

Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, March 2, 2011 — 1:00 p.m.

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

Prayers

DAILY ROUTINE

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

Tributes.

Introduction of visitors.

Returns or documents for tabling.

Reports of committees.

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motion?

NOTICES OF MOTION

Mr. Mitchell: I give notice of the following motion for the production of papers:

THAT this House do issue an order for the return of a breakdown of the more than \$10 million per year that the Yukon Party government spends on medical travel expenses for residents, both within Yukon and outside the territory.

Mr. Fairclough: I give notice of the following motion for the production of papers:

THAT this House do issue an order for the return of the final report on the Department of Education's Strategic Plan, 2010-2015: *Our Commitment to New Horizons*.

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

THAT this House urges the Government of Yukon to work with stakeholders, partners, and Yukoners on issues before bringing forward legislation that is half-done, half-baked or half-developed, such as Bill No. 82, *Civil Forfeiture Act*.

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: Medical travel

Mr. Fairclough: As we discussed yesterday, the Minister of Health and Social Services' predecessor made improvements to the Yukon medical travel program but quit this government before figuring out how to pay for these improvements over the long term. The federal money that pays for this program is now running out and the current minister is left trying to figure out how to pay for this program. The minister has now hired some expensive consultants from Winnipeg to review the program and he has said he is looking for efficiencies.

This is a fancy way of saying that there will be cuts to the program.

Will the minister guarantee that this review will not result in cuts to services? Yes or no?

Hon. Mr. Hart: You know, I find it very interesting. The Auditor General indicated that we should be taking our time and doing assessments with regard to our programming to ensure that we are getting the best bang for our buck for the program, and when we do so, members from the opposition start criticizing us because we are doing what we have been asked to do.

We are trying to make sure that we do get the best bang for our buck, and also that the program is being delivered in the most efficient way.

Mr. Fairclough: It's interesting that the minister, again, refuses to answer the question, Mr. Speaker. We have heard the minister and Premier talk about getting health care costs under control, and the government has finally revealed part of its plan for doing that — medical travel benefits. Accountants from Outside have been given the contract to review the medical travel program and look for efficiencies. When we asked the minister for a guarantee yesterday that there would be no cuts to services, he refused to provide one, and again today.

Yukoners no longer trust this government and with good reason. Will the minister give Yukoners assurances that this government will not be cutting patient benefits or introducing fees for medical travel services? Will he do that?

Hon. Mr. Hart: We are following through with the review of our medical travel program, based on the request from Health Canada. It is also based on a comment from the Auditor General's report with regard to Health and Social Services. We plan to follow through on that issue to ensure that we have the best service available for all Yukoners when it comes to medical travel.

Mr. Fairclough: He didn't answer the question again, Mr. Speaker. A previous Yukon Party Health minister came up with a short-term fix to improve the medical travel program. It was announced on the eve of the 2006 election. The money from Ottawa that covered that increase is now drying up — it runs out in 2012. It's very unfortunate that the former minister didn't have a plan to fund this program over the long term.

We are concerned that patients are going to end up paying more or that service levels will be cut as a result of this minister's announced review. Yukoners depend on this program. Will the minister protect it, or will he cut it? Yes or no?

Hon. Mr. Hart: Medical travel in the Yukon has been around for as long as I have been here. In fact, I have utilized medical travel personally on several occasions in the past, prior to the individual across the way indicating that it was a program instituted by a previous Health minister. I will state, however, that it was a very important program. It was as a result of our Premier's work, along with the other two Premiers of the other two territories, to ensure that not only Yukoners, but all northerners receive similar or the same type of health care that is provided in our southern jurisdictions.

Question re: Social housing

Mr. Mitchell: Mr. Speaker, eight local NGOs and their supporters have banded together to present a real solution to our community's serious and persistent homelessness problem. The Northern City Supportive Housing Coalition proposes to build and staff a 20-unit complex with 24-hour healthy living supports on-site. Last fall we brought forward a motion to advance their cause, but the government members deferred their support, saying that the coalition lacked detailed business plans. The coalition has since released a comprehensive business plan, including operational, financial and governance strategies.

Has the government reconsidered its position in light of these new, detailed plans?

Hon. Mr. Hart: This government remains committed to housing for our citizens and all of our citizens as they require. We have not been idle in working to address housing situations that have been raised by the Northern City Supportive Housing Coalition and by the Yukon Anti-Poverty Coalition, I must say also. We're working hard to address the housing needs of all segments of Yukon society and not just those included in the Northern City Supportive Housing Coalition's proposal.

We are actively working with this group, as well as Yukon Housing Corporation, to assist with the development of their project and in the review and assistance with their business plans.

Mr. Mitchell: There is a strong financial case for this project. Housing benefits already paid through social assistance and Indian and Northern Affairs will cover the facility's mortgage and offset its operating and maintenance costs. Local NGOs have also promised in-kind staffing and programming contributions of \$125,000 per year. As well, supportive housing moves people away from expensive emergency services and that saves a lot of public money.

By some estimates, one chronically homeless person will require \$134,000 in emergency services in a year. Has the government completed an analysis of these cost-savings in determining whether to support this project?

Hon. Mr. Hart: We recognize the immediate need for support to individuals struggling to find appropriate shelter, and we want to ensure that all projects are properly structured to maximize their chances of success. As I previously said, we are working with the Northern City Supportive Housing Coalition on their proposal, and we are doing our due diligence to ensure the project will have a chance to succeed.

Mr. Mitchell: I'm hearing a lot of bureaucratic words but I'm not hearing a commitment from the minister. Homelessness is a serious and ongoing issue in our community. There has been a lot of debate in this House about it. There have been numerous studies undertaken and completed, but we still don't have an adequate shelter or a supportive living facility.

This coalition, as well as many experts on the issue, subscribe to the Housing First philosophy — that is, we must first meet people's basic housing needs before they can pursue healthier lifestyles, training or employment. Now that it has the

expanded business plan, will the government support the coalition's proposal?

Hon. Mr. Hart: As I just indicated, we are working with the group. In fact, we have a meeting scheduled to meet with this group early next week to discuss their project, to discuss what is required, to review their business plan and to adjust what is necessary in order for the plan to go forward.

Question re: Energy policy

Ms. Hanson: Mr. Speaker, the Yukon Energy Corporation's desire to fast-track the Gladstone diversion project proposal is raising serious environmental concerns for the federal Department of Fisheries and Oceans. The Yukon Energy Corporation is proposing to dam Gladstone Creek in the Yukon River watershed and divert the water via canal into a tributary of the Alsek River watershed to improve the hydro capacity at Aishihik Lake. The Department of Fisheries and Oceans says that connecting these two watersheds has the potential to cause irreversible harm to fish populations and fish habitat. It also says the project raises international transboundary river issues related to transfer of waters between Canada and the U.S., and the Yukon Energy Corporation is apparently disregarding those concerns. It is going ahead and resisting calls for a full-blown environmental assessment.

Does Environment Yukon share the concerns that the Department of Fisheries and Oceans has raised related to this project?

Hon. Mr. Fentie: The Energy Corporation is working on many alternative sources of energy, including this one. This is far from a situation where the Energy Corporation is going to proceed with diverting anything. Obviously, with Department of Fisheries and Oceans concerns, they're doing their job, but we still have another long list of regulatory requirements that must be gone through before any such type of activity can take place. This is but one of many alternatives or options the Energy Corporation is looking into.

At the end of the day, we do have a system at Aishihik. We are adding a third wheel to that system and all the Energy Corporation can do today is work within the licences and permitting requirements they have been given to this point.

Ms. Hanson: I remind the Premier that, in fact, the CEO of the Energy Corporation, at both the Chamber of Commerce meeting and in front of this Legislature, spoke about this project as being one they were focusing on. DFO says it cannot provide a *Fisheries Act* authorization for the proposed project. It wants the Yukon Energy Corporation to relocate or redesign elements of it to reduce the impacts to fish and fish habitat and eliminate the transfer of inter-basin water.

The Alsek and Yukon are important salmon rivers that could be endangered if the Gladstone diversion project goes ahead as currently planned. Will the Environment minister tell the Yukon Energy Corporation that fast-tracking this project is not in the best interest of the Yukon government or the Yukon public if it means irreparable harm to our environment and threatens the salmon fishery?

Hon. Mr. Fentie: I'm a little bit taken aback that the Leader of the Third Party doesn't understand what the *Fisheries Act* is all about. If the Department of Fisheries and Oceans

— under the act that exists for this country — has concerns, that is a very serious matter that must be addressed. That's why the Department of Fisheries and Oceans is involved in this process. To make suggestions that this project is proceeding in fact would be incorrect. This is but one of many options the Energy Corporation is working on. There is a litany of regulatory processes that must be gone through, including the concerns and issues of the Department of Fisheries and Oceans that come out of the *Fisheries Act*. I can tell you, the *Fisheries Act* takes precedence over a lot of things. At this time the Energy Corporation can only operate out of the Aishihik system within the existing licences and permits that it has.

Ms. Hanson: Repeatedly I've been asking — I asked the Minister of Environment numerous times last week to answer questions with respect to water and his responsibilities for the environment. It is really because this government hasn't planned very well for future energy needs of this territory that the Yukon Energy Corporation is finding itself scrambling today to keep pace with the rapidly growing demand for power. It's pushing projects that may not be suitable or viable and is ignoring advice and failing to work collaboratively with other government agencies. What I would suggest is that the people of this territory do not want to see the environment irreversibly harmed, perhaps forever, by an ill-conceived and rushed scheme. If the federal Department of Fisheries and Oceans has these serious concerns, so do the Yukon people.

Will the Environment minister give this House his guarantee that his department will not give its approval to the Gladstone diversion project if it has the potential to cause the damage as feared by Department of Fisheries and Oceans?

Hon. Mr. Fentie: For the Leader of the Third Party to infer that the Energy Corporation is scrambling around is complete nonsense. The 20-year resource plan is a process that has been conducted in this territory for quite some time under the auspices of the Yukon Utilities Board. The options contained within the 20-year recourse plan are many. What the Leader of the Third Party is suggesting here is not factual. It has nothing to do with what is happening, and, more importantly, of course the Department of Environment is going to do its job, as will the Department of Fisheries and Oceans, as will YESAB, as will any other agency or department that has obligations or responsibilities under acts, policy or regulation.

That is why the Yukon works. That is why we have growth and investment and a balance in our environment and that is why the Yukon today, because of all those factors, is second only to British Columbia when it comes to our pristine wilderness being under some sort of protection and/or conservation. We are doing very well because of the processes that we have, including the Department of Fisheries and Oceans, but also, in the case of the Energy Corporation, its 20-year resource plan that has linkages back to the Yukon Utilities Board.

Question re: Medical education bursary

Mr. Cathers: Lately, we have heard the Liberals and the NDP express a dim view of Yukon's health care system, and the Department of Health and Social Services in particular. Health policy is important. If we are going to have a construc-

tive debate, we need to understand what the facts are. So I have more questions for the minister regarding measuring success.

Like every jurisdiction, the Yukon has challenges in our health system, but Health and Social Services, the Yukon Hospital Corporation and our health care professionals deliver a quality of care that compares well to anywhere. Department staff developed Yukon solutions to improve access to health care professionals and help students receive education in health care. In 2006, as then minister, I launched the medical education bursary to assist Yukon students being educated as physicians. The current minister extended that program. How many students have received assistance under the medical education bursary?

Hon. Mr. Hart: The Yukon health profession education bursary is available to a minimum of four new students per year. The maximum amount available is \$5,000 per year over a period of four years for health profession education. Health professions that are considered a priority for the Yukon are dental therapy, dieticians, licensed practical nursing, medical imaging, medical laboratory technology, occupational therapy, pharmacy, physiotherapy, primary care and advanced care paramedic, rehabilitation, therapy aide, social work, speech and language pathology and audiology.

Mr. Cathers: I appreciate the information the minister provided about one of the other bursary programs under the health human resource strategy. I was actually asking about the medical education bursary for physicians. Can he tell me how many people have been educated under that program — or provided assistance, rather, through that program since 2006?

Hon. Mr. Hart: With regard to the number of clients, as I stated, we do provide a maximum of four per year. Although we didn't have the maximum number in the first year, we are dealing with approximately 20 students going through the program.

Mr. Cathers: Under the health human resource strategy that I launched in 2006 as then Minister of Health and Social Services, Yukon allocated \$12.7 million to initiatives focused on improving Yukoners' access to family physicians and other health care professionals. Under the current minister even more funding has been committed to this successful strategy. Five years ago, the only health bursary program was the nursing education bursary. In 2006, we doubled the financial assistance per student and made that support available to twice as many applicants.

