as you would have them do unto you." In other words, treat people the way you expect to be treated. If you want people to treat you with respect, you must treat them with respect.

How sad it is, Mr. Speaker, that the golden rule has been corrupted into a very cynical interpretation that I'm sure everyone in this room has heard: "He who has the gold makes the rules."

Unfortunately, many people in our society seem to accept that cynical definition of the golden rule, because they look around and see that their needs are not being met, that they are being marginalized, that they are not listened to. They don't seem to have a place in the great scheme of things. It's time we got back to the original intention of the golden rule, where we recognize each other's dignity and worth as individuals, where we deal with each other in a climate of respect and we treat each other the way we want them to treat us.

The colonial days are over -- or they should be over -- where one group of society had ultimate power over everyone else. That is what led us to the situation that we're in today. It's certainly not a blueprint that will work in the future. That is not just within the Yukon; that's not just within Canada; that's not just within North America. That is around the world. Colonialism brought a lot of problems. We have to recognize that. We've built our society around it but it's time we move forward.

This motion calls for the Yukon government to work side by side with First Nation governments to develop a new protocol. There is no senior level or junior level of government in this proposal; there is only a relationship of equals. That does not mean there aren't different areas of jurisdiction and responsibility. Of course there are, and there always will be. Just as provinces and territories have different areas of responsibility from the federal government, there are differing areas of responsibility between the federal government, the Yukon public government and self-governing First Nations.

What we want to achieve with this motion is a commitment by the public government, and especially by the elected

members of this Assembly, to find workable, effective ways of sharing those responsibilities in order to improve life for all Yukon people. The key word in that statement is "sharing".

The second clause of this motion recognizes that the relationship between public government and First Nations is not just a matter between the governing party, the Premier and Cabinet, and the leadership of First Nation governments. It is a matter that concerns all those who are elected to make decisions on behalf of the constituents they represent. That is the meaning of responsible government. Each and every one of us in this Assembly has a duty to make responsible and wise decisions on behalf of the people we represent.

The Premier and Cabinet have overall administrative responsibility, but they derive their authority from the people through this Assembly. Let us never forget that fact, Mr. Speaker. We do not have a system of government where the administrative branch has unlimited power and authority. Let us hope that we never do have such a system.

I'd like to move on now to focus more on how our proposal would work, more than the question of why change is needed. Before I do that, I would like to interject a cautionary note. Because this is not a one-sided process, it is not up to us to define the rules of conduct all on our own. That would have to come through discussion and negotiations with the First Nations. This is also not something that could come about all at once. It is a process that would evolve through trial and error as we gain experience and develop mutual trust and understanding.

In broad strokes, what this motion proposes is to involve all Members of the Legislative Assembly in the dialogue with First Nation leaders about how we can work together to achieve our mutual goals of improving life for all Yukoners. I want to emphasize, once again, that we do have many models right now and we are working successfully in many areas, but we can do more.

As I said, this will not replace the existing Yukon Forum, which has its own purposes. The Yukon Forum is a good start but it has built-in limitations. For one thing, it happens behind closed doors. For another, it involves only the Premier and Cabinet in the discussions with First Nation leadership. What we are proposing with this motion is to broaden the scope of dialogue and move it out from behind closed doors so that all Yukon people, First Nation and non-First Nation, can see how their elected representatives are acting on their behalf.

There is a reason for making this proposal. Each one of the 18 members in this Assembly was elected to represent the people within a certain geographical area. Each of us has a duty to represent our constituents fairly and equally, regardless of their political views or any other consideration. In the same way, each of the First Nation chiefs represents a certain constituency. Because we share that responsibility, surely we should have a forum in which we can hear directly from each other, where we can identify mutual areas of interest and concern, so that we can come up with effective solutions together.

That's what we mean by cooperative governance. It is not something to fear. It doesn't mean losing power or status. It



means that we can all grow and improve by listening to each other and working toward a common purpose.

I'd like to make a comparison that comes directly from my background in the labour movement, Mr. Speaker. I've been involved in negotiating many contracts over the years. From that I've learned there are two basic forms of labour management and negotiations. The first is called positional, or adversarial, negotiation. To put it in fairly stark terms, this is the process of hard bargaining where in order for one side to win, often the other side has to lose or give up a lot. It is a process where each side puts its own needs and interests ahead of everything else and tries to bring the other side around to its position. It is confrontational. It's often very tense and it almost always leaves a bitter aftertaste in the mouths of both sides and it is a very difficult process to go through.

Much of our legal system over the years has been based on that kind of adversarial approach. Unfortunately, a lot of political dialogue tends to be of that kind. We witness it continuously in the Legislative Assembly. Whether it is today, yesterday, last year, or five or 10 years ago, underlying many of our comments and many of our questions that we ask in the Legislative Assembly, we have a very adversarial approach -- not always the best approach.

The other main type of labour management negotiations is what is known as interest-based bargaining. This is where the two sides start off by recognizing each other's needs and focus on joint problem-solving. It is a more cooperative approach that is aimed at achieving a win-win situation. Because the two sides treat each other with respect, and work toward an outcome that meets the needs of both parties, it doesn't leave that bitter aftertaste of mistrust and suspicion in most cases.

It's encouraging to note that this more cooperative approach to problem-solving is being used more and more in the legal system, both in the Yukon and elsewhere. It is also being used in many cases through labour negotiations. I know I was part of the training around interest-based bargaining and we did apply it to some of our negotiations. Where we applied it, we found there were many common areas where we could side together and discuss the issues that were put up on the board and resolve them without a sense of distrust or suspicion and have both walking away feeling we had achieved a goal that was good for the people we were representing on both sides.

A great number of Yukon people have been trained in this kind of dispute resolution process already. I'll tell you right now, Mr. Speaker, I truly believe that we are all better for it. Unfortunately, we haven't made much progress in terms of bringing that more constructive way of doing things into the Legislative Assembly or into many of the operations of government. If our political system is still stuck in the rut of confrontation and adversarial negotiations, how can we expect our government-to-government relationships to be any better?

I want to go over a few parts of interest-based negotiations, just for people who may not have ever participated in them. The guideline is to decide if interest-based negotiations are appropriate for the situation. Make sure shareholders or stakeholders are supportive and willing and able to participate. In order to be willing and able to participate, they need to be

given the tools, the training, the financial support and the shared knowledge to feel that they are on equal footing to use this type of negotiation. Leaders who are at the table should support the process and ensure resources in this area.

Assess the parties involved. Make ground rules that are mutually agreed upon, Mr. Speaker. That's very important. You have to mutually agree upon the ground rules. One side can't come in and say, "Here are all the ground rules; now we'll have equal negotiations." That won't happen. There has to be a mutual acceptance of what those ground rules are.

Have a neutral facilitator. That lends itself very well, especially if the issue is big and it involves many people. At times you can get away without using a facilitator provided you've already gone through this kind of process quite a few times and it is only involving some small issues or just a small group of people. In the sense of government-to-government relationships, it would be good to have a neutral facilitator in this process.

Plan for implementation from the beginning; don't decide that you're going to sign agreements but not know how you're going to implement what you sign. Implementation needs to be planned right up front; otherwise you may just be signing paper. The intention may be there to honour, but you may not know how to honour it. We have seen examples of that already in relation to the nine-year report study that came out in regard to the federal government not living up to the financial or fiscal responsibility for implementing processes that they had agreed to with First Nations. If implementation is part of the front -- if it's front-loaded -- the negotiations will be more realistic and may be more honest. Policy should not be overly prescriptive.

What are the concerns around this type of bargaining? Sharing control over processes -- again, we're equals at that table. Let's share the control of it. It's very difficult for many governments to do. Agencies have to adjust. There is going to be give and take to make it work. Implementing agreements if officials are not committed is a concern. Everybody has to be a part of the decision and has to agree to it and be brought forward, and the officials, who will do much of the work behind it, have to buy into it also. Deciding who participates is an important issue. We've already talked about our new protocol where Members of the Legislative Assembly -- not just Cabinet, not just the Premier -- representing each of the many districts around this territory would be participants. That's a change.

Of course finding an impartial facilitator might be a challenge. I don't think it is. I think most well-trained facilitators are impartial and are quite good at their job. Some interests may not always be represented. We're accepting that.

Maintaining the effectiveness of the process without bureaucratizing it too much is very important as well.

What this motion proposes is to adopt a process that involves all Members of the Legislative Assembly, as well as the elected representatives of the First Nation governments, working as equals in a climate of mutual trust and respect to come up with solutions for the problems we have in common.

Once a year, or whenever it is agreed that this kind of process should take place, the participants would bring forward

the matters they have agreed to address. There would be no hidden agendas and no power struggles. Everything would be on the table, in the public eye, and on the public record.

This process wouldn't necessarily follow the normal, rigid rules of this Assembly. It would follow procedures that have been mutually agreed upon. It could resemble a legislative sitting. It could resemble a First Nation's general assembly. It could have elements of both, or it could take a completely different form altogether. This dialogue wouldn't necessarily take place in this Chamber, although, from time to time, it might.

Now, there is a building in Vancouver -- the Centre for Dialogue. It was built and is being run by Simon Fraser University. I would recommend that every single person in this room, if they go to downtown Vancouver -- it's on a corner. I've been in it a few times. It's in an old bank building that was bought by SFU and they created this Centre for Dialogue. It is quite amazing. The layout is absolutely astounding. The conversations, discussions, debates and dialogue that they've had there is very far-reaching, innovative and inspiring.

People do not sit across the table from each other, as in an adversarial situation. It is all designed in a circular pattern. My wife, who has come with me and sat in there, has said that it reminds her of a labyrinth, which brings peace, unity and centredness to a person.

This is the setup in a very wonderful, beautiful environment. It has, of course, the latest technology for people, whether it's communications, video, whatever. It is being very well-used and it is a great model, and I would recommend that everybody, if they go through Vancouver, take the time to go see it or try to take the time when there is dialogue happening in there. Some people might have seen it on TV or on some of the broadcasts when the B.C. government had brought in people -- I think it was up to 200 people from around British Columbia -- to discuss electoral reform, and the debates were held in this room. Plus there are many other rooms, branches where they can go off and discuss and come back to it. Please do go. It would open your eyes to alternative methods of even just how we sit and talk to each other.

Finally, as with all government-to-government processes, a great deal of the work would happen behind the scenes between public sessions. That's an accepted part of this. One of our hopes is that this would lead to much more day-to-day cooperation between public government staff and management and their First Nation counterparts.

In order for this to be effective, however, both the federal and territorial governments need to make serious efforts to address the identified need to help Yukon First Nations develop the capacity to take on the responsibilities of self-government that are embodied in their agreements. The review that was recently completed of the first nine years of implementation makes it very clear that the federal government, as I said earlier, has much more to do in this regard. At the same time, we believe that the Yukon government can also do much more. I also believe that, as legislators, we have a role to play by demonstrating that more cooperative approaches can lead both to better relationships and to better solutions to problems on behalf of all Yukoners.

Finally, Mr. Speaker, I'd like to speak very briefly about the third clause in this motion, which is the reference to amending the *Co-operation in Governance Act*.

As the sponsor of this motion, I am not suggesting that this is something that can or should happen right away. That's why we haven't brought this forward as a private member's bill at this time. Frankly, it would be premature to amend that act at this time until we have made some progress with the kind of dialogue this motion is proposing.

Before we enshrine a new process into law, let's try out some new approaches to see how they would work. One way we could do that is by adopting the idea that has been presented in Motion No. 179 by my colleague from Mount Lorne. There is no reason we couldn't invite First Nation leaders to attend a special evening meeting of the Committee of the Whole this fall or next spring to begin the kind of dialogue I have been speaking of today.

The ball is in our court. We can make change. I am looking forward to hearing from all members this afternoon, because I believe we have an opportunity to make a difference. I believe we have an opportunity to change the course of Yukon history. I believe we have an opportunity to put real substance and meaning into the words that we often use quite carelessly -- words such as "trust, respect, cooperation and collaboration".

With that, Mr. Speaker, I will conclude my remarks and ask all members to give this motion full and fair consideration.

Thank you.

**Hon. Ms. Taylor:** I am very pleased to speak to the motion before us today. I believe it is a very timely discussion, and I believe all Members of the Legislative Assembly will have much to say and there will be many perspectives to share.

I have certainly been on the public record on a number of occasions with respect to this particular area of importance. I think it has been said time and time again that we certainly do not profess to have all the great ideas or a monopoly on all the wonderful ideas out there.

It is, in fact, an opportunity for the Legislature to come up with different ideas and have constructive debate and make presentations to the Assembly as to how we can better improve the delivery of services and programs to Yukoners.

I would first like to thank the Leader of the Third Party for bringing forward this particular motion. I think it is constructive debate that will in fact take place here over the course of this afternoon. Whether or not at the end of the day we all agree or will agree to disagree, that's another matter to be determined as the discussion unfolds.

One thing that I would like to say to the Leader of the Third Party is that I would like to thank him for this very positive motion he brought forward. Perhaps unlike some of the other discussion that has taken place here today, which I do not believe was very constructive, to say the least -- and I'll just leave it at that.

One thing that makes the Yukon especially unique is the achievement of land claims -- aboriginal self-government agreements. Certainly it has been said on a number of occasions -- and I certainly believe it to be true -- that Yukon has

been an exceptional leader in terms of being a model for the rest of the country as to how land claims, self-governing First Nations, can certainly provide governance in their respective areas in the country. It is a fact that many other jurisdictions have looked to Yukon as a model.

