

Whitehorse, Yukon
Thursday, April 10, 2008 — 1:00 p.m.

Speaker: I will now call the House to order. At this time, we will proceed with prayers.

Prayers

DAILY ROUTINE

Speaker: We will now proceed with the Order Paper. Are there any tributes?

TRIBUTES

In recognition of Trumpeter Swans Society annual conference

Hon. Mr. Fentie: On behalf of the House it is my pleasure to pay tribute today to a species that is the embodiment of grace, beauty and unspoiled wildness: the trumpeter swan. The Yukon government holds a Celebration of Swans each year, and this is to welcome spring to the north arriving on the wings of the trumpeter swans that stop over here on their long migration to northern nesting grounds.

This year the Trumpeter Swan Society will hold its annual conference here in Whitehorse from April 16 to 19 at the same time the swans visit us. The society works continent-wide to ensure the vitality and welfare of the trumpeter swan populations. Trumpeter swans once numbered in the millions, but by the early 1900s they were almost extinct as a result of hunting for commerce and for subsistence.

Population numbers have steadily increased as a result of hunting bans, and now the Pacific Coast population numbers over 25,000. But there are still problems, such as lead poisoning and habitat loss, which stop the swans from returning to large portions of their historic range.

The Celebration of Swans is unique, and we should be proud of its success. For 15 years, this week-long bird festival has helped us see and learn about the trumpeter swans and other birds that rely on the shallow open waters of M'Clintock Bay, Tagish Bay, Teslin Lake, Kluane Lake and Lake Laberge for food and rest on their northward migration.

So far, more than 800 people have visited Swan Haven this season, and the celebration has just begun. Our biologists have asked me to remind the public that it is essential to let the swans rest and feed in peace during the month of April. The birds should not be disturbed — just observed.

Snow machines, boats, canoes, dogs and people who venture nearby to get a better look jeopardize the well-being of the birds. We all can do our part by staying a safe distance away and telling others to do the same.

I encourage the members of this House to join with me in congratulating the local organizers of the Trumpeter Swan Society conference. This is the first time that the society has met north of 60, and this is their 40th anniversary.

If members haven't had the opportunity yet, I do encourage them to visit Swan Haven to see for themselves these magnificent birds we are so fortunate to see each year during spring.

Thank you.

Speaker: Any there any further tributes?

In recognition of bridge building competition

Hon. Mr. Rouble: I rise today on behalf of the entire Assembly to pay tribute to the 15th annual bridge building competition, which will be held on Saturday, April 12, at the Porter Creek Secondary School gym. This competition is an annual event open to students in grades 4 to 12. It is offered by the innovators in schools program in partnership with the Association of Professional Engineers of Yukon.

The innovators in the schools program provides Yukon teachers, from kindergarten to grade 12, with science and technology experts who expose students to the real lives and work of biologists, engineers, geologists, health technologists, chemists, computer programmers and others. I would also like to take this opportunity to thank the organizers, teachers and volunteers for their hard work, and I would like to wish all the competitors good luck.

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

INTRODUCTION OF VISITORS

Mr. McRobb: I would like to invite Members of the Assembly to join me in welcoming Ta'an Kwäch'an Chief Ruth Massie and former Grand Chief of the Council of Yukon First Nations, Ed Schultz.

Applause

Speaker: Are there any further introductions of visitors?

Returns or documents for tabling.

TABLING RETURNS AND DOCUMENTS

Mr. Mitchell: I have for tabling a letter from Chief Darren Taylor of the Tr'ondek Hwëch'in First Nation to the Premier, dated today, regarding Bill No. 50.

Mr. Hardy: I have for tabling key concerns of the Carcross-Tagish First Nation, Kluane First Nation, Kwanlin Dun First Nation, Liard First Nation, Ta'an Kwäch'an Council and the Tr'ondek Hwëch'in First Nation regarding Bill No. 50, *Child and Family Services Act*.

Speaker: Are there further documents for tabling?
 Reports of committees.
 Are there any petitions?
 Are there any bills to be introduced?
 Are there any notices of motion?
 Statement by a minister.
 This then brings us to Question Period.

QUESTION PERIOD

Question re: *Child and Family Services Act*

Mr. Mitchell: The Premier was sent a letter this week from four First Nation chiefs requesting an invitation to appear

before the Committee of the Whole when Bill No. 50, *Child and Family Services Act*, is being considered. We now have seen correspondence from yet another chief.

The chiefs have identified concerns that they feel are relevant and material to the discussion and debate. They feel the presence of their respective First Nations merits the attention of this Committee. I agree with their request. We are debating Bill No. 50 this afternoon and, to date, no witnesses have been identified.

So my question for the Premier: why has he ignored the request by First Nation leaders to be part of the discussions we are having this afternoon?

Hon. Mr. Fentie: Mr. Speaker, to suggest we have ignored the request of First Nations when it comes to the issue of children in care flies in the face of, and is inconsistent with, the facts.

This government, based on an agreement, embarked on a process with First Nations in full partnership almost five years ago.

The process included co-chairs of a design process that we agreed upon. It included forums and consultation. It included policy forums, elders forums and updates for First Nation chiefs through their leadership processes. It also included an unprecedented move by the public government here in the territory to jointly inform the drafting of the bill.

Mr. Speaker, this government has gone far beyond witnesses. We have ensured that the First Nations are, along with public government, architects of a new cutting-edge bill for the Yukon Territory.

Mr. Mitchell: When the Premier was on the campaign trail he promised to work in partnership with First Nations. He asked everyone to imagine tomorrow. How soon those promises are broken.

We had witnesses appearing as recently as Tuesday of this week about the new *Workers' Compensation Act*. It benefited this Assembly to have witnesses here. Now Bill No. 50, the *Child and Family Services Act*, is far too important for us not to get it right. As the Hon. Premier knows, as many as 80 percent of the children who come under this act are of First Nations descent. These are the families who are most affected. All they are asking is to be given an opportunity to be heard. That is all. It is in the interest of all Yukoners for this to be on the record.

Why has the Premier ignored the chiefs' request to appear as witnesses before Committee of the Whole?

Hon. Mr. Fentie: The government hasn't ignored a thing. In fact, the one thing that I can agree on with the Leader of the Official Opposition is how important this legislation is. That is exactly why we conducted the process that we did in partnership with First Nations, ensuring their input is throughout the bill. It is reflected throughout the bill that we have before us today. I would submit to the member opposite that the time has come to debate the bill so that the members opposite will quickly realize that the majority of what is in the new bill is addressing First Nations' concerns.

Mr. Mitchell: Mr. Speaker, the Premier says that the input and the consultation from the chiefs is reflected in the bill — the chiefs are saying otherwise. Why not hear from them

first-hand so that we can have an informed debate? So much for First Nation consultations, Mr. Speaker.

I'm quite disappointed in the Premier's refusal to hear First Nations' concerns on the floor of this House.

I have another proposal for him — let us take a step back. It is obvious that First Nations have concerns with the bill as it exists before us today. We have no objections to withdrawing the bill and bringing it back this fall to try to accommodate these concerns expressed by First Nations. In the spirit of compromise, will the Premier agree to take the bill off the agenda today and bring it back this fall so that we can get it right?

Hon. Mr. Fentie: Mr. Speaker, the short answer is no; the government will not. The government has gone the distance and, factually, Mr. Speaker, should any First Nation government want to go beyond where this bill takes us today, they have that right to occupy the authority as negotiated in their agreements.

Now, as far as listening to the concerns of First Nations, the government and First Nation representatives in this process have listened to those concerns throughout the course of almost five years. In all that process, one substantive issue that was brought forward we've dealt with, and that is the provision of a child advocate in this territory. The next step for us, upon passage, is to immediately engage with First Nations to develop a child advocate position here in Yukon.

Question re: Heritage resource protection

Mr. McRobb: I have a question for the Energy, Mines and Resources minister. Yukoners have had some fascinating news recently about interesting scientific discoveries at the Little John archaeological site north of Beaver Creek. Local anthropologist Norm Easton, along with members of the White River First Nation, have discovered this site, which has turned out to be one of the oldest sites ever found in Beringia, uncovering artifacts dating back some 14,000 years. The importance of this site has attracted a lot of attention to the Yukon's archaeological potential; however, it turns out that the right-of-way for the proposed Alaska Highway pipeline project could damage this site and other yet-to-be-discovered sites in the vicinity, including a mass graveyard nearby.

What steps has the Energy, Mines and Resources minister taken to have the right-of-way rerouted to avoid damaging our precious heritage resources?

Hon. Mr. Lang: We'll work with the archaeological branch on addressing those issues as they come forward.

Mr. McRobb: Well, the Energy, Mines and Resources minister assured this House a year ago that he would be awake at the pipeline switch, should the project flare up again. In case he has missed it, the Governor of Alaska, Ms. Sarah Palin, is expected to soon make a decision that is expected to push the start button on the pipeline. This megaproject will take on a life of its own upon an announcement of the project proceeding. Time will be of the essence. The Yukon Territory hasn't even approved the terms and conditions for this project while every other affected province already has.

If the minister is indeed not asleep at the switch, why haven't these important outstanding matters been dealt with by now?

Hon. Mr. Lang: We are certainly aware of the Governor of Alaska and the process that is in place today, and we're looking forward to the resolution of those questions in the State of Alaska.

Mr. McRobb: As Mr. Easton has pointed out, there could easily be two lifetimes of work at this site along the project's right-of-way. Obviously, there isn't time to complete the archaeological recovery, should this project proceed at any time in the near future.

Time and time again, this government has said that it's pipeline ready. But as time goes on, we find more and more work left undone that should have been addressed during this pre-project window. We've had ample opportunity to do the work necessary to avoid unnecessary delays to the project that, if left unchecked, could even lead to the demise of the project's viability.

How is the minister going to avoid unnecessary delays with the project while ensuring our precious heritage resources are protected?

Hon. Mr. Lang: In addressing the issue on how the territorial government is moving forward on the pipeline file, we're working with the State of Alaska. The Alaska governor, as the member has said on the floor, is preparing to present the proposal to the House. The producers are obviously making some moves, and we look forward to those resolutions.

We as a government certainly will be addressing archaeological or environment issues.

Question re: *Child and Family Services Act*

Mr. Hardy: Now, yesterday my colleague, the Member for McIntyre-Takhini, had an interesting dialogue with the Premier on the question of witnesses appearing before Committee of the Whole. Because the *Child and Family Services Act* is coming before the Committee later today, I would like to give the Premier another opportunity to let his light shine.

Today the Premier said that it's time to debate the bill. Then let's allow witnesses to engage in that debate, just as we did for the *Workers' Compensation Act*. Will the Premier direct the Government House Leader to introduce a motion in Committee of the Whole to have First Nation witnesses appear before the Committee during its consideration of Bill No. 50?

Hon. Mr. Cathers: I appreciate the Leader of the Third Party's question and the opportunity in fact to remind members of the process that was embarked upon. This has been five years in the making.

As the Leader of the Third Party's colleague, the Member for McIntyre-Takhini, has recognized, this is a five-year process. The member's colleague, the Member for McIntyre-Takhini, urged us on February 15 to move forward with this and to table the legislation.

Let me further remind members: I have here a stack that is available on-line, for those who wish to read it, of the *What We Heard* documents and the topics discussed.

To begin with we have topic 1, a summary of comments made during consultations and meetings about the Yukon *Children's Act* from February to August 2004 on the topic of philosophy and principles — that's document 1. Document 2 is "Prevention/Early Intervention". Document 3 — again, this is

all on-line — "Child Protection". Document 4: "Child Protection Court Procedures". Document 5: "Children in Care". Document 6: "Adoption".

Mr. Hardy: What they heard and what they are acting on are two different stories, obviously. I'd like the Premier to consider this question a lot more carefully. Just for his sake, let me remind the Premier what he said just two days ago in the House. As recorded on page 2352 of *Hansard*, the Premier said the following: "We're very pleased to have that partnership, very pleased that First Nations, along with public government, are the architects of a new child act for Yukon."

He also said that today. Mr. Speaker, this is an important building project that is not yet completed. Is the Premier saying that one of the architects of this bill is no longer welcome on the site?

Hon. Mr. Cathers: Mr. Speaker, it is appalling to hear that from the member opposite. The member is failing to recognize a process that he ought to know. One of his colleagues, the Member for McIntyre-Takhini, was a member of the government when this process was launched. The member should be fully aware that this is a groundbreaking process; this is the first time that any Yukon government embarked upon a process with First Nations to jointly consult with the public, to jointly develop the policy and to jointly inform the legal drafting. That occurred, and it is throughout the bill, as the member would see if he picked the bill up.

In my first reply I listed a number of the areas that had been consulted on and the summary of consultations in the *What We Heard* document, before my time ran out, Mr. Speaker, and I only got about halfway through those documents. The following themes, as a result of these consultations, are threaded throughout the draft bill: support for families and extended families to care for children; involvement of First Nations in planning and decision-making — far beyond what exists in the previous legislation, which did not recognize it. The new legislation provides for increased ability for First Nations and extended family to be involved and increased cooperative planning processes prior to court. I encourage the member to end this unproductive discussion, pick up the bill and read it.

Mr. Hardy: Mr. Speaker, I will not end this discussion. This is for the children. This is for the families. I'm not going to have that member tell me when I can shut up. Now, again, Mr. Speaker, I have to remind the Premier that the job isn't done yet. Fortunately it is not up to the Premier to decide who can appear in Committee of the Whole. That is a decision that will be made by the Legislative Assembly. Just a few days ago the architects of the new *Workers' Compensation Act* appeared as witnesses, and the information that they provided the Committee was extremely helpful. Surely a law that affects Yukon children, parents and communities as profoundly as Bill No. 50 deserves no less.

Since the Premier denied the request of several First Nations for more time to consider the proposed legislation, will he at least free the members of his caucus to vote with their conscience when a motion comes forward to invite First Nation representatives to appear before Committee of the Whole?

Unparliamentary language

Speaker: Before the Hon. Premier answers the question — Leader of the Third Party, you used terminology there that a member indicated that you should shut up.

I would never allow that type of terminology or that type of intonation on the floor of this House, and I would ask the honourable member not to make reference to that. That's not a fair reference.

You have the floor.

Hon. Mr. Cathers: Certainly, I would never make that suggestion. What I encourage the member to do is to pick up the new *Child and Family Services Act* and read it. The member will have no choice but to change the tone of his questions once he sees the information and recognizes that the assertions that he and members of his caucus have made — and that members of the Liberal Party have made — are not factual.

This bill is groundbreaking in Canada, following a groundbreaking process whereby the Yukon government embarked jointly with First Nations on public consultation, joint policy development, and jointly informing the legal drafting. This legislation provides for far more inclusion of First Nations than it did previously.

This legislation provides for far more involvement of extended families; this legislation recognizes practices that First Nations have been urging for years to be recognized, such as custom adoptions. This legislation provides the ability within the public system for a First Nation service authority to be set up by a First Nation to work within public legislation.

This is public legislation; it does not diminish the ability of self-governing First Nations to occupy that authority if they choose to do so, but this provides an ability for them to be involved without taking that step in further addressing these matters.

Question re: Mount Lorne solid-waste facility

Mr. Cardiff: Mr. Speaker, last week the issue of unfair treatment for Yukon communities dropped like a sack of refuse on the doorstep of the Minister of Community Services. When the Mount Lorne transfer station asked for an increase in funding on par with their neighbours in Marsh Lake, they got a slap in the face.

This volunteer board is 10 years old and has been a model in terms of redirecting waste into recycling, and these volunteers have given thousands of hours toward a cause that benefits everyone in this territory. Now the members of that society are saying they may not sign a renewal of the contribution agreement.

Why was the minister able to give an increase in funding to the Marsh Lake Solid Waste Management Society after one year of operating their transfer station, while saying no to the same request from the people of Mount Lorne?

Unparliamentary language

Speaker: Before the minister answers the question, it seems like a day for hyperbole today, members. We have discussed terminology like “slap in the face” as violent terminology — we don't use that terminology in this Legislative As-

sembly. Please respect that. Minister of Community Services, please.

Hon. Mr. Hart: For the member opposite, I will relay the message that I provided to the press, as well as to members of the Mount Lorne solid-waste facility.

The Government of Yukon, as was stated here in the House on a motion put forth, will be doing a review of all our solid-waste facilities throughout the Yukon. That is intended to go out sometime early in May — the work is to be done over the summer, and the recommendations will be coming back sometime late in the fall.

Mr. Cardiff: The minister didn't need a review last fall when he increased the funding by \$1,500 and 50 percent to Marsh Lake. This is about fairness, Mr. Speaker. It is about environmental health. It is about creating jobs in rural Yukon.

At one time, the Mile 9 dump was synonymous with garbage burning and toxic air pollution. Now the Mount Lorne transfer station diverts 40 percent or better of its total waste into recycling, which is much higher than the national average of 27 percent. It was one of the first dumps to become a transfer station. It has been a model for community waste management, so much so that their expertise was called upon to upgrade the Marsh Lake dump and is being called upon by other communities as well. They have asked for \$1,000 a month to be on par with the increase that Marsh Lake received.

Will the minister direct his officials to sit down with the Mount Lorne Garbage Management Society and redraft the contribution agreement that gives them what is fair and what they need to carry on?

Hon. Mr. Hart: I'll just reiterate what I said. We're in the process of doing a review of all our dumps throughout the Yukon, including Marsh Lake and Mount Lorne. We intend to do that study. When the recommendations of that study come back, we will act upon those recommendations and go forth.

Mr. Cardiff: The minister should explain why he didn't need a review last fall and yet he needs one this spring. We do need a review of dumps throughout the Yukon. There are still far too many examples of garbage being burned in the territory. He says that the review is going to take place in the spring with recommendations in the fall. As for implementation, who knows when that is going to happen. But a review can't take the place of taking the important steps now and adequately funding the programs that we know here today are working, and the minister knows that it is working.

Mount Lorne has proven the job that they can do. The increase that they are seeking really means creating a decent job in the community — the same thing that Marsh Lake asked for and received from the minister. Surely the environmental health of Yukoners should not be compromised by playing favourites. Will the minister stop playing favourites and give Mount Lorne the same increase as Marsh Lake?

Hon. Mr. Hart: Mr. Speaker, there are 18 other jurisdictions within Yukon that are represented by this government, not just the member opposite's riding. We are responsible for all the solid-waste facilities throughout Yukon. There are some issues — the size of the one in Mount Lorne. There are other

solid-waste facilities that do provide the same amount of good, solid-waste management that is being provided in Mount Lorne. That facility is to be commended for what they do. Okay? We are in that process. We are going to do the review and we will provide — when the recommendations come in. We'll do an assessment of how we're going to deal with all our solid-waste facilities throughout Yukon, especially in the small rural areas.