Will the minister please tell us how many students have received assistance under the nursing education bursary since 2006?

Hon. Mr. Hart: As he is well aware, the nursing education program is available to four new students per year and the maximum amount available is \$5,000 per annum with regard to nursing education. To date, we have provided \$265,000 for nursing education.

Question re: Internet connectivity

Mr. Inverarity: I have a question for the Cabinet commissioner for Highways and Public Works. In October last year, the Cabinet commissioner promised to work with North-westel to improve Internet reliability. He has had nothing to say

since then, so I guess it's all just talk. Yukon's Internet service has not been as reliable as Yukoners have expected it to be. If the government were serious about improving Internet reliability, we would see a plan and some funding.

Why is the Cabinet commissioner's promise not backed up with substance, and when will Yukoners see a plan and funding for improving Internet reliability?

Mr. Nordick: I appreciate the opportunity to speak to this subject. The member opposite always thinks it's funding that's needed — sometimes it's partnerships. I went personally and spoke to Northwestel about Internet usage and Internet problems in communities like Dawson City. Out of that partnership, we solved the problem. Not only did we solve the problem, I actually would like to thank Northwestel for giving the members of the Klondike credit, because they realized that there was a problem. Thanks to the partnership that we struck and worked together with, we solved the problem.

Mr. Inverarity: And we know how long that took to get done. As mentioned, this is just more government talk. The Cabinet commissioner had big words last year about improving Internet reliability across the Yukon. Reliable telecommunication is critical to Yukon. As we see now, the government has cut the cable on Internet reliability. The government has had all the time and all the money to take care of this need for all Yukoners. Unfortunately, Yukon is still vulnerable to Internet service outages and is no closer to a full-time solution.

How much time does a government need to get the job done and why has it not been addressed throughout the territory?

Mr. Nordick: What I also find funny, Mr. Speaker, is that the member always talks negatively. Remember a couple of years ago when the Liberals were in power? How many cellphone sites were available throughout the Yukon? The member opposite would know that: not very many.

This government, this Yukon Party government, in partnership with industry put 17 new sites up. Not only did we do that, we expanded on that. The member opposite should travel once in awhile, pick up his hands-free device in his vehicle and drive past the airport in Dawson City and he will see that there is cellphone service there — telecommunication improvements for Yukoners. We improved cellphone service throughout the territory. We worked in partnership with Northwestel to improve Internet in the Yukon also.

Mr. Inverarity: It's too bad my smartphone won't work outside of Whitehorse. Though the minister —

Some Hon. Member: (Inaudible)

Mr. Inverarity: Neither does your Blackberry, for the member of the Independent/Yukon Party.

Mr. Speaker, we have heard all of this before — that the government is long on promises and short on delivery. We see the shortness of the delivery the Cabinet commissioner is talking about. The Cabinet commissioner talked last year about the government's big plans to improve Internet service. Well, it has been nothing but talk — silence, this year. The government has no plans for ensuring Yukon has reliable Internet service.

It just continues to dig up old lines that don't work any more. There is no plan, there is no project funding in this

budget, and there is no money for a long-term plan. Reliable Internet service for all Yukoners will not become a reality under this government's watch in spite of what the Cabinet commissioner is promising.

Why has the Cabinet Commissioner not backed up his promise with a plan, along with adequate funding for it?

Mr. Nordick: Mr. Speaker, I don't know where the member is coming from. Go through the communities. There is broadband Internet throughout the communities improved by this Yukon Party government. The member also spoke about cellphones not working. Mr. Speaker, I support Latitude Wireless. I have a Latitude Wireless phone. It works in the communities. Maybe the member should think about that before he stands on the floor of this Assembly and says that phones don't work in the communities.

Question re: Energy policy

Mr. McRobb: Mr. Speaker, I have more questions for the Energy, Mines and Resources minister on his too-little, too-late net metering policy released yesterday. He is likely aware of the public criticism that has been expressed about the shortcomings of this policy since yesterday's discussion.

Yukoners have pointed out how it would be uneconomical to invest in the Yukon Party's net metering plan. Obviously, this government isn't really serious about encouraging green energy investment in our territory and has, instead, chosen to protect the status quo.

Why did the minister approve of this policy that renders the economics of private energy investment in our territory in net metering into a net loser?

Hon. Mr. Rouble: It's always a welcome opportunity to hear the constructive criticism coming from the Liberal energy critic, who I guess has not looked at some of the realities as to what's going on in today's Yukon with projects like Mayo B, where we're tying together utility lines, where the government is working with energy companies to ensure that we're creating responsive, responsible, renewable energy strategies.

Yes, Mr. Speaker, when looking at the energy strategy that has been put forward, a couple of the pillars in there — independent energy production and the net metering strategy. We heard the solution the member offered before and that was given careful and due consideration. We've now built upon that, taken a policy out and now it's out with Yukoners. We're hearing their concerns and their suggestions and their constructive criticism. That's the whole point and purpose of consultation: to ensure we're putting in place appropriate policies that are meeting the needs of Yukoners.

Mr. McRobb: It's clear that this Yukon Party government supports the status quo and really doesn't want to encourage private investment into green energy. Its policy effectively further protects the duopoly of the two registered utilities. Yukoners deserve much better than such backward thinking. As this Premier once said, the Yukon Party would have us back in the Dark Ages.

Let's go back, but not to the Dark Ages; let's go back to this morning, when Yukoners heard what a local energy expert said, and I quote: "The cost of generating power on a small

scale like that is more expensive than what you can buy from the utility.”

So why did this minister approve such a low limit of 25 kilowatts on net metering customers?

Hon. Mr. Rouble: I’ll remind members opposite that there’s a draft out there for public consultation, out to get comments on it. There are other factors the member opposite may not be privy to: some of the technical requirements or the technical challenges with feeding energy back into the system, whether it’s the transmission lines in the neighbourhood, whether it’s the substation that’s nearby — these are some of the engineering realities that have to be addressed.

We also recognize that there’s an additional draft policy coming forward, and that’s the independent power producer strategy. That may deal with some of the member’s other questions about some of the higher limits. When that one comes out, I look forward to receiving his constructive criticism on that policy as well.

Mr. McRobb: It doesn’t take a rocket scientist to figure out there would be no economy of scale to justify a private investment into green energy with such a low capacity limit on net metering customers. This government’s low capacity limit makes it uneconomical for large retail customers such as the big box stores to invest in green energy. It would be the same story with government buildings. What a shame. Another lost opportunity. The government could have been leading the way with a pilot project on its own buildings to demonstrate favourable economics to others. Who is going to invest in biomass generation when the maximum capacity is limited to one-fortieth of a megawatt? Did the minister not do an economic analysis before approving this unreasonably small limit?

Hon. Mr. Rouble: I certainly appreciate the comments and the criticisms coming from the member opposite. I will certainly ensure that they’re passed on to the policy group that is working on this. I do have to take issue with a couple of his comments, though, and would encourage him to take a look at some of the programs that are offered by the Energy Solutions Centre, or indeed, look at other demonstration projects throughout government, through Yukon Housing and the SuperGreen homes.

We will continue to work with Yukoners in trying to find additional responsible renewable sources of energy to meet our growing needs in the territory. We will continue to work with homeowners and industry on the net metering policy and the independent power production policy. We will also continue to look, in cooperation with industry, at other initiatives out there, such as biofuels, wind generation, solar generation and biomass heating. Mr. Speaker, a number of different avenues are being looked at by government with our industry partners. I certainly appreciate receiving the constructive criticism from the member opposite.

Speaker: Leader of the Third Party.

Ms. Hanson: Speaking to the motion?

Speaker: Question.

Ms. Hanson: No, sorry. I don’t have one. Sorry.

Some Hon. Member: (Inaudible)

Speaker: Order. Order please.

Mr. Nordick: I have a question for the Minister of Tourism.

Speaker: No, sorry. The time has expired now. The time for Question Period has now elapsed.

We will proceed to Orders of the Day.

ORDERS OF THE DAY

OPPOSITION PRIVATE MEMBERS’ BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 1331

Deputy Clerk: Motion No. 1331, standing in the name of Ms. Hanson.

Speaker: It is moved by the Member for Whitehorse Centre:

THAT it is the opinion of this House that the democratic deficit is growing in Yukon as demonstrated by the failure of the Premier to appoint a member of the government caucus to the Select Committee on Bill No. 108, *Legislative Renewal Act*, established by the Yukon Legislative Assembly on November 4, 2009, and of the Yukon government to:

- (1) address the public’s growing desire for electoral reform;
- (2) act on the clearly demonstrated and long-overdue need for whistle-blower protection legislation;
- (3) consider the views and opinions of Yukoners after initiating highly publicized public consultation processes;
- (4) enact effective lobbying rules and a code of conduct for lobbyists;
- (5) change the process for making appointments to major boards and committees to increase openness and fairness;
- (6) employ other, less costly and less adversarial means to resolve disputes, other than the courts;
- (7) defend the referenda provisions in the *Municipal Act*;
- (8) make appointments to the Yukon Council on the Economy and the Environment; and
- (9) use the Yukon Forum to deal respectfully and collaboratively with Yukon First Nation governments on a broad spectrum of political, social and economic issues, as originally envisioned.

Ms. Hanson: Today I want to put forward the New Democratic Party’s plan to increase democracy and restore the public’s faith and trust in their government. During the December by-election in Whitehorse Centre, this became a campaign issue — not because I raised it or any of the other candidates raised it, but because many people raised it as one of the first concerns they had when you came around to talk to them about what was going on in government and what was going on in the Yukon. People were telling me and, I’m sure, the other candidates that they felt betrayed by their government at both the territorial and federal levels.

Today there is a democratic deficit in the Yukon, thanks to the current Yukon Party government. Today there is also a democratic deficit in Canada, thanks to the current Conservative Party government. Our territory is being run by an out-of-touch

Premier and his out-of-touch advisors and cronies. They have shown us time and again they do not listen —

Some Hon. Member: (Inaudible)

Point of order

Speaker: On a point of order. Go ahead, Member for Whitehorse West.

Hon. Ms. Taylor: On a point of order, pursuant to Standing Order 19(g), imputing false or unavowed motives, Mr. Speaker, you have on occasion after occasion ruled individual members out of order for personalizing debate. Cronyism is certainly personalizing debate.

Speaker: On a reply to the point of order?

Ms. Hanson: That wasn't intended as a personal attack on anybody.

Speaker's ruling

Speaker: From the Chair's perspective, honourable member, there is a point of order. I ask the honourable member not to personalize debate. The Member for Whitehorse Centre has the floor.

Ms. Hanson: Thank you, Mr. Speaker. This Yukon Party has shown us time and time again they don't listen, truly listen, to what the majority of Yukoners are saying about a range of important issues. As a result, people have grown cynical and sceptical. They are tuning out politicians and turning their back on politics. They are not voting in the numbers they once did. They are alienated, frustrated and disillusioned.

Restoring the public's trust and confidence in government will not be easy. It will take time. Restoring their faith in their government will take a comprehensive revamp of how we do politics in this territory, in this Legislature.

Today I want to set out what a New Democratic Party government would do to combat that democratic deficit. New Democrats have a deep commitment to democracy and will do things differently — much differently. The process starts by respecting the public and ensuring people have a say in things that matter to them. Then we strengthen our public processes, including how we operate in this Chamber, to bring diverse perspectives in our community together.

Today you can count a very small number of people who have a say in how the Yukon is run. We all know who these people are and most of them are not accountable to the voters of this territory. As a result, we have seen a lack of accountability. We have seen our future mortgaged heavily to build infrastructure that we were not consulted about.

We have seen secret negotiations to sell off our energy assets to the private sector. We have seen a government that likes to say, "My way or the highway". Yukoners tell me they are tired of the Yukon Party government's anti-democratic tendencies and after four years as the Official Opposition, the Liberals are proving they're good at criticizing and sniping, but they lack the ideas, vision and constructive positions Yukoners want to hear from their elected officials.

In the last few years, the Yukon New Democratic Party has tabled the *Democratic Reform Act*, the *Legislative Renewal Act*, and the *Act to Amend the Elections Act*. We have brought for-

ward motions for debate to improve how we appoint and reward people who serve on our major boards and committees. We have argued for an electoral commission to study our electoral system. We have argued for a code of conduct for MLAs. We have argued for whistle-blower legislation to protect public servants who report wrongdoing from fear of reprisal. We've also argued for the registry of lobbyists. We have argued for better oversight for our government corporations because they need to be more accountable to the Legislative Assembly, to the people who are elected to represent Yukoners. I will go into these things in greater detail, but I'd like to begin by focusing for the need for legislative renewal.