I think that through the many hours, the many days, the many years and the hard work and efforts of many individuals, many leaders, many governments of various levels and of all stripes -- we were very pleased to see the *Umbrella Final Agreement* take effect in 1993, which ultimately provided for the settlement of land claims as well as the creation of self-government by Yukon First Nations.

Since that time, there has been a lot of progress. Eleven of the 14 Yukon First Nations have settled their claims. Since that time, First Nation governments, the Government of Yukon and the Government of Canada have garnered a considerable amount of understanding and a better appreciation of the issues at hand with respect to this new regime -- this new governance -- within the territory.

We continue to strive to learn from one another, and I think all governments involved have learned an incredible amount and will continue to learn along the way.

Above all else, as the Leader of the Third Party alluded to earlier, there is a widespread recognition of the great benefit to the people of every walk of life in the territory when governments cooperate on issues of importance.

As I mentioned, with the settlement of each land claim comes a better understanding and appreciation of the issues of importance to First Nations and all citizens of this territory. We continue to learn more from one another as time goes on.

One of the major pillars contained within our 2002 election platform was our government's commitment to formalize government-to-government relationships with Yukon First Nations, based on mutual respect, consultation and cooperation for the better operation of all governments in the territory, with the objective of reducing barriers and providing more effective services to all Yukon citizens.

That is what we said we would do; that is what we continue to do. We're working toward doing just that.

One of the single most important attributes of First Nation self-government is jurisdiction over areas of governance that are compatible with and similar to the Government of Yukon's areas of governance.

With the evolution of the Government of Yukon as public government, especially through amendments to the *Yukon Act* in 2002 and the coming into effect of the devolution transfer agreement more recently in 2003, there is now, for the first time in Yukon history, the ability of Yukoners to truly govern what matters most to them. As First Nation self-government evolves likewise and as evolution takes place, our respective governments involved have become very aware of, in fact, our tremendous potential here in the Yukon.

As our Premier has noted on many occasions, as governments we endeavour to respect one another's jurisdictions and traditions. We have discussions, meetings and consultations. It is certainly true that we disagree on some occasions. But the main thing is that, as partners at the same table, we are able to

commit ourselves to working through issues of concern and problems that are identified and to see them through.

As Yukoners, we certainly know that when we cooperate on matters of mutual interest we are the better for it. We are stronger and we are able to realize the net potential of the Yukon in moving forward, whether it be on social, economic, legal or political matters. That is really, in effect, what the Yukon Forum is all about.

Now, the Leader of the Third Party made reference to a number of initiatives that he and his party have acknowledged. I thank the Leader of the Third Party for that acknowledgement and recognition that the Yukon Forum is a good institution -- it's a good thing.

He has also made reference to a number of initiatives that the Government of Yukon, in full partnership with First Nations, has agreed to address. They are education, cooperation, collaboration on matters pertaining to our justice system -- and corrections in particular -- and the *Children's Act* as well. Those are all but a few.

Back in 2004, the self-governing First Nations and the Yukon government actually signed a memorandum of understanding on cooperation in governance in the Yukon. As members will recall, the purpose of that particular memorandum of understanding was to formalize the government-to-government relationship between Yukon and the Yukon First Nations by establishing a means through which elected leaders of governments could review, discuss and determine common priorities and opportunities for cooperation and collaboration. The parties agreed the Yukon Forum would in fact be the mechanism to achieve this. Yukon likewise also committed to enshrine the Yukon Forum in legislation and to provide ongoing support or participation in this particular venue. In December 2005 -- almost two years ago -- full unanimous consent of Members of the Yukon Legislative Assembly was given to the *Co-operation in Governance Act*, which, in effect, enshrined the Yukon Forum. As has been said, enshrining the forum in legislation is in fact the highest level of commitment possible by a public government and at the time was a first in this country.

The structure and the conduct of the Yukon Forum provide a mechanism to establish cooperation in governance in the Yukon. I recall when the memorandum of understanding was signed. The Grand Chief at the time -- and I will quote, if I may, his remarks in response to that. "We are now embarking on a process conceived some 30 years ago, a process upon which the Yukon moves into the future on terms, conditions and decisions made for the benefit of all Yukoners, enabling us to speak with a single voice. This is a great day for all of our children today and tomorrow."

The Premier went on to say how the Yukon Forum was in fact a very powerful symbol of an effective working relationship between our respective governments and in our ongoing commitment to working on a government-to-government basis.

Since that time, there have been a number of successes and a number of issues brought to that table. As I just made mention, I don't believe there is any other jurisdiction in this country where such legislation or such a mechanism has been for-

mally established, where individual leaders of public governments can come together and cooperate.

This is not to diminish any of the efforts or work that have taken place over the years by respective governments. There have been a lot of successes over the years with various initiatives and mechanisms to address some of these issues of ongoing concern and importance to our respective governments. We continue to strive to better improve the delivery of services to the entire Yukon citizenry.

As members will recall, the legislation provides for the establishment of a place for discussion among governments, called the Yukon Forum. The central purpose was to establish a means through which we could review, discuss, share and determine common priorities.

In effect, it's a way to formalize what were previously informal meetings, say what you will, between the leadership of First Nation governments and the Government of Yukon.

This in effect is a mechanism that creates formally and in a cooperative manner a place where a government can come together, again, to collaborate.

The Yukon Forum includes the Premier, the Grand Chief of the Council of Yukon First Nations and the chief of each Yukon First Nation that has entered into final and self-government agreements. The chiefs of First Nations that do not have final agreements are also very much welcome to take part in all forum meetings and have a voice at the meetings, and they have done so.

As I mentioned, the forum is based on a belief that, by its membership, government-to-government discussions at a leadership level are an effective and productive way to move common priorities and commitments forward. In effect, the forum has been able to foster much open discussion on a number of issues, and it has certainly made very good progress on a number of important subjects, including corrections, the housing trust, the northern strategy and the northern economic development funding.

I just want to make reference to further elaborate on some of these successes that the Yukon Forum has been able to address collaboratively and in a coordinated approach.

Back in the fall of 2005, as I mentioned, we were able to together, collaboratively -- the Yukon government and First Nation governments -- come to an agreement on a made-in-Yukon application of the principles, of the criteria and administration of the northern economic development fund. Again, it was a very important moment, and a time that was indicative of the collaboration that was reached. In effect, these principles that were reached -- the shared vision -- were then taken to Ottawa, to the Government of Canada, for their consideration. It again was another collaborative approach by working together, sharing that togetherness with our other order of government, the Government of Canada, and we were in fact able to garner much success on this particular front.

In effect, as we know, this particular fund has in fact proved to be a very important tool to strengthen not only the self-reliance of all Yukoners, but certainly First Nation governments, as a means of recognizing their contribution and all our contributions to our economy. Again, this is another indica-

tion of our commitment to continue the collaborative and effective intergovernmental relationships.

About a year ago, or a year and a half ago, also coming out of the Yukon Forum, were some successes garnered on key elements to advance work on the northern strategy, the targeted investment fund -- as I just earlier referred to, this is actually the former northern economic development fund -- and the corrections review, which is all but a few of the very important initiatives coming out of the recent Yukon Forum -- not recent, but the one in 2006.

Again, very significant, the northern strategy and the economic development fund, two key instrumental initiatives, that are essential to our advancement in terms of being able to develop capacity in the Yukon, build on the successes and open up opportunities in all our communities.

Likewise, the corrections implementation plan, which was also approved at the Yukon Forum, is a result of our government's commitment to working side by side toward improving programs and services delivered at the Correctional Centre, as well as in our respective communities. These particular important projects involved approximately \$63 million to be allocated in the Yukon over the next number of years. We have heard since that time, over the last year and half, much success on that front.

The proponents engaged at the Yukon Forum were able to agree on the northern strategy trust implementation framework, which was developed by a joint working group of First Nation and Yukon government officials. The framework effectively set out a process for allocating \$40 million in northern strategy dollars, to be allocated over a number of years.

More recently -- I believe it was weeks if not days ago -- we were able to look at all the priorities that were identified in the recent Yukon Forum meeting. Leaders coming out of the forum meeting in 2006 also endorsed a draft investment plan that was developed jointly by First Nation governments, Government of Yukon and the Government of Canada on the use of the targeted investment program, as I mentioned.

So again, these are just some very good examples of some of the initiatives that have come out of this particular body since it was created, not very long ago. As well, in December of 2006, almost a year ago, coming out of the Yukon Forum was approval of the first allotment of projects coming from the northern strategy funds, as well as a joint investment plan on the northern housing trust.

In fact, at that particular meeting there were 17 projects valued at almost \$10 million, again a result of the framework that was first approved by proponents of the Yukon Forum and, again, all part of the \$40 million that has been identified for the Yukon.

As I mentioned, regarding the northern housing trust, we have been able to work together with First Nations on an agreed-to allocation of those particular funds. As members will recall, \$50 million was identified by the Government of Canada as their commitment in helping to close the gaps between aboriginal and non-aboriginal Canadians, particularly when it comes to housing.

That particular allocation was agreed at \$32.5 million for Yukon First Nation governments, and \$17.5 million of the remainder was to be allocated for the Yukon government.

At that particular meeting there was also a joint working group of government officials, comprised of Yukon government and First Nations, on land dispositions. The group was tasked with exploring options and making recommendations regarding land applications that did not trigger the *Yukon Environmental and Socio-economic Assessment Act*, including applications made under the big game outfitting land tenure policy.

Likewise, at that particular meeting of the Yukon Forum, they were also able to approve the strategic plans surrounding correctional redevelopment in the territory -- again, setting the direction for implementing recommendations coming out of the corrections action plan. Members will recall that the action plan was approved in 2006 at the Yukon Forum, as I mentioned earlier. It was certainly a very instrumental product of a 15-month jointly chaired consultation process between the Yukon First Nations and Yukon government.

As I mentioned yesterday, I believe, corrections is one of three areas that have been receiving priority attention. It has certainly been deemed as a priority to address by our respective governments. We have made a firm commitment to work with First Nation governments on how to better deliver services and programs in this particular area of the Yukon.

I think that members of all the respective governments involved have done a very stellar job, not only in making known priorities for action with respect to what a new correctional facility would look like here in Whitehorse, but also what we can better deliver in our respective communities, how we can deliver that and how we can actually offer more culturally responsive programs to our citizens as well.

There are a lot of very concrete actions identified. It is another example of the collaborative work that we as a government have made a priority over the last almost five years in this territory, to make First Nations full economic partners and full partners in addressing some of our social ills in the territory.

Adding to that, some of the initiatives flowing through the northern strategy trust monies -- one initiative was, in fact, to proceed with a northern institute of justice to better deliver training to individuals who may be interested in working in the justice system, with careers in administrative justice and so forth.

There have also been dollars identified for the ice patch community dimensions project, involving, I believe, six Yukon First Nations to conduct additional work and research in the ice patch areas and build upon some of the successes that we have been able to garner with respect to ongoing work in the Department of Environment and the Department of Tourism and Culture.

Almost \$350,000 has been identified for traditional knowledge policy framework implementation to develop and implement policies on the management of traditional knowledge -- again, building capacity in Old Crow and three other communities to provide emergency services and so forth.

There have been dollars identified coming out of the northern strategy funding as a result of the Yukon Forum for a First Nation regional healing and wellness centre to study the feasibility of a healing and wellness centre -- again, building on some of the questions that came up earlier this week on the need to develop more treatment options.

Again, it's another area that we deem to be of critical importance in the territory -- moving together with First Nations.

Mine training strategy -- \$1 million is provided for training that leads to employment in the mining industry. With the boom in the resource industry these days, there is increasing need and awareness of the need for trained, educated, skilled Yukoners to take advantage of the economic benefits flowing from this increased activity in the north. This is a formalized strategy, making available the very talents we have within the Yukon citizenry and being able to equip our citizens with the necessary tools to ensure that that takes place. Knowledge of Yukon key wildlife habitats is but another area.

First Nations tourism strategy -- we have identified through the northern strategy a collaborative process. \$450,000 is provided to develop a Yukon-wide tourism strategy, looking at aboriginal tourism, as well as a business support program. We know the important role that aboriginal tourism plays in developing the Yukon economy as well as in the quality of life in this country. One only has to take a look at the success of the Gathering of Northern Nations, which took place earlier this year at the Canada Winter Games where 14 First Nation governments in the territory came together to promote their artistic talents and their wares. It was a tremendous success, bar none.

Again, Teslin land development at \$400,000 to cooperatively develop recreational and residential lots on both Teslin Tlingit Council settlement land and government Crown land -- again, building upon financial capacity, building capacity in the Teslin area within the Teslin Tlingit Council.

So all told, there is almost \$10 million identified for joint projects that were approved using the Yukon Forum. More recently, as I mentioned, it was just about 10 days ago that the Yukon Forum reconvened. Again, it was a very good meeting, very productive. At this particular forum there were a number of issues of importance that were raised and discussed by the respective governments. Coming out of this particular forum was the progress reached on northern strategy funds made available, but also the completion of the process of reviewing the Yukon First Nation financial transfer agreement and the First Nation implementation arrangements.

Again, an ongoing issue of concern is the insufficient resources available for the full implementation of land claims, self-governing First Nations, to do what was set out by their particular government in their agreements.

