

Whitehorse, Yukon
Wednesday, May 9, 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 recognition of *Mackenzie Valley Pipeline Report*, 30th anniversary

Mr. Elias: I am proud to rise today on behalf of all members of this Assembly to pay tribute to the 30th anniversary of former Supreme Court Justice Thomas Berger's landmark report.

On May 9, 1977, the report titled, *Northern Frontier, Northern Homeland* was released in Ottawa. The release of this report was a turning point in history. With it, governments and industry from that point onward had to take into account the views and traditional knowledge of aboriginal peoples.

The 400-page Mackenzie Valley pipeline inquiry report made it clear that the debate about the construction of a gas pipeline was part of a much larger debate about the future of an intricately interconnected system of people and their relationship to the land, water and wildlife.

Justice Berger visited the Vuntut Gwitchin people of Old Crow and heard the strong views of the community, which opposed the construction of the megaproject at that time.

Justice Berger took the time to travel out to the Old Crow Flats, where he spoke to the elders. To demonstrate the respect with which Justice Berger regarded the views of the people who lived on the land, he heard from everyone who wished to express themselves, including Harvey Kassi, who was only 12 years old at that time. Harvey spoke about how important the caribou were to the Vuntut Gwitchin.

After extensive consultation, Justice Berger determined that the established pipeline would forever disturb the delicate balance of the local ecosystems in northern Yukon. As a result, he vetoed pipeline development in the north and set the stage for the negotiation of the Ivvavik and Vuntut national parks. He recommended a 10-year moratorium on the Mackenzie Valley pipeline construction to allow governments and Canada's northern aboriginal people time to settle outstanding land claims. Back then, some dismissed the impact of a pipeline, saying it would be like a thread stretched across a football field. Those close to the land, however, said that the impact would be more like a razor slash across the *Mona Lisa*.

Today, we recognize the anniversary of Justice Berger's report and his profound and precedent-setting efforts to engage the aboriginal people of northwestern Canada.

Mahsi' cho.

In recognition of Hepatitis C Awareness Month

Mr. Fairclough: I rise on behalf of all members of this House to pay tribute to Hepatitis C Awareness Month. Hepatitis C is a virus that affects the liver and is spread through contact with infected blood or contaminated needles. Most people newly affected with hepatitis C have no symptoms and are unaware of their infections, but are at risk of liver damage and liver cancer and can still pass this on to others. An estimated 240,000 people in Canada are infected with hepatitis C.

Blood Ties Four Directions is a Whitehorse-based organization that helps to educate and support people who have blood-borne diseases like HIV and hepatitis C. We also have the No Fixed Address Outreach van that complements existing health and social services by providing counselling and nursing service, education and referral services with issues related to substance abuse, homelessness, HIV and hepatitis C infections. Hepatitis C rates in our aboriginal communities are higher than the national average and only through education can we hope to raise awareness of this disease.

The test for hepatitis C is simple and only requires a blood sample. Health Canada says currently treatment can clear the virus from the blood in 50 to 80 percent of infected individuals. We must all be vigilant, and those who feel that they have had contact with a person with hepatitis C should get a blood test, and take the necessary precautions to protect themselves and others with hepatitis C.

If we can educate the public and help reduce the advancement of hepatitis C, we will definitely save lives. In conclusion, we have to thank all those who are out there trying their best to bring awareness to all of us about this disease, because the Yukon is a pretty small place and I think we all feel the effects of those who are suffering from hepatitis C, diabetes, cancer or HIV. We all know someone in that field. There are people out there who are doing a lot of work in trying to educate us on this matter. I believe we should give special thanks to them.

Thank you.

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

INTRODUCTION OF VISITORS

Mr. Hardy: I would ask the Legislative Assembly to join me in welcoming three people to the gallery today: Kathryn Seely is the manager of public issues for British Columbia and Yukon Canadian Cancer Society; Rob Cunningham is senior policy analyst for the national public issues office in Ottawa for the Canadian Cancer Society; and no stranger to the Legislative Assembly, Scott Kent is Yukon regional manager of the Canadian Cancer Society.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Rouble: I have for tabling today the Department of Education's annual report for 2005-06.

Speaker: Reports of committees.
Are there any petitions?
Are there any bills to be introduced?
Notices of motion.

NOTICES OF MOTION

Mr. Nordick: I give notice of the following motion:
THAT this House urges the Government of Yukon to continue working toward the development of a territory-wide electrical grid.

Mr. Mitchell: I give notice of the following motion:
THAT this House urges the Government of Yukon to open the remaining 12 beds at the Copper Ridge facility without further delay and to move expeditiously to open the 44-bed Thomson Centre.

Mr. Fairclough: I give notice of the following motion:
THAT this House urges the Yukon government to instruct the education reform project executive committee that the government has no objection to the release of all position papers and recommendations and that they may be used as the basis for further public consultations.

Speaker: Is there a statement by a minister?
This then brings us to Question Period.

QUESTION PERIOD

Question re: Continuing care facilities

Mr. Mitchell: I have a question for the Minister of Health and Social Services. The minister said in this House on May 18, 2006, "There was one wing remaining at Copper Ridge Place comprised of some 12 beds, which we are making plans right now to open up." "Right now" -- that is what the minister said a year ago.

Well, an official with the minister's department said this morning, "There was talk of more beds. I can't predict when that would happen but it's definitely a situation that is being monitored and there is a chance that beds would be opening."

When is this minister going to stop talking, planning, studying, and consulting, and actually open these much-needed beds?

Hon. Mr. Cathers: I am pleased to inform the Leader of the Official Opposition that our government has taken yet another step in enhancing what is one of the best continuing care programs in the country and complements the existing services in home care and the assisted living facilities that we provide within the communities. This morning, Management Board approved the funding and opening of the remaining 12 beds at Copper Ridge Place.

Mr. Mitchell: Well, I'm glad to hear that, Mr. Speaker. It's better late than never.

The minister said that we have experienced a significant and unanticipated increase in the population of seniors. If the minister was unaware that we are an aging population, he is probably the only one in Canada who did not realize that. Statistics Canada has been saying that for years now.

This is nothing short of incompetence. Will the minister give this House a time when he can assure Yukoners that the much-needed additional beds in the Thomson Centre will be opened? When will he be doing this?

Hon. Mr. Cathers: It is a little frustrating to engage in debate with the Leader of the Official Opposition when it seems that he does not listen to the answers to the questions and, in making statements criticizing planning work on the part of the department, is critical and does not even reflect the statistics contained in previous years' budget documents.

There has been a spike in the population of seniors, beyond what had been predicted by Statistics Canada or the Yukon statistics branch, and we are dealing with that. I'd point out that this morning's approval to open the remaining 12 beds at Copper Ridge Place is yet one more investment under this government, which has significantly invested in the funding and increase of continuing care beds, including increases to the budget of 7.7 percent in the 2004-05 fiscal year, a further four percent in 2005-06, a further three percent in the 2006-07 fiscal year, and six percent in the 2007-08 fiscal year.

Mr. Speaker, this government is once again moving forward and continuing to invest the highest levels of funding of any Yukon government into continuing care to address this problem. We are very pleased to be opening the remaining wing at Copper Ridge Place.

Mr. Mitchell: Well, I'm not going to get into a statistical debate with the minister about aging population figures. I think everyone knows, and has known for some time, that that's happening.

The minister only partially answered the question. He told us that Management Board has approved the funding, but he did not answer the question as to when the beds will be available, nor did he answer the question regarding the Thomson Centre.

So I'll ask the minister again: when can we expect to see the beds at the Thomson Centre become available, after the long delays in remedying the issues there? And when will the beds at Copper Ridge Place be available?

Hon. Mr. Cathers: Again, if the Leader of the Official Opposition had paid attention to debate earlier in the session, he would recognize that we have noted and addressed and had some significant debate on the topic of the challenges of the Thomson Centre. As soon as those challenges are addressed, we will be moving forward. Again, we are determining the exact causes of the structural issues and ensuring that those matters are addressed.

I have to point out, once more, that this investment in continuing care -- this opening of the remaining 12 beds at Copper Ridge -- comes at an investment of over \$1.4 million annually. It is a significant investment in increasing the capacity of Yukon's continuing care system. It increases the total budget, which in this fiscal period, prior to this morning's Management Board approval, was \$23.7 million. It includes home care, 11 beds at McDonald Lodge in Dawson, 44 intermediate care beds at Macaulay Lodge, 83 extended care beds at Copper Ridge Place, now enhanced by this morning's announcement, including special care, complex care and specialty care for children

and adults. It also includes day programs for the frail elderly, respite care in all facilities, and Meals on Wheels. Once again, this is an announcement of yet another increase under the Yukon Party government's increased investment on an annual basis in continuing care.

Question re: Intensive care unit

Mr. Mitchell: I have another question for the Minister of Health and Social Services. Let's see if we can get a complete answer this time.

I will be brief in my question. Is the minister aware that the ICU, the intensive care unit, at Whitehorse General Hospital was shut down for part of yesterday due to a staffing shortage?

Hon. Mr. Cathers: I would remind the member opposite that issues in staffing occasionally do happen within facilities; however, the intensive care unit has been running quite normally and has been addressing the challenges it's presented with on an ongoing basis. We expect it will continue to do so.

Mr. Mitchell: I am alarmed to hear this minister say that an ICU shutting down is quite normal. I think that's a fairly amazing statement. Is the minister also aware that for a portion of yesterday, there were no medevac flights available -- again due to a staffing shortage?

Hon. Mr. Cathers: The assertions that the member is making on the floor of the Assembly here are interesting. He is trying to create some perception that there is a problem in the service we provide. I must remind all members that if they take a look at any jurisdiction in the country, they will find that the Yukon's health care system is second to none. The services provided by our staff and the staff of the Yukon Hospital Corporation are second to none. The level of service and the access to care are second to none, and we are very proud of that.

Mr. Mitchell: The minister is concerned with assertions I am making on the floor of the House. I was concerned when I listened to the radio this morning and heard the reports of what was going on in terms of long-term care beds, so I called the head of the Yukon Medical Association to hear the facts from him. I was amazed when he told me that when he came to work yesterday, he was first informed that the ICU was shut down due to a staffing shortage and then he was informed that medevacs were not available for the same reason. He asked me, "What will I do if somebody comes in with a coronary?" He was alarmed, and he said, "Feel free to refer to this conversation." So that's where the facts come from.

Mr. Speaker, we have a health crisis on our hands. Doctors are desperate. If a heart-attack patient comes in, they may or may not have an ICU available. If the ICU is closed, they may or may not have a means of transporting the patients out. We don't have enough staff. What is this minister going to do?

Hon. Mr. Cathers: What this minister and this government are going to continue to do is work with the Yukon Hospital Corporation to address the challenges they face. Under our government, the hospital funding has increased to \$25 million per year from a previous level of \$20 million per year, not to mention the millions of dollars this government has invested in backstopping the pension deficit for the employees of the Hospital Corporation. We were not strictly obligated to do that, but it is a part of ensuring our health care sector remains

strong, and employees have the confidence that the money they invested in their pension plans will be returned to them when they retire. We have invested in this, and we will continue to work with them.

I remind members that our health care system, the level of service and the access to care are second to none, contrary to the assertions by the Leader of the Official Opposition, who is well known for his inaccuracies on the floor of this House.

Unparliamentary language

Speaker: Order please. I know everyone wants to jump up here. This goes back to what I was saying yesterday to the members. I hear accusations of incompetence from one side, not listening from the other side; it goes back and forth. I explained this to members yesterday -- the moment that members start doing this, I'm going to start interrupting. So, honourable minister, I'd like you to retract that statement.

Hon. Mr. Cathers: Thank you, Mr. Speaker. If you could provide me some guidance on which statement -- I don't believe I accused the member of deliberately stating inaccuracies.

Speaker: That was my perception of your statement. If in fact that was your intention, I would ask you to withdraw it.

Hon. Mr. Cathers: I certainly did not intend to imply in my statement that it was deliberately so, but I merely pointed out the information was inaccurate.

I will withdraw that, Mr. Speaker.

Speaker: The statement was, "The member is well known for his inaccuracies." That is the statement I wish the honourable member to withdraw, please.

Withdrawal of remark

Hon. Mr. Cathers: I appreciate your clarification and of course respect your ruling. I will retract the statement that the member is well known for his inaccuracies.

Speaker: If the honourable members don't want me involved, don't do it. The Member for McIntyre Takhini has the floor.

Question re: Continuing care facilities

Mr. Edzerza: While the minister is all primed and raring to go, I'll continue the questioning of the Minister of Health and Social Services. I would like to follow up on the matter of seniors care. Our understanding is that the principal mandate of the Whitehorse General Hospital is acute care. According to the Yukon Medical Association, almost 30 percent of the beds at the hospital are being occupied by seniors who do not need acute care, but who may desperately need rehabilitation.

Will the minister tell us what is being done to provide a full range of rehab services to seniors who are being warehoused in acute care beds? What they need is long-term care with a range of rehab services.

Hon. Mr. Cathers: I am very pleased to receive that question. I thank the Member for McIntyre-Takhini. Once again, I am pleased to inform members of this Assembly and those listening -- and in fact, for the interest of members of the press, if they have not already received the press release, it will

be coming out very shortly -- to provide them with details on how, this morning, this government's Management Board approved the opening of the remaining 12 beds in Copper Ridge Place. This will assist us in dealing with the problem that the hospital has faced at different periods of time over the past number of months and will increase the waiting list to below what has been standard over the past number of years in continuing care. We are very pleased to once again be able to invest in continuing care for seniors and for those with disabilities by providing a further 12 beds at Copper Ridge Place.

Mr. Edzerza: Let me cite an example of how this situation is affecting seniors. Physiotherapy and occupational therapy are essential needs for people who have suffered strokes, for example. The right intervention within the first six months after a stroke is critical. Without it, the patient's condition can easily deteriorate from a level 1 to as much as a level 3. This is not just a personal cost in terms of suffering and loss of function; it also has a dollar cost to the system.

Has the minister calculated the cost of not providing appropriate care to long-term care candidates while he waits for the badly needed continuing care beds to open up? The member also made the statement that they are going to open. Again I think it took an awful lot of coaxing from the opposition to get to this point.

Hon. Mr. Cathers: I recognize that the member is now trying to amend his question in light of this announcement. I am sure he recognizes that this government once again, as we have done consistently since elected last term, is increasing investment in continuing care both for seniors and for those with disabilities. This includes those at Copper Ridge Place.

As I pointed out, investment was increased 7.7 percent in 2004-05. There was a further four-percent increase in 2005-06, another three-percent increase in the 2006-07 fiscal year, and a six-percent increase in the 2007-08 budget, added to by this morning's Management Board decision, with the increase of 12 beds at Copper Ridge Place at an additional \$1.4 million per year.

Mr. Edzerza: I appreciate the information that the minister brings forward at this time, when just recently he was saying that there was a chance. I believe the minister could have said that, yes, there will be beds opening. I know that our caucus is quite pleased that there are going to be beds opening. However, that still doesn't solve the issue within the Thomson Centre.

Our caucus really brought this to the forefront for the minister. I believe that the announcement of 12 beds opening is going to divert all attention away from the Thomson Centre.

Hon. Mr. Cathers: The member can take credit for it, if he wishes. I think this government is very proud to stand on its record, as we have consistently provided, over the past number of years, in every year, an increase to continuing care. That is enhanced by this morning's opening of beds at Copper Ridge Place.

As far as members' questions about when those will open, they are moving forward immediately to purchase equipment and to hire the staff. As soon as that is complete, it will be

opened at the very earliest opportunity. They are moving forward as quickly as is possible within the department to do so.

As far as the Thomson Centre, we have debated this extensively on the floor of the House. The challenges there are known to members. As soon as we are confident that we do have a firm and final solution on that, steps will be taken to address it as is needed. But again I have to remind members opposite that these 12 beds take the Yukon's waiting list for continuing care down to lower than has been the standard over the past number of years.