The first point in our motion this afternoon speaks to the failure of the Premier to appoint a member of the government caucus to the Select Committee on Bill No. 108, *Legislative Renewal Act*, established by the Yukon Legislative Assembly on November 4, 2009.

This was a really important piece of legislation that was put forward by my predecessor, Todd Hardy, the former MLA for Whitehorse Centre. It spoke to his and the NDP's deep commitment to democracy. On November 4, 2009, this Yukon Legislative Assembly voted to establish a select committee. It was going to be comprised of members from all three political parties. It was going to conduct public consultations for the purpose of receiving views and opinions of Yukon citizens and interest groups on reviewing the legislation, rules and practices that apply to the Legislative Assembly and its members.

The Yukon New Democratic Party appointed a member to this committee. The Liberal Party appointed a member to this committee. Sixteen months have passed since this committee was established, and the Yukon Party still has not appointed anyone. One has to ask why. What are they afraid of? Greater democracy? Our *Legislative Renewal Act*, Bill No. 108, outlined the scope of the public consultations that the select committee was going to undertake. The scope included, but wasn't limited to, considering such things as: establishing a code of conduct for Members of the Legislative Assembly; introducing measures to improve public awareness of the proceedings of the Legislative Assembly; changing the Standing Orders of the Legislative Assembly to fix the dates for the start of sittings; changing the composition of the standing, special and select committees to make them more equitable; changing the rules for tributes, ministerial statements and private members' statements; improving the ability of opposition members to exercise their legitimate roles of legislative overview and government scrutiny; and allowing more opportunities for citizens to be called as witnesses by this Legislature.

You will recall that First Nation leaders desperately wanted to appear as witnesses to speak to the *Child and Family Services Act*, but the government members denied them that opportunity. What we are saying is we need to have more opportunities for citizens to be engaged. Given half a chance, this committee could have accomplished wonderful things, but it never got that chance because this government never appointed a member to it. The government voted for our motion on the floor of this House and then turned around and reneged on that commitment. This is not the first time the government has re-

neged on a commitment, and maybe that is why people today are so disillusioned with politics and politicians. We called for a best practices code for Members of the Legislative Assembly to be developed and adopted by all members to demonstrate greater cooperation and productiveness on debate on bills before the House. We called for a community-by-community breakdown on the mains budget to be provided at the lock-up of briefings.

This would allow MLAs to have a greater understanding of the implications of the proposed budget for their constituents to better represent their constituents in the budget debate. We called for a breakdown of budget items to be provided upon request during budget debate that answers to budget-related questions to be provided during budget debate. I think we've seen during the course of the first half of this legislative sitting that it is not so much a question and answer around what we expect in a debate. It's really a process of giving speeches and I think that the public expects more of us as legislators.

We called for cost estimates for government-budgeted projects that were to be provided if requested in Committee; that expenditures for government contracts be disclosed if requested in Committee; that a minister be available for questioning on departmental responsibilities during budget debate, unless a valid reason was provided in writing to the other parties; and we requested that legislative returns be undertaken when a question is not answered in Committee. These seem common sense, but in reality most questions are currently met with stock lines from the Budget Address.

We called for fixed sitting dates at the opening of the spring and fall sittings of the Legislative Assembly. This is not new. Other jurisdictions have gone this route because it assists not only *Hansard* staff, caucus staff and government officials, but it also helps the citizenry at large to make plans with respect to their knowing when they can count on their legislators to be at work in this Legislative Assembly. We also called for the removal of the requirement to have only 60 sitting days per year, so we can do the public's business more thoroughly, if necessary. It's an arbitrary fix to say 60 days is all that's necessary to do the public's business.

Too many times in the past, important departments have not received the scrutiny they deserved during budget debate because we ran out of time because some members spent too much time playing politics, giving long speeches instead of working in the public interest. We now have 14 days remaining in this legislative sitting to debate all the government departments — 13 departments and Yukon Housing Corporation, and we have to account for motion debate on Wednesday. Something — some department, some important issues — will not get the proper attention during this legislative sitting.

We called for the removal of invoking closure on a private member's bill or motion so that all members who want can speak to a private member's bill or motion and not be shut out of the conversation because the government has a majority.

I want to say a bit more about allowing witnesses to appear before the Legislative Assembly. Currently, appearances of the Yukon Development Corporation, Yukon Energy Corporation, Yukon Hospital Corporation, Yukon Housing Corporation and

the Workers' Compensation Health and Safety Board have to be identified by the fifth sitting day of the legislative sitting to give opposition members and their staff time to prepare. We would like to see more opportunities for witnesses to be called to appear in the Legislature.

A few years ago, the New Democratic Party read the following motion into the record, and I will read it in its entirety. That motion read: "THAT this House adopt a more open and responsible approach to dealing with the public business of the Yukon by allowing delegations from the public to make presentations and answer questions from Members of the Legislative Assembly on specific issues from time to time;" Not all the time, Mr. Speaker, but on specific issues from time to time.

"THAT, as a first step toward meeting this objective, Committee of the Whole schedule two evening meetings during..." a sitting — again, the motion did not say every week, but two evening meetings during a sitting "...for the following purposes:

"(1) to allow leaders of self-governing First Nations to inform the Assembly of their concerns and priorities on matters that directly affect the relationship between their governments and the Government of Yukon; and

"(2) to allow Yukon residents who are living in conditions of poverty or homelessness to inform members about the challenges they face and to propose measures that the Government of Yukon should adopt to improve their quality of life."

The public has been deliberately excluded from taking part in the proceedings of this Assembly by the Yukon Party government. The Yukon Party government has, time and time again, denied the public an opportunity to provide input into our deliberations.

In my mind, Mr. Speaker, this is anti-democratic. It contributes to the democratic deficit, which has been described as "occurring when ostensibly democratic organizations or institutions are seen to be falling short of fulfilling the principles of parliamentary democracy in their practice and their operations."

Mr. Speaker, even small changes can make big differences. This government has not been willing to even make small changes to reduce this democratic deficit.

A couple of weeks ago, we read a motion into the record urging one of the standing committees of the Legislature to look into allowing on-line petitions, called e-petitions. This little change would allow greater participation of individuals, community groups and organizations in the democratic process by raising issues of public concern in a timely and efficient manner. This little change would make so much change in a jurisdiction like the Yukon, where we have great distances separating our communities. To do a territory-wide petition can be very difficult, and that is why the Legislative Assembly of the Northwest Territories, last fall, initiated a pilot project allowing on-line petitions. That body hosts petitions on its website and it is high time, I think, that we did it as well.

Mr. Speaker, the next point in the motion we raise this afternoon talks about addressing the public's growing desire for electoral reform. The "first past the post" system, or the "single member plurality" system, as it's known, used in all Canadian

federal, provincial and territorial elections, reveals a various serious weaknesses in producing legislatures that reflect the choice of parties actually made by voters. Change should provide a more accurate representation of the popular vote and regional interest — and regional interest including within this territory. Recent Canadian elections have witnessed a significant fall in the voter turnout. Some say that indicates that structural changes are needed in order to encourage greater participation. There are numerous efforts for change underway at the federal, provincial, territorial and municipal levels. Most activity is really happening with provincial governments. There are many active advocates of such reforms and they include Electoral Reform Canada, Fair Vote Canada and the federal NDP. The federal NDP leader has promised to make electoral reform an important condition of any minority government.

So far the referenda that have been tried in British Columbia, P.E.I. and Ontario have failed. There are various reasons for their failure and the biggest one has been the lack of real public education. Most of the time the information that has been put out about what electoral reform is has been very convoluted and confusing. What we're looking for is a basic change, is a mixed member system that allows for more proportional representation of the parties in this Legislature.

This is not new; this is not something that has not been tried elsewhere and in fact it has been proven to work elsewhere. A proportional representation electoral system is currently being used in 84 countries around this world. The NDP believes the Yukon government should establish an electoral reform commission for the purpose of conducting public education, reviewing the method to be used for territorial elections, and making recommendations to the Legislature for electoral reform. The NDP in the past presented private member's Bill No. 107, *Democratic Reform Act*, that contains the establishment of an electoral reform commission and a special committee for legislative renewal.

In the fall of 2010, the NDP brought forward a bill to amend the *Elections Act* which would have reduced the length of time that a seat in the Legislative Assembly could remain empty. We thought it was important that the government side — whichever government is in power — give up a little power in the interest of ensuring that the public is represented when there is a vacancy created. The government defeated this modest proposal. What it does raise is the question about what the Yukon Party's record is and how their inaction has contributed to the growing democratic deficit. They have killed the NDP bills that were aimed at directly trying to encourage more public participation in the very activities of this Legislature. That's not the NDP approach. We would be out talking to the Yukon people.

Another aspect of the motion that was read in this afternoon was the need to act on the clearly demonstrated and long-overdue need for whistle-blower protection legislation. This is another area where the Yukon Party government has let the people of the Yukon down. On May 24, 2007, the Legislative Assembly established a Select Committee on Whistle-blower Protection. The mandate of this committee was to report to the House its findings and recommendations respecting the central

issues that should be addressed in whistle-blower protection legislation, including whether all public institutions and private organizations performing public functions would be covered; whether only employees or others, unions, advocacy groups, the media and citizens could use this legislation; what types of wrongdoing would be covered; whether the same office would conduct investigation, mediation and the protection of whistle-blowers; whether employees would have to exhaust departmental procedures before approaching the whistle-blower protection office; how retaliation against whistle-blowers would be defined and how long protections would exist; whether there would be reverse onus on the employer to demonstrate that adverse decisions on a whistle-blowing employee were not a reprisal; what remedies for employees, judged to be adversely affected, will be specified in the legislation; and a determination of the consequences there would be for employees who engage in reckless or malicious accusations of wrongdoing and for managers who engage in reprisal against employees who act in good faith.

That committee was struck in May 2007. It held 13 meetings between June 13, 2007, and May 11, 2010. It got input from labour, the teachers, business and communities. It sought submissions from the general public through newspaper ads. It asked the Clerk to provide background materials on what legislation other jurisdictions had in place. The report was completed and delivered to members of the committee on May 18, 2010.

Despite repeated requests to the committee chair, a member of the Yukon Party, to set up meetings by my colleague, the Member for Mount Lorne, no meeting was ever held to finalize and release the report. In desperation, the NDP and Liberal members of the committee released a minority report on whistle-blower protection in November 2010.

The purpose of whistle-blower protection legislation is to protect whistle-blowers from retaliation from superiors, co-workers and others whose actions have been exposed. Canada has whistle-blower protection legislation, and so do several provinces, including British Columbia, Manitoba, Newfoundland and Labrador. Thanks to stonewalling and foot-dragging by the government members of the committee, the Yukon still does not have whistle-blower protection legislation. That is a shame, and I believe it's a disgrace. It's also anti-democratic.

Another point that was set out in our motion this afternoon is the need to consider the views and opinions of Yukoners after initiating highly publicized public consultation processes. Yukoners come to consultations and participate in consultations in good faith to present their views and to be heard. This government either cherry-picks what they like from the views or ignores them altogether. Then they profess to have thoroughly consulted the public.

Consultation means more than just spending money on a questionnaire or a conference or advertising to talk about what you said. It should mean that the valuable views of citizens have influence on the outcome of the issue. Otherwise, why should people continue to give their views on issues? It is frustrating for many people that the *What We Heard* papers put out

by the government were turned into being nothing but paper and seemed to have little or no effect on policy.

Some of the apathy toward politicians and the political process and voting, and the lack of interest in important issues of the day, may be due to the lack of consideration being shown to sincere expressions of views by Yukoners. This apathy and lack of interest will continue to erode our democratic process unless we make changes — changes that we can make in the Legislature.

A large number of consultations have gone virtually nowhere, but I am going to concentrate on only three: *Child and Family Services Act* review, the health care review, and the *Landlord and Tenant Act* review.

The *Child and Family Services Act* replaces the old *Child Welfare Act*, which, at the time, was a quarter of a century old. It was perhaps the longest and certainly one of the most important consultations for a territorial piece of legislation. The process began in 2003, and the act was finally proclaimed a year ago. It took seven years of public meetings, conferences, research, written submissions and internal discussions to come up with an act that does not satisfy the stakeholders. The minister, in the press release announcing the proclamation of the act, said the act is a result of input from many community stakeholders, First Nation governments and Health and Social Services employees. That simply is not the case. The evidence is that this government did not listen to the people as it said it did. When a draft of the bill was finally available in early 2008 — given that the process began in 2003 — the public was only given a matter of weeks to respond before it was to go to the House in the spring sitting of that year.