Again, I'll just make reference to a news release that was just issued recently in which the Grand Chief of the Council of Yukon First Nations and our Premier agreed that Yukon and First Nations -- again reiterating their commitment to address issues in a timely and collaborative manner -- go to Canada to seek their commitment in recognizing and joining with the two respective orders of government in addressing these issues of critical importance.

**Point of order**

**Mr. McRobb:** The minister referenced a document, and I'm wondering if that document could be provided to all members for the purpose of aiding this debate?

**Hon. Ms. Taylor:** On the point of order, Mr. Speaker, I would be pleased to make copies of the news release that was issued on October 19, 2007, if that is what the member's wish is, but that is exactly what it is, as I alluded to in my remarks. It is on the Government of Yukon Web site and available for anyone, as after every Yukon Forum meeting.

**Speaker's ruling**

**Speaker:** Thank you. Apparently, there is no point of order. Minister, you have the floor.

**Hon. Ms. Taylor:** Thank you, Mr. Speaker. I just wanted to make reference to some of the projects that were recently identified under the northern strategy funds, to which members certainly have full access by looking at their Government of Yukon Web site. It is posted on there, but there were a number of critical areas of importance that were raised and addressed and, I believe, very good projects. Again, we had everything from the subdivision core community -- again, that was \$150,000, which is looking at designing infrastructure, centralized services, et cetera. There is \$150,000 joint work to plan a treatment resource as part of a new correctional centre -- again, another joint initiative that has been identified by First Nation governments and the Yukon government to proceed. Again, that was under the title of the therapeutic community resource feasibility study.

Recently, \$700,000 was identified for training and developing capacity, not only for First Nation governments, but for municipal governments as well.

The feasibility study for a Whitehorse emergency shelter for women was another joint initiative that identified determinants of women and homelessness in the territory and the need to address space and programming needs.

\$250,000 was identified for another worthy project coming out of the northern strategy dollars -- the Forty Mile historic site access. The importance of making access available to the Forty Mile site was actually raised during a recent community meeting. That historic site is co-owned and co-managed by the Yukon government and the Tr'ondek Hwech'in First Nation. There has been some tremendous rehabilitation, stabilization and preservation of the properties situated at Forty Mile. Improved access being made available via road to this particular historic site will further build capacity and enhance access to infrastructure.

A First Nation record diffusion project is a pilot project. \$200,000 is identified for the Teslin Tlingit Council records held at the Yukon Archives. Again, this is to be made available for use by the Teslin Tlingit Council.

Southern Lakes justice development -- almost \$500,000 was identified for approval of a pilot project to address programming challenges and shortfalls in the justice and social services areas in Carcross.

As I mentioned earlier, dollars have been further allotted for looking at Little Teslin Lake recreation lots. This will build capacity within the Teslin Tlingit Council and so forth.

There were also dollars made available for further capacity development for land and resource management and development. Those are but some of the very good examples of working collectively and collaboratively with First Nation governments. That information is readily available on the Yukon government Web site.

As I mentioned earlier, the *Children's Act* is but one of a number of areas of substantial concern and importance identified by our respective governments. Since June 2003, I believe, a substantial amount of work has taken place on the *Children's Act* revision project. As the Minister of Health and Social Services has made reference to on a number of occasions, that work continues. It is a very good example of collaboration, making available draft legislation for joint drafting purposes. I believe that really was the first time that I can recall being able to do that. What better example than to do that in this particular area.

Without having to go into the particular consultation, though, I think that is one of three particular examples where we have worked very diligently over the years. There have been a tremendous amount of numerous officials at all respective levels within CYFN, self-governing First Nations, non-self-governing First Nations and the Yukon government in coming up with legislation that is made in the Yukon and that reflects the formalization of the government-to-government relationship. I believe that has worked very well.

There will be occasions where there will be disagreements, and there have been disagreements. The key, as I recall hearing from one particular chief in the past, is that as long as we continue to have the commitment to roll up our sleeves at the table, to ensure that we come to some kind of consensus so that we are able to work through the issues, we will be all right. I think the Grand Chief made reference not long ago to the fact that sometimes it can be a tumultuous relationship and there's no question that each of our relationships has its ups and downs, but it's really about how we are able to connect with one another and how we're able to resolve issues of concern. In effect, I really think that that is what this motion is all about. It's about making reference to different approaches to governance in the territory; it's about expanding those opportunities.

The Leader of the Third Party did make reference to concerns associated with conducting business behind closed doors. I will remind the members that, yes, it was fully agreed to -- discussions would take place behind closed doors, as I sometimes have many meetings with my own constituents behind closed doors. At the end of the day, those discussions and the product that comes out of those meetings are made public. They have been posted, via joint news releases, on our respective public Web sites. One may not be able to fully listen in to all the proceedings. It is a very open and transparent process among our respective governments. We remain committed to having that open dialogue and working through the issues of importance that mean very much the same.

Likewise, we have endeavoured to make education reform a priority in the Government of Yukon. Again, how can we actually take a look at our education system and make it more responsive, more culturally relevant, so we can better serve the needs of our entire Yukon student population.

As the Minister of Education referred to earlier today, there is a joint agreed process. There have been co-chairs in place. There have been various teams representing the various First Nation governments, including Liard First Nation and so forth -- so those who aren't necessarily self-governing First Nations. There is still much work to be done in this regard, but it is an important process.

It is a very creative process, and one which we have been able to model through the *Children's Act* review and the corrections review as well. As with any new process, it is going to have some hurdles along the way, but I think that at the end of the day what is really key is that we're all sitting at the same table and we are all committed to making this work. That is, in effect, the role of each legislator in this Assembly -- to represent the views of our constituents and to work toward a resolution.

As I made reference to, we are very committed to building strong relationships with First Nations and have done so on a number of fronts. I've just outlined some. I know that the environment is an issue, an area of critical importance to all Canadians, particularly here in the north. We were very pleased to be able to work collaboratively, in full partnership with First Nation governments, on the establishment of a number of special management areas, including the Fishing Branch Wilderness Reserve and Habitat Protection Area, the Old Crow Flats, Lhutsaw Wetland Habitat Protection Area, Horseshoe Slough, et cetera. There are a number of areas that we have been able to identify for protection and, again, these are all efforts for which our government does not take sole credit. Certainly there have been many governments along the way, whether First Nations or Yukon government, and numerous individuals and officials at the working level have all led to these pieces of success. This is just another reflection of how we have been able to work together.

As I mentioned, we're working with the Teslin Tlingit Council on a number of different fronts. We've been able to work with them on the development of a forest management plan in the territory. We continue to work with the Champagne and Aishihik First Nations, for example, to complete and implement their strategic forest management plan.

We have just begun a process to consult and collaborate with First Nations on critical amendments to the *Wildlife Act* that are consistent with land claim agreements. As I mentioned earlier, we as one of the parties in the implementation review group have been able to participate in a review that has been taking place for numerous years, which reflects upon the success of the Yukon First Nation final and self-government agreements, identifying the deficiencies in implementation, identifying the successes and the gaps in between, and how to move these issues forward.

We were also able to conclude a 10-year personal income tax room sharing agreement with Kwanlin Dun First Nation, so

there are a number of different fronts where we have been able to garner some progress.

Recently we were able to create a liaison capacity development branch within the Executive Council Office for the purpose of working with First Nation departments on First Nation capacity initiatives, whether through executive leadership training or land and natural resource management practices.

I earlier referred to monies that were identified through the northern strategy to ensure these two particular initiatives got well underway.

We continue to support and work with the Alaska Highway Aboriginal Pipeline Coalition to develop the capacity for meaningful participation in the Alaska Highway pipeline. We continue to work with First Nations on a range of cooperative initiatives through use of the community development fund, strategic industries fund and so forth. With the Department of Tourism and Culture, we have a number of very creative relationships, arrangements, and contribution agreements with our respective First Nations, whether in support of the co-management of historic sites as identified through final agreements -- Forty Mile was just one of many agreements that we have in place, that we have been able to build and advance upon.

First Nation cultural centres: recently we were able to create a new fund that established ongoing support for operation and maintenance of our First Nation heritage cultural centres. We were very pleased to be able to enhance dollars made available earlier this year and I am very pleased that, as of this year, two First Nation cultural centres in particular -- Tr'ondek Hwech'in First Nation and I believe the Teslin Tlingit Council - - will be receiving \$100,000 each for the operation of their cultural centres. Again, money is being made available for others as well.

Just recently, from the Yukon Energy Corporation and the Minister of Energy, Mines and Resources, it was welcome news that the Northern Tutchone First Nation will be very active players in the construction of the extension of the transmission line from Carmacks to Pelly Crossing. Again, in working to build economic partnerships with First Nations, this is a really exciting initiative and one that will go further to enhance capacity within our respective communities.

It is a great initiative all around. It will help to employ individuals and build capacity. It will take the community of Pelly Crossing off diesel and will reduce those tremendous emissions into our air. That is all very good news.

As I mentioned earlier, we have been working very closely with the Council of Yukon First Nations and Kwanlin Dun First Nation in planning the new correctional facility. In fact, we identified just over \$3 million budgeted for the design of the new facility with emphasis on flexible programming and a healing environment reflecting Yukon First Nation culture and values.

We have also been able to work very collaboratively with Yukon First Nation women's organizations over the last number of years. One of the mandates of the Women's Directorate is to advance aboriginal women's equality. To this end we have identified dollars available to help prevent violence against

aboriginal women in particular. These are all made-in-the-Yukon approaches developed by First Nation women for First Nation women to help them address violence in their communities.

We are also very pleased to work with aboriginal women in the Yukon on the development of a made-in-the-Yukon action plan to address women's equality. We were pleased to work with women to ensure that there was a good representation at the recent National Aboriginal Women's Summit. We look forward to hosting with aboriginal women's organizations and women in the communities to advance two further summits -- one in Watson Lake and one in Whitehorse later on next month.

We have enhanced the funding made available for First Nation-related education. In the meantime, we continue to work on the education reform project. We have been able to enhance additional funding for a First Nations Training Corps. In fact, I think it was the second substantial increase in this particular funding area that enabled some very creative partnerships for First Nations, to be able to draw upon skills and take skills to their respective First Nations. The funding has been put to very good use. For example, heritage culture worker training positions have been very well-received, and we were very pleased to be able to enhance those resources.

Earlier this year, we were also very pleased to be able to launch the first training session for teachers -- I believe it was grade 5 -- piloting the Yukon First Nations-focused study modules. This is a priority among our First Nation governments, and our government was made aware of it. That is the teachings of the development, the evolution of final self-governing agreements, the *Umbrella Final Agreement* and the role that governments play in the social and economic fabric of the territory today.

Earlier this year, we were very pleased to be able to dedicate resources, in partnership with First Nation governments, to a Burwash activity centre, along with other identified infrastructure projects through the municipal rural infrastructure fund. Working with First Nations via the successor resource legislation working group, we are reviewing and improving the legislation regime inherited at devolution, including a new *Forest Protection Act*.

We have certainly worked on a number of fronts and, as I made reference to before, there are a number of successes we have been able to lever over the years.

Recently we were able to reach an agreement regarding enforcement changes to the Dempster Highway corridor -- the wildlife regulations. Again, this was a matter where the respective governments were able to come together and reach an agreement based on consensus. Again, there were some disagreements but at the end of the day we were able to garner some consensus and move forward on this particular matter of critical importance to all Yukoners -- again, continuing to support the initiatives of the Vuntut Gwitchin First Nation and ensuring the integrity and protection of the Porcupine caribou herd in its critical habitat. Again, working with the Teslin Tlingit Council to jointly develop properties for market -- and the list goes on and on.

So these are just a few of the many examples. I have many more examples to draw upon -- cooperation, consultation, as well as various areas of interest between First Nation governments and the Yukon government in terms of various agreements that we've been able to reach over the years.

That said, I just wanted to make reference to the motion and in particular to congratulate the member opposite for bringing it forward for various ideas. This is but one of a number of suggestions that have been made and, I suspect, will continue to be made.

I was also very interested recently in just taking a look at the proposed amendments by, I believe, the Leader of the Official Opposition that were tabled earlier today, which proposed a different tack in terms of how to make the *Co-operation in Governance Act* a bit better in their eyes as well. These are all initiatives that are certainly taken under advisement -- taken into consideration -- by our government and certainly working together with Yukon First Nations for discussion purposes.

Again, it would be interesting to learn if there have been any discussions on these particular fronts with First Nations on these particular ideas, but that is really what initiatives such as the Yukon Forum are all about -- being able to have those discussions to see if there is any level of interest in advancing the Yukon Forum in different ways or looking at different approaches for cooperation and consultation as well.

I do know that, in looking in the private member's bill put forward by the Official Opposition, it refers to a little bit of a different tack. This one is all about consultations, consultation protocols. As members opposite know full well, there are a number of consultation protocols in place as we speak. There are nine, I believe it is, among the self-governing First Nations. Again, we work very conscientiously to ensure that we certainly meet all our legal obligations to consult with First Nations in an appropriate manner, as enshrined within the treaties themselves. So it would be very interesting to hear on another day the perspectives of the Official Opposition. But again, it just reflects upon the different ideas coming forward from members of the opposition, and we thank them for those constructive ideas. But again, just being able to build on some of these items as addressed in the motion -- again, just showcasing that we have been able to garner a great degree of success through the *Co-operation in Governance Act* thus far. Through the Yukon Forum, we've been able to identify a number of issues of priority. We've been able to reach that consensus on a number of matters, as I've outlined before. Certainly there is much more work to be done on all our parts.

