

Whitehorse, Yukon**Wednesday, November 14, 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 Brian Lendrum and Susan Ross**

Hon. Mr. Cathers: Mr. Speaker, I rise on behalf of all members of the Assembly today to pay tribute to Yukon's farm family of the year. This year's worthy recipients are Brian Lendrum and Susan Ross, who are constituents of mine. Brian and Susan operate an organic mixed farm and market garden and are recognized for their outstanding contribution to Yukon agriculture in 2007 through their promotion of local organic food production. They are also recognized for their active involvement in the association of Growers of Organic Food Yukon and at the Fireweed Market that is held every Thursday at Shipyards Park during summer months.

Brian and Susan are founding members of the Fireweed market, and their goat cheese is sought after by many patrons of the market on Thursday afternoons. Together, they developed the Yukon's first cheese processing kitchen to be inspected and approved by the environmental health branch. Brian represents the Growers of Organic Food at the national level and has been both secretary and a program manager for the local organization. Susan was the project leader this year for a group of poultry producers in applying for and receiving funding to purchase mobile processing equipment. Over 1,000 birds were processed this summer and fall using this equipment.

Their farm is certified organic -- the first in the Yukon -- and this has given them access to consumers through a variety of channels.

I offer this tribute, Mr. Speaker, not only to heighten the public awareness of the contribution that local agriculture makes, but also that individual farmers, such as Brian and Susan, make on a daily basis.

On a personal note, Brian and Susan are both constituents and friends of mine, and it's a real pleasure to be able to rise to pay tribute to them today.

In recognition of George Arcand

Hon. Mr. Hart: It gives me great pleasure to rise on behalf of the House to pay tribute to George Arcand, who was officially inducted into Softball Canada's Hall of Fame last Friday, here in Whitehorse.

He was honoured as a builder in front of hundreds of friends, family and colleagues from across the country. George Arcand has been the face of softball in the Yukon for 40 years. I won't tell his age.

He led the development of fast pitch and slo-pitch. He helped to build Yukon softball by serving in several key positions, including president of Softball Yukon from 1975 to 1986. This position overlapped with his work as treasurer of the Whitehorse minor softball association and the Whitehorse senior men's fastball league. During this time, he chaired several committees and hosted several events.

George also found time for overall sport development in the territory. He has been a board member of Sport Yukon ever since it started in 1973 and is currently the president of Sport Yukon.

For all his efforts, he was named Sport Yukon Administrator of the Year in both 1983 and 1984. In 1985, he was appointed the executive director of Softball Yukon, the position he holds today.

Further afield, George served as vice-president of Softball Canada in 1986 and 1987, and as team leader for Canada's senior men's fastball pitch team, when it won a bronze medal at the world championships in 1986 and a gold medal at the Pan-American Games in 1987. He coached the Yukon women's slo-pitch team and took them to five Canadian championships. In 1989, he coached the Yukon men's fast pitch team at the Canadian championship and brought home the silver medal.

For this work, George was inducted into the Yukon Sport Hall of Fame in 1998 as a builder, but there is more. George is well known around the Yukon as the best corporate fundraiser for the sport. His leadership was instrumental in developing the Pepsi softball centre that opened in 1983 as the Takhini softball complex. Today, Softball Yukon boasts an active membership of over 1,000 members, including hundreds of junior athletes who play the game every year.

Under George's leadership, Softball Yukon has been hosting regional, national and international softball tournaments and championships for over 25 years. Since the Pepsi softball complex opened, Yukon has hosted 23 Dustbowl tournaments, 21 western Canada softball championships and eight national championships. George's next Softball Yukon challenge will take place next June, when Whitehorse will host the International Softball Federation's eighth junior men's world fast pitch championship.

As an athlete, we wish you luck next summer when you plan to represent the Yukon on the softball team travelling to the 55-plus games -- I did say I wouldn't tell how old you were -- in New Brunswick.

George Arcand has demonstrated dedication and commitment to building softball and all sports across the territory. As an administrator, fundraiser, coach and an athlete, George Arcand has raised the bar. We are proud of his achievements and wish him continued success in the future.

Now, Mr. Speaker, I invite all members of this House to assist me in welcoming Mr. George Arcand and his family and friends who are with us in the gallery today.

Applause

In recognition of Geographic Information System Day

Hon. Mr. Lang: I rise today on behalf of the House to pay tribute to Geographic Information System Day. GIS Day is a day when many nations celebrate the practice of geography

and the importance of GIS technology. The field of geography is much broader than it once was. Today GIS is providing users with powerful tools for better analyzing and decision making. GIS technology is improving the way organizations manage information and the way people function in their cities, towns and neighbourhoods. GIS is crucial for natural resource management, local government administration, public safety, transportation, education, business and demographics, to name a few.

Here in Yukon an important use of GIS technology is to help governments and organizations manage our natural resources more efficiently and cost effectively -- from environmental management, forest and agriculture to oil and gas exploration and production. GIS is a computer-based tool for mapping and analyzing things that exist and events that happen on Earth. Many of you will be familiar with Google Earth Web site which shows how GIS technology can be put to use.

Mr. Speaker, GIS Day is primarily sponsored by the National Geographic Society and internationally celebrated by more than 80 countries. GIS Day allows users of geological information systems to celebrate the capacity and benefits of this important technology in our daily lives.

Thank you, Mr. Speaker.

Speaker: Are there any further tributes?

Introduction of visitors.

Returns or documents for tabling.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Lang: I have for tabling the Property Management Agency annual report for 2006-07.

I also have for tabling the Fleet Vehicle Agency annual report for 2006-07.

I also have for tabling the Queen's Printer Agency annual report for the year 2006-07.

Hon. Mr. Kenyon: I have for tabling today the Yukon film and sound incentives program biennial report, April 1, 2004, to March 31, 2006.

I also have for tabling a letter to the Member for Vuntut Gwitchin, answering a question from Question Period yesterday, which I offered to get back to him on as soon as possible.

Hon. Mr. Cathers: I have for tabling the Yukon Workers' Compensation Health and Safety Board 2006 financial statements and 2006 annual report.

Speaker: Are there any further documents for tabling?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motion?

NOTICES OF MOTION

Hon. Ms. Taylor: I give notice of the following motion:

THAT this House urges the Government of Canada to recognize that the unilateral decision in 1966 to integrate the Canadian Forces superannuation and the Royal Canadian

Mounted Police superannuation with the Canada Pension Plan contributions imposed an injustice and unfairness upon members and retirees of the Canadian Forces and the Royal Canadian Mounted Police and, therefore, should take action to remedy that injustice.

Mr. Nordick: I give notice of the following motion:

THAT this House urges the Department of Fisheries and Oceans Canada, in conjunction with the Government of Yukon, to support the implementation of the new regime for managing placer mining activity through operations of the Yukon Placer Secretariat that will:

(1) provide ongoing oversight to a new placer mining regulatory regime;

(2) resolve disputes;

(3) coordinate the adaptive management process; and

(4) provide a means for stakeholders and interested parties to continue to participate in habitat management decisions related to placer mining.

Mr. Inverarity: I give notice of the following motion:

THAT this House urges the Government of Yukon to publicly release all taxpayer-funded studies related to the feasibility of a float plane manufacturing plant in Watson Lake.

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

THAT this House urges the Yukon government to supplement the spring litter campaign, which allows non-profit groups to earn money by picking up and recycling litter found along highways, by extending the program to include the cleanup of shoreline areas along main Yukon rivers.

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

THAT this House urges the Yukon government to consult with persons who have used the *Access to Information and Protection of Privacy Act* to provide information in confidence regarding their experience with the act and its administration and to institute the recommendations of both the previous and present Privacy Commissioners to amend the *Access to Information and Protection of Privacy Act* to make it more accessible and affordable for Yukon people who are seeking information held by the Government of Yukon.

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

THAT it is the opinion of this House that

(1) the Public Accounts Committee of the Yukon Legislative Assembly has a mandate to:

(a) examine the correctness and legality of any expenditure made by a government department, Crown corporation, or agency;

(b) evaluate whether or not government expenditures are in accordance with the intention of the Legislative Assembly in voting them;

(c) ensure that systems are in place to ensure probity in the expenditure and receipt of monies;

(d) examine the economy, efficiency and effectiveness of government expenditures;

(e) evaluate the effectiveness of programs in achieving their stated objectives;

(f) inquire into the maintenance of adequate systems of financial management, the safeguarding of public property, the supervision of compliance with contracts and the control of allotments; and

(2) recent disclosures regarding investments made by the Department of Finance have called into question the probity and security of these investments; and

(3) it is in the interest of Yukon taxpayers that a formal examination of Yukon government investment policies be undertaken; and

THAT this House urges the Public Accounts Committee to convene as soon as possible after December 14, 2007, for the purpose of conducting public hearings into the investment policies and procedures of the Department of Finance, including a specific examination of the recent investment of \$36.5 million in asset-backed commercial papers.

Speaker: Are there any further notices of motion? Hearing none, is there a ministerial statement?

MINISTERIAL STATEMENTS

Childcare subsidy program changes

Hon. Mr. Cathers: Mr. Speaker, I rise today in this House to advise my colleagues of substantial changes to the childcare subsidy program that will benefit Yukon families and children.

Effective December 1 of this year, the childcare subsidy rate paid by the department will increase in some cases by 78 percent. That is a significant difference and can have a huge impact on a family struggling to make ends meet. The amount of the increase will vary for individual families, as determining the subsidy rate is based on a number of variables, including net family income, number of people who reside in the family, the number and ages of the children and where in the Yukon a family resides.

There are also different rural and urban subsidy rates. Some families, because of their family income and number and ages of children, will receive a full subsidy. Other families with fewer or older children and more money may receive only a partial subsidy, but all will receive more. In addition, an increase in the allowable net salary will increase the number of families eligible for partial subsidy, which will benefit the working poor. This is one more step in this government's commitment for a quality childcare system for all Yukon children.

I'm extremely pleased with the efforts that have been made to increase support for the childcare system in the Yukon over the past several years. Two things that have been constant in our discussions with the childcare community have been decreasing the cost of childcare for low-income families and increasing staff wages. We have addressed them both.

In August of this year, the government provided funding to operators to assist them with staffing costs and in the recruitment and retention of childcare workers.

In May, we provided \$300,000 to the Tr'ondek Hwech'in First Nation to improve and expand childcare services in Dawson City. Clearly, childcare is not solely an urban issue and we recognize the special needs of those facilities outside Whitehorse boundaries.

By 2011, the childcare program in the Yukon will benefit from a total investment of \$10.3 million annually. This money will be used throughout the system to benefit parents, children and childcare operators and staff.

Mr. Speaker, we remain committed to ensuring quality childcare for all Yukon children and will continue to work with the childcare community and the Yukon Child Care Board to build healthy families and improve the quality of life for all Yukoners. You can expect additional changes and announcements to be forthcoming.

Thank you, Mr. Speaker.

Mr. Mitchell: I'm pleased to rise today to respond to the ministerial statement on childcare subsidy increases.

During the 2006 election campaign, our party introduced a comprehensive plan for improving childcare in the Yukon. The Premier was asked about our plan a few days later and he said, "I want to be very clear here. The Yukon Party, in demonstrating its leadership, is not going to just pull figures out of the air as the Liberals recently have done with their so-called \$2-point-something-million-dollar investment in childcare to address the crisis. To do that, we have to do the hard work, and from there we'll see what the investment will be."

Mr. Speaker, let us fast-forward to today, about a year later, and the Yukon Party government is adopting that plan for increasing the childcare subsidy.

We congratulate the government for seeing a good idea and adopting it. We don't mind when the government flip-flops like this.

We also suggested raising the income cut-off to qualify for the subsidy by 25 percent, and the government is doing that as well. Again, congratulations for adopting our idea.

Mr. Speaker, it is too bad that it took this government a year to figure it out. We do have more suggestions on childcare. We can increase the childcare direct operating grant to licensed childcare centres and family day homes by 25 percent. We can exclude the new federal childcare payments from income when calculating eligibility for the subsidy. We can cease making parents pay any Yukon income tax on the new federal childcare payments. We can continue to work with childcare organizations to develop childcare career paths. We can make an education-based bonus payable to childcare professionals to reflect their increasing educational accomplishments. We can advocate for additional federal funding for childcare centres and family day homes. We can ensure that the *Child Care Act* and regulations along with the direct operating grant program are consistent in their definitions of children and ensure that those definitions are consistently applied.

Mr. Speaker, we would also like to see the Yukon Party government spend some of the \$100-million surplus on increasing social assistance rates, settling with our rural ambulance attendants and getting the youth shelter off the ground. These

are all issues that affect the health and wellness of Yukon children and Yukon families, and we will continue to push the government to take action on these and other related issues.

We know that the funding provided to the Tr'ondek Hwech'in First Nation will certainly be appreciated.

In conclusion, we support the changes announced by the minister to the childcare system -- delayed though they have been. We know that Yukon families will welcome this additional support.

Mr. Hardy: I'm not ashamed to stand here and say congratulations for putting money where it is needed. Nor will I stand here and try to take credit for seven years of lobbying of both the Liberal governments and the Yukon Party government to put more money into the childcare field.

My concern -- and there are a few and we'll continue to work very hard on behalf of childcare workers and families -- is that there's a lot of detail lacking. I understand the money is just now being announced, but I would have liked to have seen more detail, and I'm sure the families and operators would too.

It's nice to hear that all will receive more money, and that's a positive step, but how much? I would like to see a breakdown on that. I hope the minister can give some indication -- at least some numbers -- we can see and discuss later on.

I also hope there are no clawbacks around this money that's being given. Hopefully the minister can respond to that. There have often been clawbacks, whether at the federal level or even within the social assistance structure. I want some assurances that this money is going directly to the families that need that extra, as well as the operators.

I would like to know what raises the workers can anticipate for their future, and when this information will be available for the workers in the daycare field. What raises can the family anticipate in covering their costs? Also, what training is available? Are we enhancing the training and where are we going with it?

As the Leader of the Official Opposition indicated, there are other areas we definitely have been calling for, and the NDP will continue to call for and fight for: those who are living in poverty, in shelters, on social assistance, and many other areas where we need to see some indication.

I know the minister said that, before the sitting is over, more announcements will be coming. The sooner they come, the sooner the people in need out there can actually look forward to a brighter future.

If that minister can crack that little window open a little bit more, I'd really appreciate that.

Thank you.

Hon. Mr. Cathers: I thank members for their comments. I particularly appreciate the Leader of the Third Party's approach of actually identifying some of the concerns. The Leader of the Official Opposition tried to claim credit for this announcement. If the Leader of the Official Opposition actually pulled out his calculator, he would know full well that this investment is double the amount that the Liberals promised in their election platform of last year.

Mr. Speaker, we did the work in working with officials and in working, of course, with stakeholders in this area to come up with the actual numbers that were appropriate. The amount, particularly for the childcare subsidy -- the specific portion of this overall investment announced today -- is based on the hard work of officials on the social assistance review and is directly due to that recommendation. It is part of this government's commitment to provide incentives, to assist Yukoners in moving from social assistance into the workforce. It is based on an assessment of the needs and how we can best assist people -- particularly in the case of those with children -- to enter the workforce and to remain there. We're very pleased to make this announcement and, of course, the income threshold we have raised is higher than what the Liberals committed to, despite their attempts to claim credit for it.

The amount here roughly means that the maximum threshold is increased from approximately a previous level of \$32,000 maximum family income to a new level of \$41,000. As I noted, this is a key part of the overall structure to assist people to move off social assistance and remain in the workforce and have their needs met in that part. In answer to the Leader of the Third Party's questions, there will be further announcements in this area coming in the very near future.

To provide further breakdown to members in terms of what this investment means, Yukon parents currently receiving the subsidy will see an average increase of 70 percent to the amount of assistance they receive -- provided by government.

I'll give a couple of examples. A single parent with an infant in care and a net salary of \$25,000 would see his or her subsidy increase from an annual level of \$3,500 to an annual level of \$6,250 per year, an increase of 78 percent. A single mother with a net income of \$40,000 and three children -- an infant, toddler and school-aged child -- will receive \$15,080 a year in childcare subsidies, up from a previous level of \$9,100, which represents a 67-percent increase. These subsidies are in place to support low-income families and those of moderate income, not just single parents.

As another example, a family of four with two parents and two children -- one infant and one preschool child -- with a net income of \$40,000 will receive \$11,300 per year, which is an increase of 77 percent over the previous level of \$6,400 per year.

As noted, this is part of the annual investment that, beginning this fiscal year, will total a \$1-million annual increase until 2011-12, bringing the investment to childcare overall by the Yukon government in that year to \$10.3 million. This is a significant investment far, far beyond what any previous government has done and, in fact, nearly doubling the total investment by the government in supporting childcare.

It will be used, as we noted in the press release, in further areas that will be announced in the future to provide increased support for wages for childcare workers, increased training for workers, enhancing support for children with disabilities, to fund programming with an increased educational and cultural component, and facilitate the development of healthy families.

Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: *Cooperation in Governance Act*, amendments to

Mr. Mitchell: I have a question for the acting Premier. We have introduced legislation this fall to ensure the Government of Yukon fulfils its obligation to consult with Yukon First Nations. Amendments to the *Cooperation in Governance Act* would require the Yukon government to follow consultation protocols with First Nation governments, and report annually on the results of those consultations. We think the key to a good relationship is open communication. These changes formalize how consultation would take place and would increase accountability to the public.

As I have said, we are debating the changes later today. The government has had three weeks to look at the bill. Will the government be supporting the changes we are bringing forward?

Hon. Ms. Taylor: Mr. Speaker, as members opposite know full well, Yukon works very conscientiously to ensure it meets all its legal obligations to consult with Yukon First Nations territory-wide. It also consults often for policy reasons, such as to foster a good working rapport and government-to-government relationships among Yukon government and Yukon First Nations.

Again, we review our duty to consult, and certainly we do make due efforts to duly consult where it is required. We have a number of consultation protocols, in fact, with nine self-governing First Nations, and we are working hard to meet those obligations.