It was a targeted consultation, and it did not cover all First Nation communities. In February of that year there was a meeting of the Premier with the leadership of the First Nations, with a follow-up letter drafted by the First Nations asking for a longer timeline and a symposium on the draft legislation. This didn't happen.

In March of that year, First Nations held a press conference to outline their objections to the act. The Premier did agree to add a child advocate position to appease the concerns, but refused the suggestion by First Nations that a working group be set up to review the bill. Written objections to parts of the bill were submitted by several groups: individual First Nations, the Council of Yukon First Nations, the Yukon Métis Association, the Grandparents' Rights Association of Yukon, and the Yukon Ombudsman.

The bill was taken to this House on short notice. Requests were made by First Nations to bring their objections to the House as witnesses. This was refused. Attempts were made in the House by the opposition to make amendments. They were all defeated by this government. In a press release, the Council of Yukon First Nations declared the act flawed and said it was deeply distressed that Yukon government refused to take the time and make the effort to work with Yukon First Nations to get the *Child and Family Services Act* right. The Grand Chief at the time said the government's actions were unacceptable and puzzling, saddening and inexplicable.

Delegations of angry First Nations watched from the gallery as this bill was passed without amendment. The history of this extremely important act that reaches into the very families of Yukoners and affects Yukon children enormously is both embarrassing and insulting.

Mr. Speaker, in September 2008, the *Yukon Health Care Review* final report was published and a committee was put in place to look at the long-term sustainability of health care in this territory. The report was a result of a health care steering committee made up of government representatives and the Yukon Hospital Corporation with health care professionals making presentations. Its objective was to review the sustainability of the present health care system in the Yukon.

Mr. Speaker, the *Yukon Health Care Review* gave us 43 recommendations under the heading "Actions for Change" — recommendations that talk about delivery models, user and fee charges, drug programs, health and human resources and many other issues. This report was taken to the public and a final report, entitled "*Taking the Pulse*" *What We Heard: A Public Dialogue on the Yukon Health Care Review*, was published in July 2009.

It is telling that before those reports were even finished or discussed by this Legislative Assembly, decisions were being taken by this government that ran contrary to the major recommendations. Despite the fact that the steering committee received the comments, opinions and suggestions of individuals, stakeholder groups and First Nation representatives — in addition to participants who attended meetings, over 900 people completed a mail-in questionnaire — many of the most important issues have been ignored by this government. For example, access to long-term palliative care and home care. We have been waiting and waiting for the renovated Thomson Centre to open for many months. It was announced as a key priority of this government in August 2006. In the past week, it was announced that palliative care will not be considered for the renovated Thomson Centre. Home care is one of the most cost-efficient methods for the elderly. That doesn't seem to be a priority. Despite an aging population, the number of home care clients has barely increased in the present budget.

A further example is the limited substance abuse treatment and programming. The government is being forced to act after deaths in custody. It has added a section to the Whitehorse Correctional Centre to replace the archaic and punitive drunk tank of the RCMP, but that is the only item in this budget to address another broad-scale public consultation.

There is nothing additional for prevention and youth addiction counselling and treatment. There is nothing for improving the detoxification unit. There is nothing for communities to develop treatment programs in response to their own needs, and there is nothing for expanding residential treatment programs. There is nothing for after-care, which is the most important element in treatment.

Mr. Speaker, we in this territory have studied addictions until, as some people say, it has been studied to death. This is a serious health care issue. Some would say it is the most serious health care issue facing the Yukon. Services for substance abuse, detox and treatment save government money in the long

run. The public knows that, and that is why they made the kind of presentations they did to the health care review. These services assist citizens to become productive taxpayers. Most of all, the services that care for addictions mean that we have health care people who cost the system less. With a serious response to the needs of addicted people, there is less spending on hospitals, corrections, doctors, transition homes, children in care and more.

The Yukoners who responded to the health care review knew this and prioritized this singularly important issue. The government has yet to act on their recommendations. If we talk about sustainable health care, we must look at the sustainability of our people — our most important resource.

You know, Mr. Speaker, one of the issues that we've raised numerous times in this Legislature has been the issue of limited mental health services. Again, this is an area that was identified in the health care review. We have recently seen government do a turnaround on this very serious issue, but it's a minimal turnaround and it's not guaranteed beyond this year. Along with addictions, mental health issues are a continuing human cost for this territory. The mandate of the Yukon mental health services is huge. They are tasked with assessment, treatment, consultation and referral of clients. They are also expected to do training, public awareness, policy and program development. A conservative estimate of the number of people who need mental health services is about 10 percent of any population. In the Yukon, that would mean 3,000 children, youth and adults needing mental health services.

The number of clients actually getting services, reported in the budget statistics, is 375. We reach only about 10 percent of the need in the territory for mental health services. Again, a healthy population means a sustainable health care system, which was the purpose of the health care review. Respondents to the health care review realized that, but they were ignored. Another area that was really important in terms of developing sustainable health care and was identified in the health care review was the issue of prevention programs.

The *Health Act* states that five percent of the Health budget is to go toward prevention. The total Health budget is about \$100 million. Five percent of that is clearly \$5 million. The health education promotion budget is \$90,000. That's a long way from \$5 million.

Over a decade ago, the Romanow report emphasized the need for prevention programs. Nearly every health tribute in this House outlines the benefits of prevention through nutrition, exercise and education. Prevention in health encompasses not only lifestyle changes; it means the support of healthy living through decent housing, fair wages and childcare for all. The respondents to the health care review realized that prevention is a key way to a sustainable health care system.

I said there were three; the third act or review I wanted to comment on this afternoon is the *Landlord and Tenant Act* review. This issue has a long history in this Legislature. In 2008-09, the NDP asked questions about an internal review of the act. The minister concluded from the internal review that the act didn't have to change, that it was well-balanced. Well, we said it was well-balanced. Both landlords and tenants hated it,

and still hate it, because it hasn't been changed. The NDP persisted and, finally, a select committee was established to review the act with the public.

On April 6, 2010, Motion No. 1009 amended the Select Committee on the *Landlord and Tenant Act* reporting timeline from the spring of 2010 to the fall of last year. Part of that motion read, "THAT the Government of Yukon introduce in the House legislation no later than the 2010 fall sitting of the Legislative Assembly."

The Select Committee on the *Landlord and Tenant Act* worked very hard to gather the public's input on revising this piece of legislation. They received written submissions; they were posted on the committee's website; all of them supported some form of an amendment to the existing act. They made available a hard-copy questionnaire. They listened to spoken submissions in the three major municipalities in the Yukon. On November 10, 2010, the Select Committee on the *Landlord and Tenant Act* presented its report to this House. The findings are universally for changing the act. The Premier said in debate of Motion No. 850, establishing the select committee, that legislation would be brought forward expeditiously to rectify the many problems that this outdated and cumbersome act has in it. The question is: where is it? Where are those amendments? Dozens of public presentations and submissions came from landlords and tenants. Still, we have an ancient and unworkable piece of legislation and the public is, once again, being ignored.

Our motion asked this government to consider the views and opinions of Yukoners after initiating highly publicized public consultation processes. We spend thousands, probably millions, of taxpayers' dollars, not only on these three areas that I have talked about but many more, to gain the advantage of public views. But this government persists in pretending that the democratic deficit does not exist, that there is no failure to respond to the people who are the basis of our democracy. Actions speak louder than words.

Another point that I would like to raise this afternoon is to urge the government to enact effective lobbying rules and a code of conduct for lobbyists. The Yukon New Democratic Party has tabled motions and asked questions urging the government to enact effective lobbying rules and a code of conduct for lobbyists. Lobbying is a legitimate business. It is an important function of government and in the public sector everywhere in the world, I would say, today. Lobbying is the process through which individuals and groups articulate their interests and press them upon government decision-makers in order to influence the determination of public policy. It is legitimate business. Most lobbyists are salaried employees of interest groups, corporations and unions. Law firms and PR firms also engage in lobbying. Many Canadian jurisdictions, including the federal government, have a registry for lobbyists as well as a code of conduct for lobbyists.

The reason is to ensure that contact between lobbyists and politicians and their senior officials is conducted in accordance with public expectations of transparency, integrity and honesty. Lobbying now touches every aspect of public life. The Yukon does not have lobbying legislation, even though this jurisdiction is coming under increasing pressure from industry, includ-

ing as far away as China, to allow widespread development in all areas of this territory.

The New Democratic Party is not suggesting the government is doing anything wrong, but the people should know who the Premier, his ministers and their officials are meeting with and what issues they are talking about.

The Yukon's Conflict of Interest Commissioner, in his annual report to the Legislative Assembly in 2010, recommended the Yukon government create a system for registering lobbyists to increase transparency and accountability. The New Democratic Party also tabled a motion urging the Yukon government to bring forward amendments to the territory's conflict-of-interest legislation. This is because the original legislation was enacted in 1995. The Yukon's Conflict of Interest Commissioner also said in that same report that what constitutes a conflict of interest evolves over time and the time has come to modernize our conflict-of-interest laws to increase transparency and clarity. I am sure that those are principles that everyone in this Legislative Assembly can support.

In raising this issue, I am not accusing anyone in the government of conflict of interest. I am simply saying that the public today expects a high standard from its elected officials, and lobbying and up-to-date conflict legislation are long overdue in the Yukon, if we are serious about reducing the democratic deficit.

In Ottawa, registered lobbyists met almost 600 times with the Prime Minister and his Cabinet. We only know this because Canada has a lobbying act and the Prime Minister and his ministers are required by law to publicly disclose their meetings with lobbyists. The federal lobbying legislation says that free and open access to government is an important matter of public interest. It also says it is desirable that public officeholders and the public be able to know who is engaged in lobbying activities. Whenever the Yukon's Conflict of Interest Commission makes recommendation to the government, we should take his advice very seriously. This government has chosen to ignore his advice and, as a result, we have no lobbying legislation, no registry of lobbyists, no code of conduct for lobbyists, and conflict-of-interest legislation that has not kept pace with the changing times.

Under the federal legislation, when people lobby the federal officeholders, they must do the following: disclose who they represent and their reasons for their approach; provide accurate information and not knowingly mislead; inform their client or their employer of their obligations; avoid divulging confidential information without the consent of those they have spoken with; avoid conflict of interest of those involved without their consent; advise officials that clients have been informed of any potential or apparent conflict and avoid exercising improper influence.

I think the last point is the most important — avoid exercising improper influence. We all understand too well the power that wealthy lobby groups wield in our federal, provincial and territorial capitals. In the past decade, the lobbying industry has greatly expanded in size and influence. The time has come for lobbying legislation here, but this government is totally opposed to even considering this idea. This is one more

glaring example of how this government is contributing to the democratic deficit.

In the summer of 2010, the NDP put forward a discussion paper on the subject of boards and committees and in the fall convened a debate in the Legislative Assembly on improving our system of boards and committees. The question is why? Yukon boards and committees provide an extremely important avenue for civic participation in the governance of the territory. They represent a major cornerstone of citizen democracy. Representatives of the Yukon public and of membership groups have representation on issues that affect them at a higher level. There are 99 boards and committees that serve important functions in the political, social, cultural, environmental and economic life in the Yukon.

There are currently over 540 people sitting on these boards and committees, which provide a range of functions on a range of areas of interest. Boards and committees may have different functions: some are advisory, providing input to Cabinet about policies and other matters; some are regulatory and set standards and license professions; some committees are adjudicative and they rule on a person's rights or the application of the law or regulation; some committees are established by legislation; some are established by Cabinet or a Cabinet minister; and some are established by the *Umbrella Final Agreement*. The NDP caucus believes that it is time to take a look at the whole system of boards and committees to ensure that they are viable avenues for citizen engagement and participation to make sure the system is fair, equitable, accountable and getting good results, and that it doesn't result in committees becoming overburdened by paperwork and that it doesn't hinder the participation of Yukoners. The key goal is citizen engagement and involvement in the affairs that affect them.

There are a number of issues facing boards and committees. One is the sustainability of the current model. We think about talking about term length. As I said, there are about 540 people or more serving on 99 boards. Their terms vary in length: some have no fixed length; some are for an indefinite length of time; some for two years, three years, five years; some allow for reappointment and others do not.

We've wondered what the rationale is for such a variation and we've asked whether terms should be more standardized. With 540 or more people serving on 99 boards, significant efforts go into ensuring that the boards have the legally required composition. There is a need for constant renewal of boards, as members resign and new members are recruited. Our question: is it working or are more and more "professional board-sitters" taking on more and more positions?

