

Whitehorse, Yukon**Tuesday, April 22, 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 proceed to the Order Paper. Are there any tributes?

TRIBUTES**In recognition of Earth Day**

Hon. Mr. Fentie: Today I rise to give tribute to Earth Day, which today is being observed around the world. Earth Day is an opportunity for individuals, schools, municipalities and all concerned individuals to address environmental issues. With the occurrence of catastrophic weather events, concern over carbon emissions and the changing landscape of northern jurisdictions, environment and climate change have become primary issues of concern on the world stage.

We here in Yukon have become leaders in working to address those concerns with initiatives such as the Yukon energy strategy, the climate change action plan, the Yukon research centre of excellence and the Cold Climate Innovation Centre. Those new initiatives, combined with our ongoing work, show the priority that we as Yukoners are placing on our environment.

The ongoing work includes the permafrost health outreach program, arboreal forest monitoring project, Yukon housing and energy efficiency training, low-water irrigation technologies for agriculture, the extension of the hydroelectric grid from Carmacks to Pelly to reduce dependency on diesel fuel, the alternative fuel pilot project and participation in national and international climate change forums, just to name a few.

Here in Whitehorse, the city is doing its own work. It has organized a 20-minute makeover — an event that encourages every resident to take 20 minutes today to clean up the environment around them — and is considering a ban on plastic bags. Environment Yukon shares that concern, encouraging Yukoners to use plastic shopping bags sparingly, if none at all, and to adopt the practice of using cloth bags to pack groceries and other shopping items — a practice that is already being promoted by several Yukon retailers.

I would note in passing that Ontario is being asked to discontinue the use of plastic bags in its government-run liquor stores, and that the Yukon Liquor Corporation has never used plastic bags. For the past two years, Yukon liquor stores have been selling cloth bags for \$3 a bag along with free paper bags for use.

I will be handing out Environment Yukon cloth bags to MLAs later today so they can take this message across our territory. It is fitting that Biodiversity Awareness Month in the Yukon encompasses Earth Day. On this day, and every day, we each can do our part to tread a little more lightly upon this planet.

In closing, I would like to thank all Yukoners who do engage in recycling and other environmentally friendly activities. It's important that we all do our part by thinking globally and acting locally.

Thank you.

Mr. Elias: I rise today on behalf of the Official Opposition to pay tribute to Earth Day. The 2008 theme, "A call for action on climate change", is a continuation of the three-year campaign launched in 2006. Climate change is upon us. The damage is obvious when you look at the Earth today and the frequency and ferocity of the tsunamis, the floods, the hurricanes, the tornadoes, drought, earthquakes, wind, ice and snow storms, extreme heat waves, mudslides, disappearing glaciers and ice caps. Our Mother Earth is fighting back in a way that has not been recorded in human history. She is trying to cleanse herself of the damage we have caused.

As Yukoners, we get much of our strength from the mountains, our land, the wildlife, our rivers and lakes and clean air. Those are our monuments, as Yukoners. The effort to keeping them all healthy is our heritage and legacy.

Every single living thing on this Earth expresses, in its own way, a willingness to live and a vitality to exist. The Arctic poppies face and follow the sun daily during the summer months. Fish migrate thousands of miles to spawn and die in our rivers and lakes. Birds fly thousands of miles to breed, moult, and have their young. Larger mammals and predators flee to escape danger or stand and fight to protect their young. We must respect that vitality to live.

I want to be able to look my great-grandchildren in the eye and say we made decisions now in our time so that they did not inherit an impoverished world and we did everything that needed to be done to heal the broken ties between people and the natural world. We must not allow our future generations to inherit an insurmountable burden in climate change.

Why on earth would we knowingly do such a thing to our future generations? A decade ago, climate change was viewed as a conclusion based on guesswork. Now the future is unfolding before our eyes and there is no doubt.

Let history show that we were the generation who said "enough" and sought wholesale change. We in the north are the barometer for the rest of the world. Since the mid 1970s the Arctic ice pack has lost an area about twice the size of Texas.

Winter temperatures in the Arctic have warmed as much as seven degrees over the last 60 years — faster than any other jurisdiction.

As many as 15 to 37 percent of all wildlife species in some regions could be committed to extinction by the year 2050 because of global climate change.

This is also having a large impact on the lifestyles, cultures and food security of the aboriginal peoples of the north. Agriculture and biodiversity are already being impacted by global warming. Ten percent of all known plant species are under threat of extinction.

The Earth belongs to all of us. We need a global effort to combat climate change, but it starts in our own backyard. We must educate consumers, corporations and governments

worldwide about the urgent need to take immediate, concrete steps on climate change.

Three little words — reduce, reuse, recycle — carry an extremely strong message, one that encourages each and every one of us to be environmentally aware and help protect our fragile Earth.

I would like to recognize all Yukoners, especially the schoolchildren who are participating in Earth Day. Virtually every school child takes part in an Earth Day event, an important date on the school activities calendar. With our young people reminding us to care for the Earth, there is hope for the future.

April 24, 2008, is the Yukon Conservation Society's 40th birthday. We congratulate you and acknowledge the dedication and hard work of the society and its volunteers, and your contribution to conservation and the environment.

This Earth Day, I encourage everyone to get involved, make a donation, volunteer, attend Earth Day events and be responsible citizens who are respectful to our environment. Let us pay tribute to our planet and work hard to achieve personal, local, regional and national solutions to the climate change phenomenon, and recognize the many jurisdictions that are now pointed in the right direction.

We must do our part to protect Mother Earth for the next generation and for generations to come. We live in a fragile society that depends on Mother Earth for many bounties. We must work to improve the ailing state of the world's environment and become better stewards of our land.

Our children learn from the examples we set for them. Speaking of setting examples, Mr. Speaker, much of what we, as Gwich'in people, know and share, we learn from our elders. The elders taught us that we're all related and share the same planet. We also share the same air; what I have just breathed in, my colleagues in this House just breathed out seconds ago.

Our relationship to the environment and to each other is that complex and that intimate. Everything we as Gwich'in did from the time we woke up until the time we went to bed was in and among nature. Our existence among the lakes called "Vuntut" was about survival. We interacted with all the animals. We asked the ravens to tell us when the caribou were coming, and they did.

I remember my grandmother getting up early in the morning and talking to the ravens. When she'd come back looking sad I would know what the ravens had said to her. There was always that one time when she would go outside in the morning and stand there for a long time and talk in Gwich'in to the ravens. She would come back and tell us with excitement, "Get ready. The caribou are coming. They are just under the mountain over there. They are coming."

You can see that the veil between the Creator and the created is thin, Mr. Speaker. I encourage all Yukoners to participate in going green, not just today but every day. Let us make 2008 the year the world unites behind the fight against climate change. We must, without delay, heed our planet's warnings and act now to avoid the permanent impoverishment of humankind. Whatever actions we take or don't take in our time, at

the end of the day, whatever the outcome is, it happens to us all.

Mahsi' cho. Merci beaucoup. Thank you, Mr. Speaker.

Mr. Hardy: A lot of words are spoken and a lot of very sincere comments made, but ultimately, we are losing this battle. April 22 is the date every year that we recognize Earth Day. In reality, Mr. Speaker, every day is Earth Day. Look around you: everything we are, everything we have, everything we ultimately do, comes from the earth and will return to the earth.

The Earth is under tremendous pressure. The ideal North American lifestyle we have pursued through the last century is unsustainable. In our lifetime we have to change our approach to the Earth's gifts like water, soil and air. Mr. Speaker, there is no choice.

Today we would like to pay tribute to the people who guide us to a future where we live in balance with nature, not at war with it: people like local growers of food; people who have made individual choices like giving up their car and carpooling now; people breaking in new technologies that will replace the fossil fuels; and people remembering the old ways in which all civilizations used to live, which didn't have such an impact on our planet.

We pay tribute to public educators like Raven Recycling and the volunteers at transfer stations who sort through and redeem our consumer by-products that we spend, by far, too much money on.

We pay tribute to organizations like the Yukon Conservation Society and CPAWS, who teach us the value of the environment we are blessed to live in, and who teach us about our dependence on and relationships with healthy ecospheres.

We pay tribute to the children who will have to deal with our disruptive ways — a direction that this world has been going in for the last many years. Those children are the ones who are going to have to deal with our mess. There is no one who does not have an impact on the planet. It is how we choose to have that type of impact and how we can recover from it. That is what we have to analyze and think about for the children of tomorrow.

We see how powerful governments measure everything in terms of financial worth — activity on the stock market, units traded, tonnes exported or imported — and we are reminded of the things that money cannot buy.

People make investments in war machines, in polluting industries, without thinking about the impact they are having with their investments.

Mr. Speaker, we are all part of the problem here. Instead of riding skidoos, motorboats, ATVs, driving big gas guzzlers, maybe we should be walking and biking more. Maybe we should be driving fuel-efficient vehicles. Maybe when we go on the rivers and waters, canoes and kayaks should be used more often.

Those are decisions that have to be made. We're coming to it very, very quickly.

Mr. Speaker, in closing, I think we have to remember the Cree prophecy that says, "Only after the last tree has been cut

down, only after the last river has been poisoned, only after the last fish has been caught, only then will you find that money cannot be eaten.”

Speaker: Are there any further tributes?
Are there any introductions of visitors?
Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Mr. Edzerza: I have for tabling the summary of consultation meetings on Bill No. 50, *Child and Family Services Act*, from 2004 to 2008.

Speaker: Are there any further returns or documents for tabling?
Reports of committees.
Are there any petitions?
Are there bills to be introduced?
Are there any notices of motion?

NOTICES OF MOTION

Mr. Nordick: I give notice of the following motion:
THAT this House urges the Member for McIntyre-Takhini to explain the comments he made on page 2559 of *Hansard*, of April 17, 2008, wherein he stated, “I never heard one First Nation government say that they want to have veto power over the Yukon government and totally annihilate any kind of initiative that they might bring forward. Mind you, it would be a good idea. As a First Nation person, I would say it would be a marvellous idea if they were able to do that...”; and

THAT, if the Member for McIntyre-Takhini truly believes that this is a “good” or marvellous idea for First Nation governments to have such a veto power over public government and be able to “totally annihilate” any initiative the government might bring forward, he resign his seat in the Yukon Legislative Assembly; or

THAT if he has had a change of mind and no longer believed such a veto power to annihilate public government initiatives is a good or marvellous idea, he retract his statements and apologize to this House and to the people of the Yukon, whom all members of this House, including the Member for McIntyre-Takhini, are elected to represent.

Mr. Mitchell: I give notice of the following motion:
THAT this House urges the Yukon government to acknowledge the inappropriateness of the full page advertisements placed in the *Yukon News* and the *Whitehorse Star* on April 21, 2008, which attempted to minimize the concerns of Yukon First Nations; and

THAT the bill for the advertisements should be paid for by the Yukon Party and not Yukon taxpayers.

Mr. Hardy: In keeping with Earth Day, I give notice of the following motion:

THAT it is the opinion of this House that:

(1) the Ontario government has recently introduced a Cosmetic Pesticides Ban Act, which prohibits 80 chemicals and 300 products used on lawns and gardens;

(2) the chair of the Ontario Medical Association says that pesticide use has been linked to skin irritations, and there is concern that long-term exposure may lead to increased rates of childhood cancer;

(3) Ontario will soon be the second province to ban the sale and use of cosmetic pesticides, joining Quebec and approximately 140 Canadian communities;

(4) a spokesperson for the landscapers’ lobby in Ontario has been very positive about the ban, saying it will lead to ecologically safe alternatives for the industry;

(5) the Yukon government has a duty to safeguard the environmental health of Yukon people, especially our children; and

THAT this House urges the Yukon government to study Ontario’s proposed Cosmetic Pesticides Ban Act and to work immediately on legislation and regulations that would prohibit the sale and use of pesticides known to be toxic to humans and animals.

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

THAT it is the opinion of this House that:
according to the 2004 interim report on the state of the environment, 65 percent of greenhouse gas emissions in the Yukon come from transportation; and

THAT this House urges the Yukon government to act to reduce greenhouse gas emissions in the transportation sector by purchasing more fuel-efficient vehicles for its own fleet, by increasing support for public transit, by encouraging car pooling and by creating incentives for alternative transport.

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

THAT this House urges the Yukon government to ensure that all new government buildings, at a minimum, meet the leadership for energy and environmental design (LEED) standards, in the interests of reducing greenhouse gas emissions.

Speaker: Are there any further notices of motion?

Is there a statement by a minister?

This then brings us to Question Period.

QUESTION PERIOD

Question re: Climate change action plan

Mr. Elias: I have a question for the Environment minister. Unlike this Yukon Party government, we believe our environment deserves more than lip service once a year, as we saw with the tribute today from the Premier. Our environment and all Yukoners deserve an action plan to deal with climate change.

This year we are celebrating the 40th anniversary of the Yukon Conservation Society, and we are marking this sixth year of this government’s failure to develop a climate change action plan. This year, \$310,000 is set aside to build outhouses and picnic tables in our campgrounds, and \$130,000 is set aside for dealing with climate change. Climate change is not high on the priority list for this Yukon Party government. Will the min-

ister admit that public consultations on the new action plan will not even begin until next year?

Hon. Mr. Fentie: I will admit that it's quite astonishing that the Member for Vuntut Gwitchin refers to an acknowledgement and an extension of appreciation for all things that Yukoners do with respect to our environment to assist and protecting that environment as "lip service".

Secondly, because the question is quite relevant, let me delve into some of the examples of the work we are doing.

One of the most important aspects of dealing with climate change is ensuring our databases are modernized and up-to-date, so our monitoring of baseline temperature data is critical to this aspect. Public awareness and education initiatives are also very critical to this aspect, and we are encouraging the engagement of Yukoners; we attract expertise to the Yukon and assist with linking Yukoners and the Yukon government with the science community — the science community being a critical partner in our ability to deal with climate change; the conservation energy program, which disseminates climate change information through our schools, or the alternative demonstration project, which provides financial support to refurbish the grid connecting solar and wind hybrid installation at Yukon College.

These are but a few of the examples of the work that is ongoing in today's Yukon in dealing with this global phenomenon.

Mr. Elias: What is astonishing is that in 2006, the Suzuki Foundation released a report card on how provinces are doing on climate change. The Yukon's grade was poor and nothing has happened in the last two years to change that.

Questions included in the Suzuki report were: do they have a current climate change action plan? The answer was no. Have they set emission reduction targets comparable to Kyoto? No. Do they have a strong building code for energy efficiency? No. Does it have meaningful transportation policies? No. Does it have meaningful policies to address the emissions from industry? No.

The list of failures is long, Mr. Speaker. Why has the government put so little effort into addressing these concerns?

Hon. Mr. Fentie: Well, Mr. Speaker, in reality, the answer to all of those points that the member made is actually in the affirmative because a lot of work is going on in all of those areas, including public transit, where we have recently invested with the City of Whitehorse in that regard.

Let me continue with some of the many initiatives that are happening in today's Yukon dealing with climate change. Yukon Housing Corporation's energy conservation awareness program continues to provide information and advice to the public and industry on issues related to residential energy efficiency. That is a huge contributing factor to global warming and as we become more efficient in our energy use, we reduce that determinant of climate change.

Managing fuel use for efficiency — Energy, Mines and Resources provided a fuel management course in Whitehorse in 2006 which highlighted the benefits of more efficient use of fuel in fleet vehicles. By the way, the government is already

making purchases of more fuel-efficient equipment and vehicles for our overall fleet.

Oil-burning technology and control systems — Energy, Mines and Resources and Yukon Housing Corporation have provided courses in oil-burning technology and control systems to further add to our addressing climate change and dealing with efficiencies.

Mr. Elias: The fact of the matter is that the Yukon is one of the last jurisdictions in Canada — we are last under this minister's watch.

Mr. Speaker, the 2006 Suzuki report gives this minister a grade of poor, but I guess that is just another opinion.