Mr. Mitchell: Mr. Speaker, this is a straightforward question and it deserves a straightforward answer. The government has had this legislation since October 24, when we made it public. I've discussed this bill with the Grand Chief, and he is supportive of it moving ahead.

Consultations with First Nations are a very important part of ensuring that land claims are successful. These proposed changes lay out what the government's obligations are and ensure the government reports publicly on progress or lack of it. We believe they would improve relations and increase our level of accountability to the public. Surely these are things that the government can support. Will the government be supporting these amendments -- yes or no?

Hon. Ms. Taylor: Mr. Speaker, what is also a very important point in terms of looking at the *Cooperation in Governance Act* is with respect to a particular area within the act that currently states that before any bill that amends or appeals this particular act is introduced in the Legislative Assembly by a minister, the Premier shall consult with other members with respect to the proposed amendment or appeal. We think that is a very critical piece before any amendments are made to this particular piece of legislation.

Mr. Speaker, it should be duly noted that our government has taken very proactive steps in meeting our obligations to consult with First Nations on a government-to-government basis. We have entered into a number of formalized partnerships -- Yukon strategy through the Yukon Forum. We have been able to develop Yukon northern strategy, Yukon northern

housing trust, and on and on. So we believe we are meeting our obligations. We continue to work very hard in partnership with Yukon First Nations and will continue to do so.

Mr. Mitchell: I will address the points the minister has made regarding section 10 of the act in greater detail this afternoon. I would just point out that the government frequently calls for a cooperative, proactive approach from the opposition. Clearly we on this side of the House do understand that, in the Official Opposition, we are not the minister nor are we in the position to have government-to-government consultations. So I would suggest to the minister that would be something the government would do, if this bill would receive its support. It would then undertake that.

Again, it would appear the Yukon Party government only supports ideas they come up with, unlike the spirit of cooperation we've exercised on motions from all sides of this House and on bills, where we have frequently supported them.

Will the minister try to look beyond ideas that originate within her own party and move forward with our amendments?

Hon. Ms. Taylor: Our government is working very collaboratively, in step, in partnership, on a government-to-government basis with Yukon First Nations. In terms of consultations, I made reference to the northern strategy, which recently had almost \$17-million worth of clearly articulated, good, sound investments in the Yukon, addressing all kinds of economic and social aspects.

Correction reform -- in terms of a corrections action plan, working in partnership with Yukon First Nations to address why we have a revolving door in our corrections system; how can we prevent that; how can we better deliver on after-care treatment and prevention education.

The Yukon *Children's Act* revision project; the education reform process; the northern housing trust; and so forth -- so I beg to differ from the member opposite, the Leader of the Official Opposition. We are working to meet our obligations. There are a number of consultation protocols in place. We are working to meet our obligations as set out under the final agreements.

I also take issue with what the member opposite has just referred to. Our government is working very collaboratively in partnership with members of the opposition. I refer to the *Safer Communities and Neighbourhoods Act*, the *Smoke-free Places Act*, whistle-blower legislation and so forth.

Question re: *Faro diesel generator*

Mr. McRobb: Both the Energy, Mines and Resources minister and the Premier have tried to take a lot of credit for some expenditures toward climate change, but have ignored several good suggestions made by the public and by members on this side of the House. Furthermore, there are contradictions between what they've said and what they've actually been doing.

For example, let's look at the situation in Faro. The minister has been in a mad rush to spend more than \$2 million to refurbish a previously retired diesel generator in that community. His decision is of concern, given the impact that diesel generation has on greenhouse gas emissions. Furthermore, the

energy regulator -- the Yukon Utilities Board -- has not yet had an opportunity to conduct an in-depth review of this project.

Why is the minister in such a rush to invest in this old diesel generator?

Hon. Mr. Lang: In answering that question, that of course is a corporate decision -- a Yukon Energy decision. It is repair and maintenance and those are the kinds of decisions that are made at that level to best serve the general public. That decision is made corporately and I don't have anything to do with that decision. I compliment the Crown corporation for the work they have done in the past and I look forward to working with them in the future. This is repair and maintenance. This has nothing to do with the floor here today.

Mr. McRobb: Well, to the contrary, Mr. Speaker, this is strictly a policy decision and this government has the responsibility to set the policy. Now, we haven't heard any news on the Aishihik third turbine project for some time now. The whole intent of that project was supposed to displace the need for diesel generation. There has been no announcement from the minister about the construction starting date for the third turbine.

To the contrary, the minister has been in hot pursuit of a much different agenda. He has been madly rushing in all directions to bring back the old diesel generator in Faro and shopping for even more diesel generators at the Minto mine site.

Why is the minister spending more than \$2 million of the ratepayers' money on the diesel refurb project in Faro without first requesting the energy regulator to review the project in detail?

Hon. Mr. Lang: In answering the member opposite, again I remind him on repair and maintenance decisions. We certainly are looking forward to announcing when the third wheel will be put in place in Aishihik. It's a work-in-progress. I remind the member opposite about the party that he belongs to and the ratepayers when they made the decision on the Mayo-Dawson line. It didn't involve the regulator at that point and that was a \$30-million or \$40-million investment that the Liberal Party neglected to pass by that board.

So, I'll leave the department doing the good work they're doing. It is repair and maintenance. It's not good business to not maintain equipment that the corporation has and I compliment them for the work they've done to date.

Mr. McRobb: We're not getting answers of much substance from the Energy, Mines and Resources minister, so I'll direct my final supplementary to the Justice minister. I'd like to remind her about part 3 of the *Public Utilities Act*, which requires Cabinet approval before proceeding with significant energy projects, such as the Aishihik third turbine and the Faro refurbishment project. In her August 29, 2006 letter to the Yukon Utilities Board, the former Justice minister reaffirmed her government's intention to seek approvals under part 3 from the Yukon Utilities Board for these projects before proceeding with them -- I'll table that letter now, Mr. Speaker -- but this Justice minister hasn't even requested the energy regulator to conduct a part 3 review yet.

So, I'd like to ask her why she stood by and watched her colleague, the Energy, Mines and Resources minister, jump the

gun by starting projects before the Yukon Utilities Board conducted its part 3 review?

Hon. Mr. Lang: The member opposite is mixed up on his questions today. We're talking about repair and maintenance of a generator in Faro. It would be folly not to maintain the equipment that the Yukon Energy Corporation has at its disposal at the moment. So, as far as a government decision, we're talking about an energy decision and we're talking about repair and maintenance. They have an obligation from the shareholders to maintain a high level of maintenance on all equipment, all assets that the corporation has. So, I will leave that in the hands of the energy board and I'm sure they will do the job that's assigned to them.

Question re: Government investments

Mr. Hardy: For over a week, our proceedings have been dominated by questions about this government's investment of \$36.5 million in asset-backed commercial papers. Despite all the rhetoric from both sides of this House, the fact remains that we will not know the actual fate of those investments until December 14 and possibly even much later.

Frankly, Mr. Speaker, it's time to turn down the volume and stop the partisan finger pointing. It's time to take a more constructive approach to this very serious issue. Does the Acting Minister of Finance agree that the investment strategy of her department is an appropriate subject for an all-party Public Accounts Committee to examine?

Hon. Ms. Taylor: Through the public accounts, as tabled here in the Legislative Assembly earlier this fall, all financial matters for the fiscal year that the member opposite is referring to, 2006-07, have certainly been fully disclosed -- and the scrutiny provided by the Auditor General of Canada is significant in this regard.

Finance officials are, on a continuing basis, in contact with the Auditor General's office. In particular, they have been in contact with the Auditor General specifically in relation to these particular transactions, to which the member makes reference.

As I mentioned yesterday, the Auditor General is fully cognizant of the government's investment policy. Likewise, the Auditor General has been fully briefed and advised in detail of the government's investment in the asset-backed commercial paper and the proposed restructuring related to these particular investments. These investments and the events surrounding this particular matter have been -- and were clearly and continue to be -- fully disclosed in the financial statements that were audited by the Auditor General.

Again, as I have mentioned and clearly articulated for members opposite as of yesterday, the Auditor General of Canada stated that in her opinion the transactions of the government that have come --

Speaker: Thank you.

Mr. Hardy: I wish the member opposite would put down her briefing note and listen to the question. I am talking about the territorial Public Accounts Committee of the Legislative Assembly, which has existed since 1979, following a federal Royal Commission on Financial Management and Accountability. Since it was brought back to life about five years

ago, the committee has done an excellent job of looking into a number of important issues concerning the use of public funds. The committee works very closely with officials from the Auditor General's Office. Its hearings are public and they become part of the official public record. The purpose is not to assign blame but to find appropriate solutions for the future.

Will the acting minister support our call for the Public Accounts Committee to look into the question of recent government investments and the Finance department's overall investment policy? That is the question.

Hon. Ms. Taylor: I would like to put on the record for the information of the members opposite that we have full respect for and full confidence in the work that the Department of Finance officials do day in and day out. It is certainly not my job, as the Acting Minister of Finance, or the job of the Premier or any Cabinet minister on this side to deal in the day-to-day investment operations of the Government of Yukon. That is what we task our Department of Finance officials to do on behalf of the Government of Yukon.

Other jurisdictions have their officials handling their financial investments in the same way. Ministers of finance do not become involved. They don't make decisions on an hourly or daily basis as to what the best investments are. I have full confidence in the Department of Finance officials, as they are tasked to make the wise, sound investments, as they have in the past -- which, I might add, have clearly worked in Yukon's favour with over \$18 million earned in investment interest over the last three years.

Mr. Hardy: But it is the job of the Public Accounts Committee, and that's the question I am asking. The mandate of the Public Accounts Committee is to examine the spending practices of government departments and agencies, including the economy, efficiency and effectiveness of these expenditures. It can evaluate how well department programs are meeting their objectives and whether financial management systems are adequate. The committee has members from all parties, as well.

As chair of the committee, the Leader of the Official Opposition is responsible for ensuring that its proceedings are thorough, fair and non-partisan. Our caucus firmly believes that this is a much better place than Question Period to look into these recent investments and Yukon government investment practices.

Will the Acting Minister of Finance give her assurance that government members of the Public Accounts Committee will cooperate fully to bring this matter before the Public Accounts Committee as soon as possible or after December 14 this year?

Hon. Ms. Taylor: Well, Mr. Speaker, more important, the Government of Yukon has brought this to the attention of the Auditor General of Canada. As I mentioned yesterday, the Auditor General of Canada stated in her opinion the transactions of the government that have come to her notice have, in all significant respects, been in accordance with the government's powers under the *Yukon Act*, under the *Financial Administration Act* and regulations and the legislative authorities and bylaws governing the organizations. So, Mr. Speaker, the Auditor General and Finance officials within the Government

of Yukon have been fully engaged in discussions over this matter, and they will continue to be fully engaged as they have in the past as a recurring practice.

Question re: Government investments

Mr. Hardy: Yesterday, I asked the Acting Minister of Finance if she would provide a breakdown of the Yukon government's current investment portfolio, including a list of all investments made over the past year. The question shouldn't have come as a surprise to the minister, since our office made the same requests to a senior departmental official yesterday morning. Can the acting minister now provide the information that we asked for?

Hon. Ms. Taylor: Again, Mr. Speaker, we have very experienced, very knowledgeable individuals, officials, housed within the Department of Finance, the Government of Yukon, who make sound, reasonable decisions on behalf of the Government of Yukon. As I mentioned, those decisions have actually earned us investment interest income over the last three years to the tune of \$18 million, \$5 million of which has been accrued so far this fiscal year. We will continue to take advice, continue to have those officials doing due diligence on behalf of the Government of Yukon, but certainly no ministers of Finance and certainly no Cabinet minister gets involved in the day-to-day work of making investment decisions.

Mr. Hardy: Perhaps the acting minister is operating under a misunderstanding of why we are making this request. I really wish she would listen to the question. I would like to assure the acting minister that we have no hidden agenda. Our purpose is simply to become better informed about how this government invests taxpayers' money.

This is something that should be public knowledge. If nothing else, it might help to ensure that the questions we ask in this House are based on accurate information. I hope the acting minister will take this request seriously and direct her officials to provide that information.

Let me ask the acting minister a follow-up question. Is the acting minister aware of any guidelines or policies that require the department to consider the human rights practices or labour practices or environmental practices of the companies in which it invests taxpayers' money?

Hon. Ms. Taylor: As I have articulated over the last couple of days, this Government of Yukon is meeting the letter of the law -- that is, the *Financial Administration Act*, provisions within the *Yukon Act*, bylaws and regulations associated with making sound financial decisions.

We are certainly committed to continuing to make those financial decisions on behalf of the Government of Yukon and tasking the Department of Finance officials to do their good work.

Again, for the members opposite, I, as Acting Minister of Finance, the Premier in his capacity as Minister of Finance, and all other Cabinet ministers do not get involved on a day-to-day basis in terms of making investment decisions. That is why we have the Department of Finance, which houses a number of very astute individuals who know the business of investing.

Mr. Hardy: Did I hear that repeated a few times in the House lately?

I can't believe the acting minister is still taking this position. Department officials have a job to do; we know that and I'm sure they're doing the best of their ability. However, it's not their job to make the rules; that's the job of this Assembly. It is the Legislature that creates the laws that govern the territory. It is the Legislature that authorizes every single penny of public money the government spends.

The *Financial Administration Act* was written years ago when there was no such thing as green funds or ethical funds -- or it wasn't discussed, anyway. Our caucus believes the investment of taxpayers' money should be based on more than just what's best for the bottom line.

I'm going to try another question and I hope we're not going to get the same non-answer.

Does the acting minister support the principle that the Yukon government should not knowingly invest public money in enterprises that do not meet a reasonable standard of social and environmental responsibility?

Hon. Ms. Taylor: Mr. Speaker, I just take a look at what the Auditor General of Canada has been telling this Government of Yukon over the last five years. For the fifth consecutive year, this Government of Yukon has earned a very high rating in terms of making its financial decisions based on sound reasonable decisions. Certainly for the fifth consecutive year, the Yukon government has earned five years of accumulated surpluses. In addition, we have also earned five years of a clean bill of financial health from the Auditor General of Canada. I take direction, and our government takes the direction and the advice, from the Auditor General of Canada, and we will continue to meet our requirements and obligations as set out under the *Financial Administration Act*, under the provisions within the *Yukon Act*, and regulations, legislative authorities, bylaws, governing organizations and so forth.

I certainly take great heed in the fact that we have earned this particular purview under the Auditor General of Canada's regard. Again, I have complete faith and confidence in the Department of Finance officials for continuing to do that good work.

Question re: Whitehorse Correctional Centre rebuild

Mr. Inverarity: I have a question for the minister responsible for Justice. Following up on Question Period of last week, the minister stated that the planning of the new correctional centre has advanced to the facility functional program phase. The minister also stated that the schematic design will begin this month. There has been no public tender for this work.

Will the minister confirm if a contract has been awarded for this work and, if so, was it a sole-source contract and how much was the contract worth?

Hon. Ms. Horne: As I announced earlier, the schematic design will be out later this month and we are on schedule for December 2011 opening.

Mr. Inverarity: It is becoming quite difficult to determine exactly what the status of the new correctional centre is. In response to my question last week about when the construction will begin -- and she confirmed again today -- it will

be completed by December 2011, as has been public announced. Building such a facility will take a few years and there is no possibility of estimating the completion of a new correctional centre without some idea of when construction will actually begin. So let me ask the question again. Does the minister expect construction on the centre to begin soon and, if so, when?

Hon. Ms. Horne: I believe I announced this earlier as well that the work will commence in the spring of 2008.

Question re: RCMP taser use

Mr. Fairclough: I would like to address the question to the Minister of Justice. The use of tasers by various police forces appears to be becoming more prevalent. The use of such devices was supposed to be an alternative to the use of firearms, and thus less likely to result in a fatality. The reasoning seemed sound and reasonable. However, there have been 16 reported deaths in Canada as a result of their use and that's an astonishingly high number.

Has the minister had any communications with the RCMP regarding the conditions under which tasers would be used in the Yukon?

Hon. Ms. Horne: I have full confidence in the Royal Canadian Mounted Police in their due diligence with the tasers. There have been extensive studies done throughout Canada and the United States on tasers and, so far, it's a fact that no death has been attributed to a taser gun. I do not discuss this in detail with the RCMP -- I leave this up to their discretion and their expertise.

Mr. Fairclough: Mr. Speaker, she is the minister, and she is responsible. I would expect that she would have met with the RCMP on this matter.

Now, the Canada Safety Council's past president, Emile Therien said, and I quote: "When you consider that since the year 2003, sixteen people who have been tasered have died, red flags go up, and I think we should be concerned." Mr. Speaker, let me be very clear. I'm not suggesting that tasers should be banned from use -- quite the contrary. I fully support their use as an alternative to discharging a firearm, and I support their use to protect the safety of the officers. However, I must also support the safety of the public, and I do not think it is clear what the appropriate level of use of this device is, so I'll ask the minister if she will conduct a meeting with the CO of M Division and seek clarification on the use of tasers in the Yukon.

Hon. Ms. Horne: Mr. Speaker, I reiterate: I have complete confidence in the Royal Canadian Mounted Police and their expertise in this area. I am so personally interested in this field, I have gone to training and watched lectures on the taser. I will follow up and, as far as I know, the RCMP are doing their duty in this area.

Mr. Fairclough: Well, we want to ensure that the minister is up to speed in this area. The report, *Policing in the Yukon -- Report on a Public Consultation Process* by Scott Clark Consulting Inc., March 2006, commissioned by the Department of Justice, gives the following quote: "Three communities cited instances where an individual was tasered repeatedly. While participants generally acknowledge that the use of

tasers is sometimes justified, they believe that it should be restricted to the protection of an individual or the officer."

Now, Mr. Speaker, many individuals have been tasered in the Yukon, and some even in my own community of Carmacks. This is a matter of concern to many Yukoners. What is the policy, and is the policy being followed, and does the Justice minister think tasers are being used appropriately in the Yukon?