It's interesting to look at what's going on elsewhere. In Prince Edward Island, there are 60 public agency boards and committees that are open to public participation for a population of about 140,000. In the Northwest Territories there are 57 boards, committees and councils. British Columbia has over 200 Crown agencies, which are subject to their Crown agency accountability system. Are 99 Yukon boards and committees sustainable? Are they necessary? Are there boards that were created for historical reasons that have no current *raison d'être*? The Yukon NDP has not suggested that they are or they are

not. We want to start a discussion with the public about this issue. At the same time that some boards may be anachronistic or out-of-date, there are key issues that citizen boards could perhaps address.

For example, there is no climate change advisory board. There is no long-term planning advisory board. Any government could use its power to create such a board and draft its mandate, of course, but should this be the party in power's right alone, or is there a better way to determine societal priorities?

We raise the issue of government appointments. The following board appointments go through an all-party legislative standing committee: the Yukon Development Corporation Board of Directors, the Yukon Energy Corporation Board of Directors, Workers' Compensation Health and Safety Board, the Yukon Lottery Commission, Yukon Recreation Advisory Committee and the Yukon Arts Advisory Council, the Yukon Utilities Board, the Yukon Council on the Economy and the Environment and the Yukon Human Rights Commission.

The appointment process for the majority of all other boards and committees may involve the approval by the appropriate minister or a representative of an organization who is guaranteed a seat on the board by the legislation or the *Umbrella Final Agreement*. The current system enables the party in power to have majority on decisions of appointments. Is this fair, or should we look at a less partisan process?

Every Yukon government of all parties currently represented in the Legislative Assembly has controlled appointments and made sure, perhaps not in all cases, that they could place party loyalists in key positions. This is an issue. Some may argue that electoral success gives the ruling party a mandate to implement their platform and policies, and implementing the platform and policies requires installing party members in the apparatus of power.

Others who criticize the "first past the post" system believe that doesn't value the opinions of electors who vote for other parties. Since the advent of party politics in the Yukon, the winning party's share of the popular vote has never topped the combined tally of its rivals. Should the winning party, which does not attract the majority of support, have total power to make appointments for terms ranging from two to five years? They may have the legal right, but there may be something that's questionable about this arrangement.

Conversely, when a government uses its power to control the process of appointments, it opens itself up to criticism that every appointment is political, is contentious, is debatable, and thus becomes fodder in the media. Unfortunately, we've seen this often in the Yukon. Government has made several obvious patronage appointments but doesn't do it all the time. I think we all believe that governments do make an earnest attempt to appoint the right person to the right job.

Then there's a tendency of the opposition to jump on this appointment as political, and bickering ensues. So what's the impact of the politicization of the appointment process? Have Yukoners not put their names forward in fear of their names and reputations being dragged through the mud? As the nature of the "gotcha" politics that's evolving in North America seems

to ramp up, will this politicization lead to a crisis where we are unable to find competent people to fill positions that are important to this territory?

Government and opposition alike have politicized the process. Is it not important to ask ourselves: is it possible to remove politics from appointments to boards and committees? We think it is; we think the Yukon public believes it is. Other jurisdictions have attempted to remove the partisanship from appointments to important bodies that do work on behalf of all citizens. Some have created commissions at arm's length from the government to handle appointments and recruit members based on measures other than party loyalty. Is it time to explore a model that takes the politics out of appointments?

We ask the questions: is the current system inclusive? Are Yukoners from groups affected by the decisions of the board or committee given a seat at the table? Do we need to create equity-targeted seats for women, youth, First Nations, to ensure a representative mix of Yukoners sit on all boards?

When the current government decided to let appointments expire and not appoint any new members to the Yukon Council on the Economy and the Environment, it was actually in violation of the *Environment Act* and the *Economic Development Act*. The question is raised: should they have the right to let some boards continue to develop, to prosper, while others are left to wither on the vine because the positions they might take might cause offence or run counter to the current party's position on an issue?

An important issue that one needs to consider when we're looking at the issue of boards and committees is remuneration.

Currently, citizens who participate on one of the 99 boards and committees may be entitled to receive honoraria for attending the meetings. There are actually four categories of remuneration. Eight boards receive no honoraria. Seventeen get about \$75 a day; 27 get \$125, and 29 get \$200 a day. According to the latest copy of the *Boards and Committees Handbook* published in 2006, there are a number of boards and committees that nobody really knows what their remuneration is. That's about 12 of them. One is still to be determined, and five had rates of remuneration that didn't fall into any of the categories that are set out in the handbook for remuneration. Those boards and committees include the Yukon Hospital Corporation, whose chair earns \$2,000 a month stipend, plus \$600 for a full-day sitting; \$300 for a half day. Other board members on the Hospital Corporation earn \$400 a day, and \$200 for a half-day.

The Health and Social Services Council chair receives \$300 a day for honoraria, while other board members receive \$200 for comparable terms served.

The question, Mr. Speaker, is not to debate these terms or the amounts of money. They are general questions. Is the process for determining these rates fair, and what is the process to determine rates of remuneration? Should this be based on objective factors, like preparation time before a meeting or a measure of responsibility? Do we need to review remuneration rates as part of a general strategy to ensure the viability of boards and committees — that is, to facilitate recruitment of

citizens to these really important positions representing all Yukoners?

The NDP believe that it is time to review the way Yukon handles its boards and committees and look at the way appointments are conducted, remuneration rates and other factors. We believe an independent review should be conducted with the goal of improving the system, making it fair and increasing citizen democracy in this territory. To that end, the Yukon NDP brought forward a motion last fall. The Yukon NDP urged this House, urged the Yukon government, to establish a commission to review all processes and procedures regarding appointments to government boards and committees, including the major government boards and committees listed in Standing Order 45.3(2), but excluding those established under the *Umbrella Final Agreement*.

We asked that the commission report its findings and recommendations to the House no later than the end of the 2011 spring sitting — this sitting — of the Legislative Assembly. We asked that that review include, but not be limited in scope to, the processes for soliciting nominations, receiving nominations, reviewing nominations, making merit-based appointments, reducing patronage appointments, setting honoraria and other remuneration, setting the terms for these appointments, determining reappointments, reducing the potential for conflict of interest, determining the need for new boards and committees to address new issues and/or concerns — an example, as I mentioned earlier, would be climate change — and disbanding boards and committees that no longer serve any widely recognized public function or purpose, and that, in doing so, this House would affirm the important role government boards and committees play in the participation of members of the public in the political, social, cultural, environmental and economic spheres of the Yukon Territory.

The irony is that the Yukon Party government has said many of these things, too, but with no action. I recently read through some of the old public accounts documents and here are some highlights. The first report of the Standing Committee on Public Accounts, 2004, first recommendation: that the Cabinet, in consultation with the board of directors and the general public, review the criteria for appointment to these boards of directors: Yukon Housing Corporation, Liquor Corporation, Yukon Development Corporation, Yukon Hospital Corporation, and Yukon Workers' Compensation Health and Safety.

The fourth recommendation of that standing committee report: that the entities examined in this report confer on best practices for the training of board members, and that training regarding the potential financial liability of board members be part of that process.

The fifth recommendation: that the planning and accountability documents employed by the entities examined in this report, contains performance measures and expectations and that the plans be tabled in the Legislative Assembly annually. It's a really important aspect of public participation, when we ask citizens to participate on the behalf of all Yukoners, to address issues of public policy, things that are important to all Yukoners — that we can actually see what's going on. The important piece of that recommendation by the committee, all

those years ago, was actually having those reports and plans tabled in this Legislative Assembly. What a nice idea in terms of accountability.

The third report of the Standing Committee of Public Accounts in December 2005 was responding to the Auditor General's report and recommendations about board capacity, the ability of members of boards of directors of government corporations to carry out their duties. The evidence presented to the committee at the public hearing suggested that members of the Energy Solutions Centre at the time lacked the qualifications. In response to that — this is one identified area where the Auditor General commented, a number of years ago — the corporation committed itself to more extensive and ongoing training for boards. Our view is that these should be ongoing things. We shouldn't have to see individual boards or committees selected or singled out.

So the response to our motion last fall was an amendment by the Yukon Party, so the government would conduct the reviews of the boards and committees. We stood up for the principles of independence. They amended it, but then vetoed the motion.

You know, Mr. Speaker, in the Standing Committee on Public Accounts has supported approving the boards and committees system, but there has been no action, and that, in my mind, is another indication of an increasing democratic deficit.

Mr. Speaker, the Yukon Party government has shown, in its long time in power, that it's not adverse to lengthy, costly court action to resolve matters, even when other means are available. We have tried to get the numbers, the cost to the taxpayer, of all these legal actions, and have never been given satisfactory information by this government.

There are some high-profile court actions that I want to touch on. There are cases where they could have intervened. They had the right but chose not to, at great expense financially and in time and cost to the citizens — cases like the *City of Whitehorse v. Darragh*. In this case, Mr. Speaker, you will recall that a citizen organized a petition to create a park at McLean Lake, as were her rights under the Yukon's *Municipal Act*. The city quashed the petition and didn't organize a referendum. The citizen went to court and ended up before the B.C. Court of Appeal, which took the interpretation, we would argue, runs counter to the intent of the principles of the legislation.

Although the outcome was that the city won the court case, that citizen had to pay \$14,000 after spending a good amount of her own personal time and life fighting for the rights of citizens to utilize a public referendum, as provided for in the *Municipal Act*.

The minister could have used the Yukon Municipal Board but chose not to. The irony is he later thanked this citizen for going to court for her work in helping to clarify everyone's roles and responsibilities.

We have another case in Faro, and this issue has been dragging on for almost a decade, at a huge cost to the citizen and also a huge cost to the town and, therefore, to the Yukon taxpayer. It revolves around zoning, a wilderness tourism business, the *Municipal Act* and the *Lands Act*. This spring we

could well see an eviction action against this citizen. This situation has been ugly and it didn't have to go this way. Two Yukon Party ministers have watched this from the sidelines and refused to get involved. The minister had every right to use the Yukon Municipal Board or a third-party mediation process to help parties resolve their issues. The question is raised: why are we not using the Yukon Municipal Board?

If you read the act, it appears the minister has those checks and balances at his disposal, and if citizens have issues with a decision or process of a municipal government, those checks and balances are to use the Municipal Board to hear any matter within the minister's discretion or to appoint a municipal inspector to look after the matter. The only time this government has done anything like that is when they basically appointed somebody to oversee the finances of Dawson.

It really is under his discretion that the minister can ask the Municipal Board to rule on any matter under the act. I would argue that this institution, the Municipal Board, which could be extremely useful for citizen democracy, is withering under the Yukon Party government. There is no website for the Municipal Board; we cannot find terms of reference for the Municipal Board or copies of rulings, despite its power, at the minister's discretion, to rule on any matter within the act.

The current chair has been there since the mid 1980s, I believe, and it seems to be a lifelong appointment. It would be nice to believe that we really do want to encourage citizens to actually participate in those decisions that affect them most directly and that occur at the local government level.

There are also court cases that demonstrate problems in the way this government has related with and to First Nations. There are many examples, and I won't go into them all. We've had the *Paulsen* case, the failure to consult that ended up in the Supreme Court, and the Kaska continue to bring the Yukon government to court over mineral staking in their traditional territory.

As well, Kwanlin Dun filed a court action against the Yukon government to suspend the tender for the Whitehorse airport construction project. Completely unnecessary, if in fact the government had been able to understand that the land claims treaty self-government arrangements that they had entered into with this First Nation were actually legally binding and the economic opportunities to be afforded — the benefits to be afforded to the KDFN — were not something that would be nice, but were actually a requirement of the agreement.

We have the recent case of La Commission scolaire francophone du Yukon versus the Government of Yukon. The response of the Government of Yukon is to say that everyone has the right to go to court. True, but not everyone has the means. There can be better, less costly ways for parties that have disagreements. In our small way in the NDP caucus, we try to help Yukoners, constituents or otherwise, who have problems accessing services or feel that their concerns are getting short shrift from the government. We have raised on numerous times, unsuccessfully, the value of independent, third party mediation as an option, but all too often, the government chooses not to go this route.

We are all Yukoners. We are all neighbours. We believe that a community of 35,000 should be able to come to agreement through discussion and negotiation. We should try to avoid the courts as long as possible and as best as we can, especially if alternatives are available. One alternative we've raised and we've directed Yukoners to check out is the Ombudsman.

The Member for Mount Lorne read this motion into the record in the fall —

“THAT this House urges the Yukon government to extend the position of Ombudsman and Privacy Commissioner from half-time to full-time, as has been recommended several times by incumbents in the position, in order to:

- (1) respond adequately to the public's demand for service;
- (2) allow the position sufficient time to find creative solutions to problems in the public service;
- (3) give the public access to records in a more timely manner;
- (4) prevent the unauthorized collection, use and disclosure of personal information that may not be brought to the attention of the position due to work overload; and
- (5) allow the position adequate time to educate the public about the service.