Yukoners want to see a climate change action plan. Across Canada, other jurisdictions are doing things like developing reduced emission targets, taking advantage of the new and enlightened green sector industry that is emerging worldwide in which business and investment opportunities are evolving, creating energy efficiency agencies, installing power smart meters on all houses and buildings so Yukoners can have access to valuable power consumption information and control over the power they consume. This will ensure that all new government developments will be of the highest green standards — adopting a green building code to save energy and water.

When does the minister intend to answer some of these questions?

Hon. Mr. Fentie: I can agree with the member opposite that the Yukon is indeed probably in the lower echelon of emissions contributing to climate change. The Member for Vuntut Gwitchin should get together with the Member for Kluane who promotes subsidizing energy use, which contributes to overuse, versus conservation measures that this government is actually promoting.

Some Hon. Member: (Inaudible)

Point of order

Speaker: Order please. On a point of order, Member for Kluane.

Mr. McRobb: Mr. Speaker, you stopped me, I believe it was yesterday when I mentioned the Health minister in relation to a question. Now the Premier is doing it, and if we are ruled against on it, so should they be.

Speaker: On the point of order, Member for Lake Laberge.

Hon. Mr. Cathers: On the point of order, Mr. Speaker, the Premier was referring to policies that the Member for Kluane was advocating. He was not making personal comments about the member. There is no point of order.

Speaker's ruling

Speaker: The Chair of course will decide whether there is a point of order or not. I just need advice from members what part of the Standing Orders has been violated. From the Chair's perspective, there is a point of order.

Hon. Premier, just be careful what you say. You have the floor.

Hon. Mr. Fentie: Thank you, Mr. Speaker.

Let me go on with more of the many initiatives ongoing in the Yukon dealing with climate change. The leadership in energy and environmental design standards — LEEDS — are certainly well underway here. There is the Yukon Housing Corporation building construction and energy efficiency training program that contributes to more energy-efficient construction, whether it be R-2000 or green home heating systems.

There was a point of order, Mr. Speaker, and I did lose some time. I have so many initiatives here to relay to the House — I would ask for your indulgence.

Question re: *Child and Family Services Act*, government advertising

Mr. Mitchell: Yesterday in both Whitehorse newspapers, the Yukon Party government bought full-page advertisements at taxpayers' expense for claiming their version of how this government addressed First Nation concerns with the new *Child and Family Services Act*.

The ad neglected a few facts. It neglected to say, for example, how this government voted down a request to have First Nation leaders appear on the floor of this House where members could have heard, first-hand, their concerns that were not addressed in the bill.

Members could have heard that after many years of consultation, the real concerns of the First Nations were still not reflected in this bill.

Why did this government spend \$1,600 of taxpayers' money trying to discredit Yukon First Nations and yet refused to hear from the same people they are now attacking in the ad?

Hon. Mr. Cathers: What the member is missing in his comments is that the ads were about providing the public with information. Concerns have been raised by First Nations; the government provided the facts of what is in the legislation now before the House, subject to the House's consideration. The ads provided the facts to the public of what elements were in the act that addressed the concerns brought forward by First Nations.

It's about respecting those concerns — not diminishing them — contrary to what the Leader of the Liberal Party says. He ought to know that full well.

Mr. Mitchell: Well, Mr. Speaker, another condescending answer.

The Premier has said he would not conduct government business in the newspapers, yet he is under so much pressure with his flawed *Child and Family Services Act* that he feels some type of counterattack is called for, and he has paid for it with taxpayers' money.

This is no way for a government to conduct business with another government. You don't refuse to hear them and then attack their positions in a paid ad in both major papers — shame on this Premier. The ad said the changes "...will address the concerns raised by Yukon First Nations."

Well, Mr. Speaker, that is not what the First Nations are saying.

Will the Premier apologize to First Nations and to Yukoners for this disgraceful ad paid for by the Yukon public?

Speaker's statement

Speaker: Order please. Before the Hon. Premier answers the question, the Leader of the Official Opposition is using terminology like "condescending". Words such as this will lead to discord in this House. This is the same principle that the Liberal House leader objected to earlier today. I'd ask the honourable member to watch his adjectives and descriptions, please.

Hon. Premier, you have the floor.

Hon. Mr. Fentie: I hope I don't spoil the Leader of the Official Opposition's day today, but I'm not under pressure, nor is the government. We know full well what's in this act, and we are disseminating the facts and information here on the floor of the Legislature and in the public domain.

It's not something we get from the opposition in debate — the factual debate required in clause-by-clause discussion. That's not happening here.

I would suggest to the House and to the Member for Copperbelt that it's those members who are under pressure. They're scrambling to find some semblance of a position in this territory that would give them a connection to the Yukon public — which recent polls show simply isn't there.

Mr. Mitchell: This government is simply unbelievable. We did raise point after point in debate. What we heard from members opposite was "Clear."

It's not only the First Nations who have concerns with this flawed bill; the Ombudsman has clearly articulated her concerns as well. Due to the fact that this government never consulted with the Ombudsman prior to introducing the bill, her concerns came to the House only after she took the initiative. What a deliberate insult to the Ombudsman's office.

The Premier claims department officials were sent over to point out the Ombudsman's errors. The fact remains her concerns were not addressed in the bill. What's next? Will we see ads attacking the credibility of the Ombudsman?

The public should not be on the hook for the Premier's campaign to minimize Yukon First Nations. Will the Premier see that the Yukon Party, and not the Yukon public, pays for these ads?

Hon. Mr. Fentie: Well, if that is the case and if you follow the member's logic then we should be questioning the resources provided to the Liberal caucus offices for the information they are bringing to the floor of the House.

What is at issue here is the fact that point by point the Official Opposition has stood on the floor demonstrating they don't have a clue on what is in the new bill — not one clue, Mr. Speaker. What is really disgraceful is their conduct and demonstration of that lack of knowledge on what is in this piece of legislation.

Speaker's statement

Speaker: I will remind the Hon. Premier that words that we're using in the Legislature today are going to lead to discord. I ask all honourable members to tighten up their verbiage, please.

Who is next? Leader of the Third Party, please.

Question re: *Child and Family Services Act*

Mr. Hardy: Mr. Speaker, the process surrounding Bill No. 50, the *Child and Family Services Act*, has been a very strange one. The Information and Privacy Commissioner had serious concerns about Bill No. 50. She wasn't allowed to appear before Committee of the Whole but was given a private briefing by Justice officials after the fact. The Premier wants us to accept on trust that her concerns have been addressed.

First Nation leaders with concerns about the bill were also denied the opportunity to appear as witnesses before Committee of the Whole. Why didn't the Premier grant First Nations the same courtesy he showed the Privacy Commissioner by arranging a meeting with Justice officials to discuss their misgivings about Bill No. 50?

Hon. Mr. Fentie: The short answer to that is five years of work in partnership with First Nations — that is the relevant point, Mr. Speaker.

I want to congratulate the third party on the tabling of the overall schedule of consultation. It is quite extensive and all throughout it includes consultations with First Nations, opportunities for First Nations to participate and, indeed, the fact that we jointly informed the drafting of the bill before us today.

The members opposite are afraid to do one thing in the House: stand up and debate the bill clause by clause, because every discussion, clause by clause, will demonstrate how wrong they are.

Mr. Hardy: I would just like to remind the Premier that he doesn't have to get personal and chippy about this. We're trying to do what's good for the people of this territory and what we believe in, and represent the views of other people.

Yesterday, the Minister of Health and Social Services twice claimed that the former Information and Privacy Commissioner had been consulted about the specific concerns raised by the current commissioner. The Premier insisted the appropriate consultation with the Information and Privacy Commissioner had taken place, yet the government's own list of consultations on the act does not include a single reference to that consultation.

According to the Ombudsman's office, there may have been a brief discussion with the former Privacy Commissioner back in 2004, long before there was even a consultation draft to discuss. Once again, the Premier and the minister have put information on the record that simply has no basis in fact.

Will the Premier now acknowledge that what he called yesterday the "appropriate consultation with the Information and Privacy Commissioner" never took place?

Hon. Mr. Fentie: What was said yesterday was that appropriate measures had been taken in dealing with the commissioner's office to demonstrate to the commissioner's office that her concerns have been addressed in the bill. Those are the facts of the matter.

I understand the members opposite aren't going to buy into that at all, but that's their problem. The government will move ahead. We will pass the bill. If the members opposite want to participate and demonstrate to the public that they are interested in the protection, well-being and health and safety of

children here in the Yukon, I urge them to stand on their feet and do so. But they have done none of that to date. In fact, their interest and priority here in debating Bill No. 50 has nothing to do with children and has a whole lot to do with themselves.

Mr. Hardy: I don't know where the Premier has been for the last few days, because that's what we've been discussing, line by line. Once again, we're hearing information that doesn't necessarily reflect the basic facts of what has been happening in this Legislative Assembly.

Everyone agrees that the proposed *Child and Family Services Act* is an improvement over the current child welfare legislation. Later today the government will use its majority to turn Bill No. 50 into law, but there are many lingering concerns the minister and the Premier have refused to address.

Yesterday the government took out full-page ads that basically said, "We're right and the First Nations are wrong." I don't know what target audience those ads were supposed to address, but I can't imagine they will satisfy many of the First Nations whose children are so heavily reliant upon the child welfare system.

What steps does the Premier plan to take to restore a relationship of trust between his government and First Nation governments so the new act has a chance of successfully addressing the best interests of children in need of care and support?

Hon. Mr. Fentie: Given the Leader of the Third Party's position here with respect to trust, it is clear the member doesn't understand the meaning of the word. Frankly, what we as a government are doing is what we are required to do — inform the public. There is no way you can inform the public through debating this bill with the opposition; they have a different agenda entirely. That is not our agenda as a government. Our job, responsibility and obligation is to inform the public in every way we can, whether it is here on the floor of the Legislature or through other mechanisms in the public domain.

The fact of the matter is we are pointing out to all the public, which we are responsible to — not just one sector of Yukon's public, but all the public — the facts of what is in Bill No. 50.

Question re: *Mount Lorne solid-waste facility*

Mr. Cardiff: Mr. Speaker, two weeks ago the issue of unfair treatment for Mount Lorne dropped like a sack of refuse on the doorstep of the Minister of Community Services. Now the minister has chosen to do nothing on this issue, and the whole situation is getting pretty smelly.

The minister refused to give Mount Lorne an increase on par with the Marsh Lake facility, and now there are volunteers at the Mount Lorne transfer station who are threatening to withdraw their services.

Can the minister explain what rationale he used for providing a 50-percent increase in funding to the Marsh Lake dump, while no other communities got an increase?

Hon. Mr. Hart: As I discussed earlier when this question was brought up in the House, we on this side are going out to do a solid-waste management study for all of the Yukon. When that is complete we intend to bring back the recommendations of that study and move forward on it.

Mr. Cardiff: The minister still didn't provide the rationale he used last fall.

The minister's position seems to be that to divert more waste into recycling — the minister is getting advice from the House Leader — we need to hire full-time dump attendants, as happened at Marsh Lake. It's based on volume — the more you put in the bin, the more money you get. That doesn't make sense to me. Mount Lorne Garbage Management Society has been able to recycle 40 percent of its waste and they aren't getting the support they need. The work that Mount Lorne volunteers do saves the government money in tipping fees and lowers the transportation costs.

Now, it has been four months since the Mount Lorne Garbage Management Society asked for an increase in funding on par with their neighbours. They haven't even received an answer.

Will the Minister of Community Services sit down with volunteers of the Mount Lorne dump and resolve the funding problem that threatens to reduce the services?

Hon. Mr. Hart: I would like to advise the member opposite that this government, as well as previous governments, have provided much assistance, both financial and resources, to the Hamlet of Mount Lorne on several occasions and many of those cases prior to any other LACs or issues that are out there.

I will advise the member opposite that we are in contact with the Mount Lorne Garbage Management Society, and we will be discussing the matter with them. I will reiterate also that we intend to do our study; we will follow through with that study and we will go through with the recommendations from that study.

Mr. Cardiff: Well, we're glad there is going to be a review, but the problem is that reviews don't solve anything — action does.

It's Earth Day, Mr. Speaker. Since the first Earth Day in 1970, citizens around the world have focused their energies on improving our environment, and pushing governments toward action. We really hoped there would be action to resolve the situation at the Mount Lorne transfer station on this of all days.

Will the minister at least make the commitment to the people of Mount Lorne that any increase in funding for communities will be retroactive and, in Mount Lorne's case, to January of 2008, the date of their request to the minister?

Hon. Mr. Hart: For the member opposite, I will just reiterate what I said earlier: we are going out to do a solid-waste management study for all of the Yukon — not just Mount Lorne and not just Marsh Lake. We are going out for the territory-wide process and, depending on what the results of that consultation are and what the consultant puts back to us, we will move forward.

As I stated, when the recommendations come in to us, we will look at them and will implement where possible all the recommendations in there, for the betterment of our environment for the entire Yukon.

Question re: Bioenergy production

Mr. McRobb: I would like to pay respect to Earth Day by asking the Energy minister what he is doing to advance bioenergy production in our territory.

In this era of high oil prices, rising electricity bills and public demand for governments to tackle climate change, energy produced from wood is gaining in popularity. Bioenergy is being developed in other places in Canada, but seems to be ignored by this Yukon Party government. Certainly, this can't be due to a lack in the availability of biomass, given the expanse of our beetle-killed forest, nor can it be related to the lack of funds available, given the recent federal handout of \$5 million for such purposes.

Can the Energy minister explain why bioenergy production from the beetle-killed forest has not advanced under his watch?

Hon. Mr. Lang: In answering the member opposite, I remind him that this is a government that is expanding our hydro potential. We are expanding the line from Carmacks to Pelly, and that will facilitate Sherwood Copper getting off diesel and going on to hydro.

Certainly, it looks at the community of Pelly. The member opposite shakes his head. It is very important for the people in Pelly to have access to hydro. That's going to fall together this fall.

This government is doing quite a bit with the communities and also with the territory, understanding the situation we are in.

Mr. McRobb: What has that got to do with beetle-killed forests? Had the Yukon Party consulted Yukoners about how to spend the \$5 million eco-trust money instead of quickly throwing it at a project that was going to proceed anyway, perhaps our territory would have some advancement by now in the development of bioenergy.

Some benefits include greater local employment, more secondary economic spinoffs, displacing imported fossil fuels for electrical generation, accelerated regeneration of our forests and carbon-sequestering activities such as tree planting.

A pulp mill in northern Alberta recently became the first Canadian forestry company to go carbon neutral. It seems there is potential for the Yukon to go even further.

What will the Energy minister do to make the Yukon forestry industry the first Canadian jurisdiction to achieve a carbon-neutral status?

Hon. Mr. Lang: For the member opposite to minimize the investment in the third turbine in Aishihik is wrong; he doesn't get it. The third turbine that this government has invested \$5 million in will address 3,800 tonnes of greenhouse gas emissions. That is a huge impact on our environment. That is what this government is doing. This government is actually putting things into action, not talking about northern Alberta and some pie-in-the-sky plan that the Member for Kluane has dug up from 30 years ago.

Mr. McRobb: It seems conservative governments aren't with the times. The Yukon Party's federal cousin is busy subsidizing biofuel production, which is a very inefficient form of energy production.

Paying farmers to grow crops for conversion to biofuel can provide an energy equivalent that is only marginally better than the amount of energy consumed in its production.

Furthermore, fertilizers and pesticides pollute, and those crops would be better used to feed the hungry. It is rather discouraging to realize this minister could have taken a lot more action with our beetle-killed forests, building our rural economy and combating climate change.

Can he tell Yukoners at least what tangible results they can expect from him within the next year with respect to bioenergy development from our beetle-killed forests?

Hon. Mr. Lang: Again, I have to remind the member opposite that we do have an energy strategy plan, a draft. It wouldn't take long for him to go through it, if he had the interest. Of course, it is only a draft plan at the moment. It is out for consultation as we speak. A lot of these things will be addressed in that energy plan.

For the member opposite to minimize what this government has done on the hydro side of the ledger is folly, Mr. Speaker. Sherwood Copper — tonnes and tonnes of emissions are going to be taken out of the scenario. The third wheel — as I said, 34,000 tonnes of emissions will be taken out of the environment on a yearly basis. Pelly Crossing, Mr. Speaker — all these are a benefit to all Yukon when we talk about our environment.