Question re: Environment report

Mr. Elias: I have some questions for the Minister of Environment. In May of last year, I asked the minister several times about the release of the state of the environment report. The Yukon *Environment Act* requires a state of the environment report to be completed once every three years.

Last fall, the acting minister finally tabled the interim reports from 2003 and 2004. The reports are four years late. Last spring, the Premier didn't seem to be too worried about breaking the *Environment Act* by not tabling these reports on time. He called it a "benign legality".

The fact of the matter is this: the Yukon Party government is still not in compliance with the law. When are Yukoners going to see the state of the environment reports for 2005, 2006 and 2007?

Hon. Mr. Fentie: Thank you to the Member for Vuntut Gwitchin for the question. I'm sure Yukoners are well aware of the state of the environment in this territory, given the good work of the Department of Environment and all the input we've received from First Nation governments and other stakeholders, such as the Yukon Conservation Society, renewable resource councils, and the establishment of special management areas, habitat protection areas — all the work that we do to protect our pristine environment is certainly much valued by Yukoners.

As far as the report, it's being worked on. And as I said last year, any time the member wants to ask — when the reports are complete, we table them — not before.

Mr. Elias: Well, the minister's cavalier conservative attitude is to the forefront again, and it's not helping any. It's obvious this government is not concerned about meeting its requirements under the *Environment Act*. If they were, Yukoners would see these valuable reports brought forward to the public on time, as required by law.

The state of the environment report provides early warning and analysis of potential problems for the environment and it allows the public to monitor the minister's progress toward the achievement of the objectives in the *Environment Act*.

We're living in a rapidly changing environment, Mr. Speaker. When will the Premier produce these reports that are required by Yukon law?

Hon. Mr. Fentie: Well, I must make the statement that reports invariably do not deal with the challenging issues of our changing environment. They merely demonstrate that the changing environment is actually happening, and we all know that. So our focus right now when it comes to that changing environment is ensuring conservation and protection. The Porcupine caribou herd and the new harvest management plan for that herd to ensure its conservation is a shining example. Pro-

tection of some 8,000 kilometres of Old Crow Flats, because we recognize that changing environment, is happening, and one of the barometers for that change exists up in the traditional territory of Vuntut Gwitchin — and the list goes on: climate change strategy, climate change action plan, investment in our future when it comes to research and development and innovation with respect to climate change — all these things are happening. I'm sure at some point, when the report's done, a lot of what I've just articulated will be in the report. I hope this helps the member to understand the state of the environment.

Mr. Elias: Well, if the minister of non-compliance is going to play this game, he had better be prepared to wear the name.

Speaker's statement

Speaker: Order please. Sit down.

Hon. Member for Vuntut Gwitchin, we do not attach prefixes to members' names. He is the Minister of Environment. Please address him as that.

You have the floor.

Mr. Elias: Mr. Speaker, I'll rephrase. As long as this minister remains in non-compliance of the act — which is central to his department, I might add — then I will be asking these questions on the floor of this House so, in his words, he should just get used to it and get over it.

Yukoners have relied on these reports for the past years and years, and they need up-to-date information. They don't need to be four years too late. For the life of me, I can't understand why this minister has put such a low priority on getting these reports done to facilitate proper public disclosure and engagement. Will the minister tell Yukoners when he intends to bring forward the reports for 2005, 2006 and 2007?

Hon. Mr. Fentie: As I said previously in my answers, the short answer is, "When they are done."

I want to assure the Member for Vuntut Gwitchin that he should continue to ask questions, because it gives the government side more opportunity to present here in this Assembly, and to the public, the state of the environment. I think it's fair to say that what goes on here takes precedence over reports, because here we can demonstrate, through debate, all these matters. I would encourage the member to continue to ask those questions. The government values being able to respond and demonstrate the good work it's doing in protecting our environment.

Question re: Trust in government

Mr. Mitchell: I have questions for the Premier about why Yukoners don't trust this government. Let's start with the fact that this government has trouble following the law. We heard earlier today how the government is not following the *Environment Act*. Last fall, we found out it broke the *Financial Administration Act* with \$36 million in bad investments. We know this for a fact, because the Auditor General of Canada said so. Yukoners expect their government to follow the law. Why does the Premier place so little importance on this fundamental principle?

Hon. Mr. Fentie: I am not going to engage with the Leader of the Official Opposition on a matter that has been much ballyhooed by the Leader of the Official Opposition, who has yet to really reflect what's going on and/or the facts. It's well known that investments were taking place in this area since 1990 — some \$1.7 billion dollars' worth of investments.

Is the member suggesting that those hard-working Finance officials have been breaking the law for all that period?

By the way, this is the member who stood on the floor and basically accused Finance officials of being uninformed, over-zealous and careless with taxpayers' money.

Is he suggesting that since 1990 that has in fact been the case in the Department of Finance?

I challenge him to present that evidence.

Speaker's statement

Speaker: Before the honourable member asks his next question, Hon. Premier, I spoke earlier about hyperbole. I would ask the honourable member to be careful with his remarks.

Leader of the Official Opposition, you have the floor.

Mr. Mitchell: This Premier had best get engaged, because it is all about trust, Mr. Speaker. It is not about officials.

Let's move on to another reason people don't trust this government: broken promises. The government promised to follow the law. It is not happening.

They promised to reopen the Thomson Centre. It is not happening.

They promised 12 new beds at Copper Ridge — also, not happening.

What about the two-year supply of building lots? Not happening.

They promised a good working relationship with First Nations and then shut them out of appearing as witnesses in the debate of the *Child and Family Services Act*.

This government is also in court with Little Salmon-Carmacks First Nation after promising compromise and consultation. Instead we have litigation.

This government said anything to get elected and now the broken promises are piling up.

When is this Yukon Party government going to start living up to the commitments that it made to Yukoners?

Hon. Mr. Fentie: Well, Mr. Speaker, I want to thank the Leader of the Official Opposition for this opportunity.

This party and this government promised Yukoners a better quality of life. It is happening. Look at what is going on around us. This government promised a growing, diversified private sector economy. It is happening. Look at what is going on around us. This government committed to and provided good governance to the Yukon public, and that included First Nation partnership. It is happening in spades.

The list is miles and miles long. This government promised to protect our pristine environment and that also is happening in today's Yukon. That is the commitment we made; that is what we are delivering, and we are proud to do so.

Mr. Mitchell: Mr. Speaker, the list that is miles and miles long is the list of broken promises. Mr. Speaker, I have

presented a couple of examples of how this government is not following the law. These are serious breaches of the public's trust — the Premier calls them “benign legalities”.

This government said anything to get elected and it will say anything to stay there. We saw a good example of that this week. Let's look at more broken promises: no tax increases — there is a tax increase in this year's budget; develop a climate change action plan — we're spending more on furniture this year than on climate change and still no action plan; recruit more nurses — another failure; be fiscally responsible — the government has misplaced \$36.5 million and turned the \$5 million Watson Lake Health Centre into an \$11-million project; open and accountable — they blocked public hearings into the \$36.5 million investment. The list goes on, Mr. Speaker.

When is this government going to stop breaking promises to Yukoners?

Hon. Mr. Fentie: The one thing for sure, Mr. Speaker, is the promise that we will ensure that the facts always debated in this House will continue. Every time the member opposite relays misinformation to this House, we'll point that out. The list that he just articulated is all incorrect in terms of what is actually happening in today's Yukon. I would encourage the member to rethink the strategy, rethink the cunning approach and do his own writing for questions.

Speaker: The time for Question Period has now elapsed, much to everyone's disappointment, I am sure. We will proceed to Orders of the Day.

ORDERS OF THE DAY

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

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

Bill No. 50 — *Child and Family Services Act*

Chair: The matter before Committee is Bill No. 50, *Child and Family Services Act*.

Some Hon. Member: (Inaudible)

Chair: Mr. Edzerza, on a point of order?

Mr. Edzerza: Mr. Chair, I give notice of the following.

Chair: Order please. Committee of the Whole hasn't come to order yet. If the member is standing on a point of order, he is welcome to stand on a point of order. Is the member standing on a point of order?

Mr. Edzerza: No.

Chair: Please sit down.

Committee of the Whole will come to order.

Committee of the Whole Motion No. 8

Mr. Edzerza: I move

THAT Andy Carvill, Grand Chief of the Council of the Yukon First Nations, Daryn Leas, legal counsel to the Council of Yukon First Nations, Ruth Massie, Chief of the Ta'an Kwäch'än Council and Corrine McKay, legal counsel to Carcross-Tagish First Nation, Kluane First Nation, Kwanlin Dun First Nation, Liard First Nation, Ta'an Kwäch'än Council, and the Tr'ondëk Hwëch'in First Nation, appear as witnesses in Committee of the Whole on Thursday, April 10, 2008, to discuss matters relating to Bill No. 50, *Child and Family Services Act*.

Chair: It has been moved by Mr. Edzerza

THAT Andy Carvill, Grand Chief of the Council of Yukon First Nations; Daryn Leas, legal counsel to the Council of Yukon First Nations; Ruth Massie, Chief of the Ta'an Kwäch'än Council; and Corrine McKay, legal counsel to Carcross-Tagish First Nation, Kluane First Nation, Kwanlin Dun First Nation, Liard First Nation, Ta'an Kwäch'än Council and Tr'ondëk Hwëch'in First Nation appear as witnesses in Committee of the Whole on Thursday, April 10, 2008, to discuss matters relating to Bill No. 50, *Child and Family Services Act*.

Is there any debate on the motion?

Mr. McRobb: I would like to commend the third party for bringing this motion forward. We in the Official Opposition fully support it and will be voting in favour of this motion, which will allow these representatives of the First Nations to provide expert testimony during the debate of the *Child and Family Services Act*.

Mr. Hardy: I also want to make it very clear that it's incumbent upon this Legislative Assembly to allow witnesses to come before us when we discuss and debate extremely important legislation — especially far-reaching legislation — to get it right, and get it right once and for all.

So I am hoping that everyone in this Legislative Assembly is allowed a free vote in this matter. I am also very encouraged that the Official Opposition is in support of this motion.

Mr. Mitchell: I want to speak briefly in support of this motion. I thank the Member for Whitehorse Centre for bringing it forward today. Clearly, I think it's in the best interests of this Assembly — and more importantly, of all Yukoners — to make sure that the debate we have in this Legislative Assembly is the best possible informed debate we can have.

We have expert witnesses here who can provide us with better insight into the issues that exist and arise out of the existing *Children's Act* and the new legislation before us, Bill No. 50, the *Child and Family Services Act*. We saw just last week how effective that was in the debate on the new *Workers' Compensation Act*, and I would urge all members to have an open mind to bringing this debate forward as informed debate by allowing witnesses to appear here this afternoon.

Mr. Elias: It is very encouraging to see in this House that we have a united opposition. In speaking to the motion, we were led to believe that the government did their due diligence with regard to the *Child and Family Services Act*. It is very obvious that that has not occurred and I support this motion.

Chair: Is there any further debate? Do members agree?

Some Hon. Member: Count.

Count

Chair: A count has been called.

Bells

Chair: Order please. I now call Committee of the Whole to order.

There is a motion before Committee. It has been moved by Mr. Edzerza

THAT Andy Carvill, Grand Chief of Council of Yukon First Nations, Daryn Leas, legal counsel to the Council of Yukon First Nations, Ruth Massie, Chief of the Ta'an Kwäch'än Council and Corinne McKay, legal counsel to Carcross-Tagish First Nation, Kluane First Nation, Kwanlin Dun First Nation, Liard First Nation, Ta'an Kwäch'än Council and Tr'ondëk Hwëch'in First Nation appear as witnesses in Committee of the Whole on Thursday April 10, 2008, to discuss matters relating to Bill No. 50, *Child and Family Services Act*.

Chair: Would all those in favour please rise.

Members rise

Chair: Would all those opposed please rise.

Members rise

Chair: The results are eight yea, nine nay.

Committee of the Whole Motion No. 8 negatived

Committee of the Whole Motion No. 9

Mr. Cardiff: I move

THAT the letter dated April 10 to Premier Fentie from Chief Darren Taylor of Tr'ondëk Hwëch'in First Nation, tabled today by the Leader of the Official Opposition, and the document entitled "Key concerns of Carcross-Tagish First Nation, Kluane First Nation, Kwanlin Dun First Nation, Liard First Nation, Ta'an Kwäch'än Council and Tr'ondëk Hwëch'in First Nation", tabled by the Leader of the Third Party, be accepted as briefs for the information and consideration of Committee of the Whole during debate on Bill No. 50, *Child and Family Services Act*, and duly appended to today's *Hansard*.

Chair: It has been moved by Mr. Cardiff

THAT the letter dated April 10 to Premier Fentie from Chief Darren Taylor of Tr'ondëk Hwëch'in First Nation, tabled today by the Leader of the Official Opposition, and the document entitled, "Key Concerns of Carcross-Tagish First Nation, Kluane First Nation, Kwanlin Dun First Nation, Liard First Nation, Ta'an Kwäch'än Council and Tr'ondëk Hwëch'in First Nation," tabled by the Leader of the Third Party, be accepted as briefs for the information and consideration of Committee of the Whole during debate on Bill No. 50, *Child and Family Services Act*, and duly appended to today's *Hansard*.

Is there any debate on this motion?

Mr. Hardy: I am extremely disappointed in the vote today. It sends a very, very clear message.

Chair: Order please. Mr. Hardy, the debate is on this motion and not on the previous motion. I would like you to focus the debate on this current motion, please.

Mr. Hardy: The letters before us today that we are considering in this vote refer to outstanding issues that could have been heard. What we have to do now is consider them in their letter form. There are seven outstanding issues and I'm going to name them because I think it is extremely important that everyone understands before they vote what it says: too much discretionary power for the director and the social workers; establish accountability measures — extremely important but it's missing in the *Child and Family Services Act*; a child advocate — not in a year, not a promise, but now; no support for First Nation involvement — Mr. Chair, I think we have seen that today; inadequate support for ADR processes, — and those are alternative processes, instead of having to go to court all the time and the problems, stress and cost that causes; extended family support, which is lacking in the act that is before us; inadequate provisions for transition of children out of care or custody. There's an eighth one down here that also has to be considered, and it's called guiding principles, fundamental to any kind of consultation that happens.

Mr. Chair, we very rarely see the gallery full. Having the people come into the gallery today to hear the debate and the decisions that are made by the Legislative Assembly that affect their lives is indicative of how important it is that we finish this process the way it was started — in consultation and working together to revamp the *Child and Family Services Act*.

It is not over. There are still concerns that need to be addressed. There are still people who want to ensure their voice is heard. First Nations still want to ensure that their concerns are addressed in the *Child and Family Services Act*. It is not over in their minds. It should not be over in the minds of the government, and it should not be over in the minds of the opposition parties, which have stood united on this issue.

I'm not just speaking on behalf of the NDP. I am speaking on behalf of the NDP and the Liberal caucus. I am taking some liberties there — maybe I am overstepping my boundaries — but I did have a meeting with the Leader of the Liberal Party today, and we talked about our shared views and the concerns that have been brought to our attention by First Nations.

We agree that they have a voice, and that voice has to be right to the end of the process, not three-quarters of the way through, not nine-tenths of the way through. That voice needs to be heard in the Legislative Assembly. It is not going to be heard.

We have other acts that have come before this Legislative Assembly and we have allowed witnesses. Just last week and this week, we listened to witnesses on the *Workers' Compensation Act*. And now we are saying no to First Nations to have a voice in the Legislative Assembly. Is that fair, Mr. Chair? Is that fair to anybody here? Does that make sense? It doesn't.

This act has been a long time coming, and I recognize the work that has been done by the government. I recognize the work that has been done by the First Nation governments as well, and the Council of Yukon First Nations, and the commitment that was made to bring forward a better act to address the concerns and needs in this area of child and family services, and working together.

I recognize that and I applaud the work that has been done. But it is not finished. Let's not cut it short now when there are still outstanding issues that need to be addressed. Let's work together and finish this properly so it is one piece of legislation that we can stand up proudly in this Legislative Assembly and say, "We've got it right. We did it together, we got it right, and everybody had a voice, right to the end."

The second motion we put on the table is because the witnesses have been denied. At least allow this one to pass, so the key concerns that have been brought forward — with over a third of the First Nation governments signing on to these documents — can be addressed.

These are serious issues. We have a chance to do it right. Let's stand together and do it right together. I'm proud to stand with my colleagues in opposition in doing this. I want the Yukon Party to join us and do it as well — and send a message to the people in the gallery that we're with them all the way on this, and send a message to the people in the public that they have a place in the Legislative Assembly and their voice will be heard.

And when witnesses on major legislation are brought forward — when there is an opportunity to have witnesses — we're going to open up this Legislative Assembly and make it happen. And we're going to make it happen for the future of the Yukon and not cut people out of the final process. So let's do the right thing. Let's do the right thing and pass this, at least.

And one final note — if somebody wants to bring another motion forward to hear witnesses, he'll get the support on this side of the House — if somebody on that side wants to do it.

Thank you.

Mr. Mitchell: I want to, first of all, thank the Leader of the Third Party, the Member for Whitehorse Centre, for his eloquent and passionate remarks in support of this latest motion and in support of the first motion as well.

And we do speak with a united voice on this issue. He's not taking liberties when he says that we speak with a united voice. We are united.

The Leader of the Third Party has already spoken to a number of the issues in the document that he refers to that he wants to make part of the record. I'm not going to repeat what he said, because he said it as well as it can be said. I just want to point out the first heading in this document, "Outstanding issues". Mr. Chair, if there are outstanding issues, it is incumbent upon this Assembly to ensure that those issues are addressed and not to leave them unspoken, unheard or outstanding. It is our job to see that they are addressed.

The Leader of the Third Party has made reference to the interest that is shown in this issue by the people who have gathered in the Assembly today in the visitors gallery. Only a few days ago, he made reference to the fact that there was only one single soul in that gallery. It is clear that this is a matter that is of interest to all Yukoners. We know that at the beginning of the land claims process there was a very important visit to Ottawa along with a very famous document entitled, *Together Today for our Children Tomorrow*. I think today when we're debating Bill No. 50, *Child and Family Services Act*, we also have to stand together today for all our children tomorrow.

I would have preferred to have heard the witnesses in their own voices to be able to counsel us and provide answers to questions and have input. At the least we have to have the written record reflect their input.