Question re: Education reform

Mr. Cardiff: I have a question that arises from the Premier's rather remarkable performance during Question Period yesterday. The subject, of course, is education reform, and I'm hoping to get just a little bit more clarity on the Premier's position regarding the governance of education.

Both times, the Premier intervened in questions that were addressed to the Minister of Education. He tried to suggest that members on this side want to devolve or dilute public jurisdiction to another order of government. The semantics were very interesting and so was the forcefulness with which the Premier stated his case.

I'd just like to get this clear: is it the Premier's position that no one but the Government of Yukon should be involved in the governance of the public education system in this territory?

Hon. Mr. Fentie: I'm a little surprised that the New Democrats in this House, the third party, have such limited understanding of democracy. We're here for the citizens of the territory so, of course, all are involved in the governance of the territory.

What the member is failing to state here in the House and to the public -- and this is for clarity -- is that the position of the third party and the Official Opposition is to promote a system of governance that is co-governance, and that's not what this government -- the Yukon Party government -- will do.

Co-governance will be devolving public government's jurisdiction. That even runs contrary to the claims themselves, which, by agreement of Canada, Yukon and now 11 of 14 Yukon First Nations, have established two jurisdictions in the territory. What we are working on is collaborative governance for Yukon, respecting each of those jurisdictions and our responsibilities and obligations therein.

Mr. Cardiff: The Premier seems to be saying -- and it's something we've heard over and over again from this Premier -- is that it's his way or the highway. The government is going to hang on to the power to run things its own way because the government owns the sandbox, it owns the pail and it owns the shovel.

Well, that isn't good enough. It didn't work in the bad old residential schools and it isn't going to work now.

What the Premier is refusing to hear is that it's absolutely essential for us to start doing things a little differently. It's time to include our partners in a real and substantive way. If the Premier doesn't understand that, maybe it's time to share the sandbox.

If the Premier believes it's only the Yukon government that's competent enough to deliver public education to our chil-

dren, and he isn't prepared to share that, what's the point of consulting anyone?

Hon. Mr. Fentie: This member has just stated that it's only government that educates our children. What a slap in the fact to our teachers and to teacher assistants and those administrators who toil each and every day to make our education system one where our children can learn and become effective citizens in our society. This is absurd to even suggest such nonsense.

What we are talking about here is two distinct positions. The members opposite promote a co-governance model that would devolve public jurisdiction when it comes to public government's responsibilities and obligations. That's not the position this government takes at all.

Some Hon. Member: Point of order.

Point of order

Speaker: Member for Kluane, on a point of order.

Mr. McRobb: On a point of order, Mr. Speaker, we have to dispute the position we are being portrayed as taking. We do not advocate the co-governance model, as indicated by the Premier on more than one occasion today.

Speaker's ruling

Speaker: There is no point of order. It is simply a difference between members.

You have the floor, Member for Mount Lorne, please.

Mr. Cardiff: The Premier obviously doesn't understand this issue very well. Let me just reframe it a little bit. Education reform is about trying to improve the public education system. Logically that would include improving the *Education Act*, but what confidence can Yukoners have in this government that it will improve the act when the minister isn't even living up to the commitments under the act as it stands? For example, the act allows for the establishment of school boards. The francophone community exercised that right and established its own school board. The money for that board to teach French comes from the federal government, yet the francophone community has had to resort to the courts to get the territory to turn that money over to them.

Why has the Premier allowed his government to treat the French school board as an extension of the Department of Education when section 129 of the act states that school boards are not institutions or agents of the Government of Yukon?

Hon. Mr. Fentie: It will come as no surprise that the government side disagrees with the member's opinion on this matter, and I'll say no further in regard to the point the member just made. I'm also encouraged by the member recognizing that the government's very aggressive initiative of education reform is to improve Yukon's education system. We on the government side are very pleased that the member from the third party has now recognized that and has openly admitted it on the floor of the House.

Question re: Old Crow road conditions

Mr. Elias: On the theme of "his way or the highway", I have a question for the Premier. Last fall I inquired about an

age-old problem, the status of the roads in my community of Old Crow, and when was something going to be done about it.

I wrote a letter and got a response that said, "We're looking into it and we're working on it", but the end result is that the roads are still in need of repair and, despite the boasting from this government about the biggest budget in Yukon history, there's no financial commitment for the upgrading of the roads in Old Crow.

This is despite a commitment from the Premier at last year's Vuntut Gwitchin General Assembly that it would get done.

Why has the Premier failed to live up to the promise he made in Old Crow?

Hon. Mr. Fentie: This is interesting. Given the direction from the community and the Government of Vuntut Gwitchin, this government invested in a brand new air terminal. The government invested in a complete upgrade of the airport runway. The government invested in a winter road to haul equipment in to conduct a major crushing operation on Crow Mountain to supply material, not only for the runway and roads in the community but for bank restabilization for the community. The government invested in protecting 8,000 kilometres of Old Crow Flats. The government invested in implementing the management plan for Fishing Branch, and the progress being made there now when it comes to what is a very important draw for Yukon and its wilderness aspects -- the issue of the ice bear in Fishing Branch Park.

I could go on and on. The government has also just contributed, through the northern housing trust, \$32.5 million to all First Nations, divided up among the First Nations, for affordable housing. That will find its way into Old Crow for new affordable homes for Old Crow citizens, and we intend to do more.

So I'm hardly going to agree with the member that we've broken any commitment to the people of Old Crow.

Mr. Elias: I have heard on numerous occasions the Premier standing up in this Legislature, taking the credit for the Old Crow Flats special management area and other protected areas in north Yukon, when it was the people of Old Crow who led that. It was Chief Joe Linklater and our people who led that and did all the hard work. All the Premier had to do was sign.

A question came from the floor of the general assembly on Thursday, September 21, 2006, at the Chief Zzeh Gittlit School. The Premier was asked why YTG has not done anything to help make the roads better. The Premier's answer is that there is equipment here and we can address this issue quickly; we will find funding for that and there are other issues to deal with. That promise was made in front of the citizens of Old Crow. Exercising patience and waiting for eight months for a budget, the promise has not been fulfilled. When is the Premier going to live up to the commitment he made to the people of Old Crow? Was it just another benign promise that doesn't have to be followed through?

Hon. Mr. Fentie: I am really pleased that the member opposite has brought up the issue of Fishing Branch and the land claim, because the member now sits with the Liberals of the territory -- the Official Opposition -- who had in their

hands, years ago when in government, the whole issue of the Fishing Branch park, the setting of its boundaries and implementing the management plan. They did not do it. They didn't do it, because they did not have the foresight to understand what the commitment was under the claim.

When the Yukon Party government came into office, it was one of the first issues we resolved with the Government of Vuntut Gwitchin and the chief the member has mentioned. We resolved the issues. We went ahead and set the boundaries by order-in-council and implemented the management plan.

The member should ask this question to his colleagues.

Mr. Elias: Let's focus again, because it seems that the Premier refuses once again to be accountable. We are talking about four or five kilometres of road here. It is not a big undertaking. All it takes is for the Premier to keep his word to my constituents. It is not a question of dollars. We all know that the Yukon Party is sitting on a surplus of \$85 million. They have the money; they are just not willing to spend it.

Mr. Speaker, the people of Old Crow are listening. They want to know if their roads are going to be fixed as promised by the Premier. It is very important to note that the school bus in Old Crow is rapidly deteriorating because of the deplorable condition of the roads in Old Crow. When is the Premier going to live up to the commitment he made to the people of Old Crow?

Hon. Mr. Fentie: The commitments to Old Crow, as to every community in the Yukon, remain consistent and honoured by this government. That's the way things are. It should be no surprise to the member that I disagree with his view and his opinion; we have not, in any way, shape or form, broken commitments to Yukoners, including Old Crow. There are commitments here in question and I brought that to the floor of the Legislature the other day, and that is the commitment of the Official Opposition that they made to Yukoners when it comes to their conduct here in the Assembly -- I need not go further.

Question re: Workers' Compensation Health and Safety Board, charges against mining company

Mr. Inverarity: The Yukon Workers' Compensation Health and Safety Board has recently laid charges against a Yukon corporation in connection to a work-related death. Unfortunately, the only information available to the public is that charges have been laid. While we respect Workers' Compensation Health and Safety Board's right to enforce legislation without a rational explanation for why they are enforcing this particular case at this particular time, I fear that the public anger and confusion that surrounds this issue may escalate to the detriment of all Yukoners.

Will the minister responsible confirm that he supports these enforcement actions that have been taken by the Yukon Workers' Compensation Health and Safety Board?

Hon. Mr. Cathers: I would really appreciate it and it would benefit all members of the public if the Member for Porter Creek South would read the *Workers' Compensation Act*, if he would take the time to take up courses, such as those offered by the Yukon Federation of Labour, to understand the workers' compensation system. Once again, his questions demonstrate a lack of understanding of the process. The minister is not and

cannot be involved in these types of decisions and this type of enforcement action. The matter is before the courts. It is inappropriate for the minister to comment on it in one way or another. The minister should be neither in favour or opposed to such an issue. It is a matter appropriately dealt with by the enforcement officers of this arm's-length body.

Mr. Inverarity: I'll direct my supplementary question to the Minister of Justice, since the minister responsible for Workers' Compensation Health and Safety Board cannot answer the question.

On February 21, 2007, in a Yukon government news release, the Justice minister commented on charges laid: "On behalf of the Yukon government, I applaud the RCMP's efforts in addressing substance abuse in our communities. Through their efforts over the weekend the RCMP has significantly reduced the amount of drugs and the harm they do in Yukon communities."

Mr. Speaker, based on this precedent, it is reasonable to expect the Justice minister to comment on the enforcement actions of the Workers' Compensation Health and Safety Board. Her department has been involved in laying these charges as well. Does the Minister of Justice support these charges being laid by Workers' Compensation Health and Safety Board -- yes or no?

Hon. Mr. Cathers: Again, I have to point out to the Member for Porter Creek South -- please, get briefed on this issue. The member is clearly demonstrating that he does not understand how the system works.

The Workers' Compensation Health and Safety Board and the occupational health and safety regulations enforcement officers are arm's length from government. The member is demonstrating a lack of understanding of that. I don't, in any way, wish to be insulting to the member, but the member truly needs to understand the system before he asks more questions that imply inappropriate actions on the part of individuals involved. He needs to understand what he's talking about before he asks the question.

Mr. Inverarity: I think that if the minister read my bio, he'd see that my history includes time with Workers' Compensation Health and Safety Board.

On May 2, 2007, a local newspaper reported that the Yukon Workers' Compensation Health and Safety Board will not be making public its report into the fatality as the Justice department has advised against releasing it.

When the RCMP take action to enforce the law, they disclose important facts to the public regarding why such enforcement actions are taken. Part of the reason why the public is concerned is the result of not having enough information. And I suspect that the report in question contains the very information that the public is looking for.

In the interest of public disclosure, will the Minister of Justice release this report?

Hon. Mr. Cathers: The member can't have it both ways here. He needs to recognize that, when a body is set up as arm's length, as independent, the minister does not direct the operations of that body. The minister should not be commenting on enforcement actions.

In his questions, the member demonstrates a lack of understanding of how the system works. He can claim time involved in WCB, but his comments do not reflect an understanding of the system and I would urge him to take up the offer extended by the Yukon Federation of Labour, take their course, understand the system and then we can have a constructive debate on matters related to WCB.

Speaker: The time for Question Period has now elapsed. We'll proceed to Orders of the Day.

ORDERS OF THE DAY

OPPOSITION PRIVATE MEMBERS' BUSINESS

BILLS OTHER THAN GOVERNMENT BILLS

Bill No. 104: Second Reading

Clerk: Second reading, Bill No. 104, standing in the name of Mr. Hardy.

Mr. Hardy: I move that Bill No. 104, entitled *Smoke-free Places Act*, be now read a second time.

Speaker: It has been moved by the Leader of the Third Party that Bill No. 104, entitled *Smoke-free Places Act*, be now read a second time.

Mr. Hardy: I'm very pleased to present Bill No. 104, entitled *Smoke-free Places Act*, for the consideration of the Legislative Assembly. This act represents a major public health initiative that is long overdue in the Yukon. It is an act that will help save lives. It is an act that will help protect workers and the general public from one of the most serious health risks of all. It is an act that promotes a healthy environment at a time when there is a growing awareness of the impact of environmental factors on the health of Canadians. Last but not least, this is an act that will help save millions of dollars, both for taxpayers and for businesses.

I don't intend to speak long in these introductory remarks, Mr. Speaker. Bill No. 104 is a comprehensive piece of legislation that pretty much speaks for itself. What I would like to do is provide a bit of context regarding why this legislation is needed and why we should not put it off any longer.

The sad fact is that the Yukon has the highest rate of tobacco use in all of Canada. We're also the last place in Canada to have province-wide or territory-wide restrictions on smoking in enclosed public places or places of employment.

I am not suggesting that we should put this kind of legislation in place just because everyone else is doing it. What I am saying is that we need to adopt this kind of legislation because it's the right thing to do. It is well recognized that smoking is the leading preventable cause of death in Canada. The blunt and tragic reality is that 45,000 Canadians die every single year as a result of smoking or exposure to second-hand smoke. They die of cancer. They die of heart attacks and strokes. They die of emphysema and various other diseases. I am sure there is not one single member of this Assembly who has not lost a family member, a friend, or a co-worker, as a result of smoking-related illness of one kind or another.

Let us ask ourselves this: why is it acceptable for a Yukon worker to have less protection from the effects of cigarette smoke in their place of employment than any other Canadian worker? Why is it acceptable for Yukon children or seniors to have less protection from tobacco smoke than children or seniors anywhere else in Canada? Why is it acceptable for any Yukoner to be exposed unnecessarily to toxic agents in the air they breathe when it lies within our power as legislators to reduce their exposure to a pollutant that can destroy their lives?

The answer is very simple, Mr. Speaker: it's not acceptable. We must act and we must act now, because it's the right thing to do.

Speaking as someone who has spent days and months living in close quarters with cancer patients and their families, I am absolutely convinced that we, as legislators, have a moral and social duty to do everything we can to prevent needless suffering and death. Until now, the Yukon has relied primarily on public education and tobacco-reduction strategies to address this problem. These are good initiatives and necessary initiatives. For every person we can help to quit smoking, we take one step forward. For every young person we are able to convince not to start smoking, we take a step forward.

But there is only so much that education and persuasion can do. As I said earlier, Yukon has the distinction of having the highest rate of tobacco use in Canada. Twenty-eight percent of Yukoners are smokers. The good news, of course, is that 72 percent of Yukoners do not smoke. As a society, we are making progress. Smoking is increasingly becoming socially unacceptable, not just here, but around the world. Whoever thought, for example, that Irish pubs would be smoke-free or that places such as France and Quebec would adopt widespread smoking restrictions?

In spite of the progress that has been made, however, there is a great deal of work that still needs to be done right here in the Yukon. Consider these facts, for instance: the most recent survey on youth smoking in the territory shows that 11 percent of Yukon adolescents smoke on a daily basis. Forty percent are either current smokers or have experimented with smoking. Perhaps the most shocking statistic is among First Nation young people. Sixty-one percent of First Nation girls between the ages of 15 and 17 are smokers. That is four times the national average for that age group. Among First Nation boys in that age group, the rate is 47 percent, which is three times the national average.

More than two years ago, the provincial tobacco control councils of Canada called the Yukon the worst jurisdiction in Canada when it comes to anti-smoking measures. Even our Premier has called it a failure of government that we are the last jurisdiction to have a universal smoking ban. This is not about pointing fingers or laying blame anywhere. This bill is about doing what's right. I am very pleased that both the Premier and the Leader of the Official Opposition have publicly recognized that the time has come to take action. For years, a number of different organizations have recognized the need for territory-wide legislation to restrict smoking in public places and places of employment.

The Yukon Medical Association, for example, has passed motions every year, for over a decade, calling for a territory-wide ban on public smoking. The Yukon Registered Nurses Association has endorsed the idea of a territory-wide ban, and so has the Yukon Federation of Labour, which represents workers across the territory.