Question re: Climate change action plan

Mr. Elias: I have another question for the Minister of Environment. The minister continuously says that protecting and preserving the territory's pristine environment and its wildlife are of paramount importance, yet the facts suggest otherwise.

Here are some facts: he has refused to attend several national and international meetings on climate change; he has refused to go to Washington and educate for the permanent protection of the Porcupine caribou herd's calving grounds; he has refused to bring forward a current state of the environment report — something they are required to do by law; and he refused to challenge Alaska on its mismanagement of the Chinoook salmon fishery that leaves Yukoners with no harvest.

Can the minister please explain to Yukoners why he fails to stand up for the environment and fulfill his promises to Yukoners?

Hon. Mr. Fentie: Well, while the Official Opposition is traipsing around the world demanding that others do their part, we in the Yukon are doing our part to deal with climate change as we should and as we are responsible to do here in our own jurisdiction.

Let me talk about the issues surrounding wildlife and why what we do is so important in gathering the database required to better understand what is happening to our wildlife due to climate change. I'll go over some of the work done to date instead of travelling around the world criticizing everybody else.

Here in the Yukon we've done our elk survey — that's complete. We are doing caribou rut counts in Clear Creek, Ethel Lake, Tatchun, Logan Mountains, Ibex, Carcross, Aishihik, Kluane, Chisana — all done. The Hart River herd, fall and winter telemetry surveys — done. The Fortymile caribou head

distribution survey — done. The Carcross-Ibex caribou herd census — done. Porcupine Caribou body conditioning and monitoring — done. The ground-based moose surveys using knowledge of hunters, trappers, outfitters, miners, loggers, prospectors, First Nations in the Mayo, Selkirk, Carmacks and southeast Yukon — done.

So while the member is travelling the world criticizing others, we here in Yukon are doing our job.

Mr. Elias: I understand the minister has been in a little hot water lately, but that's no reason to get chippy with me. I'm just pointing out some facts, and here are some more: thanks for those facts, and I hope he has counted all the ticks on the elk, at the same time.

Unparliamentary language

Speaker: Order please. As soon as the Leader of the Third Party used the term "chippy", I knew if I didn't get in there, it was going to happen again. Honourable member, don't use that term.

You have the floor.

Mr. Elias: I'm just trying to point out some facts here. The Yukon Party spent its first term in office denying that climate change was even an issue. It has been six years, and still there's no climate change action plan — fact. We're one of the last jurisdictions in Canada to develop a plan. The minister refuses to engage and seek the advice of the Yukon Council on the Economy and the Environment.

Yukoners need to know the current populations, the health of our wildlife populations, our species at risk, our wetlands, our protected areas — and the list goes on and on. This minister's words are simply not backed up by action — fact.

Why is the minister satisfied to be the last jurisdiction in all of Canada to make climate change and our environment a priority?

Hon. Mr. Fentie: Actually, that statement, if we could capture it, would contribute to biofuel. We're not the last; we're one of the first jurisdictions to bring forward a climate change strategy. We are one of the first jurisdictions to ensure that, nationally, adaptation was part of climate change planning and initiatives here in this country. That's an important facet because of the impacts we in the Yukon are experiencing due to emissions from around the world.

Let me go into some of the facts instead of making statements that the member just did on what we're actually doing. Again, it's all about how we're going to deal with climate change in the Yukon Territory.

The permafrost outreach program, in partnership with Alaska — I repeat, with the University of Alaska: supporting academic studies on permafrost to use as a model here in the southern Yukon; permafrost-related terrain hazards monitoring and characterization in south and central Yukon — understanding what's happening to our biological systems here in the Yukon because of thawing permafrost.

How about the Yukon wetlands mapping and classification project? It's very important, so we understand what's happening with Yukon wetlands and what measures we can take to

better serve the Yukon public and better deal with our environment, due to the impacts of climate change.

I keep reminding the member opposite, to suggest we've done nothing — how does he explain the 8,000 kilometres of protection in the Old Crow Flats?

Mr. Elias: At the rate this minister is going, there won't be any permafrost left.

The Yukon Party election campaign pillar of a pristine environment is crumbling beneath them.

Here are some more facts for the minister. The Environment minister has lifted the conservation and public safety regulations on the Dempster Highway, putting the Porcupine caribou herd at further risk.

Unbelievably, this Yukon Party government had no political presence in Bali, Indonesia, last year to represent Yukoners' interests.

The minister won't even consider a harvest support program or money to energize the trapping industry for Yukoners. The winter tick infestation of the elk — once again, there are too many unanswered questions.

What we don't need is another catastrophic error in this minister's judgement. The evidence is very clear: this government is non-compliant and the environment is not a priority. Case closed.

When is the minister going to stand up and stop paying lip service to the number one priority of Yukoners?

Hon. Mr. Fentie: Well, here's a case closed for you, Mr. Speaker: the position the Official Opposition finds themselves in with the Yukon public — and it's certainly not a very positive one. Case closed on that front.

Obviously, it's a pointless exercise in discussing with this member all the work that is ongoing with climate change. We'll continue to work on climate change with his First Nation and other First Nations. We'll continue to work with universities across the country like the University of Alberta and the University of Laval. We'll continue with our climate change action plan which, by the way, had a great deal of contribution from Yukoners, Yukon First Nations, and experts from across the country.

We'll continue to be involved in International Polar Year. We'll continue to do our work, instead of criticizing everybody else.

Speaker: The time for Question Period has now elapsed.

Notice of government private members' business

Hon. Mr. Cathers: Pursuant to Standing Order 14.2(7), I would like to identify the item standing in the name of the government private member to be called on Wednesday, April 23, 2008: Motion No. 276, standing in the name of the Member for Klondike.

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

ORDERS OF THE DAY

Unanimous consent re third reading of Bill No. 104

Hon. Mr. Cathers: Mr. Speaker, pursuant to Standing Order 14.3, I would ask the unanimous consent of the House to proceed with third reading of Bill No. 104, *Smoke-free Places Act*, at this time.

Speaker: The Government House Leader has, pursuant to Standing Order 14.3, requested unanimous consent of the House to proceed with third reading of Bill No. 104, *Smoke-free Places Act*, at this time. Is there unanimous consent?

All Hon. Members: Agreed.

Speaker: There is unanimous consent.

BILLS OTHER THAN GOVERNMENT BILLS

Bill No. 104: Third Reading

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

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

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

Mr. Hardy: Interestingly enough, after the Question Period that we have just gone through, it is quite a relief and I think it is also a joy to be able to stand here and talk about the *Smoke-free Places Act* and how we have been able to rise above party politics, partisan rhetoric, and find a common ground that is going to be of benefit to the people of this territory.

Each of us in this Legislative Assembly has contributed to this act. Although it was introduced by the NDP, it was not totally crafted by the NDP. This is an act that has had impact from all three parties; it is an act that has had voicing with the people of this territory with a select committee that went out and heard from the people directly in regard to it; it is an act that has been revised and amended in good faith from all parties in this Legislative Assembly; and it is a sign — a greater sign than just what it stands for — that we in this Legislative Assembly can rise above partisan politics, put aside scoring points for the next election, and do what is right for the people of this territory.

I consider that far more important than the act before us.

I think that, when we are able to do this with a bill of this significance, we are indicating to the people of this territory that we are doing their work on behalf of them. We are not doing the work on behalf of our parties. That, to me, is what the people of this territory have asked us to do. They have asked us to do it in the elections; they have asked us to do it on bills and acts that have come before this Legislative Assembly; they have asked us to do it in Question Period; and they have asked us to do it in debate on the budget. What did they ask? That we work together.

We may have differences of opinions; we may have different concerns, but ultimately we work together, because we were put in this Legislative Assembly to do that.

We are not put in this Legislative Assembly to defeat other people — the government to defeat the opposition in debate or the opposition to defeat the government. That's not what we are put in for. We were elected to bring forward the voice of the people, and to articulate that and speak to that in the best manner we possibly can, and to find common ground and to work cooperatively together where we can.

And, when we fail — and we do fail far more than we should — we are failing the people of this territory. Maybe it's a failure of our system that we work under — the adversarial system that we have inherited — but it's also a failure on our part, each and every one of us in here, to not change that system to allow this type of work to come forward and pass together.

No one has all the answers in here and no one can say they represent every single person in this territory. It doesn't happen. Almost all our governments are minority governments by vote. They may get the most seats, but they have minority votes. When you look at the numbers, they do not add up to 51 percent or 75 percent or 99 percent. They just don't do it. They are a minority percentage.

There are other opinions out there and other viewpoints. Those viewpoints and opinions must be heard in the Legislative Assembly. It's also not just within the Assembly, but within the parties themselves. Every party has people representing different regions and people who come from different backgrounds and different beliefs — different spiritual beliefs, different beliefs on governance. Those voices must be allowed to be spoken within caucuses and Cabinet, and within the Legislative Assembly.

When we can come together, it is a great moment for this territory — but it happens so few times. It's incumbent upon all of us to find more opportunities to do this. Frankly, I get sick and tired of this place. I can say that now because I've been here for a long time. It feels like a long time. I can say that because I have gone on some personal journeys that have put this hollow Chamber into question — about our actions and what we do in here.

Frankly, at times, I have been ashamed of myself in some things I have said and done, and I have been ashamed of my colleagues as well. I don't want to work in a Chamber where we continue along this path. I want to work with every single member in here, with the goals defined — not to embarrass whoever is in government, not to find fault with the person across the way, not to attack them personally, but to work to solve the problems facing this territory, facing the people in it, whether social, economic or environmental.

It's Earth Day today. We have all had our tributes; we have all said what we feel; we have asked questions. It's not going to be solved by any individual or any party, or any small group. It's only going to be solved by a united front working together around that; it's the same thing in here or on any issue we face. If we do not have the courage to reflect upon our own actions, on how we behave and what we say, then we should not be in here.

I don't want to work in this environment if that's what it's always going to be. I want to work where I believe there is

hope for change, and I am looking for that change, and I think that the *Smoke-free Places Act*, though we may talk about it, has a far more significant meaning in what we really can do when we come together. I am going to allow other people to speak on this bill, or whatever they wish to speak on, but there's more significance to this bill than just banning or creating a healthier, safer environment for people around the dangers of smoking. I think there is far more significance.

Thank you, Mr. Speaker.

Hon. Mr. Cathers: I would like to thank the Member for Whitehorse Centre, the Leader of the Third Party, for his comments and also thank him for bringing forward this bill, Bill No. 104, the *Smoke-free Places Act*.

As we can anticipate, based on the vote by members at second reading, if this legislation does pass the House, it will be a rare occasion, whereby a private member's bill is actually brought forward through the entire process in the Legislative Assembly and receives approval. That doesn't happen very often in any House across the country.

We have been pleased to be able to work with the ideas brought forward by the Leader of the Third Party to go forward in the process as we did, striking an all-party committee composed of one member from each of the three caucuses. Of course, I was the member for the government side. The committee, as you know, went and toured the territory. We heard from Yukon citizens and we provided the opportunity through the Web site for those who were not able to reach us at meetings to provide their comments.

I want to thank all Yukoners who did take the time to share their views and opinions with us, for their comments. Particularly, from some of them, there were a number of well-thought-out and very considered submissions and views brought forward. I want to thank all those who put time into this. As well, I would like to thank those who supported us in that endeavour, those being the Canadian Cancer Society and Physicians for a Smoke-Free Canada, as well as the Legislative Assembly Office staff and the staff of Health and Social Services who assisted us with technical advice from the policy side. I want to thank them for their work on that as well. I want to thank my colleagues from the Liberal Party and NDP who were on the committee for their involvement: the Member for Vuntut Gwitchin, the Member for McIntyre-Takhini, the Member for Porter Creek South and the Member for Mount Lorne for filling in for those two members at a couple of the meetings that took place.

Mr. Speaker, I will not be very long in my comments. I have already discussed this significantly in second reading and in Committee debate. This bill, as you know, was treated by the government not in a partisan manner. The government did not take a collective position on the matter but rather left this matter up to the Legislative Assembly to vote as each and every member saw appropriate, based on what they heard from the their constituents and based on what the committee had reported to the Legislative Assembly following the public consultation.

With that, Mr. Speaker, I commend this bill to the House and I look forward to hearing the comments of other members and hopefully to passing this private member's bill into law later today.

Mr. Mitchell: I would like to thank the Government House Leader and the Leader of the Third Party, the sponsor of Bill No. 104, for the comments they have already made about this bill.

As the Government House Leader says — the Health minister — we, too, agreed early on that this would be a free vote, that we would not take a party position on this, and we will go forward with that as we said.

I will keep my remarks largely to my own views on this. I believe that Bill No. 104, *Smoke-free Places Act*, will contribute to the positive health of all Yukoners, both present Yukoners and Yukoners in the future. That's a very important fact.

The public consultation undertaken by the select committee of MLAs produced valuable input and achieved much public consensus on this bill. Before that process was undertaken, I think the public was less decided on their views of this type of legislation, based on what we would hear within the media and what many of us heard from our constituents. I think that the work done by all the members of the select committee was very valuable work indeed.

I certainly know that the Member for Vuntut Gwitchin and — when necessary to substitute for him — the Member for Porter Creek South took their roles extremely seriously on that committee. They did a great deal of personal research in order to try to improve the consultation process. They came back with different positions on some aspects of the legislation than they began with. I think that's another important part of the consultation in that the MLAs themselves had their views shaped and formed by the public, which is what should always be happening.

We in the Official Opposition did our due diligence on Bill No. 104. We asked questions about the bill and about clauses within the bill, and we did propose amendments within Committee of the Whole. We did this to make sure the questions we heard from the public were answered and that we were doing this in the best and most efficient way we could.

I want to state that I never questioned this bill's intent, nor the health benefits of passing it. As the Health critic for our party, I will support it, as I did on second reading and in Committee. I do believe it is to the benefit of Yukoners and their health.

Regarding some of the other comments made by the Leader of the Third Party about working cooperatively, this was indeed an example of that. I want to note that the Leader of the Third Party provided support to us when we brought forward the *Apology Act*, the *Net Metering Act* and proposed amendments to the *Cooperation in Governance Act*. While those acts have not proceeded, we do appreciate the support that was shown by some members of the Assembly.

With that, I again want to say that this has been a very interesting process, and I think it's legislation that will benefit all

Yukoners, although there will certainly be a learning curve required on the part of some.

Mr. Edzerza: I would just like to say a few words with regard to this bill. I want to thank the Leader of the Third Party, Todd Hardy, for hanging in there.

Speaker's statement

Speaker: The honourable member understands that he is not to mention members by name.

Please carry on.

Mr. Edzerza: I'd like to thank the Member for Whitehorse Centre for hanging in there for many days. I think it would be saying very lightly that he was under the weather with the illness he's dealing with. He always brought our spirits up when we started discussing the continuation of the bill.

We almost lost it. I want to thank the government side for coming back and supporting the third party on this bill. If they hadn't done that, it would not have passed as a private member's bill. I thoroughly appreciate that.

Having said that, I again just want to emphasize how good it was to have the Member for Whitehorse Centre hang in there and get the job done.

Mr. Hardy: Very briefly, to all Members of the Legislative Assembly, no matter how you vote, it has been a very interesting process, and I think we have all learned a lot from it. We can move forward and hopefully, if I bring another one forward, we will get the same results.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Fentie: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Kenyon: Agree.

Hon. Mr. Rouble: Agree.

Hon. Mr. Lang: Agree.

Hon. Ms. Horne: Agree.

Hon. Mr. Hart: Agree.

Mr. Nordick: Agree.

Mr. Mitchell: Agree.

Mr. McRobb: Disagree.

Mr. Elias: Agree.

Mr. Fairclough: Agree.

Mr. Inverarity: Agree.

Mr. Hardy: Agree.

Mr. Cardiff: Agree.

Mr. Edzerza: Agree.

Clerk: Mr. Speaker, the results are 16 yea, one nay.

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

Motion for third reading of Bill No. 104 agreed to

Speaker: I declare that Bill No. 104 has passed this House.