We in the Official Opposition, the Liberal caucus, want to add our voice in support of this motion to have these matters that were tabled today, these documents, appended as part of the record to appear in *Hansard* as opposed to simply a reference that people have to go and look up.

Hon. Mr. Fentie: Mr. Chair, the government side has absolutely no problem with allowing this kind of information to be tabled as briefs, if it will help expedite the debate. The information contained within the aforementioned document, as tabled, is important because, as we go through debate, we will clearly see that, within the act, these issues are being addressed.

These issues aren't new, by the way. In the process that we went through over the last almost five years, many of these issues were brought forward and indeed dealt with jointly by First Nations and public government.

The government will support the tabling of these documents to be used as briefs, but I would encourage everybody to recognize that the time now is to debate the bill so that all people in this House, and anybody else listening, will become aware of what is actually in this act.

What are the significant amendments to the child act here in the Yukon? There are many, and that is why we have brought it forward. That is why we want to debate it. That is why we will pass it. That is why we will move on, because this is about children, not other interests.

Mr. Fairclough: I will be brief. I would also like to speak to this motion.

Mr. Chair, we have information that was brought forward by the chiefs and is now being attached to *Hansard* for all to read.

Many times we have said that the First Nations had concerns, and they wanted to see them reflected in changes in the legislation. I heard the Premier say the concerns were dealt with. The fact of the matter is there was consultation that took place and it was not reflected in the changes. We have said this over and over, and we talked about this with the government side, and thought perhaps others could shed some light on it by having witnesses appear before this Legislature when we talk about this bill.

There are a lot of concerns. There are some powerful words being said by some of the First Nations. Some call it regressive legislation. Why? Because the concerns they brought forward were not reflected in the change in the legislation. Yes, the child advocacy was taken care of and is reflected in the legislation, but some First Nations just don't trust that it will happen.

We did have a meeting with some of the chiefs. The question was: is it fixable? The answer was yes — yes, it is.

There was a formal letter from the Council of Yukon First Nations asking that the legislation not be tabled. Now, the Yukon Party said that they work well with First Nations, they consult with them, and they are partners in many things. Why isn't this reflected there?

In January, the Yukon Party government wanted to fast-track this, and they wanted First Nations to put their positions in place in a month. Well, we all know that the spring sitting is all about dealing with the government budget and, most times, this big legislation comes in, in the fall, and there is much time for the public to debate this and reflect changes in legislation in the fall.

Well, this isn't happening. This government wants to move things as quickly as it can, ignoring First Nations' requests. Even as late as February 12, there was a resolution that came out from the Council of Yukon First Nations. There were no responses to the formal letter from the Council of Yukon First Nations to government — no responses from them on their request that this legislation not be tabled. Why? Why is there a communication breakdown? I thought there was a good relationship — obviously not.

So, we're fully in support of this motion, and I ask the government side. When I look at the previous motion, and I look at the faces on that side of the House, I know that many of them are in agreement with the opposition. But they're voting as a bloc, and that's a shame.

Mr. Edzerza: Well, Mr. Chair, I just have to say a few words to this motion also.

Number 4 really jumps out at me when we look at the seven issues brought forward, where it talks about inadequate support for alternative dispute resolution processes.

I beg to ask all the members on the government side how many of them have really had children in the predicament where they had to deal with this act? I think it is quite obvious, from the number of people in the gallery today, that this is an issue that is very near and dear to First Nations' hearts.

The government has said repeatedly that they have spent the last five years drafting this legislation and all the consultation that they did with First Nation people.

In my humble opinion I believe that it took five years to draft what they wanted to put out there. It took that long to listen to the First Nation people and at the end of the day say, "This is what we are putting in it." I know the members opposite have repeatedly chastised me for saying things about this bill in previous sittings, maybe to the media or maybe to the public at large.

Mr. Chair, there is one thing that may seem unbelievable, and that is that I do make mistakes, but I can admit my own. I can admit to mistakes that I make, and I like to be accountable for them. I wonder how many on the government side can say that. I don't mind saying that at the outset, after a very quick look at the act, I thought it might be good that it was going forward. However, after a few discussions with some of the different chiefs, we looked at these major concerns and after reviewing them, I said definitely, "These are all legitimate."

I have to put on public record that I have been an advocate for probably 20 years plus. I have seen, first-hand, First Nation families that were broken apart. I have witnessed families trying for years and years to get their children back and never succeeding.

Mr. Chair, this area is very important to be addressed and I would really ask the Premier today to consider looking at a

couple of these and putting these into the act. The First Nations are asking for a few more months — well, Mr. Chair, it took this government this many years to build a facility in Watson Lake. To not accept and respect the wishes of the First Nations is — I can't help but believe that it is going to be a very, very difficult situation to overcome. This is really about a trust issue here. This is really, really focused on trust. As First Nation people, they trusted that these things would be addressed in the act, and they are not.

Mr. Chair, I can't explain in words to this Assembly how difficult it is within child and family services legislation for First Nation people in this territory. From what I see in this act, the battle is going to continue like it has for the last 50 years.

Hon. Mr. Cathers: As the Premier has indicated, the government side has no problem with the motion brought forward to attach the letters and issues brought forward to *Hansard*. As the Premier already indicated and as members will see, once we get into line-by-line debate on this legislation, these matters are addressed within the act and it has been incorporated. With that, Mr. Chair, I would urge members not to be so concerned about the camera's presence and let us get on with the debate.

Chair: Is there any further debate?

Some Hon. Members: (Inaudible)

Count

Chair: Count has been called.

Bells

Order please. Committee of the Whole is now called to order. The matter before the Committee is Motion No. 9. It has been moved by Mr. Cardiff

THAT the letter dated April 10 to Premier Fentie from Chief Darren Taylor of Tr'ondëk Hwëch'in First Nation, tabled today by the Leader of the Official Opposition, and the document entitled "Key concerns of Carcross-Tagish First Nation, Kluane First Nation, Kwanlin Dun First Nation, Liard First Nation, Ta'an Kwäch'an Council and Tr'ondëk Hwëch'in First Nation", tabled by the Leader of the Third Party, be accepted as briefs for the information and consideration of Committee of the Whole during debate on Bill No. 50, *Child and Family Services Act*, and duly appended to today's *Hansard*.

All those in favour please rise.

Members rise

Chair: All those opposed please rise.

Members rise

Chair: The results are 15 yea, nil opposed.

Committee of the Whole Motion No. 9 agreed to

Chair: The matter before the Committee is Bill No. 50, *Child and Family Services Act*.

Committee of the Whole Motion No. 10

Mr. Mitchell: I move

THAT the Legislative Assembly defer debate on Bill No. 50 to a special sitting to be held prior to the fall sitting of 2008.

Chair: It has been moved by Mr. Mitchell

THAT the Legislative Assembly defer debate on Bill No. 50 to a special sitting to be held prior to the fall sitting of 2008.

Mr. Mitchell: It has become quite evident, in recent days and recent weeks and certainly today, that there is a great deal of public interest and public concern regarding Bill No. 50. It is clear that many members of the public -- not only First Nations, but many members of the general public -- recognize the importance of this bill, but also recognize the importance of getting it right.

We have before us in this sitting a budget of historic proportions. It is traditional in this Assembly to bring forward major pieces of legislation in the fall sitting but we have already seen three major pieces of legislation come forward in this spring sitting, and we have yet to even commence debate on a \$900-million budget.

This matter is too important to be squeezed into an afternoon or part of an afternoon. It deserves our undivided attention to make sure that we get it right. I therefore request all members, in the interest of moving forward in the best interests of all Yukon children and all Yukon families, to allow us to get it right by dealing with this at a special sitting, rather than trying to push it through now when there are voices that are yet to be heard and people who wish to be heard.

We recognize at the same time that it is very important that we have the best possible legislation for children who may need to be in the care of others beside their immediate families from time to time, so we feel that we should not defer this to the fall sitting but we should try to deal with this at the earliest possible opportunity when it can have our undivided attention. That's why I request the support of all members for a special sitting to deal with this matter. It is not unprecedented to have special sittings, although it is rare. I can't think of any occasion more important than dealing with the lives and the welfare of Yukon children.

Chair's statement

Chair: The Chair would like to remind all visitors in the gallery that they are supposed to remain silent.

Hon. Mr. Cathers: I would like to remind the member opposite — I know that he is standing here with the visitors in the gallery and the cameras have just left.

Chair's statement

Chair: Order please. Mr. Cathers, the comments with regard to camera time is not appropriate in the Assembly. Mr. Cathers, please proceed.

Hon. Mr. Cathers: I would like to remind the member opposite and encourage him to check out the Web site of the Department of Health and Social Services for the *Children's Act* revisions. For the member to suggest that there has not been consultation and that the public has not been heard flies in the face of the facts that nearly five years have been spent on developing this legislation, that an unprecedented process has been followed — jointly working with First Nations to jointly consult with the public to jointly develop the policy and to jointly inform the legal drafting. As far as public consultation,

that includes meetings in every Yukon community. These documents are available on the Web site.

Topic 1: “Philosophy and Principles”; Topic 2: “Prevention/Early Intervention” — again, a summary consultation from the Yukon public, Yukon First Nations, other stakeholders and of course interested members of the general public. Topic 3: “Child Protection”; Topic 4: “Child Protection Court Procedures”; Topic 5: “Children in Care”.

These are, as members will note if they go on-line, very lengthy documents noting the public comments, that which was heard from First Nations, from stakeholders, from elders and from the general public. *What We Heard*, Topic 6: “Adoption”; Topic 7: “Custody, Access and Guardianship”; Topic 8: “Child’s Legal Status and Who is a Parent”; Topic 10: “First Nation Governance”; Topic 11: “Service Delivery”; Topic 12: “General Issues”.

This new legislation includes new themes threaded throughout the bill, including support for families and extended families to care for their children; support for parents to fulfill their parental role, including periods where their children may not be living with them; inclusive collaborative planning and decision-making; recognition of the importance of culture and community in the lives of children and families; involvement of First Nations in planning and decision-making.

Again, I encourage the members to pick up the legislation, do their jobs and actually read it. They will see that there are far greater provisions for the involvement of First Nation governments than exist in the *Children’s Act*, and they cannot help but recognize that this is a significant step forward in the legislation of public government.

Theme 6: Interventions to start with the least intrusive approach, based on an assessment of the situation.

The draft bill is also written in clear, straightforward language using updated terminology, examples being things such as “protective interventions” rather than “child in need of protection” and “cooperative planning process” rather than “dispute resolution”, and “continuous care” rather than “permanent care”.

I’d also mention that a new provision within the act provides not only for open adoptions, but if a child is required to be put into the care and custody of the director of family and children’s services or the director of a First Nation service delivery agency pursuant to the act, there is the increased ability for the involvement and contact by family members with the children when it is safe to do so, even if that child has been, by decision of the court, placed into custody of the government.

The draft bill is also written in a manner that will enable planning and service delivery options to meet the unique needs of children and families.

Other themes include guiding and service principles, which do not exist in the *Children’s Act*. The new *Child and Family Services Act* includes the guiding principles that are to be used by the court and others in interpreting the document.

The current act does include a statement about the best interests of the child, but it does not provide a detailed list, as the new legislation does, of specific factors to consider in determining the best interests of that child. One of the specific fac-

tors noted in the guiding principles includes recognizing the importance of protecting and preserving the First Nation culture of a child.

Support services for families — the new part sets out provisions aimed at promoting and strengthening families through supportive and voluntary services, including cooperative planning processes, such as a family conference, in planning for child or support services to be provided to a family.

It provides for formal agreements to allow for the provision of family support services or in-home supports and for out-of-home care.

As well, it provides a new provision: special needs agreements, to enable a child with special needs to be provided with out-of-home care without requiring a determination that that child is in need of protection. Parents would retain their role and responsibility for that child.

As I have indicated previously during this legislative session, we have acted already to strengthen the programming available through mental health services, if a child is in need of services outside the territory for mental health issues. Previously the status quo had been that only children who were taken into custody could receive such service, despite the fact that a psychiatrist had designated and recommended the need for such services. We have made the change so that parents are able to enter into an agreement with the government and, while retaining their guardianship of their child, get their child the services that they need outside of the territory, if indeed that is necessary.

Mr. Chair, as members are hopefully aware, these are a rare number of cases but are for mental health challenges and behavioral issues. There are a rare number of cases, but they are complex and they require services outside of the territory. This has been the practice for many years. There is another area, contrary to assertions by members, that this government has not supported mental health areas. Here is an example of where we have expanded this programming and made it available to all parents.

Mr. Chair, there are also provisions to encourage and facilitate placement of a child with his or her extended family through the use of a formal support agreement. It notes that it is preferable to place a child with extended family rather than to place them with someone else — if there are suitable extended family members available, willing and able to provide that service. As well, there are provisions enabling the family and a director to enter into a voluntary care agreement to provide out-of-home care services for a child when there are concerns that the child cannot remain safely in the home. This allows temporary agreements by mutual agreement — whereby if a family believes that it is necessary to engage in such an agreement or, if there is a separation between parents and one has custody and is experiencing safety concerns with the other parent, they can voluntarily enter into an agreement with the director of family and children’s services or the director of a First Nation authority — person established pursuant to this act. They can enter into such an agreement without being required to give up the custody of their child and the guardianship authority.

As well, there are provisions for voluntary agreements for support services for the youth between the ages of 16 and 19 who cannot safely live at home, and where the issues with their parents cannot be resolved.

Another provision allows for transitional support services for youth between 19 and 24 years of age who have been in the care of a director and are making the transition to independent living.

One thing I should point out to the members — because, unfortunately, it does appear from debate that they have not read the act — is that the act is worded in a language that includes, in the definitions, the ability for a First Nation to establish a service authority contract with the department to provide that and, through that agreement, provide services to their citizens. This would then allow them to use that legislation. The legislation is worded so that a director of such a service authority would have equivalent power to the director of family and children's services.

Just returning briefly to the area of transitional support services for youth between 19 and 24 years of age: this is an example, of course, of an area whereby this would be by voluntary agreement, and this is for youth who often find — as do many youth who leave the family home — that it's easy to charge out into the world at 18 or 19 years of age and think that they can handle everything, but they find that they have a need for support from their parents. For children who are in a situation where they do not have those parents available to provide that support, this allows the government to provide similar services by voluntary agreement with those youth.

This, again, is another example of something that came directly from consultation from what we heard, and I have to encourage the members — I know this is a big stack of documents, but it's all available on-line. If the members have not read them, please read them. They will have no choice but to change their tone of questioning because they will recognize that the statements they are making in the House are not factual.

Further, protection of children, part 3 of the act — the provisions dealing with the protection of children have been completely rewritten. The draft bill includes the provision of supports and services to help maintain a child safely at home or to facilitate reunion.

Provisions that require working in cooperation with children and families to achieve agreements on plans and to reduce the use of the courts to make decisions — again — reduce the use of the courts to make decisions, and where agreement on a plan cannot be achieved, the parent will have the ability to present their own plan to the judge to be considered in making an order. This is groundbreaking, Mr. Chair.

Again, the members need to read the act. I hope that when we get into line-by-line debate they will recognize the error of their comments and the inaccuracy of their comments.

I appreciate the intent the members are coming forward with, but the members are misinformed. The members need to do their work — to read it and to understand it; because anyone who has read this legislation cannot help but recognize that this is a significant step forward in the involvement of First Na-

tions, the involvement of extended families, the recognition of custom adoption practices of First Nations, and the provision for children to be placed with a member of their extended family as a preference, rather than being placed into foster care or adoption by someone else. This is groundbreaking, but the members are not recognizing it because, clearly, they have not read the act.

I see that the Member for Mayo-Tatchun appears to be very eager to enter the debate, but I remind him that debate in this House, by Standing Orders, is through standing up and being recognized by the Chair. I would encourage the member to resist the —

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Hardy, on a point of order.

Mr. Hardy: Mr. Chair, I believe that is for you to make those types of rulings and not the person standing there and responding to what he perceives as harassment on his part.

Chair's ruling

Chair: There is a point of order and the Chair would like to remind members, if they have a problem with the way the debate is proceeding, they should stand and raise a point of order and then the Chair will rule on the proceedings. Mr. Cathers, you have the floor.

Hon. Mr. Cathers: I was certainly not trying to supplant your authority. I can't comment on your ruling; I recognize you will call me out of order for that.

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Hardy, on a point of order.

Mr. Hardy: It is my understanding that, once the Chair makes a ruling, it is not debatable.

Chair's ruling

Chair: There is no point of order. Mr. Cathers, you have the floor.

Hon. Mr. Cathers: As you recognize, and as the Leader of the Third Party will, upon reviewing the Blues, I was curtailing myself from the temptation to comment on your ruling and was respecting the Chair's authority to make that ruling.

I see that the Member for Mayo-Tatchun does not appear to be listening with as rapt attention as one might hope. He has expressed concerns and has engaged in comments off-microphone, but the member does not have an interest in listening to the facts.

Chair's statement

Chair: Order please. We are debating Committee of the Whole Motion No. 10 and that motion is that this Legislative Assembly defers debate on Bill No. 50, *Child and Family Services Act*, to a special sitting to be held prior to the fall sitting of 2008. I encourage all members to focus their debate on that, please. Mr. Cathers, you have three minutes.

Hon. Mr. Cathers: I recognize that, regarding my illustration of the provisions within this act, you may not have seen that as being directly connected to the motion.

Chair's statement

Chair: Order please. Mr. Cathers, the Chair has made a ruling and I would prefer if you stuck to that and just debated Motion No. 10, please. Mr. Cathers, you have the floor.

Hon. Mr. Cathers: As I was illustrating, the points within the act —

Some Hon. Member: (Inaudible)

Hon. Mr. Cathers: — the provisions that I was relating are the examples of the provisions and the changes in this legislation that are the direct result of public consultation. If the members would read the legislation, they will see this.

I recognize that the members appear to be finding themselves reluctant to engage in debate on this legislation. I see that their lack of taking the time to pick up this legislation is perhaps driving that. There is no substitute for that but to do their job, pick up the legislation and read it. Perhaps, since they have not done so, when we get to line-by-line debate, the members will recognize the error of their comments.

With that, Mr. Chair, I believe that my time for debate is running out here quickly, but I would just return briefly to provisions in the new act — providing for First Nation involvement in planning, service delivery and court proceedings. There are provisions to encourage the use of extended family in supporting parents in the care of their children and in providing care for family members' children who cannot live at home, either on a temporary basis or permanently.

Mr. Chair, there are also more options for responding to circumstances where intervention is necessary. An example of this is to order an adult who is causing a child to be in need of protective intervention to have no contact with that child.