So again, I'd just like to thank the Leader of the Third Party for this motion and I certainly will leave the discussion open for the other members from our side of the House to make known their own perspectives as well.

Thank you.

**Mr. Fairclough:** I, too, would like to respond to the motion that was put forward by the Leader of the Third Party. I have 20 minutes to respond to this and I may not take up that whole time, but sometimes time goes by quickly and I find that I have used up the 20 minutes.



I read the motion today and, as I was reading through the second paragraph, I had look up again to see who the mover of the motion was because of the language that was in the second paragraph. It was almost as if it was a Yukon Party motion. If you read it again, Mr. Speaker, you would find that I don't believe the Yukon Party would support this motion at all, simply because they feel the protocols that they put forward are already working. I am sure that's the argument that will come forward. We have already heard it from the previous speaker.

I would like to say a few things about this. This motion comes, I believe, in the shadow of a bill that was tabled today. It was mentioned before the sitting that we would table this bill -- an *Act to Amend the Cooperation in Governance Act* -- to try to give it some teeth.

We are dealing with a motion here that was brought forward. It is their motion, and we need to talk to it. Why are we bringing forward motions like this? Why is there a bill? Why was there the creation of the *Co-operation in Governance Act*?

Well, when you talk to First Nation people around the territory, it is because things are not working well. That's why people are asked to bring forward motions like this, amendments to bills and so on.

It hasn't worked well for a long time. I believe what the Leader of the Third Party and the sponsor of the bill would like to see is for governments to respect First Nations -- and that doesn't always happen. Let's go back in history a little bit on this motion. I'd also like to compare it a little bit to the bill that was tabled today. I heard the previous speaker talk about how over 30 years ago there were great discussions on land claims. I believe she called it a great achievement. I agree with that, Mr. Speaker. The reason for entering into any discussion at all was because First Nations felt that the way things were happening within government was totally unfair to them and they wanted to ensure that there was some protection in regard to land.

Most people know the words that came from Chief Jim Boss, back in the early 1900s. It was with great difficulty that people went forward to try to present their case at that time. I know who my chief was -- his name was George Billy at the time. Most of these people were straight off the land and they were tasked to go to Ottawa and present their case and why they thought we should be entering into negotiations.

I have pictures -- I have one hanging on my wall in the office. I show it to all the students who come in there and try to guess who the chief is, but it was with a lot of difficulty because most people didn't travel outside of the Yukon. They didn't know how big cities worked and so on. So really, that's where a lot of arguments came from. The First Nation students as a matter of fact, during that time, presented their views to the newly formed YANSI -- I believe it was at the time, the Yukon Association of Non-status Indians -- to try to get their issues put forward in regard to education and I'll come back to that in a minute.

This is about respect for who they are, it is respect for their governance structure, and it is respect for the structure as it was before and as it is now.

I'll go through a little bit of it just to, I guess, make people realize that there were a lot of problems and there was no voice

for First Nations. They had their elected representatives and so on, but there was very little to change things from the way it was brought to them. First of all, they did have government structures. They did run and govern their own people and manage the land and wildlife -- the first peoples of this land. Then came the introduction of other forms of governance and their laws. One simple one that comes to mind all the time is: when First Nations follow their own way of doing things and then a new law comes in or a different law comes in and tells them that they can't do it, who is in the wrong there? Who is in the wrong?

I'll give you one example. A First Nation person goes out -- this was years back -- and shoots a cow moose, gets charged for it, gets pulled into court and is ordered jail time for something they felt was their right to do. It was in their right to do. But who talked to them at the time? Who talked to them about how things were? Well, not a whole lot of people. In the discussion of the land claims agreement, and of course incorporated into the land claims and self-government agreements, were aboriginal rights. So that is one example.

I think that the First Nations have grown a lot, but they still see a lot of obstacles in the way when having to deal with governments -- so does business and everyone else when it comes to red tape and so on. But there is a definite change on their part -- well, they entered into negotiations. One big thing they did is that they invited the Yukon government, later on in the negotiations, to take part in the negotiations because it was, after all, the federal government that was going to voice the Yukon's concern for them.

So they invited the Yukon government into negotiations. I know I'm going back a bit, but I do think it is important. There have been struggles ever since, many issues have been raised, and it's wide-ranging. A lot of them have to do with social services, lots have to do with land issues and, of course, educational issues.

They have pointed out how, for example, monies that were dedicated for First Nations' post-secondary education -- by the time it reached them, they only received 10 cents out of a dollar. Nobody was helping them out in voicing their concerns. A lot of it came through the negotiations of the final agreement. I could go into a bit more of that.

I do think the Yukon government needs to recognize that -- that they were invited into this process. Just think of what it would look like if the Yukon government was not part of that process. Things could be very different today if it was just negotiated between the federal government and Yukon First Nations. So, I believe the thanks should be out to the First Nations for that invitation. Together they have tried to negotiate the best for each party.

I know the previous speaker talked a lot about what governments have been doing with First Nations. A few things they have worked out with the First Nations have been listed, right down to signing off the management plan for Fishing Branch. I am glad the previous speaker actually gave recognition to other First Nation chiefs who have worked on it, because it's only right to do that. But it takes a heck of a fight -- a fight that should not be there, I believe, for the First Nation.

I believe there have been many times -- even today, in modern times -- when First Nations feel they haven't been consulted properly. There is no government-to-government relationship like they would like to see and no recognition of the fact that they contribute and are First Nation governments too.

The previous speaker said the land claims process was a great achievement. I want to have all members realize that it was a big landmark for the Yukon when the *Umbrella Final Agreement* was signed off. It was huge. I have said this in this House before. A couple of big things have happened in the Yukon. One was the gold rush, another was the building of the Alaska Highway, but I feel the biggest change here in the Yukon has come through the final agreements and the *Umbrella Final Agreement*.

All members signed off on the *Umbrella Final Agreement*. All First Nations have signed off, but not all of them have their final agreements. I believe it's the biggest change, if we could make it work.

Right now, there is a lot of argument about the intent of the agreements. People who have not been part of it but are around governments now are talking about the intent of this clause.

Unfortunately, Mr. Speaker, if we had a good government-to-government relationship, I don't believe we would be in court the way we are, for example. I don't believe we would have gone to that point. I know that bringing motions like this to the floor is all about the fact that there are problems out there. First Nations taking an issue to court with the Yukon government takes a lot of time, human resources and financial resources. It's a waste. This could go on for years and years and end up the way the First Nations saw it in the first place. Government officials and so on argue about what the clauses really mean, and we're spending a lot of time trying to decipher what it means versus the intent of why it was brought forward.

I will refer to the final agreements quite a bit here and it's for good reason. When the *Co-operation in Governance Act* was brought forward, it was about consultation. It was about dealing with First Nations and so on. We said at that time -- and I know arguments could be made here about why we're saying this -- it was already entrenched in those final agreements; it was already there. Why bring *Co-operation in Governance Act* forward? Well, it could be for several reasons, and one is that perhaps this will help out government in what they should be doing anyway and we agreed to it and that's why our amendment came forward -- that is what put some teeth in this *Co-operation in Governance Act*. We've seen a lot of dissatisfied First Nations; we've seen demonstrations outside of this House -- very descriptive signs there -- I could say a few of them. We're starting to end up in court where I don't think we should be at all. It seems to be going off track. That's what's happening, and I think the realization and the difficulty in implementing these final agreements are there with everyone.

We would really like to see the government's side, whoever is in government, to really work on this with much interest and seriousness to it.

I read through the motion as it was presented and I want to make an amendment to this motion and it is right in the very

first paragraph, Mr. Speaker. I'll just move it, and then I'll state why.

*Amendment proposed*

**Mr. Fairclough:** I move

THAT Motion No. 178 be amended by replacing the words "self-governing Yukon First Nations" with the following: "all Yukon First Nations and Tribal Councils".

**Speaker:** It has been moved by the Member for Mayo-Tatchun

THAT Motion No. 178 be amended by replacing the words "self-governing Yukon First Nations" with the following: "all Yukon First Nations and Tribal Councils".

The amendment is in order and the Member for Mayo-Tatchun has three and a half minutes. Please carry on.

**Mr. Fairclough:** There is a reason why we brought this forward. I know the government side has its *Co-operation in Governance Act*. It talks about the Yukon Forum, which not all First Nations participate in, and they don't hold their four meetings a year anyway. I think it is important to note that the motion as it was read talks about self-governing First Nations that have ratified their final agreements. What we want to do is include everyone under this list -- all the First Nations and including the tribal councils. One of the big reasons, Mr. Speaker, is that we want government-to-government relationships. We want the political people to deal with each other respectfully, but we also want the departments and the department officials to deal with things correctly with First Nations.

Often they deal with what is handed down to them politically. For example, you might wonder why we included the tribal councils. Well, I'll tell you. I think there are about three of them right now: the Northern Tutchone, Southern Tutchone and the Kaska tribal councils. They are tasked by their First Nations to deal with certain issues, and it is one that they're more up on together -- and it would be easier for governments to deal with them on it. For example, the Northern Tutchone Tribal Council deals with a lot of alcohol and drug treatment and the social side of things. So I think direct contact with them, respectfully, would go a long way. That's why we included the tribal councils in there.

Of course, to say all Yukon First Nations is to include everyone and not single them out. I know that as we go further into the motion, it does say Yukon First Nations, but the fact is that it does say the self-governing First Nations. We want to ensure that all are heard, and the fact that this Legislature recognizes them as governments and they always have been, and the fact is that it is the claims that have really given them the recognition as self-governing nations.

So I hope that all members agree with this friendly amendment. It is not one that changes things a lot, but it does include the First Nations that have not ratified their final agreements and perhaps it would also show recognition that this Legislature recognizes the fact that tribal councils do a heck of a lot of work on behalf of the First Nations, and they're organized and structured. Although they're not a government,

they're a government body that is formed under their agreements.

I know I'm running out of time. I'm hoping that members opposite agree with this friendly amendment. I'd like to hear what the others have to say on it.

**Mr. Cardiff:** I thank the Member for Mayo-Tatchun for speaking to the motion and for raising this issue. Unfortunately, I believe what we are asking for here through the motion -- the member brings up the need to change it from self-governing First Nations to all Yukon First Nations. That's what we are talking about in the third part of the motion. It's about formal meetings among all First Nation leadership and Members of the Legislative Assembly.

What this motion is about is our need to define -- we are not saying that because we pass this motion today, it will be the be-all and end-all, that this is going to be the process and this is going to be the forum.

I think the intent of the motion is to promote a dialogue between all Members of this Legislative Assembly and First Nation leadership. We find the amendment, basically -- number one, I don't see the need to change that because we are advocating already for formal meetings between First Nation leadership and all Members of the Legislative Assembly on an annual basis.

I think the idea behind the motion is to promote that discussion about what those meetings would entail.

As was mentioned in speaking to the original motion, we could, I suppose, even take a baby step -- if you want to call it that -- and do something that I suggested in another motion, which is to hold an evening sitting. Maybe that could be the topic of that evening sitting. We could discuss this concept about having an open, transparent dialogue with all First Nation leaders.

It's not that I disagree 100 percent with the amendment, I suppose. I just have a hard time supporting it, because we feel that we've covered all of that off in the motion as presented. We are intending to have a discussion. We're hoping to have a forum, where all MLAs can participate and that will be open, transparent and available to the public to listen in on those discussions -- so the public can become educated about issues that are important both to public government and all First Nation governments, regardless of whether or not they have final agreements in place. I think that is respectful.

Regarding the tribal councils, self-governing First Nations are members of those tribal councils, so they would already be at the table, if I'm not mistaken. I believe it would be the self-governing First Nations, or the First Nation governments, that would be bringing those perspectives to the table here in the Legislature. Unless I'm mistaken in some way, it would be a duplication of that representation.

At the same time, it could be open for discussion. We're saying that this is not written in stone; we're saying that we need to start the process. We need to show, as legislators and representatives of our constituencies and, by extension, of all Yukon, that we are open to having that dialogue and we feel it's important and advantageous to the education of ourselves as

legislators about issues important to all Yukoners and First Nation governments, and it is also important to the public.

We won't be supporting the amendment today, but we do look forward to participating in the further debate of this motion. I hope other members are willing to share their perspectives and that the government actually shares their perspective on this concept. I look forward to hopefully participating someday soon in a forum that involves all First Nation leaders and all Members of this Legislative Assembly.

**Hon. Mr. Rouble:** It's my honour to rise today to speak to this motion and the amendment that is before it.

**Speaker:** You are speaking to the amendment.

**Hon. Mr. Rouble:** To the amendment -- I'm speaking to the motion to amend. I don't believe the amendment has been agreed to yet.

**Speaker:** No, but you're speaking to the amendment.

**Hon. Mr. Rouble:** To the amendment, yes -- the amendment that Motion No. 178 be amended by replacing the words "self-governing Yukon First Nations" with the following: "all Yukon First Nations and tribal councils".

This is a very significant piece of legislation that we're discussing here today, that being the *Co-operation in Governance Act*. It's important for a couple of reasons, and we did discuss this quite a bit in the previous Assembly when this piece of legislation was brought forward by the Yukon Party government, and I should say that it was endorsed by all members of the Assembly. I believe that there was unanimous support for it, that we all recognized that this was a good piece of legislation for the territory, that in this age of post-self-government agreements, we needed structures in the territory to formalize and normalize the discussions, the cooperation and the work between all the governments in the territory.