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Mr. Nordick): I will now call Committee of the Whole to order. The matter before the Committee is Bill No. 50, *Child and Family Services Act*. Is it the wish of the members to take a brief recess?

All Hon. Members: Agreed.

Chair: We will take a 15-minute break.

Recess

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

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

On Clause 177 — continued

Chair: The matter before the Committee is Bill No. 50, *Child and Family Services Act*. We are currently debating clause 177. Mr. Edzerza, you have the floor.

Mr. Edzerza: Mr. Chair, yesterday when we closed debate, we were discussing issues around the Privacy Commissioner. Mr. Chair, a letter was tabled on April 16, 2008, by the Hon. Speaker from the office of the Yukon Ombudsman and Information and Privacy Commissioner.

Earlier today, I tabled a document that was called “Summary of Consultation Meetings” that was handed to me as a handout from a briefing on the *Children’s Act*. I went through this document several times, Mr. Chair, and not once is the Privacy Commissioner named in this document.

That is why I tabled this, because it isn’t marked anywhere. The Privacy Commissioner confirmed there were concerns with the bill that were not discussed with the Privacy Commissioner’s office.

In the Blues on page 2562, during Question Period on April 21, 2008, the Hon. Mr. Cathers did say, in fact —

Chair’s statement

Chair: Order please. I would like to remind the member that you can’t refer to members by name in the Assembly.

Mr. Edzerza, please.

Mr. Edzerza: Thank you, Mr. Chair. The Minister of Health and Social Services did say “In fact, the clauses to which the member was referring were consulted on with the previous Information and Privacy Commissioner.” And further on again, on the same page, the minister did say “The concerns to which the member refers, brought forward by the Ombudsman — I again remind the members that these matters were consulted on with the current Ombudsman’s predecessor in that role.”

Now, Mr. Chair, further on in the Blues on the same page, we have all of this confirmed again by the Premier. The Premier said: “...the appropriate consultation with the Information and Privacy Commissioner has been taken.”

Now, both the minister and the Premier stated on record yesterday that the privacy commissioners were consulted. The document has the names of all the consultation meetings that took place from 2004 right up to 2008; nowhere does the Privacy Commissioner’s office or name appear on that document.

Mr. Chair, I have covered where the minister and the Premier stated there was consultation with the Privacy Commissioner. Now I would like to take a little bit from the letter that was delivered by hand on April 16 to Hon. Ted Staffen, Speaker of the Assembly.

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Cathers, on a point of order

Hon. Mr. Cathers: Thank you, Mr. Chair. For the third time today, the Member for McIntyre-Takhini is referring to members by name and he ought to recognize it’s against Standing Orders.

Chair’s ruling

Chair: On the point of order, yes, there is a point of order. Mr. Edzerza, I would like to remind you again that members can’t be referred to by name in this Assembly.

Mr. Edzerza: Mr. Chair, I was just excited about all this information that I uncovered here and I can’t help it. I want to get it on record so badly, I keep mentioning names.

However, the letter states, “I write to advise you of a number of concerns I have regarding Bill 50, the *Child and Family Services Act*, and the implications for the protection of privacy and access to information contained in that proposed legislation. As Bill 50 is currently being considered and debated in the Legislative Assembly, I ask that you distribute this correspondence to all Members of the House, in order that they are made aware of my concerns as soon as possible.”

It goes on to say, “The current privacy protections and access provisions set out in the *Access to Information and Protection of Privacy Act* (ATIPP Act) will be significantly affected and in some instances removed completely by the proposed legislation. In addition, the proposed legislation may impact on the ability to access information necessary for any independent investigation pursuant to the *Ombudsman Act*.”

It goes on to say in this letter, “Given the serious implications of this proposed legislation for the protection of privacy and access to information as well as my responsibilities under

the ATIPP Act, I had a reasonable expectation that I would have the opportunity to comment on the specific provisions of the draft legislation which impact the administration of the two Acts.”

“Although I was asked for comment by the Children’s Act Project staff and Department of Health and Social Services (Department) officials in the fall of 2007, our discussions were limited to the concept of a child advocate and did not touch on protection of privacy and access to information issues in the proposed legislation.”

There we have it. We have two different opinions here. As Members of this Legislative Assembly, we are asked to vote on a bill that has question marks around it. This is a very important issue to come to some conclusion on before this bill is voted on.

Whom does the public believe? The Privacy Commissioner says, “No contact”; the Premier and the minister say that consultation took place. I would have to ask why the Privacy Commissioner’s name appears nowhere on the summary of the consultation meetings.

I will read out number 3 in the summary of consultation meetings. It refers to “Targeted Consultation on Language of Draft Bill”. This is a very important part for the Ombudsman to be involved in, especially when you’re talking about language of this bill.

The ones who were contacted: the Women’s Directorate and women’s groups like the Victoria Faulkner Women’s Centre, Yukon Advisory Council on Yukon Women’s Issues, Filipino women’s association, Kaushee’s Place, Catholic Women’s League, Ross River Dena Council, First Nation of Na Cho Nyak Dun, Grandparents’ Rights Association of Yukon, Canadian Bar Association family law section, Territorial Court Judges, Tr’ondëk Hwëch’in, Han Nation, Kwanlin Dun First Nation, Carcross-Tagish First Nation, Champagne and Aishihik First Nations, Yukon Foster Parents Association, White River First Nation, Supreme Court Judges, Yukon government Department of Justice, Vuntut Gwitchin Nation, Kluane First Nation. Nowhere does it state the Privacy Commissioner and I find that hard to believe.

Having said that, Mr. Chair, it makes one almost side with the commissioner when the facts that I have presented here are summed up. The Premier and the minister say there was consultation. The Privacy Commissioner said there was no consultation. Nowhere in the summary of consultation meetings does it name the Privacy Commissioner. Therefore, one would have to believe that there was no contact or consultation with the Privacy Commissioner.

This is very troubling for one who is a Member of the Legislative Assembly, to be able to wholeheartedly believe that everything in this bill is copacetic like the minister would want one to believe. These concerns raised by the Privacy Commissioner — I believe that because this letter was tabled in the Legislative Assembly there should also be results and comments tabled to support the government side that the Privacy Commissioner is in fact on board now with this legislation.

I have a couple of questions I’d like to ask the minister to respond to. Can the minister explain why there is a discrepancy

in consultation — no consultation positions by the government and the Privacy Commissioner.

Secondly, if there were discussions with the Privacy Commissioner, why doesn’t his name appear on the list of those consulted over the five-year period with regard to Bill 50?

Hon. Mr. Cathers: There is no discrepancy. The list that the member tabled is not an exhaustive list of all the consultations that occurred and all the meetings that took place, particularly those of a technical nature. This is primarily to focus on the public elements. That is what has been tabled. We provided that list to the member opposite, and I again remind him, as he ought to know, if he in fact stayed and listened at the briefing, that this is not an exhaustive list of the consultations or the technical meetings that occurred. It does list the major public ones that occurred and groups that were consulted with. Consultation with the previous Information and Privacy Commissioner on all areas relating to the *Access to Information and Protection of Privacy Act* in the new act that was then being drafted, and is now before the House — the *Child and Family Services Act* — occurred with the individual who held the office at that time.

It is unfortunate that the Member for McIntyre-Takhini and members of the Official Opposition don’t seem to have respect for the individual who then held that office as noted in the previous comment.

Some Hon. Member: (Inaudible)

Point of order

Chair: Order please. Mr. Mitchell, on a point of order.

Mr. Mitchell: Mr. Chair, once again I would point out that, I believe, under section 19(g) the unfortunate comments by the Health minister are imputing false or unavowed motives to other members regarding their view of the former Privacy Commissioner, and I would ask that you rule that he cease doing that.

Chair’s ruling

Chair: There is a point of order. I would like to encourage members not to follow this path for the remainder of the day, please.

Hon. Mr. Cathers: The Member for McIntyre-Takhini, again, in summarizing, I remind him: consultation did occur, the officials from Justice followed the appropriate process, they did their good work in the appropriate manner, they — despite the assertions of members opposite — have knowledge of access to information legislation. They are very familiar with the Yukon’s ATIPP Act, and they have knowledge of child welfare legislation, including familiarity with the Yukon’s existing legislation, the *Children’s Act*, and the new act, the *Child and Family Services Act*.

Again, regarding provisions in the clauses that the member was referring to, one is virtually identical to one that has been in place in the *Children’s Act* for years, and that the Information and Privacy Commissioner is very familiar with — or at least her predecessor was — and the other areas are similar to that in place in child welfare legislation in other areas, in par-

ticular the Province of British Columbia, whose act this is largely based on. These are very standard; it is quite standard in programs for children that there be a broad range of discretionary decision-making in the hands of the director who is responsible in the jurisdiction — whichever jurisdiction that be, from coast to coast in Canada.

For the members to imply — as they appeared to be doing yesterday, and it appears to be continuing today — that those individuals do not exercise their responsibility is unfortunate. I would urge them to respect the individuals who fulfill those roles and point out that the individuals entrusted either as the director of family and children's services branch, or the director of a First Nation service authority, which could be established under this act, have a legal and moral obligation too. They accept the trust that is placed in them. I have confidence that they would exercise that trust in accordance with the law, including around disclosure of information.

The reason that that authority is commonly vested in the director of the family and children's services branch, or their counterpart in Canadian jurisdictions, is due to the sensitivity of that information and the fact that to have it widely disseminated is not a wise matter.

There is also the need for program flexibility for decisions to be made in a timely manner around the release of information. Hence the reason why the Yukon, as with other jurisdictions in the country, vests that responsibility and authority in the director of family and children's services or, in the case of this legislation, that authority will also be vested in the director of any First Nation service authority established pursuant to this legislation.

Again, I would remind the members this is common in Canadian jurisdictions; it is good child welfare legislation.

I have to wonder whether what we're really hearing from the Member for McIntyre-Takhini — his assertions and his criticism of this bill — relates to his comments made on April 17, in the closing moments of debate that day, when the member noted that he expressed a desire for a First Nation government to have a veto power over the Yukon government and the ability to totally annihilate any kind of initiative that they might bring forward. He said it would be "a good idea." He went on then to say it was "a marvellous idea."

Now, perhaps the member wishes to retract his statements. For the member to say that any order of government should have a veto power over — I quote again — "...have veto power over the Yukon government and totally annihilate any kind of initiative that they might bring forward." That is from *Hansard*, page 2559 of April 17.

Now, would the member like to stand now and retract his comments or apologize to his constituents for making them?

Mr. Edzerza: That was a nice little attempt to divert attention away from the minister. For the minister's pleasure, I will state for the record that he can take my comments however he likes to take them — it doesn't matter to me.

I would like to also say that the minister just got caught — pants on fire to the minister. It's very obvious.

Some Hon. Member: (Inaudible)

Point of order

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

Hon. Mr. Cathers: The comments made by the Member for McIntyre-Takhini were clearly a reference to a kindergarten insult about pants being on fire.

Chair's ruling

Chair: Order please. On the point of order, the Chair does feel there is a point of order. The terminology is definitely not — members are asking me to repeat it; I actually don't want to dignify those comments by repeating them. The Chair does take the sanctity of this House very seriously. I would ask all members to do that.

Mr. Edzerza, you have the floor.

Mr. Edzerza: Thank you, Mr. Chair. I wish I could think of a way to rephrase that, but I can't at this time, so I will think about that.

Chair's statement

Chair: Order please. I just want to clarify to members that when the Chair makes a ruling, to paraphrase it, to imply it is still breaking the Standing Orders. I hope I have made myself clear. Members cannot do indirectly what they can't do directly.

Mr. Edzerza: Thank you, Mr. Chair.

The comments coming from the minister are unacceptable to another member in this House, and actually the minister should refrain from using the staff as a shield to protect his own credibility. Every time there is an issue brought to the minister's attention he has to stand up and say it's too bad the opposition can't respect the staff. It has nothing to do with the staff; it has everything to do with the decisions that the minister makes.

Those are the issues we are talking about. I would appreciate it if the minister would leave the good working staff out of his debate, because never once did I as an opposition member say that the staff didn't do a good job. Of course they did. The question here is whether the minister did his job and covered all bases with regard to this act. Obviously he didn't, because the Legislature filled up with citizens concerned about this act going forward. Obviously he didn't do his job when such an important person as the Privacy Commissioner had to table a letter voicing concerns on the floor of the Legislature, because the respect wasn't paid and consultation never took place with the Privacy Commissioner.

These will be my final comments, because I don't see any value in staying locked down on this particular issue. The minister knows he was short in consulting with all the necessary stakeholders. They have the numbers to pass this bill, even if they are totally 100 percent in the wrong.

That's something the minister will have to live with. It's something that may bring court cases in the future, and that's something the government will have to live with.

Hon. Mr. Cathers: I for one am happy to live with this legislation and the good work done by those who drafted it — the good work that flows from the results of this historic

process, jointly working with the Council of Yukon First Nations to consult the public, to develop the policy and to jointly inform the legal drafting.

This is good legislation; it is a significant step forward for Yukon citizens.

I don't want to be unduly harsh on the Member for McIntyre-Takhini, but I would have to note that he did not address his comments made on April 17. I would encourage him to stand up and be accountable to his constituents and all Yukoners, whether he truly believes it is a good or marvellous idea for a First Nation government to have a veto power over the public government and, in his own words, be able to totally annihilate any initiative public government might bring forward. Does he believe that or will he stand, retract his statements and apologize to his constituents and all Yukoners for making them?

Chair: Is there any further debate on clause 177?

Clause 177 agreed to

On Clause 178

Clause 178 agreed to

On Clause 179

Mr. Mitchell: It's nice to enter into the debate again on the particular clause. I'm sure members will have things they want to read into the record — various other statements from the Blues — of things I've said.

On this clause, again, I want to refer to the letter of April 16 that was tabled by the Hon. Speaker. On page 2 of 5, the section near the bottom it says, "Sections 179 and 180 Restrict Access to Information by the Information and Privacy Commissioner and the Ombudsman." At the bottom of the page it says, "Section 179(1) of the proposed *Child and Family Services Act* gives the Director authority to restrict and prohibit access to any 'information or document that is kept by a director that deals with the personal history of a child or an adult and has come into existence through any proceedings under this Act or the former Act.'

"Section 180 of the proposed Child and Family Services Act states that 'sections 177 to 179 apply despite any provision of the *Access to Information and Protection of Privacy Act*.'

"The operation of these two sections appear to give the director the discretion to decide whether or not to disclose certain information or documents. This power could significantly impact the ability to access information or documents necessary for me to conduct independent investigations under the ATIPP Act and the *Ombudsman Act*."

Now, there has been much debate yesterday and today in this House regarding who was and wasn't consulted and which ATIPP Commissioner and Ombudsman the government did or did not consult with. The minister indicated several times, as already referred to by the Member for McIntyre-Takhini — because his references from the Blues of April 21 were actually the minister's responses to my questions in Question Period — that the former Ombudsman and Privacy Commissioner — a person we certainly do respect, contrary to any other questions about that which may have been raised — had been consulted. We are curious because the current Ombudsman and ATIPP Commissioner came to office in early April of 2007. I think it was April 7, but I don't have the date in front of me.

The draft legislation was provided to Yukon First Nations and became the document that was consulted on in January and February of 2008, and indeed, partially of December 2007 — looking at the dates in the initial consultation document, I guess it is on page 5, where it says "Targeted consultation on language of draft bill: 2007-08" It does refer to consultations starting on December 12, 2007, and the rest are in 2008.

We have no way of knowing, and perhaps the minister can clarify, what version of the bill supposedly had consultation with the former ATIPP Commissioner and Ombudsman, and were there significant changes from that bill to the version that became available for consultation with First Nations governments, which started December 12, 2007, and carried forward into the current year.

We were led to understand that the draft that became available late last year had significant changes based on previous consultations, and yet the former Privacy Commissioner was no longer in place, and the current Privacy Commissioner has stated in her letter that she was not consulted. We are uncertain whether the clauses that she raises in her letter were discussed with any commissioner, past or present. Was it simply overriding principles that were discussed with the former commissioner and ombudsman? Was it these specific clauses that, as early as last March, when he was still the commissioner, were discussed with him?