We have raised the issue of expanding the scope of responsibilities for the Ombudsman to look at conflicts between citizens and their municipal governments, for example. The Ombudsman provides a means of redress for many who lack the resources to hire a lawyer. But the government has been lacking on refusing to provide the necessary resources to back up this essential position. Yes, everyone does have a right to go to court, but our public government needs to be more willing to explore alternatives.

The Member for Mount Lorne has raised the problems with the *Municipal Act* on many occasions, so I will keep my points on this matter relatively brief. The issue here is that the democratic provisions of the *Municipal Act*, under the stewardship of the Yukon Party, have been allowed to be dismissed. When it was brought in, in 1998, our *Municipal Act* was hailed as being extremely democratic, thanks in part to a section called “public votes”, which outlined the process by which citizens could mount a petition drive and, if they met certain thresholds, a referendum could be held on the issue.

The act stated that a referendum could be held on any matter. This public votes section of the *Municipal Act* was meant to be that counterbalance — the checks and balances to a municipality's powers. It's an important piece of the construct — the building blocks — of governance in this territory post land claims and self-government. The minister at the time — it was the Member for Southern Lakes, I believe it was called, Carcross-Southern Lakes — said when he brought in the act in 1998 that “The new *Municipal Act* replaces ministerial control and approvals with a system that empowers voters to provide direction to municipal governments. The provision for petitioning and public votes put the checks and balances into the hands of the electorate.”

When a citizen organized a petition drive on the creation of a park, she thought she was exercising her rights as a Yukon

citizen. Unfortunately, that was a decision where nobody wanted to see the referendum on that issue. Court action ensued while the minister watched. A major door was closed on our democracy with barely a peep from this minister. No amendments to the act have come forward to strengthen the democratic provisions. No consultation with citizens about referendum provision. The Yukon government went out last year for a one-year process, called “Our Towns, Our Future”.

In fact, the focus of that process, that discussion, has had nothing to do with citizen participation. It’s really about the necessary amendments and changes to funding arrangements for municipalities and local governments. There has been no discussion about citizen participation, about local democracy.

The NDP does believe in citizen democracy. We think it’s time to talk to Yukoners about how we strengthen the *Municipal Act* to make it more democratic and reflect the principles that are still embedded in that act.

In our motion today, we urged the government to make appointments to the Yukon Council on the Economy and the Environment. The Yukon Council on the Economy and the Environment was the first sustainable development round table forum in this country. It was multi-sectoral. Its members came from a wide diversity of perspectives to study the big issues and provide recommendations to government.

It is enshrined in the *Environment Act* and the *Economic Development Act*. It did a lot of work on behalf of Yukoners, providing research, analysis and recommendations on a great many items. It reviewed proposed legislation through the lens of sustainable development. Balancing economic prosperity and environment conservation can be tricky, as we’ve seen in this territory, and this group did a phenomenal amount of work for Yukon governments of all political stripes — that is, until the current regime came to power in 2003.

Whether due to their conservative ideology or they just didn’t want a citizens body to provide some oversight of their economic planning, the Yukon Party government essentially eliminated this council. Terms of appointment came and went; the government did not try to fill them and so the council, though still a legal entity with responsibilities on the books, doesn’t really exist.

This issue came up in the recent internal audit of the Department of Environment, in its closing comments, which read: “In 1988 the Yukon Government established the Yukon Council on the Economy and the Environment (YCEE) and entrenched it in the *Environment Act* in 1989 and in the *Economic Development Act* in 1992. These acts and regulations establish some required activities for YCEE. The legislated purpose of YCEE is to ‘encourage sustainable development in the Yukon’. In 2005, the YCEE ceased to function as an advisory body to the government.” This is from the internal audit of the Department of Environment.

The audit goes on to say, “In 2008 the Department of Environment stated that a review was underway to determine whether the body should be resurrected and that this review would culminate in an opinions paper.

“The YCEE continues to be non-operational. As a result, the government is not able to satisfy the requirements of Sec-

tion 22 and 49 of the Act, in that, the Yukon State of the Environment report and complaints cannot be submitted to the Council as required. Two of four external stakeholders we contacted believe the YCEE serves a worthy function as a primary source of advice to the government and should be maintained.”

The Yukon Council on the Economy and the Environment represented a style of economic democracy — that citizens could and should participate in discussing the big-picture issues and the long-range planning affecting both our economy and our environment.

Yukon Council on the Economy and the Environment presented conferences and other meetings to get more citizens talking and debating the territory’s future. The Premier says the Yukon Council on the Economy and the Environment is out-of-date; it has been replaced by YESAB, for example. But having the ability to e-mail a comment on a particular project is much different from saying to the people, “We are all part of the Yukon, and we are all part of planning our future and how we develop.”

So what the government says is that the Yukon Council on the Economy and the Environment is old, out-of-date, and its functions have been replaced by other bodies.

The NDP’s response is that citizen participation and sustainable economic development and future planning is never out-of-date. There are many issues related to the current boom that a group like the Yukon Council on the Economy and the Environment could provide extremely useful advice on in terms of maximizing the benefits of the mining boom on issues like royalties and other public benefits; on job creation from the boom in aboriginal communities; on minimizing the environmental impact of the boom; on looking at a water regime; on energy infrastructure needs; on the use of temporary foreign workers; on Internet connectivity issues, such as how we should proceed and how to use public funds to ensure we get good service; on the transition economy as the Yukon community begins to adapt to peak oil and to climate change.

In killing the Yukon Council on the Economy and the Environment, the Yukon Party government eliminated a forum for participation of the public.

This afternoon we also raised the issue of the importance of using the Yukon Forum to deal respectfully and collaboratively with Yukon First Nation governments on a broad spectrum of political, social and economic issues, as was originally envisioned.

The Yukon Forum was created in 2005 with the signing of a memorandum of understanding involving the Council of Yukon First Nations, the Yukon government and the self-governing Yukon First Nations. The enabling legislation, the *Cooperation in Governance Act*, received the support of all parties in the Yukon Legislature and recognizes that Yukon First Nations and the Yukon government both have jurisdiction and authority over many similar matters. It was a great idea — in theory.

But this Yukon government has not honoured its part of the deal. It has not given self-governing First Nations a real opportunity to bring forward ideas on how to improve how the government conducts its business and how governments work

together, recognizing each others' jurisdictions. There is a sense that the government sets the agenda and says when the meetings will occur. The government calls the shots. That is unfortunate, because the Yukon Forum has the potential to be a real vehicle for government-to-government working relationships. The Yukon Forum's main role in recent years has been reduced to discussing and approving projects that fall under the northern strategy trust fund. Even that is not working as originally envisioned.

The New Democratic Party has urged the Yukon government, in conjunction with the leadership of self-governing Yukon First Nations, to adopt a new protocol for government-to-government relationships. This new protocol would allow all members of the Yukon Legislature to engage in open, transparent dialogue with First Nation leaders to promote mutual understanding and foster collaborative approaches to governance for the benefit of all Yukon people in the future.

We proposed amendments to the *Cooperation in Governance Act* to provide for formal meetings between First Nation leadership and Members of the Legislative Assembly on an annual basis, with the proceedings of such meetings being open to the public and forming part of the public record of the Yukon Legislative Assembly. This is perhaps radical, but it is a new idea.

If this government is truly serious about fixing the broken relationship with First Nations, it would have given serious consideration to this idea. It did not. The Yukon government has shown us time and again it is not interested in consulting with Yukon First Nation governments in a meaningful way on issues that affect both levels of government, in working diligently to resolve disputes that arise from time to time in a respectful government-to-government manner in order to minimize the need for either party to resort to a litigation process that is costly, time-consuming and too often acrimonious.

There has been a lot of talk of deficits — fiscal deficits of the last two years, environmental deficit — lack of balance — housing deficit, and today we brought forth an analysis of the growing democratic deficit and a path to correct this. We have brought many issues to the floor of the House and I would imagine there are other ways to improve our democracy that will be raised, and we will welcome amendments.

For democracy to flourish it must, like a garden, be cultivated and nourished — not once every four years, but every day. It is up to government and to citizens to encourage its growth. There is a report out on the democratic deficit in Canada because this issue is not just a Yukon phenomenon. This issue, which we address locally, has international scope. That report was put out by Roy Romanow and the Canadian Index of Wellbeing, which is an independent, non-partisan network affiliated with the University of Waterloo.

Its mission is to report on the quality of life of Canadians and promote a dialogue on how to improve it through evidence-based policies that are responsive to the needs and values of Canadians.

That report has a few key findings. Fewer Canadians are voting. Turnout in the most recent federal election, in 2008, was the lowest in Canadian history at 59 percent, down more

than 10 percentage points from 1993. This should be worrying to all of us in this Legislature, and there are parallels in the Yukon.

Participation rates in formal political activities are extremely low. The number of people volunteering for law, advocacy and political groups has hovered at about two percent or less throughout the past decade, and hours volunteered dropped by 15 percent from 2004 to 2007. Volunteerism in the Yukon is an incredibly important aspect of our life up here. We cannot afford to foster an environment where people don't believe they have an important role to play.

Citizens aren't satisfied with their democracy. Between 40 and 45 percent of Canadians said they were not satisfied with how democracy works in Canada.

Women and minorities are under-represented in the political process. Since 1997, the percentage of women in Parliament has remained relatively steady — and low — at about 20 percent. Well, they're ahead of us, Mr. Speaker.

These findings are about Canada, but we see similar dimensions here in the Yukon. Mr. Speaker, I don't think it has to be this way. We are lucky, in many, many ways, to be Yukoners. We are a small jurisdiction, with a proud tradition of doing things differently. With an engaged public, we could really create a shining example of democracy with a high standard on public participation, and creative approaches to decision-making and accountability.

To do so would require that we break some patterns, that we transcend some of the dysfunctional behaviour. Some of the measures we've proposed will take some power out of the hand of the Premier, out of the hand of Cabinet, and share power with the opposition, with the public, with community groups.

I'm sure the Premier is aware of Aesop's fable of the two pots. The moral of that fable is that being equals makes the best friends. Let's not forget that no majority government in the Yukon's history has ever had the support of a majority of electors.

New Democrats believe that actions speak louder than words, and that there has been a serious loss of public confidence in the Government of Yukon's commitment to credible, reliable leadership. The New Democrats stand for a new way of doing public business — one that starts with respect for the public and respectful dialogue without political posturing and grandstanding.

New Democrats have and will continue to put forward positive proposals to improve behaviour in the Legislative Assembly and the conduct of the public officials, starting at the top. New Democrats will work side by side with other governments — First Nations, municipal, and federal — and with our citizens to get good things done for the Yukon.

Today I've gone into depth on some of the dimensions of Yukon's democratic deficit and how the actions, or lack thereof, by the Yukon Party government have contributed to this growing democratic deficit. The Premier challenged the opposition to put forward their proposals. Well, the Premier can take this motion as the NDP's proposal to close the democratic deficit. Thank you.

Hon. Ms. Horne: Speaking of code of conduct, best practices, playing politics and being out of touch with Yukon, the Leader of the NDP committed all of the aforesaid within 30 seconds of the leader's opening comments.

I would like to speak a few minutes about this motion. On re-reading this motion, my first comment is that I look forward to the NDP running on this platform. A few short months ago, they have had the opportunity to present this to the Yukon people. I have to say that when I look around the world, I really wonder what the member opposite is thinking of when she speaks of a democratic deficit.

Last summer I read several articles that reflected on the state of Canadian politics. In one of them, the author observed that the fact that the head of Statistics Canada had resigned over the government's effort to inflict a less-intrusive census form on the country. It was bizarre and illustrative of the fact that Canadian politics are rather bland. That is Conrad Black: Canada — the land that scandal forgot — *National Post*, August 14, 2010. He compared Canada to other countries, like the U.S. where there were allegations of corruption against the former chairman of the United States House Committee on Ways and Means and against a former governor accused of trying to sell a United States Senate seat. The British Parliament was asked hard questions as to why they paid for legislative necessities, like the cost of opulent, floating bird houses, and moat cleaning. Leaders in France, Italy and South Africa faced hard questions over their financial transactions. Mexico is beset by drug-related violence. By contrast, the Canadian conundrum was whether to make it voluntary or compulsory for Canadians to fill out a long-form census questionnaire. In other words, how much paperwork would our national government impose on its citizens?

The same author commented that this is desperately mundane but it is important and an astounding achievement, as it is part of a pattern. This is the relatively sensible country.