Hon. Ms. Horne: I again reiterate that I have complete confidence that the RCMP are following the policies. The Minister of Justice does not direct the RCMP on when, and if, they use their tasers.

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

ORDERS OF THE DAY

OPPOSITION PRIVATE MEMBERS' BUSINESS

BILLS OTHER THAN GOVERNMENT BILLS

Bill No. 105: Second Reading

Clerk: Second reading, Bill No. 105, standing in the name of Mr. Mitchell.

Mr. Mitchell: Mr. Speaker, I move that Bill No. 105, entitled *An Act to Amend the Cooperation in Governance Act*, be now read a second time.

Speaker: It has been moved by the Leader of the Official Opposition that Bill No. 105, entitled *An Act to Amend the Cooperation in Governance Act*, be now read a second time.

Mr. Mitchell: I am pleased this afternoon to rise in this House to speak to this bill, *An Act to Amend the Cooperation in Governance Act*. This bill addresses the essence of what Yukon has evolved into over the past 30 or so years. At its very heart is a spirit of recognition, commitment, and a clear statement of good faith.

As Yukoners, we did not arrive at this point easily, quickly or painlessly. Many thousands of hours have been invested. Many positions have been taken, debated, countered, modified and eventually accepted.

Let us remember the late Elijah Smith, who led a delegation of Yukon First Nation leaders and elders to Ottawa and presented Prime Minister Pierre Elliott Trudeau with the document *Together Today for Our Children Tomorrow*. Good faith has been, and must continue to be, demonstrated by all parties.

This amendment is meant to further clarify and cement those principles with clarity and accountability. In supporting this bill and passing it into law, Yukon as a society will unquestionably be the winner.

In my discussions with the Grand Chief of the Council of Yukon First Nations and other chiefs of Yukon First Nations, that is precisely what we want to see occur -- Yukon a winner. We're not talking about the public government being a winner; we're not talking about Yukon First Nations being the big winner -- or Canada. This is about Yukon, where Yukon is the sum of its parts. It is the union of First Nations, non-First Nations and, with regard to land claims, the Government of Canada. It

will result in Yukon being greater and stronger than the sum of its individual parts.

The *Cooperation in Governance Act*, section 10, clearly defines the requirement for consultation with the First Nations. It speaks specifically of the responsibility of the Premier to consult with the other members before a minister introduces a bill that amends or repeals this act. We fully understand and respect the intent of this clause.

We in the Official Opposition, however, are clearly not in a position to hold government-to-government consultations. I have had informal discussions with the Grand Chief and with other leaders about this bill, but they remain just that -- informal. We cannot speak for the Yukon government. Section 10 clearly states that the Premier shall consult. I would like all members to realize that I understand and concur. I would never expect this bill to be proclaimed into law until full and meaningful consultation on a government-to-government basis has occurred. We believe that if the government will support us in passing this bill to amend the *Cooperation in Governance Act*, then it would be the Premier's responsibility to hold the requisite consultations prior to Bill No. 105 being proclaimed.

As I said earlier, the essence of this bill is the spirit. Signing an agreement is an obvious first step. The second step is to give a clear and unequivocal commitment to live up to the spirit of all the terms and conditions agreed to in writing. This bill brings us to this all-important second step.

Mr. Speaker, it is not my intent to cast aspersions on this government or any of Yukon's past administrations. I recognize that some members think this is a laughing matter, but on this side we take it seriously.

There have been difficult times in the past. There will be times in the future when all parties may not agree. It would be foolish of anyone to suggest otherwise. However, we have hopefully learned from the past. We have learned that it is not just enough to deal in good faith, but we must all appear to be dealing in good faith. What appears to be the case for one party may not be so for another, and we need to sometimes go that extra step. When there are those times when agreement is not reached, it must never be a question of the absence of good faith.

This bill is relatively short in length but it is long on its implications.

I would like to now focus my remarks on three clauses of this bill. In the preamble: recognizing the importance of consultation and consultation protocols entered into by the Government of Yukon and Yukon First Nations. Now, Mr. Speaker, we think it is important that this recognition be included in the preamble.

This clause speaks to the heart of my opening remarks. Consultation has as its root the word "consult". Allow me for a minute to reflect on the meaning of that word. "Consult" refers to talking over a situation or a subject with someone to decide points in doubt. It implies getting or seeking advice. The implication here is that this is carried out in the spirit of genuine sincerity and honesty. It is incumbent on all parties to make every reasonable effort to articulate themselves clearly, to ask

if clarification is needed and to make all reasonable efforts to ensure that other parties understand the points we are making.

Mr. Speaker, consulting does not mean that one has to fully agree with the other party. It does mean that one has listened and put forth their position or views in a manner that everyone can understand. It means that one has been forthright and genuine.

Now, Mr. Speaker, if we take this sense of meaning and apply it to the consultation protocols, we must add a new dimension to the term. The parties must ensure that the process is meaningful. Consultations for the sake of having consultations will not work. There must be a commitment to consider altering one's position or view based on what one hears or what has been presented. There must be a willingness to accommodate -- if that is possible -- as protocols so frequently require one to do. If all parties bring this sense of meaning to the table, they will be much more accepting of an opposing or different position.

Good faith must have a seat at the table, and it must be seen to be there by all parties. This is what we refer to as "importance of consultation" in clause 2 of this bill.

Now, Mr. Speaker, this bill really only proposes beyond the preamble two changes. This bill proposes to amend clause 4 by adding the following section immediately after section 2, "2.1 (1) The Government of Yukon shall meet all obligations outlined in consultation protocols signed with Yukon First Nations."

Mr. Speaker, this bill is intended to add clarity. Now, first of all, I want to reiterate that there is no intent in this clause to define or redefine consultation. Those definitions either exist elsewhere, such as the *Umbrella Final Agreement* and individual First Nation final agreements, or within the protocols that have been established with individual First Nations.

While we know that this issue has been the root cause of much disagreement among Canada, Yukon and First Nations, there would be no benefit to trying to add any new definitions here. This Yukon government and future Yukon governments must meet all of their obligations as outlined in the various protocols. We must never assume that, because we said or did this, or that or the other thing, that all obligations have therefore been met. All obligations are met when parties to the agreement agree that the obligations have been met.

It is a necessary part of the process to ensure that all parties agree that the process has been followed. I want to be clear, however. This does not mean agreement has to be reached. Agreement may or may not be achieved. Not following the process, though, is not an option.

Whenever we speak with First Nation chiefs and other First Nation leaders, we repeatedly hear that the greatest difficulties in the relationship with Yukon and with Canada for First Nations revolve around consultation, or the lack thereof. These are not complaints solely relevant to this Yukon government or the current Government of Canada. We know that this has been at the crux of the matter for all governments, territorial and federal, in the past.

Now, Mr. Speaker, in section 2.1(2), which we are proposing in this amendment: "2.1(2) The Government of Yukon shall

table an annual report on activities that are dealt with through Consultation Protocols signed with Yukon First Nations."

Reporting in a formal manner as suggested by this clause has three intended purposes. First of all, it creates a public record. Yukoners will be able to see for themselves what has transpired in the previous 12 months. That in itself will help in adding clarity. Second, the report spells out what has actually occurred. Reality sometimes gets lost in a storm of rhetoric.

I liken it in some way to the financial statements of the government. We don't come in here and say, "You spent so much on this or that" and then have the government say, "No, we did not," resulting in a yes-you-did, no-we-didn't argument. We look at the audited records of the Government of Yukon and we let the facts speak for themselves. Reports of government add clarity and avoid needless and sometimes pointless argument. So, in this light, I support the addition of a reporting component.

The third aspect of reporting that I would like to mention is that in the mere creating of the report, it forces government to reflect on the time since it last reported. Reflection can be a very powerful tool. Reflection in the form of report generation can make a point that might otherwise go unnoticed. Admittedly, it's not the main reason for including the reporting requirement but it is nevertheless a very beneficial by-product.

I would like to cite some other examples of other annual reports that are filed, starting with section 31(1) of the *Ombudsman Act*, and section 47(1) of the *Access to Information and Protection of Privacy Act*, more commonly referred to as the report of the Ombudsman and Privacy Commissioner. This report doesn't divulge confidential information but it provides a yardstick to measure the number of requests made, the number of files opened, and the disposition of those files or cases -- no intimate details, but an accounting of what has transpired.

Another example is the annual report of the Yukon Workers' Compensation Health and Safety Board. Again, it provides a general overview of the operations of the board. It gives a sense of the board's activities over the past 12 months without getting into specifics of individual files. Reports give an accountability factor that government should always strive to do. They eliminate much of the suspicion that can surround the activities of any large body, such as the Yukon government. Annual reports are a necessary part of being accountable.

This bill amending the *Cooperation in Governance Act* adds clarity and accountability. It can only strengthen the process and thus help eliminate uncertainty and hard feelings. Resolution of issues will move forward in a much timelier manner if we know where we have been.

Mr. Speaker, I ask all the members to consider these points and to support this bill, as it will only help to further the government-to-government relations in the future and add a major component of accountability.

Other members' support should not and will not be seen as supporting a Liberal position, but rather as supporting a Yukon position. Mr. Speaker, this matter is far too serious to be taking partisan positions. I ask all members to consider this bill in the same spirit of cooperation and purpose in which we considered and passed the original *Cooperation in Governance Act*.

Thank you. Mahsi' cho.

Hon. Ms. Taylor: Well, Mr. Speaker, it gives me great pleasure to rise on this occasion to speak to the Leader of the Official Opposition and this particular bill, the private member's bill that the leader has put forward for members' consideration. Of course, it wasn't very long ago that we were speaking to another proposed amendment to the *Cooperation in Governance Act*, and that was put forward by the Leader of the Third Party in terms of making the Yukon Legislative Assembly full participants in this particular area. Of course, much was said, and certainly I'd like to just go through some of the areas where we have been able to make progress over the last five years. I'd also like to make some comments about this particular bill.

I would also like to start off just by going back to Question Period and what was said earlier by, I believe, one of the members opposite, and that is the government's willingness or perhaps, as the members opposite would say, unwillingness to certainly take suggested areas and move forward with them.

I'd have to say that we have been working collaboratively with the members opposite on a number of fronts. That may be up to interpretation among the respective members, but I certainly take pride in the fact that we have been able to make some progress, and hopefully the members opposite will agree with that as well.

We only have to take a look at the whistle-blower legislation, of course, that has been top of mind for many of the members in this Legislative Assembly over many, many years. The Members of the Legislative Assembly recently adopted a motion to form a select committee on the development and implementation of whistle-blower legislation, again comprised of all members representing the Legislative Assembly. So I think that that speak volumes about actually being able to create a select committee, which hasn't been in existence for many, many years.

Another example of that, of course, is the *Safer Communities and Neighbourhoods Act*. Again, this is a motion that was unanimously supported and put forward by the three respective leaders of the parties represented in the Legislative Assembly. It's a very good initiative, and it has worked extremely well in terms of making great positive net benefits here in the territory. We particularly thank the third party for bringing that particular piece of legislation forward and sharing with us respective jurisdictions and all that their experiences have been in ensuring that our legislation that has been presented here in the Yukon is made in the Yukon and represents Yukon's interests.

Another piece of legislation, or another example of collaboration in this Assembly, is that of the *Yukon Smoke-free Places Act*. Of course members again were very much in support of this particular bill moving forward, and it was great to see a select committee come into force and effect this summer; numerous meetings and consultations took place in all of our respective communities. This will result in legislation that works for Yukon. It will address the concerns, most of which have been raised by Yukoners, but most important, it is to bring

forward legislation that certainly guides this very important area.

You know, on other fronts, we have been able to make progress -- standing committees are an example. The Standing Committee on Appointments to Major Government Boards and Committees is another example. That's an actual standing committee that was put forward by the previous Liberal government. Unfortunately, it didn't come into force and effect, but we have been able to table a motion, and we were able to come together. In fact, I am the chair of that particular standing committee, and we have met on a number of occasions. I think it has worked very well.

Another example of that is the Standing Committee on Rules, Elections and Privileges. We came together just recently again. We may not always agree on what is put forward, but it certainly is another indication that members of the Assembly continue to work together on matters of importance to Yukon.

I'd have to disagree with some of the members opposite that we as government -- as representatives in this Assembly -- don't take to heart advice or issues important to their constituencies. Certainly we do. We were all elected by the people we represent, and it's very important to hear from every member in this Assembly.

Another example is that of the unanimous consent of parties on a whole host of motions. I don't have a copy of all the motions here before me, but we have been able to make progress, again, over the last five years, and that wasn't always the case in this Assembly. We are making progress and it is very important that I just put that on the record.

Mr. Speaker, we are here to discuss an important matter and that is primarily the *Cooperation in Governance Act* and, of course, spelling out our obligations regarding consultation. Much has been said in this Assembly over the last number of years on this particular front and I'm sure much will remain to be said over the next number of years.

It wasn't very long ago that the *Umbrella Final Agreement* came into force and effect in 1993. Here we are, years later, and I take great pride in the degree of progress that has been achieved by First Nations as self-governing First Nations in this country. Certainly there are a lot of obligations, a lot of pressing areas of importance that self-governing First Nations have had to assume.

We, as Government of Yukon, have worked very diligently over the years -- and I don't speak for just our government, but previous governments and certainly governments to come -- and will continue to work in partnership with First Nations on a number of different bases. As I mentioned earlier today in Question Period, we do work very conscientiously, we do certainly make every effort to uphold our obligations -- all of our legal obligations -- to consult with Yukon First Nations.

We also consult often for a number of various policy reasons that may come up from time to time, such as to foster good government-to-government relations. After all, that is really what Yukoners want to see. It is so critical that we are able to work together to foster and maintain those good working relationships with all respective governments. No matter who holds office, it is absolutely critical.

The Yukon is a relatively small territory in terms of its population, yet we have a fair amount of ground to cover. We certainly hold the same responsibilities and obligations as do all our provincial and territorial counterparts.

For those very reasons, we have a lot of responsibility on our shoulders. Certainly, we do take that very seriously, as I undertake my obligations as Minister of the Executive Council Office, but also as a Member of the Legislative Assembly. It is for these reasons that we come together here every Wednesday to listen to ideas and suggestions put forward for government's or all members' consideration. As I mentioned, we've been able to garner a great degree of success over the years and will continue to put our best foot forward.

As governments, there are legal requirements that can and may arise -- and certainly have arisen -- from final and self-government agreements, from statutes such as YESAA, from other agreements such as the devolution transfer agreement and also from common law. As I mentioned earlier here today, for First Nations with final and self-government agreements, we have a consultation protocol that nine First Nations have entered into with Yukon. The consultation protocol -- as members opposite should know full well -- is used for consultations required by final agreements and self-government agreements. It's actually enshrined in legislation, despite what members opposite may think. These protocols can also be used for consultation on other matters, as a reference before policy matters, as long as both parties agree.

For those First Nations without final agreements in place, we continue to consult in accordance with common law and other mechanisms, to be sure. I think that over the years, albeit I believe that I was just going back a little bit in time, it was actually October 24, 2003, when the consultation protocol was signed among -- at that time -- eight of Yukon's self-governing First Nations and the Yukon government.

In fact, it's a bilateral agreement, as members opposite know full well, and they help guide consultations called for and contained in the First Nation final and self-government agreements and in other circumstances agreed to by the respective governments.

So the purpose of actually bringing in the consultation protocol was to establish clear procedures for improving the way that governments -- Government of Yukon, First Nations -- fulfill our obligations to consult with one another under the respective agreements.

Again, just another example of how we are working to meet our obligations is identified under the treaties themselves.

This work, of course, kind of fell upon a recommendation following a five-year review of the *Umbrella Final Agreement* and the implementation plan. Formal discussions began toward the goal of achieving the consultation protocol. So I think that the consultation protocol that has been struck -- again, we have nine self-governing First Nations that have protocols in place. Certainly it does provide that added certainty, and it also provides a degree of flexibility contained in the agreements to help define when consultation is required, to what degree those consultations should take place, who should be consulted and so forth.

You know, I look back over the last number of years since the *Umbrella Final Agreement* came into cause and effect, and there have been a lot of undertakings conducted by the respective governments, a lot of very important initiatives that have been certainly taken on by the respective parties but, by and large, we certainly continue to learn from one another of the very importance and the very relevance of this new governance -- the way we govern in the territory.

It is very critical that we recognize our obligations, from the Yukon government's perspective, and we certainly recognize our obligations to set up final agreements. We just recently went through the nine-year implementation review, and that is of great importance to the Yukon government as well. We are holding the federal government's feet to the fire -- so to speak.

Mr. Speaker, we are working to ensure that aspects of the implementation of the agreements are working to identify the gaps, the weaknesses and challenges that remain and what progress we have made over the last number of years. So whether it is working with First Nations or the federal government on a trilateral basis, it is really critical that we endeavour to work together on these matters of importance.

I could go back to Question Period over the last number of years. I'm sure there have been a lot of questions and concerns raised regarding consultation and all that that entails. The root of this particular piece is: how can we consult better? How is it that we can provide more flexibility? Perhaps through more certainty in terms of consultation with our respective partners.

We as Government of Yukon did make a formal election platform commitment in the last two elections to work on garnering government-to-government relationships with First Nations on a number of fronts. Those fronts have been clearly articulated over the years in terms of the development of the Yukon Forum, which really flows out of the *Cooperation in Governance Act* as a mechanism for addressing matters of importance as identified by both parties or one party for consideration.

I think that has really worked very well. I know that, at that time, some criticism was coming forward from members opposite regarding the Yukon Forum. Why would we want to put this legislation into place and legislate what we should be doing?

Well, members are absolutely correct -- we have been meeting and certainly working to consult with governments on a government-to-government basis for many years. I speak giving credit to previous governments for all the work they have done in meeting their obligations, as identified in the agreements, but also toward settling new land claims. Of course, in the territory we are very pleased to have 11 of the 14 First Nations signed on.