Again, what we were told by the currently serving ATIPP Commissioner is that clause 179 is not the same as the former clause 176, which is apparently the explanation that was provided to her by Justice officials — they saw these clauses 178, 179 and 180 as being and acting the same as a clause in the predecessor legislation.

The Privacy Commissioner and Ombudsman has told us that she does not view it that way. She said that the old clause 176 restricts the director to parts 3 and 4 of the legislation. Part 3 deals with adoption and part 4 with child protection. Both parts would normally come under the courts. Bill No. 50, she explained to us, does not have parts 3 and 4. Further, the part that says any "proceedings under this act" — the government lawyers and officials say that this means court proceedings, but in her view the bill does not explicitly say that. It says any proceeding, whether court or not, gives the director ultimate authority, more authority, says the current Ombudsman, than under the old act.

So that is the concern she has raised. Again, as I'm sure the member opposite will like to point out, we on this side of the House are not lawyers and that is why we made the request for the Ombudsman and ATIPP Commissioner, who has raised these concerns and who is a lawyer, to make them herself, as a witness on the floor of this House. Then the minister, with advice from his officials, could either learn from the commissioner or refute them, if he has arguments that would do so.

It is very unfortunate that we are being asked today to approve legislation about which serious doubts have been raised on this clause and others. The Premier is providing advice on how members on this side of the House should vote. We do appreciate the Premier has much to say, particularly when he's not on his feet, but we'll make our decisions and let them be

known when we get there. We're now dealing with clause 179. We're trying to raise the issues that were raised by written letter to this Assembly by the Ombudsman and Privacy Commissioner.

Last week, the minister said this week he would have information to bring forward that would respond to those issues. He said that last Thursday — excuse me, he said that on April 17. Then he said yesterday he would not be tabling opinions. The minister is whistling over there and it's very distracting. I know he doesn't take these things seriously, but we on this side do.

Now that we have the minister's undivided attention, I'm hoping he can provide some clarity as to whether or not he has received advice and if he would explain in detail what that advice is so we can move on with some certainty about what this clause does and doesn't mean.

In the absence of that advice, we feel we must rely on the advice of the Ombudsman and Privacy Commissioner, because she has legal standing and a great reputation across the country — I might add — for her legal knowledge.

Hon. Mr. Cathers: I'll be very brief since these questions have been answered extensively, and there is no point in continuing needless debate on this topic.

Yesterday afternoon I reminded members, and as I stated before, that officials from Justice follow the appropriate process, including consultation on provisions related to access to information and protection of privacy with the individual who then held the office of Privacy Commissioner.

We — as I indicated yesterday and reminded members — don't go back 10 squares because there has been a changeover in officials or those who hold an office. We appreciate the role of all those who serve the office. The appropriate work was done. Officials worked with the individual who then held that office, discussed the provisions with him and that good work has been done.

The only provisions that had not been consulted on with the individual who was holding the office of Information and Privacy Commissioner were the provisions around the child advocate — as of last fall — and that is why the new holder of that office was consulted on those provisions. The work and appropriate process was followed on all provisions and it is the time to move forward with what is excellent legislation.

I have to remind members that the effect of the provision is encompassed within the existing *Children's Act*. It is not a substantial change. The other provisions that have some minor change reflect the legislation and best practices in other jurisdictions, particularly that of British Columbia in their *Child, Family and Community Service Act*, upon which it is largely based.

These questions have been answered. I know the members are eager to engage in further debate and posturing while there is media present in the gallery, but these matters have been —

Unparliamentary language

Chair: Order please. The word “posturing” definitely would be out of order. I would ask members not to use that terminology, please.

Mr. Cathers, you have the floor.

Hon. Mr. Cathers: Mr. Chair, I would point out to members that we have extensively debated this.

I could simply stand here and again repeat the comments from before, but the members have been informed, the appropriate process was followed. The officials from Justice have done their work with the individual who held the office at that time. It is time to move forward with what is an excellent piece of legislation. It reflects the best practices across Canada in child welfare legislation and, most importantly, it reflects the needs and interests of Yukon citizens, including First Nations.

Thank you, Mr. Chair.

Mr. Mitchell: I am not to going to belabour the point much longer because, as the member clearly is stating, he is not providing any new information to this Assembly.

I will point out that his logic is flawed by his logic of “We won't pay attention to what a currently serving official has to say because we have talked to an official a year ago”. It has to have been over a year ago, based on the term of the current commissioner versus her predecessor. By his logic, he would not run out of a burning building because the fire chief, a year earlier, told him the building was not on fire, despite the fact that the fire chief now says it's time to get out. It is completely flawed logic to say that we asked the question once before.

Things are brought to light by people when they look at what is in front of them, Mr. Chair. I want to say one more time for the record that concern brought forward by the Privacy Commission and Ombudsman is the wording, “any proceedings under this act”. She stated in a telephone conversation that she had a very good discussion with Justice officials about this, and she disagrees with their interpretation. She says that the officials say this means “court proceedings”, but she says this bill does not say that, it says “any proceedings”. That is why we should have heard from her.

We are not going to get any further. I do not believe that the minister has in any way answered the question by saying that our officials have talked to the commissioner. That's not an answer. That's a statement of an occurrence; it does not tell us what the discussion resulted in.

This Privacy Commissioner has written a letter to this Assembly because she felt that there were things that were important enough for her to bring to our attention before we passed this legislation, so that we could remedy them, so that the bill could be a bill that would not be subject to court challenge, and so that the bill would not infringe on other freedoms that are protected under other legislation. That is not going to happen here, so we will move on, but it would be helpful if at some point, prior to legislation passing, the minister might illuminate us on the findings, rather than telling us he will get back to us with that sometime in the future after the act is passed.

Hon. Mr. Cathers: Again, I will reiterate that officials from Justice are working with the current Information and Protection of Privacy Commissioner on addressing her concerns. They are getting back to her with regard to those concerns, and if that information is provided and made public, I would be happy to provide it to members opposite.

This is a matter that is being dealt with between those officials and the Information/Privacy Commissioner. I remind the members opposite, and will reiterate — the officials from Justice followed the appropriate process including consultation on provisions related to access to information and protection of privacy with the individual who then held the office of Information and Protection of Privacy Commissioner.

Again, when a process is underway, we don't take 10 steps back in that process because there has been a changeover of officials, and that applies within government policy, programs, actions, et cetera, and of course in dealing with individuals who hold positions such as this. Nothing would ever get done if government were to do that. The appropriate process was followed, including consultation at the appropriate time with the individual who then held the office.

Mr. Chair, anything else is needless debate. The members' questions have been answered. They may not like the answers, but the questions have been fully answered.

Chair: Is there any further debate on clause 179?

Clause 179 agreed to

On Clause 180

Clause 180 agreed to

On Clause 181

Clause 181 agreed to

On Clause 182

Clause 182 agreed to

On Clause 183

Mr. Edzerza: We have a number of concerns with clause 183. After lengthy discussions with First Nations and other representatives from different levels of NGOs and receiving various legal opinions on this bill, I would like to request the minister change the review provision to three years, rather than five.

Hon. Mr. Cathers: We have indicated already that the operations will be reviewed within 12 months. The provisions exist in the sections of the act we reviewed yesterday to review these matters in three years or in any length of time that is designated; however, what is proposed is the statutory requirement that it must be reviewed every five years. That is a reasonable length of time for this. There will be other reviews prior to that time, but beyond that, as this legislation carries on into the future, every five years will likely be an appropriate, reasonable time to provide a full review. Thank you.

Clause 183 agreed to

On Clause 184

Amendment proposed

Mr. Edzerza: Mr. Chair, I move

THAT Bill No. 50, entitled *Child and Family Services Act*, be amended in clause 184(1) at page 14 by replacing the expression "A director" with the expression "The child advocate".

Chair: The amendment is not in order.

Amendment to Clause 184 ruled out of order

Chair: We will proceed with debate on clause 184.

Clause 184 agreed to

On Clause 185

Clause 185 agreed to

On Clause 186

Clause 186 agreed to

On Clause 187

Clause 187 agreed to

On Clause 188

Clause 188 agreed to

On Clause 189

Clause 189 agreed to

On Clause 190

Clause 190 agreed to

On Clause 191

Clause 191 agreed to

On Clause 192

Clause 192 agreed to

On Clause 193

Clause 193 agreed to

On Clause 194

Clause 194 agreed to

On Clause 195

Clause 195 agreed to

On Clause 196

Clause 196 agreed to

On Clause 197

Clause 197 agreed to

On Clause 198

Clause 198 agreed to

On Clause 199

Clause 199 agreed to

On Clause 200

Clause 200 agreed to

On Clause 201

Clause 201 agreed to

On Clause 202

Clause 202 agreed to

On Clause 203

Clause 203 agreed to

On Clause 204

Clause 204 agreed to

On Clause 205

Clause 205 agreed to

On Clause 206

Clause 206 agreed to

On Clause 207

Clause 207 agreed to

On Clause 208

Clause 208 agreed to

On Clause 209

Clause 209 agreed to

On Clause 210

Clause 210 agreed to

On Clause 211

Mr. Mitchell: This section refers to the child advocate. It is very short; section 211(1) says, "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)."

In subsection (2) of section 211 it says, "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."

The position of child advocate has been an issue of much public debate over the course of this sitting and prior to this sitting, regarding the need and importance of such a position. The government previously was resistant to there being such a position but changed their opinion shortly before this sitting, at such a late date. Rather than establish it within this act as it is done in other many jurisdictions, they have indicated they will do this by a separate act. We have the government's promise to do this.

What we don't have of course — which concerns First Nation leaders we've spoken to; which concerns the Grandparents' Rights Association of Yukon; which concerns other non-government organizations and advocacy groups — is any description of what this position will entail, as it will apply in Yukon.

However, the government has had some time to come up with these terms of reference and they have known for quite a long time that there was a strong advocacy within Yukon for there being such a position. They have had certainly sufficient time to do so.

Amendment proposed

Mr. Mitchell: I move

THAT Bill No. 50, entitled: *Child and Family Services Act*, be amended in clause 211(2) at page 128 by deleting the words after "no later than" and inserting the words "the fifth day of the 2008 fall sitting of this House."

The amended motion shall read:

"The Bill to establish the Act is to be presented to the Legislative Assembly no later than the fifth day of the 2008 fall sitting of this House."

Chair: It has been moved by Mr. Mitchell

THAT Bill No. 50, entitled: *Child and Family Services Act*, be amended in clause 211(2) at page 128 by deleting the words after "no later than" and inserting the words "the fifth day of the 2008 fall sitting of this House."

Is there any discussion on the amendment?

Mr. Mitchell: Yes, very briefly, because I have more or less laid out the idea of this before I moved the amendment.

There has been general knowledge for some time of a strong desire to have such a position. It was preferred by many groups and certainly by Yukon First Nations to have it established within this act. That is one of the reasons why they asked for the act to be deferred until some time as this position could be included.

However, that's not the path the government has chosen to go down and we understand that, but we do think that since the commitment was made by letter to the Yukon First Nations — to the Grand Chief — prior to commencement of the current sitting, the government has known since at least March 20 that this was their intent.

We certainly think that, with April, May, June, July, August and September — six months at least should be sufficient time to bring this forward. That would allow us to use a fall sitting to debate legislation, as opposed to once again having to debate significant new legislation in a spring sitting, likely along with another record budget.

We think that it would go a long ways toward addressing some of the concerns of First Nations to at least have the child advocate position come forward next fall, rather than a year from now. That is the reason for the motion.

Hon. Mr. Cathers: First of all, in reference to the session in which legislation is brought forward, may I be so rude as to remind the member opposite that, as they have stood up halfway through this session and criticized legislation being brought forward in the spring session — which also has the main estimates for the year — the same member stood on the floor last fall and demanded that we bring forward the new *Children's Act* this spring, demanded that we bring forward workers' compensation legislation. It was the Liberal House leader who suggested the sitting length after seeing all legislation tabled before the Assembly on the fifth day; it was agreed to by the House leaders. It's interesting, this tack that the members take.

Mr. Chair, on the motion that is put forward, let me point out to the member: the member suggests that the fifth day of the 2008 fall sitting of this Assembly is sufficient time to evaluate the various different models for establishing a child advocate in various jurisdictions, and to consult with the public on that. Well, the member is wrong. It's appalling that the member does not realize how badly wrong he is in that assertion. First of all, to suggest summer consultation with First Nations, with stakeholders, et cetera, provides time for fulsome consultation that people can actually attend — the member has lived in the Yukon for years, he ought to be aware that summer is widely considered to be the worst time of year to do that consultation.

There are a number of models in place for the establishment of a child advocate. Does the member not wish Yukoners to see it and consider it and, if so, why not?

The member's assertion that a child advocate is usually established within legislation similar to the *Child and Family Services Act* — within the applicable child welfare legislation for the province or territory — the member is again mistaken in that assertion. Many — and in fact I believe most — jurisdictions in Canada that have a child advocate have it established through separate legislation. There are those that have it included in the child welfare legislation but many — and again I believe most — actually have it as separate legislation to clearly establish the mandate of that office being separate from that of the provisions in their child welfare legislation.

We have made the commitment and we will of course follow the commitment to work with First Nations, stakeholders and the general public to establish the mandate of this office of a child advocate. The members are correct; we did respond in the consultation to the request from those who, when they saw the consultation draft did not include a child advocate position — those members of the public, those stakeholders, those First

Nations — said “We would like you to establish a child advocate.” We listened to them and that is what we are going to do.

It includes a commitment in legislation that, should this legislation be passed, by law, 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. That is a very strong — and I would suspect without precedent — commitment to be made in Yukon legislation to bring forward further legislation.

The establishment of a child advocate will require looking at all possible models and determining the scope of the advocate’s powers, as well as who will be served by that advocate, and that must be consulted on with First Nations, with stakeholders and with the general public, and they must be given ample time to consider the proposed provisions. It is unfortunate that the Member for Copperbelt, the Leader of the Liberal Party, does not wish to give them that time to consider the provisions. He wants to do it by the fifth sitting day of 2008 so that he can say that he pushed for that.

Well, Mr. Chair, we’re committed to getting it right. We’re committed to listening to the public. That is exactly what we are committed to do. I doubt the member will retract his amendment, but he should.

So, Mr. Chair, that being said, I remind him again that the public has been clear in their desire to have a child advocate to be a voice for children receiving child welfare services. The mandate of this position will be established following the presentation to First Nations, to stakeholders and the public of information on the options that are available for the mandate of what such an office is. The mandates vary from jurisdiction to jurisdiction. We’re going to provide the public, First Nations and stakeholders with that information.

Mr. Mitchell: I would suggest that, if the Health minister wasn’t so busy always playing catch-up and had been listening earlier to the many, many requests from Yukon First Nations and others during the consultation period, he would already be well along the path of laying out the parameters of what this position would be.

What he has promised us, basically, by his own description, is something that he doesn’t even know what it will mean and he has to start consulting.

Why is it that, following debate of a motion last week requesting the long-promised and long-awaited amendments to the *Animal Protection Act*, the government was willing and able to commence public consultations beginning later this month?

Chair’s statement

Chair: The Chair is having difficulty seeing how the current debate relates to the motion put forward. I would just like to encourage the member to focus on this amendment.

Mr. Mitchell: What I would like to do is draw the Health minister’s attention to the fact that, when government chooses to, it can move expeditiously to commence consultation periods on very short notice. We saw an example of that when it was announced yesterday that there will be public consultations in April and May of this year on the *Animal Protec-*

tion Act, in order to get them started before the summer — the busy summer period that the minister apparently plans on taking off.

Is the minister suggesting that the consultations on the *Animal Protection Act* are of greater import to Yukoners than public consultations on the office of a child advocate? I am certain that the Health minister would not be suggesting that. I would be horrified if that was his position. It could be that it is his position. We’ll have to see.

I would urge the Health minister to reconsider the error of his ways and the folly of his position and get busy right away, this spring, with public consultation on the position of child advocate so we can move to have this bill brought forward in the fall sitting, which is what many Yukoners have stated as their preference.