Several years ago, the Yukon government wisely banned smoking in all government buildings and vehicles. More recently, the municipal councils of both Dawson City and Whitehorse have demonstrated real leadership by prohibiting smoking in certain public places, such as bars and restaurants. The past three mayors of Dawson all supported initiatives to restrict smoking in that community. In January 2006, the former Mayor of Whitehorse said that he was surprised that YTG has left it up to municipalities to ensure the health and safety of our citizens. Tomorrow or the next day, the Association of Yukon Communities will be considering a motion from Dawson City, calling on the territorial government to take action.

The bill I am presenting for consideration today is the result of a great deal of research into anti-smoking legislation from every other territory and province. It is largely based on Nova Scotia's legislation, but it includes elements from several other jurisdictions.

A few weeks ago we provided copies to a number of groups and organizations for their review and input. These included the Yukon Medical Association, the Yukon Registered Nurses Association, the Yukon Public Health Association, the Yukon Federation of Labour, the Yukon Workers' Compensation Health and Safety Board, the Association of Yukon Communities, the Council of Yukon First Nations, the Whitehorse and Yukon chambers of commerce, as well as the Canadian Cancer Society and Physicians for a Smoke-Free Canada.

At this point, I would like to acknowledge the assistance we receive from Rob Cunningham, the legal counsel for the Canadian Cancer Society who reviewed earlier drafts and made some very helpful suggestions for improvements. We also took the fairly unusual step of providing a bill to the government and the Official Opposition before even tabling it in the House. As sponsor of this bill, I also want to make it very clear that we are open to any suggestions from the government's side or from the Official Opposition that will help to strengthen or clarify it.

We are also willing to work with other parties to ensure that Yukoners have an opportunity to provide their input on the legislation and the regulations. Our goal is very simple: we would like to see the Yukon take a leap forward by having this Assembly develop and adopt anti-smoking legislation that will stand among the best of its kind in Canada. As legislators, we cannot stand idly by while people's lives are put at risk because we don't have the political will or courage to do what is right.

We cannot stand by while the cost of public health care continues to skyrocket from the impacts of smoking-related illnesses. We cannot stand by while airborne toxins continue to poison the environments where people work, shop, take part in recreation, or receive public services. We don't need to reinvent the wheel; we need to put our shoulders to it and get the job done. We can do it, we should do it and we must do it. Thank you very much.

Hon. Mr. Cathers: I am pleased to rise today and to indicate that the government will be supporting the members' bill moving forward, passing second reading and going into Committee of the Whole debate. There are some areas, as we have indicated in discussions with the Leader of the Third Party and his caucus, in the actual wording of the act where we believe some amendment is needed as well. We believe it's necessary, considering the significant impact of this legislation, that we do public consultation. The government's preference is to have MLAs actually go out themselves and sit down with people, but we would like to work with the third party and would hope that we could have a final bill for passage this fall through a collaborative effort of all three parties.

We recognize that this is not a partisan initiative; this is an issue of tremendous importance to Yukoners and all Canadians. As I've noted previously in debate in this House, I think it's important to note where we have come as a nation in this country. From coast to coast, the perceptions and the attitudes toward smoking have significantly shifted over the past few decades. There was a time when it was quite common to go into a business meeting and be offered the cigarettes in a silver case or, in some offices and some circles, it was considered rude not to be offered that.

Today, it is becoming very widely accepted by the public that smoking inside public places, and indeed anywhere inside, is not a sound health activity. It's even worse than the obviously very detrimental activity of smoking itself, in that it affects other people through second-hand smoke.

This bill brought forward by the Leader of the Third Party, the Member for Whitehorse Centre, I think is very timely. This complements, as a next step, what our government has done over the past few years to increase the investment in public education and initiatives, such as the QuitPack initiative targeted at young adults, through the investments under our Yukon tobacco reduction strategy.

Over the past number of years, we have focused on trying to do two things primarily: increase the number of former smokers and increase the number of youth who say no to tobacco, recognizing that, in fact, most people do become addicted to smoking at a young age. It is primarily that youth demographic that is vulnerable to the influences of peer pressure, et cetera, that takes up smoking.

As much as we as a society can do to reduce the number of young Yukoners -- well, young people anywhere in Canada or anywhere else in the world -- who take up smoking, the more who will benefit in reducing the number of people in future years who will be addicted to cigarettes.

Over the past three years, the Yukon government has invested over \$930,000 into initiatives, including the Stages of Change campaign, which focused on encouraging people to move along in the various stages of quitting smoking, beginning with thinking about the issue, then thinking about quitting, and then actually quitting. The I Love You But campaign targeted young adult smokers. There were 299 young adults who requested and received a QuitPack in the initial round. That was then expanded and extended to another 228 adults. It was

so popular that it was being requested not only by youth but also by older adults.

In addition, the department has one full-time person dedicated to tobacco-reduction programs, including preventive activities in schools. This will be continued through funding under the territorial health access fund expenditure plan. As members will have noted, the presence of these campaigns on building walls and city buses has been evident over the past few years and has increased the visibility of these campaigns.

The bill brought forward by the third party is what, I think, most people would regard -- and the government regards -- as a next step. It is something that the Yukon public is now shifting toward supporting. Members will recall that when Whitehorse brought in the smoking ban in public places a few years ago, there was significant resistance. That has evolved and has shifted over time. Ultimately, we believe that, for any law to be successful, it is necessary that it be a law that is supported by the majority of the public. Of course, the public we are concerned about is the Yukon citizens we are elected to represent. We believe that sentiment is shifting. We also believe, because of its significant impact, that it is important that we not circumvent the necessary process of giving the public the opportunity to come forward to meetings to talk to individuals. We want to do this with MLAs, as per our suggestion of doing it through a select committee of the Assembly, with membership from all three parties. The intent is to depoliticize the issue, make the decision based on the merits of the issues and to move forward, as requested by Yukoners.

We believe that this bill has tremendous merit, and we look forward to supporting it and moving it into the Committee. At that point we hope to, in a very constructive and positive manner, work with members on making amendments as necessary, including minor technical things such as in areas where the wording doesn't quite meet the Yukon standards for legal formatting. There is also, of course, the necessary issue of French translation prior to the legislation being passed and proclaimed.

With that end in sight, I would also point out that many of the steps have been already taken. The Yukon government, as noted by the Leader of the Third Party, has acted in banning smoking in all Yukon government workplaces. A large number of the areas identified in the bill are already addressed, but that does not mean to say that they should not be included in the bill. We simply point out that significant steps have been taken. It is simply a matter of taking the remaining appropriate steps, and doing so in a collaborative manner with an opportunity for public input.

I would be remiss if I didn't commend the Leader of the Third Party for his approach in bringing this forward and point out that this is not the first time that the Leader of the Third Party -- the Member for Whitehorse Centre -- has done so. I think that his example and leadership in demonstrating how the opposition can provide very constructive input and work with the government, as we have worked with the Leader of the Third Party, is a strong example to all members of this House, on whichever side of the Assembly they sit, as to how a member can bring something forward in a positive and constructive

manner, and how together we can come to agreement and move forward for the good of Yukoners and enact that.

With that, I would urge all members of the Assembly to support this legislation and look forward to hearing other members. As indicated, the government will be voting in favour of this legislation.

Mr. Mitchell: I, too, am very pleased today to rise on behalf of the Official Opposition and as the Health and Social Services critic for the Official Opposition to speak to the *Smoke-free Places Act*. I'll begin by saying that we too will be supporting this act at second reading and moving it into Committee.

The purpose of this act is to improve and protect the health of all Yukoners, and indeed any person who may be visiting Yukon, by ensuring that smoking cannot occur in public places. It's a well-documented fact that second-hand smoke is a contributing cause to lung cancer, emphysema, heart attacks and strokes, asthma, allergies, and other cardiovascular diseases and syndromes.

We've seen the statistics; we've heard from the health care professionals, including our own Yukon Medical Association, the Yukon Registered Nurses Association, the Yukon branch of the Canadian Cancer Society and others. So, the health issues are not in question.

It's also well-documented that in the absence of legislation banning smoking in public places, or ensuring smoke-free public places, people will, either willingly or unwillingly, continue to suffer exposure to smoking environments, to the carcinogens and other toxic chemicals found in tobacco smoke, and will suffer health consequences as a result.

The issue we are here discussing today is not whether or not there is medical evidence to support addressing this issue, but whether legislation -- and specifically this legislation -- is the best way to address these health concerns.

Some people -- and indeed, in the past, some Members of the Legislative Assembly -- have suggested that such legislation is not the best tool for the job. Some people suggest that it is better addressed by the Workers' Compensation Health and Safety Board, via regulations for the workplace or by individual communities across Yukon.

In the first instance, I agree that there is obviously a worker safety issue in play here, and it would be worthy of consideration by the Workers' Compensation Health and Safety Board. For whatever reason, the Yukon Workers' Compensation Health and Safety Board has not yet chosen to do so. It's not in our purview to decide that.

Secondly, while worker safety may address many of the instances where smoking in public places comes into play, it may not necessarily address all of them. There may be situations where there are no employees put at risk, but there are still members of the public who are.

As far as leaving the decisions up to individual communities, we've already seen two communities -- the City of Whitehorse and the City of Dawson -- move toward passing bylaws to address this within their own communities. However, if this is left up to individual communities, we may well end up with

14 or more different sets of rules, or it may be that smoking in public places will be outlawed in some communities and allowed in others. This will be extremely confusing, both for Yukoners and the travelling public, such as tourists.

In addition, the majority of Yukon is not within organized communities, yet there may still be public places, as defined by this act outside of organized communities. This patchwork approach of putting the onus on individual communities would also require each community to deliver the enforcement of by-laws with likely no financial or other infrastructure capacity to do so. This is not a sound approach, which is why all other provinces and territories have chosen to administer this sort of legislation at the provincial or territorial level.

That brings us back to the legislation at hand. Some members may note that, in 2006, the Liberal caucus voted against draft legislation that was brought forward by the former Member for Klondike, as did the government. That decision was made after examining that bill and finding it flawed in many areas, at least in our case. It was also felt the former Member for Klondike, having served both as the Minister of Health and Social Services and as the minister responsible for the Workers' Compensation Health and Safety Board for the Yukon Party government, had had a better opportunity available to him with all the resources of government to develop legislation while sitting with government. Had he done so, perhaps he might have brought forward a better bill, and we could then have supported it.

The bill before us today is, I believe, a better piece of legislation. It's clearly written and it's largely modelled after Nova Scotia legislation and some other jurisdictions. The Member for Whitehorse Centre has put a lot of work into developing this legislation, and he has done a fairly complete inventory of the legislation that is in effect in other Canadian jurisdictions.

I want to thank him for his thoroughness in his research and his dedication to bringing this forward.

We do, however, have some questions and suggestions for the bill's sponsor. They will all be in the nature of things we've heard from Yukoners and can hopefully address in detail in Committee of the Whole.

I just want to raise a few of them here at second reading. First of all, we know that many Yukoners are eager for such legislation and have been asking for it. Other people -- and perhaps they're a minority, but nevertheless, they're Yukoners -- have expressed concerns and have a right to have their voices heard even if they're opposed. That's why we felt the best approach was to incorporate meaningful public consultation; that's what we said publicly when this first came forward -- both on the content of the bill and on the regulations that will be required to enforce it.

The government has tabled a motion that such consultation should occur in the form of an all-party committee of MLAs. We can respect that that is one possible approach. We on this side of the House don't feel that is necessarily the best approach. MLAs hold their individual positions on such matters, and they may also be constrained by party positions or policies, or concerned about the impact on friends or constituents. The very nature of an all-party committee of MLAs -- although the

opposite may well be the desire or intent -- is sometimes to politicize issues. After all, clearly the bill's sponsors, the third party, are not neutral about this bill; they are very much in favour of it -- they're sponsoring it. There may be other MLAs on the government side who previously chose not to address this and may be ambiguous in their support. We don't know.

In addition, we would like to note that MLAs have very busy schedules, not only when the House is sitting, but all year long, including the responsibility of spending time in their ridings and in their constituencies when the House is not sitting. We believe that consultation is best done in an atmosphere of complete neutrality with an open mind. We think that is best handled by the professionals. That means by government officials who do these consultations all the time. They have the expertise; they can call upon the expertise and the public is used to government officials coming out across Yukon and doing these kinds of consultations.

These officials can listen impartially to the public's concerns, accept advice from the public, answer technical questions in some cases because they will have that expertise, and then they can bring that information back to the government and back to the Legislative Assembly for possible amendments to this act that would improve the legislation. That's the model that is traditionally used when new legislation is being considered and consultation is being employed. We see no reason to depart from it in this case.

I am pleased to hear that the Member for Whitehorse Centre is amenable to public consultation, both on the content of the bill and the regulations. That should be readily done by officials and we can move quickly on this within a time frame that would allow for this act to come into force by June 1, 2008, as provided in section 16(1) of the draft act before us, as presented.

I have a few additional sections of the act that concern me, based on conversations I have had with the public. I want to pose some of these questions. When the Member for Whitehorse Centre responds, I hope he can provide clarification. I want to point out that these questions are not meant in any way to obstruct the passage of this legislation. Rather, they are concerns that I have either heard from members of the public or that I expect will come forward if this bill were to pass in its current form.

First of all, I have a few questions regarding some of the definitions in this act. For example, under "restaurant" the definition includes the words, "and any other eating establishment or outdoor eating area that is part of or operated in conjunction with a restaurant". In Whitehorse, I can think of several such places -- The decks at the High Country Inn and the Road-House, the tables outside the Mainstreet Backerei/Kaffee Haus, the patio at Sam N Andy's, and so forth.

In rural Yukon there are numerous examples, such as Penny's Place at Pelly Crossing, Whispering Willows in Stewart Crossing, and several establishments that I have sat outside at in Dawson.

The question is: if this legislation is intended for the protection of employees and the general public, is the outdoor eating area portion of the definition of a restaurant really neces-

sary? I'm not a smoker, but is it really injurious to my health or to the health of serving staff to walk by someone who is smoking outdoors, being that there is the natural ventilation?

What I'm looking for here, based on comments I have heard from the public, is to find the balance between individual rights and the right of the general public to a safe environment. It is my opinion that it is only justifiable for us as legislators to infringe on the rights of the individual when we can clearly demonstrate that we are doing so in the overriding interests of protecting employees or the general public. I think that this definition could be narrowed or clarified to address that concern.

Another issue I have heard raised is how to treat home-based businesses. Many Yukoners run home-based businesses out of their residences. In most cases, the public only has access to a portion of these residences. That access is controlled by the homeowner. In some cases, the public may only visit the residence occasionally, such as to pick up a set of house plans from a draftsman or a costume from a rental shop. It is unclear to me if this bill, as drafted, would preclude that homeowner from smoking in their entire residence or only in the portion where the public has occasional access. I believe that this concern can be mitigated by clarifying the definition of a home-based business within the definitions section under place of employment, and also by clarifying it within the sections that list prohibitions.

There is wording, for example, in the New Brunswick legislation, that defines a home-based business and also indicates that, and I quote, "Only that part of a private residence in which a home-based business is operated is an indoor workplace for the purposes of this act." We will be proposing amendments later to clarify this, if we get into discussion during Committee of the Whole.

I will now refer to page 4 of the act. Under "Prohibitions", section 4(4) states: "No manager of an enclosed place referred to in subsections (1) to (3) shall permit any person to smoke in that place, on those grounds, or in that area". Now, that sounds like a good idea, but in Yukon -- and particularly in rural Yukon -- the reality is often that there is no manager on-site. The reality may well be that the only staff person working in a small establishment, such as Penny's Place or the gas bar and grocery store in Stewart Crossing, is a 17-year-old high school student. Does this act put the onus of enforcement on that 17 year old to perhaps ask a 45- or 50-year-old trucker to extinguish his cigarette, for example?