As I mentioned earlier, it was about in 2004 when the Government of Yukon actually first signed a memorandum of understanding on cooperation in governance in the Yukon. This was between self-governing First Nations and the Yukon government at the time. Again, that purpose was really to see our commitments come to fruition and that was to formalize our government-to-government relationship between Yukon and First Nations by really establishing a means where elected

leaders of governments could come together. They could review, discuss and determine common priorities and opportunities for collaboration, and, of course, the parties agreed that the Yukon Forum would in fact be the mechanism to achieve this.

At the time, we committed to enshrine the Yukon Forum in the *Cooperation in Governance Act* and to also provide financial support for participation in this particular mechanism. So it was back in December 2005 -- almost two years ago -- that assent was given to the *Cooperation in Governance Act*, which enshrined the Yukon Forum.

I know our Premier has been on record as having said on a number of occasions that enshrining this piece of legislation certainly is the highest level of commitment possible by any public government and, at that particular time, it was really a first in the country.

So together, a number of meetings have been held -- a number of forums have been held -- through the Yukon Forum and a number of areas of critical importance have been tackled by the respective First Nations.

I can't understate the very importance and the critical relevance of this particular mechanism as a means for being able to address issues of importance, issues of pressing concern, of urgent need, and ways that we can move this territory forward, both on the social and economic fronts.

Through the Yukon Forum, whether that would include our Premier, the Grand Chief of the Council of Yukon First Nations, the chiefs of Yukon First Nations that have entered into final and self-government agreements as well as chiefs that have not settled their respective land claims -- I can't understate that critical piece because that was a titch of an issue of concern, as expressed, I think, by the third party two weeks ago in their discussion over their proposed amendments. That was really to include all chiefs or to provide for the enshrining of all the chiefs in all the First Nations, whether they have settled or not -- so really, to take a look at what is completely entailed in the Yukon Forum and certainly in the *Cooperation in Governance Act*. It already makes that reference. It is very inclusive, and the forum is very much open to every First Nation, whether they have settled or not.

The forum has really fostered open discussion on a number of issues. We've been able to make great progress on a number of important fronts, including our corrections consultation, housing trust, northern strategy, northern economic development funding, the *Children's Act* and so forth -- and really, the list is quite long and quite interesting.

Earlier today I made reference to working in partnership on a number of these areas. Areas of correctional reform -- I refer to that particular piece as being really instrumental in setting the stage for future consultations with First Nations on matters of critical importance. The corrections consultation took a great amount of work among the chiefs committee, the leadership, the Council of Yukon First Nations and the Yukon government. Many officials from all levels of government were involved to reach a comfort level of what that consultation process would entail. I think that while we continue to be receiving some criticism from members opposite, I have to say that there has never been a better consultation undertaken than

the corrections consultation. Again, I thank all the officials who have worked so hard to make sure that this consultation was very comprehensive; it was indeed thorough and certainly came out with some collective, proposed actions for consideration for government and for the respective First Nation governments' consideration.

Coming out of that correction consultation, there were two co-chairs and executive committees. There was research assistance provided by their respective governments, to take a look at not just what a new building, a new corrections facility, would entail -- but really, how is it that we can address better delivery of programs and services in our communities, territory-wide, to be able to deliver better corrections, deliver better treatment services in the territory, how we can place more emphasis on prevention, education, after-care and so forth. Much of that work has been ongoing. On some of it we have been able to achieve some success. As we heard from the Minister of Justice earlier, we are well on our way to a new correctional facility in the Yukon.

It is certainly one where we are not endeavouring to warehouse individuals but one where we hope to be able to make a meaningful difference in the lives of the victims of abuse but also the victims who are the perpetrators of the crimes themselves. Associated with that are proposed amendments to the *Corrections Act* -- another example of consultations well underway.

This flows out of the corrections consultation that has been a work-in-progress over the last number of years. I take great pride in being part of a government that has had the vision to look at corrections in this manner. We have received accolades from many jurisdictions across the country for taking on very meaningful consultations and coming out with action-oriented plans.

We're working to address the root causes of crime and working to address the outcomes of crime and how we can better deter some of the revolving-door syndrome. Part of that, if in fact it is at the Community Wellness Court or the Domestic Violence Treatment Option Court -- these are but a couple of alternative therapeutic courts that make provisions to offenders of crime who may be afflicted with alcohol, drug abuse, addictions or mental illnesses to receive the treatments they so deserve.

These are all particular components of strategies that have really fallen out of consultation efforts that have come out of corrections, for example.

The other example is, of course, the *Children's Act* revision project, and I know that our Minister of Health and Social Services -- this is really top of mind with his Department of Health and Social Services in terms of coming up with legislation that is very responsive, very reflective and culturally relevant to First Nations in particular and Yukoners at large.

This has been a really comprehensive undertaking as well, but we have taken great pride in being able to work collectively and even to the extent of informing First Nations of the drafting process. The actual discussions coming out of the discussions with stakeholders -- of which there have been many -- are clearly reflected in those legislative components.

It's a true work-in-progress. It has contained numerous meetings, numerous discussions and dialogues with many stakeholders in this territory, but certainly most importantly with First Nation governments who have the opportunity to draw down this particular area; likewise, they have the opportunity to administer justice in their respective territories. They have the opportunity to draw down education in their respective areas. Part of the whole reason that our government has put forward our commitment to garner government-to-government relationships, to be able to foster and strengthen and implement those relationships, is a genuine willingness on our part to be able to address issues of concern as raised by First Nations and to be able to better respond to some of these concerns, whether it be in legislation, through the *Education Act*, or whether it be through the *Corrections Act*, or whether it be actually through the delivery of programs and services through policies, public education, legislative mechanisms, front-line services and so forth. I believe that we have been able to garner much of this progress as a result of processes such as the *Children's Act* review over the last number of years.

Of course, members opposite would always like to see these initiatives move faster and to see progress. I can say there has been much progress garnered on a number of fronts. I just articulated corrections as being one very important initiative agreed to by our governments.

The *Children's Act* review is another critical area of importance. We have chosen to work on these respective areas and to consult on a formal basis with First Nations to not only meet our obligations, but the purpose of meeting our obligations is to garner a consensus, and we have made it a priority, instead of having a number of various agreements in place -- whether on delivery of care of children or education. There's a willingness of many governments in this territory to see what we can do with our current process, programs and the delivery of services and to see how we can better reflect a more responsive way of delivering projects and program services, ensuring that our legislation reflects the concerns as articulated by First Nations and, again, working to meet our obligations.

The education reform process is another clear and comprehensive review that has been underway for some time. As we've heard, it's no news that there have been hurdles along the way. There have been hurdles on every review. I think it's critical to understand that, as with any relationship, you're most definitely going to have disagreements along the way. However, the critical point is being able to sit down with one another, identify what those challenges are and work together how we can work on these particular areas to define what our concerns are and, most important, how to resolve them.

I think that through respective processes -- whether it be on the *Corrections Act*, the *Children's Act*, or the *Education Act*, even coming down to a harvest management strategy for the Porcupine caribou herd, which is another example where we've heard great lengths of debates in this Legislature, and I'm sure we haven't heard the last yet.

The point is that when disagreements come -- and they will come; that's just the nature of evolving relationships and maturing relationships in the territory, and we certainly are doing

that. It's all part of coming of age, as I have referred to on a number of occasions -- we need to be able to come together and discuss some of these problems and see if there is a way that we can address some of these issues together.

Again, with the education reform process that has been a very comprehensive consultation and there are certainly more discussions to be underway when it comes to education reform.

I just want to take members back a few years ago when the *Education Act* was under a comprehensive review by the previous government. One of the areas of weakness in that particular review was the lack of meaningful discussion with First Nations on that particular front. It was identified that there was a major gap in that particular review.

It was just shortly thereafter that our government took office and, again, meeting our obligations to review the act but also meeting the obligations as identified in the treaties themselves, we made it a major commitment to work on a government-to-government basis to identify successes and challenges within the education system as we see it today and to see how we can better deliver the programs, curriculum, services, activities and incorporate more culturally relevant activities into the day-to-day operations of education in the Yukon -- again, being able to really work with First Nations one-on-one and being able to see where we can better improve some of these deliveries.

Since that time, we have seen some marked improvements in the way we do deliver education that is more responsive and culturally relevant. We have seen new dollars invested in culturally appropriate activities. We have seen additional dollars for a new First Nations partnership unit, as defined within the Department of Education. We have seen new orientations certainly for teachers that incorporate First Nation experiences.

I had the opportunity to take part in one, as the previous Minister of Education, about a year and a half ago in the Member for Mayo-Tatchun's own area. It was a wonderful opportunity for me to meet new teachers and to be able to welcome them to the area. More important, it was really wonderful to be able to see members of the Little Salmon-Carmacks First Nation being able to welcome them to their traditional territory and to be able to reflect upon the importance of their territory, their agreement, and certainly all their obligations to their respective peoples of the area.

It's another example of what has come out of some of those dialogues and consultations over the past number of years on the education front -- again, a very critical area in terms of meeting our obligations and, again, another example of a very comprehensive consultation that has taken place in the Yukon. It is very similar to what transpired with corrections and the *Children's Act*. Again, I think it has worked fairly well.

As I referenced before, things can't happen soon enough. Certainly that may be the case sometimes, but it's better to take the time to invest in these discussions and these consultations and ensure that the outcome is really a product through which we have garnered consensus and some success along the way. It's absolutely critical for areas such as education, children in care -- whether it is in Justice -- these are all areas that are so very critical when it comes to our day-to-day

lives in the Yukon and these reviews certainly do not happen on a regular basis. They are actually ongoing. It's very critical, therefore, to work collaboratively and do thorough and comprehensive reviews of these areas.

One of the other areas in which the Yukon Forum has evolved as a result of the *Cooperation in Governance Act* was the northern strategy trust funding, which was made available through the federal government. There have been a number of wonderful projects that have evolved as a result of the northern strategy trust, a \$40-million investment being implemented in collaboration with Yukon First Nations under the direction and advice of the Yukon Forum -- I believe, there was close to \$9 million in approved projects under the Yukon Forum in 2006 and approximately \$16 million allocated in 2007. We're looking at another \$15 million to be allocated in 2008.

There is quite an articulate, comprehensive process in being able to review and receive applications through the northern strategy trust process but, to date, I think it has worked quite well. It's quite a thorough review among the technical partners, or the officials housed within our respective governments, ensuring that they are each in keeping with a northern vision -- as articulated by our territory, as well as by the other respective two territories.

Again, it's all in keeping with our strategic vision, strategic plan for further developing northern Canada. So again, through that process, we've been able to really establish a very clear, articulate process, and we have seen departments, non-government organizations and other third parties -- certainly, they've been able to bring forward ideas. Eligible proponents can choose to champion these ideas and submit proposals on their behalf as well. It has been a really great process, indeed, and one where I certainly think we've been able to set the stage for future discussions. We certainly are working with the federal government to ensure that this funding does continue to be in place, to be able to spearhead a number of very strategic investments in the territory.

When one looks at the recent round of northern strategy projects -- we just referred to a number of different areas, from the emergency shelters for women feasibility study, to Forty Mile Historic Site access and the First Nations record diffusion project.

I know the Member for Vuntut Gwitchin asked a question yesterday about the Yukon Archives and making more funding available. Again, there was almost \$200,000 made available through northern strategy money to identify First Nation records held at the Yukon Archives and to make that information available to that respective First Nation. So again, these are all areas -- whether it is training dollars made available for building capacity, whether it is in our First Nation or municipal front. These are all very critical areas of investment that we've been able to make possible through the northern strategy.

For capacity development for land and resource management and development there's almost \$1 million alone to assess First Nation capacity in areas of land and resource development, developing strategies for building capacity and for developing long-term capacity strategy for education and training. Again, something we continue to hear through discussions with

stakeholders in the Yukon and through education reform is the need to enhance our capacity in these many areas of growing importance on a number of different economic and social fronts.

With the Yukon taking on more power through the devolution transfer agreement, and with more First Nations settling their claims and working to meet their obligations as set out in their respective treaties, as well as looking at their abilities to draw down responsibilities, there is an ever-increasing degree of responsibility placed on all our shoulders to meet some of these ongoing challenges, as well as opportunities.

Some of these dollars -- another \$1 million has been identified to develop comprehensive Yukon First Nation executive leadership and management programming. That is a really exciting program. It also builds upon the commitment to add capacity in our communities. The feasibility of establishing a justice steering committee for Yukon First Nations is being studied. That is looking at a network and traditional means of administering justice. This is another very exciting area of development between First Nations and the Yukon government.

There are so many areas articulated here in the northern strategy trust approvals, but it does show that, as a result of the Yukon Forum flowing out of the *Cooperation and Governance Act*, we have been able to flow these dollars in a very responsive manner and very articulate manner -- one that has a very structured process and one that has a clear partnership associated with First Nations.

I mentioned the nine-year review that has been really taking place over the last number of years, working to see the progress that has been made in the first 10 years of implementing claims, identifying funding levels established in implementation plans and final agreement plans, determining whether or not those funding levels have been adequate or inadequate -- on many occasions they have been inadequate -- and looking at respective federal policies and practices to determine if they are consistent or are impeding the implementation of the agreements. These are some of the things that we've been able to identify through consultations with First Nations, actually working through the implementation review group comprised of Canada, Yukon and Yukon First Nations. Again, it's another example of collaboration among parties.

The group, as was recently articulated in the news recently -- there were a couple of primary recommendations including that new self-government financial transfer agreements be negotiated in accordance with the agreements themselves, section 16, and then that Canada bring its policies and practices into conformity with the commitments made in the agreements as well. So that work has been ongoing for many years and we really congratulate the officials for their initiative in spearheading some of this very fine work.

As well, we have been able to articulate the workings of the northern economic development fund. Again, that is an equity fund that is accessible and made available to First Nations. I think there is \$27 million available. Again, part of that includes investments in training and capacity development in the Yukon, building on strategic investments in the northern

strategy. The northern strategy has provided lots of key investments.

As well, the northern housing trust -- \$50 million has been identified by the Government of Yukon to be made available to the Yukon for distribution for a number of different housing options to be addressed.

One of the first things that we did upon receiving that good news from the federal government was that we sat down and, through the Yukon Forum -- again, through principles such as those in the *Cooperation in Governance Act* -- came to a collective agreement on how those dollars should be allocated and how they should be spent.

That resulted in a breakdown of, I think, \$37.5 million available to First Nations with the remainder available to the Yukon government. We recently made announcements to look at safe and affordable housing for women and children as well as victims of abuse, which are clearly the two priority needs that have been identified through the social housing waitlist through Yukon Housing Corporation, and it certainly has been identified as a need by women's organizations over the last number of years.

Thanks to the good work of the officials and the leadership of the respective governments, we have been able to make very worthy investments in housing to date as a result of the northern housing trust.

We are very appreciative of that particular investment made available from the Government of Canada. It really is the first major injection of funds on the housing front that I can recall in many, many years. There have been lots of promises made by previous governments -- the Government of Canada -- but really, not so much by way of seeing actual money or a cheque in the mail, so to speak.

So we are very pleased to see that the federal government was able to deliver on this really key issue or component of infrastructure in the territory. Certainly in the other two territories -- Northwest Territories and Nunavut -- housing remains of critical importance. Again, safe, accessible, affordable housing is critical to the economic growth of the territory. It's also critical to being able to meet some of the social ills in our territory as a result of enhanced economic progress on some occasions.

As we have also mentioned, we have been able to use the Yukon Forum to certainly assess the big game outfitter tenure policy and to sit down and work on components of that particular policy with First Nation governments. Again, it's another great example of how we've been able to work out some of the concerns that have been identified by the parties, and we've been able to certainly work to address some of the areas of critical importance that have been raised on the floor of the Legislature, not to mention other occasions as well.

So, we have been working on a number of different areas in the past number of years -- more recently, amendments to the *Wildlife Act*, which is another area of critical importance to First Nation governments, and ensuring that the *Wildlife Act* is compliant with the provisions of final agreements. Certainly, this is what many of these amendments to the *Wildlife Act* are for in this regard.

Consultations have been ongoing, as I mentioned, on the northern economic development fund. The harvest management strategy for the Porcupine caribou herd has been referenced here before. There is the elk management strategy, Carmacks copper mine development, the BYG Mount Nansen mine closure, and habitat protection areas -- a number of HPAs have been identified and have actually moved forward.

I say congratulations to and recognize previous governments for their work in ensuring that these respective habitat protection areas were meeting our obligations, whether they be habitat protection areas, special management areas, new territorial parks, just as we've recently seen with the Tombstone Territorial Park -- again, these are all part of meeting our obligations set out in the treaties.

The Minto mine development is another exciting development that we have seen recently with the agreement -- I believe it was through the Northern Tutchone First Nation as well as a couple of other additional companies in the Yukon partnering up to see the extension of the transmission line come to fruition. That is another great example of partnerships and key pieces of economic infrastructure that have been garnered with First Nations. In terms of even the Donjek bridge construction, Sheep Mountain highway reconstruction, Duke river bridge design -- it goes on. We spoke of the Yukon asset construction agreement here yesterday, and we do have these agreements in place with, in particular, the Kwanlin Dun First Nation and the Ta'an Kwach'an Council. Again, we continue to work with them to meet our obligations as they are enshrined within the agreements. We are certainly working on a number of different fronts, including corrections facilities and so forth.

The Whitehorse Airport expansion is another example of an area of strategic importance to the territory and to the First Nations who have traditional territory within the expansion area -- and making them full partners as well. The Campbell Highway reconstruction is another area with a recent \$30 million expenditure to be made available over the next three years. There will be much discussion and much consultation taking place with the First Nation governments -- First Nations in the area -- as to how we can partner in the full economic benefits associated with the construction. This piece of infrastructure will directly benefit First Nations who have territories along this very strategic corridor, whether it is for mineral extraction, exploration, development or tourism potential. This will go a long way to meeting some of those priorities.