The requirements for the court to determine that cooperative planning has happened or has been tried or carefully considered are within the legislation — contrary to the assertions by the members opposite. Consultation has occurred and there is no need to defer consideration of this legislation to another setting, as at least one member opposite has previously called for. It is time to move on with what is a groundbreaking piece of legislation. It is a significant step forward in public legislation and I would encourage members to provide the opportunity to engage in the debate of this legislation itself. They will recognize that their concerns are in fact addressed.

Chair's statement

Chair: Order. Order please. Before proceeding, the Chair will make a statement on a point of procedure.

Committee of the Whole can only deal with a question referred to it by the House. Bill No. 50 has been referred to the Committee; the issue of the special sitting has not. The proper wording of the motion should read: "THAT Committee of the Whole defer debate on Bill No. 50, *Child and Family Services Act*, to a special sitting to be held prior to the fall sitting of 2008."

That means that, for this special sitting to take place, the House would actually have to pass a motion.

Is there any debate on the procedurally correct motion?

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Rouble, on a point of order.

Hon. Mr. Rouble: Regarding clarification of the new motion, Mr. Chair, I think we need your guidance on this. Has the motion that is on the table been reworded?

Mr. Chair, if the motion has been reworded, I would suggest that the only one who should reword a motion should be the mover of the motion or there should be a motion to change the motion. I find it quite irregular that the motion should be changed by the Chair.

Chair's ruling

Chair: On the point of order, the Chair and the Speaker have the authority to change motions where they relate to procedure, not the intent of the motion.

Mr. Hardy: Now, the comments made by the previous speaker with respect to the motion are very interesting. He has indicated that we have not read the act. He is indicating that we haven't read the act, because what we are standing up for, and why we're asking for a special sitting — and I want to emphasize that point: "we" are asking for a special sitting — is because of the concerns that have been brought forward by First Nations.

In accusing us of not reading the act, he is indirectly accusing the First Nations of not reading the act, or not being part of the consultations, or not being aware of what is in that act.

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Cathers, on a point of order.

Hon. Mr. Cathers: I'll get the point of order in front of me. Contrary to Standing Order 19(g), the member is imputing a motive to me that certainly was not in place. I did say that the opposition members had not read the bill. I did not say that First Nations had not done so. Mr. Chair, I would ask that you have the member retract that comment.

Chair's ruling

Chair: On the point of order — it is a dispute among members.

Mr Hardy, you have the floor.

Mr. Hardy: In making those statements, he is making accusations in regard to the outstanding issues that are not relevant. He has indicated that they are already in the act. If we read the act, they are already in it. My question: why are the First Nations bringing these forward? Why is it still a big concern? Why are these outstanding issues still a big concern for the majority of First Nations? I ask that question.

This — no, I won't go down that path, definitely not.

This motion has been brought forward, has come about, because we on this side have heard concerns from the First

Nations in the final stages of this act that we believe — united on this side — would strengthen the act. We would not be bringing forward, or try to interject, things that would weaken the act. All the recommendations are the outstanding issues that have been brought forward to the Official Opposition parties as well as to the government. Strengthen this act.

I don't think this government wants to bring forward a faulty act. As it stands right now, there are serious concerns.

It is incumbent upon the government to want to hear those concerns from the architects of this act. Five years of debate; five years of discussion; five years of consultation; five years of working together; five years of compromise, in many cases, and we are in the final stages and we can get it right.

I do not understand the resistance around this. What would it mean to delay the act a few more weeks or a month in order to ensure that all concerns are met, and in order to ensure that our children and First Nation children — who make up 80 per cent of those who fall underneath the *Child and Family Services Act* — that all children in the Yukon have the best act possible.

The best act possible, Mr. Chair, will come about by ensuring that voices are heard right to the end and when we vote on this act, we can stand up proudly and recognize the fact that the contributions made by the people of this territory, by the First Nations, by the government, by the opposition members and all members representing each of their regions, is one that we can take back to the people and say, "We got it right. This is a good step."

Instead, we are having a debate on the floor today that we should not be having. All we were asking for was to have witnesses. This is not uncommon. Why is there such a resistance to this act? It is not uncommon to have witnesses for major legislation that is brought before the Legislative Assembly.

As a matter of fact, earlier this week we just finished up with witnesses in the Legislative Chamber on the *Workers' Compensation Act*.

It was welcome, it was appreciated and the contributions that the witnesses made were significant and very well done. Everybody benefited from it. The resistance — and I can't understand this — to allow and have First Nation representation — and even going beyond that to have other witnesses who have a stake in the future of this act — to be able to come forward and finish up this act together, doesn't make sense. I have not heard a defence in this matter yet. I have not heard anything that I can believe justifies refusing to allow people to come before the Legislative Assembly, be witnesses and allow each and every one of us to question the witnesses on their concerns or positions and to allow their presentations to be made. It enables us, with that knowledge, to make a good decision, one that will carry us into the future, one that we can be proud of, one that we can build on again as times and needs change in the legislation that we do pass.

We have a chance and we have started to indicate to the people of this territory that we can do things differently. The *Smoke-free Places Act* is an indication that we can work together to bring about good changes for the people of this territory. The select committee that went out to consult on the

Smoke-free Places Act, with representatives from all three parties working together to bring back changes to that act, was indicative that together we can make this a better place to live.

Witnesses that we allow in the Legislative Assembly add, strengthen and benefit our decision-making in here. We should not live in a vacuum. It is wonderful to see people in the gallery who care deeply about this. This is what I would like to see every single day when we are debating issues that affect their lives.

We owe the people who are willing to come out respect. We owe it to them to listen to them, because ultimately we are not passing laws for ourselves — we are passing legislation for all people of the Yukon to benefit from.

Change has to happen. Change has to happen in the legislation that we bring forward. Change has to happen in the way we act and behave in this Legislative Assembly. We have to put down the sword sometime and work together.

On this issue I was hoping today to hear the government say they will allow witnesses. I expected that. We have made so many strides in working together on other matters. Why not this one?

Instead, what we had today was the opposition working hand in hand together, because they put the children and families in front. They have listened to the concerns brought forward that say that the act is still not enough, it still has one more step to make to be acceptable to the people.

We came together to bring that about. I thought the Yukon Party would have been there too, but they are not.

The latest motion is the third one that we have brought forward — and I say 'we' because it originally started by calling for a very simple motion that the leader brought forward and ran by me, very quickly, and we agreed upon, with one change that we both contributed to and we're standing together on it. We are both willing, as are our colleagues on this side of the House, to have a special sitting. That was the one change we wanted. We felt we could live with that. That is working together and that is what we want to see when the government works with the First Nations: finding ways to work together, not apart. We hope we are demonstrating that today.

We are willing to put in the extra time. That special sitting can be in the evenings. I am not averse to working in the evenings. When I first got elected, that's what we did. We are actually sitting less time now and getting paid more than we were six or eight years ago.

A special sitting would allow this to happen and a special sitting in regard to this very significant legislation can happen in the evenings during this sitting. We can do it because we did it before and there is no excuse why we can't.

It can happen immediately after this sitting or whatever works best for everybody who is going to be here. We can do that as well. The fall — from my perspective — was a little too far away. I think this legislation needs to be brought in now. People have been waiting a long time. People have contributed a tremendous amount to make this happen, to bring this forward. We're in the final stages, and this is where it gets tough. This is where people either stand together and bring it forward,

make the changes necessary and allow amendments to strengthen it, or else they start breaking apart.

It's like the end of a race — like the end of a marathon. Anybody who has ever run a marathon or half-marathon will understand very clearly what happens. You start out very eager, united, and totally confident you're going to make it. You get halfway, and it starts to set in — the struggle you're going through. Your resources are being depleted, and you have to start calling on deeper reservoirs. You get close to the end — and often the feeling in a marathon, as you get closer to the end, is a feeling that a lot of people can relate to. It's the feeling of being on a long hike in the wilderness in the winter or they've been quite a way away from home.

I'll shift a little bit here. I want to apply this to the Yukon a little bit. The marathon is the same thing. You're walking home — and this has happened to me —

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Cathers, on a point of order.

Hon. Mr. Cathers: It's my understanding that recording devices require permission to be in the gallery.

Chair's ruling

Chair: There is a point of order. The Chair would like to remind all visitors in the gallery that photography and recording devices are not permitted and would request all visitors to refrain from using them. Thank you.

Mr. Hardy: A lot of people can relate to this. This is what this kind of legislation is about. You have walked a long way in the freezing cold, you come around the corner — whether it's a cabin in the woods or it's your home — you see your home, and the tendency is to sit down. You've made it. You don't have to do anything else. You sit down before you get inside.

Most deaths happen within a very short distance from the shelter that you are trying to get to. This is the same thing. We have come a long way and we've worked very, very hard. People have contributed so much. They have put so much into this to make it good legislation. We're on the final stages and it is not over. We've got to make the necessary steps to bring it home.

I am asking the people on the other side, the Yukon Party — which is blocking this right now — to consider this motion in front of us; to consider calling the witnesses and expanding that; to consider taking those final steps together to be home with this legislation and not give up now. We can't shut the door, we can't lock the door when the people are still on the outside and still wanting to have a say.

We make a commitment when we get elected to the people of this territory. That commitment is for five years right now and I don't think that there is anybody in here who isn't committed to the people of this territory. I say this very sincerely, that I respect every single member in this Legislative Assembly, even if I fundamentally disagree on the principles, values or positions that they may bring forward at times. I believe that people are in here to do the best for the people of this territory. The best for the people of the territory right now is that the

legislation before us needs final touches. The final touches are the outstanding issues that have been brought forward that need to be debated and, from my perspective, incorporated or clarified within the bill, as it is before us.

If the Member for Lake Laberge — beautiful Lake Laberge, I am sure — believes it is already in the bill, I wonder why the First Nations are so concerned. Maybe it is the language. Maybe the intent is already there. Maybe we just need to strengthen the language, if that is what he is saying.

There is a concern and I want to see a bill we can all be proud of, and not have people upset over it, or who felt it never went far enough in the final stages, because too much has been put into it. Too many people have worked too hard to bring this about. Let's not give up now. Let's not break apart now. Let's stand together and allow the voices back into the Legislative Assembly. Let's debate this and give it the proper time that it needs and stand together at the end of it and all vote together on this bill: a unanimous vote. I would be very proud to stand beside every one of my colleagues in here and do that, if we allow the process to finish the way it should, and that is to allow the last concerns that have been identified to be addressed properly.

Mr. Mitchell: I would like to thank the Leader of the Third Party, the Member for Whitehorse Centre, for his words in support of my motion, Motion No. 10. I would be pleased to refer to it as "our motion" as he has made reference to, because we did work on it together.

It is not really that complicated when we look at what we are trying to do: have Committee of the Whole defer this until there can be a special sitting of the Legislative Assembly.

The Minister of Health and Social Services has suggested that the members on this side haven't done their homework, that we haven't read the bill, and that we don't understand what is in the bill. Well, I beg to disagree, Mr. Chair. We have read the bill. I know my copy is underlined, highlighted, and it is getting rather dog-eared because I bring it home at night and bring it back in the day.

I attended the briefing put on by department officials, along with some of my colleagues and staff, to make sure we could get a better understanding of the bill. I will say that I was operating under the belief that the concerns of First Nations had not only been heard, but had been addressed within this legislation, because I accepted the word of the Minister of Health and Social Services and the Premier, and I accepted, of course, the explanations provided by the officials.

I spoke at second reading and I said that this bill was not utopia. Does it address the concerns of every Yukoner? I said, "No, of course not." I was asked if I had questions concerning certain aspects. I said, "Of course I do." In the end, I asked, "Do I think that this is legislation that would improve the care of children in Yukon, improve their health and safety?" I said, "Yes, of course I do," and I still do. I still believe that the intent is in this legislation.

I look at the preamble and it says, "Every child is entitled to personal safety, health and well-being; children are dependent on families for their safety and guidance and as a result, the

well-being of children is promoted by supporting the integrity of families, every child's family is unique..."

"The Act has been developed through the combined efforts of representatives of the Government of Yukon and First Nations as well as groups and organizations with an interest in the welfare of children."

Now, first of all, the Minister of Health and Social Services, when he was on his feet, said that he had a large stack of consultation documents, *What We Heard*, and he said that they have consulted on this for five years, and he indicated that that should be enough.

Well, the intent of my motion is to say that perhaps we have not quite finished the job. What harm would be done if we consulted on this bill for five years and five months prior to the fall sitting and got it done right?

The members opposite often say that we're not here to do it quickly, we're here to do it right. I would say that is what we have to do with this bill. I think that there is a lot in this bill that is good. I know that when we received the briefing from officials, they were quite proud of the work that they had done.

You know, Mr. Chair, when I listen to the Member for Lake Laberge speak about this bill and how much is in it and how they have incorporated the First Nations' concerns, and then when I read the letters that are being sent by First Nation chiefs, by leaders, to the Premier, when they come and meet with us and I hear their issues first-hand, it reminds me of the old parable of the two blind men trying to describe an elephant, Mr. Chair. I'm hearing two very different versions of what this bill does and doesn't accomplish.

Mr. Chair, I think that it is important. I think that it is crucial that we work together. Committee of the Whole is our opportunity to work together to get it right. It is not just a notch on a belt to say that we've passed a new *Children's Act* because, if the people who are being affected by the act don't believe that we've gotten it right, if they feel that we've gone 70 to 80 percent of the way but we haven't done the job to its conclusion, that we haven't incorporated the concerns that they have raised, that we haven't only not consulted but mitigated — then we have failed. We have failed the children, the families and Yukoners.

I know from my discussions now and previously with the Leader of the Third Party that we both feel very strongly about this piece of legislation and its intent. The Leader of the Third Party, his wife, the former Member of Parliament for this territory, is a social worker. My wife is a special education teacher. We both have heard far too much at home about what goes on in some families and the extreme difficulties that many children go through in their life, which will affect their whole lives. It affects their health and it affects their well-being. It affects their ability to learn and it ultimately affects their ability to be productive and healthy contributing members of our society.

We understand the intent of this bill and we understand that the minister has made real efforts to get it right.

This isn't about-us-versus-them politics, Mr. Chair. I think ultimately we probably all agree that this legislation is an improvement on the predecessor legislation. I can support the minister's belief that there are many things in this bill that have

improved upon it, but what we are hearing is that it doesn't go far enough and it doesn't quite complete the job.

When I look at the information and the input we received from First Nations about outstanding issues — too much discretionary power for the director and the social workers, and First Nations tell us that the draft bill must be amended to reduce the extent of the discretionary powers of the director and the social workers and render any remaining discretionary powers subject to effective supervision and accountability.

I think all sides recognize that there will have to be discretionary powers. I think the issue at hand is how extreme are the powers, and how frequently can they be exercised without any consultation with extended family or with the relevant First Nations? We know and understand that there are and will be emergency situations when the welfare of the child is immediately at stake. In those situations, the government will have to have the power to act and act expeditiously.

We don't disagree with that. We are not looking to remove all opportunities for governments to act because we know that they will need to act in the welfare of the child. In fact, this legislation says that there may be times when there is not even an opportunity to get a warrant because it is such an emergency. Clause 39 of this act deals with the extreme case of having to act without a warrant, and that is to me self-evident that there could be an emergency where you don't even have time to do that.

Clause 38 addresses the issuing of a warrant to bring a child into care without notice to any person. It's speaking of a warrant. It's speaking of going before a judge. It's speaking of going to the courts.

What we're hearing from First Nations is that if there is time to go to the courts, there should be time to notify the First Nation, so they can provide input to the situation. There are times when time is not so much of the essence, and that's the sort of issue that they want to see addressed.

So it's not about whether there should be any discretionary powers for the director and social workers; it's about limiting those powers to the bare minimum necessary for the welfare of the child — and it's always about the welfare of the child.

Establishing accountability measures — the input we've received from First Nations says that the draft bill fails to provide any meaningful measures to ensure accountability on the part of the director and social workers. It says that none of the effective means of holding either the director or social workers accountable suggested during the consultations have been incorporated.

The minister says that they've held consultations for five years. The First Nations are telling us that none of the meaningful measures they brought forward during the consultations have been incorporated. What is the point of holding consultations, only to say, "We heard what you had to say, but we're not going to put it into the bill."

Again, this is why we need to take more time to do it right. This is why we should have a special sitting — to do this right. This is why, earlier this afternoon, we should have supported the motion put by the Member for McIntyre-Takhini to have witnesses appear during this debate — during the debate we're

having now. That way, we could have asked the First Nation leaders to explain what their concerns were and perhaps, upon hearing the responses from the minister, some of those concerns would be alleviated. And perhaps the minister would learn something from the First Nation leaders. That's what it's about. It's about having informed debate. It's about give and take.

We know that we could attempt to do this on the floor of this House with amendments to the bill in Committee of the Whole, but if you look back over the record of the last five years of this government, there are not very many examples of amendments coming from either of the opposition parties that have received the support of the government. They have a majority, Mr. Chair, so the votes that we have seen today are 10 to eight and nine to eight. That really doesn't provide us with much opportunity. In fact, the only amendments we've seen come forward have been the amendments that were brought forward by the government side as friendly amendments to an opposition bill, Bill No. 104, that we were all able to support, because they improved a bill. Why is it that we can never improve a bill when it comes forward from the government side?

That is why we feel there needs to be a special sitting to give this the time that it deserves to make sure we get it right. I see the minister sitting there shaking his head "no". He doesn't believe that that is what we would accomplish, but he is wrong, Mr. Chair. We could accomplish it, and we should accomplish it. The child advocate, Mr. Chair — the government went halfway on this. They put it in as the last line of the bill on page 128 in clause 211: "Child Advocate. The Minister shall develop an Act to establish a child advocate, to be independent of the director of family and children's services and of any director appointed under paragraph 173(c)".

It goes on to say that "The Bill to establish the Act is to be presented to the Legislative Assembly no later than the anniversary date of the Proclamation of this Act."

So what we have here, Mr. Chair, is a promissory note. It is a cheque with no details, made out to be cashed later. It says "Pass this bill now without this important measure that: (a) First Nation leaders have asked for; (b) other organizations, such as the Grandparents' Rights Association of Yukon, have asked for; and give us a year and we'll come up with a child advocate." It doesn't say what a child advocate will do. It doesn't describe the powers of a child advocate. It doesn't describe the roles and responsibilities of a child advocate or explain how that person or that office will integrate with the rest of this act.