It's a pretty good process that's set out in the *Co-operation in Governance Act*. It's not overly prescriptive by any means. In fact, it calls for regular meetings to happen between the Premier and the chiefs of the self-governing First Nations and the Grand Chief of the Council of Yukon First Nations. It also includes the provision of meetings with other members of the executive committee, that being other Cabinet ministers, to these meetings. So it establishes the government-to-government relations and discussions, recognizing those self-governing First Nations and recognizing the impact and the value that their self-government agreements have and need.

Mr. Speaker, there is a significant importance to a First Nation in having a self-government agreement and finalizing a land claims agreement. It further recognizes their rights, responsibilities and duties. It is a significant document, and it is a significant accomplishment to have that formally recognized, to be formally recognized as a self-governing First Nation.

The agreement right now provides for the self-governing First Nations and the executive of the territorial government to meet to discuss issues of importance. It certainly doesn't preclude anyone else from having any other meetings. This is almost a pre-eminent layer of meetings or responsibility or formalization of cooperation. Indeed, the government has many,

many other opportunities for consultation, discussion, negotiation and working together.

We heard the Deputy Premier earlier today discussing some of those -- some of those bodies, some of those other arrangements where governments work together on topics. The First Nation Education Advisory Committee is a perfect example where representatives of First Nation governments work with the Government of Yukon to address issues of common concern.

This agreement certainly doesn't preclude those other bodies from happening. In fact, we have many other legislated bodies in our territory that are structured for consultation.

One of the other important factors in this piece of legislation, which I think is important to go to and revisit for this discussion of the amendment, is in section 6(2). This is regarding other participants. The act reads: "Other than as set out in subsection (1), participation in meetings of the Yukon Forum by persons other than members, including a Chief of a Yukon First Nation that is not a self-governing Yukon First Nation, is governed by the provisions of the Memorandum of Understanding or as determined by the Yukon Forum."

Already, Mr. Speaker, in the act there is a structure and mechanism for accomplishing what the member opposite is trying to do, and that is to try to involve other people.

So there is a mechanism that's already there. I'm not seeing the need or I'm not hearing an urgent, pressing need or reason why it should be changed when we already have this power in there. So I'm asking for some further clarification from the party that's responsible for this amendment as to why we need to further entrench that when there are already provisions in here.

There is another aspect I'd like to touch on. That is, the Yukon Forum isn't a body that is wholly governed by the Yukon territorial government. In fact, it sets up a mechanism for a partnership or a relationship between multiple different parties. That's why we see the Yukon Forum being able to set its own rules for some things.

Another clause that should be brought into this debate, not only for this point but also for the larger debate and the debate that will ensue in short order brought forward by the legislation tabled by the Official Opposition, which is clause 10. Clause 10 includes a section on legislative amendment, because it was recognized, when this was drafted, this would be a living act like most of our acts; that, throughout the time, there will be need to change it. They also wanted to recognize that there is more than one party involved in this -- that it should not be unilaterally changed by one of the parties. That's why I believe the legislative amendment section was added, that states: "Before a bill that amends or repeals this Act is introduced in the Legislative Assembly by a Minister..." -- I'll come back to that in a moment -- "...the Premier shall consult with the other members with respect to the proposed amendment or repeal."

So what that has said is that, before this piece of legislation is changed, there should be a formal discussion and consultation and everything that goes along with consultation with the other members involved. So before we should think of passing

a change -- a legislative amendment to this -- it should be discussed at the Yukon Forum.

I haven't heard in any of the debates going on so far if there has been any discussion with other members of the Yukon Forum. I would appreciate some clarification from the NDP, which brought forward the original motion, and also from the Liberal Party, as to whether there has been any discussion with the Council of Yukon First Nations and the other partners involved in the Yukon Forum. I think that is an important part that is missing from this debate.

Are we being asked to unilaterally change this legislation without discussing it with the other partners involved? Because that's what it sounds like to me right now. The member opposite right now is saying something along the lines of, "You usually do what you want". Well, we usually receive an awful lot of criticism if that is what is perceived as happening.

We are criticized, Mr. Speaker, by the opposition for the perception of making a unilateral decision, but yet here we are being asked by the opposition to make a unilateral change to our legislation that governs the Yukon Forum without their input on this.

So, Mr. Speaker, in this amendment that is calling for the inclusion of other Yukon First Nations and other tribal councils that are not signatories to a self-government agreement, I think there are two sections that we need to look at.

Number one, is there already an opportunity to accommodate them, and include them through the current legislation, through the current memorandum of understanding, and through the current practice? So if we already have that ability, why do we need to change the legislation? Can we hear a better case for that?

Number two, and more important, as we have a duty to consult with our partners on this prior to making any changes, shouldn't we do so prior to agreeing to these types of motions?

Mr. Speaker, I seek some clarification from the mover of the amendment as to why it needs to be entrenched when it already exists.

Number two -- if there has been any other consultation.

Also, I would like to hear the member's thoughts on the importance of a self-government agreement, and if we as a government, in dealing with government-to-government relationships, should not respect the authority of a self-government agreement and then have government-to-government relations with those who have a recognized self-government agreement. I'd appreciate hearing some thoughts on that area as well.

I hope that these points can be cleared up and that we can shed a bit more light on this issue and carry on this important debate.

**Mr. Mitchell:** I'd like to thank the other members who have already risen today to speak to Motion No. 178, starting with the Member for Whitehorse Centre for bringing the motion forward and also the Deputy Premier for the information she brought forward in her remarks and indicating that she appreciated both the spirit of the Leader of the Third Party in bringing forward his motion as being constructive and also the spirit of us bringing forward our proposed amendments to the

*Co-operation in Governance Act* as what we see as an improvement to the original bill.

There are just a couple of remarks I'd like to make in leading up to speaking to the purposes, as I see them, of the proposed amendment to Motion No. 178 that my colleague, the Member for Mayo-Tatchun, made a little earlier this afternoon.

First of all, I think there are some things we can all agree upon, including the importance of the debate. The Deputy Premier has addressed it. I was a little concerned because she made reference to earlier events in her opening remarks, but I'm glad that she is primarily focused on the motion in front of us. Certainly, at different times of the day and depending on the time we have in front of us -- whether it's 20 minutes or unlimited time or 60 seconds in a question -- we have to ask things in a different way based on the time limitations.

The tenor of the discussion sometimes on Wednesday afternoons is more relaxed, and we're able to bring up more points and do it differently. I think the proposed amendment to the motion clarifies and becomes more inclusive by saying "all Yukon First Nations and tribal councils". I go back to when I first arrived in the Yukon and settled in northern B.C., which was in 1971. This was just before the process really got rolling on land claims in Yukon with the delegation that went to Ottawa and met with Prime Minister Trudeau. It was right at that era, and certainly I followed this with great interest. At the time, there was no such thing as a self-governing First Nation. We didn't have any land claims. We didn't have any final agreements. First of all, the term "First Nation" was not in common use. And I know when I first lived in Atlin, the First Nation there referred to itself as the Atlin Indian Band, not the Taku River Tlingit First Nation, as they have since become known. That was similarly the case in Yukon. There were bands, and there were councils and tribal councils. There wasn't a lot of talk of First Nations. That's something that has evolved.

So as I look at this, first of all, I think that there is some clarity that this will add. I know that the Member for Mount Lorne suggested that he didn't see that this amendment would provide anything new or different, because he felt that it was already in the motion. The motion says very specifically in the first portion, "That this House urges the Government of Yukon, in conjunction with the leadership of self-governing Yukon First Nations." It only refers to the leadership of self-governing Yukon First Nations.

Later on, it refers to First Nations leadership. Again, it doesn't define what that leadership might be. There are First Nation leaders -- my colleague from Mayo-Tatchun remarked to me a little earlier that he considers himself to be a First Nations leader, as does my colleague from Vuntut Gwitchin. I'm not sure the specificity is necessarily there.

The Member for Mount Lorne mentioned that he didn't see the point of talking about tribal councils because they were already included, but actually -- if you look at the Kaska Tribal Council, if you look at the Liard -- there are other areas in Yukon, particularly in the southeast, where there are no final agreements. There are First Nation bodies that do not necessarily get treated in the same way in their relationship with the

Government of Yukon -- in how they are dealing with Canada, in particular, as well as with Yukon.

This was meant to strengthen it, not weaken it. There was no attempt here to change the spirit of it.

My colleague from Mayo-Tatchun also made comments about the Northern Tutchone Tribal Council and the fact that even though these are First Nations that have final agreements, the tribal council -- as more of an umbrella, you might say -- allows these First Nations to deal with some issues having to do with hunting and other issues where they have to work things out together. There are some reasons why he felt it was important.

There are some comments I want to make about what we're doing here today. I know there has been a fair bit of latitude. The previous speaker, the Minister of Education, made reference to the motion and some of the things about the original motion and about the *Co-operation in Governance Act* in trying to address the reasons for the amendment.

We've had lots of debate in this arena and in public about relationships between the Government of Yukon and First Nations and, quite frankly, those debates have been going on for 30 years and longer. They have gone on regardless of the political stripe of the government of the day. I think that the Grand Chief made reference to that recently when he said that our relationship is an ongoing, evolving relationship and it has its ups and downs and has been so under previous administrations as well. So there certainly is a feeling among First Nations and First Nation leaders that things have not always been perfect, regardless of who sat on that particular side of this Legislative Assembly.

I do think that it is clear now that the relationship continues to need to be improved. We've seen litigation. We've seen First Nations that feel compelled to take on the Government of Yukon with legal challenges and we've seen the Government of Yukon appeal at least one decision and who knows what other decisions may come -- believing that that decision was not the correct decision or the final word.

We know that the relationship is often litigious. I believe that the spirit of the motion that the Member for Whitehorse Centre brought forward was meant to be an improvement -- an attempt to improve that relationship. There is an inherent criticism, I guess, in bringing the motion forward. By feeling that the *Co-operation in Governance Act* needs to be amended and changed, it is implied that it is not working as well as it might be or there would be no need to amend it.

We are suggesting with this proposed amendment to the motion that it could perhaps be worded a little more inclusively. I'm a little surprised that the feeling of the party that brought it forward is that it was perfect as presented because, frankly, we spend a lot of time in this Assembly on every piece of legislation that comes forward, debating every bill under the presumption that members from one side or the other of this House -- it doesn't matter if it is the government or the Official Opposition or the third party -- may, in looking at something, view it in a light that is a little different from what was originally brought forward and may see a way to improve it.

So, again, we've seen that the relationships have been strained from time to time, and I'm not certain whether legislation or protocols will in the end make a lot of difference without a difference of attitude, and that clearly the only portion of that that we have the ability to affect in this arena is the attitude of the Government of Yukon. The First Nations will speak for themselves, and it is not our place nor our responsibility to speak for them.

I won't file the document again, because I believe I already did, but in its 2006 election platform, according to the recent issue of the Council of Yukon First Nations' newsletter, the Grand Chief says, "In its 2006 election platform the Yukon Party committed to working in partnership with First Nations governments to build Yukon's future; now that it has been re-elected, this promise seems forgotten, and the Yukon government has rejected our calls for conciliation."

Now, he put that in print. I know he has made some very conciliatory remarks recently about that, and I think that reflects his wisdom as a leader, that he is trying to improve the relationship. However, he did put out a newsletter that suggested that there was difficulty in the relationship, and so, despite the fact that a year ago or more than a year ago now, I guess it was, we passed the *Co-operation in Governance Act*, there is yet more work that needs to be done.

There has been a discussion about the court case that is commonly referred to as the Paulsen case or the Veale decision. Again, First Nations have not only taken the government to court, but other First Nations -- the Kwanlin Dun First Nation and others -- have indicated that they're going to be intervenors in that case when it reaches the appeals court, or when it's heard in the appellate court. Similarly, the Government of Canada has indicated that they're going to be an intervenor.

So, again, we have a relationship that is ending in court, rather than being resolved in the Yukon Forum and rather than being resolved only between the leaders -- between the Premier who is responsible for First Nations relations, and First Nation leaders. So we're not succeeding yet, for whatever reasons, and that's a problem.

We heard the Chief of the Kwanlin Dun at one point say that he wouldn't work with the Premier's government any more, following remarks that were made by the Premier about the Supreme Court case that I just referred to. So, again, that is a relationship that has been strained, and we need to do things to improve it.

There are other issues I could raise, but I will save them for when I am able to fully address the motion, either as amended or not amended, depending on the vote on this proposed amendment.

So, again, I think that there are issues that affect particular areas. When I was in Ross River in the fall of 2006, I met with the First Nation's leadership there, and they were asking some very specific questions about the relationship between the Government of Yukon and the Kaska Tribal Council.

The chief and council were concerned and upset because they said there were a number of issues they were raising on behalf of their people, the Kaska people, and that these issues related to substandard housing, to the need for a better commu-

nity hall, to the need for better recreational opportunities -- all kinds of issues relating to the way in which they are living in Ross River.

The chief there said that what they have been told by the Yukon government is that they can't address these; these are only for Canada to address because you don't have a signed land claim; you don't have a final agreement. "It's not our responsibility; go talk to Canada."