Similarly -- and this is one of the last examples I'll give now -- under "Exceptions" in section 5(6), the act states, "If a person contravenes this Act in an enclosed public place, the manager, owner or proprietor shall request the person to immediately stop smoking or holding lighted tobacco and to immediately extinguish the lighted tobacco, shall inform the person that an offence has been committed, and refuse to provide that person with the good or service customarily provided in the enclosed public place until that person ceases contravening the Act."

Then in section 5(7) it states: "A manager shall ensure that a person who refuses to comply with this Act does not remain in the enclosed public place, on those grounds, or in that area."

So, it's the same problem and the same question: unlike bouncers in bars, employees of convenience stores and restaurants and gas bars, to name just a few public places, are not hired for their ability to remove obnoxious patrons. I would like to hear some clarification on what the legal consequences are if such employees respectfully request a patron to extinguish his cigarette or vacate the premises and the customer refuses to do so. By making the request, has the employee now fulfilled their duty under the act?

Finally, another issue that has been raised is how to treat travel by an employee who is using his or her own vehicle for work-related travel. This is currently a place that's included under section 4(1)(p) under "Prohibitions" in the draft before us, which reads, "a vehicle used in the course of employment while carrying two or more persons" -- that would preclude a person driving their own vehicle to attend a meeting, if they're transporting a spouse or friend in the vehicle, from smoking within their vehicle even if they had the permission of their friend or spouse. That could be clarified by replacing the word "persons" with the word "employees" and this wording would perhaps more accurately address the health issue for employees, as intended.

These are just a few examples of the reasons why, while we support the principle of this legislation, we believe it's important for the public to be consulted -- we think it's best done by impartial officials -- and then for the Justice department lawyers to review this legislation and the results of public consultation and make recommendations on the final wording of this act.

Having raised these points, I want to again thank the Member for Whitehorse Centre for bringing forward this legislation and indicate again that we will support it at second reading, and we look forward to it moving into Committee so we can address these issues in detail and others that perhaps other members on both sides of this House may raise.

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

Mr. Hardy: I appreciate the comments made by the government -- the Minister of Health and Social Services -- and the Leader of the Official Opposition, though I do have some concerns about the tone that has been taken by the Leader of the Official Opposition.

It's encouraging that government is willing to work together, both on a legislative as well as a regulation basis, to make this act come about -- to protect workers from health risks and from death, to protect children from the same, and to keep that in the forefront. This legislation is being brought forward because of that very essence -- it's about life. It's about saving lives, it's about preventing tragedies down the road, it's about addictions, it's about the future.

We can always find fault in every bill, and that's why we keep bringing bills back for amendments. That's what part of

our job is in here. But we have to start somewhere, and we have to take a little leap of faith at times. Now, I've said very clearly that we're open to amendments to make this bill stronger, not to make it weaker. What I am afraid I've heard is an argument to make the bill a lot weaker and put aside the rights of workers and put aside the rights of people to not be afflicted with an illness.

I have witnessed, first-hand, illnesses caused by smoking.

As I said, each and every one of us in here probably knows somebody -- you all know me -- whether it's a family member we have lost, or someone who has gone through cancer treatment, a friend; we've seen the pain and suffering. It's up to us to make decisions at some time, to bring in legislation that protects the general public and to help prevent more illness in the future. There is also what hasn't been mentioned -- interestingly enough -- the tremendous cost to our health care system, which is already overloaded in many areas, and it's going to get worse. I don't know where the money is going to come from. This is a proactive step; it's not a negative step. Yes, there are people who object to it and feel it's an infringement upon their individual rights, but it's the right of a person to be able to work in an environment that is not conducive to ill health, that does not affect their health or jeopardize their ability to live a full life. That is a right, too. We have to find that balance.

It is also incumbent upon us to try to prevent the young people from taking up this habit, or being exposed to the smoke. Sometimes it takes strength of leadership to just say this is something that we have to do. We're going to get criticized, absolutely, but in the long run, as we witnessed across Canada and around the world, it's the right thing to do. It's time it happens.

Let's work together to find ways to make this bill stronger, not weaker. I have heard arguments to make it weaker. I hear the concerns of the Official Opposition; I do know they voted against another bill that was brought forward. Those concerns obviously are very deep-seated within their party, but I'm asking them to put aside the political angles or whatever is driving it and let's work together to find ways to make this fit their constituents and help them come to a unanimous decision to bring forward this bill, the *Smoke-free Places Act*.

I would like to thank and make it very clear that the majority of work done here is not by me. I may be pushing and championing it, but my staff has done a tremendous amount of work. Associations, organizations and the Canadian Cancer Society have all contributed. There are a lot of people who have put a lot of time and effort into this. Yes, there are probably mistakes in it. We have identified some ourselves and we look forward to making those amendments and changes, but let's do it together.

I have considered and weighed both sides. I think there is merit on both sides with regard to the government talking about MLAs going out and consulting and then the Official Opposition not liking the fact that MLAs would go out and instead wanting the bureaucrats to go out to consult. Both sides have merit. MLAs going out and consulting is what we do. It is our job. It is what we are supposed to do. If we do it in a formal manner, with three parties working together to craft a bill that

is representative of the needs of this territory and will help people, then that is a good thing. It shows the public that we can work together. We can sit down and listen to people together.

Everything doesn't have to be done through the bureaucracy. At first I thought it made sense. It is the traditional way, as the Leader of the Official Opposition said. Sometimes we have to break from tradition. Sometimes we have to do what is right. Sometimes we have to put ourselves out there and face the criticism, not just at election time, but on a daily basis when we are bringing forward a bill such as this that has some controversy to it.

I have to say that, in the end, my feelings are that it is not a bad idea. It is something that I lean toward now. Maybe the politicians should go out and talk to the people this summer about making amendments and addressing some of the concerns of the Official Opposition and hearing those concerns first-hand. Then we can come back and report to the Legislative Assembly.

That puts a burden upon the third party. There are three of us. It's a little easier for the Official Opposition, and it should be a fair amount easier for the government, but I think we can all contribute.

The particular issues that have been brought up by the Leader of the Official Opposition are very legitimate ones. However, all I heard was one side of the scenario of why it's a concern and not why we perhaps should do it. We need to have that discussion. I don't know if we have time in the course of this day to go through all this and make a decision. We may have to consider putting those questions raised by the Leader of the Official Opposition to the public as part of the public consultation, as well, then come back, be leaders and make a decision that is good for the people and good for the workers of this territory.

That's all I'm going to say on this matter. I hope we can move forward together.

Speaker: Are you prepared for the question?

Some Hon. Member: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Fentie: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Kenyon: Agree.

Hon. Mr. Rouble: Agree.

Hon. Mr. Lang: Agree.

Hon. Ms. Horne: Agree.

Hon. Mr. Hart: Agree.

Mr. Nordick: Agree.

Mr. Mitchell: Agree.

Mr. McRobb: Agree.

Mr. Elias: Agree.

Mr. Fairclough: Agree.

Mr. Inverarity: Agree.

Mr. Hardy: Agree.

Mr. Cardiff: Agree.

Mr. Edzerza: Agree.

Clerk: Mr. Speaker, the results are 17 yeas, nil nays.

Speaker: The yeas have it. I declare the motion carried.

Motion for second reading of Bill No. 104 agreed to

Speaker: Bill No. 104, entitled *Smoke-free Places Act*, has now received second reading and, pursuant to Standing Order 57(4), stands ordered for consideration by Committee of the Whole.

Pursuant to Standing Order 14.2(3), the third party designated Bill No. 104 as their first item of business today. The Leader of the Third Party is therefore entitled to decide whether the House should resolve into Committee of the Whole for the purpose of continuing the consideration of Bill No. 104. I would ask the Leader of the Third Party to indicate whether he wishes the House to resolve into Committee of the Whole.

Mr. Hardy: Mr. Speaker, I would ask that the House now resolve into Committee of the Whole for the purpose of continuing the consideration of Bill No. 104.

Speaker: Pursuant to the request of the Leader of the Third Party, I shall now leave the Chair and the House will resolve into Committee of the Whole.

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair: Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 104, *Smoke-free Places Act*. Do members wish to take a brief recess before we continue?

All Hon. Members: Agreed.

Chair: Members will recess for 15 minutes.

Recess

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

Bill No. 104 -- *Smoke-free Places Act*

Chair: The matter before Committee is Bill No. 104, *Smoke-free Places Act*.

Mr. Hardy: Well, I thank everyone for the comments that were made. There is definitely a lot of work that needs to be done. I hope we can do that work together, move forward and, at the end of the day, do our jobs as MLAs and bring forward the best legislation possible for the people of the territory, as I said earlier. I am not going to belabour this point and will conclude my remarks with that.

Hon. Mr. Cathers: I appreciate the comments all the representatives of all three parties have made today. Again I take this opportunity to thank the Leader of the Third Party for bringing forward this bill. As I indicated in my earlier remarks, we believe that it is a timely point in time for taking this next

step and for moving forward collaboratively with all three parties involved.

We agree with the third party on their approach in many ways and appreciate the recognition by the Leader of the Third Party of the benefit of having MLAs go out directly. It is a very sweeping change. It will have an impact on workplaces in many areas and may have an impact on individuals in areas of rural Yukon not currently covered by smoking legislation.

With that in mind, that is why we believe it's important for MLAs to go directly to the people, in a non-partisan manner, to discuss the issues, to determine the proper wording of the legislation, and to move forward in a timely manner.

Again, I commend the Leader of the Third Party, the Member for Whitehorse Centre, for his contribution once again, this not being the first time that the leader has brought forward a constructive legislative suggestion. We're pleased to be able to work with him constructively in moving forward, as we have done in previous times.

So with that being said, Mr. Chair, I will not spend too much time in debate here in Committee of the Whole. As previously expressed, the government does feel there is a need for all parties to consider some of the wording of the clauses and to do public consultation. We have already shared with the third party some of the areas we've identified in review since the members shared the bill with us. To that end, we'd like to give the opportunity for all three parties to work constructively and collaboratively on the wording of this and involve the public.

I move that we report progress.

Chair: Mr. Cathers has moved that we report progress.

Motion agreed to

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

Chair: It has been moved by Mr. Cathers that the Speaker now resume the Chair.

Motion agreed to

Speaker resumes the Chair

Speaker: I now call the House to order. May the House have a report from the Chair of Committee of the Whole?

Chair's report

Mr. Nordick: Mr. Speaker, Committee of the Whole has considered Bill No. 104, *Smoke-free Places Act*, and has directed me to report progress.

Speaker: You've heard the report from the Chair of Committee of the Whole. Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 52

Clerk: Motion No. 52, standing in the name of Mr. Fairclough.

Speaker: It is moved by the Member for Mayo-Tatchun

THAT this House urges the Government of Yukon to table the draft report of the education reform project and any associated position papers relating to it so that:

(1) members of this House and all interested parties may have ample time to review the draft recommendations of the report; and

(2) the time required for implementing some or all of the recommendations of the final report will be shortened.

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

Point of order

Speaker: Member for Kluane, on a point of order.

Mr. McRobb: I would request a five-minute recess in order to allow us to prepare to begin this motion debate. We were not informed of what appears to be an agreement between the other two parties to pre-empt the previous bill. We were caught off-guard in terms of scheduling and I would request the consent of the House to allow us a few minutes to adjust to this.

Speaker: Member for Whitehorse Centre, on the point of order.

Mr. Hardy: This is to correct a statement. The Leader of the Official Opposition was informed just before we reconvened that this would be happening.

Speaker's ruling

Speaker: There's obviously no point of order. The Member for Mayo-Tatchun is with us, so he has the floor.

Mr. Fairclough: I was expecting to have some debate on the bill, but this is fine. Motion No. 52 regards an important issue that we would like to debate in this House.

I will be short in my comments because I want to hear what other members from across the floor have to say on this.

We've asked this in Question Period, and we brought this forward as a motion because we weren't getting answers. We were asking for draft reports of the *Education Act* reform and any of the papers that were associated with it or related to it. There were a couple of reasons for this. One was to give ample time for review of the draft recommendations of the report, and two, so the time required for implementing some or all of these recommendations of the final report will be shortened.

The direction, at the time the motion was introduced, was to speed things up and not delay information going out to the public. That's why the motion was brought forward.

Perhaps we could have taken care of some of that by asking questions in the House. We still are not there. There are reasons why we asked for that, Mr. Speaker. We know that the Minister of Education has been meeting with the executive committee of the education reform project. He is part of that and they do give directions.

Also, the terms of reference of this project calls for quarterly reports from the team to the minister and to CYFN. We know those reports have gone out. The government side has consistently said in this House that they wanted to be open and they want this whole process to be as transparent as possible.

So it's simple direction, I guess, to the government side to ensure that this information flows to members on this side of the House because we are getting questions from the public too.

There are reasons. I just want to point to a couple of them. In the letter that was signed by the three members of this executive committee, it states clearly that they have position papers -- those are done already -- and there are recommendations that have already been developed. The education reform team has been working hard and consulting with the public, but they haven't gone and done the big public consultation with targeted groups like the First Nations, and so on. They haven't done that. What we are saying is to take the work that's done and show the public what has been said to date so we can comment on it rather than slow the process down and move slower than what is already happening.

We've been in the process for two years now. I believe that information gathered should not be kept a secret. It should be tabled here. And simply put, that's what we've been asking for -- to have the time to review the recommendations. I think the public wants that too.

I've been getting phone calls on this matter, and there is confusion out there. People have been consulted on the *Education Act* already. We have all that work that was done, and part of what the education reform project team is doing is actually consulting a bit on the *Education Act*. It says so in the letter that the minister tabled. It says, "The team will also accept comments on suggested revisions to the *Education Act*."

So they're doing that -- they're doing the big education reform. What the government did was put aside the *Education Act* review and raise public expectations that we're going to have something better coming through the education reform project. So we don't want any delays -- the government side doesn't want any delays. So to speed things up, we've been asking that the government table the draft reports.

It has come to a motion here. Mr. Speaker, you asked that members wishing to debate something in detail bring it by way of motion to the floor of this Legislature. We've been asking questions in the House, and we've gotten nowhere. So that is why the motion was put together, and I read another one into the record today. Hopefully, we can get to that at another time because it's slightly different.

I know the time frames. The minister is going to get up and talk about the time frames for the education reform project team and the direction that was given to them by this executive committee. We understand that and we want things to move ahead and move quickly. We want to really have the Yukon Party government live up to their promise of being open and accountable. We are helping that by asking for these papers to be tabled. They are done and complete. There are positions taken by the education reform project team and there are recommendations. That we know and we know that through the tabling of the letter by the minister.

To alleviate the public's confusion, I think it is timely for the government side to table that information. The phone call I got today was about what is going on. Are we commenting on the education system or are we commenting on the education reform project? Questions include the following: "What can I

do? How do I go about this? I have concerns about the act, but I don't have any details about what the education reform team has done, other than the 15 points as outlined."

It is important, Mr. Speaker, because even the former co-chair of the education reform project team said that a lot of position papers had already been produced -- 32 of them. His concern was that they are having problems dealing with three of them right now. What's going to happen if all this time is wasted trying to deal with the rest of them? It is a very big concern.

I think that there are some questions that need to be answered by the government side on this matter.

Part of the concern, as I go back to December when we were asking questions in the House on this matter, was the Premier's comments -- he reiterated that yesterday and it's in the news today -- that the public government will not devolve or dilute jurisdictions of public government. This is a concern to the education reform project team, as I heard from Joe Linklater on the news today. He believes it's still on the table.

So who is steering this ship here? The minister is giving direction through the executive committee to the education reform team itself and the Premier is taking a stance on the floor of this Legislature, which may surprise the Minister of Education. People want to know what's going on. Is it killed? Is there no more project? What's the use of going out for public consultation? These are all big questions the public is asking.

This whole question of governance is part of these 32 reports. It's off the table and it's not to be discussed. Part of the reason is that the government side, the Department of Education, has concerns. The Yukon Party caucus has concerns. They feel the position papers need to be tweaked and to be adjusted to go back out. Those were the words used in December.