Hon. Mr. Cathers: Now, Mr. Chair, I have to again remind the member opposite that the consultation draft of the legislation did not include a child advocate as an option. The focus of the whole consultation process — a process of almost five years — was not focused around a child advocate. Yes, the request did come up in consultation and different steps were proposed. Upon going back to the public, it was heard that there was the desire to have new legislation put in place. That is exactly what we are doing, but we will consult with the public first on what it means.

The member knows that the work to which he referred, which did not reflect the topic under discussion, was in the works and had been for some time. The member knows that government processes take time in order to get it right. That’s exactly what we do with officials and when we involve the public in that process.

With regard to the member’s quip about taking the summer off, the member knows full well that I do not take the summer off. He and his caucus may, and it certainly appears that way; however, we —

Chair’s statement

Chair: Order please. The debate is definitely getting personal in nature. I would like both sides and all three parties to realize that we are debating a clause in the act and not debating each other.

Hon. Mr. Cathers: For the reasons I outlined regarding the amendment proposed by the Leader of the Liberal Party — once again, he has it wrong.

Chair: Is there any further discussion on this amendment?

Some Hon. Members: Count.

Count

Chair: Count has been called.

Bells

Chair: Order please. 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.
Amendment to Clause 211 negatived

Chair: Is there any further debate on clause 211?
Clause 211 agreed to
On Clause 212
Clause 212 agreed to
On Preamble
Preamble agreed to
On Title
Title agreed to

Hon. Mr. Cathers: Mr. Chair, I move that Bill No. 50, entitled *Child and Family Services Act*, be reported without amendment.

Chair: It has been moved by Mr. Cathers that Bill No. 50, entitled *Child and Family Services Act*, be reported without amendment.

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

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

Chair's report

Mr. Nordick: Mr. Speaker, Committee of the Whole has considered Bill No. 50, entitled *Child and Family Services Act*, and directed me to report it without amendment.

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

All Hon. Members: Agreed.

Speaker: I declare the report carried.

GOVERNMENT BILLS

Bill No. 50: Third Reading

Clerk: Third reading, Bill No. 50, standing in the name of the Hon. Mr. Cathers.

Hon. Mr. Cathers: I move that Bill No. 50, entitled *Child and Family Services Act*, be now read a third time and do pass.

Speaker: It has been moved by the Minister of Health and Social Services that Bill No. 50, entitled *Child and Family Services Act*, be now read a third time and do pass.

Hon. Mr. Cathers: Mr. Speaker, I will be very brief in my closing remarks at third reading as, in second reading and the several days of debate on this legislation, I already addressed this legislation to a significant extent.

I want to conclude by thanking all those who participated in making this legislation come to pass for their hard work, particularly the officials from the Department of Health and Social Services for their many, many hours of effort in this area. As well, I want to thank the officials from Justice who did the legal drafting on this, and the legal drafter who was contracted for some portions.

Again, I want to thank everyone and this is, of course, a historic piece of legislation. It follows the joint process embarked upon by the Yukon government and the Council of Yukon First Nations, doing joint public consultation, joint policy development and jointly informing the legal drafting. It is a significant step forward in child welfare legislation, providing much more ability for First Nations, for extended family and others to be involved in cooperative planning and alternative dispute resolution processes and voluntary measures, aimed at avoiding court unless it is absolutely necessary.

Mr. Speaker, with that, I commend the bill to the House.

Mr. Mitchell: It has been a very interesting week spent debating this bill, Mr. Speaker.

First of all, we too would like to thank the officials for all their hard work on this bill and, as we said at second reading, we recognize that there are many improvements to the long-outdated legislation that found their way into this bill. There are things that it will do: there is some additional inclusiveness for First Nations' input, for First Nations to be notified when a child is apprehended, and for family conferences, all of which are positive steps forward.

Members opposite, the Premier in particular, has frequently stated, "Let's get it right rather than get it done quickly."

We on this side tried to move a number of amendments. We sought improvements to this act so that we would, in fact, get it right. We, along with the third party, tried several times last Thursday to have the voices of First Nation leaders heard on the floor of this Assembly so we could all work together as partners to get it right.

In fact, there was a public letter very eloquently written by the Grand Chief of the Council of Yukon First Nations entitled "Let's get it Right", which appeared recently in the newspapers, and which has been tabled in this Legislative Assembly.

In the interests of getting it right, over the past year we have met with representatives of the Grandparents' Rights Association of Yukon to seek their input; we have met with numerous constituents; we have met with representatives, including the chiefs of a number of Yukon First Nations; we have talked to a great many Yukoners to make sure that we get it right, because the one thing that is correct that has been stated on all sides of this House is that it's about the children.

The children and their safety are paramount. I find the way this carried forward to have been truly a sad example of the loss of an opportunity to have a positive demonstration of the democratic process in that we silenced the voices of First Nations who wanted to be heard on the floor of this Assembly. We refused to allow the Privacy Commissioner and Ombuds-

man to bring forward her concerns, which were also made in the interest of getting it right.

That is why even in the final days, she took it upon herself to write a letter to all members of this Assembly, which was tabled by the honourable Speaker. I think that was all about getting it right. It is very unfortunate that the minister has said that they followed the joint process of consultation as laid out some five years ago because First Nation leaders, First Nation chiefs, the Grand Chief of the Council of Yukon First Nations, and their legal counsel have all told us that that process was not followed to its completion — that it was commenced and then the government came to the fork in the road and went down the wrong path. They decided to walk a different path from their partners, the First Nations, on this bill.

Then we had the very unfortunate example of the Premier standing on his feet in this Assembly and once again trotting out that old saw that he speaks on behalf of all Yukoners, that it is public government, not just the First Nations. Well, the First Nations are Yukoners, Mr. Speaker. We can't separate them out and say they are a minority and that because there are more of the rest of us who aren't First Nations that our voice counts more, and that their concerns on behalf of their children and indeed on behalf of our children — all children — don't matter. It does matter.

We had an opportunity here to get it right. It's not the failure of officials; it's the failure of the political leadership that we're not getting it right. The officials did their hard work, as they always do. The officials are willing to work to get it right, so let's not be blaming officials and let's not have the government making those claims again. It's not on the officials; it's on the Health minister and the Premier that we didn't get it right.

Mr. Hardy: I won't use the words, "get it right". I think I just heard them 20 times in three minutes.

There is no such thing as a bill or piece of legislation that is right. Some come close, some don't. Some have to be reviewed very quickly and some do not get reviewed for over five or 10 years. They evolve, just like our society evolves and they evolve hopefully toward improvement and not in the other direction. Though I can agree on many points in this bill, I really do have a phenomenal amount of appreciation for people who participate in the consultation processes. Five years and counting, as I said earlier — we were almost there and it seems to have fallen off the rails a little bit; that's a shame.

One thing I do recognize is that consultation is an art. Like any art, one has to practice to get good at it. I feel that this government needs a bit more practice to ensure that everyone feels that, at the end of the day, they have done the best they can with the resources they have.

So saying that, our challenge here is how we vote. Personally, I think you have to vote based on your conscience and the representation from all people of the Yukon from whom we have heard. Hopefully it's not a bill that divides people, but brings them together.

Many amendments have been brought forward. The NDP brought forward a substantial amount of them. None of them have been accepted. So be it — that's all right. We will move

forward from that and hopefully, at some time in the very near future, we will be reviewing this bill again to fix areas that have been identified — not just by us, but also by the Privacy Commissioner, First Nations, grandparents, organizations and individuals. People within the bureaucracy — people who have worked on it themselves — also recognize there are still limitations.

But for everybody who has worked on it, from the minister and the Premier on down, and opposition members, I say thank you for undertaking this, although I feel it kind of fell short in the end, but maybe we can learn from that as well.

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

Hon. Mr. Cathers: In conclusion, I would like to remind members — contrary to statements made by the Leader of the Liberal Party — the government followed the process every step of the way. We embarked upon a process that no previous government would do to involve First Nations to work in cooperation, to jointly do public consultation, jointly develop a policy and jointly inform the legal drafting.

We followed the process every step of the way and reached agreement on the significant issues related to this legislation. It is unfortunate to hear comments from the Leader of the Liberal Party, in particular, on this note.

I would like to particularly counter one that he brought up. He suggested we were blaming officials. I want to make it ultimately very clear to each and every member and everyone who reads this: that is the furthest thing from the truth.

This thanks those officials —

Unparliamentary language

Speaker: Order please. Sit down. "The furthest thing from the truth" is indicating that the honourable member is in fact not telling the truth, so I would ask the honourable minister to retract that, please.

Withdrawal of remark

Hon. Mr. Cathers: Thank you, Mr. Speaker. I will retract the characterization "the furthest thing from the truth".

Again let me note that the officials who worked on this in the Department of Health and Social Services and the Department of Justice did an excellent job. They dealt with policy matter that is very challenging and very tough. They did countless hours of work on this legislation. They did an excellent job and they did it well.

This government and I thank them for that work and for their efforts in that area. The ultimate result is a piece of child welfare legislation that is far ahead of the *Children's Act* that it is replacing. It is a significant step forward for children, for families and for First Nations. We commend the work that was done by all who were involved in the process. We thank them for that work, and I commend this legislation to the House.

Thank you, Mr. Speaker.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, would you please poll the House.

Hon. Mr. Fentie: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Kenyon: Agree.

Hon. Mr. Rouble: Agree.

Hon. Mr. Lang: Agree.

Hon. Ms. Horne: Agree.

Hon. Mr. Hart: Agree.

Mr. Nordick: Agree.

Mr. Mitchell: Disagree.

Mr. McRobb: Disagree.

Mr. Elias: Disagree.

Mr. Fairclough: Disagree.

Mr. Inverarity: Disagree.

Mr. Hardy: Disagree.

Mr. Cardiff: Disagree.

Mr. Edzerza: Disagree.

Clerk: Mr. Speaker, the results are nine yea, eight nay.

Speaker: The yeas have it. I declare the motion carried and that Bill No. 50 has passed this House.

Motion for third reading of Bill No. 50 agreed to

Speaker: We are now prepared to receive the Commissioner of Yukon in her capacity as Lieutenant Governor, to give assent to the bills which have passed this House.

Commissioner enters the Chamber, announced by the Sergeant-at-Arms

ASSENT TO BILLS

Commissioner: Please be seated.

Speaker: Madam Commissioner, the Assembly has, at its present session, passed certain bills to which, in the name and on behalf of the Assembly, I respectfully request your assent.

Clerk: *Smoke-free Places Act and Child and Family Services Act.*

Commissioner: I hereby assent to the bills as enumerated by the Clerk.

Commissioner leaves the Chamber

Speaker: I will now call the House to order.

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: I will now call Committee of the Whole to order.

The matter before Committee is Bill No. 11, *First Appropriation Act, 2008-09*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

Chair: We will recess for 15 minutes.

Recess

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

Bill No. 11 – First Appropriation Act, 2008-09

Chair: The matter before the Committee is Bill No. 11, *First Appropriation Act, 2008-09*. We will now proceed with general debate.

Hon. Mr. Fentie: I am pleased to rise in Committee of the Whole to present the introductory remarks for the *First Appropriation Act, 2008-09*, more commonly referred to as the 2008-09 main estimates.

Mr. Chair, the budget speech to the Assembly on the first reading of this bill outlined in great detail the highlights of this *First Appropriation Act, 2008-09* for this fiscal year.

Before I provide a summary of those highlights and recap the fiscal position of government, I would like to take this opportunity to comment on some indicators that signal a healthy economic environment for the Yukon.

Under this government's watch, prospects for Yukoners are indeed high. When we took office in 2002, unemployment in Yukon was hovering around the 10 percent mark. Preliminary figures for 2007 indicate unemployment to be 5.2 percent and, since 2002, 1,500 full-time jobs have been created in the Yukon, with 16,400 people employed and 700 fewer people counted among the unemployed.

A consistent theme of this government has been to promote a strong, diversified private sector economy. Mr. Chair, we are seeing the results of our efforts.

In 2002, the construction sector accounted for 6.2 percent of gross domestic product.

In 2006, construction accounted for 8.2 percent of GDP. This certainly demonstrates a significant increase over a four-year period.

Other sectors have shown increases from 2002 to 2006, as well. For example, retail trade increased from 6.2 percent of GDP in 2002, to 6.5 percent in 2006; wholesale trade from 2.7 percent to three percent; manufacturing from less than one percent at .8 percent to 1.1 percent; finance and real estate from 17.3 percent to 18.6 percent — all indicators trending upward, demonstrating growth.

Despite declining production volumes from the Kotaneelee wells in southeast Yukon, mining and oil and gas extraction accounted for three percent of GDP in 2006, while accounting for only 2.6 percent in 2003.

The positive change in these sectors is indeed significant. No less significant is the change in the public administration sector, which in 2003, accounted for 24.4 percent of GDP, while in 2006, accounted for 23.9 percent of gross domestic product.

These figures indicate we are making gains in achieving a stronger private sector economy, while reducing our reliance on government spending to achieve economic growth.

Mr. Chair, I do not mean to diminish the importance of government spending as an economic generator.

The message here is that we need to recognize that the private sector is contributing a greater proportion, and we are achieving a better balance. Since 2004, new housing starts have increased from 255 to 309 in 2007, with values increasing from \$77 million to \$97 million overall. During the same period, the estimated value of industrial permits issued increased from \$1.6 million to \$16 million, commercial permits issued increased from \$9.9 million to \$15 million, and government and institutional permits decreased from \$28.5 million to just under \$16 million.

Other indicators that the private sector economy is establishing itself on solid ground include retail sales, which have increased from 21 percent since 2004, with total sales eclipsing the \$500 million mark in 2007, and wholesale sales, which have increased almost 68 percent since 2004, with total sales of \$144 million in the year 2007.

As noted, more Yukoners are working today than in 2002, with 1,500 full-time jobs created since that period.

Also noteworthy is the fact that, on average, the growth of Yukoners' average weekly earnings is outpacing the growth in inflation. For 2007, average weekly earnings increased by approximately 3.4 percent over 2006, while the 2007 consumer price index increase was only 2.5 percent.

Yukon is a great place to live, and Yukoners take great pride in showcasing its beauty. There is significant economic potential in tourism, and Yukon is seeing some of those benefits realized throughout the watch of this government.

During 2007, the Yukon had just over 329,000 visitors recorded at border crossings, which represents a 4.2-percent increase over last year's levels. This marks the second highest visitation ever recorded. It also translates into almost \$192 million spent in Yukon, attributable to non-resident tourism.

As noted in the budget speech, the value of exploration and mining activity in 2007 is expected to reach \$140 million. Over the past seven years, exploration activity levels in the Yukon have increased more than tenfold, from \$8 million in 2000 under the former government's watch, to the \$140-million level estimated for 2007. I'm sure Yukoners can appreciate the significant economic growth the Yukon has experienced over the last six years.

My colleagues and I are extremely proud of these economic achievements. All of this has been realized without compromising the fiscal position of the Government of Yukon or the social safety net. Prudent spending has allowed the government to kick-start the economy over this last six-year period.

As Minister of Finance, I am indeed pleased that we have been able to deliver an annual budget that ensures our net financial resources have remained in the positive position. This budget continues with that theme of prudent and sound fiscal management.

I will move on and provide the Committee with some of the budget highlights during my opening statements.

On the expenditures side, the budget projects total expenditures of almost \$900 million. Gross capital expenditures on a will be \$202.7 million and operation and maintenance expenditures will be \$697 million. As the Committee will note, capital expenditures have decreased marginally from last year's forecast of \$219 million, but they still remain high relative to prior years' budgets.

Some of the highlights of the O&M and capital expenditures that are contained in the budget were outlined in my introductory budget speech, so I will not repeat them here, but these will of course be discussed further as we proceed with debate.

On the revenue side, Mr. Chair, the Yukon Territory demonstrates some of the staggering statistics on smoking, according to Statistics Canada's most recent biannual community health survey. Thirty point four percent of Yukoners over the age of 12 smoke. This is 8.6 percentage points above the national average. As well, the Yukon was the only jurisdiction in Canada to show an increase in the incidence of smoking between the last two surveys. We must turn this trend around.