Well, we know that from a financial perspective there are complications relating to that, yet the Kaska felt disenfranchised. They felt that they needed to have a voice in Yukon. They needed to have a change in the relationship between the Government of Yukon and the Kaska Tribal Council. Using these words, using a more inclusive wording, might help to address that. We know, for example -- and I know that the Minister of Economic Development could no doubt give us a lot of details -- that there are a great number of potential mineral resource properties that are under exploration, or under drilling or being moved toward eventual development, within the traditional area of the Kaska Tribal Council. We know about the issues that have occurred in the past and the one-time bilateral agreement that this government signed in its first mandate, but then chose not to renew with the Liard First Nation, having to do with southeast Yukon and how to deal with potential resource extraction in that area in the absence of final agreements, in the absence of a land claim.

So, we think that, by saying "all Yukon First Nations and tribal councils", what the Member for Mayo-Tatchun has done is actually strengthen the intent of Motion No. 178. He has made it more inclusive; he has made sure that no one will look at this motion and say, "Well, they're not talking to us. It doesn't apply to us. They forgot about us."

We think that perhaps if the third party will think it through further, they may see that it was meant in a very constructive sense. I appreciate that the Deputy Premier indicated that that was how she saw this original motion, as well as the bill that we tabled earlier today for first reading and, hopefully, that she, too, will see the reason, having grown up and spent a lot of time in southeast Yukon, for the amendment to this motion, the proposed amendment that the Member for Mayo-Tatchun saw fit to bring forward.

So, with that, I am keen to hear what other members here have to say regarding the amendment to the motion and I look forward to continued constructive debate as the afternoon progresses.

Thank you, Mr. Speaker.

**Mr. Edzerza:** Well, I do have some difficulty with the amendment to this motion, specifically because I believe it really is a duplication. There is absolutely no sense to change that wording. It's rather unfortunate that these kinds of agreements even have to be in place. I think it is time that different governments recognize the cultural clashes that happen within the Yukon government, the federal government, municipal governments, and the clash that they do have with First Nations, because at one time a person's word was good enough. Obviously, that's not true anymore. So you have to have every-

thing written out on a piece of paper to make yourselves conduct yourselves in a good way, in a respectful way.

I'm not going to spend any more time speaking to this amendment. It's just that I do disagree with it, and I'll have more to say when we get back to the original motion.

Thank you.

**Mr. McRobb:** Mr. Speaker, I'm pleased to rise and speak in favour of this amendment. You know, this afternoon, practically every speaker alludes to cooperation in governance, and the reference was made between the Yukon government and Yukon First Nations. As I was listening to the discussion, I couldn't help but apply that same level of cooperation to the members in this Assembly.

Mr. Speaker, I've been here more than 11 years now, and I know that a person needs to be open-minded and realize that whatever that person brings forward should be open to improvement. Certainly that has been demonstrated on a number of occasions in the past. When a party brings forward a motion, they invite friendly amendments to improve the motion. When someone brings forward a bill, you hear the same invitation for others to improve the motion.

This amendment clearly does that. I'm a little worried about the attitude demonstrated by the third party when they are completely closed to changes to their motion -- just like they were on the smoking bill. It is the same my-way-or-the-highway approach. It doesn't give a good example of cooperation in this Assembly.

I listened to the Member for Mount Lorne explain his reason for not supporting the amendment. I would like to point out my view, which is very much consistent with what you heard from the Member for Copperbelt, and that is that in the third clause it mentions First Nations leadership; however, in the first clause it references self-governing Yukon First Nations.

Now, one thing I'm familiar with, in part from previous experience sitting on the Cabinet Committee on Legislation, is that when there is a question about the definition of something referred to in a piece of legislation, anything in the subclause reverts to the first reference. In this case, the reference in the third clause referred to by the Member for Mount Lorne would be insignificant as compared to the reference in the first clause, and certainly the reference in the first clause is not all-inclusive. You've heard arguments for the need for that further inclusiveness.

I know that the Member for Mount Lorne may not appreciate the need to broaden it to include all Yukon First Nations. He doesn't have a First Nation in his riding, per se -- a First Nation headquartered in his riding of Mount Lorne. For instance, in the Kluane riding there are three First Nations, and one of them is not self-governing.

I just heard the Member for Mount Lorne say that they were all self-governing. They are not. The White River First Nation is not self-governing. I know that if Chief Johnny saw this motion, he'd have some tough questions for me.

He would ask why it is not stated in there that our non-self-governing First Nation is part of this motion. I might try to explain it by repeating some of the arguments I heard this af-

ternoon. Mr. Speaker, I'm afraid those arguments simply would not wash.

We have to improve this motion to include inclusive language. Let's make people feel a part of this. That's why we introduced this friendly amendment -- to achieve that purpose. I would beg the members of the third party to be a bit more open-minded about accepting an improvement to the motion. We in the Official Opposition do support the intent of the motion, just as we support the intent of our bill that was tabled earlier today. If the third party or the government side have friendly amendments to the bill, if and when it is debated, let's hear them. We are completely open to suggestions for improvement.

Mr. Speaker, you have also heard reference to other First Nations in our territory that are not mentioned in this particular wording, as well as tribal councils. For instance, I know that the Southern Tutchone Tribal Council is a consortium of a few First Nations, two of which are in the Kluane riding -- the Kluane First Nation and Champagne and Aishihik First Nations. They also bring a perspective to the table and should not be excluded.

If anyone attended the Southern Tutchone Tribal Council gathering this summer -- and I don't recall seeing any other members there -- near Burwash Landing, they would have seen how many people are involved in that organization and how popular it is, especially with First Nation people in the territory.

There were literally hundreds of people who attended that event -- you know, camped out over a few days.

So I think, once again, our amendment to this motion is fully intended to improve the wording of the language so as not to exclude Yukon First Nations or tribal councils from the purpose described in the motion.

Mr. Speaker, I'm aware that there may be others who want to speak to this amendment, and I'll be brief in my remarks. I know there will be a vote on the amendment, and I certainly hope that all members here will heed my words. There is a need for us to cooperate in this Assembly first, before we require the same level of cooperation from others. And if we can't even agree on a friendly amendment to improve the motion, then how can we expect cooperation from other governments?

So I think I've made my point clear, and I'll let others speak.

**Mr. Inverarity:** First of all, I'd like to thank all those who have come before me today. I was keenly interested in hearing the original motion that was brought forward. I think it is an important motion. But I think that, as we get into the amendment to the motion, there's no question that, by being more inclusive and including the words "all First Nations and tribal councils" in the amendment, it would make a significant improvement to the overall motion.

I do have to thank the members from the third party for bringing it forward and entering into this debate. I find that the overall tone of the conversation this afternoon has been most productive. I find that I would have to disagree with the Minister of Education on his interpretation.

I think that our particular motion adds a certain degree of clarity to the amendment -- to the motion.

I think that it's important for us to look at our amendment in a specific way, but specifically I'd like to talk about the word "all" as it appears in the amendment. I think that not having it reflect everybody in the Yukon -- all First Nations and tribal councils -- is a disservice to those who are omitted from the original motion. I think it's important that we discuss that in its entirety.

I think the last thing that the members from the third party wanted to do was actually disenfranchise a group of Yukoners who should be participating in all these discussions and debates. I find their position -- that they don't support this particular amendment -- to be disconcerting, to say the least. I think that debate is good. I think that we should all be encouraged to discuss these things in an open and adult manner and be able to come to a conclusion that is best for all Yukoners.

I know that my riding of Porter Creek South, which I'm very proud to represent, is largely an urban riding, and perhaps some members may not think that these issues are significant to the constituents I represent. I would have to beg to differ. They too are Yukoners. There are many individuals in my riding that are First Nation; some of them are even members of tribal councils. I think they would be very concerned if I did not stand up and speak on their behalf and insist that they be included in this amendment.

I feel that we should vote in favour of this particular amendment for those basic reasons. I think that diversity is one of the things that impact our culture in the Yukon; it's what makes us unique. It has been mentioned here earlier today that the land claims we have settled -- or pretty much settled, except for a few -- are a model for the rest of Canada. I think that with this model, we can go about Canada and share and encourage other First Nations from across Canada to look at it.

But this diversity is also something that goes deeper than just First Nations. If I can be anecdotal in my discussions here today, Mr. Speaker -- I was watching the *Gemini Awards* last week. During the awards they had a presentation that they gave. This presentation was called the Canada Award. It was supposed to signify the multicultural, cross-cultural relationships that we have in Canada and in the Yukon. It was interesting to note that it was given to a particular show that has received rave reviews in Canada. It's called *Little Mosque on the Prairie*. It speaks to the cultural diversity that exists in Canada. I found it interesting because, while I have watched the show on a few occasions and, quite frankly, found it fairly humorous, it also touched on the significant social aspects that make Canada unique in the world -- and certainly the Yukon.

What was interesting was that this particular show is now shown in something like 57 different countries around the world and has become a cultural icon on the world stage, and it reflects on Canada's diversity. That's why it is important to bring "all" into this particular amendment -- all Yukoners, and that we start with all Yukon First Nations, and all tribal councils in the Yukon and, as we grow and expand in our beliefs, it will eventually include all Yukoners at some level or another.

I am not going to speak long on this particular amendment because I know we want to get back to the original motion. I have some comments on that. I think what I'll do at this point is end my talk on this particular thing because I do want to make some important notes to -- and I will say to the "amended motion", because I believe our amendment will pass here today. I am encouraged that most people will see it for what it is -- an improvement to the actual motion.

I encourage all members of this Assembly to stand by the Official Opposition and vote in support of this particular amendment.

**Hon. Mr. Kenyon:** I have a couple more comments here. I think the Minister of Education has made some good points. It's always the fun of going toward the end of the debate when everybody has picked up your points.

In going through the act and looking at this -- I'm glad to hear there are so many experts -- if we read the act as written, it always goes back to the definitions. If a word isn't covered within the definition section, then it goes to the common meaning. But if it's in the definitions section, that's what carries. That was the problem with the *Liquor Act*. A brewer's licence -- you don't brew wine, so therefore we had to go back and change that definition.

This act defines the Yukon Forum -- and I quote -- "Yukon forum" means the forum for cooperation in governance established by the Memorandum of Understanding, the members of which are the Premier, the Grand Chief of the Council of Yukon First Nations and the Chief of each self-governing Yukon First Nation that is a signatory to the Memorandum of Understanding."

That clearly sets out who is the member, but the member for the beautiful Southern Lakes refers back to section 6(2), "Other than as set out in subsection (1) ...", which says that the Premier shall endeavour to basically bring ministers to the meetings.

I quote again, "... participation in meetings of the Yukon forum by persons other than the members, including a Chief of a Yukon First Nation that is not a self-governing Yukon First Nation, is governed by the provisions of the Memorandum of Understanding or as determined by the Yukon forum." In other words, the forum itself can redefine, and that's an important concept in here.

I think it's relatively clear that, when we look at this, we already have the inclusion. Again, there is an amendment put forward with possibly all the right intention, but without understanding how this works. They are asking to do something that is already being done, so that is getting sort of strange.

The word "consortium" was used by one of the speakers. I have a bit of problem with that. If we start looking at tribal councils that are a sort of consortium of a variety of First Nations, such as collaborative or regional groups, we are starting to get into the notion that we should invite to this Legislature people from other jurisdictions in the Pacific Northwest economic region or the Northern Forum and on and on. All of these are consortiums of governments. Effectively, the so-called consortium is already at the table. There really is little



use to try to put an amendment in to put this back in. Frankly, I would rather get on with the debate on the motion and get on with the concept, rather than argue over phraseology that makes no difference whatsoever to the actual motion.

**Speaker:** Are you prepared for the question on the amendment?

**Some Hon. Members:** Division.

### Division

**Speaker:** Division has been called.

### Bells

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

**Hon. Mr. Cathers:** Disagree.

**Hon. Ms. Taylor:** Disagree.

**Hon. Mr. Kenyon:** Disagree.

**Hon. Mr. Rouble:** Disagree.

**Hon. Mr. Lang:** Disagree.

**Hon. Ms. Horne:** Disagree.

**Hon. Mr. Hart:** Disagree.

**Mr. Nordick:** Disagree.

**Mr. Mitchell:** Agree.

**Mr. McRobb:** Agree.

**Mr. Fairclough:** Agree.

**Mr. Inverarity:** Agree.

**Mr. Cardiff:** Disagree.

**Mr. Edzerza:** Disagree.

**Clerk:** Mr. Speaker, the results are four yea, 10 nay.

**Speaker:** The nays have it. I declare the amendment defeated.

*Amendment to Motion No. 178 negatived*

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

**Mr. Edzerza:** I won't be long with comments to the main motion; however, I'd like to start out by stating for the record that I do support the motion.

The government has stated that they represent all Yukoners. Then they should hold all 18 seats. The government side must accept the fact that there are eight ridings represented in opposition, which takes in a very large section of the general public.

I believe this motion would strengthen the relationship in cooperation with First Nations. It appears that the government tends to refer to the *Co-operation in Governance Act* when it is convenient to do so. I will state for the record that this *Co-operation in Governance Act*, which is supposed to strengthen relationships, is really not abided with wholeheartedly.

I will use my First Nation as an example. Chapter 22 in the *Kwanlin Dun First Nation Final Agreement* is all about economic development measures.

The Kwanlin Dun First Nation asset construction agreement is also part of that chapter. The objectives of this chapter, Mr. Speaker, are to provide Yukon Indian people with opportunities to participate in the Yukon economy. It is also to develop economic self-reliance for Yukon Indian people and to

ensure that Yukon Indian people obtain economic benefits that flow directly from the settlement agreements.