If the government agrees that it is a good idea to have a child advocate, even if they have decided it at the eleventh hour, why wouldn't they withhold this bill, not have tabled it in this sitting and done the hard work to incorporate it into the bill? Why are they asking the families and the First Nations to trust that they will come up with a child advocate that will be mean what First Nations and non-government organizations such as the Grandparents' Rights Association of Yukon want it to mean? Why don't they just slow down? As the minister has said, they've spent five years trying to get it right, so spend a few more months and get it right.

There's no support for First Nations involved: First Nations are saying that there is no provision in the bill for the involvement of First Nation governments in key decisions or to share responsibilities. Well, there are sections in this bill that do make reference to First Nations, and there are sections that make reference to things such as "The director may offer the use of a family conference or other co-operative planning process in any other situation when developing a case plan for the safety or care of a child."

That's in part 2, cooperative planning. There are sections that address the cultural background of children, but First Nations are telling us that it says "may" when it should say "shall", that it is not clear enough to them that this will always be the case.

I spoke with — we spoke, our caucus spoke — First Nation chiefs just a few days ago, earlier this week, Monday morning. One chief told us of a case where he received an emergency phone call, where he had to get down to the courts because a case that he was not aware of was going forward. This case of a First Nation child had suddenly been called for the issuance of a permanent custody order. He went rushing down there; he did not have advance notice. He had to get down there and try to immediately make representation on behalf of that child, and on behalf of the cultural significance of that child's First Nation and his cultural heritage.

In the end, he told us that that the courtworkers withdrew the motion, they delayed it, they apologized to him for not giving notice. He said, you know, you almost ruined the life of a number of people, of a family; you almost went ahead without allowing an extended family and a First Nation to ensure that this child was able to stay in the setting that was most appropriate, that was culturally appropriate, for the child. He said he did not accept the apology because it should never have happened.

Why not make sure — in this bill — that it won't happen? That is what we are asking. We are asking to defer this, to not rush this through, to not try to bulldoze over the concerns that are being expressed, to get it right, and to have a special sitting because there is really nothing more important that we can do in this Assembly than to look after the welfare of our children.

There are two caucuses that have spoken in unison here today. We would like to see the House speak in unison. We know there are members opposite who believe that the ultimate thing we need to do is get it right, not to get it quickly, and I would urge all members to support us in this motion so that we will get it right.

Thank you, Mr. Chair. I know there are others who want to speak.

Hon. Mr. Cathers: I find it very interesting that the Leader of the Official Opposition said, during his long discussion on the motion he brought forward, that he agrees that the act is an improvement. If the member would read the act, he would notice that it contains provisions for review of the act, and in fact there are others who have expressed a different opinion.

The Member for McIntyre-Takhini is now not making it clear what his position on the act is. He has changed it, but the Member for McIntyre-Takhini said, on February 15, "The

longer it is delayed, the more negative impact it has on the citizens who really needed something in place 20 years ago". That was in encouraging government to move forward with the legislation.

We agree with the statement the member made on February 15. It is time to get on with it, to table this legislation, and to pass this legislation that is a significant improvement on the old *Children's Act*, the new *Child and Family Services Act*.

The Leader of the Official Opposition and others have referred to the unilateral power of the director. The unilateral power of the director is reduced under the new *Child and Family Services Act* versus under the old *Children's Act*.

In fact, the same powers exist for a director of a First Nation service authority established under this act as exist for the director of family and children's services. So this is not about public government and lack of First Nation involvement. A First Nation service authority can be established and the director of such authority will have the same powers as the director of family and children's services.

Again, unilateral powers are reduced, there are more provisions for involvement of the First Nation and the family and more provisions to require cooperative planning and alternatives to court to be pursued.

Again, there are other provisions in here: a new step forward is the mandatory reporting of abuse and neglect, which is not in the present act — another example of why it's time to move forward.

As I referred to, part 7 of the act provides for the establishment of First Nation service authorities to deliver services under the act. This does not reduce or diminish the ability of self-governing First Nations to occupy authority and draw down their powers over that area; however, it provides the ability for them to operate within public legislation, if they so choose, and in fact go to the extent of establishing a First Nation service authority.

As I indicated before, the director of such authority has the same powers as the director of family and children's services.

There are provisions — new provisions — under part 8 for service quality and accountability. This is a new section. The need for quality and accountable services was an important issue raised through the consultation. And as I mentioned in listing the topics of the *What We Heard* documents, it was one of the significant and thick documents established following the consultation.

The results of those consultations are incorporated in the new legislation. The members will see it, if they read the bill. But they have to read the bill.

There are new procedures under service quality and accountability to review decisions of a director and require that those procedures will be known to the public. It includes a provision for the setting of minimum standards and regulations for all service providers. It includes accountability provisions, such as annual reports, and includes regular five-year reviews of the operations of the act by an advisory committee.

Again, this is a new step and a new measure for service quality and accountability. It provides for annual review of the case plan for each child in care and for enhanced participation

of the family, extended family, First Nation and other key people in the review.

Mr. Chair, if the members would read the act, they would see that many of the concerns they have claimed exist, many of the areas that they have identified as having alleged flaws in the legislation, are in fact well addressed in the act, and it makes a significant improvement. Again, there is a provision in the legislation for it to be reviewed and not to be sitting in excess of 24 years without being amended — if memory serves correctly.

Mr. Chair, I will not continue comments on debate on this motion brought forward by the Leader of the Official Opposition. I hope that members opposite will allow us to vote on the motion rather than engaging in a filibuster attempt here on their own motion. Let us get on with the business. Let us review the act and put forward this good piece of legislation.

Mr. Edzerza: Mr. Chair, this minister continues to raise the issue that was stated some time ago. I don't know how many times one has to repeat for this minister to help him understand that I've already corrected the public record with regard to my comments. He seems to be sort of stuck on that area, so hopefully he'll find his way out of it before the term ends here — his mandate of another four years.

Mr. Chair, I would like to focus on something about his bill that raises a lot of concern for not only First Nations but non-First Nations alike, and that is the constant use of the word "may". Mr. Chair, according to the *Webster's Dictionary*, this is how "may" is defined: the present tense is "may"; the past is "might". "Might" is important to focus on. Expressing possibility — that doesn't give much comfort to anybody who reads this act where it states repeatedly, "The director may...; the director may...; the director may..." In fact, Mr. Chair, I'm going to have to go through this again with a fine-toothed comb. Only this time I'm going to make note of how many times the word "may" is used in this whole document versus the word "shall".

"May"— you "may" have been wrong. You "may" lose your way. I believe the minister lost his way in this document. He got lost in the consultation process and couldn't find his way back out again. The only way he could find his way is to bring it to the floor of the House and outvote the opposition.

Expressing permission — that is a really good one. You may get the assistance from the family and children's services branch if you need it. You may not go; you may come in. Again, you may. I think the minister went.

Both "can" and "may" are used to express permission. In a more formal context, "may" is usually used, since "can" also denotes capability.

Expressing a wish — imagine that. Imagine a document of this magnitude and of this importance consistently using the word "may" throughout the document, when the word "may" means you are expressing a wish. Doesn't that give a lot of comfort to the people who are losing their children? I wish I wouldn't lose my children to the director.

Expressing uncertainty or irony in a question — again, Mr. Chair, this is no comfort to people who are having issues with child welfare.

I want to look at some of this document that the minister is so proud of.

I'm going to give an example here of how the word "may" is consistently used throughout this document and that is a really serious concern for a lot of the families that have to deal with this act.

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Cathers, on a point of order.

Hon. Mr. Cathers: Thank you, Mr. Speaker. I believe the debate has strayed very far from the rules of order and the requirement to stay relevant to the topic at hand. The topic at hand is a motion moved and I have the wording, I believe not as revised, in front of me. The wording I have is that "the Legislative Assembly defer debate to a special sitting... et cetera, et cetera" — you know the wording of the motion.

I would seek your ruling, Mr. Chair, on whether the topic has strayed extremely far from the subject matter. I believe it has.

Chair: Mr. McRobb, on the point of order.

Mr. McRobb: On the point of order, Mr. Chair, it is not very often I get the opportunity to come to the assistance of my colleague from McIntyre-Takhini. However, doing what is right in this House has inspired me to rise today.

Chair's ruling

The Chair has heard enough to determine whether it is a point of order. There is no point of order. The Chair has given a lot of leeway from the beginning on this motion. Mr. Edzerza, you have the floor.

Mr. Edzerza: Thank you, Mr. Chair, and thank you for that ruling because this is all relevant to speaking to the motion of deferring this bill and having a special sitting.

I have been talking about the word "may" and really what the meaning is behind the word "may". I am going to state for the record some of the issues that really concern a lot of people who are going to be governed by this act.

"A director may offer the use of family conferencing..." — "may" offer. It doesn't say "they shall". The director at any time can say, "Well, no, I'm not going to provide the use of family conferencing" and there is nothing in this act to force the director to change that ruling.

"A director may make a written agreement with a parent who has custody of a child to provide support services to maintain the child in the home..." Again, the word "may": there is a problem with that word. It is not directing and giving a specific direction; it is again expressing permission; it is expressing uncertainty on a question.

Again: "A director may make a written agreement with a person who is a member of a child's extended family..."

The minister talked about this and how it's such a positive change in that, from now on, the director will make a written agreement with a person who is a member of the child's extended family. Well, according to this section 14(1), on page 22, it states very plainly that the director may — again, it's at the discretion of the director. The director is not obligated by

this act with that wording to have a written agreement with a person who is a member of the child's extended family. That's a problem.

Again, "15(1) A director may make a written agreement with a parent who has custody of a child who is under the age of criminal responsibility ..." Again, the word "may", meaning that is an expression of permission — he is not obligated to do it.

"17(1) A director may make a written agreement with

(a) a youth who is leaving the custody of the director; or

(b) a person who, as a youth, was in the custody of the director; ..."

Again, the word "may" means not being concrete, not being a really specific direction, but just a word at the discretion of the director.

Section 17(2): "The agreement may be renewed or the parties may, after an interval, make another agreement, but no agreement may extend beyond the person's 24th birthday." There again, extensive use of the word "may", because you're only expressing an opinion; you're not giving specific direction that you have to do these things. Again, this is totally at the discretion of the director which, I have to say, is very unfortunate — very unfortunate.

This act, because it's all written in "may," is basically saying that it may be followed and it may not.

And then again, we go to division 2, section 29, page 32: "If a director believes a child is in need of protective intervention, the director may offer to enter an agreement under section 11 to provide support services to the family or refer the family to other community services if such services would help keep the child safe in the family home." Again, the word "may": the director may support the family, but the director may not, too.

So, again, it's a word that doesn't really give specific, concrete direction to the director. The director has total discretion again here, and that leads back to some of the issues that were expressed in the letter from the Tr'ondëk Hwëch'in. The first one — too much discretionary power for the director and social workers: "The bill must be amended to reduce the discretionary powers of the director and social workers and render any remaining discretionary powers subject to effective supervision and accountability."

What is wrong with asking for that to be included in the act? The word "may" is the most predominant word in this act. It never says that the director "shall". There are many places where a lot of my constituents believe the word "may" should be substituted for the word "shall".

I know why the minister would not want to use the word "shall", because they might have to do something positive. If they "shall" have to do it, it puts a really —

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Cathers, on a point of order.

Hon. Mr. Cathers: The member is imputing false motives to me. He is imputing motive that I certainly never said and do not hold, as he well knows. I would ask you, Mr. Chair, to have him temper his remarks.

Chair's ruling

Chair: On the point of order, it is just a dispute among members.

Mr. Edzerza: Thank you, Mr. Chair. After five years of work, what would another few weeks to wait for amendments be? It's not a really huge request. I know, I was on the other side of the House, and I know the Premier controls some of the debate over there. As I look across the House I know definitely that some ministers over there felt very uncomfortable about being forced to bloc vote on the motions.

I know if there were a free vote like one motion requested that —

Chair's statement

Chair: Order please. The member knows he is not allowed to speculate what is happening, so I would remind the member not to imply that.

Thank you.

Mr. Edzerza: Maybe I'll take it out of this speculative context and say, "Yes, I know that is exactly what is happening."

Chair's statement

Chair: Order please. The Chair was just being polite in the way that he was determining the Standing Order you were breaking, Mr. Edzerza. I would encourage you not to do that again.

Mr. Edzerza: Thank you, Mr. Chair. I will try to control my emotions a little bit here.

This is a very serious bill, and as a First Nation person who has been an advocate for many, many years, I have serious problems with the word "may", which has been used consistently throughout this bill. I know where the chiefs are coming from and I know where First Nations are coming from, because this bill is almost like having the *Indian Act* again for First Nations. This bill is going to predominantly rule over First Nations.

Why, Mr. Chair? Because the number of children who are in care are predominantly First Nations. It really hurts me to have to say that, but it is a fact. It is a fact that a lot of First Nation children are in care and, Mr. Chair, I fail to see where a lot of changes have been made in here. Mr. Chair, I want to put this on record, where it states that there is no support for First Nation involvement. There are no provisions in Bill No. 50 for the involvement of First Nations in key decisions or sharing of responsibilities. That is very, very important to understand. This is so vital given the fact that First Nation families and children are involved in the majority of child protection cases, as I said earlier.

Bill No. 50 does not recognize the law-making authority of First Nations, consistent with First Nation self-government agreements.

Mr. Chair, I know that First Nation people are not trying to take over control from the Yukon Party government. This appears to be about power and control. It is very easy to deter-

mine who the superpower in the territory is: it is the Yukon territorial government. Why? For one thing, their budget is \$800 million where a First Nation's might be \$5 million. That makes a big difference, and this government, I believe, has a responsibility to recognize other First Nation governments and to say to other First Nation governments that we should be able to work together on some of these issues.

Shared responsibility — why is the Yukon Party so determined not to share responsibilities? That is part of the reason I'm not on the other side of the House: their reluctance to share responsibilities with other governments.

I've heard this from several people, several First Nations, and it has forced me to make some decisions in my political career, which I don't regret. I think it was more fitting for me to be able to express my sincere opinions about the less fortunate and not have to follow a party line that was running business and not looking after the social agenda.

In closing, I want to say that I do support the motion. And I would also like to put on record that I have no problem at all coming in on Saturday or Sunday or in the evening to deal with this specific issue. I can't help but stress enough how much this is going to sever the relationships between First Nations and the Yukon territorial government, but that's the decision the government made. I think this day will certainly be remembered in the next election.

Thank you.

Hon. Mr. Cathers: Well, Mr. Chair, it was very interesting listening to the Member for McIntyre-Takhini. It's very interesting how the member has flip-flopped on his position. I have learned something in listening to the member. I have learned that the member espouses positions very strongly, such as on February 15, and then completely changes 180 degrees.

On February 15, the member said, "The longer it's delayed, the more negative impact it has on the citizens who really needed something in place 20 years ago." The member also said that the consultation has been going on for five years and was encouraging the government to get on with it. And now he has changed his tune. Well, that's rather interesting. And he certainly has not given an adequate explanation for his flip-flop on this issue.

But I'd like to talk about some of the member's specific comments. The member was trying to make a lot of hay out of the use of the word "may". Mr. Chair, the member was the Minister of Justice. He ought to have enough familiarity with legislative drafting to know this is standard language, and it is the type of language that is used when there is a need to recognize the fact that each case is different and there is a need to enable a director to make a decision to provide the courts the discretion — as is provided under some of the clauses the member refers to — to make a decision based upon the merits.

It would not be appropriate, and I am appalled that the member would seem to suggest that legislation should state how each and every case should be dealt with without providing any discretion for the facts of that case. This is standard language and, if the member doesn't know it, he used to know it.

Mr. Chair, again, I point out and remind members that, in referring to the powers of the director, they are the same powers for a director of a First Nation service authority established pursuant to this act as for the director of family and children's services. This is not about, as the Member for McIntyre-Takhini suggests, the power of the Yukon government ignoring First Nations. He is wrong. This power is provided to the director of a First Nation service authority, if one is established under this act. This act provides for the requirement to engage in the discussions of those transfers of power to a service authority, if the Yukon government is approached.

The member says that there is no provision for First Nation involvement, but the member is wrong. I can't say it enough and I hate to have to keep repeating it, but it is necessary because the members continue to bring forward inaccurate information, continue to stand up and make inaccurate assertions and fail to recognize that the act does provide for First Nation involvement. It makes it mandatory in many cases and provides for that ability prior to court occurring — there is a requirement to involve the First Nation. There are provisions that require working in cooperation with children and families to achieve agreements on plans and reduce the use of courts to make decisions whenever possible and, where agreement on a plan cannot be achieved, for the first time, the parent will have the legal right — provided for in the legislation — to present their own plan to the judge, which the judge must consider when making an order.

There are provisions for First Nation involvement in planning, service delivery and court proceedings.

Another area the member made some mention of was adoption. I would like to read to the member some of the text of the act in clause 98 around cooperative planning.

"98(1) For greater certainty, if a director intends to place for adoption a child who is in the continuing custody of the director under Part 3, the case plan developed under section 44, or the review of that plan conducted under section 186, shall address the placement of the child for adoption.

"2) Before a director or an adoption agency places for adoption a child

"(a) who is a member of a First Nation; and

"(b) who has been placed for the purpose of adoption with the director or adoption agency by a birth parent or other person who has custody of the child, the director or adoption agency shall involve an authorized representative of the child's First Nation in planning related to the adoption of the child.

"(3) Subsection (2) does not apply to the placement of a child by an adoption agency if

"(a) the child is 12 years of age or over and objects to the involvement of the First Nation; or

"(b) the birth parent or other person who has custody of the child who requested that the child be placed for adoption objects to the involvement of the First Nation."

So again, Mr. Chair, the only discretion to not involve the First Nation in adoption is if the parents, the individuals who are affected by this, or the child over the age of 12 personally objects to this — and this is to recognize their individual rights

while providing for the involvement of that order of government.

"Before direct placement

"99(1) As soon as possible before a direct placement, the prospective adoptive parents shall notify a director or an adoption agency of their intent to receive a child in their home for adoption.

"(2) As soon as possible after being notified, the director or adoption agency shall

"(a) prepare a pre-placement assessment of the prospective adoptive parents;

"(b) give a copy of the pre-placement assessment to the prospective adoptive parents and to the birth parent or other person who has custody of the child; and

"(c) make sure that the child

"(i) if sufficiently mature, has been counselled about the effects of adoption, and

"(ii) if 12 years of age or over, has been informed about their right to consent to the adoption."

That is just one section that I picked out of the bill that, again, gives — I am trying to think of how to say it without contravening the Standing Orders. That section of the act that I read makes it very clear that the assertions made by members are not accurate.