We have introduced the most comprehensive changes to the tobacco tax ever. Our goal is to see a significant reduction in tobacco use by people of all ages, but especially our youth. In the long term, we expect that these changes will be a significant deterrent to using tobacco, and our revenues should accordingly decline. However, it takes time for behaviours to change; therefore, we expect to see an increase in revenue of \$3.873 million for the fiscal year 2008-09.

The total transfers from Canada, which include such items as the Canada health transfer, Canada social transfer, as well as the formula funding grant known as TFF, and several other transfers, will be \$632 million. Of this amount, the territorial funding formula is the largest component of \$564 million and is up from an estimated forecast value of \$544 million last year.

Mr. Chair, Yukon and Canada recently finalized the infrastructure framework agreement relating to the Building Canada Plan. This agreement will flow approximately \$183 million to the Yukon Territory, matched with Yukon funds totalling \$61 million. Almost \$244 million will be available over the next seven years to be invested in infrastructure initiatives across Yukon. For 2008-09, \$26.13 million will be received from Canada.

Mr. Chair, I would now like to quickly turn my attention to the long-term fiscal framework — the projections that are provided as a supplementary information item in the budget documents. This government is committed to prudent and sustainable fiscal management and I am pleased to present a very positive long-term fiscal forecast for the next three-year period. While the annual surplus deficit position of the government will fluctuate over this period due to timing factors related to

revenue recognition of transfers from Canada, the overall financial picture of the government is consistently positive. This framework projects that the Yukon government will maintain a healthy and positive net financial resources position in each of the next three years.

Mr. Chair, I'm also extremely pleased with the efforts of our government and departmental officials to deliver effective services and programs to Yukoners, while maintaining a healthy long-term fiscal position. We thank them for their efforts and dedication.

I would now be prepared to entertain any discussions on this budget that are general in nature; detailed discussion on the elements of departmental expenditures can be raised and discussed as we proceed to department-by-department review of their appropriation requests. I would hope that the opposition members in the House recognize the importance of debating this budget constructively and learned some lessons from what we experienced in their counterproductive debate of Bill No. 50, the *Child and Family Services Act*.

Mr. Mitchell: It certainly is an interesting day — day 18 of this sitting — and one hour before the end of day 18, before we even begin debating the budget.

If the Finance minister is so proud of this budget, as he says, it certainly begs the question of why he has waited so long into the sitting to begin debating it.

Some Hon. Member: (Inaudible)

Mr. Mitchell: I hear the Education minister chuckling over there, but I will point out that while he may find this amusing, the government side sets the agenda, as we well know. On any given day we come in here prepared to debate the budget — any department of the budget or any piece of legislation. Sometime around 10:00 in the morning, we find out what the government chooses to call. This is the day that the government has chosen to call the budget for debate in Committee of the Whole.

It's clear that is what the process is. Only last week, the Finance minister was chastising us for using opposition Wednesday to actually debate something of the opposition's choosing, for using private members' day — although I see they have called a motion for tomorrow, rather than saying they would choose to forego the motion, to carry forward with debate on their budget.

In the Budget Address, the Premier spoke of the four major pillars from the Yukon Party's 2006 election platform.

Some Hon. Member: (Inaudible)

Mr. Mitchell: "Crumbling pillars," says the Member for Vuntut Gwitchin.

I do find it interesting that he speaks of four pillars, but picks and chooses which ones they will adhere to. I also find it interesting that this government has chosen a couple of things to concentrate on that were not in their platform, but actually come from our platform.

From the budget speech, it really is clear that the Premier is choosing to talk about two of their pillars but not necessarily following them in practice.

With respect to the environment, for example, we still have not seen a current state of the environment report. As the mem-

ber for Vuntut Gwitchin reminded us only earlier today, we have also not seen the climate change action plan. We remain, in fact, one of the last jurisdictions in Canada to develop one. There is more money for new furniture in this year's budget than there is for this climate change action plan. So if the expenditure of funds is meant to reflect the priorities that are being placed and the Finance minister frequently tells us, "Look where we are spending the money", we need look no further than that example regarding climate change.

With respect to practising good, cooperative governance with strong fiscal management, I certainly would not call the situation with the \$36.5 million of taxpayers' money that is still tied up in the unfortunate investment in ABCPs good fiscal management. Right now this government's actions are speaking louder than their words.

The Premier in fact invested foolishly, and Yukoners may never see all of their money back. The Premier has made no mention of ABCPs in the budget. There is no loan-loss provision; there is no footnote; there is no mention of it. If the April 25 restructuring vote from the Montreal Accord goes ahead, are these new notes worth anything? Canaccord Capital — in order to make whole, so to speak, their small investors — recently sold notes to a third party for 60 cents on the dollar. Sixty cents on the dollar is what they got from liquidating a portion of their holdings in order to make their small investors whole, in order to pay them in full, so they would not defeat the restructuring proposal. Otherwise it was quite clear that the some 1,400 small investors were in a position to do just that.

That is their current value: 60 cents on the dollar. The Premier's plan is to hold on to the notes for eight years and hope we get our money back. What a great investment strategy his 30-day investment has turned out to be.

What projects will be put on hold or cancelled if we don't have access to those funds for five years, eight years, 10 years or perhaps never? This is a real possibility and should be planned for now, not the day we find out — or to be more accurate, the day down the road in eight years that some future Finance minister inherits this problem. The government would not even allow a meeting of PAC to discuss the ABCP issue, which made that committee redundant.

The Premier said he would not buy any more ABCP. He announced a new policy, yet, in fact, under the restructuring plan, he may well be accepting more asset-backed commercial paper, because that is what it still is. The Premier ran into this problem last year when he allowed his government to break the law because the investments were outside of the *Financial Administration Act*. Will the new bonds comply with the *Financial Administration Act*? I would like the Premier to answer that question and he has refused to do so on numerous occasions. We all know why. It is because they do not.

A number of the announcements in this budget are feel-good spending announcements and have no real impact on, I quote, "a better life for Yukoners". Just as an example, the \$244,000 for a safe and healthy workplace is just a contract amount. There is no new spending on initiatives or programs. It's just an amount put out to the public to make it seem like the government is taking a lead in this area.

This budget still does not deliver on many of the long-term plans for economic diversification, such as improving our education system and, as has been discussed in this sitting, improving the land disposition process, to name just a few long-term issues that were not addressed in this budget. Where has the two-year reserve of residential lots disappeared to? That is a commitment that we have often heard.

How is the government working with the City of Whitehorse on land dispositions within the city? The answer is nowhere, as far as the two-year reserve. They haven't been working very well with the city, according to statements we've seen by city councillors.

Now, the Watson Lake Health Centre has another \$6.95 million available to it for spending. I shouldn't have to give a math lesson here, but the minister keeps saying that our math is wrong. Well, the amount he has budgeted for this year, if he spends it, added to the over \$4 million already spent, means that the cost of that project is going to be over \$11 million. I'm sure his officials are pointing that out to him as we speak — that 7 and 4 is 11 — higher math.

I might point out that originally the cost to build this project and the one in Dawson, when first presented in the Legislature, was \$10.4 million for both together. That amount allocated has grown and grown, with no end in sight. This has become a money pit. When will it end?

It doesn't look like very good fiscal management to have an over 100-percent increase — from the initial projections of \$5.2 million to \$11 million — and still not even have one single facility open to show for it.

What are the cost overruns for? We haven't been told. The public wants to know when they'll be able to use this facility and how much the actual costs are going to be. The Premier's own constituents are asking that — haven't heard any answers, but we look forward to them.

The Whitehorse Correctional Centre — why has the government stalled for so long on starting this project? Consultations have been done — consultations, we might point out, that after the cancellation of the original project that was underway, back in 2002, came to the conclusion that the project should carry forward at the same location, on the same pad — the same footprint as previously.

What are we waiting for in getting this new facility started?

The government previously said they cancelled the project because it was a Cadillac facility. He said the former Liberal government was going to build a Cadillac facility. Then, a few years later, they changed their tune and they said no, it was not going to be a Cadillac facility; it was going to be a warehouse. They were going to warehouse Yukoners who had been sent there because of ending up on the wrong side of the law.

They have certainly warehoused quite a few Yukoners these past five years plus, Mr. Chair — that's what they have done, along with all of the Correctional Centre staff who have had to continue to work in a facility where sections of the ceiling have fallen off, where there have been problems of broken windows and a lack of opportunity for programming, in particular for female residents of the facility.

Another item that this budget plans is changes to the *Municipal Act*, and here one change in the proposals definitely stands out:

“allow councils to invest in securities rated in the highest rating category by one recognized security rating institution”

There should be alarm bells going off on that one, Mr. Chair, because it was accepting only one recognized security rating institution as good enough, not two, that got this Yukon Party government into trouble with the ABCP. Why would we allow this for the municipalities when the government has admitted that this did not work for this Yukon Party government? Why would this be a path that we want to see municipalities going down?

This government promised it would not increase taxes. They raised the tobacco tax for health reasons. We agree with the reasons, but why not lower another tax then if this tobacco tax is just about health reasons, instead of pointing out how much additional revenue this will raise in this budget?

Clearly, the government wants the additional revenue.

I can hear the Premier mumbling over there, “But we lowered taxes.” Well, we're talking about this budget. There is a significant tax increase in this budget.

Since he talks about the large accumulated surplus that exists, the minister could have offset that with additional tax deductions so that Yukoners living on fixed incomes would not have found that their income was again being stretched to the limit — another broken promise. We do support the tax increase because we think it will reduce smoking among young people. We just think the government should admit it flipped on this one and do something to remedy it elsewhere.

There were reannouncements in this budget, like the \$10 million for construction of the hydro power line from Carmacks to Pelly. This was announced last year and it's now in the budget highlights again. Of course, I think we figured out last year that it was a pre-announcement at the time. Will we see it again next year as an announcement from the minister? How often do these announcements go into reruns?

We said originally that one of the better parts of the 2008-09 budget was the beautiful photo of Tombstone Territorial Park on the cover. It is a great photo on the cover, but there are many other things that are disappointing to a great many Yukoners.

There is also, as we've said, many positive things in the budget. There are certainly many positive things in terms of assistance to municipalities. There are positives in terms of roadwork. There are positives in terms of the Hamilton Boulevard extension going forward. There are positives in health care and there are positives in a number of areas, and we will point those out in greater detail as we go forward. But there are still some disappointing things and we're trying to look at the overall picture.

For one thing, as the Premier has pointed out, we are continuing to rely on Ottawa, as well as on the Americans and others, for a great deal of the revenue reflected in this budget.

I think when you add the transfers from Canada of \$632,058,000, recoveries from Canada of \$51,569,000 and third party recoveries of \$92,375,000, you get just over \$776

million worth of revenue coming in from outside of Yukon. That works out to be in the vicinity of 89 percent of — excuse me, the sole-source revenue works out to be in the vicinity of 11 percent of all the monies that show up in revenue.

The \$97,979,000 in territorial revenue is 11.2 percent of the total revenue, so we're looking at 11.2 percent in own-source revenue. Eight or nine years ago, we used to generate 15 percent or 16 percent of our own revenue.

In terms of all the plans for diversification, we seem to be more reliant than ever on Canada to fund our much-needed services.

Now, I know the Premier is going to say yet again that we on this side don't believe we're deserving of having the same facilities, the same health care, and the same educational standards as all Canadians, just because we point out where the revenue is coming from — that's just not correct. We do believe it; we just think this minister should actually produce the diversification that he so often promised.

Yes, the mining figures are high. We have had record prices in the price of gold — it was over \$1,000 an ounce awhile back, well over \$900 an ounce today. We have had record prices in the price of silver; we have had record prices in base metals and certainly that is reflected in huge mining activity.

We've also had record low interest rates, which have spurred both the ability of big companies — mining companies — to receive funding for their development and exploration work, as well helping the construction and contracting industries. Of course it has also affected the housing market here, as it has across North America.

We will also state that much hard work by Yukon government officials in making our case with Ottawa about what our fair share of funding should be, as well as a lot of hard work in the private sector, has also contributed to the work that we see today in Yukon. We do know that the work of Yukon government officials has been key in helping to grow the economy. But we still see an awful lot that should be done.

There are things in this budget we would have liked to have seen when the Premier talks about spending public money to help stimulate the economy. An example is for the funding for the public schools branch to be increased, whereas it has actually been cut year to year. Capital spending in the Education department is down 29 percent over the last year, although of course that is due to the completion — \$2 million over-budget — of the Tantalus School.

The 2008-09 budget also sees a 14-percent reduction in capital spending, as the Premier indicated in his opening remarks. It is interesting, because the Yukon Party has traditionally always been a big supporter of using capital budgets to create jobs. This time around, they cut that by more than \$18.5 million.

As I have already stated, for the second year in a row, the government continues to spend more money on furniture for the Department of Environment than on the climate change action plan.

There are a number of things that we would like to see. I mentioned that we continue to receive the lion's share of our

revenue from Ottawa. We are, in fact, no more self-reliant under this government than we were when they came to office. I think that the Premier needs to remember that the next time he decides to pat himself on the back about what a good job he's doing with our economy.

There are things we have been patiently waiting for — or more accurately, Yukoners have been waiting for them — such as the long-delayed increase in social assistance rates. We look forward to hearing when that is going to occur. The officials told us that the funding for that is not in the current budget. The Health minister has said it is. Hopefully, we will get a better explanation. We would like to see progress toward a permanent youth shelter and we have questions in a lot of other areas.

I see my time is up, Mr. Chair, so I will sit down.

Hon. Mr. Fentie: Mr. Chair, the first thing I have to deal with is the member's statement that there is more money being invested in furniture in the Department of Environment than there is in climate change, whether it be the action plan or any other measure in climate change. The member is going to have to bear with me, because I am going to start reciting all the areas of action and work ongoing when it comes to climate change. Then the member will have to explain himself to the public in another one of these astonishing statements that the member is quite famous for.

The member has again brought up the investment issues. As we witnessed here with Bill No. 50 and the *Child and Family Services Act*, there is a demonstration of the value and the view that the Official Opposition has when it comes to government officials in various departments. It is a damning indictment of the Official Opposition's position when it comes to our government employees.

I think this member is on record, although I don't have the quote before me. This member is on record accusing Finance officials of being overzealous, careless and misinformed.

Some Hon. Member: (Inaudible)

Point of order

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

Mr. Mitchell: I'm on record of having accused the Premier of being overzealous and misinformed, and not Finance officials.

Chair's ruling

Chair: Order please. There is no point of order.

Hon. Mr. Fentie: I would remind the Leader of the Official Opposition — and that is debatable, given the recent results out there in the public that show the third party is actually ahead in public opinion, as far as who they would support as an alternative. So it is a debatable label now, "Official Opposition". However, they are as they sit in the House.

The member did say these things. They are on record. They are in *Hansard* and the member definitely made those points. We challenged him on them because officials in the Department of Finance have been investing on behalf of government since 1990. The member has made an accusation that all of those officials, past and present, have been overzealous, careless and misinformed.

This is just another example of the member's approach to matters that are important to this government and to Yukoners, and the statements made are certainly problematic when it comes to the member's position and how the Yukon public and government employees view the Leader of the Official Opposition.

The member has also stated that there is some relationship to the housing market and he points across North America that everything is rosy and growing. Well, we know in Yukon that our housing and real estate market is growing, but that is certainly not the case in other areas of North America. In fact, it is going in the opposite direction. So there is another statement the member has made that simply doesn't reflect the facts.

You know, the member has asked, "Why did it take so long to debate the budget?" Well, let's go back in recent history in this sitting and talk about some of the debate that has transpired.

Bill No. 50 — the long, drawn-out, repetitive discussion that we experienced here, especially from the Official Opposition, and how counterproductive the Official Opposition was when it came to dealing with children. The government side was pretty clear in what it was doing. The paramountcy was children — always — the protection of children, the well-being of children. That's not the case for the Official Opposition in their obviously misguided attempt at trying to find some flaw in a bill where, again, they pointed the finger at officials. They suggested that the bill was flawed, that the drafting was inadequate, and it went on and on and on — another attack on officials who take great care and caution when they do the legal drafting of a piece of legislation, especially this particular piece of legislation.