The bison harvest management strategy is another area of critical importance to many First Nations. Forest management planning is yet another area. I think it was almost 10 years, if not longer, of discussions with Champagne and Aishihik First Nations, and we've been able to garner a great agreement on harvest management practices and a strategic forest management plan for the area, in terms of being able to address some of the critical areas of concern -- that would be the beetle-killed area within that particular First Nation's traditional territory.

We are working with Teslin, Dawson and others to come forward with forest management plans as well, which are of critical importance. This is another example of strategic indus-

try that continues to employ individuals and continues to provide a living for many families in the territory.

The Faro mine care and maintenance closure plan is yet another example of consultations. Due diligence has been underway for a number of years with a number of First Nations, and great benefits have accrued as a result of that particular plan. Again, we're working toward the full remediation closure plan of the Faro mine; that is still a ways off yet. In the remediation end, the maintenance end of it, we are working with the interim receiver. Then and now we have been able to make a lot of progress, a lot of headway, on that front. Again, this employs a lot of families in the area and builds capacity for future developments in that particular area. One only has to take a look at southeast Yukon to see all the huge potential benefits accruing in that area as a result of resource development that we've heard a lot about through the media outlets these days.

Kusawa park planning is another example of an initiative undertaken by the Department of Environment. It is another area arising from obligations as enshrined in the treaties.

Gas taxes are another example of a funding mechanism where, through the good work of the Premier and his counterparts on the First Nation leadership level, we've been able to make dollars available to First Nation governments as well as municipal governments, enabling them to meet some of the infrastructure requirements as identified by First Nations and citizens of the territory.

The rural drinking water initiative is another example of ongoing discussions that have taken place. There is the Fishing Branch park, as I referenced earlier, the Old Crow Flats special management area -- all of these habitat protection areas and special management areas have been identified in the actual final agreements for many years. Work has been ongoing for a decade and beyond in this regard. We have been able to actually close the loop and we have actually been able to sign off many of these agreements to further protect the cultural relevance and the socio-economic benefits accrued with these respective areas.

There are so many other areas, including, again, whether it was working on the Yukon Placer Secretariat -- I know that through the good work of the minister responsible for Energy, Mines and Resources, in collaboration with Council of Yukon First Nations and many others, we have been able to come out with an agreement with the federal government, the Department of Fisheries and Oceans in particular, and come up with some reasonable standards. Again, that's a very good example of collaboration: working with First Nations to move this front forward.

As I mentioned earlier, the Yukon government consults with First Nations under YESAA and also works in partnership within that process both on a government-to-government level and at the specific project level in a variety of ways. So that piece of legislation, which has taken effect in the last year or two, is quite important.

Again, as we embark upon climate change and developing the Yukon climate change action plan, First Nation governments will play a very critical role in the protection and the adaptation of initiatives to be able to look at the changes accru-

ing from global warming, and we will certainly work with all respective partners in the private sector to identify improved ways as to how we can embrace and initiate adaptation and so forth.

There have been a number of different initiatives identified under the municipal rural infrastructure fund. This is a fund that has been made available through the federal government to further address infrastructure-related concerns and initiatives. I believe that there have been some really great initiatives that have been approved, working with First Nations to address some of these areas of critical importance.

In terms of working with different pieces of legislation that I made reference to before, whether it's on training initiatives or programs, we all have much at stake in being able to further meet the challenges or the opportunities accrued from development in the territory at large.

There has been a great amount of discussion surrounding different areas of land use planning: for example, as I referenced, the new placer mining regime and certainly ongoing highway maintenance projects, and so forth.

There are so many different areas, but I did want to make reference to just a few. I am sure some of my colleagues would probably reference some of these in greater detail. But it is an indication of how we have been able to identify a number of areas. We have been able to work progressively on these areas. We continue to work on some to address some of the concerns identified.

As with any relationship, as I said, it is always self-evolving. As long as there is a sincere and genuine commitment to make things work -- certainly that is what our government has been endeavouring to do and we are committed to doing that in the future as well.

Just getting back to the elements of the particular amendments of this private member's bill, they call for a couple of different substantive changes to the *Cooperation in Governance Act*.

I thank the Leader of the Official Opposition for bringing it forward. Discussing and engaging in debate on the merits or weaknesses of any piece of legislation is part of our job as legislators here in the Legislative Assembly. I have to say that there are some key elements. For example, the Leader of the Official Opposition said that we should pass this law and consult later. It's pretty critical that First Nations take the initiative to make this a priority, and we would appreciate hearing from First Nations on this particular front.

As I have just outlined, however, I think we have made a lot of great progress with the existing act in place and the resulting mechanisms that have flowed from the act, including the Yukon Forum and all the wonderful initiatives that have evolved from the forum and the act.

I wanted to make reference to that one particular thing. In terms of reporting on activities, as I mentioned before on the floor of the Legislature, after every Yukon Forum a news release is issued that outlines a key list of activities and initiatives that have been undertaken at the forum and areas where we have been able to garner success in particular areas identified for more work among the respective governments.

It's critical to point out that we have been able to report progress at each of the Yukon Forum meetings. It has worked quite well over the last couple of years. As I mentioned, it continues to be self-evolving. As you know, the Government of Yukon has undertaken a number of various, related initiatives that are to be addressed at the Yukon Forum.

Likewise, the First Nations have also brought items of importance to be addressed at the Yukon Forum. At the end of the day, though -- and, you know, there are a number of different areas that have evolved from the Yukon Forum -- we have been able to issue a news release and report, as you will call it, coming out of the proceedings of each of the meetings.

I just mentioned a few with the development of the Yukon Forum -- the economic development initiative, the targeted investment fund, and even certainly looking to the corrections review and making progress in that particular area, making funding available through the northern strategy for strategic investments, coming up with the actual implementation framework that was developed again by the joint working group. That sometimes will occur as a result of coming out of the Yukon Forum.

Again, it sets out a clear, well-defined process for allocating dollars housed in the trust fund that was announced, I think, in 2005. As I mentioned earlier, leaders through the forum were also able to endorse, for example, a draft investment plan that was again developed jointly by First Nation governments, the Government of Yukon and INAC officials for the three years of the targeted investment program in the Yukon -- again, taking a look at how we can utilize these dollars to the best advantage of the respective governments and citizens at large, how we can certainly improve some of our existing infrastructure and how we can move some of these targeted investments, so to speak.

Again, this was articulated -- I think it was in April of 2006. A number of respective initiatives have been identified and, again, clearly articulated in news releases or information items that have evolved after each Yukon Forum.

So I just wanted to put those on the record for members' consideration. I certainly look forward to hearing the views of members opposite, including the third party.

I would just like to thank the member opposite for putting forward this discussion item and putting forward this particular private member's bill, and I look forward to the ongoing debate.

Mr. Cardiff: I believe that we in the third party can support the intent of *An Act to Amend the Cooperation in Governance Act*. Basically, what we're looking at are some improvements to the *Cooperation in Governance Act*, which lays out what is commonly known as the Yukon Forum and sets out the rules and the parameters for the Yukon Forum, which we support. The idea and the cooperation between governments -- we think that it's important for the representative government of all Yukon people to be in close collaboration with self-governing First Nations and their governments about issues that are important to all Yukoners and important to self-governing First Nations.

Bill No. 105 makes improvements to the *Cooperation in Governance Act*, one of which is urging the government to meet all the obligations outlined in consultation protocols signed with Yukon First Nations.

You can put a lot of words on paper, you can say you're going to consult, you can agree to a lot of things and you can make a lot of promises but, much like the self-government agreements that have been negotiated and the *Umbrella Final Agreement* itself, the words on the paper can be interpreted in a number of different ways. It is the intent that has to be respected. That is what is important, I believe, in these consultation protocols that have been signed with Yukon First Nations. We need to not just respect the way that they are written, but we need to respect what their intent was and what the understanding was when they were negotiated and signed.

One of the other parts of this is that it recognizes the importance of consultation and consultation protocols. Again, it isn't about the words that are written down on paper and how they interpreted; it is about the intent.

I suppose that is why we see improvements to legislation coming forward -- like this. It is because we don't always get the words right the first time. We always need to recognize that there are ways to improve pieces of legislation, because the words aren't always written down properly and they can be open to interpretation. We want to be clear about the intent when these agreements and consultation protocols were entered into.

Recently there was a former Premier in the territory, and I just want to read a quote. You know, the former Premier was much involved in where we are today when it comes to the *Umbrella Final Agreement* and self-government agreements. He offered a couple of pieces of advice not that long ago, and the two pieces of advice were -- he said it took a long time to get the relationship between First Nation people and settlers into the situation that it is. It took 20 years to negotiate the agreements. We should have the wisdom to understand that the full implementation of these agreements may take decades and decades. So we should actually have some perspective. We should look at the good things, and we should take pleasure in those and pride in those, but we should also look at where there are problems, and we should deal with them quickly.

Where there are problems, I do agree. I think we should try to resolve those problems. I think that there are areas of improvement that could be made to the Yukon Forum. The NDP caucus had a motion -- it was two weeks ago today, actually -- that was an attempt to make improvements to the Yukon Forum and to the *Cooperation in Governance Act*. I think it's important that we try to make the relationship between Yukon First Nations -- self-governing First Nations and other First Nations that aren't self-governing -- we need to have a more open and transparent relationship and conversation with them. We need to get a better understanding -- all of us in this Legislature need to have a better understanding -- of the issues that are important to self-governing First Nations and also First Nations that aren't self-governing.

We believed two weeks ago that we were on the right track, and we actually thought there would be some acceptance

by the government side of this concept. Unfortunately, the motion, as it was read into the record and as it was presented, was changed. The amendment that the Member for Pelly-Nisutlin put forward changed the entire intent of the motion. We had a problem with that and we ended up not even getting to vote on it. It would have been unacceptable to this side in the forum that it was amended by the government side.

The other piece of this Bill No. 105 is that the Government of Yukon shall table annual reports on the activities that are dealt with through the consultation protocols signed with Yukon First Nations. That would be about informing members of this Legislature and members of the public about what transpires there.

If we look at what we were talking about two weeks ago, we were talking about a more open dialogue with First Nations, among all Members of this Legislative Assembly. It could have been right here in the Legislative Assembly with the public sitting in the gallery watching the proceedings. Then the public would have been informed and it would have been part of the public record.

That would have been one way of reporting to the Legislative Assembly and to the public about what transpires at some of these meetings. Maybe there needs to be some in camera meetings between the government and self-governing First Nations, but there should still be a place where all Members of the Legislative Assembly can have a conversation in public with self-governing First Nations and the Council of Yukon First Nations, and it should form part of the public record of this Legislative Assembly, I believe.

I think it would be beneficial. It would be a learning experience. We could probably learn more about what the government's intentions were from a conversation like that than we can standing in here today discussing what we're discussing -- if we had that forum that we were talking about two weeks ago.

While I support the idea of the government tabling an annual report on the activities that are dealt with through the consultation protocols signed with Yukon First Nations, as laid out in Bill No. 105, my question is this: will they ever table a report like that? There are lots of reports that we in this Legislature can't seem to get. There are reports on the *Education Act* review, and there is the state of the environment report.

The government has many reports. Admittedly, they tabled a few reports from government agencies, but there are reports that the government fails to table. The Premier likes to say that we'll see the report when it's complete and when it's right. Well, that's a pretty poor excuse in my mind, because we know that the report is complete and that he has the information.

So, to urge the government or make it law that the government table an annual report on these activities -- we couldn't even guarantee that they would follow through on that and actually table the report. So, I'd just like to say that we will support Bill No. 105, *An Act to Amend the Cooperation in Governance Act*. In my mind and in my heart, I hope that this could just be the beginning of getting somewhere different, where we actually get back to the intent of Motion No. 178.

We move to a place where we can actually make a difference in our community. We can have a more open dialogue in

relationship with the Yukon First Nations. We can have that conversation, that dialogue to gain that understanding and educate ourselves here in this Legislative Assembly about what the issues really are out there about land claims implementation, how we can move forward and build capacity for Yukon First Nations and how we can help them improve their communities, and we can be one community and further develop that relationship and get away from the old colonial, paternalistic views that have commonly been held.

I'm not saying we haven't made progress. We have made a lot of progress in the 30 years that I've been here, and this has been ongoing since the turn of the century when it was Chief Jim Boss, I believe, who sent a letter to the king. That's basically one of the places where land claims really started and then it moved forward in the 1970s and we saw actual negotiations and the negotiation of the *Umbrella Final Agreement*. Now we have self-government agreements. But we can take that much, much further, I believe. I think we can have a more open relationship, a more open dialogue, and it can be beneficial to all communities, to all Yukoners, and it can be open. It can be open to the public, and so we will support the bill. As I said, I hope it's just a small step in the right direction to improving those relationships between governments and the public, because I think it's important that the public needs to be involved. They need to be aware of what it is that we do in this Legislature, and they need to be more cognizant and aware of the relationships between governments.

With that, Mr. Speaker, I'll close and look forward to hearing from other Members of the Legislative Assembly.

Mr. Fairclough: I, too, would like to speak to this bill brought before us by my colleague from Copperbelt. We have had many people come forward in regard to this issue and how we can strengthen it. Like the mover of this amendment of the bill said, we had discussions with the Grand Chief of the Council of Yukon First Nations and they're fully in support of having these amendments go forward to be included as part of the *Cooperation in Governance Act*. It does say a lot, Mr. Speaker.

Since the Yukon Party has been voted into government, things did not always go well. This is the reason why things like this come forward to the floor of this Legislature. This is the reason why governments have to take action in bringing forward things like the *Cooperation in Governance Act*. We think it's important to make amendments, to give this act some teeth and something solid that governments could follow -- not just the Yukon Party government, but every other government to follow afterward.

I know that our belief as a Liberal caucus is that consultation is embedded in final agreements. We understand that. The Yukon Party, I believe, doesn't want to fully recognize that and have brought forward the *Cooperation in Governance Act*, which we're dealing with today. So it's a new way of trying to do things.

You know, that's fine. So let's strengthen it. Like the previous speaker said, let's make improvements to the acts that we bring forward in this Legislature; we do that all the time and this is another one of them.

I know that it does have support but I can't help but think back to how frustrated First Nations were with the Yukon Party government when it came to consultation, cooperation, respect and so on. Mr. Speaker, for the first time -- I think ever -- we saw First Nations demonstrate outside this House. Why would they even do that? It is basically a last-resort move on their part. Not only did it happen once, it happened twice. Their frustration was in regard to the respect they were given by the government.

They constantly refer to the final agreements where consultation is mentioned. There are strong words in those agreements too, Mr. Speaker, like, "The government shall consult with the affected First Nation." That type of wording.

I guess another avenue is through this *Cooperation and Governance Act*, and we might want to make improvements to it.

I heard from the Minister of Tourism and Culture go on and on about the many things government does with First Nations, and many of those things are true. The departments have to do those types of things. Things do not happen like they did over 30 years ago. We've made improvements in the territory, and the governments have made improvements over the years in how they deal with First Nations. First Nations have their final agreements. They are in the infancy stage of setting up those agreements and implementing them. We all recognize that. We recognize the difficulties with them. In the meantime, Mr. Speaker, what we say as politicians in government should reflect down into the departments and how things are done.

As everybody knows, it comes to the point where, if consultation doesn't happen, those who are not consulting are in a defensive position and have to defend what they agreed to. I hear that the third party supports the intent of this amendment, and I thank them for doing that. First Nations have an understanding of the intent of the final agreements and, right now, it's being argued among governments internally -- with the Yukon government.

What we would like to see is governments doing this before we fight one another, because we don't need to be doing that. I say this by bringing up a couple of sore spots that First Nations have with this Yukon Party government. One was the whole education issue. I'm not going to get into too much detail in that, or just leave that alone. The Shallow Bay incident, for example, was one where I don't believe the government followed the intent of their *Cooperation in Governance Act* or anything that talks about consultation within the final agreement. I know it's an interpretation of the agreements, but many people know what the intent is.

Another one comes forward, which is major because it could have implications around the territory. That is the court case of the Little Salmon-Carmacks First Nation and YTG over land disposition. This is major. I want to read a news release that I think most of the government has seen, but I'll read it anyway so people do get a bit of an understanding of where we're coming from and the things they may have been hearing.

This news release is dated June 26, 2007. It is about the Council of Yukon First Nations intervening in the Little Salmon-Carmacks First Nation lawsuit with YTG. It says, "The

Council of Yukon First Nations will seek intervenor status if the Yukon government follows through with its plan to take its land-disposition dispute with the Little Salmon-Carmacks First Nation to the Yukon Court of Appeal.

"CYFN's Leadership Board approved the action because it feels the outcome of this case has the potential to significantly affect all self-governing Yukon First Nations.

"Despite the legal principles recently recognized by the Supreme Court of Canada, the Yukon government is arguing it has no duty to consult with or accommodate a self-governing Yukon First Nation unless the affected final agreement expressly directs it to do so."

It also says, "Self-governing Yukon First Nations have a common interest to ensure that their final agreements are not frozen but are able to grow and evolve in accordance with new principles recognized or established by the courts." That was said by the Council of Yukon First Nations Grant Chief Andy Carvill.

He goes on to say, "Secondly, the intervention by the CYFN confirms the unity of all Yukon First Nations with respect to their opposition to the Yukon government's narrow and literal interpretation of their final agreements as demonstrated by its arguments in the court case involving LSCFN."

I think the picture is maybe starting to become clearer on the government's side.

"The Grand Chief added that he was very disappointed the Yukon government plans to use the courts, rather than less expensive, alternative dispute-resolution processes already in place, to settle this case."

I will just go on to finish reading the news release. It says, "If this ruling is overturned by the Yukon Court of Appeal, it could have implications for First Nations far beyond just land grants, and could be applied to other circumstances in which the Yukon government has decision-making discretion."

I think those are very, very strong words that came from the Council of Yukon First Nations, and it was backed up by every First Nation leader. That's why it has been written down on paper.

"Also, the CYFN hopes the federal government will also intervene on behalf of the LSCFN, because if the First Nation loses this case, it will be a disincentive for other First Nations to sign self-government agreements," said Carvill.