There are sufficient references, there are many references to "shall" when it is appropriate, when there is a need for discretion of either a director — and again I make reference that that can be either the director of family and children's services or the director of a First Nation service authority. When there is a need for discretion of either such a director or of the courts, there is a reference to "may". When there is a need for requirement, there is a reference to "shall" — standard legal provisions.

The member is trying to make an issue out of something but if he searches back in his memories to the days when he was Minister of Justice and he looked at legislation, he would recognize that he is inaccurate in his assertion. This is standard legal drafting. The effect of the drafting is far greater involvement by First Nations, the requirement to inform First Nations, the requirement to involve extended family, and the requirement to consider extended family first for placement, either of a child in foster care or for adoption.

Again, the member is absolutely wrong in his repeated assertions on this topic that there is no provision for First Nation involvement.

The Member for McIntyre-Takhini also said that the legislation does not recognize the law-making authority First Nations have under self-government agreements. I am appalled to hear that from the member opposite. He has gone a long way, and not in the right direction, since his time on the government side. The member was involved in the discussion. The member knows this is public legislation, that this legislation does not diminish, reduce or supplant in any way the ability and right of self-governing First Nations to occupy this authority or to make their own laws in this area, but a key part of the process was to provide them with more ability to be involved in the public system — which the legislation does — and, secondly, to pro-

vide an act that was worded so that, if they wished to adopt it as their own legislation and draw down their authority over this matter, they could do so.

That it does and that is why the references to a director are worded very specifically — as the member will see if they read even just the definitions at the beginning of the act. The members will see that the definitions are designed to allow for the legislation to apply to First Nation service authorities if they wish to come forward and if they wish to engage within the public government system.

What is unfortunate is that we're spending so much time here engaged in a debate on peripheral matters rather than getting into the details of the act and into line-by-line and discussing this legislation. The members are — Mr. Chair, I'm trying to be nice here — not taking the time to do their homework, to read the legislation and to understand what it means. They are not reflecting the facts by virtue of their lack of understanding. It also appears, unfortunately, that many of them have not even attended the briefing that was provided by officials of Health and Social Services, because many of these matters would have been clarified to members if they attended that briefing. They would recognize that much of what they have stated in debate on this legislation is not factual and does not reflect the legislation.

The legislation, as I mentioned before, also provides for the first time for custom adoptions. This is a First Nation practice that, for years, there was no ability to recognize. Mr. Chair, I could read through this — perhaps the members would like me to read through all of the *What We Heard* documents — I can do that, if they wish, in debate, but I would much rather that we got into debate on the legislation, got into the line-by-line and satisfied the members' concerns. They will see — if we do so and they are listening — that the issues that they claim are not addressed, are. Then we will get on with the business following that and the members will recognize that they can be comfortable in joining the government side in unanimously supporting this piece of legislation as a significant step forward — not only for First Nation children but non-First Nation children as well.

For all Yukon children, for all Yukon families, this is an improvement. It is a good piece of legislation and there has been a lot of work put into it by officials. There have been many consultations and significant time spent on this.

Again, joint consultation by First Nations and the Yukon government — for the first time in history, Mr. Speaker and, secondly, joint policy development and jointly informing the legal drafting.

We're on a motion brought forward by the Leader of the Official Opposition. I would encourage members not to filibuster this but to vote on the motion, and let's get on with debating the act.

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

Recess

Chair: Order please. Committee of the Whole will come to order. The matter before the Committee is Committee of the Whole Motion No. 10.

Mr. Cardiff: I'm in some ways pleased and in other ways greatly disappointed to have to debate this motion put forward by the Member for Copperbelt to defer debate on Bill No. 50, *Child and Family Services Act*.

I'm glad to be given the opportunity to speak, but it's unfortunate that we have to do this in this way. This is a very key, important piece of legislation for the Yukon, for families, for children, and it's not something we should be taking lightly. I think the government needs to take note of that. It's amazing, actually — quite amazing, Mr. Chair — that with all the people who were with us here in the Legislature earlier today that the government can't see how important this is to the people of the Yukon and how hurt and disappointed they are that the government has failed to listen to their concerns. The government may listen, but they sure have a hard time hearing and actually putting what it is they're listening to and what they're hearing into practice.

Now, the minister spoke about his disappointment and said that what we're really dealing with are peripheral matters and that we haven't done our homework and that we haven't taken the time to do our homework. Well, the minister hasn't taken the time to listen, especially to the people who were here in the gallery with us earlier today.

It is unfortunate that we have to debate a motion to defer debate on Bill No. 50 because the government is unwilling to listen.

The government says we haven't read the bill, that we haven't done our homework, and he is very critical of my colleague from McIntyre-Takhini, but unlike the minister, the Member for McIntyre-Takhini, I would inform the minister, does have the ability to listen to his constituents and does have the ability to change his opinion —

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Cathers, on a point of order.

Hon. Mr. Cathers: I am not sure of the exact Standing Order. I am looking for it. The reference is that it is out of order for the member to suggest that another member is representing someone other than their constituents. The Member for Mount Lorne knows full well that I listen to my constituents, and for him to make that accusation is unfounded and I would ask that you have him retract it.

Chair's ruling

Chair: On the point of order, there is no point of order, but I would like to caution all members not to be overly personal in this debate.

Mr. Cardiff: Thank you, Mr. Chair. I was just trying to point out how flexible my colleague, the Member for McIntyre-Takhini, is in his thinking, and how he is willing to change his mind on things. It is unfortunate that not just the Member for Lake Laberge but that the Premier doesn't seem to be will-

ing to listen and to change on such an important issue as this piece of legislation.

Mr. Chair, when we were on a brief break, I had the opportunity to go upstairs and see the disappointment, the hurt, the angst of people who were leaving the Legislative Assembly, when they were turned down by this government — the ability to come and jointly inform the Legislature of their concerns.

It is absolutely amazing that this minister and the Premier, especially, talk about jointly informing the drafting of the legislation. Let us talk about exactly how that happened. Wind the clock back to December or November. Some of the concerned parties were provided with the draft legislation in November and some were provided with it in December. They were given a short time frame to respond. What is the concern and why is it hard for First Nations and NGOs to respond quickly on a quick turnaround like that?

The government has endless resources. They have a \$900-million budget that we're going to debate later; First Nations and NGOs don't have those kinds of resources to react quickly and to respond but they have responded. The documents will be appended to *Hansard* today. This government needs to read those documents and respond to them. It is amazing how fearful they are of putting people in seats here as witnesses and responding to their concerns so that they can inform us as to what their concerns are. If the government is so adamant that this is a perfect piece of legislation, then let them justify it here to those people when they raise their concerns. I believe that would be the fair way to do it. It is unfortunate, and maybe if we do defer this bill, then maybe the government will see the light of day about this. They will be given the opportunity to shine, and we won't see the disappointment and the hurt on people's faces as they leave here.

This is a denied opportunity. It is a missed opportunity for this government to do the right thing. It is also an opportunity for us, as a legislative assembly, to build trust among ourselves. The government has lost the trust of the people who were in this Legislature today. When they walked out today, they were awfully disappointed. They were hurt. They have the first-hand experience.

I think that the Member for McIntyre-Takhini pointed out earlier today that a lot of members on the other side of the House have not been through what families who will be affected by this bill have been through. A lot of those people are the people who were here in the Legislature. And I hear at least one member on the other side has been through it. Maybe they would understand more clearly how those people felt today.

As the Member for McIntyre-Takhini has quite rightly pointed out, that member probably would have voted for the motion to have witnesses appear.

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Cathers, on a point of order.

Hon. Mr. Cathers: Mr. Chair, you already ruled on this and the member again — actually it was the Member for McIntyre-Takhini before — but the member is again speculating on what other members might do and is certainly, at the

very least, putting words into their mouth. I would ask you to remind him of your previous ruling, please.

Chair's ruling

Chair: On the point of order, there is a point of order. Mr. Cardiff, I would like you to refrain from those comments, please. Thank you. Mr. Cardiff, you have the floor.

Mr. Cardiff: Thank you for that ruling, Mr. Chair. I apologize and I will retract that.

The important thing, I think, is that we recognize how important this is and we should be able to recognize that by the number of people who showed up here today to listen to this debate, and how disappointed they were.

Some of the issues — and I don't want to go on too much at length. I believe we will have the opportunity at a special sitting, prior to the fall sitting, and the ability to debate this piece of legislation and the ability to have witnesses here. Some of the issues that have been raised by the First Nations are the fact that there is too much discretionary power for the director and the social workers. Social workers in this bill are not directed to work in collaboration with family or First Nations when making decisions, whether the child is in need of protection, where a child should be placed, or what services should be provided to a child.

There needs to be those checks and balances and some of that has been discussed here already, so I won't belabour that point, because I'm sure we will be talking about it again.

Better accountability measures: there are First Nations, the ones that have made their concerns known in the documents that were presented, who are worried that, in some key areas, the department would actually be less accountable than it is under the existing act. Therefore it is actually going backward as opposed to moving forward and being cutting-edge. There is no reason in this jurisdiction why we shouldn't be at the forefront of this type of legislation, given the population of the Yukon and how important this is to our communities, where there should be a place for everybody, and where everybody should be treated fairly.

Go figure — accountability measures. In the act it says that the director is responsible for establishing a procedure for reviewing their own powers, their duties and their functions under the act.

That lacks a lot of transparency and, quite frankly, is not acceptable. Even here in the Legislature, the procedure that's established for reviewing our power, our authority, our duties and our functions is done by the people of the Yukon. It's called an election. In this case, we believe that the director's powers and their duties should be reviewed by an independent body.

The bill still fails to establish an independent child advocate. It's a year out. That's not acceptable. There is no reason why we couldn't be moving forward on that much quicker. The child advocate needs to be independent of the director and needs to be focused on advancing the best interests of affected children. They need to represent the children in court and other processes.

Some of the other concerns — the support for First Nations' involvement. They want to see that social workers are required to consult family members and First Nation governments prior to any investigation or a decision about a child in need of protection. It doesn't adequately do that for First Nations, or they wouldn't have — if First Nations thought that the bill covered this off, then they wouldn't have written the letters and the papers and made the representation that they have to the Premier, the Health and Social Services minister, and to other members of this Legislative Assembly.

Alternative dispute resolution processes — we have actually got a great community here that provides mediation services in the territory. There are quite a few people trained in alternative dispute resolution, as there are people within government who are able to do that. Bill No. 50 does not provide any means, other than court, to resolve child protection matters.

We have done this in other areas where we have worked to provide alternative dispute resolution processes in the judicial system. The adversarial nature of a court proceeding, for the most part, is not in the best interests of a child. It doesn't serve them well. It is quite disturbing for adults to have to go through that process, so I can't imagine having to go through that as a child.

We need to ensure that Bill No. 50 provides for extended family support. They need to provide financial support to extended families that are in the position of having to take care of a relative's child. It says that it "may" provide financial support, but it doesn't say that it "shall" provide financial support. It is left again to the discretion, and there is a gap there where that support may be withheld. It is unclear, as well, as to whether an extended family member would be required to be screened as an approved foster home or whether there would be some other specific criteria in the legislation for kinship homes.

That needs to be discussed. All that these documents and these requests to the Premier and to us here in the Legislative Assembly are asking is that there be some form of consultation and another forum where they can provide that information to us here in the Legislative Assembly.

Other concerns have been raised. I would just like to go back and touch on the fact that I think the government has lost the opportunity for trust here today. They've made a big step backward in their trust and their ability to work with First Nations, to work with communities and to work with families. How can we move forward, Mr. Chair? Six First Nations were represented here today. I saw the Grand Chief of the Council of Yukon First Nations here; I saw the disappointment on his face when the opportunity to address the Legislative Assembly was denied by this government.

Those First Nations have offered the government the opportunity to work with their legal counsels, with their technical people, with territorial officials to review the consultation to further inform the drafting of amendments to this important piece of legislation — they are committing the resources they have — they are committing that they will work collaboratively with the Yukon government.

We on this side of the House, collectively — the Official Opposition and the third party — have agreed that we will

work cooperatively with the government, with First Nations, with NGOs and with families.

We will talk to, listen to, and ensure that their voices are heard. We will make this a piece of cutting-edge legislation, if the government is willing to work with us and First Nations. This is their opportunity — the government's opportunity — and the minister's opportunity to change his mind, just as other people in this Legislative Assembly have changed their minds.

We've listened, we've heard, we know there are problems, and we're willing to address them. Now it's up to the government to make the next move. It's in their hands. They have the ability to do the right thing — to live up to the consultation protocols they have with First Nations, to move forward and break new ground — to have witnesses in the Legislature and, once again, to make this one of the best pieces of legislation and something we can all be proud of and can vote on unanimously here in the Legislature, because we will know that it has been thoroughly vetted and that the concerns of the people who were so disappointed when they left the Legislative Assembly this afternoon have been addressed.

Thank you for this time this afternoon, Mr. Chair, and I look forward to hearing the comments of other Members of the Legislative Assembly.

Hon. Ms. Horne: As a First Nation mother and grandmother, I'm appalled by the conduct in this House today. This act is necessary, and it's important that it move forward now. I agree with the Member for McIntyre-Takhini that it is time to move forward and pass this legislation.

I take offence to the opposition's inference that we are coerced to vote pro or con in this House on any matter.

I stand up and represent my constituents in every decision that this government makes. I feel it is in the best interest to move forward with this legislation for all Yukoners and for all Yukon children.

We are not given the opportunity in this House today to discuss this very important piece of legislation. We are wasting our time because of the opposition's procedural motions. I would encourage this House to vote on this motion and let's get on with meaningful discussion.

Mr. Inverarity: I guess I would have to say that, if we saw some action and if the government actually listened to the people, then we would probably be able to get through this with a little less fanfare than we've had this afternoon — but obviously we're not going to go there. Okay?

The people came here today and they've spoken. They have asked if they could be heard in this House and we in the opposition have certainly heard this. We've stood up, put our motions on the floor and said, "The people want to be heard." What do we get? "No," "no," and "no."

Mr. Speaker, as I was sitting here this afternoon listening to this debate, I found it very interesting to learn about this stuff that is coming down. What struck me most were two things that I would like to talk about this afternoon. The first one is coming out of the discussion on the act itself and is a guiding principle: "(a) the best interests of the child shall be given paramount consideration in making decisions or taking any action under this Act."

I'd like to look at that a little bit — the best interests of the child. In most cases the best interests of the child are represented by their parents. It is the parents who have the right —

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Rouble, on a point of order.

Hon. Mr. Rouble: Mr. Chair, I believe that matters in Committee of the Whole should be pertaining to the matter at hand, which I understand is a motion to defer debate on this bill. However, Mr. Chair, all of the speaking that is coming out now indicates the members' ability and capacity to debate the motion right now. I haven't heard an argument pertaining to why this should be delayed — instead I am hearing the members put forward their arguments about the bill, which demonstrates their capacity, ability and preparedness to debate the bill currently.

Chair: Mr. Mitchell, on the point of order.

Mr. Mitchell: Mr. Chair, I don't believe there is a point of order. We have heard a great deal of latitude given in debate. The minister has cited chapter and verse from both the bill and from various consultation documents, and the Member for Porter Creek South is merely setting the stage and setting the table, so to speak, for the points he wants to make. There is no point of order; it is a dispute among members.

Chair: Mr. Cathers, on the point of order.

Hon. Mr. Cathers: Thank you, Mr. Chair. If the members opposite are asserting that they do not have the capacity personally to debate the bill, I think we would accept that verbal indication on their part.

Chair's ruling

Chair: Order please. On the point of order, the Chair has given a great deal of latitude on this motion. It has now been raised by all sides that we are off topic on this motion. I assume that the member was leaning toward getting on topic for this motion, and I encourage all members from this point forward to focus their remarks strictly on the motion in front of us, please.

Mr. Inverarity: In fairness, I'm trying to lay the foundation, as has been indicated here, to speak to this motion and why it should be tabled until the fall. Clearly, the individuals who were in the House this afternoon have indicated that it is their desire to have this bill tabled until the fall.

This act is paramount, and the point that I'm trying to make here is that it is in the best interests of the children that we table this until the fall and bring it forward in the fall, hear the concerns of the people who were sitting in the House here this afternoon. The gallery was packed to the gunwales. The point that I was trying to make — one of them along with a number of other points that I would like to discuss — brings up an issue that I discussed yesterday, which was the *Human Rights Act*. I think that it is important to note that, if we're going to try to get this act tabled until next fall, we look at one single issue in the *Human Rights Act* that was brought forward. I'm going to just read it here —

Chair's statement

Chair: Order please. The Chair just made a ruling on a point of order and expressed that the Chair has given great leeway in the debate on this motion, and I encouraged all members to focus on the motion at hand. We've been debating this motion fairly broadly for the last couple of hours, and I would like to get members to focus on this motion.

Mr. Inverarity: Well, I think that I deserve the same latitude as everybody else.

Chair's statement

Chair: Order please. Mr. Inverarity, the Chair has made a ruling, and I would expect you to respect it, please.

Mr. Inverarity: Thank you, Mr. Chair. I will try to stay on topic here this afternoon. I appreciate the concern and I apologize.

I think the issue here is clearly one that I have made already, which is that the people of the Yukon want to have this tabled until the fall. What it comes down to is their right to be heard within this Legislative Assembly and be able to have us clearly hear what they have said. I don't think that we have given it a fair hearing this afternoon. I think that, over the last couple of hours, we have heard from virtually every member of this side of the House to discuss why this particular bill should be tabled until the fall. I think it is important that we move forward.

I don't think that I am going to speak too much longer on it, as most of the latitude that I was hoping to have here is something that I am not going to be able to bring up.

So thank you. We'll move on.

Hon. Mr. Cathers: With regard to the motion in front of us, that the Legislative Assembly defer debate to another sitting, I would just like to take this opportunity to remind members, and in particular the Member for McIntyre-Takhini, of some of their previous statements on this. The Member for McIntyre-Takhini, on November 27, 2006, had tabled a motion, that is on page 11 of *Hansard*, that reads as follows:

“THAT it is the opinion of this House that

“(1) the *Children's Act* is of tremendous importance to all Yukoners, especially First Nations.

“(2) a working group was established many months ago to complete a review of this act;

“(3) the review has been delayed beyond reason, with the result that a draft of new legislation is still not available; and

“THAT this House urges the Yukon government to assign the highest possible priority to expediting the review of the *Children's Act* so that the recommendations from the working group can be embodied in a new act that reflects Yukoners' concerns, without any further delay.”