Now we seem to be stuck here. We're no further ahead than we were back then. The same direction is coming from the Premier and it's putting the Minister of Education in a difficult spot where he's responsible for this major project but it seems to be steered by the Premier himself.

That's a concern we have. I think it's time for the government to come forward and say, "Yes, here are the papers; there are 32 of them," and table them in the House. That is openness and transparency. Do that; let's speed the process up. Let's look at the recommendations that are already developed and let's take it to the public for input.

I couldn't help but notice the letter that was tabled by the minister mentioned that the project team wanted to go out for meaningful consultation. Well, you can't have meaningful consultation without information. People who want to give direction or make a decision on something like to make informed decisions, and you can't have informed decisions without the documents that have been kept as a secret. This is what is happening now. I am hoping that the minister will basically get up and say, "We are going to table it." Let it be open to the public. Let the education project team go and do what it is supposed to do.

Part of the concerns that were raised by the co-chair was that they didn't want to be hamstrung, and they felt that the Department of Education had too much influence in the direc-

tion this team was going. That is a major concern to me because the minister, the Premier and the project team understood that this body was going to be arm's length from government. They would go and make their findings.

I was a bit surprised because I know that the Minister of Education must have some influence. According to the co-chair, a lot of the information is going to be left for only certain eyes to see and not the public.

We get stuck here and bogged down and wonder where this project is even going. I'm concerned about it too. We've been asking these questions in the House for a long time now. A lot of people have spent a lot of time reviewing the *Education Act*, looking at parts of it to improve and to make suggestions. They've done that. There are written and oral submissions, and the public meetings have been recorded and dealt with, I guess, to the point where information can be brought forward to this Legislature in the form of amendments to the *Education Act*.

A lot of work has gone into that, and we've gone seven years over the mandatory review of the *Education Act*. That's a big one. So I believe this motion is very important for government to consider fully without trying to amend it, because we have been talking for so many years with the public on education matters with respect to the education review, and nothing has been brought forward.

There has been a lot of public input into this matter, and I hope that the minister doesn't just excuse it, change the motion, or vote against it. I hope he is open and accountable and votes for the motion to release the papers to the members here and to the general public, and let's move on with good, meaningful consultation.

I'm hoping also to hear from the minister, because of the government side, over the past few days, saying "Governance is off the table. It never will be discussed." Chief Joe Linklater of the Vuntut Gwitchin First Nation, who is also the chair of this committee, is saying, "No, it's on the table." What do we believe here? What can the public believe?

Well, I think the committee itself says, "This is the information that we've been gathering. We have no other direction but to continue with this public consultation on what we have."

Then, on the government side, they want to limit what they show to the public, which is the big concern for us.

We are going to help out the government side on this. They wanted something constructive and we are going to do that through this motion. I don't think I have to go too far into what people have been saying, but I did get some very interesting comments from certain people. There is no need to use their names at this point. I know that the members opposite will say that some of the concerns raised by the First Nations -- it is by some First Nations that are looking at drawing down education. They have the right to do that under the final agreement. They can pursue that at any time.

The whole issue about the government going forward with the education reform project resulted from issues raised by First Nations at the time. The *Education Act* review needed to be done. It didn't go far enough. Rather than First Nations drawing down education, how can we work better? Is there a

possibility of co-governance on this matter? All of that was on the table. It is included in the papers that have been produced by the education reform project. The minister knows that; he has them in front of him. I am sure he has those 32 papers right in front of him and has had them for awhile.

He is looking for them. He can't find them.

Maybe if he voted for this motion, if he doesn't have them, then we can all get them and perhaps all become more informed about what has taken place so far with the education reform.

I know that the member opposite will say that they are going back out for public consultations and will do meaningful consultations. At the one meeting they had in Mayo on May 2, I heard from one person who was there that they discussed the 15 points and what they mean. There was no real push on the part of the team to dig into any of the issues or papers that were produced. So it's not there. Not much discussion took place and there was no real change, so where do we go from here?

I think it is the responsibility of the minister to ensure that the public is informed about all the work that this education reform team has done. They spent a lot of money on this and they have a tight time schedule, if they can even keep it now, and big issues are being raised. Now the big part is that First Nations are questioning this again.

I heard comments from First Nations in the past, such as, "Why take part in this process when we have this ability under our self-government agreements to draw down education? Well, let's see if governments can actually go out and consult with us in a meaningful way and come back with something we can both work with in the end."

But the Premier blew that one by saying that co-governance is off the table and the government is not willing at all to share the responsibility and direction of where education goes from here. That is a shame. They should at least carry out that process to the end. I don't believe anyone was expecting that government would limit what is being discussed at public consultations, but this is what is happening. Whether the minister denies it or not, the Premier said it on the floor of this House. It's not the understanding of the chair of the executive committee -- we heard it on the news today. This is a big issue and we shouldn't be playing with it to the point that it dies and it no longer exists and all the work was done for nothing. Then we will be back to looking at amendments to the *Education Act*.

I hope that the government side will not delay and talk out this motion. It's very simple. I'm hoping they won't change the wording to it. We think all parties and the public should have ample time to review the draft recommendations and the reports. They should have ample time to do it. They should be circulated in the public now.

We also feel that all interested parties require the time to implement some of the recommendations of the final report. I heard what the government said about portions of it; it's too bad the public is kept from seeing this information. Here's an opportunity for the minister to do the right thing -- support this motion and instruct government to release the paper so we can all debate the work that was done, and to be informed.

Hon. Mr. Rouble: It's my honour and pleasure to rise today in this Assembly, as the Minister of Education, to respond to the motion put forward by the Member for Mayo-Tatchun. This is a matter regarding the education portfolio. We can all come to a basic agreement in this Assembly that the education of our young people is the future of the Yukon. We have to ensure that our children grow up to be capable, able to communicate, to work effectively in teams and individually, to be able to research, analyze and able to find employment.

We can all come to some basic agreement on some of the objectives of education, and they indeed are our future. Ensuring that our education system is meeting the needs of all Yukoners is incredibly important. The education system plays a very important role; it has a dual role: one, to work with an individual to allow that individual to be all that he or she can be, to live up to their potential; and two, the education system has a responsibility to the community to ensure we have people in the community who are able to participate in our governance structures, our community, our democratic process, that fill the employment opportunities, that do the work in order to thrive and succeed in the community.

Education is a very important process and a very important portfolio. Indeed, I was honoured when the Premier asked me to take it on. One of the key projects I looked at immediately upon taking office -- and which we've been working on for several years now -- is the education reform project.

I think most members in here are aware of why the education reform project started. There was a review of the *Education Act* in 1999. One of the challenges I've seen in my brief history in the Assembly here is that, when you open an act, you often open up the whole system; it doesn't just open it to criticism of the legislation but, indeed, the whole process.

We saw this with the *Workers' Compensation Act*; we saw this with the *Liquor Act*; we certainly saw it with the *Education Act*, where there were literally thousands of comments put forward and, on a percentage basis, very few related specifically to the piece of legislation. Instead, there were more concerns expressed about our whole, overall education system. In that process there were also the frustrations from First Nations that came forward, and it was fortunate or unfortunate -- depending upon your point of view -- that the *Education Act* was not amended or changed at that time. However, it did highlight the need for the various orders of government in the territory to cooperate on education.

We all want to see the education system serve the needs of Yukoners, and we need to cooperate in order to do that. It was recognized that there were some challenges with Yukon's public education system. There were, and still are, issues about student performance, addressing community needs, ensuring the education is responsive to the needs in the different communities we have in the territory; there were concerns that First Nation languages were not being taught enough, that those languages were dying out because of a lack of continuing education, a lack of training people in how to speak it.

There were valid concerns expressed about the loss of culture and that the education system did not reflect the different

cultures throughout the territory. There were concerns brought forward about learning styles, and the whole education system has certainly learned an awful lot about learning in the last few years. We have learned that people learn more by doing, rather than just by reading.

I've said it before in this Assembly, Mr. Speaker, that the process or the "art of education" is one that is constantly being reformed. Teachers are always looking at ways of communicating better with their students, looking for better ways to convey information, looking for better ways to get their students to succeed, so education is one of those things that is always constantly being reformed. But those concerns were certainly brought forward in the *Education Act* review and, indeed, they are brought forward regularly at school committee, school council and school board meetings, at larger meetings throughout the territory, or even in this Assembly.

We had a situation where we knew we had to make changes to the *Education Act* -- we still do. There are areas there that need to be addressed. But we also knew that we had a larger and greater responsibility. In order to satisfy that greater responsibility to all Yukoners, the education reform project was launched, and that happened in August 2005. It was a cooperative, joint project between the Council of Yukon First Nations and the Yukon territorial government. These are the partners in the process.

The process is directed by the education reform executive. That includes the Minister of Education and a representative of the Council of Yukon First Nations -- right now, that representative is one of the co-chairs of the Yukon Chiefs Committee on Education. Also, as a way of recognizing, acknowledging and including the other First Nations that are not members of the Council of Yukon First Nations, the Kaska and the Kwanlin Dun were invited to participate.

In that process, the Liard First Nation put forward a representative and he sat on the executive committee. It is the executive committee that provides the direction to the reform team. We have recognized that we can make our public education system better by cooperating in a process to identify how it should be reformed. It is one that will ultimately make recommendations for changes.

Mr. Speaker, the purpose of the project is to develop a final report on the state of education in the Yukon. The final report will identify key issues and goals in education, outline barriers and recommend strategies to remove those barriers. The education reform team has gathered information from a number of different reports and sources. These include all the comments received from the *Education Act* review process, and the team has confirmed many of those issues in targeted consultations with a variety of partners in education. The targeted consultations were held with First Nations, school councils, the Yukon Teachers Association, school administrators, youth and aboriginal teachers.

During the *Education Act* review process, there were over 7,500 comments received by that group and 75 percent of those were not related to the act. Most of the comments and concerns raised did not require changes to the legislation. Instead they would require a change in approach, in format, in involvement

or, in some cases, in becoming more aware of certain powers and authorities that individuals, school councils or school boards already had. Many of those things could already be achieved under the current legislation.

This project has been ongoing since August 2005. The government has contributed considerable resources to this and has made a commitment to work to make the education system better for all Yukoners, and particularly First Nation students throughout the territory.

I became involved in the process immediately after Cabinet was announced following the election last fall. I immediately became involved in the process. It's a very important process for the territorial government, and it is key to the success of all Yukoners.

After a very short time, the co-chair of the Chiefs Committee on Education and I sent a letter, because that's how the instructions are given to the education reform group. The executive committee got together and had a discussion and provided direction. The direction was to develop, in short order, a community consultation plan open to all partners involved in education. This is from the December 11 letter. We also directed them, but did not limit them, to consult on those issues they had identified in the *What We Heard* document, including: exploring the creation of a First Nation school similar to French and immersion schools; making curriculum changes that better reflect aboriginal cultures and languages; highlighting the contribution of First Nations to society and illustrating history from a First Nation perspective; consulting on a higher level of parental involvement, language revitalization and retention, more land-based experiential education, more rural high school programs, more decisions made at the community level.

It also included consulting on: more First Nation people employed in positions at the Department of Education to reflect cultural diversity; more First Nation school-based administrators; more open lines of communication and meaningful collaboration between schools and First Nations; more preschool Head Start programs; more use of elders in the school; improved culturally relevant mandatory orientation for teachers.

We felt these were priority areas that needed to be addressed and, as the executive team, it was our duty and responsibility to give them that guidance and direction. All this came about from the issues that were raised but, as you can appreciate, Mr. Speaker, there were many issues being raised and a degree of focus was required.

We also told them that we expected a report with the recommendations by the co-chairs by the end of September 2007 - - that we expected to see the final report with the recommendations in the fall, September 2007. Then, as was agreed and has been discussed throughout this process, both orders of government would determine the next steps for review and implementation of the recommendations coming forth in their final report.

I don't so much want to dwell on issues here as dwell on process. It would seem that many of the members opposite right now want to argue about the conclusions of this report when the conclusions and final recommendations have not been made. That's a fundamental point that I hope is being received

by members opposite. The recommendations and conclusions will come at the end of this process.

When we start a consultation process, I don't believe it's appropriate to start with the conclusions you want to reach and then go through a process to try to reach them. That's not how I see consultation working. That's not how I see an open, involved process working.

The communities have identified issues. We now need to work with them in order to achieve and develop the solutions to these.

So, Mr. Speaker, direction was given to focus and look at some issues. One of the key areas that we asked them to look at was: how do you make more decisions at the community level? That's one of the steps in education governance.

Now, governance means many different things to a lot of people. If you asked 18 members here what "governance" means, I would expect you would get about 36 different answers, because the subject of governance means different things to different people at different times and with different perspectives. One of the things to focus on was: how do we involve more people at the community level?

The current *Education Act* provides for school committees, councils and boards -- and I will digress and speak to a particular issue rather than a process here for a moment. We have a piece of legislation that provides significant areas of responsibility and authority to school councils. One of the challenges we have is how to design a system that is responsive to the needs of school councils and how to work with them, to empower them to build the capacity so they can be involved in some of these decisions. For example, section 113(1)(c) regarding a school council says that a council shall "participate in the selection procedures for persons to be interviewed for the position of principal and select for appointment of a principal".

I know the Member for Vuntut Gwitchin has some concerns in this area. I'm not going to go into personnel issues on the floor of the Assembly, but I will tell the member opposite that the school council in the act says it "shall" -- not "may" -- participate in the selection procedures for persons to be interviewed for the position of a principal.

We have that in the act right now. Now what we need is a school council to get involved and participate in that. I am encouraged to hear that there are more people being found for the various school councils that we have throughout the territory. I would very much encourage those people who have an interest in education, whether they be parents or those in the community with an interest in seeing the community go forward, to get involved with a school council. I would also encourage them to avail themselves of the powers and responsibilities that the *Education Act* currently provides for those councils.

Back to the points -- we wanted to see people make better use of community decision making. Perhaps this is not an area where legislative change is required. It might be more training or different meetings. I know that I have been to two meetings of the Association of Yukon School Councils, school boards and school committees. I have been very impressed with the information going to them. It is great to see that the information

from those meetings goes back to the community and has the intended effect on the community.

That was our December 11 correspondence. The next correspondence that the education reform executive gave to the education reform team was on March 16. Again, I have tabled that letter with members. They have asked to see what direction was given. I have shared that with them. It was to direct the education reform group to conduct territory-wide meaningful contributions. We made it very clear to them that we wanted to hear the candid views of Yukoners.

As the letter states, the project team would not distribute the papers detailing the positions they have already taken or subsequent recommendations that they have already developed.

Now, this goes back to the whole process of community involvement. Yukoners need to be involved in the creation of these solutions -- not to be told, "Here is the recommendation. What do you think?" Personally I don't like that approach. I don't like an approach where the only way that you could comment or bring forward an individual position -- a person's thoughts on something -- is to argue against a position already taken.

The position needs to be developed. The position is the final step. The recommendations are the final step of the process. They shouldn't be in the middle step. The point of the process is to come to a conclusion.

The purpose of the education reform project is to involve all Yukoners in these issues and work with them to come to the conclusions. It has been argued in this House before -- indeed, governments have been taken to court for doing inappropriate consultations where they weren't involved in developing the recommendations. So we have directed them to establish a process to involve Yukoners in coming to those conclusions.

We have identified that education needs to respond, evolve and change to meet the needs of the community. I don't think it was expected that the Department of Education would just stay the same while this process was going on. While I respect the teachers in the school, the school administrators, the folks we have in the Department of Education -- and they are recognizing that there are issues in the community and they are recognizing that there are issues that they have to respond to.

The department has responded in some very significant ways. For example, in August 2006, the First Nation programs and partnerships unit was created. This is a unit that is dedicated to building productive relationships with First Nation communities, improving the results of First Nation students, and working toward increased levels of cultural inclusion in Yukon schools. This unit works closely with the Yukon First Nation Education Advisory Committee and has regular meetings with the Yukon Chiefs Committee on Education and the Council of Yukon First Nations. In fact, I attended a meeting not too long ago that was held between the Yukon First Nation Education Advisory Committee and the Yukon school administrators. Many called this a landmark meeting where the school administrators, the principals and the vice-principals came together with community representatives, looked at issues and identified ways they could address them and determine how they could be overcome.