"The Yukon Court of Appeal is expected to hear the LSCFN's case in the spring of 2008. The CYFN has about two months to file documents arguing it should be granted intervenor status, but plans to do so sooner rather than later."

I want members to be fully aware that the First Nation leaders have discussed this many, many times. This letter and the court case are about consultation. From what I heard from the Minister of Tourism and Culture, in her arguments -- I don't believe I heard her saying that they were in disagreement with the amendments, but rather an argument for the amendments.

I know it might be hard for members opposite to take, but these are major steps happening right now in the territory, and none of us would like to go down that road. We want to make improvements in this territory, and small amendments like this can do it, even though, for example, First Nations know that

there is the duty to consult. Strong words like "shall" are included in their final agreements, and they should be respected and acted upon appropriately by all parties that are running a government in the Yukon Territory.

We have an act in place -- *Cooperation in Governance Act* -- let's strengthen it. A year down the road there may be another amendment by somebody else to strengthen that act even more than what we have today.

We know from past experience -- and we deal with this almost every sitting -- that there are going to be amendments to legislation here always. We're always making improvements, and this is one area where I think the Yukon Party could say, "The Official Opposition has brought this forward. It is good stuff. We think we can include it in the act and support it as it is written out."

We as Official Opposition know that it does take the Yukon government to go back and do some consultation on this. I strongly believe, Mr. Speaker, that from any consultation that took place during the creation of the *Cooperation in Governance Act*, these are the expectations that the leadership of Council of Yukon First Nations expected to be included in the legislation, but they're not here to vote on it. It is we in this Legislature who do that, and we in opposition know we don't have the numbers to pass an amendment through this House. It has to take some agreement on behalf of the government side to make it happen. And we look forward to this, and we hope that the Yukon Party government supports this amendment.

Thank you.

Hon. Mr. Rouble: Mr. Speaker, it is my honour and pleasure to rise today in order to debate the law that is before us. I hope I don't confuse the matter by stating the obvious, but what we have before us now is a request from the Liberal leader to unilaterally change a partnership agreement without appropriately consulting the partners in the agreement. The members opposite ask why we don't listen, and I have. I've been here for all of the debate and have heard all of the comments on this. I have heard the mover of this amendment state that informal discussions about some of the ideas behind it had been discussed. Well, Mr. Speaker, I haven't heard if the Leader of the Official Opposition has even provided a copy of the amendment to all the partners involved.

It does not require a Cabinet appointment to conduct formal consultation. Members in this Assembly do that all of the time. Members in this Assembly can always write a letter to someone, asking, "Do you agree with this or not?" When they get that feedback, it provides a key piece of evidence to demonstrate support for something. Members go out all the time and work with their constituents to rally support behind things or provide a petition. I'll grant the member opposite, the act does specify that a minister must have consulted with the partners prior to tabling it. I believe there was an important reason why that was put in there and that was to ensure that all the partners in the partnership agreement were consulted prior to changing it.

I'm very proud to call the Yukon home, and I'm indeed a settler here. I had the opportunity to travel throughout Canada,

and I found the best part of it. It's a place that I proudly call home. Some of the strong characteristics that drew me to the Yukon were the opportunities here, the acceptance of the people and the progressive nature of the community. The territory is very progressive in many areas. One of our key characteristics or key attributes -- one of the things that all Yukoners can be very proud of -- is the very progressive relationships with the First Nations people in the territory. This is a territory; this is a part of Canada that has recognized the First Nations people's inherent right of self-government. That's a tremendous step. That is something that should be emulated throughout the planet. This isn't something that just affects the Yukon; we all should seek to see these kinds of progressive changes.

That means, Mr. Speaker, that not only do people of First Nation ancestry also have all the rights, benefits, privileges and obligations of being a Yukon citizen, but they also have representation by a First Nation government -- another order of government. We have to remember that, to put it simply, First Nation people are also Yukoners, and it is our duty, as members of this Legislature with a responsibility to all Yukoners, to represent all of our constituents, which includes people of First Nation ancestry.

Also, Mr. Speaker, we live in a land that has recognized the inherent rights of self-governments and have formally recognized self-governing First Nations, and now there is an obligation on behalf of the governments -- all governments -- to react and work together on a government-to-government basis additionally. We have a responsibility to consult with our citizens, as their representatives in the Legislative Assembly of the territory, and the government also has a responsibility to work with First Nation governments on issues of importance and concern.

Now, Mr. Speaker, that second reason was one of the reasons why in 2004 the Yukon government and Yukon self-governing First Nations signed a memorandum of understanding on cooperation in governance and then we formalized that by passing the *Cooperation in Governance Act* here in the Yukon Legislative Assembly. The purpose of the memorandum of understanding was to formalize the government-to-government relationship between Yukon and First Nations by establishing a means where the elected leaders and governments could review, discuss and determine common priorities and opportunities for cooperation and collaboration. The parties agreed that the Yukon Forum would be the mechanism to achieve this.

I think all members have seen copies of the memorandum of understanding that was signed and have seen how in the act it states that the operation and practice of it shall be governed by the Yukon Forum. The Yukon Forum has the ability to establish its own rules of operation, and the *Cooperation in Governance Act* creates that formal mechanism for this Assembly to recognize it.

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

It's a formal mechanism for governments to work together, which will be incredibly important to the territory as we continue to provide governance for all our citizens.

There's a key word in the title of the bill, and that's "cooperation". That was a commitment the Yukon Party made when I was first elected -- and again when we were re-elected a year ago -- to cooperate, to try to work with others toward accomplishing all our collective goals, including cooperating with the communities, cooperating with the opposition, and especially cooperating with First Nation governments.

We made a pledge to do that -- and I personally made a pledge to do that -- and I believe we've done that. One of the things this government did was negotiate the memorandum and then table the *Cooperation in Governance Act*, which entrenches and formalizes the relationship. That was a very good step and it has proven to be a very beneficial one.

We've also embarked on numerous issues throughout government where we're not only working with First Nation citizens but also with the First Nation orders of government. A couple of the projects I have been keenly involved in include the education reform project. This is a joint project between the territorial government and the Council of Yukon First Nations. I wish members in this Assembly would recognize that and recognize that it is a partnership between the two bodies and that, by them demanding that the government unilaterally decide to release something -- well, the government cannot do that without the involvement and agreement of its partner.

To ask the government to do something without involving its partner is insulting to the partner, if I can put it as bluntly as that. It isn't recognizing the value of the partner, and that's something that this government -- well, we're not going there. We recognized that we have a partnership agreement and we will work with them as a partner to work toward our common goal. Again, this is another example of the Yukon territorial government working with the Council of Yukon First Nations on an issue of importance to all Yukoners.

Also, Mr. Speaker, one of the areas I was involved with was the hiring of the new Deputy Minister for Education. Now, Mr. Speaker, I think we all know that the deputy serves at the pleasure of the Premier, and it's a very important position. Well, when it came time to find a replacement for our deputy who was, luckily, retiring, I said that I wanted to see the involvement of many of our partners in education in the process, that we needed to include a representative of K-to-12; we needed to include a representative of post-secondary, and we needed to include a representative from the Council of Yukon First Nations. So we put together a committee. I phoned the Grand Chief and asked him to put forward a name of someone who would sit on the selection committee. So the four of us, in addition to the Public Service Commissioner, then went through the process of hiring a new deputy.

Now, Mr. Speaker, nowhere in our legislation does it say the Minister of Education must involve others in the selection process of a deputy minister. It isn't in the legislation. It isn't mandated. But in the spirit of cooperation, in the spirit of partnership and in the spirit of involving others, that was an action that we took. So we sat down with a representative from Yukon

College with the chair of the Chiefs Committee on Education, with the chair of the Association of Yukon School Councils and, with the assistance of the Public Service Commissioner, we went through the process of putting out the job description, looking at the shortlist, looking at the references. Then, when it came time to conduct the interviews, we all jointly wrote the questions and then jointly conducted the interviews.

When the participants in the interview process came in, they sat down, and they were interviewed by the Public Service Commissioner; the Minister of Education; the Chair of the Chiefs Committee on Education; the President of the Association of School Councils, Boards and Committees; and by a member of the Yukon College Board of Governors.

Now, Mr. Speaker, I can't create a more inclusive example of a partnership than that. This was not something that we put on paper. This was a definite, concrete step. I think all members will agree that this was a very progressive step to take to include all our partners in the process. It wasn't something we were mandated to do. It was something we thought was the right thing to do, and we did it.

The government has also created other avenues to include the representation -- not only the representation of First Nation governments, but also to include Yukoners of First Nation ancestry in the process of governing this territory.

One of the areas I'm most familiar with is the First Nation Education Advisory Committee. This committee was formally established in March 2006 and is fully supported and funded by the Department of Education, as the committee helps the public schools branch align its work with the needs and aspirations of the local First Nation communities. The committee is co-chaired by the assistant deputy minister responsible for public schools and a representative of the Yukon Chiefs Committee on Education.

The Yukon First Nation Education Advisory Committee provides technical guidance, support and recommendations on matters related to Yukon First Nation education to the Department of Education's public schools branch. The committee provides a regular forum for First Nations to have input in the Yukon's education system.

The Yukon First Nation Education Advisory Committee reports to the Department of Education, the Yukon Chiefs Committee on Education and to Yukon First Nation communities through presentations and regular meetings.

The committee is open to the 14 Yukon First Nations and also includes an elder and a First Nation co-chair. This committee also usually meets at least four times a year.

This is another example of the government working with and consulting its partners, especially First Nations. I appreciate there are many partners in education, be they the Association of Yukon School Councils, Boards and Committees, la Commission scolaire francophone du Yukon, the Yukon Catholic Education Association, as well as some of our other partners, such as the Yukon Teachers Association or the Yukon Association of School Administrators, but our focus here today is the government's relationship with Yukon First Nations and that's what I want to focus on.

In the discussions I've been having with many of the people involved in the education reform and with the Council of Yukon First Nations education department, we've been talking a lot about how people can have meaningful involvement in education.

The leader of the Liberal Party commented that one of the challenges was finding opportunities for consultation and that there weren't enough avenues to do that. We had that discussion with members of the Council of Yukon First Nations education advisory group and asked them how people of First Nation ancestry are involved in education. I can't read them all, because there are over 110 different committees and boards throughout the territory that provide opportunity for meaningful consultation, including the First Nation Education Advisory Committee, First Nation Grad Committee, Innovators in the Schools, the YNTEP Advisory Committee, the Curriculum Advisory Committee, the Policy and Planning Committee, the Association of School Administrators, the Council of Ministers of Education, the Canadian Teachers Federation, the standing committee on First Nation education in Canada, the Association of Yukon School Councils and Boards, the Education Appeal Tribunal, the Environmental Education Association of Yukon, the Outdoor Education Committee and all the school councils -- it's quite a tremendous list with actually 111 organizations or committees on there. However, that's not a complete list.

I appreciate the comments coming from the opposition. I will work to focus my attention a bit more specifically on the amendments, but I very much had a challenge of even looking at each amendment specifically and saying, "How can I debate this when I don't think that clause 10, the spirit and intent of it, has been met?" Really, Mr. Speaker, I'm not going to buy the argument that, because the Liberal leader, who tabled the amendment, is not a member of the Executive Council, it doesn't mean the spirit of the law does not have to be followed and that I, as a Member of the Legislative Assembly I have to follow the spirit and the intent of the law as it was originally tabled and passed.

I see that my time is up. Thank you.

Mr. Edzerza: I'd like to thank the Leader of the Official Opposition for bringing these amendments forward. I'd like to speak today, not only as a member of the House but also as a First Nation person, about how I view the *Cooperation in Governance Act* and put some First Nation perspective into what is being discussed here today.

Now, I know the Member for Porter Creek North will probably stand and rebut everything I say, because that's quite common. However, I will continue with what I have to say about the *Cooperation in Governance Act*.

To start with, Mr. Deputy Speaker, I would like to focus on some questions. Why should we even need a *Cooperation in Governance Act*? To ensure that the Yukon government gives First Nations a meaningful place within the territory.

Mr. Deputy Speaker, it is quite common knowledge among the First Nation people that they were the first peoples of this country and sometimes there is a general feeling that we have

become second-class citizens in our own country; therefore, the question is legitimate. Why should there even be a *Cooperation in Governance Act*? To govern a relationship between First Nations and YTG.

Well, Mr. Deputy Speaker, we believe that maybe it is because the government has a hard time keeping its word, so they have to write it down on paper to remind themselves that they do have some obligations toward other levels of government. And that the golden rule is not always what should be considered first and foremost. For those who don't understand what the golden rule is, Mr. Deputy Speaker, it is basically, "Those who have the gold make the rules."

Quite understandably, YTG has a budget of a \$100 million plus, versus some First Nation who might have \$10 million. So it is quite obvious who would have the jurisdiction and authority when it comes down to financial power. Mr. Deputy Speaker, this is sort of what has taken place in the territory and it then leads to trust. What is trust?

Well, Mr. Deputy Chair, it's a real issue when it comes to First Nations and the Yukon territorial government because, with no trust, there's no partnership and there is no relationship, no working relationship. With First Nation people, they have a lot of support as to why trust becomes an issue.

When you look at historical events, First Nations opened up their hearts to the European explorers and they lost their country. When you look at things like the mission school, where children were taken from the home and families destroyed, it ended up with a massive abuse of a race of people. It's no wonder First Nations have trouble with the trust issue. And I understand that.

A lot of people don't like to hear things like this, because it really is a black eye on Canada as a whole. There has to be trust, and each time a bigger government breaches that trust, whether it's the federal government breaching a trust relationship with the Yukon territorial government, or whether it's the Yukon territorial government breaching a trust situation with First Nation governments, or whether it's First Nation and YTG governments breaching a trust with municipal governments, it all boils down to one thing: at the end of the day, you have a hard time believing in anybody or anything, let alone something that's drafted on a piece of paper, like the *Cooperation in Governance Act*.

In the third paragraph, it says, "recognizing the goal of improving the quality of life for all Yukoners and the benefits that may result from intergovernmental cooperation." Yet, the Yukon territorial government has no problem looking for loopholes in agreements where they can benefit.

And it appears they don't mind using other governments to attain their goals.

We go back to the trust issue -- why should any First Nation trust anything that's put on paper when it can be breached with no consequences? Sure, it's a matter of opinion whether or not the Yukon government believes they may have breached an agreement with Kwanlin Dun First Nation, for example, on their asset construction agreement. The ink has barely dried on the signing, and that section that was meant to accomplish this

very thing here -- improving the quality of life -- no longer has any strength whatsoever. It has no meaning any more.

Once the First Nation felt the final agreement was breached, it tarnished the relationship between the First Nation and the Yukon government. How does one go about repairing such a thing? It's going to be a very difficult task.

It's going to be a very, very hard struggle for First Nations to try to maintain their rightful place in society in the Yukon Territory -- even with land claim agreements.

There is still the issue of developing a process that is not financially supported. This is very recent. The Yukon government, the federal government and the First Nation governments had to sign a memorandum of understanding so that they could implement land claims. Why would we even negotiate a land claim if we have to be forced to implement it? Was it done in good faith? I don't think so. I think a lot of it was just a means to get the First Nations off their back. That is sad.

These agreements should hold a lot of responsibilities for all levels of government, but it all goes back again to the golden rule: the ones with the most financial stability are the ones who will dominate the others. It is hard to determine what purpose any act serves if it can be breached with no consequences. It's the big government that breaches an agreement. How are they going to discipline themselves?

I believe this is reflected by the case in Carmacks, where the First Nation felt that there was a breach of an agreement due to a lack of consultation. The Supreme Court of the Yukon agreed with them, but if money is no object, it can be taken anywhere they want. That's exactly what the Yukon government will do. Now they have the two biggest governments in Canada ganging up on a small First Nation government in the Yukon.

The federal government is now an intervenor in this case. So again, where does that leave the First Nation? Do you think First Nations are going to come out now and say, "Yes, wholeheartedly. We believe that you are going to work in sincerity with the First Nations"?

I believe that First Nations will always be looking over their shoulder trying to anticipate when the next court case is going to come, because there are going to be more. There have to be. The Yukon territorial government is always willing to agree to anything as long as there is no financial commitment and as long as they don't lose any of their superpower. They are willing to share anything that doesn't change how they operate.

The government has their own way of negotiating: "If you don't agree with us, then we'll invoke the golden rule." It is very simple.

What can you do about it? The little governments really don't have the financial support to take on the federal government and the Yukon government working together. It will always end up at whatever the Yukon government and the federal government want to do. The smaller First Nation governments don't really have much of a chance.

When I talked about the government having their own way, there are a few examples of that. Look at the case at Shallow Bay. The government ignored the YESAB recommendations. Why? Because it wasn't in their favour. So they just dis-

regard the YESAB recommendations as if they meant nothing. So why have a YESA Board? I would think that when you have a board that is going to give recommendations to government, you should take them very seriously; if not, dismantle them and get rid of them.

A lot of people sit on these boards, and they put a lot of time into the things they're asked to review. But it stands to reason when we see how this government treats volunteers. Very simple -- "If you don't like the way we want you to do things, then we'll just replace you. We'll pay somebody to do what you're supposed to be doing. If you're not going to comply with what we want, then we'll replace you with paid staff."

We can also look again at the court case in Carmacks. That's another example -- once again, money talks. Money will rule the day. And, of course, the other example I gave of the asset construction agreement with the Kwanlin Dun First Nation is another example of how the bigger government will take control of the agenda.

I know that the Minister of Education likes to make the impression that they are doing everything they can to include First Nations -- they don't have to be asked; they'll just do it. Well, when we look at things like schools, for example, my congratulations go out to the French citizens of Canada, who have established their rightful place. If they want to have their own school, that's great, and the government complies with it -- they assist them.

When it comes to First Nations, if they talk about their own school -- heaven forbid, the world is coming to an end. Why the differential treatment? That's the question a person has to ask: why the differential treatment? Why are First Nations the only race of people in Canada that have to have an act to govern them, like the *Indian Act*?