So to suggest that there is an issue here on why it took so long to debate the budget — I would reverse the member's point and direct this right to the Leader of the Official Opposition on why it took so long. All we have to do is read *Hansard* and any — any — rational Yukoner will quickly see why it took so long.

Mr. Chair, we went through debates such as the debate on Bill No. 104, where this member, the Leader of the Official Opposition, stood up and actually promoted in that debate — and that's why it took so long to get to the budget — he was actually promoting youth smoking. It was unbelievable what this member put on the public record. And his argument in debate, which delayed greatly the passage of Bill No. 104, was all about the issue of allowing youth — 16- and 17-year-olds — who may be driving a vehicle, to stop their vehicle, get outside their vehicle, stand by the vehicle and smoke to their heart's content.

What kind of position is that for an elected official to take, when the issues here in Yukon are directly related to the health of citizens in this territory?

Here is a member of this House actually promoting that youth smoke — and he wonders why it took so long to debate the budget, or to get to debate on the budget.

Let's go over more of these issues — the discussions that we recently had to endure from the member opposite when it came to issues such as the Ombudsman's letter tabled with the

Speaker. Nobody on this side of the House had any knowledge that the Leader of the Official Opposition was a legal expert. Nobody on this side of the House had any knowledge that the Official Opposition had an expertise in legal drafting of legislation.

The member asks, "Why did it take so long to get to debate of the budget?" Because we had to listen to this kind of rhetoric coming from the Official Opposition in their attempts to deal with a bill that was in place before the House —

Unparliamentary language

Chair: Order please. The Chair has ruled in the past. "Rhetoric" is not a term that should be used in this Assembly. I would like the member to not use that terminology, please.

Mr. Fentie, you have the floor.

Hon. Mr. Fentie: Thank you. Well, the discussion certainly didn't make sense, Mr. Chair.

Moving on — why did it take so long to bring the budget up for debate? Well, interestingly enough, the members of the Official Opposition spent a great deal of time on all matters but moving debate forward to get to the budget, including standing here on a plethora of procedural issues in this Assembly, that somehow had some relevance to the Yukon public.

The House leader for the Official Opposition spent a great deal of time standing on his feet, basically going through a long dissertation of why there are problems with the procedural —

Some Hon. Member: (Inaudible)

Point of order

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

Mr. Mitchell: I would ask that the Chair focus the debate on the bill at hand, which is the main estimates and not the Premier's descriptions of dissertations of other members.

Chair's ruling

Chair: Order please. There is no point of order. We are discussing the general debate on the budget, which encompasses pretty much the entire government.

Mr. Fentie, you have the floor.

Hon. Mr. Fentie: Why did it take so long to debate the budget? Because we were dealing with procedural issues in this House, because the Official Opposition is simply afraid to stand up and constructively debate the budget, the bills put before the House or any other matter, and I think it's clear why that is.

The Official Opposition does not have a position; the Official Opposition does not have a plan; the Official Opposition does not have a vision for the territory; the Official Opposition actually has very little to offer, other than providing us with the kind of comments like there is more money being spent in the Department of the Environment on furniture than on climate change — that's absurd; comments like Finance officials are overzealous, careless and misinformed — that's constructive debate in the mind of the Leader of the Official Opposition; and making statements like promoting youth smoking. That's why it took so long to get to the budget debate.

The statements about public school cuts: this is an interesting little statement by the Official Opposition. Let me get into this. Since 2003, here is a member who just stood on the floor of the Legislature, complaining about how it took so long to get to the budget, but now we have to deal with a statement about cuts to public schools.

Investments in the public schools branch have grown from \$69 million in 2003 to over \$92 million in 2007 — an increase in the investment in public schools by some 33 percent. Now, this is the crux of the matter on why it takes so long to get to debate the budget, because the member is discussing issues that do not reflect the facts in the territory.

How can the member come up with “cuts to public schools” in the face of the evidence before him? Let’s look at what that actually translates to in some areas. Over the same period of time, the number of teachers have grown from 452 in the system to 473 — that’s a five-percent increase in teachers in the public schools system, yet the member complains about how long it took to get to the budget, and he wants us to try to respond to the incorrect statement, which we will, because we must keep the public record correct at all times.

Secondly, the number of education assistants has increased from 86 to 111 in the public school system. That is an increase of 29 percent.

Let me recap. The member has just said there are cuts to the public school system when in fact, there is a 33-percent increase in investment, a five-percent increase in the number of teachers, 29-percent increase in the number of education assistants, and by the way, Yukon in all likelihood has one of the lowest teacher/student ratios in the country.

As a matter of interest — if the member is interested at all in the public education system, because one wonders with the statements he makes — the per capita investments — that is per child, per student — has increased from \$11,157 dollars per student to today’s investment of a \$15,000 allotment per student. Yet, the member says there are cuts to the public school system.

Mr. Chair, this is why it takes so long to get to debate the budget. We’ve got to carve our way through this veil of misguided statements by the Leader of the Official Opposition that have no reflection on the facts. Now the member goes on again about dependency on the federal government and how he has come up with his calculations — some 11 percent, or whatever he said there; I just can’t remember off the top of —

Some Hon. Member: (Inaudible)

Hon. Mr. Fentie: Well, if the member had any —

Some Hon. Member: (Inaudible)

Hon. Mr. Fentie: If the member had time to do his work —

Chair’s statement

Chair: Order please.

Some Hon. Member: (Inaudible)

Chair: Order. I would like to remind members that if they have comments, please reserve the comments until they rise to debate the budget. It is Mr. Fentie’s floor right now and I’d encourage all members to let him speak.

Hon. Mr. Fentie: Thanks, Mr. Chair, although I don’t mind the member talking off microphone, because it only adds to the case the government continually makes in the public about the ability of the Leader of the Official Opposition and what the member actually has to offer the Yukon public.

However, let me get into the actual budgetary items.

Some Hon. Member: (Inaudible)

Point of order

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

Mr. Mitchell: If we are going to be allowing personalized debate in here, it would be good to know on this side of the House what the rules are. If not, I would suggest the member is out of order.

Chair’s ruling

Chair: On the point of order, yes, there is a little bit of personalization of the debate going back and forth. I would like to remind members not to personalize; please generalize the comments.

Hon. Mr. Fentie: Thank you, Mr. Chair.

What does the Official Opposition have to offer Yukoners? When statements are made that Yukoners wind up confused about where they’re at fiscally, we must deal with them. That’s why it takes so long to actually debate the budget. We have to carve through and cut through this veil of misguided statements by the Leader of the Official Opposition.

Here’s a quick recap, with a period that we can actually measure — from 2001-02 to 2008-09 — and that ratio or relationship between own-source revenue and the grant from Canada.

Back in 2001-02, the total revenue of the Yukon government was \$503,014,000. Of that amount, our own-source revenue stood at \$55,615,000 or 11 percent of total revenue.

The grant from Canada was at \$348,646,000 or 69 percent of total revenue. Let me fast-forward to 2008-09. The own-source revenue for 2008-09 was \$77,913,000 or nine percent of total revenue of \$873,981,000.

That own-source revenue factor or figure includes the significant tax decreases that this government has provided Yukoners, putting more money back into Yukoners’ pockets. I believe that is in the neighbourhood of \$5.443 million per year of tax breaks for Yukoners incorporated in that own-source revenue. The grant from Canada was at \$564,032,000 or 65 percent of total revenue of \$873,981,000. What does that translate to? It is a four-percent decrease in our dependence on Canada’s grant in our total revenue available. It also includes \$100 million-plus net financial position, a surplus position for year-end and a fiscal framework demonstrating a continuance of a healthy net financial position.

When we go back to 2001-02, we were approximately \$300 million less in total revenue. We were also paying what I would call overdraft charges, or interest, on cash required from the bank to meet our obligations. For the member to suggest what he did on the floor of this House is another example of why it takes so long to get to debate the budget. We have to constantly correct the member. The member should take a little

more time researching the facts and not taking that cunning approach of trying to create the facts. It doesn't work. The facts will always rise to the surface.

Back to the education issue — if we take total dollar values, there has been an increase of 21 percent in the education system, not a cut. Of course, the member will never articulate that to the public. He will never explain to the public that he was indeed mistaken in his comments. The member is never going to apologize to the Justice officials for his demonstration of how little faith he has in their abilities and their credentials to legally draft bills.

He'll never stand up and apologize to Finance officials for accusing them of being overzealous, careless and misinformed in making investments on behalf of the government. They will do none of those things. So we'll have to continue to correct the record. Frankly, Mr. Chair, this constant requirement and obligation of the government side to correct the record so that the public is fully informed with the facts is why it takes so long to debate the budget.

Mr. Mitchell: Careful or you'll wake up the Energy, Mines and Resources minister.

The Finance minister has just recited so much nonsense that it really isn't worth answering most of it, because it doesn't make a whole lot of sense. I will cover a few things that he has tried to put on the record. He asks where we get our figures from. Well, we get our figures from the documents he publishes and I'm sure that he will defend the veracity of the documents, because his name is on them.

So where do we get our figures from about the climate change action plan? Well, on page 1, under "Budget Highlights" — from the book with the beautiful cover, *Budget Address 2008-09* — under "A Pristine Environment" the first bullet is "\$130,000 Climate Change Action Plan". I think we've seen that number before, but in any case, there it is — \$130,000 for the climate change action plan.

If we turn to the main estimates, under capital expenditures, Department of Environment, "Office Furniture, Equipment, Systems and Space" on page 9-7 of the blue pages — I'm sure the minister can tell the colour — there is \$227,000. We said that was budgeting more money for office furniture than his climate change action plan. If he has misstated the amount for his climate change action plan, when he is next on his feet I would certainly look forward to hearing him tell us that he is going to spend more than \$130,000.

His budget says "Office Furniture, Equipment, Systems and Space — \$227,000" in the Department of Environment; climate change action plan from his Budget Address — \$130,000. Those are his numbers. Those are his facts.

I know he doesn't like to face his facts, but that's the history of his facts. If he doesn't like his history, well, I suppose he can revise it.

Now, where do we get the number for Public Schools? Well, page 7-4 of the main estimates says, "2007-08 Forecast — \$81,227; 2008-09 Estimate — \$81,160". And using rounding, he has presented the percentage change as zero percent. That's the page in the budget he tabled. That's the page in the

budget he's tabled, Mr. Chair. They're his numbers. We accept his numbers.

Now, the Finance minister — he said so many sort of strange things when he was on his feet, it's hard to know where to start. Let's start with Bill No. 104.

We debated Bill No. 104, and one day — it would have been private members' day for the government side, but by agreement by all, we debated the bill on that day and did not extend debate over many days. Yes, we asked questions. Yes, we asked: is it enforceable to have bylaw officers or RCMP members trying to determine whether somebody is 17 years old or 18 years old when they go by at 90 kilometres an hour?

We suggested that, as they did in Ontario — where I'm sure they are also not trying to encourage young people to smoke. They used 16 as the age, because that is the age at which people could be driving their own vehicle. It came to a vote, and it was voted down, and that's fine, Mr. Chair. We gave our reasons, it was voted down, we voted for the bill, as we did again today.

But it's now this minister's position that, if anybody raises an issue, dares to suggest that there might be an improvement, or dares to ask a question, that's just irresponsible. No, Mr. Chair, that's actually our job.

Now, he indicated that we were criticizing officials. The officials know that's not true. What did we say the other day in the Blues? Regarding the ABCP debacle, we said the important thing is that Yukon's *Financial Administration Act* — or FAA, as we refer to it — was intended to be a control and a protection for Yukon, so that our money would be protected from the overzealous, the careless or the less-informed investor.

That would have worked for Yukon if the act had been followed; unfortunately, as the Auditor General determined, it was not.

Now, Mr. Chair, if the Finance minister didn't understand the intent of our words — although I am sure he did — let's be clear: we weren't talking about officials; we were talking about the Member for Watson Lake. He was careless. We don't know if he was overzealous, perhaps he was pursuing marginally greater gains on his investments, which are hard to justify considering that they are now frozen. He was certainly careless because he apparently forgot to notice that the law, which he is sworn to uphold, requires that there either be two nationally recognized rating agencies, bond rating agencies — there was not — or there needed to be a guarantee by the banks — which there was not. He keeps saying there was, he keeps talking of liquidity agreements. We know he dismissed the Auditor General's opinion as "just her opinion", but most Canadians think that her opinion is "the" opinion. The Auditor General said that there were no bank guarantees.

That is the end of that story. He can try to talk all he wants about how he invested Yukon's money for 30 days to accept a promissory note that will perhaps get it back in eight years, but if he intends to make investments for one month and doesn't care if it will be eight years before they are repaid, then God help the rest of the surplus the next time he decides to head down that path.

Again, he is the one who was careless, not the officials. He is the one who bears the ultimate responsibility, as the Auditor General herself said, when asked.

Chair's statement

Chair: Order please. A little while ago in the debate, the member rose on a point of order about personalizing the debate. The Chair suggested that we do not personalize the debate as much. I would like to remind the member of his own comments. Please do not personalize the debate.

Mr. Mitchell, you have the floor.

Mr. Mitchell: Thank you, Mr. Chair. I don't want to personalize debate. I don't want to challenge your ruling either. I was trying to establish to whom I was referring with the comments that the Finance minister incorrectly suggested were targeted at officials. That was the clarity I was seeking. I agree we shouldn't personalize debate. Perhaps I shouldn't have been so personal with the Finance minister when I first said those words. Perhaps they were bruising. It is always difficult when one has to accept one's shortcomings. Those were certainly his.

He has talked about the growth in real domestic product in Yukon and in the GDP. I just want to point out that I have in front of me figures that came from Statistics Canada via the Yukon Executive Council Office, Bureau of Statistics, for December 2007.

They actually indicate that, across the period from 2001 to 2006, the largest growth in any area was actually public administration — the biggest increase is actually government. It's fine to talk about all the money that is being spent on the private sector, and we certainly relish it — I know I spent a lot of years in the private sector and I know how hard it is to earn a living there.

I know that when mineral prices are high, it's a good thing for everybody in the private sector, because there's a lot more activity and we find that it helps people. But the minister really shouldn't take credit for it.

Mr. Chair, seeing the time, I move that we report progress.

Chair: It has been moved by Mr. Mitchell that Committee of the Whole report progress. Do members agree?

Some Hon. Members: Disagree.

Motion negatived

Mr. Mitchell: Thank you, Mr. Chair. We'll do some more.

Let's talk about some of the things that we're waiting to see. We are waiting to see when the minister figures out that he doesn't have access for some eight years to \$36.5 million and what that will do to the plans for the eventual replacement of F.H. Collins Secondary School.

I know that the Member for Riverdale North and the Member for Riverdale South will certainly want to explain to their constituents why the school continues to age, despite the fact that there are studies that show that it either needs a large influx of capital funding to renovate it or it needs to be replaced. There will be \$36.5 million that won't be available to do that for some eight years. Perhaps they will have to continue

to study that the way we saw the correctional study drag out for five years.

Again, the permanent youth shelter — long promised — when will it occur?

Dawson sewage — the previous plan for the Dawson sewage disposal system was turned down by the citizens of Dawson. They didn't feel the location was suitable. It would be interesting to know where the funds are going to come from, because the Premier made a promise to the people of Dawson that the senior level of government would pick up the responsibility for that. Where will that money come from? Or is that some eight years away, considering the money tied up in asset-backed commercial paper? Broken promises, as the members in this Assembly say.

The social assistance rates — I already mentioned them — when will we see them?

The Environment minister discussed the Cold Climate Innovation Centre with Minister Baird in February.

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

Speaker resumes the Chair

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

Chair's report

Mr. Nordick: Mr. Speaker, Committee of the Whole has considered Bill No. 11, entitled *First Appropriation Act, 2008-09*, and directed me to report progress.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

The House adjourned at 5:31 p.m.

The following document was filed April 22, 2008:

08-1-56

Child and Family Services Act, Bill No. 50: Summary of Consultation Meetings (2004-2008) (Edzerza)