That is an example of the department working with people in the community to try to change the system right now in order to better meet the needs of Yukoners.

The First Nation programs and partnerships unit is responsible for First Nation education programs, First Nation language programs in Yukon schools, curriculum and resource material development, and professional development for teachers. Since its inception, we've seen the establishment of the Yukon First Nation Education Advisory Committee, which I just mentioned. We've seen significant developments in First Nation curriculum, including the production of a series of multi-level primary reading books that focus on First Nation culture, a grade 5 unit on traditional governance, and a grade 12 course on land claims and self-government.

We've seen expansions in the aboriginal language teacher training fund to provide funding to train First Nation teachers to teach First Nation languages to students in kindergarten through grade 12. They work with the elders in the school program. They work to promote the effective use of the cultural inclusion program funding. This involves the school and the First Nation community working alongside each other to increase and improve the cultural programs, projects and activities in schools and classrooms and on the land.

On that one in particular, I've often heard the schools aren't welcoming to some and that when you walk into the lobby of a school, the icons they see are the Coke machine and a trophy case for sports that may not even be played in that community. Well, I'm glad to see there are a lot of schools working to make their lobbies more attractive and inviting to people and more reflective of the community in general. I know that's just a little step, but it's a very visible step and it's certainly a step in the right direction.

We've seen the expansion of the community orientation program, which assists the teachers and administrators to orient themselves to Yukon First Nation history and culture at the community level. They've been working with the First Voices aboriginal language project, which is a Web-based language archive, aimed at preserving and revitalizing First Nation languages and creating more culturally relevant resource materials in the Yukon First Nation language programs for kindergarten to grade 12.

The unit has been working with the new teacher orientation, which is an annual three-day event for new teachers, of which one day is dedicated for teachers to learn more about one Yukon First Nation's culture, history and language, and they've also been working with the master apprentice program, which is designed to provide independent, motivated students with the opportunity to pursue structured study in developing language proficiency in their First Nation language. This is accessible to all Yukon First Nation language learners, regardless of language group or geographic location.

Also, Mr. Speaker, the Department of Education -- this government -- is responding to many other identified needs in our First Nation communities. When we get into budget debate, I look forward to discussing some of these initiatives in much more detail with the members opposite. But they include initiatives such as aboriginal language teachers in Yukon schools,

First Nation programs and partnership staff at the Department of Education, which is resourced at over \$500,000 a year. There is the support for the Yukon native teacher education program at over \$500,000. There is the First Nation curriculum and resource development, which is budgeted again at over \$500,000. There is funding to the Council of Yukon First Nations for the Yukon Native Language Centre. There is funding for cultural enhancement for Yukon schools.

In responding to a very real need that the Department of Education has worked on with the First Nation Education Advisory Committee and the Chiefs Committee on Education, we have been able to respond to a request by the Council of Yukon First Nations for funding to provide them with education support staff. This will provide funding to allow the Council of Yukon First Nations to hire two individuals, I believe, to help First Nation students make the transition from community life to life in Whitehorse when they come to Whitehorse for high school.

As well in this budget, we will see an increase for First Nation elders in the schools. There is a budget item for counselling support workers for Champagne and Aishihik First Nations, a youth counsellor for Teslin Tlingit Council, and First Nation orientation programming for Yukon teachers.

In addition to what the territorial government spends on the public education system in keeping the schools open, the teachers there, the curriculum developed and the school buses running, the Yukon government will be investing over \$5 million in specific First Nation education initiatives.

This is a significant step, and it is responding to many of the reforms that people in the community have been urging the government to respond to.

I hope the members opposite appreciate the steps that the government is taking to respond to many of the identified needs and to many of the recent concerns that have been raised in our education system. This budget is responding to many of the issues that were raised in years long gone by.

Now, again, I am concerned that there is an argument or debate starting to happen now on the conclusions. But, as I said earlier, the conclusions, recommendations, the final positions have not yet been reached. So let's wait until we have the recommendations that have been agreed to by people throughout the community before we start debating their merits.

If members wish to debate these issues or participate in those discussions, well, that's where the education reform process is the working tool. That is the vehicle for these discussions that we now have in Yukon communities, so let's hold our debate in the Assembly until we have conclusions to debate.

Now, I do believe there are some issues with this motion. There is a flaw in the motion in that it is asking the government to table a draft report. Well, "draft" means that it's not finished. There is no finished report to deal with, so again, let's deal with the report when it is finished.

If members want to be part of the process in reaching those recommendations, I invite them to be involved in the process that's out there now, but let's not deal with a report that isn't finished.

Also, I take issue with this motion that is urging the Government of Yukon to table this report. That goes back to the fundamental agreement that was reached a number of years ago. It was that the education reform has to be a cooperation between the Government of Yukon and Yukon First Nations. The Government of Yukon is not the sole director and is not solely responsible. It certainly does not have the sole authority for the education reform project. We are working with our partners in this on the process and are working toward reaching conclusions. YTG is not solely in control of the process.

I think the member opposite has recognized that. In the motion he tabled today, it did recognize that YTG is not responsible for this. I applaud him for coming forward with his new motion based on the appropriate recognition that this is a cooperation between the Yukon territorial government and Yukon First Nations. However, I find a flaw in this motion in that it calls specifically for the Government of Yukon to table it. It would certainly be inappropriate for just one side to do that without the involvement or cooperation of the other partners in the process.

I do find it inappropriate to ask for a half-finished report when the conclusions have not been reached.

In that respect, I'm not able to support the motion that has been tabled today but I would be able to support it and work with the members of the opposition on this if there were a couple of slight changes made to it.

Amendment proposed

Hon. Mr. Rouble: I move

THAT Motion No. 52 be amended by deleting all the words after the word "table" and replacing them with the following: "the report approved by the Executive Committee of the Education Reform Project following the conclusion of the public consultation process in the fall of 2007."

Speaker: The amendment is in order. It has been moved by the honourable Member for Southern Lakes

THAT Motion No. 52 be amended by deleting all the words after the word "table" and replacing them with the following: "the report approved by the Executive Committee of the Education Reform Project following the conclusion of the public consultation process in the fall of 2007."

Some Hon. Member: Point of order.

Point of order

Speaker: Member for Mayo-Tatchun, on a point of order.

Mr. Fairclough: I thought that normally, when there's an amendment, you read into the record and we have a look at it to comment whether or not it is in fact, in our view, in order. The way I read it now, it changes the motion substantially. It's not the same motion. We're not dealing with the same papers that we were requesting. In short, I have to ask you to have a look at it closely and rule against this amendment because of the changes to the motion. It's not the same motion. We're not even dealing with the same paperwork that has been mentioned and we're not even dealing with the same direction. We're asking for ample time to review this so they can go back out and

get the final report and, also, that ample time is required for implementing some of the recommendations that have already been put forward by the team. That's what we're asking.

What the minister has done here with this amendment is to take away that direction and refocus it on a final report. That's way down the road -- it could be years. I'm asking you, Mr. Speaker, to take that into consideration and have a very close look at it, and perhaps you would be in agreement with me that this is out of order.

Speaker's statement

Speaker: Firstly, I did rule that the amendment was in order, but I appreciate the honourable member's advice. So, please allow me a moment to confer with my Table Officers.

Speaker's ruling

Speaker: Order please. *House of Commons Procedure and Practice* says, "A motion in amendment arises out of debate and is proposed either to modify the original motion in order to make it more acceptable to the House or to present a different proposition as an alternative to the original." In this case, that is what the Minister of Education has presented. So the amendment is in order.

Minister of Education, you have the floor, speaking to the amendment.

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

Point of order

Speaker: The Member for Kluane, on a point of order.

Mr. McRobb: On a point of order, Mr. Speaker, I'm not sure if we're allowed to contribute further to this discussion.

Speaker's ruling

Speaker: No, it's done.

Minister of Education, please, on the amendment.

Hon. Mr. Rouble: I think this amendment clarifies a couple of different issues. Number one, first and foremost, it respects the authority of the education reform project and recognizes that it is a cooperation between the territorial government and Yukon First Nations.

Some Hon. Member: (Inaudible)

Hon. Mr. Rouble: I guess members opposite will have a chance to speak later.

It is recognizing that there is an agreement here -- that the territorial government is working with the Council of Yukon First Nations to make the education system better. Also, this amendment respects that "draft" means just that -- it means it's incomplete, it's not final, and that it's part of a process.

In this Assembly, it's fine and good to talk about options and ideas. In fact, if there are ideas or options that members have for changes to our education system, I would love to hear those.

There is a very significant difference, Mr. Speaker, between discussing options and discussing final positions. A position is what one has concluded following research and analysis. That is something that should conclude the exercise -- the final establishment of a position as opposed to discussing options.

Again, one of the key focuses of the project is to identify the goals in education and then the barriers to having them overcome. Then, what are some options and strategies to do just that? That is what the education reform team has been tasked to do. I would ask members' indulgence to let them do their work. Let the education reform team go out and do the work that they have been asked to do. Once they have concluded, then we can debate that issue. But to debate everything half way through does not respect the education reform group and what they were tasked to do. We need to let them do their work and then we can debate it.

I appreciate that there are a lot of ideas around this. I appreciate that education is often a very emotional issue. I certainly recognize that. In the short time that I have been minister, I have met with several parents. This is an issue that affects people's children, people's communities and the future of the territory. What we have now is a question of process. It is about how we go about developing these recommendations and reaching these conclusions. I want to leave it up to the education reform team to develop their final recommendations.

We need to have a process. I believe we have one now that will ultimately succeed and provide the different orders of government with recommendations and ideas as to how we can change our systems in order to better meet the needs of all Yukoners.

I would ask members to not digress and start debating certain issues or positions. That's the job of the education reform team. It is the job of the education reform executive to provide leadership and direction to this team, and that's what we have done. I have shared with members the direction given by the executive to the education reform team. Other members have put forward other ideas and have made other statements, and I would just like to remind Yukoners that, just because some of the members opposite say something that does not ensure there is a relationship between that statement and reality.

I didn't specify which statement that was, or identify which member said what, and I didn't indicate that they knowingly said something that wasn't correct, but there have been statements made that are not consistent with the facts.

Speaker's statement

Speaker: The honourable member is skirting the issue; however, the implication is that some members are representing someone other than their constituents. I would ask the honourable member to just be very careful.

Hon. Mr. Rouble: I certainly don't want to create the impression that members are representing something other than their constituents. I recognize that all members are here with a duty to put forward the issues of their constituents. I would like to clear up some positions of fact, though, with some members. Maybe that could be done outside of this Assembly.

I have walked through the letters that were sent, and I tabled the letter in the Assembly. Other members have told me they have read the other letter, so I assume they have a source of that information.

The executive group has provided the direction to the education reform team, and I would now like this Assembly to

respect that direction and allow the education reform team to go out and do their work, to reach their conclusions and, when we do have the final recommendation and it is presented to me and the other members of the education reform group, we will go back to our respective jurisdictions and discuss with them how to best implement the changes that are being recommended.

I think this amendment to the motion clarifies it. It rightfully recognizes it isn't YTG's sole authority to release this information, that we do work with our partners on this and it is a cooperative project. I would like members to take a look at that amendment and recognize that there is significant value in it, and there is significant value in letting the process work.

I would encourage all members on all sides of the House to support this, and I would ask them for their support in this. Once we have that, we can hopefully come back and conclude the debate on the motion as it is amended, and that will again send a strong word to all Yukoners that members in this Assembly can work cooperatively to reach a conclusion in the best interests of all Yukoners and that we can agree to do the business the Yukon people have elected us to do.

Thank you very much for your time and attention today, Mr. Speaker.

Mr. Fairclough: I am disappointed that the government side thought that, to speed things up, they would bring in an amendment to a motion to move things ahead, but which actually slows things down because we are waiting to have things done with a completion of the consultation quite a way down the road.

I was hoping that the minister would have supported any information that the education reform team brought forward into their consultation. What the amendment effectively does is that if we piece it together, we will urge the Government of Yukon to table the report approved by the executive committee of the education reform project following consultations. That's a final one. It is different from what we just talked about. Part of this is eliminating the education reform project team. Whatever they find goes through the executive, gets approved through Cabinet -- and I know Cabinet has a lot of problems with it -- and goes through public consultation and, in the fall of 2007 -- who knows when this is going to happen? This is the present schedule right now, but we are already falling behind. If we are not bringing forward the information that's needed for public consultation, then we are doing a disservice to the general public.

We thought we would help out the members opposite and basically what we've done is we've gone a bit backwards. Now we are going to wait for a report from the executive committee.

Part of the problem here is that we have seen changes coming every day to the floor by members opposite on this whole issue of education reform. It is about reforming our system.

We thought the Minister of Education was part of the executive committee, and on the floor of this Legislature, during Question Period, the Premier gets up and draws a line in the sand. Only minutes before that, a member of the executive

committee on education reform -- which the Education minister is a part of -- disagrees with the Premier.

So we're getting mixed messages here. What we want is to have the information tabled as it is drafted by the education reform team. We've moved away from that, and now we're going to table a report approved by the executive committee following the consultation.

I don't know if this is even accurate, Mr. Speaker. Although we have to follow your ruling on this amendment, I really believe that it changes it so drastically that we're talking about something else here. We have to talk to the amendment. Part of it is that the executive committee has to come up with a united front on this matter. Everybody has to go back to their governments and talk this over.

The way it sounds right now, we're at an impasse. One says we're doing one thing -- by control of the Premier, and not even the executive committee member on the government side -- and the other is expecting that we can be open and transparent to the public. Now, that's a big issue. That's a big problem for government, too, because we've raised expectations in this education reform project.

We have the First Nation member of the executive committee saying one thing and the Premier saying another. I would think they should be meeting right now to resolve it, because it will not go well on the First Nation front. It will not go well with the public, and the members opposite know that.

This is no direction at all -- tabling a report, which I know they are going to have to table anyway. They made a commitment to do that after the consultation process is done. It's almost too late to comment then, because what happens after the report is tabled? What happens after that? We are probably going to see a major overhaul of our *Education Act*, and we will have to talk about that amendment on the floor of this Legislature. Before the public can really be fully engaged on this, we are already bringing that report forward. It doesn't make sense to me.

The member opposite wants to, in my view, hide the information until everything is done at the end. That's what the letter said too. I was surprised that perhaps the minister was pushing that issue of not having the papers that were detailing the positions -- see, Mr. Speaker, they have already taken positions. They've already developed recommendations; those are already done. I know the member opposite wants the general public to give their comments, but I would think the general public would want the information that the education reform project found. Let's talk about this instead of the 15 points that are on the Web site.

Not only that, but is the issue of governance on the table or not? Is it part of the draft recommendations? The members opposite know that it is. If it's part of public consultation like the First Nation member on the executive committee said, why isn't it out there in the public?

We asked a question about whether or not people are being gagged in regard to information flowing out. This would almost confirm that. I'm disappointed that the Minister of Education took this stance to amend the motion as it was read. He said the major flaw was that it was a draft report. We understand that

reports are done up, positions are done up, and they are taken out to the general public and, in the end, we'll have a report approved by the committee. We know that. It's too bad that the information they found will not find its way into the general public.

This Yukon Party government will do anything they can to withhold that information. Unfortunately, we've stooped to that new low. There are only a couple of parts that the minister raised during his debate on this motion. He talks about governance meaning different things to different people. It wasn't really an argument for it to be on or off the table for consultation. It was just something said.

There's not much more to say on this amendment. It's too bad we had to go down that road and it's too bad, in my view, that we had to change the motion substantially to mean something else.

Mr. Cardiff: I suppose it's unfortunate that I have to speak to the amendment, but I'm still able to get my points across on the motion.

I would have a hard time supporting this amendment to the motion, because I feel that it doesn't meet the original intent of the motion. In that regard, I won't be voting for the amendment.