Why is that? Once again, it's because governments always have to maintain control over First Nation people. That's a real setback for First Nations in itself. Who likes to be controlled? That's what the mission schools did to the First Nations. They really controlled their destiny, and look what it did for them. It really destroyed a whole race of intelligent people.

The majority of people filling the correctional facilities are First Nation. The majority of children in the care of the government director are First Nation. It goes on and on.

Now we have to have an act called the *Cooperation in Governance Act*. We have to make a law now to try to make governments cooperate. I find that ludicrous, really. What happened to the days when a person's word was good? Is that not honoured any more? I would say not, if you have to have an act to make one cooperate with others.

I know my time is up. I certainly hope that anything put on paper is going to be strengthened and honoured to the fullest intent of whatever it's there to do.

Thank you.

Hon. Ms. Horne: I rise in the House today to speak against this proposed amendment to the *Cooperation in Governance Act*. Let me begin by talking about the act itself -- an act that was passed in this House in December 2005. This act is fairly unique in our country -- an act that formally established a

forum where a public government and self-governing First Nations come together to cooperate on various matters of mutual interest.

As governments -- public government and First Nation governments -- we respect one another's jurisdiction.

The *Cooperation in Governance Act* provides an excellent opportunity for public government and First Nations governments to work together on behalf of citizens.

The amendment, as proposed by the Leader of the Official Opposition, would recognize the importance of consultation and consultation protocols entered into by the Government of Yukon and Yukon First Nations by including that in the preamble and making changes in section 2.

The requirement for consultation is already laid out in the self-government agreements and our consultation protocols with Yukon First Nations. Our actions and efforts to date have met those requirements. We carry out meaningful consultations with First Nation governments on a regular basis.

Mr. Speaker, let me give you examples of consultations from my own Department of Justice. The corrections consultation was a 15-month, territory-wide public consultation, co-chaired by the Yukon government and the Council of Yukon First Nations. It was one of the most extensive consultations ever carried out in the Yukon. Approximately 160 meetings were held throughout the Yukon. Yukoners were asked for their views on how to improve correctional programs, services in communities and in the Correctional Centre, and the challenges and opportunities for delivering programs and services. The consultation concluded with a minister and chiefs round table on corrections in March 2005. After the round table, the implementation framework was negotiated by the Yukon government and Council of Yukon First Nations.

On April 3, 2006, the Yukon Forum endorsed the corrections action plan and approved the implementation framework. The plan provides the vision for correctional reform.

The implementation framework provides for the establishment of an oversight committee, co-chaired by the Yukon government and the Council of Yukon First Nations. The committee has overseen the following: the preparation of the correctional redevelopment strategic plan by the correctional framework committee and the development of planning options for a new correctional centre by the building advisory committee.

On December 8, 2006, the Yukon Forum approved the strategic plan. This plan provides the direction for reaching correctional reform. Implementation is underway and involves First Nations, non-government organizations and others. Our government is committed to hearing the views of Yukon people and incorporating their ideas for policy into government institutions. Our government formulated its substance abuse action plan after consulting with many Yukoners and hosting an unprecedented summit on substance abuse in June 2005.

The substance abuse summit in June was well attended by almost 200 delegates, representing community organizations, NGOs, First Nations and various levels of government. Members of the general public could attend an evening session to hear national speakers and provide input into the issues of sub-

stance abuse. A draft action plan, in response to the key messages heard at the substance abuse summit held in June and in response to best practices in the field of addictions and community wellness across Canada, was circulated to all those who attended the conference.

In addition, there was a consultation carried out for the introduction of the safer communities and neighbourhoods legislation, which was part of the substance abuse action plan. This consultation included First Nation governments, NGOs, municipalities and the general public.

The ongoing consultation has resulted in protocols for enforcement of this legislation in Carcross-Tagish First Nation lands and Kwanlin Dun lands.

Our government is very committed to hearing the views of the Yukon people and the Yukon First Nations. Through our consultations around the territory and through the Yukon Forum, we have been provided with those views. Many of those opinions and ideas have been incorporated into policy and legislation.

I want to state very, very clearly that we do engage in open, transparent dialogue with First Nation leaders to promote mutual understanding and foster collaborative approaches to governance for the benefit of all Yukon people in the future. This amendment is not needed.

Mr. Speaker, before I close, I would like to reference remarks that were made in this Legislature by a former member, back on November 10, 2005 -- the member of the day for Porter Creek South, a former leader of the Liberal Party, and indeed a former Premier of the Yukon. She was speaking during debate about Bill No. 61, which, of course, became the *Cooperation in Governance Act*.

In speaking to the bill, she stated: "I support the principles and the intent of this legislation." Then she said, "I am troubled that the Premier seems to feel we need to legislate this process." Those are quotes.

I find it very interesting, to say the least, that today we are debating an amendment from the Leader of the Official Opposition to add a particular provision regarding consultation to the *Cooperation in Governance Act* when a former leader of that party, just two years ago, was questioning the need to even have such a law. How interesting that things have changed in that party in a matter of two years.

I feel the existing law, as it is written, is clear in intent and serves the interest of all Yukoners and there is no need for this amendment.

Mr. Elias: It is always a pleasure to rise in this Legislature and speak to Bill No. 105. I thank the Member for Copperbelt for bringing the important amendments to the floor of this House and I do support them. Before the debate I did a quick check through the *Vuntut Gwitchin First Nation Final Agreement* and the words "consultation", "consult" and "consulted" appear approximately 93 times in that agreement.

It is important to note that the relationship between public government and First Nations government is always going to be prevalent here in the Yukon. It is always going to be here. We're always going to be trying to move forward and neither

will be going anywhere any time soon. It is very obvious that the Yukon Party government chooses not to make progress here today and not to approve this amendment. The simple, but powerful, amendments to the *Cooperation in Governance Act* proposed by the Leader of the Official Opposition can improve relationships between First Nations and public government and accountability through reporting on activities that are dealt with in the consultation protocols with First Nations by saying the public government shall meet all obligations outlined with First Nations. This could be viewed as a documentation of history, as well, by publicly reporting on the activities that are being dealt with through the protocols. Future governments can look back through the public record and view what was discussed and resolved and what issues are still outstanding.

There are 14 different First Nations and nine of them are self-governing First Nations with consultation protocols -- all with unique obligations and issues to be addressed and how the First Nation would like to be addressed. All we are saying with this proposed amendment is to meet all these obligations and publicly report -- here in this House. It is very difficult for me to understand why any responsible government would disagree with that.

The Acting Premier says the Yukon Party takes pride in their government's consultations and dealings with First Nations and explains some of them with regard to policy, land claims and the Yukon Forum. Well, can anyone in the Yukon Party stand up and explain to me and my constituents where the pride and honour was when the Premier and the Yukon Party government travelled to my community in late September of this year and failed to consult, discuss respectfully, or even mention a major policy shift with regard to lifting the hunting bans on the Porcupine caribou herd along the Dempster Highway? But three business days later, the Premier publicly announced the policy decision. Where is the pride in that? Where was the consultation with the very people who know and understand the caribou issue the best? The simple answer is that there was none.

This is but one example of how this Yukon Party government views consultation with First Nation governments and Yukoners. Believe me, this behaviour by the Yukon Party government does not foster good relations, or trust, for that matter.

I am going to change course here now and talk about what is at stake in my riding and home community. Again, I mentioned that consultation is mentioned approximately 93 times in the *Vuntut Gwitchin First Nation Final Agreement*. We have Vuntut National Park created in 1995 -- 4,345 kilometres -- with partners of the renewable resource council, Canada and the Vuntut Gwitchin.

We have Ni'inlii'Njik -- Fishing Branch, in other words -- which is 6,500 square kilometres with the wilderness preserve and habitat protection area. This was signed off in 2004. In that management plan for Fishing Branch, it says that the wilderness preserve is Commissioner's land, managed by the Yukon territorial government in consultation with the Vuntut Gwitchin. So, the word "consultation" is also in the management plan.

The *Old Crow Flats Special Management Area Management Plan* also says there is going to be consultation with one another. That is 7,785 square kilometres. It's also important to note that Vuntut Gwitchin settlement land, which is 7,744 square kilometres in north Yukon must recognize the First Nation's authority and jurisdiction. It's a two-way street.

When the Vuntut Gwitchin government makes laws on the 7,000-plus square kilometres of their land, they have to consult with the public government. It's a two-way street.

If meaningful and effective partnerships are going to last, then consultation fulfillment and reporting should be recognized and respected in Yukon law. We are talking about the north Yukon here, just about protected areas. There are other things to discuss. That's 26,374 square kilometres of land that is co-managed through partnerships and management plans. When we speak of self-governance and First Nations seizing control of their own destiny, I haven't even mentioned things like education, recreation, social programs, the administration of justice, finance and administration, investments, business, traditions and culture, language, fish and wildlife management plans, land use plans or program service and delivery.

When we're talking about dealing with First Nations, I can speak about what I have noticed in my riding. When we talk about land, water and wildlife, it is a very emotional issue. People get emotional on the floor of this House when these things arise or change. When we see an opportunity to strengthen the relationship between our public government and the First Nation governments, it would seem simple. It's something that is the responsibility of the Premier and the responsibility of the government. We just simply took the lead.

We've been cooperative several times in this House with the government and with the third party to try to get things done for the betterment of Yukon. These are the things that we feel are important. It is just too bad to witness what I see here today, because I support my leader in this House with this amendment, this Bill No. 105.

It is no easy task for the Yukon government to be diligent enough to meet all the obligations and consultation protocols with First Nations and report on the activities that are being dealt with. It's going to be hard work, and only history will be the final judge of our deeds. That's what I hear from time to time in this House.

We, the Liberal caucus, are willing to do that hard consultation work, because it's in Yukon law and we respect the hundreds of words of "consultation", "consult" and "consulted" in the various management plans and final agreements -- self-government agreements, land claims agreements. The word "consult" is all over the place and we just felt this would strengthen the act today. I fully support it. I thank you very much for your time.

The amendments to this act were run by the Grand Chief of the Council of Yukon First Nations and we continue to discuss this with other chiefs. Again, thank you to the House for the time for me to speak on this important issue and I'll end it with that.

Hon. Mr. Kenyon: It's interesting. We've learned a couple of very interesting things today. Obviously the Liberal Party's idea of consultation -- we just heard it defined by "run by the Grand Chief". Consultation is usually a little bit more than "run by" somebody. That's what the *Cooperation in Governance Act* was all about. We do much more than "run by".

But I guess the Member for Vuntut Gwitchin and the Leader of the Liberal Party next to him are smiling very much. I guess they do really understand that -- do we think that it's easy to set priorities? Well, on this side of the House, we do have to set priorities and do it with consultation with First Nations and with partners in a much more direct way than simply running it by them.

In terms of the member opposite's own First Nation, we have a five-year protocol agreement that is in the process of being renewed. We worked very closely with them and have a very good relationship with them, but you can start looking at some of the programs that we have done with the Vuntut Gwitchin. If you look at 2005-06, and without going into all of the details on this, there are: contribution agreements \$15,000; \$1,500; \$100,000; \$3,700; \$300,000 for the Old Crow quarry development and gravel production; a tabletop exercise for emergency procedures, \$2,754; replacement for a heritage assistant, \$3,456; supplying heating fuel to school and teacher housing units, \$125,000; home tutor program, \$15,000; to provide community orientation for new teachers to Old Crow, \$1,500; another \$5,000, \$2,000, \$10,000 and \$5,720; mine tours -- I'm not really sure how that one gets in there in that area -- \$1,000. Recycling depot, \$2,400; design and fabricated interpretive displays for the visitor reception centre, \$60,000; mentor and apprenticeship programs, \$34,010; culture camp, \$15,910; workshops and materials, \$16,965; youth directorate, \$9,150.

Within the Department of Health and Social Services: \$66,500; a further \$1,400, \$46,200, \$57,600, and \$9,038 -- a total of \$910,000 in that year alone. But the member opposite thinks that we're not really doing anything in that community.

If you look back to 2004-05, there's an income tax sharing agreement, which we can't put a dollar value on because it's a percentage of gross -- but again, when you start going through -- \$70,000, \$184,000, \$53,319, \$58,000, \$150,000, \$14,000 -- and I can keep going on and on: for that year alone, a further \$943,990. But the member opposite doesn't think that we are really doing anything in that community.

But, of course, as the member opposite, I'm sure, is very aware, it is difficult to set priorities, and we understand his party's problem with that.

To bring the debate back to where we started, in December 2005, assent was given to the *Cooperation in Governance Act*, which enshrined the Yukon Forum. Enshrining the forum in legislation is the highest level of commitment possible by a public government and, at that time, it was the first in Canada.

The Yukon Forum is based on a belief by its membership that government-to-government discussions at a leadership level are an effective and productive way to move common priorities and commitments. As the Minister of Economic Development, I can attest to the belief and demonstrate our com-

mitment to working together with Yukon First Nations by highlighting some of the initiatives and projects that our department is working on with First Nations in a much more detailed way, I would add, than running it by them.

The northern Yukon economic development partnership agreement is a good example. As key players in the Yukon economy, northern First Nations play a major role in the partnership agreement and, as a result of actions taken under this partnership agreement, the Government of Yukon and the First Nations of Vuntut Gwitchin, Tr'ondek Hwech'in, and Na Cho Nyak Dun signed the Dempster corridor economic opportunities identification agreement in August 2006. The partners are exploring and identifying potential economic opportunities along the Dempster corridor and, ultimately, will develop recommendations for consideration by the political principals of the agreement.

The Great River Journey project is an excellent example of Yukon First Nation participation in the development of Yukon's tourism industry. The Great River Journey is a unique, exclusive eight-day wilderness river safari down the historic Yukon River in northern Canada. The journey is a 600-kilometre excursion through the heart of the Yukon, offering a window on its rich culture, its vibrant history, its unspoiled wilderness and warm and friendly people.

It begins in Whitehorse, the Yukon capital, and ends in Dawson City, capital of the great Klondike Gold Rush -- of course. Along the way, the journey passes through the traditional lands of the Ta'an Kwach'an, Kwanlin Dun, Selkirk and the Tr'ondek Hwech'in First Nations -- whose people are among those hosting, guiding and caring for the guests. What a wonderful relationship and partnership, Mr. Speaker.

No similar product is currently available anywhere in North America and, I'm suspicious, anywhere else in the world. The tour is all inclusive. This summer the Great River Journey offered patrons tours in August and September with a focus on training staff and providing familiarization tours for the travel trade, business associates and early-stage explorer markets.

Full tours are scheduled to begin in June 2008. The owners of Great River Journey are Great Northern Journey Incorporated and the First Nation Investment Corporation. Great Northern Journey, of course, is the private sector partner and operator. The FNIC development corporation is a consortium of the First Nation development corporations, which include the Kwanlin Development Corporation, 12028 Yukon Incorporated, which is the Ta'an Kwach'an Council, 38505 Yukon Incorporated, the Tr'ondek Hwech'in, and the Selkirk Development Corporation of the Selkirk First Nation.

The Great River Journey is a unique opportunity to develop a financially and environmentally sound, sustainable, long-term business that features Yukon's finest attributes. A key element for success is that the First Nations and private sector partners share a common mission, values and guiding principles. All is set out in the business plan.

The Great River Journey believes that the success of the organization is based on its sound business philosophy. Great River Journey believes that its business must be based on a sincere appreciation and respect for its guests, the land and the

natural environment in which it operates, and the cultural and social values of Yukon's people.

Economic Development has supported Great River Journey through contribution agreements focusing on investment attraction, project management planning and the implementation stage. The department's strategic industries branch is working closely with Great River Journey, assisting with the exploration of new avenues of funding and monitoring the next stages of the implementation process.

The *Umbrella Final Agreement* requires that the Yukon government participates in regional economic development planning, as outlined in chapter 22 of the *Umbrella Final Agreement*. Economic Development has been working closely with the First Nations of Tr'ondek Hwech'in, Kluane and Na Cho Nyak Dun on regional economic development planning initiatives. Economic Development is evaluating a request for proposals to engage a consultant to undertake an economic scan and opportunity identification in the Tr'ondek Hwech'in traditional territory. It's a good example of something that we ran by a couple of the First Nations.

Economic Development has recently provided a financial contribution to the Selkirk First Nation that will assist the First Nation in identifying specific opportunities that will have an economic benefit for the First Nation relating to the Sherwood Copper mine.

Economic Development continues to work with the First Nation in an advisory role and is actively involved in a training initiative being undertaken by the Selkirk First Nation. Four direct business opportunities have been entered into by the Selkirk First Nation as a direct result of this project, which will yield an approximate rate of return of 15 percent -- not bad.

Economic Development has also provided technical and financial assistance to the Little Salmon-Carmacks First Nation in order for it to maximize the full economic benefits related to the Western Copper project. Through the regional economic development fund, the department has contributed \$30,165 to the Carmacks Development Corporation to assist the First Nation in identifying and analyzing economic opportunities related to the Western Copper project and advancing these opportunities to a business-ready stage.

Continuing on with some of the other projects we've run by the First Nations, Economic Development is providing funding to the Yukon Mine Training Association through funding assistance received under the northern strategy trust. A steering committee representing industry, the Yukon Chamber of Mines, Klondike Placer Miners Association, Yukon Prospectors Association, and the Government of Yukon through Energy, Mines and Resources, Education and Economic Development, has developed a Yukon mine training strategy. The goal of the strategy is to coordinate government and industry activities in order to ensure that mining industry workforce requirements are met by qualified Yukon residents. Particular emphasis has been placed on Yukon First Nation participation, and a draft of the strategy was completed in January 2006 and presented to industry and First Nations at the Cordilleran Roundup. First Nations and industry representatives indicated

support for the strategy and subsequently formed the Yukon Mine Training Association in March of 2006.

The Yukon Mine Training Association is modeled on the Northwest Territories Mine Training Society. The association's board is made up of industry and First Nation representatives and government ex-officio representatives. Training programs will be proposal driven; industry and First Nation partners will make financial and/or in-kind contributions only to programs that are of direct benefit to them.