As I listened to the member opposite, I thought of that column. We really are blessed to live in Canada and in the Yukon, as the Leader of the NDP stated earlier. Where other nations grapple with scandal, strife and massive numbers of unemployed people, we enjoy peace, order and good government. Yukon is a great place to live. We are a sensible nation and a sensible territory.

As I look around the world, at the regime changes in Tunisia, Egypt, and the events in Libya and other countries in the Middle East, I thought of the member opposite's motion and wondered at its wording. As I said just moments ago, we are very blessed to live in Canada, where we do enjoy peace, order and good governance.

With respect to the desire for electoral reform, I wonder if the member opposite has done much reading on the subject. In preparing for today's debate, I reflected on Dr. Steven Bram's book, *Rational Politics*, and some of his other scholarly work on voting and elections. I can think of other political scientists.

My point is that our system of electing officials is effective. I cannot remember the last time someone from my riding approached me and said that they felt the way Yukon elected MLAs was flawed. I don't have a lot of constituents approach-

ing me and saying we need electoral reform. As a matter of fact, I haven't had one.

I'll tell you what I do have in my riding: I do have people approaching me, asking me if I can connect them with potential employees. I have constituents ask if I can help connect them with programs that they can draw upon to improve their employable skills so they can take on more challenging careers. I have constituents suggesting ways communities, like Teslin, Faro and Ross River, can work with government to improve the quality of life, because they want to go on living in those communities.

I do have constituents asking for help in finding clarity on what matters are the responsibility of a municipality, what are the First Nation governments' responsibilities and what are the territorial concerns. As for the second point in her motion — the need to act on the clearly demonstrated and long-overdue need for whistle-blower protection legislation — I can only suggest that she refer to the comments of the Member for Porter Creek South. He called on the committee to do its job, and he also noted — and I'm quoting here — “a lot of work still needs to be done before any form of whistle-blower protection can be implemented in the Yukon”. Because we will be debating that later, I won't spend much time talking about it here.

As for her third point that the government considers the views and opinions of Yukoners after initiating highly publicized public consultation processes, I do have much to say on this subject. I realize that she really hasn't been engaged in or is aware of the consultations that have gone on in the Yukon under the Yukon Party's watch. We did a massive, exhaustive consultation on corrections. The consultation on corrections was a 15-month public consultation, co-chaired by the Yukon government and the Council of First Nations.

There were approximately 160 consultation meetings that were held across Yukon. The Government of Yukon and the Council of Yukon First Nations did a joint consultation on the draft *Corrections Act*. In December 2007, we began our consultations on the new *Corrections Act*. On February 6, 2009, we announced that consultations were concluding on the new *Corrections Act*. During that time, the Yukon government and Council of Yukon First Nations heard from hundreds of Yukoners — since consultations started in December 2007. We took all of that advice and used it to inform and form our new corrections philosophy, our new *Corrections Act* and our *Victims of Crime Act*. We have turned the corner on how we do corrections in Yukon.

I was going to just leave it there, but I think it's important to put on the record our consultations. When I said that we consulted with hundreds of Yukoners, I was serious. If the consultation was just a token consultation we would not have invested the time and money that we did to hear from Yukoners.

To support my argument, let me share with you the following meetings that were held during the corrections consultation. I'm going to group these by categories. The reason I'm going over the corrections consultation is because I am most familiar with this *Corrections Act* and the consultations that went on in drawing up the new act. I'm going to group these by categories. We had 78 meetings in communities and eight more in White-

horse. We had one meeting with the Council of Yukon First Nations and 33 meetings with First Nations; three meetings with Canada; 14 meetings with Government of Yukon departments and units; three meetings with public corporations like the hospital, Yukon College and the Yukon Housing Corporation; 27 meetings with non-government organizations, commissions, councils and boards; 13 individuals provided input, including a former NDP Cabinet minister; three meetings with judiciaries; and five meetings with professional services providers.

The communities we visited during the consultation — we visited Beaver Creek, Burwash Landing, Carmacks, Carcross, Dawson City, Faro, Haines Junction, Marsh Lake, Mayo, Old Crow, Pelly Crossing, Ross River, Tagish, Teslin and Watson Lake. We had eight meetings in Whitehorse — with the Council of Yukon First Nations, three with the Government of Canada, the Department of Justice regional director's office, Indian and Northern Affairs Canada and the Royal Canadian Mounted Police.

We met with 14 Government of Yukon departments: Advanced Education; the Department of Education; Alcohol and Drug Services; the primary health collaboration project; the Department of Health and Social Services; adult probation services; adult services; Family and Children Services; Legal Services; the mental health unit; the Public Schools branch; Victim Services; the Family Violence Prevention Unit; and, Whitehorse Correctional Centre staff, inmates and nurses. There were 13 meetings involved there. Youth Justice.

For public corporations, we met with Whitehorse General Hospital, Yukon College and the Yukon Housing Corporation. We had 40 non-government organizations that were included in the consultation: Blood Ties Four Directions; Blue Feather Youth Centre; Bringing Youth Towards Equality; Crime Prevention Yukon; Committee on Abuse in Residential Schools; Fetal Alcohol Syndrome Society; Grey Mountain Housing Society; Grandparents' Rights Association and Kaushee's Place; the Learning Disabilities Association; the Mental Health Association; the Porter Creek Community Association; the Salvation Army; the Second Opinion Society; women's groups — I won't name all of the women's groups — the Whitehorse Chamber of Commerce; the Whitehorse Planning Committee on Homelessness; Yukon Public Legal Education Association; the Yukon Anti-Poverty Coalition; Yukon Family Services Association; Yukon Learn Society; Yukon Review Board; Yukon Association of Community Living; the Ombudsman; Yukon Human Rights Commission; Yukon Legal Services Society; Yukon Health and Social Services; and 13 individuals.

Individuals are also invited to come forward on their own, which they did. We had 13 who came forward. With the judiciary, we had Chief Judge Faulkner, former Chief Judge Heino Lilles, the senior JP Cameron and five meetings with medical and legal professional services.

If this consultation was just a token, we would not have invested the time, the money or energy if we did not hear from Yukoners; if we did not have the best corrections act in Canada in place at this time. It was not a token consultation.

Mr. Speaker, let me tell you about the other, more recent, consultations we have just concluded — the review of the Yukon's police force. Over 1,000 Yukoners participated. I feel very confident their voices have been heard. I won't list all the people the review met with. I have made my point with the corrections consultation. We extended the consultation period on the police review because there was so much interest. It was supposed to close in September; we extended that time to December to make sure that we heard from every Yukoner who wanted his or her voice heard.

I can assure you that we do consult; we do listen to Yukoners. I feel embarrassed for the member opposite when she suggests that the opinions and views of Yukoners are not being considered. Clearly she is wrong; she is out of touch. Again, I look forward to the Member for Whitehorse Centre presenting this platform to Yukoners in the months to come.

On the cause of enacting effective lobbying rules and a code of conduct for lobbyists, I think my biggest concern with this section is that I honestly don't know who the member opposite is targeting when she speaks of lobbyists. Every time she mentions it, I wonder to who she's referring. What is her definition of "lobbying" or "lobbyists"?

We are elected to this Assembly to represent our constituents and to make decisions on their behalf, to represent them in this House. As a rural MLA, I get many requests from my constituents for assistance in different areas. People in Faro and Ross River have told me that they want to see more work done on the Robert Campbell Highway. People in Teslin have approached me about brushing in the Teslin area.

Constituents of mine have asked for my assistance regarding the Canol Road and asked when will it be opened up after the winter. I know that I have spoken to the Premier and the Minister of Highways and Public Works on numerous occasions over the last four and a half years about highway-related matters. Does that count as lobbying for the member opposite? By the way, I feel proud that my efforts paid off, in that we have seen improvements on the highway conditions for the Robert Campbell.

My point here is that our constituents share with us their concerns, and I see a large part of my job, as a representative for Pelly-Nisutlin, as reflecting their concerns. Maybe I'm a lobbyist. If the member opposite is suggesting that Yukoners in general, and our constituents in particular, don't have the right to come forward and ask for assistance unless they have signed off some code of conduct for lobbyists, well, let's just say that if that is her idea of being an MLA, I expect the next time that Whitehorse Centre goes to the polls, she will be in for a surprise.

I will also say that her predecessor and I had many conversations and meetings, where he lobbied me for changes on behalf of his riding. I will mention just two examples. The first one related to dealing with drug and alcohol issues downtown and the other related to speeding up the process times for security checks for volunteers. I am pleased to say that we were able to address both matters amicably. Was he a lobbyist? Did he follow rules? No, but we worked together very well.

I know that the Member for Mount Lorne has just recently lobbied both the Minister of Highways and Public Works and me for some highway improvements. I also have had constituents contact me for assistance regarding their interactions with various territorial government services. I've had women's organizations and justice-related organizations approach me for funding and for support on various matters. I can think of conversations over the last four years where Yukon women have approached me about the need to address domestic violence or housing concerns. Part of YAKWI's mandate is to provide advice to me.

As I looked at this motion, I wonder if she envisions YACWI having to register as a lobby group.

Let me just read one short portion from the *Yukon Advisory Council on Women's Issues Act*. Section 3 reads: "The council shall: (e) advise the minister with respect to any issues that the minister may refer to the council for its consideration; and (f) advise the minister with respect to any issues that the council considers advisable."

This motion needs a great deal of work. Given the fifth clause in the motion, I have to say that this motion is long in rhetoric and woefully short on substance, especially around this section.

Let's have a look at section 5, where she calls for a change in the process from making appointments to major boards and committees to increase openness and fairness. I do challenge the member opposite to stand on the floor of this Assembly and name the people she thinks have been appointed to major boards and committees unfairly.

In fact, name people who have been appointed to other boards or committees unfairly. This clause in this motion by the Member for Whitehorse Centre is an insult to the people who serve on these boards: Yukon Development Corporation Board of Directors; Yukon Energy Corporation Board of Directors; Workers' Compensation Health and Safety Board; Yukon Lottery Commission; Yukon Recreation Advisory Council; Yukon Arts Advisory Council; Yukon Utilities Board; and the Yukon Human Rights Commission. Look over the list of people or volunteers who serve on these boards and you will see Yukoners who, if they are associated with a political party, represent parties from across the entire political spectrum.

What these clauses say to me is that the NDP are focused on what is wrong with Yukoners. We are focused on what is right with Yukoners. They focus on why Yukoners can't participate; we focus on what strengths Yukoners bring to us and bring to the mix on the boards and committees.

Under a Yukon Party government, Yukoners wishing to volunteer on boards and committees are welcomed, regardless of their political affiliation, if they have any at all. By the way, these folks on the committees I just mentioned go through the Standing Committee on Appointments to Major Government Boards and Committees, which has representatives from every party of this Assembly on it and it does work effectively.

Now let's go on to section 6, which talks about employing other, less costly and less adversarial means to resolve disputes other than the courts. There are places around this world where someone who feels the government has wronged them has no

recourse. I am grateful that Canadians have the freedom to pursue actions against governments, whether the government is federal, territorial or municipal.

I think that the member opposite has missed the boat on this one. Maybe the member opposite has not had the time to familiarize herself with our court system. The court system is set up to adjudicate disputes. I refuse to apologize because other parties have the right to bring an action against the government when they feel they have a case against the government, and seek to present their case in a court of law.

To me, that is one of the things that demonstrates the robustness of our liberty — democracy. That was a word that the member used quite often. Is the member opposite suggesting the government just roll over and concede defeat every time someone threatens to sue us? Is that what she is suggesting? I do hope not. In Canada, we live and operate under the rule of law. The system that we have before us is a product of centuries, even millennia, of development and refinement. One of the hallmarks of a modern, sophisticated society is a fair, robust and effective court system. Our Constitution provides for an independent judiciary — the judges who preside over cases before the courts. The role of the judiciary is to interpret and apply the law and the Constitution and to give impartial judgment in all cases, whether they involve public law, such as a criminal case, or private civil law, such as a dispute over a contract.

They also contribute to the common law when they interpret previous decisions or set new precedents. My point here is that we have a dispute resolution model that has been developed and refined over centuries to handle complex and sophisticated matters between parties who may be unequal in power and resources, in a manner that is fair and equitable. As for clause 8, my only comment is that a great deal has changed with regard to the YCEE since it was created.

We have treaties being implemented and we have devolution. I know the NDP vision is to create committees; our vision is to build an economy.

The next and final clause of her motion, clause 9, speaks to using the Yukon Forum to deal respectfully and collaboratively with Yukon First Nation governments on a broad spectrum of political, social, and economic issues as originally envisioned. I would remind the member opposite that it was this Premier, this government, that established the Yukon Forum to do just that.