Now, if this governance act was wholeheartedly honoured, the government wouldn't be seeking out avenues for loopholes in the agreements to try to get out of honouring them. When I talk about that, Mr. Speaker, I refer to 13.0 in the agreement, which is the asset construction agreement that is part of the final agreement for Kwanlin Dun. 13.1 states, where the Yukon intends to construct an asset in the traditional territory of the Kwanlin Dun First Nation that has a capital cost of \$3 million or more, the Yukon and Kwanlin Dun First Nation shall conclude a Yukon asset construction agreement.

Well, Mr. Speaker, the government found a way to get around this part in the agreement by using the greater certainty clause 13.1.1, which states that 13.1 should only apply to circumstances where the Yukon is the sole proponent -- and sole is the important word here -- of the asset construction and the sole owner of the asset. Well, the way that this came into play was, for example, on the Hamilton Boulevard extension, which was a project worth \$5 million plus. The Yukon government signed a memorandum of understanding with the municipal government and, in that way, they turned the sole proponent over to the municipal government.

In my opinion, if a government is going to try to find ways to not have to honour these agreements, I have a real concern with any kind of legislation that's going to be adopted here, because the whole principle seems to ride on a theory of a David and Goliath kind of approach. The Yukon government has \$100-million surplus versus First Nations that are struggling for financial certainty. It almost makes one believe that maybe that's why the financial end of the agreements were never upheld -- because the federal government has given all the money to the Yukon government.

Mr. Speaker, when it comes to this motion -- and I have heard the government say several times that they represent all Yukoners. They say it when it is convenient. In this motion, it talks about other MLAs having the opportunity to attend the Yukon Forum. I would like to have somebody tell me what is wrong with that. Is everything that secret that the other MLAs that are elected officials have no place to witness anything firsthand?

The problem here is that all the other MLAs who are not allowed to go to the Yukon Forum have to count on everyone telling them exactly what took place there. I am quite sure that the chief of my First Nation would have no opposition whatsoever to me, as the MLA for McIntyre-Takhini, being present at this forum. For one thing, I believe it would sort of tone down the attempts and possibly the desire to demonstrate the David and Goliath type of approach.

We First Nations all know that we always seem to be under someone's thumb. If it isn't the federal government, it's the territorial government. Now, even though all three are signatories to land claim agreements, this is still the case today where First Nation governments are treated as lesser than any other government.

It's very difficult for First Nation people to really have a lot of trust in any government. I believe that having the option for

all elected MLAs to be at a forum -- I've sat in at some of the Yukon forums, and I believe it would only strengthen that process because Goliath is not going to be quite so intimidating. I believe the bigger governments are going to toe the line a little bit more respectfully if there are other MLAs sitting there witnessing the actual conduct that takes place at those meetings.

I know for a fact that, at several of the Yukon Forum meetings, not everybody was a winner. There were some very disgruntled chiefs who walked away from there and who never talked to the media. I believe that by having all MLAs present, it may minimize that kind of ending to a session.

I do support the *Co-operation in Governance Act*, the Yukon Forum. All I am saying is that I believe there should be an option for all elected MLAs to attend that forum.

**Hon. Ms. Horne:** I would like to take a few minutes to talk to you about this motion and the issue of consultations in the Yukon. In looking at this motion as it was read into the record, especially the second point, I realize that the members opposite clearly misunderstand what we are doing. I want to state very clearly that we do engage in open, transparent dialogue with First Nation leaders to promote mutual understanding and foster collaborative approaches to governance for the benefit of all Yukon people.

I would like to spend a few minutes outlining some of the areas, especially as it relates to my department, in which this dialogue is occurring. I would like to begin by bragging about the incredibly fine work of my department. I think it is fair to say that the consultation on corrections was the finest example we have had of a thorough and comprehensive consultation process. I am so very pleased with this team. I would like to mention that this award-winning team consisted of representatives of both Yukon government and First Nations. I would also like to mention a few other areas where we have undertaken consultation.

We are committed to addressing substance abuse in Yukon. To do this, we rely on the wisdom and advice of all stakeholders. Let me mention the importance of First Nations involvement in the changes we are making to our correctional system, especially in the area of treatment and healing. For example, we have the Community Wellness Court, and I hope the members opposite noticed the newspaper story about this court in action. The Community Wellness Court is designed to make a concerted effort to break the cycle of substance abuse and criminal recidivism by providing a court-managed therapeutic alternative to the regular court process.

The court is available to offenders with drug and alcohol abuse problems, those who are affected by fetal alcohol spectrum disorders and other cognitive and mental health issues, which are significant motivating or influencing factors in the commission of offences. The Community Wellness Court opened earlier this year and received its first clients in June. The court is a partnership among the judiciary, Crown and defence counsel, the RCMP, service providers from the Department of Justice and the Department of Health and Social Ser-

vices, and non-government organizations, and, important to this discussion here today, First Nations.

A steering committee has been set up and working groups have been established and are now meeting regularly. There are currently four working groups: a legal subcommittee, an administrative subcommittee, a community development subcommittee and a client services subcommittee. First Nations have representatives on the steering committee and on the client services subcommittee.

I would like to talk for a few minutes about our work on our consultations with First Nations regarding the *Corrections Act* consultation. The *Corrections Act* consultation has begun and will result in a new regulatory framework that will be the foundation of the best correctional system for the next decade. Our *Corrections Act* consultation team and our First Nation partners are working together to carry out this very important consultation. The consultation is part of the regulatory review that was outlined in the correctional redevelopment strategic plan that was presented to the Yukon Forum in December 2006. The consultation on corrections confirmed the need for a new *Corrections Act*. This work flows out of the strategic plan, which was developed as a result of the consultation on corrections. All this is part of our regulatory reform to help us reach our goal of becoming the best correctional system in Canada.

The *Corrections Act* consultation team will also meet with NGOs, community groups, other government agencies and correctional staff as part of the consultation. The correctional redevelopment strategic plan, approved in December 2006 by the Yukon Forum, was based on extensive community consultations and the associated report approved earlier by the Yukon Forum.

The Yukon Forum consists of First Nations and the Yukon government. We are working together in a very meaningful way. The Government of Yukon has committed to redeveloping the entire correctional system and to building a facility that will allow Department of Justice staff, First Nations program providers and volunteers to deliver high quality correctional programming.

The corrections action plan puts forward a vision of a correctional system that reflects the Yukon's unique social composition. It is a correctional system that is client-focused and supports a continuum of correctional services. It is also a correctional system that works in active partnership with communities and others.

It is clear that the Yukon requires a modern correctional centre and philosophy that will allow corrections professionals to carry out their responsibilities in a positive environment and that will support the provision of programs to offenders. This new approach to corrections must reflect the largely First Nation inmate population. The Yukon Forum established a process for implementing the recommendations of the consultation, including replacing the Whitehorse Correctional Centre. While I do not wish to spend a great deal of time on the issue of replacing the Whitehorse Correctional Centre, I do want to mention that our work on this front is an example of our consultation efforts.

The Department of Justice and Kwanlin Dun First Nation officials have been discussing the commitments arising from the memorandum of understanding signed in February 2002.

I would note that First Nations have been involved in the facility functional program phase. The facility program provides a design team with the information they need to design a facility that will meet the users' needs. The process allows for consultation with management, staff, and non-government agencies that use space at the Correctional Centre.

In addition to the more technical focus groups that have been held as part of the facility program phase, Whitehorse Correctional Centre staff and inmates have contributed, through a questionnaire and a meeting with First Nation elders, to its plan to incorporate their vision.

The evidence is clear -- we are working closely with First Nations. On a related note, many offenders are dealt with through alternative justice models, such as the aboriginal justice strategy. The Government of Yukon is committed to working with communities, in partnership with the aboriginal justice strategy, to support the ongoing work of the community justice projects.

We are pleased that the federal government is committed to providing matching funds to nine community justice projects for the next two years so that we can continue to partner with communities in supporting a community-based approach to justice.

We believe that community justice projects are an important part of assisting communities in developing local capacity to address community justice issues in ways that promote healing.

There are two funding components: community-based justice program funding continues to be the centrepiece of the strategy; the capacity building fund is intended to address the ongoing training needs related to community-based justice programs through community capacity building.

Clearly, Mr. Speaker, First Nations are being engaged and consulted with respect to our efforts in corrections and in many areas they are active partners.

Turning our attention from corrections to our policing arrangements, I want to mention that in addition to our RCMP contract there are two other agreements in place to support policing in Yukon: the aboriginal community constable program, which ensures that there are at least 12 First Nation RCMP officers working in the Yukon; and the RCMP First Nations community police service framework agreement, which provides the framework for the Liard First Nation community tripartite policing agreement.

I would like to note that with respect to the Yukon *Safer Communities and Neighbourhoods Act*, the director has met with the following First Nations regarding the implementation of SCAN: Kwanlin Dun, Carcross-Tagish, Champagne and Aishihik, Vuntut Gwitchin and Liard.

On the administration of justice agreement front, work is underway with several First Nations. I want to emphasize that we as a government are already engaging First Nations in full and open consultations, dialogue, and program participation.

Mr. Speaker, as a First Nation citizen, I am proud of the work this government is doing with First Nations. You have heard my colleagues and I speak this afternoon to the collaborative approach to governance and First Nations relations that this government is carrying out on a daily basis.

We on this side of the House are very proud that our government introduced the *Co-operation in Governance Act*. This act has been very effective in bringing the leadership of the Yukon government, the leadership of Yukon First Nations together in a formal setting known as the Yukon Forum.

We want to be sure that this success continues. The Leader of the Third Party's motion is clearly well-intended. However, there is an inherent contradiction within the member's motion. In the first clause, Motion No. 178 speaks of a new protocol for government-to-government relationships. However, subsequently the motion speaks to actions of the Legislative Assembly and its members. Herein lies the problem. Government-to-government relationships are relationships that occur between the Government of Yukon and Yukon First Nation governments. They do not involve the Yukon Legislative Assembly. This is the inherent contradiction within this motion, Mr. Speaker and, accordingly, this motion simply does not make sense. With this in mind, I wish to move an amendment to Motion No. 178.

*Amendment proposed*

**Hon. Ms. Horne:** I move

THAT Motion No. 178 be amended by deleting all words following "self-governing Yukon First Nations", and by inserting the following:

"to continue to implement its protocol for government-to-government relationships, known as the *Co-operation in Governance Act*, in order to promote mutual understanding and foster collaborative approaches to governance for the benefit of all Yukon people in the future."

**Speaker:** The amendment is in order. It has been moved by the Minister of Justice

THAT Motion No. 178 be amended by deleting all words following "self-governing Yukon First Nations", and by inserting the following:

"to continue to implement its protocol for government-to-government relationships, known as the *Co-operation in Governance Act*, in order to promote mutual understanding and foster collaborative approaches to governance for the benefit of all Yukon people in the future".

Minister of Justice, you have six minutes left if you would still like to speak to the amendment.

**Hon. Ms. Horne:** I would again like to take a few minutes to speak to the amendment to the motion. I want to make it very clear that this government does engage in open and transparent dialogue with First Nation leaders to promote mutual understanding and foster collaborative approaches to government for the benefit of all Yukon people now and in the future. We will continue to do so. I hope that the other side of the House understands this very clearly. It is happening and will continue.

**Mr. Cardiff:** Mr. Speaker, this is unfortunately an example of exactly what we are talking about here -- what is not happening. We are talking about more cooperation and more collaboration. What the Minister of Justice has done by amending this motion is to undo all the good that was in the motion. Basically what we've heard for the most part today from the Deputy Premier, and now the Minister of Justice, is a history lesson. They are talking about their version of current and past events.

It's not about having a debate about the content of the motion. What they've done is amend the motion to basically pat themselves on the back for what they believe they were doing. This amendment doesn't in any way recognize what the intent was of the original motion, which was basically to involve all Members of the Legislative Assembly in a dialogue with all First Nation leaders.

I believe, and I believe the courts have stated, the inherent right to self-government. Therefore, basically, all First Nations would be included in the original motion.

The object of the motion was to create that dialogue to include all members. The Minister of Justice stated that the original motion talked about government-to-government relationships and that the Legislative Assembly -- the way I understood it, anyway -- did not have a role in government and that government-to-government relationships and the Legislative Assembly were two different things. Well, I beg to differ.

We were all -- all 18 of us in this Legislative Assembly -- elected to govern the territory, to make decisions for the benefit of all Yukoners, to improve the life of all Yukoners -- First Nations, non-First Nations and immigrants. We are all a part of the big picture, contrary to what the Minister of Justice said.

I think there is a lot we could learn about respectful relationships. The Minister of Justice, in her amendment, talks about government-to-government relationships and they pat themselves on the back for the approach they have taken. Sometimes, that may be true. A lot of other times, what we hear is that it is not true.

That's why what we feel, and as was stated by the Member for McIntyre-Takhini, that by bringing all of us into that picture, we can improve that relationship. Obviously, the members opposite aren't interested in trying to make improvements to that relationship.

I honestly believe that when you get us all into a room, you share those ideas, you share your concerns and experiences -- our life experiences, our experiences here in the Legislative Assembly, and how we participate in government, because this is government; this is where we create laws; this is where we discuss important matters -- we have an opportunity to learn from each other for the benefit of all Yukon people.