The Yukon government is operating the north Yukon business advisor outreach in three Yukon communities -- Old Crow, Dawson City, and Mayo. The outreach has helped to nurture a collaborative approach to economic growth in north Yukon by providing mentorship and guidance in business planning, business development, marketing strategies and other related business activities to both new and experienced entrepreneurs. Services are currently being delivered under contract on behalf of Yukon government by Dana Naye Ventures business counsellors. More examples of things, as the Member for Vuntut Gwitchin puts it, that we have run by some of the First Nations. We do much more than that. We consult.

Regional Economic Development has provided financial assistance to the Ross River Dena Council and Selkirk First Nation to assist them in developing the necessary corporate vehicle to respond to the opportunities as they arise from the Faro mine closure. Regional Economic Development is working closely with the Faro mine closure office and has assisted by ensuring First Nations were able to respond to the recently released interim care and maintenance contract.

Regional Economic Development has facilitated meetings between Ross River Dena Council and Selkirk First Nation regarding the Faro mine closure project. These meetings have resulted in both First Nations agreeing to work together to maximize benefits from the mine closure.

Regional Economic Development continues to advise First Nations of upcoming opportunities. We run everything we can by them, in the words of the member opposite.

With the funding support of regional Economic Development, Ross River Dena Council and the Liard First Nation are in the process of developing a sharing accord that will clarify exactly how opportunities will be undertaken in the Kaska traditional territory on mining and oil and gas exploration. The accord will clarify how the benefits will flow between the First Nations, as well as provide more certainty to industries.

Economic Development has been meeting with the First Nations and will continue to meet on an ongoing basis. The department has also made financial contributions to film projects that support and promote First Nation culture and traditions. An example, Mr. Speaker, which I mentioned here several times and will mention again -- is the series, *Anash and the Legacy of the Sun-Rock*, which was produced for the Aboriginal Peoples Television Network, or APTN. Episodes 1 through 6 are now in the can. They are actually airing episode 2 this week. We are actually moving toward the production of episodes 7 through 13.

Out in the Cold is a six-part series for Discovery Canada about people working in extreme weather conditions. It is being

produced by Yukoner Arthur Tookie Mercredi of Individual Films.

Approximately 200 Yukoners have worked on these films. Forty-five percent of community development funding for fiscal year 2006-07 has been disbursed to Yukon communities, not including Whitehorse. This has included many projects put forward by the various First Nations, such as community beautification in Burwash Landing; Together Gardening in Beaver Creek; Wellness Through Trails in Carcross; traditional hunting technology in Carmacks; a community playground and skate park in Dawson City; Champagne and Klukshu community playgrounds in Haines Junction; interpretive panels and trails in Mayo; On the Land project in Old Crow; skateboard park in Pelly Crossing; environmental and outdoor studies in Ross River; garden and greenhouse projects in Teslin; and an outdoor rink in Watson Lake. These are to name a few of the many successful projects funded through the community development fund.

Our government will continue to utilize the Yukon Forum that has been established in law to promote cooperative governance with Yukon First Nations and with Yukon First Nation governments, based on mutual respect of each other's jurisdiction. We will continue to work with Yukon First Nations to make them full partners in the economic development of the territory to the mutual benefit of all citizens. And we will continue to assist Yukon First Nations to prepare business proposals, establish joint training initiatives, establish financial systems and information and technology links, and to assist Yukon First Nation governments in capacity development upon request.

It has not escaped me that the existing *Cooperation in Governance Act*, in fact, requires consultation with the stakeholders before going back. But I am pleased -- I am very pleased -- that the Member for Vuntut Gwitchin points out that they ran it by the Grand Chief. It's interesting, and I'm very glad he has qualified, quantified and explained the level of consultation that that side believes in.

It is difficult to set priorities and we agree with the members opposite. We don't think it's easy to set priorities and that's why we do set priorities. Thank you.

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

Mr. McRobb: I'll be very brief in my comments, because not a lot of discussion is required on this bill. I want to put on the record that the Grand Chief of the Council of Yukon First Nations was consulted and he gave his support to this amendment to the bill. That counteracts a lot of what we've heard from the government members' side this afternoon.

Another point is that consultation is required on the *Cooperation in Governance Act* itself and any changes to it. This is an undertaking that falls within the responsibility of the Yukon government. It's not up to us on the opposition side to conduct consultations on behalf of government; we're merely bringing forward an amendment to improve the *Cooperation in Governance Act* in order to hear from the members of this Assembly

on whether or not they support it. If it's supported, only then would it be appropriate for the consultation to take place with the Yukon First Nations. I wanted to be clear on that point.

Now, what we have seen this afternoon is another display where the government members talk out a motion or a bill -- as this case is -- presented by the opposition side in order to prevent it from coming to a vote, and I say that's shameful. The government side doesn't have the courage to bring this to a vote and get on the record, so it's wind-out-the-clock time. I say, Mr. Speaker, let's call it what it is. I said I would be brief. Let's support this bill and get on with the public's business. Thank you.

Mr. Nordick: Mr. Speaker, I am pleased to rise to speak about a bill to amend the *Cooperation in Governance Act*.

On December 19, 2005, the *Cooperation in Governance Act* was assented to. It made Yukon history and, more than that, it made history in Canada. In no other jurisdiction in our country was there legislation of this kind. It is legislation that formally established a forum where public government and self-governing First Nations can come together to cooperate on matters of mutual interest.

This act recognized the unique circumstances in the Yukon relating to the evolution of both responsible public government and self-governing First Nations. The Yukon government of the day recognized that the amendments made to the *Yukon Act* in 2002, the devolution transfer agreement of 2003, and the settlement of 11 of the 14 Yukon First Nation land claims and self-government agreements would change forever the government of our territory.

As Yukoners we know that when we cooperate on matters of mutual interest, we are stronger together and the benefits to our people can be greater than if we acted on our own. That is what the Yukon Forum is all about.

Mr. Speaker, the act also recognizes the respective authority and jurisdictions of the Legislature and the Government of Yukon and self-governing Yukon First Nations. This realization resulted in the Yukon Forum being established as part of the *Cooperation in Governance Act*.

The Yukon Forum is an agreement to hold four meetings annually between the Premier, the Grand Chief of the Yukon Council of First Nations and the chiefs of each self-governing Yukon First Nation, who are signatories to the agreement. The meetings are, as the Premier stated, to be held to discuss matters of mutual interest.

Since the *Cooperation in Governance Act* was assented to on December 19, 2005, the Yukon Forum has functioned extremely well. There have been at least eight Yukon Forum meetings. On October 19, 2007, northern strategy trust 2007 funding projects were discussed. There was another meeting on December 8 where the corrections action plan implementation, northern strategy trust, and the northern housing trust were discussed.

On May 12, 2006, another example of cooperation and a cooperative governance housing trust was discussed. On April 3, 2006, the northern strategy implementation framework, the

Yukon strategic investment funds, correctional reform, TIPP -- I could go on. There were a lot of meetings where many things were discussed, right from northern economic development to the northern strategy. Just recently, there was the nine-year review.

The meeting on December 8, 2006 resulted in Yukon's \$50-million share of the northern housing trust being allocated as follows: \$32.5 million to Yukon First Nation governments and \$17.5 million to Yukon. Yukon First Nations will determine how their portion will be allocated among themselves. The December 8, 2006 meeting also resulted in decisions being taken on the use of northern strategy trust funding. An example of co-governance and cooperation is the development of a northern institute of justice that will provide Yukoners with training for careers in administrative justice. There is \$284,000 allocated for that.

There is \$193,438 for the ice patch community dimensions project. This is to undertake community-based research related to ice patch discoveries involving the six Yukon First Nations involved in ice patch work. This is another example of cooperation. There is \$347,985 for traditional knowledge policy framework implementation to conduct community-based education and discussion forums to help Yukon First Nations implement policies and management of traditional knowledge, pursuant to the traditional knowledge policy framework by the Yukon First Nations heritage group.

There is \$235,603 for the Vuntut Gwitchin emergency response search and rescue to help build capacity in Old Crow and three other rural communities to provide emergency medical services. The Ta'an Kwach'an and Range Road cleanup was \$520,000. This was to clean up the Range Road dump and provide training and capacity building opportunities.

There is \$136,500 to study the feasibility of a Yukon First Nations regional healing and wellness centre. There is \$1 million to provide training that leads to employment in the mining industry -- another cooperative venture between the Yukon government and Yukon First Nations.

Knowledge of Yukon key wildlife habitat -- there is \$254,000 to enhance the existing wildlife key area inventory by identifying gaps in the inventory and conducting wildlife surveys to fill those gaps.

There is \$1.875 million to offer training to residents of Yukon communities in heavy equipment operating and related occupations in the mining industry, community-based heavy equipment operation and road maintenance training.

The First Nations tourism strategy and associated business support programs will receive \$453,000 to develop a Yukon-wide tourism strategy and associated business support programs to develop tourism as part of First Nations' overall economic strategies.

There is \$100,000 to increase access to e-commerce opportunities and increase business export activity.

There is \$117,000 to compile high-resolution base mapping for the entire Yukon to enable better land and resource management decision making. Tr'ondek Hwech'in traditional territory is the first priority for base maps.

There is \$150,995 to expand existing telehealth services to First Nation communities.

There is \$1 million to construct forestry mainline roads in the Champagne and Aishihik traditional territories. During that meeting they also allocated \$1.995 million to mediate the Marwell tar pits.

These are just some of the examples that the First Nations and the Yukon government agreed to on December 8 during the forum discussing the northern strategy trust funding.

Mr. Speaker, the most recent Yukon Forum on October 19, 2007 resulted in the Yukon government and Yukon First Nation governments taking a unified stand to ensure that Canada's commitment to implementing the self-government agreements was honoured.

Progress is being made in the Yukon on collaborative governance and a model unique in the country. The agreement shows how the Yukon is progressing in its governance. We're pursuing what needs to be done, and that is developing a federal mandate for the final agreements and self-government agreements.

The Tr'ondek Hwech'in final and self-government agreements came into effect September 15, 1998. Prior to the effective date, the predecessor, the Dawson Indian Band, had no responsibility or authority. The Minister of Indian and Northern Affairs was responsible for the welfare of the registered members of the Dawson Indian Band, whose affairs were essentially regulated by the *Indian Act*. The Dawson Indian Band administered a limited number of DIAND programs on behalf of the minister but had no input into the design or conduct of those programs. The agreement heralded a fundamental change in the status of Tr'ondek Hwech'in government. The Dawson Indian band ceased to exist. The *Indian Act* lost its application. Tr'ondek Hwech'in is now recognized as an order of government in Canada.

The Tr'ondek Hwech'in government has assumed responsibilities for the provisions of many essential services to Tr'ondek Hwech'in citizens, including protection, management of Tr'ondek Hwech'in settlement land, and various health, social and education program services. It goes without saying that the Tr'ondek Hwech'in did not possess the infrastructure, experience and capability on the effective date to fulfill its responsibilities and exercise all of its authorities under the agreements. These have to be developed over time as the Tr'ondek Hwech'in government evolves and as the governments of Canada and Yukon evolve and modify their operations to facilitate self-government. This is all part of implementation.

The self-government agreement, in many ways, was a platform for ongoing negotiations and evolving intergovernmental relationships. The self-government agreement establishes the principles, the basic responsibilities, authorities and jurisdiction of the Tr'ondek Hwech'in. The Tr'ondek Hwech'in, Canada, and the Yukon government will work together to achieve other related priorities.

There are a number of other processes in the self-government agreement that require consultation and interaction between the parties. These include consultation on lawmaking, provisions of financial and citizenship information, manage-

ment of financial transfer agreement, compatible land use, management and lawmaking on community lands, and local government agreements.

I'd like to move on to another example we have cooperated on with the Tr'ondek Hwech'in, and that is the Tr'ondek Hwech'in daycare. This daycare that we partnered in will provide much-needed program space for effective delivery and management of Tr'ondek Hwech'in and early childhood development programming. It will also provide more needed space in the community for licensed childcare, and this cooperation between the governments provides space for the community, child and youth programming that is not currently available. It also provides a much-needed community play and recreational area in the north part of Dawson City. It also creates employment and training opportunities in the construction of the facility.

In the long term, this contribution to the Tr'ondek Hwech'in will help address long-term needs to re-train and enhance Tr'ondek Hwech'in culture and Han language as set out in the *Tr'ondek Hwech'in Final Agreement*. It will also provide an opportunity for parents and children in the community to develop a much better cross-cultural understanding and acceptance.

This partnership will also allow more parents and families to be engaged in a formal economy while providing access to early childhood development programs.

Mr. Speaker, cooperation in this project will promote and provide life-long learning and increase educational attainment levels. Assisting in the continued trend of lowering the dropout rates, teen pregnancies and increased education attainment levels will also be accomplished by this partnership. Increasing the social and economic well-being with Tr'ondek Hwech'in citizens is also accomplished by this partnership.

Mr. Speaker, I'll move on to mining since my area is quite significant when it comes to mining in the territory -- for it is where gold was discovered in this territory. Yukon native people have been closely associated with the mining industry since its beginnings. In fact, it was Skookum Jim and Tagish Charlie with their partner, George Carmack, who were credited with making the first discovery that kicked off the Klondike Gold Rush. Today Yukon First Nations are becoming more involved with the mineral resource industry in many capacities, from beginning partners in the mining operations to creating new companies that service the industry. Yukon First Nations are working with industry to foster greater benefits and advances for First Nations and the communities at large.

The Yukon is at an advanced stage in settling outstanding native land claims. With the passage of the *Umbrella Final Agreement* legislation, the framework is in place to finalize land selections and self-government agreements in the near future. Eleven agreements have been settled and another three agreements are outstanding.

The *Umbrella Final Agreement* provides for surface rights legislation. This is now in place and provides a mechanism to resolve disputes over access rights. Development assessment process legislation is now under development and, once in

place, will govern how environmental screenings are conducted on all Yukon lands.

First Nations have demonstrated that they are willing to work with responsible exploration and mining companies and support their projects in exchange for consideration of benefits to the local community. Many of these new partnerships are reflected in the socio-economic agreements designed to foster more local advantages for First Nations and to benefit the mining companies. Some of the elements in these agreements include specialized training, scholarships, contracting opportunities, environmental monitoring and other development situations that benefit the mining company, the First Nation, local communities and the Yukon as a whole.

It is important to note that the final resolution of land claims has not been a condition for establishing a successful working relationship between the local First Nation government, mining companies and YTG. These agreements focus on ensuring that the local community benefits from the development of native corporations, which have already been eager to assist in the construction and supply of existing mining operations and promising exploration programs on a competitive basis.

Recognition and protection of traditional native lifestyle, employment, training opportunities and equity partnerships, such as stock options, are some of the elements discussed in these negotiations.

The following are some of the key consultation concepts that should be addressed by exploration companies as part of their basic research and workplan development: identify nearby communities; identify contact people in the nearby communities, such as chief, councillors, land officers, administrators and the mayor; identify issues and concerns of import to communities; communicate the company's short and long-term plans; and be aware of local cultural differences in communication styles.

Mr. Speaker, as outlined in the *Umbrella Final Agreement*, Yukon First Nations will receive total settlement lands of approximately 41,595 square kilometres, or about 8.5 percent of the total land area of the Yukon. Category A settlement land: a Yukon First Nation has ownership of the surface and the sub-surface, including mineral rights. Category B settlement land: a Yukon First Nation has ownership of surface. Fee simple settlement land: a Yukon First Nation has the same fee simple title as other land registered in the land titles office.

In 2007, projects were approved for the northern strategy trust. There was \$150,000 to design infrastructure and centralized services for the C6 subdivision, including district heating, fire protection, water, sewage treatment and emergency power. There is \$150,000 for feasibility and design analysis to upgrade and or replace the Tage Cho Hudan cultural centre and \$500,000 to develop high-resolution based maps in priority areas of the Yukon. That is phase 2 of the satellite-based mapping that I was discussing earlier. There is \$150,000 in a joint workplan to trade resources as part of a new correctional centre.

Mr. Speaker, \$700,000 is to expand the capacity of the Association of Yukon Communities to oversee training for elected

officials and staff of municipal and First Nation governments that deliver municipal-type services.

\$58,500 is to study the detriments of women's homelessness and examine the space and program needs of homeless women. A feasibility study for a Whitehorse emergency shelter for women was also approved at the northern strategy.

\$250,000 was approved to explore the options for Southern Tutchone First Nations to enhance implementation of the land claim agreements' regional organization.

\$150,000 is to identify a comprehensive solution to Old Crow's complex roads and drainage problems, which was approved during the northern strategy trust in 2007.

Motion to adjourn debate

Mr. Nordick: I could continue with a long list of accomplishments that the Yukon Forum has attained but, seeing the time, I move that the debate be adjourned.

Speaker: It has been moved by the Member for Klondike that debate be now adjourned.

Motion agreed to

Debate on second reading of Bill No. 105 accordingly adjourned

Hon. Mr. Cathers: I move that the House do now adjourn.

Speaker: It has been moved by the Government House Leader that the House do now adjourn.

Motion agreed to

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

The House adjourned at 5:28 .m.

The following Sessional Paper was tabled November 14, 2007:

07-1-41

Yukon Workers' Compensation Health and Safety Board 2006 Annual Report (Cathers)

The following documents were filed November 14, 2007:

07-1-28

Property Management Agency 2006/2007 Annual Report (Lang)

07-1-29

Fleet Vehicle Agency 2006/2007 Annual Report (Lang)

07-1-30

Queen's Printer Agency 2006/2007 Annual Report (Lang)

07-1-31

Yukon Film & Sound Incentives Program Biennial Report (April 1, 2004 to March 31, 2006) (Kenyon)

07-1-32

Yukon Utility Board Review of the Yukon Energy Corporations 20-year Resource Plan: letter (dated August 29, 2006) from Hon. Elaine Taylor, Minister of Justice to Ms. Wendy Shanks, Vice-Chair, Yukon Utilities Board (McRobb)