That was November 27, 2006 — the Member for McIntyre-Takhini's position. Now, the motion was not quite in order procedurally, so it was revised by the Clerk's Office to read as follows, and was brought forward for debate on April 25, 2007: Motion No. 26, standing in the name of the Member for McIntyre-Takhini, reading as follows: “It is moved by the Member for McIntyre-Takhini

“THAT this House urge the Yukon government to assign the highest possible priority to expediting the review of the *Children’s Act* so that the recommendations of the working group can be embodied in a new act that reflects Yukoners’ concerns without any further delay.”

And in debate on that day, April 25, 2007, the member said in his comments moving the motion: “So the *Children’s Act* is a very important piece of legislation that should be updated, and it should be done immediately.”

Well, now, the member’s comments on February 15 of this year, urging the government to move forward and saying, “The longer it’s delayed, the more negative impact it has on the citizens who really needed something in place 20 years ago.”

Well, Mr. Speaker, we agree with the member’s earlier statements; we do not agree with his recent flip-flop on this position. It is time to move forward. The Yukon government followed — I remind members — a historic process for the first time, with First Nations jointly co-chairing public consultations on what is public government legislation, jointly developing the policy, and jointly informing the legal drafting. This is groundbreaking, historic involvement.

At the end of the day, this is a piece of legislation of public government, of the Yukon. It is legislation that is in the interests of all Yukoners and all children, both First Nation and non-First Nation. It has been five years in review.

It has been five years in review, a tremendous time on consultation, tremendous involvement, and very significant changes, some of which I’ve articulated, but there are many more, Mr. Chair, that I look forward to debating if we ever get to substantive debate on this act.

These changes directly reflect what was heard from First Nations, what was heard from First Nation elders, what was heard from stakeholders and from the general public. And the stack, as I pointed out to members, is several inches thick of documents from the *What We Heard* document, as it is referred to, on 12 different topics heard from the consultation with First Nations, elders, stakeholders and members of the public.

Mr. Chair, I could go on at length with further areas within the act, reminding members of some of the themes and pointing out the changes to legislation that these represent, all flowing from the public consultation and this historic process. However, this would be most appropriate if we could actually get to discussion of the bill. We could debate it line by line, the members would have what apparently would be their first read of this act, and they would understand the fact that the points they have been repeatedly bringing forward, the assertions they have made about provisions they claim are not in the act — those assertions made by the Liberals and the NDP — are not factual.

Mr. Chair, I know the members are eager to engage in debate. Unfortunately, it seems they are not eager to engage in debate on the motion. It does seem like they are rather filibustering their own motion, and I would encourage them: let’s get to the vote, deal with the motion, and then move on to debate the legislation.

Mr. Elias: I support this motion before Committee of the Whole, Motion No. 10, moved by the Member for Copperbelt and Leader of the Official Opposition. I would like to put

some of my points on the record today with regard to why we should hold this special sitting.

The Premier is right: this is about the children. The *Child and Family Services Act* is about the children. Eighty percent of this act’s child clientele are of Yukon First Nation ancestry. I have listened to the chiefs and they have passionately said that this is regressive legislation — those are strong words, Mr. Chair.

I am inclined to take the words and opinions of Yukon First Nation chiefs over the Premier’s any day when it comes to First Nation children’s protection under this legislation, the *Child and Family Services Act*. I was honoured by the presence of many Yukon First Nation chiefs and their citizens in the gallery today and to witness their act of Yukon First Nation solidarity. It is just too bad that they had to leave more frustrated than when they came in.

History was made today, Mr. Chair. It was a very historic day — not very good history though. Yukon First Nations submitted to the Legislative Assembly that they wanted to stand as witnesses in front of the MLAs here today and provide an unprecedented involvement in shaping public legislation that they feel is not right and incomplete. Wholesale change is okay. The Yukon Party had the opportunity to listen with respect and to show solid leadership, but they didn’t — instead, they denied democracy to the Yukon First Nations here today.

The disappointment was very clear in the gallery today. The power of the people was denied by the Yukon Party today.

“History will be the final judge of our deeds,” I hear our Speaker say in this House time and time again. History will judge what the Yukon Party has done here today in refusing the most affected segment of our Yukon public to submit their testimony and strengthen the *Child and Family Services Act*. It was unbelievable how the Yukon Party shut the door on First Nation government leaders in the gallery here today.

As we move through our relationship between public government and Yukon First Nation governments around the territory, I think about the elders who made submissions at the land claims table in the 1990s. They spoke of future cooperation and working together with public government, because Yukon First Nations will always be here — now and thousands of years from now.

When I see the Yukon First Nation citizens and leadership filling the gallery today, to me that constitutes significant public concern, Mr. Chair.

To me it would be in the public interest and the interest of First Nations for the government to deal with the *Child and Family Services Act* with due care and attention. Five more months — a special sitting allowing Yukon First Nations to provide expert testimony as witnesses is appropriate due care and attention, and that is why I support this motion here today.

What is the honourable thing to do? The honourable thing to do was to provide the First Nations with an opportunity to participate in our democracy, and the Yukon Party denied them today.

“Shall” and “may” have been brought up today in this Yukon Legislature. They are from the land claim agreements,

the self-government agreement and legislation — all sorts of places.

The Yukon Party, from the *Financial Administration Act*, the *Environment Act* —

Chair's statement

Chair: Order please. Earlier on the Chair did rule and requested members to keep the debate focused on this motion at hand.

Mr. Elias, you have the floor.

Mr. Elias: I'm just trying to get to the point as to why this special sitting is required. I'm just saying that I understand why the First Nations are uneasy or distrustful of the government, and that is why this special sitting is needed. The facts show that "shall" has been continuously ignored by the Yukon Party government — continuously ignored.

However, I want to mention this: the act is an improvement. For instance, there is a duty to report in section 22(1), and I'm encouraged to see that type of forthcoming legislation, which makes it mandatory for any person to report harm to a child or any child who may be in need of help.

The act of solidarity here today was very impressive, and the nine major concerns that have been brought forward by the First Nations need to be addressed: too much discretionary power for the director and social workers; accountability measures; the child advocate; no support for First Nation involvement; inadequate support for ADR processes; extended family support; inadequate provisions for transition of children in out-of-care custody and the guiding principles themselves. There are nine issues.

I support his motion today. I will be there if the special sitting is called, and I hope that other members of this Assembly support the motion as well.

Mr. McRobb: I have a few comments that I would like to put on the record. I plan to be brief.

Some Hon. Member: (Inaudible)

Mr. McRobb: Do I have the floor, Mr. Chair?

Chair: Mr. McRobb, you do have the floor, yes.

Mr. McRobb: First of all I would like to state that I am rising in favour of this motion. I do think that the motion is very responsible. I would like to talk about some of the mechanics of this special sitting in the context of the Standing Orders and the number of days we have left in the spring sitting.

Today happens to be day 12 of 32. That means we have 20 days remaining in the spring sitting. Is that 20 days to debate the *Child and Family Services Act*? The answer is no. There are six motion days. That reduces the number to 14. There is also other legislation, including the *Liquor Act*. Let's say, by some miracle, all of that is dealt with in one day. That brings — pardon me, let's say that, by some miracle, that takes three days to deal with — probably a good day for the *Liquor Act* and a couple of days for the other.

That leaves 10 remaining days to deal with a record \$900-million budget, plus this significant piece of legislation.

Some Hon. Member: (Inaudible)

Mr. McRobb: Well, Mr. Chair, figure it out. That's more than \$100 million a day, and it could be at a higher rate, depending on the number of days it takes to deal with this significant legislation.

The Standing Orders require a total of 60 sitting days per calendar year, except in an election year. That will leave 28 days for a sitting in the fall of 2008. Previous members have spoken about how the fall sitting is called a "legislative sitting", and the spring sitting is called the "budget sitting". One might ask why the Yukon Party chose a spring sitting in which to finally bring forward substantive legislation after five and a half years.

Well, Mr. Chair, I refer you back to *Hansard* from last fall. I made a prediction that some may not have believed at the time. The Yukon Party faithful upstairs in the back oom probably thought it was too cynical, but that's exactly what they did. It's called "stacking the business" of the spring sitting where there is a huge budget and lots of legislation, and it puts a squeeze on everything that can adequately be dealt with.

For years, all we had to deal with in terms of the legislation, even in the fall, was essentially housekeeping. Now, suddenly, there are three major bills, plus a major budget and a whole bunch of housekeeping bills.

Well, I understand that and point out how this is grossly inadequate.

Some Hon. Member: (Inaudible)

Point of order

Chair: Hon. Mr. Cathers, on a point of order.

Hon. Mr. Cathers: I have been patient, and I am sure you have been as well. The Member for Kluane would be aware that agreement on the sitting length was reached among House leaders pursuant to the Standing Orders. In fact it was a suggestion brought forward by the Liberal House Leader, the Member for Kluane, and for him to suggest otherwise is not factual. The member proposed the length of the sitting. He could have asked —

Chair's ruling

Chair: There is no point of order.

Mr. McRobb: I was just about to touch on the point raised by the Member for Lake Laberge, and I am glad he reminded me. Pursuant to the Standing Orders, the House Leaders did agree on a 32-day sitting, but the reason why was that, if there were no agreement, it would revert to a 30-day sitting, which is even shorter. That is why the number 32 was decided upon.

Now, back to where I was. We have 10 days to deal with a record budget, and we have yet to even commence general debate. Frequently, general debate on the main budget in the spring may take two and a half to three days, and then you get to the departments. So the rate of passage would be probably \$150 million to \$200 million a day, and it could be even higher, depending on how long we actually deal with the *Child and Family Services Act*.

But members need not fret. There is a way out of this mess, and that is another good aspect about this motion brought

forward by the Member for Copperbelt, which is that it would require a special sitting, and anyone familiar with the Standing Orders knows that a special sitting is exempt from the annual 60-day rule.

So, hallelujah. All of a sudden, with this provision, we have enough time to deal with the budget, we have enough time to deal with this important legislation, and everybody should be happy.

I know some of the government members may not be happy about having to give up part of their summer, but I would hope it would occur to them it is the right thing to do. I know my colleagues and I would gladly give up part of our summer for the future of our children. I would give up all of my summer for the future of our children. I would give up the rest of my life for the future of our children. I am sure other members in here would as well.

So the government side had better start to take this seriously. The Member for Pelly-Nisutlin, who is chirping away over there, mocking me, ought to listen.

Unparliamentary language

Chair: Mr. McRobb, referring to members “chirping away” is definitely not in order. I would like you to retract that, please.

Withdrawal of remark

Mr. McRobb: I am sorry, Mr. Chair, I will retract the “chirping away” comment.

Mr. Chair, this motion does provide a solution to the time pressures of this sitting, the time pressures of the year, and allow a respectable period of time in which to properly debate this substantive legislation.

The Government House Leader ridiculed — I think that is a good word to use — members on this side of the House for their comments. Those comments were misconstrued to another meaning from which they were purely based upon. We were chastised for not reading the volumes of documents that are available on-line. I will tell you that I haven’t read the volumes on-line and I don’t need to. All I need to do is look at the gallery today and see the strong representation of Yukoners who were here to express their concerns with their presence in the gallery today.

That is enough for me to say, “Hey, time to put on the brakes. It is time to take a second look at this bill.” Obviously, these people are concerned — why should we take the words of the Health and Social Services minister at face value and believe that there are no concerns? These people have better things to do than to come in here, give up a good part of their day, their business, and make sacrifices to come in here and listen to the Health and Social Services minister — only to be rejected and turned down and insulted. Mr. Chair, I would say that the presence of the people here today spoke more volumes than those on-line.

Furthermore, I want to challenge the remarks put on the record by the Member for Lake Laberge when he chastised the opposition and commented on the error of our comments. We on the opposition benches represent the people of the territory. We represent the concerns of Yukoners. The Yukon Party —

well, we could speculate who they represent, but I would probably be called to order if I gave my honest opinion of that on the record — so I won’t go there.

We represent Yukoners. And, again, when we see a large turnout like there was today, then we become concerned. Such a turnout can reflect a change of opinion on a matter that is before the House.

Some Hon. Member: (Inaudible)

Mr. McRobb: Like the Member for McIntyre-Takhini said. He listened to the people, but he was chastised by the Member for Lake Laberge, who read into the record some comment the Member for McIntyre-Takhini made back on February 15, I believe it was.

Well, so what? That comment merely reflects how the Yukon Party is stuck in the past. This is the here and now. The people who were in the gallery today are in the here and now. This bill is about our children. This is here and now and tomorrow.

So, please, Yukon Party government, take off the glasses and stop looking in the rear-view mirror. It’s time to look ahead, down the road at what awaits you, not what’s behind you.

The turnaround expressed by the Member for McIntyre-Takhini is also supported by some of us who weren’t at first aware of the concerns that a lot of Yukoners had about this bill until very recently. And as far as I know, the rules of being an MLA — I think one of the paramount rules is to represent your constituency and represent Yukoners to the best of your ability. We should be open-minded in doing so and not locked into an opinion that we have seen the Yukon Party repeat today.

The government should be open to change and should be open to new ideas and suggestions. Both opposition parties today have brought forward innovative solutions to try to resolve this gridlock on the *Child and Family Services Act*.

Unfortunately, the Yukon Party has not listened. We were denied the opportunity to have witnesses present and, so far, although we haven’t had a vote, members of the Yukon Party have denied any suggestion of having a special sitting to deal with this act.

I say shame on the Yukon Party. The Yukon Party does not know best — it does not know better than the Yukoners who were here today. It does not know better than a lot of people in the territory.

I think what happened today was that First Nation people were levied a huge insult by the Yukon Party, the likes of which haven’t been seen since the fall of 1992. I won’t name the project I am referring to because it would be disrespectful to a First Nation in my riding to do so.

I haven’t seen this sort of insult directed at First Nations for 16 years. It really reflects an attitude and a culture upstairs within the Yukon Party ranks.

I agree with the Member for McIntyre-Takhini. I think there are some people on the government side who are very uncomfortable with having to toe the party line on this matter — very uncomfortable, and so they should be.

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Cathers, on a point of order.

Hon. Mr. Cathers: You've ruled on that matter before. The member is speculating as to what members might do and imputing motive. I would ask you to remind him of your previous ruling.

Chair's ruling

Chair: There is a point of order. Mr. McRobb, I would like you to refrain from those comments, please.

Mr. McRobb: I know there are at least there a few members on the opposite side who are not feeling very comfortable with their position on these motions.

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Cathers, on a point of order.

Hon. Mr. Cathers: The Member for Kluane just contravened your previous ruling.

Chair's ruling

Chair: On the point of order, there isn't a point of order, but I would encourage the Member for Kluane to respect the ruling, please. Mr. McRobb, you have the floor.

Mr. McRobb: Thank you, Mr. Chair. As I was saying, there are members on the other side — I can tell — who are quite uncomfortable with the party's position on this. The Member for Pelly-Nisutlin just challenged us to bring it to a vote. Well, how about if we do bring it to a vote? How about, at the end of today, we do bring it to a vote just to see where the Yukon Party stands on this matter. Do they want to try to force this bill through along with a record budget — at a rate of some \$200 million a day? Or will they show respect to Yukon First Nations and the people here today and members on this side and agree to hold a special sitting I agree with the Member for Pelly-Nisutlin, let's bring this to a vote — just so that the record can reflect who supported it and who did not. I agree that it is an excellent suggestion. That is the best thing that I've heard from that member since she has been in this House.

Chair's statement

Chair: Order please. I would like to remind the member that derogatory comments about other members most likely will lead to disorder in the House. I'd like the member to refrain from those comments, please.

Mr. McRobb: There were constituents of mine present today, as there were of other members of this House. That sends a message to me to take this matter seriously. It is too bad that members on that side of the House with constituents here today chose not to do that. Again, that is very disrespectful.

Unparliamentary language

Chair: Order please. Mr. McRobb, the word "disrespectful" — I just ruled on derogatory comments and I would encourage the member... please sit down, Mr. McRobb. Order

please. Please don't challenge the Chair. Mr. McRobb, if you have any comments, say them when you are up. The Chair is making a ruling; I would expect members to be quiet and listen to what the Chair's ruling is.

The ruling is that you are making derogatory comments toward other members and I would like you to retract the word "disrespectful" please.

Withdrawal of remark

Mr. McRobb: Thank you, Mr. Chair. I guess I retract the word "disrespectful".

It is very unfortunate that members on the other side ignored the presence of some of their constituents here today. Very interesting. Judging by the number of people here this afternoon, I asked myself if there were that many people who attended the Premier's tour meetings. And you know, Mr. Chair, the answer was no. The number of people here this afternoon exceeded the audience at any one of the Premier's tour meetings ever held to date. I think that is a point that needs to be considered.

We see the Premier's tour meetings advertised with a lot of fanfare and we hear all about it, but the government was not interested in advertising too much what occurred here this afternoon. I can certainly understand why they would want to shy away from that.

The Premier is silent on the matter. As a matter of fact, I don't think he has spoken to the last couple of motions here this afternoon. It reminds me of Tuesday, when he wouldn't get up and answer questions on the supplementary bill. He just remained in his chair.

I really do think that we should bring this to a vote this afternoon. I know that my time is running out. I encourage members on the government side to live up to the challenge and bring this to a vote.

Chair: Mr. Cathers.

Some Hon. Member: (Inaudible)

Chair: Order please. Do members agree?

Some Hon. Member: Count.

Count

Chair: Count has been called. A count will take place.

Bells

Chair: Committee of the Whole will come to order. The matter before the Committee is Committee of the Whole Motion No. 10.

It has been moved by Mr. Mitchell

THAT Committee of the Whole defer debate on Bill No. 50, *Child and Family Services Act*, to a special sitting to be held prior to the fall sitting of 2008.

All those in favour, please rise.

Members rise

Chair: All those opposed please rise.

Members rise

Chair: The results are eight yea, nine nay.

Committee of the Whole Motion No. 10 negatived

Committee of the Whole Motion No. 11

Mr. Hardy: I move

THAT during Committee of the Whole debate on Bill No. 50, *Child and Family Services Act*, any clause that is deemed by Yukon First Nations, or other interested parties such as the Grandparents' Rights Association of Yukon or the Fetal Alcohol and Syndrome Society Yukon to be in need of further consultation and revision be set aside for consideration by the Committee at a later date, to allow for the necessary consultation to take place and appropriate revisions prepared as draft amendments to Bill No. 50.

Chair's ruling

Chair: Order please. The motion is not in order. The only persons who can raise objections to the content of a bill are members of the Assembly who are in the House when the bill is being debated.