The amendment talks about a report that is approved by the executive committee of the education reform project. What we are talking about is releasing that final report in the fall of 2007. It is unfortunate that the public has to wait for such information and are not as involved in this process as they could be and as is possible. This is a very important process. Not only that, it is a process that has been dragged out now for seven years. I will provide some examples.

The minister asked us for some indulgence to let the team go out and do their work. Well, it is the minister and the Premier who need to exercise some indulgence to allow the team to go and do their work and allow the public to know what is really going on. That is what it really boils down to.

In the creation of this report, there has been a lot of work done. I don't know if the minister or the Premier even realizes how much work it was to get this project off the ground. It was through a lot of hard work that it came together.

From what I can understand, there are a number of issues that are relatively important. Some of those issues are addressed in the minister's letter of December 11. The way that I see the direction being given -- in this case, by the minister and the chair of the Chiefs Committee on Education -- is in a very top-down, this-is-what-you're-going-to-do approach. It's not a groundswell from the public of what's out there.

Now, First Nation governments and communities want to be an integral partner in education -- not just in some consultation project -- and, at the end of the day, we make some changes to the *Education Act*, we make some changes to the way education is delivered to students, to our children -- and then basically, it's like, "Well, see you later. We did that. We made it better for you. Now, go away." That's not what it's about.

The three important issues that were related to me were governance, administration and language. It's interesting that

the minister, in this letter, identifies a lot of those things. But the problem, it appears to me, is that it's only for the term of creating this report and coming up with the recommendations. Now, coming up with recommendations takes a lot of work, and when the co-chairs were actually allowed to speak -- before they basically got the gag order sent down that, you know, "You're not allowed to talk to the public." -- it was my understanding that there were a number of position papers that were developed in order to arrive at this final report.

This was called -- at that time anyway -- a pre-consultation and research. Out of that, there were stacks and stacks of paper. I recall one of the people making the presentation saying how tough this was going to be because there was so much information -- 30 years of reports and papers that had been produced both nationally and locally with recommendations, as well, about changes that needed to be made to the education system. It wasn't until they delved into all those papers and reports that they found out, hey, maybe this isn't going to be so tough after all, because if you read through all the reports and recommendations that have been there for the last 30 years, a lot of them are the same recommendations. The problems still exist. This is why it is so important that we get this right this time.

The problem is that the recommendations for the last 30 years have been the same and nothing has been done. It is time to do something to address that problem. The minister talks about meaningful consultation. Well, if you want to have meaningful consultation with all stakeholders, including the public, then you need to be able to share that information. Those 30 years' worth of reports -- the amount of work that has gone into condensing that down into what has been the problem for the last 30 years -- need to be shared with the public so they can be consulted meaningfully, in my mind. If you want it to be open and inclusive, you have to give them the information.

If they don't have the information, it's pretty hard for them to participate in a meaningful consultation. The government can't sit there and hold all the cards and expect someone else to play the game. In order for this to succeed, they have to share the information -- hand out the cards -- so that everyone is on the same page. If they have 30 years of accumulated information that has gone into position papers -- and there was a pre-consultation process that brought even more information and comments from the stakeholders -- to not share that with the public now, so that they can participate fully and see what's being talked about -- to keep all the information in a dark little closet in the minister's office -- is a travesty. They can't be inclusive and open if they don't share the information.

Now, one of the topics that will hopefully be in the final report is governance. I know that the Premier doesn't agree with me on this, but he needs to share the sandbox a little bit. It's not about giving up authority or power. Ultimately, a decision will rest with the minister or the government, but it's how they arrive at the decision. It's the vehicle and the process whereby they get to that decision. That is where there can be a shared responsibility.

It's allowed for in the *Education Act* through the creation of school boards. It's allowed for in First Nation final agreements. If we want to go down that road and create separate

education systems for each community, I don't think their communities really want that, but that's where they're being forced. This government is starting to force communities and First Nations down that road.

In order for them to participate meaningfully in the education system and to have the input they desire -- whether it's around governance, administration, language -- in order for them to participate fully, they need to be involved in something more than a consultation that ends in August 2007. They need to be involved on a regular basis in what happens in education in their communities.

If that doesn't happen, the whole project is going to go down the toilet. You have to share it at this point and be willing to explore new territory, get out there on the limb and shake the apples off the end of it -- take a risk. Try it. I don't understand what is so hard about sharing information. I cannot imagine what is in those option papers and will eventually -- hopefully -

Some Hon. Member: (Inaudible)

Mr. Cardiff: I'm being corrected by the minister. It's a position paper. He knows what's in them. We don't. The people on the street who are asking me what is going on don't know what's in them. Whatever it is, it must be a real secret.

I'm surprised the minister doesn't have an armed guard while walking around, because you wouldn't want anybody to find out what is in those position papers. They must be kept in a vault somewhere.

Do I agree with this? It would be good to table a final report. I suppose we could amend the amendment. We could table the final report in the fall of 2007, after they release the position papers and share the information that's privy to them but no one else. It's not available to the people they want to consult. You give the team their marching orders to go out there and draft this final report, but the people you're going out there to consult with don't have the same information.

I honestly believe that the members of the team would just as soon share the position papers. That's my belief. They haven't told me that but I believe that they probably feel they could get a better product for the minister and for the Yukon public, for the education system and our children and teachers, so we can have the best education system, if you go out and share the information. If you share the power, you actually become more powerful.

I find it really difficult to support this amendment as it's written.

I would encourage the minister to think about the role of this committee, to think about the role of school councils in the education system, and to think about the role of school boards, communities, parents and First Nations. They deserve to have all the information before they are consulted and not just be given a list -- and I can read the minister's letter just as well as anybody can. All these points are very valid and very important. But unless you share that power and create some vehicle -- and when it comes to governance, we know that there is a position paper on governance. We know that's there. I just haven't seen it and I don't know what is in it.

Here is something else for the minister to consider. When you go back to when the *Education Act* review first started in about 1999, there was a series of talks called "Conversations in Education" -- it's probably part of the 30 years of reports and papers that have been created. The idea was to bring together experts who had experience in various fields of education to stimulate the discussion. Unfortunately the government changed and the Liberal government trashed that idea and came up with their own education review project -- the *Education Act* review -- which didn't accomplish a whole bunch either. I'm sure that report is part of everything that is available.

So sharing all that information, sharing those position papers, stimulating discussion -- that's what it's about -- allowing people to read what's on other people's minds and to not hide it.

So I would encourage the minister to do that. I do look forward to the final report, but I also look forward to the minister finally coming to his senses and releasing the options papers, as was requested in the original motion.

Mr. Mitchell: To the amendment -- the amendment is obviously quite different from the original motion, but it indicates that the report approved by the executive committee of the education reform project, following the conclusion of the public consultation process in the fall of 2007 -- I guess what I would say is that this brings me to the concept of what we mean by public consultation.

I find this very ironic, Mr. Speaker, because earlier today, in discussing the *Smoke-free Places Act* that was brought forward by the third party, part of the discussion of all three parties had to do with public consultation, and we had a discussion about the pros and cons of consultation and how it should be done. Should it be done by MLAs? Should it be done by officials?

The heart of that discussion was -- and members differed on it -- the importance of consultation being neutral and impartial and open and frank and timely, and coming back with people's recommendations, and bringing them back to either the government, or this Legislative Assembly eventually, so that we can act on them.

We had a discussion about whether it should be done by MLAs or officials. Here we have public consultation that has been ongoing. There was pre-consultation and there has been consultation. There have been some very expert people involved in this process -- people everyone in this House would, I think, recognize as knowledgeable and expert in their fields and germane to this issue of education -- and now we are looking at additional consultation. This amendment indicates that we should wait until the conclusion of the public consultation process in the fall of 2007 before we see any of the reports or papers.

I guess I would ask how meaningful anyone's participation is in this process if we can't find out anything about it. Generally speaking, one would think that the best process would be to gather some information, collect it, collate it and distribute it to people so they can give thoughtful consideration to what people have said. Then maybe those same people will reflect on their positions and change them -- or perhaps they will have

additional reasons to defend the positions they took -- or other people who haven't been engaged in the debate may come forward, based on that information being publicly available, and they will make representations on the issues. But we can't do that because the information has not been available.

This amendment suggests we should wait until not even the penultimate moment, but the ultimate moment. When it is bound and in its final form, we get to read it, at which point many people might say that it no longer reflects the input they gave a year and a half ago when the committee came to the community and held a public meeting. It might not reflect that any more. Some points people might have made perhaps were not included, but there is no opportunity to correct the record because it is published and final.

We've heard a lot of talk from this government about their belief in being open and accountable. If you're going to be open and accountable, it's supposed to mean that -- it's not just a phrase. It means you're open to suggestions, differing points of view, things being improved, to even changing your own position. You're accountable to the public, but here we're excluding the public. We're saying no. There are 18 people who have been elected and, out of those 18 people, there is perhaps one, a minister, or perhaps nine government members who may be privy to some information as well as the people conducting the consultation process, but nobody else is deserving of having this information, of continuing to have the to and fro. At the same time, we're talking about education, our children and legislation that can carry the direction of education forward for the next 10, 20, or 30 years perhaps.

As we know, we don't change this act that often. It has been a long-time process to even get to where it's being looked at in terms of possible changes again.

I think it has been said that the best disinfectant is daylight, but there's no daylight on this. It's shrouded in secrecy. We are all forced to try to read the tea leaves of statements made through the media by the people who have been the participants. It's information that's partial, which is never a good way to make a decision -- making a decision based on a version that may or may not be the facts, but not the actual information.

I don't know what can be so frightening about it. If the proposals in the position papers, as opposed to the final report, are so flawed, damaging or dangerous to the future of education in our territory or could be so injurious to the students, the teachers, the administrators, then let them see daylight.

Let the position papers be exposed to public scrutiny. Let people hold them up and say, "Look, this is flawed, we need to fix this." That's the way we do it. That's the way we improve things, not by saying it's a secret, not by having gag orders, not by sending letters to participants saying they are not to discuss things any more with the media. That's not going to improve the process.

Again, on the amendment, and the intent of this amendment -- you have ruled that it's in order, but I have to be concerned because it was only a couple of weeks ago when we had an opposition day in this Legislature and we last tabled a motion. It happened to be a motion on the environment. I think it was during that debate or, if not, it was during the government

motion debate last week -- I would have to check *Hansard*. In response to statements I made about not falling back into old patterns of amending motions and playing those political games, members opposite took pride in the fact that, according to their statistics, under this government's reign in office, the greatest number of motions had passed this House than in any other government's term. It was the greatest number that received approval and bipartisan support. I would point out that, when they talk about them being passed unanimously, there is an inherent flaw in taking credit for that because, obviously, if they pass unanimously, then whatever credit there is -- I don't even think "credit" is a very good term, but at least whatever responsibility there is -- for motions passing with all-party support, has to go to all parties. It means that the members were able to come together to discuss motions and agree not to play the games of changing them so that they become unpalatable to the original mover, not to play the game of subverting them and causing them to be discussed endlessly without resolution ever being reached; rather, it means that members on all sides worked cooperatively to reach a consensus and approve them.

Now, again, to come back to these options papers -- and I think that's the operative word, that they're "options". They're not law; they're not carved in stone; they haven't come down -- "position papers". Excuse me. Well, again, only the minister has seen them, so only he can accurately describe them.

These position papers are positions. I presume that the people who have drafted them and expressed a position, their feet are not set in concrete. They're positions. They are a position that a person holds after due consideration, and those positions could change. They might be most readily changed by being exposed to daylight and having members on all sides and members of the general public actually critique them. There may be people in the general public who can say, "This won't work. This won't work because ..." I have no idea because I haven't seen these papers. But it would certainly be a lot more worthwhile, I would think, to be able to see them and to discuss them as they are, rather than to discuss this in the abstract. This is all very theoretical this way.

Again, what are we doing now? We're asking people in the public to attend yet another series of consultations. They may -- in the case of many people who see themselves as stakeholders and care deeply about education -- be the same people. So, we go out to people and we say, "We'd like to discuss something that we think is of great importance." And then we go back to them several months later and say, "We aren't going to have a record of what we discussed previously. We won't give you a document to look at that's the record of what previously happened and the input and the positions that we've taken as a result, but rather, we just want to hear your thoughts again." And then maybe in six months, we'll come back again and say, "What are you thinking today? Are your thoughts different in the summer than they were in the winter?"

I don't understand how that can possibly be an exercise that will bring confidence in government to the public. I was at a luncheon recently, and an item was being discussed that happened to be the item we were discussing today. This shows how cynical members of the public can be, based on what they

see. It was being discussed -- it wasn't raised by me. It was raised by somebody else at a table of eight people. Someone looked over at me and said, "For God's sake, whatever you do, don't come out and consult with us -- just do it, because you're going to do what you do anyway. People come out and ask us our opinion all the time, and then you go back, and you MLAs do what you intended to do all along."

Now, that is someone who is a friend and a colleague. We both belong to a service club. That was the view they had of consultation. Their view was that they go out and consult, they don't listen to people, and then they come back and do what they were planning to do all along. We are getting a bad name because of that kind of consultation, because the public is becoming cynical. If we lose the trust and faith of the public in consultation, then they will stop coming out. We have all gone to public meetings where there are politicians. I have been to a number of them this spring. We go to a public meeting that is advertised. It's on the radio and in the newspapers and there are three or four MLAs there, six government officials and five members of the general public. We all go through this ruse of a process. Someone goes up there and puts on a wonderful Power Point display and everyone looks intently at it. There are four or five members of the public; everyone else is paid to be there. Everyone else is a public servant -- either an MLA, a city councillor or an official. That is what it's coming to, because people are becoming jaded and then they become indifferent to the process.

This is a process that has had a lot of input from the public. That is the reason why I can't support this amendment. I can certainly support that the report approved by the executive committee of the education reform project, following the conclusion of the public consultation process in the fall of 2007, be made public. I have no problem with it being made public; obviously, it should be made public. I can't support that people should sit idly and wait for this report in its beautifully bound, final version to come forward and then everyone gets to see it. This is a report that is not a government report.

We have a report that was tabled today by the Education minister -- this same minister -- but it's a government report. It is produced by the Department of Education. The department has every right to write a draft of the report, have the deputy discuss the draft with the minister, have the minister make suggestions, have the deputy go back to the officials and say that there are some things that the minister wants included and that it's not as complete as the minister might like, and have it revised before it's published. It's a report of government and that's how it is done.

We don't expect to see interim versions or working papers or position papers on government reports. But we've been told again and again here -- in fact, when both our caucus and members of the media tried to ATIPP these position papers, we were told we can't ATIPP them because this isn't a government report or position paper. This is a paper of the education reform committee, which is at arm's length. Then we see the minister's signature, along with the signature of the chiefs committee saying that this shouldn't be released or this won't be released until it's at a final stage.

If it's at arm's length, I'm not certain why the minister is signing something as the minister -- it's clearly not arm's length. It's a very short arm, I might suggest.

We can't ATIPP it. Obviously the public has great interest in it. We see discussions of it in the media. It's like watching a bunch of blind men trying to describe an elephant because we don't really know what we are describing.

I think that this amendment is one that diminishes the intent and purpose of the original motion. It may well be in order -- in fact, you have ruled that it is in order, Mr. Speaker -- but I think it would lessen the positive results that would come from the original motion made by the Member for Mayo-Tatchun. I certainly can't support it. We know that the final report will be made public, so I don't see what, if anything, a motion that says to do what you are going to do really accomplishes. That's all this amendment says. It says that the report we already said is going to be made public should be made public.

I think the amendment to the motion was clearly intended to subvert the original intent and it doesn't add anything to it; it diminishes it. As I said, I am very disappointed that so shortly after seeing the government side talk about how hard they've worked and how they've turned over a new page in response to the comments I made -- and I do recall now that I did make them regarding our motion on the environment -- they've fallen back into those old tricks. Let's use the majority power to have our way. Let's not let this be meaningful in any way.