You know, I had the opportunity earlier this summer to attend the Council of Yukon First Nations Annual General Assembly. It was held in Moosehide, just outside of Dawson City. It was very informative to be there. I learned a lot about First Nation governments and how they work together. All of the Yukon chiefs and councils were there. As well, chiefs and councils from the Northwest Territories were there, and I was impressed with the cooperative and respectful approach they

took in governing themselves, to the deliberations they had and their ability to listen to each other and share their ideas.

You know, I really think this is why the original motion would have been an incredible opportunity for us as legislators to learn something from them and the way they govern themselves and how they interact with each other.

I know it was mentioned by the Deputy Premier that the relationships can sometimes be somewhat tumultuous. Well, every relationship is going to maybe be like that, but there is an opportunity here to include all representatives of the Legislative Assembly, all First Nation chiefs, regardless of whether or not they have self-government and final agreements, in a process where we can share information and learn from each other. I believe that would be a valuable experience. I think it would be honourable for us all to participate in something like that. To not have that opportunity now -- to have that hijacked -- seems pretty sad. For a government that promised cooperation, collaboration and compromise, this is exactly the opposite of what they were saying they would do.

Going to the general assembly, there were a lot of concerns. One of the big concerns -- I think there is not so much a problem at this level in recognizing that First Nations are self-governing and that they have self-government agreements and they have responsibilities, that they have authority and that those agreements -- the self-government and final agreements -- are actually documents. It is not a document; it is not an agreement with the Department of Indian and Northern Affairs; it is an agreement with the Government of Canada and it is an agreement with the Government of Yukon.

One of the struggles that I heard the First Nations had was in having the bureaucracy recognize that. So that's one issue that we could all sit around a table and discuss, here in this Legislature or another room -- we could hear that concern and we could talk with First Nation leaders about how to resolve that problem. We could talk about how to resolve problems around wildlife management. We could talk about how to resolve problems around funding the implementation of the self-government agreements. There are numerous issues. It's not just for the benefit of an individual First Nation and it's not just for the benefit of an individual community; it's for the benefit of every Yukon citizen.

I think it was noted in the Member for Whitehorse Centre's opening remarks that we all represent a certain constituency. We all represent a geographic area. As the government likes to point out -- the Premier on occasion, when it's convenient for him, likes to represent all Yukoners. Well, there may be a point and there may be a forum where he does that, but it's not necessarily here in this Legislative Assembly and it's not every day that he is entitled to do that. He can't necessarily speak for all my constituents in Mount Lorne. He can't speak for every Yukon First Nation person. He can't speak on a regular basis. So there needs to be some opportunity for all of us to get into a room so we can all share our experiences, share our knowledge, listen and exchange that knowledge for the mutual benefit of everyone here in the Yukon.

It was interesting that, after opening day, I was listening to the Grand Chief respond to the media and I overheard him say

that part of his job is to bring the voices of the chiefs to a forum. At the same time, he also recognizes that he has to take into consideration the views and represent all Yukoners, as well. I think we all have to do that at some point in our lives, in our political careers. We have to be able to represent, at some point, the views of all Yukoners. At some point, we are going to be called on to do that.

How better to learn and to develop and understand those views than to sit around a table, in a room -- all 18 MLAs and Yukon First Nation chiefs -- and discuss those issues -- the issues that are important to them -- and try to help resolve those problems that are important to all Yukoners, and learn from each other and develop a respectful relationship.

The original motion was meant to be inclusive of members of the Legislative Assembly and First Nation governments. It wasn't meant to exclude people. I think it's an opportunity. Unfortunately, it may be a missed opportunity now because of the amendment to the motion. I believe this was an opportunity and we had the ability today to discuss this motion, to debate it, instead of talking about the accomplishments or maybe the things they haven't accomplished or the things they believe they've accomplished. Instead of talking about those things, we had an opportunity here today to move forward and make progress in that evolving relationship with First Nation leaders.

We had an opportunity to bring about a positive change here in the Legislative Assembly. We have been criticized so many times for the way that we behave in here and this was an opportunity to be a little bit different and be able to start something new. As I said earlier, it was an opportunity to learn from the way that they interact together and learn from their respectful, collaborative relationship and the way that they do business together. This was an opportunity where we could have made a positive change in the democratic process. We have been criticized profusely for a number of years about this. It is something that we all talk about, but it seems so often we let these opportunities slip through the cracks.

This was an opportunity to move forward, make that positive change and move toward some kind of collaborative, cooperative governance that would benefit all future generations of Yukoners. I believe that it could have served as an example for other jurisdictions in Canada if we had moved ahead with this.

I have to admit I am disappointed about the amendment, because I honestly believe that it hijacks the intention of what we were trying to bring forward here today. From listening today, I do believe that what I heard from all sides of the House is that there is a recognition that we do need to work together more positively. As I say, it's unfortunate that it appears that we have hijacked that opportunity today through this amendment.

I look forward with hope for other opportunities, either in this sitting of the Legislative Assembly or in future sittings, to make these positive changes in the democratic process and engage Yukon First Nations in a more open and constructive dialogue with all representatives of the Yukon Legislative Assembly.

I just hope that we haven't missed the boat here today and that there is another opportunity. I hope there will be.

**Some Hon. Member:** Point of order, Mr. Speaker.

#### Point of order

**Speaker:** The Hon. Member for Copperbelt, on a point of order.

**Mr. Mitchell:** If we look at the way in which speakers have been recognized today -- and I know you've been looking toward me -- and we look at the tradition, normally we go from the government side, to one opposition party, to the government side, to the other opposition party, to the government side. That has been the alternation.

I would just like to point out that, after the Member for McIntyre-Takhini spoke, we went to the government side, then you came back to the third party a second time. And I see that, having seen me, you were also seeing another member rising to speak.

I would like to suggest that this debate seems to be bypassing us, and it's not for lack of being on our feet quickly, sir.

#### Speaker's ruling

**Speaker:** I understand the honourable member's point of view. However, my job, as Speaker of the Legislative Assembly, is to make sure that we engage all members. I have yet to hear from the Member for Klondike today. So, for the sake of fairness, I'm recognizing the Member for Klondike.

**Mr. Nordick:** I'm pleased to speak to the amendment to Motion No. 178, which states to continue to implement its protocol for government-to-government relationships, known as the *Co-operation in Governance Act*, in order to promote mutual understanding and foster collaborative approaches to governance for the benefit of all Yukon people in the future.

I would first like to give a brief explanation and some of the background information that I'm not sure everybody is aware of. The first government policy framework for the First Nation relations was approved in 1995. In this policy, it recognized the changing political realities in the Yukon. The changing political environment was occurring as a result of the implementation of the First Nation final agreements.

First, the Yukon government started looking at various policy options to improve the relationships between Yukon and the First Nations. Out of this, the Yukon government and Yukon self-governing First Nations signed a memorandum of understanding on cooperation in governance in the Yukon.

The purpose of the MOU being formalized was government-to-government relationships between the Yukon and First Nation governments. The MOU was establishing a means where the elected leaders of governments could review, discuss and determine common priorities and opportunities for the co-operation and collaboration. The parties agreed the Yukon Forum would be the mechanism to achieve this.

Yukon government also committed to enshrining the Yukon Forum in legislation. In December 2005, assent was given to the *Co-operation in Governance Act*, which enshrined the Yukon Forum. Enshrining the forum in legislation is the highest level of commitment possible by a public government and at the time it was the first in Canada.

The Yukon Forum members include the Premier, the Grand Chief of the Council of Yukon First Nations and the chief of each Yukon First Nation that has entered into final and self-government agreements. The chiefs of First Nations that do not have final agreements are invited to attend all forum meetings and have a voice at the meetings. The Yukon Forum is based on a belief by its membership that the government-to-government discussions at a leadership level are an effective and productive way to move common priorities and commitments forward.

The Yukon Forum has fostered open discussions on a number of issues and has made good progress on a number of important subjects including corrections consultation, the housing trust, and northern strategy and northern economic development funding.

I will give you a brief outline of Yukon Forum meetings and some of the items on the agenda. To start off, on July 27, 2005, the northern economic development fund was discussed. On October 21, 2005, the northern economic development fund training capacity part of the investment strategy was discussed. On April 3, the northern strategy implementation framework, the Yukon strategic investment funding guidelines and correctional reform were discussed. On May 12, 2006, the housing trust was discussed. On December 8, 2006, the northern housing trust fund, the corrections action plan implementation and the northern strategy trust were discussed. On October 19, the northern strategy trust 2007 funding projects and the nine-year implementation review were discussed.

These are just some of the items that were discussed at the Yukon Forum.

I will now speak to a few of the many examples of cooperation in governance mostly pertaining to my riding. My riding, as everybody knows, is the Klondike.

There is a partnership between the Tr'ondek Hwech'in, the government and Yukon College for the Dawson City School of Visual Arts. The Yukon government supports this implementation of the initial foundation year of the School of Visual Arts in Dawson City. The School of Visual Arts will contribute to the economic well-being of the community and enhance Dawson's reputation in the innovation and cultural field.

In June 2005, the Dawson City Arts Society, Yukon College and the Tr'ondek Hwech'in First Nation signed an agreement of cooperation to develop and implement a one-year university level visual arts foundation year program, which is transferable to institutions outside of the Yukon. The parties agreed to design, develop and implement the program through an equal partnership and manage the program collaboratively.

Mr. Speaker, I would be remiss if I did not mention the partnership between the Tr'ondek Hwech'in First Nation and the Yukon government in increasing the spaces for programming and educating our youth to help foster early childhood development. I was proud to partner with Tr'ondek Hwech'in on this project. I was pleased to present the contribution agreement to Chief Taylor to sign. This contribution agreement for \$300,000 to invest in Tr'ondek Hwech'in First Nation's new childcare facility is another example of the cooperation and

governance that the Yukon government, Tr'ondek Hwech'in and I partnered in.

The Dawson strategic forest management plan is another example. Forest management planning is being undertaken in the Dawson area. A memorandum of understanding has been entered into with the Tr'ondek Hwech'in that establishes a planning team to jointly prepare a forest management plan.

The Tombstone Territorial Park visitor centre is another example of partnership. Construction of the Tombstone Territorial Park visitor reception centre has started and is expected to be completed in the spring of 2008. The lead responsibility for the design and construction of the Tombstone Territorial Park visitor reception centre is in the Department of Highways and Public Works. On construction is the general contractor for the main facility; on construction is the construction company under the Chief Isaac Inc. development arm of Tr'ondek Hwech'in.

Satellite-based mapping is another example of cooperation. This pilot project will use satellite technology to improve the quality of Yukon-based maps. High priority areas will be done first as remapping the entire Yukon will be a huge undertaking. The Dawson region was chosen for the mapping first because it is a good representative area for developing our technical approach. As well, the Tr'ondek Hwech'in First Nation, who are partners in this initiative, are very keen to map their traditional territory.

The heritage management plan is another example of cooperation. The Government of Yukon is assisting the town of Dawson City in preparing a heritage management plan for the community. This plan will allow the community to project heritage properties within its boundaries. Heritage protection will be an important consideration if the Klondike is nominated as a World Heritage Site.

Development of the plan is being overseen by a community steering committee. Public consultation is required of the contract. A steering committee is overseeing the project. Members include representatives of the Tr'ondek Hwech'in, Parks Canada, Dawson City Museum, Dawson City Planning Board, KVA, the Dawson City Chamber of Commerce and the government's historic sites branch.

For the west Dawson-Sunnydale local area plan, the Tr'ondek Hwech'in First Nation has initiated a joint local area planning process with Community Services for the west Dawson-Sunnydale area. Section 26.0 of the *Tr'ondek Hwech'in Self-Government Agreement* contains provisions that allow the Yukon government and First Nations to enter into agreements to carry out joint local area planning processes for the settlement and non-settlement land.

In the spring of 2006, the Community Services minister and Tr'ondek Hwech'in Chief Darren Taylor signed a memorandum of understanding to undertake a collaborative local area planning process for west Dawson and Sunnydale.

With regard to the Forty Mile historic house, Tourism and Culture has been working successfully with the Tr'ondek Hwech'in heritage department on research and building stabilization at the Forty Mile historic site since 1998 and are imple-

menting the management plan since its formal approval in June 2006.

The Forty Mile site is co-owned and co-managed by both governments according to terms of the final agreement and provides an excellent example of intergovernmental cooperation in achieving common goals.

Physical work at the Forty Mile historic site in 2007 focused on the stabilization of the AC Company warehouse, clearing brush and completing a campground kitchen. Han Construction, an arm of Chief Isaac Inc., was contracted by the Yukon government to replace the foundation and re-clad the warehouse. Two caretakers were employed to maintain the site, offer information to visitors and provide fire protection during the summer.

In late winter 2007, the First Nation was contracted to carry out tree clearing as part of a fire protection plan.

#### **Motion to adjourn debate**

**Mr. Nordick:** Mr. Speaker, seeing the time, I move that debate be adjourned.

**Speaker:** It has been moved that debate be now adjourned.

*Debate on Motion No. 178 and the proposed amendment accordingly adjourned*

**Speaker:** 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 Sessional Paper was tabled October 31, 2007:**

07-1-37

MLA Salaries and Benefits, Report to the Members' Services Board of the Yukon Legislative Assembly respecting (dated October 2007): prepared by MLA Salaries and Benefits Commission – Patrick L. Michael (Speaker Staffen)