Committee of the Whole Motion No. 11 ruled out of order

Committee of the Whole Motion No. 12

Mr. Hardy: I, Todd Hardy, MLA for Whitehorse Centre, seconded by Arthur Mitchell, MLA for Copperbelt, move:

THAT Committee of the Whole report progress on Bill No. 50, with a recommendation that the bill be set aside until a special sitting of the Legislative Assembly is convened specifically for the purpose of hearing witnesses and considering amendments to the bill that will address the outstanding concerns of Yukon First Nations and other interested parties.

Chair: It has been moved by Mr. Hardy, MLA for Whitehorse Centre, and seconded by Mr. Mitchell, MLA for Copperbelt:

THAT Committee of the Whole report progress on Bill No. 50, with a recommendation that the bill be set aside until a special sitting of the Legislative Assembly is convened specifically for the purpose of hearing witnesses and considering amendments to the bill that will address the outstanding concerns of Yukon First Nations and other interested parties.

Is there any debate on this motion?

Mr. Hardy: Once again, this is a motion brought forward to try to ensure that the voices of those concerned — especially the voices of those speaking on behalf of children, speaking on behalf of families that may feel they don't have a voice — are addressed in the legislation before us, the *Child and Family Services Act*.

There has been a lot said already today about this, and I think what the members on the opposite side are starting to recognize is the fact that we on this side feel very strongly about the right of First Nation government representatives to be able to come in as witnesses and speak. This motion addresses that.

It is also about making sure we have enough time in this spring sitting to deal with this act. This is not a light act. This is not something we can debate for an hour or two, and then go into line-by-line, go through it, and everybody moves on. This act has such a significant impact on the future of the Yukon and the present conditions that exist under the old act that we need to get it right. That is a statement that has been said many times

by the Premier. In some ways, we are co-opting his language, but we are also applying it to ensure that all voices are heard.

We have the ability in the Legislative Assembly to go beyond just consultation in the communities and consultation with other people. We have the ability to bring people in as witnesses. I am going to address the witness part first.

That has been demonstrated already this week in regard to the *Workers' Compensation Act*, and I really can't understand — for me, I say this very clearly — I can't understand why there is so much resistance to having witnesses in here in regard to this act when there is a request from one of the architects of this bill to come before the Legislative Assembly.

It is far more beneficial for everybody in this Legislative Assembly to hear directly from First Nation representation about some of the concerns they have on the act. If it can be shown that the act does very clearly cover those concerns, we can move on; if not, maybe we should be amending that act to address those concerns so it is far clearer, and people who have contributed — and been called the architects of the act, or one of the architects of the act — feel that it meets their requirements and their concerns as well.

Why can't we have witnesses in the Legislative Assembly on this act?

Why can we have witnesses on the *Workers' Compensation Act*?

Why?

What is the difference here? Why is there an agreement to have witnesses on other acts — because it's not just the *Workers' Compensation Act* that we have had in the past, but it is also other acts in the past that we have had witnesses for in the Legislative Assembly?

But when we hit this one — probably one of the most crucial pieces of legislation that we have seen in a long time — there is a resistance to the witnesses.

Frankly, it sends a really, really poor message out to the general public, but also to the First Nations, that they're not needed any longer in the final steps of drafting this act.

Now, of course, six weeks ago, the draft went out and people have taken a very close look at it. People, organizations and other levels of government have come back and said, "There are still some areas we feel need to be tightened up or some areas that need to be addressed."

I'll give you an example of some flexibility that this government has shown, for which I applaud them. There was no mention of the child advocate in the draft act. In the meetings after that, the Premier realized there was a legitimate case for a child advocate. Obviously, Cabinet and caucus were involved in that — or may have discussed this. I can't assume that they have; they may have discussed it.

However, a decision was made that there would be a child advocate and, in one year, a child advocate would be in place. That was a decision made for the benefit of what this act is trying to address — the children and families — and that was in response to a request by lobbying of First Nations, predominantly.

Now, there are still a few other issues, and these issues have been brought forward to the Premier, as well as the rest of the Yukon government.

Chair: Order please. Seeing the time, the Chair will rise and report.

Speaker resumes the Chair

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

Chair's report

Mr. Nordick: Mr. Speaker, Committee of the Whole has considered Bill No. 50, *Child and Family Services Act*, and directed me to report progress on it.

Mr. Speaker, during consideration of Bill No. 50, Committee of the Whole debated Committee of the Whole Motion No. 8, regarding the appearance of witnesses. The motion was defeated.

Committee of the Whole also debated Committee of the Whole Motion No. 9, regarding the appending of documents to *Hansard*. The motion was carried.

Committee of the Whole also debated Committee of the Whole Motion No. 10, regarding the deferral of debate on Bill No. 50. The motion was defeated.

Mr. Speaker, Committee of the Whole also considered Committee of the Whole Motion No. 11, referring to consultation on Bill No. 50. That was ruled not in order.

Mr. Speaker, Committee of the Whole also considered Committee of the Whole Motion No. 12, with regard to reporting progress until a further date, and debate was adjourned on that.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

The House adjourned at 5:32 p.m.

The following documents were filed April 10, 2008:

08-1-51

Child and Family Services Act, Bill No. 50: letter (dated April 10, 2008) from Chief Darren Taylor, Tr'ondëk Hwëch'in, to Premier Dennis Fentie (Mitchell)

08-1-52

Child and Family Services Act, Bill No. 50: Key concerns of Carcross/Tagish First Nation, Kluane First Nation, Kwanlin Dun First Nation, Liard First Nation, Ta'an Kwäch'än Council & Tr'ondëk Hwëch'in (dated March 2008) (Hardy)



Your file

Our file

April 10, 2008

Premier Dennis Fentie
P.O. Box 2703
Whitehorse, Yukon
Y1A 2C6

Dear Sir:

RE: Bill no. 50 (child and family services)

The Tr'ondëk Hwëch'in (the "TH") opposes the approval of the above-noted bill until it is revised substantially to address the concerns raised in the consultations by the TH and other Yukon First Nations.

The TH supported the Grand Chief's letter dated February 6, 2008, and addressed to you which, among other matters, requested that your government not introduce the bill to the Legislative Assembly until it is revised to address the substantive concerns raised by the Yukon First Nations. It is our understanding that your government has introduced the bill to the Legislative Assembly on March 27, 2008, for approval during the current spring sitting.

In any event, we reiterate the following concerns with respect to the bill.

- 1. Too much discretionary power for the director and social workers.** The bill must be amended to reduce the discretionary powers of the director and social workers and render any remaining discretionary powers subject to effective supervision and accountability.

The bill omits several appropriate checks on discretionary power. For instance, there is no supervision by a court or any other body with respect to children who are in the care and custody of the director. The director has no obligation to report to an independent body regarding the administration of the Act. There is no requirement for family conferences. There is no independent review or complaints process.

- 2. Establish accountability measures.** The bill fails to provide any meaningful measures to ensure accountability on the part of the director and social workers. For instance, as noted above, there should be an independent hearing of complaints relating to decisions made by the director and social workers in order to provide transparency and fairness. Similarly, an independent body should provide an annual or bi-annual

Tr'ondëk Hwëch'in Government
PO Box 599 - Dawson City, YT - Y0B 1G0
Phone 867-993-7100 Fax 867-993-6553
Email Darren.Taylor@gov.trondek.com
Web www.trondek.com

report to the Legislative Assembly about the administration of the Act rather than the director simply reporting to the Minister. An independent body should undertake periodic reviews to ensure case plans of children who have been in the care of the director for one year continue to meet the needs of the children.

3. **No support for First Nation involvement.** There is no provision in the bill for the involvement of First Nation governments in key decisions or to share responsibilities. The bill does not encourage, direct or empower the Minister, director and social workers to work collaboratively with First Nation governments. Since First Nation families and children are involved in the majority of child protection cases, it is difficult to understand the lack of collaboration.

There must be a requirement for a social worker to consult with family members and First Nation governments prior to there being any investigation or any decision that a child is in need of protection.

There is no recognition of the law-making authority of the First Nation government in the bill and no accommodation of such authority. There is no ability for the Yukon Government to enter into collaborative government-to-government arrangements or measures with First Nation governments. While the bill authorizes the Minister to enter into an agreement with a First Nation to provide services under the Act, it seems that the First Nation would only be carrying out the functions and duties of the department in accordance with territorial legislation and policies.

4. **Inadequate support for alternative dispute resolution ("ADR") processes.** Like the current legislation, the bill does not provide any other means to resolve a child protection matter other than through the courts. As we know, the courts are an adversarial and confrontational process. The bill only provides that if a director and a person are unable to resolve an issue relating to a child, they may agree to mediation or to another ADR process as a means of resolving the issue.

There are many alternatives to the court process that could be incorporated into the bill, including a broader use of mediation and family conferencing. In our view, ADR processes should always be utilized by the parties rather than court, unless found to be inappropriate. Determining what process is appropriate and how an ADR process will be used cannot be decided unilaterally by one of the parties.

5. **Extended family support.** The involvement of the extended family must be encouraged and supported. In many cases, a relative is forced to take a child into his or her care without any financial assistance, unless the family is an approved foster home, in order to avoid the child from being taken in government care. In our view, extended families must be provided financial support when they decide to take care of a relative child.

The bill provides that a social worker can make an "extended family agreement" with a person who is a member of a child's extended family or other person to whom the parent of the child has given the care of the child for support services in order to keep the child safely with that family setting. In such a case, the director may provide financial support to the person while the child is in the person's care.

6. **Child advocate.** Although no child advocate is established under the bill, we acknowledge that bill now directs the Yukon Government to develop legislation for the child advocate within a specific timeframe. But we need some certainty with respect to

04-19-2009 10:29 FAX

the scope and nature of that legislation and the role of the Yukon First Nations in relation to its development.

We support the establishment of an independent child advocate. It must have specialized skills to engage with children and represent their interests and protect their rights. It must be solely-focused on advancing the best interests of the affected child. The child advocate should represent the child in both court and other processes (ie. negotiation of voluntary care agreements and transitional support agreements). It should also be involved in the development of practices and procedures by the department.

- 7. Consultation with the TH.** In our view, your officials failed to consult adequately with the TH and our citizens with respect to the bill. As we indicated to your officials, we did not have a sufficient opportunity to review the draft bill before the consultation meeting. Moreover, due to a variety of circumstances, the TH representation at the meeting was inadequate.

In closing, the TH supports the requests of the CYFN and other Yukon First Nations that the bill not be approved until the substantive concerns of the Yukon First Nations and others are addressed and the bill is revised accordingly. We look forward to your response.

Sincerely,

TR'ONDĒK HWĒCH'IN



Chief Darren Taylor

Cc: Andy Carville, CYFN Grand Chief
Yukon First Nations Chiefs
Arthur Mitchell, Yukon Liberal Party

**KEY CONCERNS OF CARCROSS/TAGISH FIRST NATION, KLUANE FIRST
NATION, KWANLIN DUN FIRST NATION, LIARD FIRST NATION, TA'AN
KWACH'AN COUNCIL & TR'ONDEK HWECH'IN**



RE: CHILD AND FAMILY SERVICES ACT

In his letter of February 6, 2008, addressed to the Minister of Health and Social Services, the Grand Chief proposed, among other matters, that the Yukon Government commit not to introduce the draft bill to the Legislative Assembly until it is revised to address the concerns raised during the consultations. We reiterate the Grand Chief's proposal and request that the draft bill be revised to address our fundamental concerns as set out below. We believe that such revisions to the draft bill can be made expeditiously.

We understand the need for a timely process for the finalization of the draft bill. But, in our view, the need to "get it right" and develop legislation that addresses our concerns outweighs the need for a compressed timeline.

Outstanding issues

1. Too much discretionary power for the director and the social workers. The draft bill must be amended to reduce the extent of the discretionary powers of the director and the social workers and render any remaining discretionary powers subject to effective supervision and accountability.

The draft bill provides specifically that the director "shall, in accordance with this Act, have general superintendence over all matters pertaining to the care or custody of children who come into the director's care or custody" [section 175(2)]. The social workers are not directed by the draft bill to work in collaboration with the family or First Nation when making decisions whether a child is in need of protection, where a child should be placed, or what services should be provided to a child.

The draft bill omits several appropriate checks on discretionary power. For instance, as discussed in detail below, there is no substantive role for First Nation governments. There is no supervision by a court or any other body of children who are in the care and custody of the director. The director has no obligation to report to an independent body regarding the administration of the Act. There is no requirement for family conferences. There is no independent review or complaints process. No child advocate office is established.

2. Establish accountability measures. As noted above, the draft bill fails to provide any meaningful measures to ensure accountability on the part of the director and social workers. None of the effective means of holding either the director or social workers accountable suggested during the consultations have been incorporated. In some key areas, the department would be less accountable than under the existing Act.

Although the draft bill provides that the Minister must establish an advisory committee to review the operation of the Act every five years and to provide a report as to whether the purpose and principles of the Act are being achieved [section 183], we have concerns about the effectiveness of this provision. Firstly, the committee does not appear to be impartial and independent from the department since the Minister selects the members of the committee. Secondly, the committee reports to the Minister rather than some other independent or public body. In our view, an independent committee should undertake this review and it should report to the Legislative Assembly every two or three years. The members of such a committee should be appointed by key stakeholder groups.

The draft bill provides that the director must comply with standards of service developed in the regulations and must provide a report to the Minister every three years demonstrating compliance with the standards [section 185]. Again we assert that an independent body should report to the Legislative Assembly rather than to the Minister.

The draft bill provides that the director's decisions can be reviewed [section 184]. However, the director is responsible for establishing the procedure for reviewing the director's powers, duties and functions under the Act. We question whether it is appropriate to authorize the director to establish his or her own complaint process. In our view, there must be an independent hearing of complaints in order to provide transparency and fairness required to resolve controversial matters. It is not appropriate for such matters to be addressed by an internal government process.

The draft bill provides that the director must review a child's case plan if he or she has been in the care of the director for one year [section 186(1)]. In our view, an independent and neutral body should undertake periodic reviews to ensure that the case plan continues to meet the needs of the child.

3. Child advocate. The draft bill continues the current practice of permitting the official guardian to make an application to a judge for the appointment of a child advocate [section 75]. Although there was an overwhelming call during the consultations for the establishment of a child advocate office similar to other jurisdictions such as British Columbia, the draft bill fails to establish a child advocate.

The child advocate office should be independent from the director. It should be experienced and have specialized skills to engage with children and represent their interests and protect their rights. It should be solely-focused on advancing the best interests of the affected child. The child advocate office should represent the child in both court and other processes (ie. negotiation of voluntary care agreements and transitional support agreements). It should also be involved in the development of practices and procedures by the department.

4. No support for First Nation involvement. There is no provision in the draft bill for the involvement of First Nation governments in key decisions or to share responsibilities. The draft bill does not encourage, direct or empower the Minister, director and social workers to work collaboratively with First Nation governments. Given that First Nation families and children are involved in the majority of child protection cases, the lack of collaboration is inexplicable.

Firstly, the draft bill simply requires the social worker to “notify” the parents and “advise” affected First Nation that an investigation has commenced [section 26]. But there is no requirement to provide notification to any extended family, such as grandparents. In our view, there must be a requirement for a social worker to consult with family members and First Nation governments prior to there being any investigation or any decision that a child is in need of protection.

Secondly, the First Nation governments and their laws cannot engage or interface with the Yukon Government’s child protection regime in a manner consistent with the Yukon First Nation Self-Government Agreements. There is no recognition of the law-making authority of the First Nation government in the draft bill and no accommodation of such authority. There is no ability for the Yukon Government to enter into collaborative government-to-government arrangements or measures with First Nation governments. While the draft bill authorizes the Minister to enter into an agreement with a First Nation to provide services under the Act [section 169], it seems that the First Nation would only be carrying out the functions and duties of the department in accordance with territorial legislation and policies.

5. Inadequate support for ADR processes. Throughout the consultations, the need to use alternatives to the court process in order to reduce the adversarial nature of child protection matters was reiterated. It was emphasized that the adversarial nature of the court process often serves to marginalize the best interests of the child.

Like the current legislation, the draft bill does not provide any other means to resolve a child protection matter other than through the courts. The draft bill only provides that if a director and a person are unable to resolve an issue relating to a child, they may agree to mediation or to another alternative dispute resolution as a means of resolving the issue [section 8]. It appears that this provision is intended to only apply to issues related to the development of a case plan, such as the placement of child and access to a child.

There are many alternatives to the court process that could be incorporated into the draft bill, including a broader use of mediation and family conferencing. In our view, ADR processes should always be utilized by the parties rather than court, unless found to be inappropriate. Determining what process is appropriate and how an ADR process will be used cannot be decided by one of the parties.

6. Extended family support. Throughout the child protection process, the involvement of the extended family must be encouraged and supported in order to fully engage their contributions.

For instance, the need to provide extended families with financial support when they decide to take care of a relative child was pointed out repeatedly in the consultations. In many cases, a relative is forced to take a child into his or her care without any financial assistance, unless the family is an approved foster home, in order to avoid the child from being taken in government care. The draft bill provides that a social worker can make an "extended family agreement" with a person who is a member of a child's extended family or other person to whom the parent of the child has given the care of the child for support services in order to keep the child safely with that family setting [section 14(1)]. In such a case, the director may provide financial support to the person while the child is in the person's care.

Furthermore, it is unclear whether the extended family member would be required to be screened as an "approved foster home" or if the department will develop specific criteria for kinship homes.

7. Inadequate provisions for transition of children out of care or custody. Under the draft bill, the director may make a written agreement with a child who is leaving the custody of the director for the purpose of providing transitional support services to assist the child to independent living [section 17].

The provisions of the draft bill are a step in the right direction, but they are inadequate. Many children leave the care of the director without adequate preparation and support to manage the transition. They too often fall into the hands of the justice system or into the clutches of substance abuse. The draft bill leaves too much discretion in the hands of the director. The transition out of care and custody is a critical time for children, a time when their rights and interests need the involvement of a child advocate and other proactive support measures.

8. Guiding principles. While the preamble acknowledges the collective efforts of all governments in the consultation process used to develop this proposed bill, the draft bill fails to incorporate in the guiding principles the need for collaboration among all governments in the implementation and administration of the legislation. Therefore, we suggest that something like the following provision be added to the guiding principles in section 2: "cooperation and collaboration amongst the Yukon Government and Yukon First Nations is crucial to develop the supportive environments needed to promote the healthy well-being of Yukon children."

Next steps

Upon the completion of the targeted consultation of the draft bill by the Yukon Government, we propose that the technicians of the Yukon First Nations work with the territorial officials to review the consultations and develop drafting guidelines for the revision of the proposed bill. We are committed our resources and instruct our technicians to work collaboratively with your officials.