For that reason, I don't support this amendment. I would recommend that other members not support this amendment either.

Mr. Inverarity: I'd like to take this opportunity to express my displeasure with the amendment to the motion. Clearly, while it might be in order procedurally, I feel that the intent of it is less than what we the Official Opposition were trying to achieve here this afternoon as.

The idea of consultation throughout the known world is one where people get involved; start talking; you get feedback to information; people then take that information back out; they get more feedback; it might be give-and-take on both sides. I think we try to do that sort of thing here in the House most days. Changing the amendment to one where we don't actually get to participate in any of this dialogue seems contrary to my personal beliefs.

On the issue of consultation -- while we're talking about it in the part of the motion -- I was sitting in the House a little earlier this afternoon and I heard the Minister of Education. I may be wrong on these numbers, and if I am, perhaps he can nod at me. I thought he said that there were something like 7,500 replies to the initial round of consultation. I'm getting a nod, so I think that's a good number to work on.

In going to that area, I thought, 7,500 replies. Even if 50 percent of those replies were not valid and they were off topic -- I think that was the number the minister gave out during the course of the afternoon -- that brings that number down significantly in terms of the valid responses, but 7,500 replies is virtually every household in the Yukon.

Certainly 25 percent of the total population of the Yukon has had an opportunity to express itself on public consultation in the process. I would have thought that would have been a sufficient enough demographic group to make some decisions. From a DataPath point of view, they come out with a lot of statistics based on a demographic group of only about 300 people. So, to come out and say that now we have something like 3,500 valid responses to this particular study that has been done on the act reform, that should be more than a sufficient quantity of Yukoners considering that, overall, it represented almost 100 percent of all the households.

I guess I am curious as to why we need to go back for further consultation in order to try to determine what Yukoners are saying. I think we're having a bit of a problem here. I am having a problem understanding what a good sampling of Yukoners is in terms of trying to get public consultation. I would have thought that 100 percent of all households would have been sufficient, considering that some of them don't even have children in school.

Maybe not enough data came in. Maybe they asked the wrong questions and that's why they need to go back out for further consultation. It strikes me that we should see the replies from the first 7,500 households in the Yukon before they go out for further consultation. Their replies said would give us some indication as to where we are going with the position papers. What I would also be interested in seeing is, from the valid replies we received -- about 3,500 or in the 3,250 neighbourhood -- surely it would be worthwhile having a look at the analysis of what those reports said so that, whether they are valid or invalid, we can at least take it to the next step of consultation.

So, by not allowing us to have any input into what's happening, I find that this motion is again detrimental to the overall process, which is consultation.

So I would encourage the Minister of Education to perhaps withdraw this amendment. It would seem to be the most logical step at this point in the afternoon, and we can proceed with the original motion. That alone would at least allow us to find out what is actually being said here in the process of the act reform.

I know there has been a lot of discussion here among my colleagues regarding the input from First Nations, and I think that that's extremely valid. But I haven't seen or heard any information about some of the other participants in the act reform. I'm specifically thinking of private schools, for example. I know that the Catholic schools have had input into the educational reform system for decades.

The Member for Klondike, in his opening address last fall, talked at great length about the history of the Yukon. He noted that the Klondike, or the Yukon itself, owes its status in Canada at the present moment largely to the Catholic school system and the fact that the B.C. government did not want to annex the Yukon because they did not want to have the Catholic school system. As a result, we are here today as an independent jurisdiction in Canada largely because of the influence of the Catholic school system in the Yukon.

I think it's important that we find out what they're saying about these. Surely, there has been no discussion in all of the

debates I've heard so far about the other players involved in the education reform. The information they have given us in the past is relevant. If we could get these submissions that we've been asking for -- the position papers, as they've been called -- it would allow us to look at the broader issue of act reform for education.

Now, this area isn't my specific area of talking so I am not going to dwell on it long. I think I have made my points at this point in time. I am going to turn the microphone over to anybody else who wants to speak in a moment, but I think it's important that when we look at the demographic basis we have so far -- and we've had 7,500 responses, which is certainly a sufficient demographic group -- these responses should be going out for public consultation.

I also think we need to get all this information back in a timely fashion so we can look at the broader picture, not just the players we have been talking about so far, but in terms of the private school system as well. In the 1990s I was looking at starting my own private school in the Yukon for doing IT training and things along those lines, and the laws and rules regarding it were quite obscure, I felt. Certainly the monies that had to be advanced in order to even get on to the table were quite high.

I believe that if we can deal with these issues and get this information, then we can have some meaningful debate on this matter.

Mr. Elias: I also can't support his amendment. The intent of the original motion by my colleague from Mayo-Tatchun is missed by this amendment.

Over the years I have been involved in a lot of public consultation processes. In my experience, if there is even the least bit of a cloud of uncertainty or if the public is not fully informed, things go sideways fairly quickly. It's not going to do this process any good if there is anything lacking that needs to be in the public realm, in my opinion.

In my experience, the more open the consultation process is, the more likely the public will support the end goal. What is the end goal with regard to education reform? It's for our children to achieve their full potential. I wanted to go to a couple of statistics that were just tabled today in the annual report.

Fifty-seven percent of rural Yukon students are of First Nation ancestry. The other statistic that I found that was relevant to this discussion was under the Yukon achievement tests for 2005-06. I notice that many of the rural community schools -- for example, Old Crow and Ross River -- didn't even participate in the Yukon achievement tests. That may have been because of the low student numbers, but on average, I looked at the other rural communities and they are below the Yukon average. The Minister of Education mentioned earlier about the lack of a school council in my riding of Vuntut Gwitchin. Maybe that tells a story about the state of our Yukon education.

It's for our children to achieve their full potential. I'll describe a bit about education in my home community. Our school provides kindergarten to grade 9; from then on they have to leave. They have to come to the capital city, leave their culture, language and support, and face what are foreign insti-

tutions and the multitude of pressures from the capital city; many of them succumb to those pressures. These are some of the issues that my constituents hope will be addressed in the reform process. When kids come from Old Crow, they can't just simply drive home on the weekend. It costs a lot of money to go home to their support, their family and their culture. Those are just a couple of important things to mention.

Another one that's important in my community is experiential learning. I would like to speak about that for a bit. Experiential education is the process of actively engaging students in an experience that will help them discover and learn. Students make discoveries and experiment with knowledge themselves, instead of hearing or reading about the experiences of others.

Students also reflect on their experiences, thus developing new skills, new attitudes and new theories on ways of doing things or ways of thinking. Whether teachers employ experiential education in a cultural setting, environmental education or more traditional school projects, the key idea involves engaging students. Students participate in a real activity with real consequences for the purpose of meeting learning objectives. It starts to make teachers experienced providers and facilitators, not just transmitters of knowledge. Students become knowledge creators for themselves, as well as knowledge gatherers.

As well as changing student roles, experiential education requires a change in the role of teachers. When teachers are active learners, their endeavours often take them outside the classroom walls. Because action precedes attempts to synthesize knowledge, teachers generally cannot plan a curriculum unit as a neat, predictable package, so teachers become active learners too, when they are experimenting together with their students and reflecting on the learning activities they have designed and responding to their students' reactions to the activities.

Experiential education can change schools, because it requires new roles for students, teachers and administrators, who can provide a different and more engaging way of treating academic content through a combination of action and reflection. Experiential education empowers students to take responsibility for their own learning. Experiential education can also provide a process for helping all those involved in schooling become more comfortable with the unfamiliar roles commonly proposed for restructured schools.

Many Yukon communities, including Whitehorse, have rich experiences in experiential education, but they have been the exceptions. Many students and their parents recognize the value of this type of education. First Nation communities have been asking for more types of this programming for years, and yet the department pays little more than lip service to the concept. On page 7-8 of the budget, the only reference I can find under the program's objectives is where it mentions providing environmental awareness through curriculum, experiential education and the participation of schools in environmental programs.

Experiential education works specifically for First Nation students; however, it requires resources, both human and financial.

Most of our students have little, if any, professional training in this type of education. There would be major issues around working conditions and health and safety. They are not reasons not to proceed, but obstacles to be overcome.

I believe, as do many Yukoners, this type of learning has merit and deserves to be studied under the leadership of the department, along with the Yukon Teachers Association, the Association of School Councils, representatives of the First Nation Education Commission, and other groups as well.

For many years, there has been a concern over the low achievement rate of First Nation children on the Yukon achievement test. It is time to change our program delivery. Some students do well in a traditional classroom environment, and many do not. I'll give you an example of some of the younger boys in my community of Old Crow. They are having problems in the current education system, yet they can get up at 6:00 or 7:00 in the morning, when it's pitch black. They can go out with their snow machine -- they're 12 years old -- for the day, and survive in the wilderness by collecting firewood. They build a fire in the pitch dark; they live out there; they know how to look after their machine, and they come home and bring firewood to burn and heat their homes. That takes a lot of skill.

Part of the thought process in Old Crow is how do we harness those land-based skills and make them relevant to the wage economy and make them relevant to the contemporary workforce? But, even further, how can we shape the current education system, so that those kinds of skills are incorporated and respected in the current education system? Those are some of the thoughts from my constituents that I wanted to put forward in this debate today.

Back to the education reform project -- I'm worried because there is a sense in the public that we're working under a cloud of uncertainty, or the public isn't being fully informed and that the project is not going to fulfill its expectations.

It is imperative that we get this right. Again, the goal is to have the children reach their full potential.

Thank you, Mr. Speaker.

Hon. Mr. Cathers: I think it's important to point out, on the amendment that first and foremost, as noted by the Minister of Education, there are two issues. One issue is that it is inappropriate to release final conclusions when the public has not been properly involved in the development. To go out with a fait accompli report and ask the public how they like it now would undermine the entire intent of the education reform project. The intent is to follow up with what before was pre-consultation and include the next stage of consultation, as laid out in the terms of reference.

The other point is that the members are suggesting that the government should pick and choose which obligations signed with First Nation governments we honour. We respect and honour the commitments that we make and we will continue to do so.

The amendment is appropriate because it recognizes the commitments and obligations entered into by the Government of Yukon and, with that end in mind, it is appropriate that members support this motion. I would urge them to do so and

to recognize that we have yet again another very collaborative initiative moving forward under this government, far in excess of what other governments did to actually work with First Nations on a government-to-government basis, and engage with the public to ensure that the decisions made and the end outcomes reflect, to the best of our respective abilities, the interest of all Yukoners.

The education reform project is a great initiative. It is a very cooperative initiative between the two levels of government, and I commend the Minister of Education. That being said, Mr. Speaker, I appreciate the comments that members have made and I would urge them to support the amendment.

Mr. McRobb: Well, it has been interesting listening to the comments here this afternoon from the several members who have spoken on this matter. Like my colleagues, I too will speak against the proposed amendment on the floor, because it substantially changes the whole objective of the motion at hand, which was to have the government table the documents in association with this education reform project.

If I may, Mr. Speaker -- this whole project should be regarded by all members as a landmark. It will set the stage for moving into the future for the Yukon's whole educational system. It could even lead to changes in the entire system of education in the territory. It will pretty well address any component of that system. This is a very important process before Yukoners at this point.

Keeping that in mind, we should all agree to the importance of the public consultation process that is being used in association with this project. We should all agree on the importance of ensuring that the public consultation process is meaningful, open and transparent. At the same time, this government should be prepared to be held fully to account for that process.

Let's compare that ideal with what is really happening today. We see today that there are draft reports that are shrouded in secrecy. Important decisions have already been made that will affect the outcome of this process and they are not being divulged to the public, yet the consultation team is still asking Yukoners for views on the very questions that have been decided.

That's the intent of the motion. It is to try to get to the bottom of this matter and resolve it. It doesn't take a rocket scientist to resolve this matter. The way to resolve it is to table the information and the decisions that have already been made. Let Yukoners in on the big secret. Let them know what has already been decided. Don't treat Yukoners' views frivolously or with disrespect. Don't ask them about matters that have already been concluded. Don't keep them in the dark needlessly. It is their education system. It is not a Yukon Party education system. It is a Yukon education system. I say to take the party out of it. It is a serious matter. Remove the politics.

My colleague from Vuntut Gwitchin, I think, put it in very succinct terms when he related his past experience with consultation processes and what is right and what is wrong. I want to echo the experiences he recounted with my own.

I have been involved in several consultations. One of the first ones was the state of the environment report. We don't

want to go there today, do we? But there is a connection and common thread, which is secrecy. I can talk about some of the other processes I was involved in, such as the creation of energy policy. But we don't want to go there either, because that is also a big secret. No one in the territory has seen any kind of a report on energy policy, even though the minister has been working on it for several years.

If I had time this afternoon, I could probably identify 10 other items that are all a big secret.

Each one of them has information that's being withheld by this government. The members on the government side ought to take this seriously. They ought to be ashamed of shrouding this important public material in secrecy, but we see no indication of that. It's a little scary. When I look across the way, I still see the gleam of an election victory in the eyes of the government members. I think they're putting too much stock into what happened last October 10. They have to measure their success with a dose of reality and understand 40 percent of Yukoners supported them; there are still 60 percent who did not. If they continue to shroud important public matters in secrecy, I would safely predict next time it should be less than 40 percent. That's our role in the opposition. We don't get these hidden reports. We don't know the internal workings of these top-secret projects the government has on the burners.

Our main objective here in the Legislature is to provide some sober second thought to the government's actions. That was the intent of the motion -- trying to get the government to shed some light on the information that is being shrouded.

The Education minister himself has changed the intent -- or I'll use a commonly accepted term to describe that action in the past in this House, and that is "hijack". The Minister of Education has hijacked the opposition's motion. He has taken the motion on a different course entirely.

It is really a circumlocution of the whole intent of the motion, which was to shed light and be forthcoming with Yukoners. For an Education minister to hijack such an honourable motion is rather pusillanimous in my view.

Mr. Speaker, I don't always read *Hansard* at night, even though I do suffer from insomnia at times.

So it's rather troubling when you connect all the dots and see that an important project such as this one, which Yukon families and students will have to live with for years, has been relegated to yet another dot in the Yukon Party web of concealment of important matters from the public, such as the reports we have requested today.

I think it's rather shameful, but I've accepted my humble role here as being one vote in a minority in this House. And I know that if this comes to a vote, the majority on the government side will simply pass the hijack amendment and take this motion where it wants it to go.

We don't have much to say about that because we are fewer in number on this side of the House. As the Member for Copperbelt put on the record, it doesn't speak to working collectively with any measure of cooperation to do so. It certainly doesn't respect the views of all members of the Assembly. If the government side disagrees with this motion, they should simply have had the courage to speak to it and then stand up

and vote against it. Instead we have had a two-hour debate on this amendment, which may or may not come to a conclusion. We have to ask ourselves, what good came from this debate? If the government really was not willing to provide the information requested, it should have had the courage to stand up and say so.

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

Some Hon. Members: Agreed.

Speaker: I believe that the ayes have it.

Amendment to Motion No. 52 agreed to

Speaker: Is there any other discussion on the motion as amended? If the honourable member now speaks, he will close debate. Does any other member wish to be heard?

Mr. Fairclough: I was hoping that maybe more on the government side would speak up on this matter and perhaps give some good direction to the Minister of Education. We are here to debate a motion that is not ours any more. I have to close debate on this motion. It's not even ours any more. The Minister of Education has no problem doing that. There is so much transparency here. It is wrong of the government, and they should be ashamed of what they did here in this House today. It's wrong and the members opposite know that. They are going to have to do this for what? The future good of the territory? Of this House? Of the proceedings of this House? Wrong.

I am very disappointed in the Minister of Education. He could have made his points, as it was said, and voted against the motion if they felt that way. The motion just says that we are going to do something that government is already going to do -- table reports. That's wrong.

Speaker: Order please.

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

Debate on Motion No. 52 accordingly adjourned

The House adjourned at 5:30 p.m.

The following Sessional Paper was tabled May 9, 2007:

07-1-24

Education, Department of: 2005-06 School Year Annual Report (Rouble)