My intention is not to speak for a long time today; I just wanted it to be very direct and honest from me. All I'll say is that, as a Tlingit citizen and a Tlingit elder, I'm offended that the Member for Whitehorse Centre thinks she has the right, the legitimacy, to tell me and my colleagues that we don't deal with First Nations respectfully. I find that clause patronizing and very offensive. I would never be part of a process that would jeopardize my children, my grandchildren, or my own First Nation's future. Maybe she feels her years of service in the Department of Indian and Northern Affairs gives her the right to lecture me, lecture us on dealing with First Nations with respect. That is something I demand for our First Nations.

Some Hon. Member: (Inaudible)

Point of order

Speaker: On a point of order, Member for Whitehorse Centre.

Ms. Hanson: The member opposite just made a direct and personal reference that is totally out of place in this Legislature.

Speaker's statement

Speaker: I think the members are going to have to allow me some time to review the Blues on this issue and I'll come back to the House with a ruling.

The Minister of Justice has the floor.

Hon. Ms. Horne: I think that all the NDP has to offer is a picture of doom and gloom. I believe that is what they would deliver, because that's all they have on the palate.

In closing, this motion has much that is wrong with it. It is short on substance and detail. This motion is short on substance. It calls for rules around lobbying, but doesn't define what it means by that phrase. It ignores the extensive consultations that our government has undertaken to engage Yukon citizens. I suppose the member opposite doesn't like the consultation results because we listened to more Yukoners and incorporated their advice into our action plans, and their advice is very different from the NDP's vision for Yukon.

We have consulted. This motion implies that Yukoners serving on boards are there unfairly. That is just wrong. That is just so incorrect and insulting. We focus on what Yukoners bring to the mix, what they add, what strengths they contribute to these boards and committees.

We have selected Yukoners from across the political spectrum and those who have no political affiliation. Clearly, this motion represents a very different vision for Yukon. The NDP's vision is for a Yukon where the NDP create committees, and our vision is to build an economy.

I could go on but I know you get the point, Mr. Speaker. The motion by the Member for Whitehorse Centre is badly flawed. I cannot and will not support it.

Günilschish.

Mr. McRobb: I thank the previous speakers for their vivid and illuminating debate. Throughout it all, I asked myself what democracy really means. Is it just a word or something more? Do we take it for granted? What does it mean in the Yukon? Does it allow a democratically elected government to act unilaterally and dictatorially?

Is that democracy or is it some deviance thereof? Certainly, acting in such a way would not be fulfilling a true democracy. We all need to be mindful of where we are taking democracy here in the territory. We all need to understand what becomes acceptable practice and established precedent here in this Assembly will guide Yukoners in their interpretation of democracy and future legislators in their practice of democracy. I agree with the mover of the motion that democracy does need to be nurtured and upheld or it becomes diluted.

On the global stage, currently we see a number of nations that are struggling to reach democracy. Let it be a reminder to us all of the importance of that word, the importance of how

that word affects our daily lives, how that word affects how we are governed and what we can do, how we can provide for our families and ourselves. The word guides what our society becomes. There is a whole lot to the word "democracy".

On the national news last night I saw a reference to how democracy, as envisioned in these emerging nations, will be formed in the future and how these nations are looking at other countries and their forms of democracy they use as a model for their own. It was somewhat shocking to see how the preferred model at this point, at least by one country, is the Chinese model of democracy. China and its model of democracy is being favoured beyond the western world's model of democracy. In the same story, and finally, a book was held up: *How the West Was Lost*.

I really think we in here need to refocus and ask ourselves whether what we have come to accept in this Assembly is really and truly democracy. We need to consider the ramifications of that action. Some of us have been in here for a number of years. We should feel a responsibility for future legislators in trying to guide them to do the right thing. I'm afraid we're going in the opposite direction.

So, those are just some comments I'd like to put on the record as a preamble to this motion, to just highlight the importance of that word "democracy" and not just consider it to be another word. It means a lot.

Now, we in the Official Opposition do support this motion. We take issue with several of the arguments cited by the previous speaker, and one that comes to mind is the argument regarding the *Lobbying Act* and so on, and what defines a lobbyist. Well, Mr. Speaker, this answer is clear in all the other legislation that exists in our country and it's not a difficult answer to find, but instead we were subjected to several minutes of, I can say, "mock" questions — "rhetorical questions" is perhaps a better term — to question the need for a lobbying act.

Well, Mr. Speaker, coming from the Justice minister, one would have assumed that a person who upholds that responsibility and office would have an understanding of the definition of terms. After all, every act starts with a section on definitions and perhaps a glossary and the Justice minister is the primary mover of legislation in this Assembly.

Anyway, I will comment on the list of nine items but, before I do, I want to echo the concern expressed by the mover of the motion about this government's reticence in advancing consultation on Bill No. 108. You know, it was about one year ago I saw an article in a local daily with the Premier chastizing the opposition for not naming a member to the Select Committee on the *Legislative Renewal Act*. Well, he was wrong. We had named our member and that was being communicated to the Legislative Assembly Office, but has the government side even identified its member one year later? No. The Member for Copperbelt says it is shocking, but it's not really. It is just standard fare from this government.

It will say one thing and do the other — completely opposite. It brings us back to democracy, which is the main, underlying principle of this motion. Yesterday, I heard the Premier suggest that opposition members bring in old Hansards and cite quotes. Well, what have we heard the Minister of Economic

Development do on nearly a daily basis for years now? That's another example to prove the point. Anyway, I think the need for this motion today was inspired by the government's lack of progress in advancing legislative renewal in the territory. I'd like to bring this back to the roots. I recall when the government gave a contract to somebody to develop options for legislative renewal. When that report was brought in, it was held up as the pathway to avoid larger changes in this Assembly. The government held it up as the reason not to take larger action. The government at the time said, "We're going to be pursuing this." There was a subsequent motion that led to the formation of this all-party committee. That's a backdrop to the information I just put on the record. Here we are — some five, maybe six years later and nothing has been done. What a shame. Another lost opportunity.

Okay, let's just run down the list very quickly. On electoral reform — the Liberal Party is committed to working with Yukoners to assess the interest in electoral reform. We do not have a preconceived course of action. In fact, our last election platform included the statement "establishing an independent and representative citizens' commission on electoral reform, with a mandate to research various options and to inform as well as consult the public." Further to that, we undertook to strike that commission within 12 months of assuming office. Our commitment to electoral reform was clear to the Yukon people.

On the second matter of whistle-blower legislation, this is much like the Yukon Party's foot-dragging on legislative renewal. I'll defer to my colleague from Porter Creek South, who has gone to the extent of tabling in this House our own whistle-blower protection act.

Three, public consultation — Yukoners really do deserve to have a voice in government policies and activities. The consultations must be undertaken, but it's just as important to ensure that the public's recommendations are acted on. Does that always happen with this government? Not a chance. I recall one of the first instances when the Alsek Renewable Resource Council made a recommendation on caribou in the Kluane region. The Environment minister at the time completely ignored them and ordered something completely different.

More currently we see the government's dismissal of the Peel land use planning commission. What about the *Climate Change Action Plan*? The government received more than 100 individual submissions.

What about achieving the targets in the *Climate Change Action Plan*? It has been more than two years, and the government has done nothing. That's not listening to the results of public consultation. What about the 2008 health care review, which involved public consultation? Did this Yukon Party government consider that public feedback before it unilaterally declared there will be two new hospitals built in Watson Lake and Dawson City, which will mortgage Yukoners' future? No. This government prefers, instead, to either consult on the less meaningful issues and make the more meaningful decisions itself or to reject the public's feedback. That's not true public consultation.

On the fourth aspect regarding lobbying rules, we must have an open mind on the issue.

We introduced in the past campaign a code of conduct. What has this government done instead? Well, again, the answer is nothing. On appointments to boards and committees, we know the present process isn't working properly. The all-party committee is essentially driven by the government side's majority. The committee's decisions are rubber-stamped on what has already been decided before the meeting started. That is not appointing members to government boards and committees in an open and accountable way in the public interest.

What about dispute resolution — point number 6 — well, this government's actions clearly prove it prefers litigation to negotiation. It keeps winding up in court with Yukoners at a great cost to the government and the individuals involved. Just recently the Justice minister admitted she spends about \$5 million a year fighting these court battles. Mr. Speaker, \$5 million a year. Just think about how that money could be better spent in our territory.

Over the years, the government has been in court with the francophone school board, the Yukon Teachers Association, Kwanlin Dun First Nation, Ta'an Kwäch'än Council, outfitters and everyday Yukoners, to name a few. A dispute resolution approach might do wonders, not only for resolving these disputes but decreasing the cost to the taxpayers.

On the *Municipal Act* and upholding the provisions of referendum, there have been several issues over the years that demonstrate the need to revisit this issue. Most recently, we had the local improvement charges on Black Street and, as a side note, it was interesting to see that even the Yukon Party candidate realized this was an issue, yet the Yukon Party doesn't recognize that and refuses to take action on this aspect of the *Municipal Act*.

The *Municipal Act* is a very comprehensive act, containing several clauses, and it's routinely updated in this Assembly every two or three years. It's high time this government brought it back, but it's too late. This is likely the last sitting before an election. This government has allowed the clock to run out before doing anything on this matter, just like it has with several other legislative needs out there of importance to Yukoners.

The Yukon Council on the Economy and the Environment — we heard some references to how the Yukon Party has essentially starved it by refusing to nominate members to this important council. This important council is mandated in legislation.

This government should have the courage to stand up in this Assembly and bring forward an amendment to that legislation to disband it, instead of engaging in this less up-front approach that essentially turns the whole council ineffective. Essentially, that's what it has done. But this government can't muster the courage to do that. I believe that would have been an important debate. Well, again, it's another problem for a future government to try to resolve. Finally, the Yukon Forum — it should be used in the spirit in which it was founded. The government needs to revisit this and meet with First Nations at the forum and not in the courtrooms. But again, I think it's too

late for this government. It has lost the trust of the First Nations and the public and that's why people are looking for their opportunity at the polls later this year. Thank you.

Mr. Inverarity: I am privileged to rise this afternoon to speak on this Motion No. 1331, brought forward by the Leader of the Third Party. There has been a lot of discussion this afternoon around the nine points that have been put forward, and I find that listening to the debate this afternoon has been enlightening — I would have to say colourful to some degree. Certainly, it has generated a lot of debate here as to how things are conducted within this Legislative Assembly, and it would be easy for me to probably go through these nine points, as has been done by the previous members who have spoken to this, this afternoon. But I'm somewhat concerned about the motion following this one, if we can get to it. My concern therefore is that I'm going to address more clearly one specific aspect of the motion and drill down and focus on it at the moment.

I'm doing that for a number of reasons. One, it was brought up by the Leader of the Third Party. Clearly, it's part of her motion, and I think I can do justice to the motion by discussing it in some depth here. The point I'm referring to is point (2), "act on the clearly demonstrated and long-overdue need for whistle-blower protection legislation". I realize that, depending on how the afternoon goes, I may be repeating myself later this afternoon, but I think it's important that the issue be raised in this context.

Clearly, the need for whistle-blower protection is long overdue. I agree there is a need for whistle-blower protection legislation, and I agree that it is long overdue. After two terms in office, this government has utterly failed to deliver on its election promise to bring forward whistle-blower protection legislation.

This government is fond of criticizing the opposition for doing work this government should have done, but won't. We saw that with the *Human Rights Act* amendments. The government was highly critical of our efforts to update this act and then went and did it anyway.

Getting a secure, reliable driver's licence for Yukoners was another example of this government being forced to do something right for Yukoners after severely criticizing the opposition for wanting to get it done — another example of the Liberals bringing forward constructive issues and constructive concerns of Yukoners.

The prize for bringing forward incomplete, half-baked legislation goes to this government. In spite of all of the time and resources available to the government, the *Civil Forfeiture Act* was tabled without public consultation. The legislation ignored the significance of our human rights and completely failed to protect innocent Yukoners against inappropriate government action. If the government did make a mistake in its pursuit of civil forfeiture, the only remedy offered by the Justice minister was to sue the government for damages.

It was this government that drew a mob of angry protesters over legislation that was incomplete and poorly thought out. There have been no public protests over this legislation that we

have brought forward. There have been no protests here today telling the government to stop progress on whistle-blower protection legislation. If anything, Yukoners support the development of whistle-blower protection. Yukoners want this government to get on with developing proposed legislation so the public has some idea of what the government has in mind.

The only recent example of half-baked legislation we have is Bill 82, *Civil Forfeiture Act*. It was brought forward by this government, not by opposition. The need for whistle-blower protection legislation here in the Yukon is very real. I get calls every day — maybe not every day, but a few times a week — from individuals who would like to discuss problems that they experience in the government. They would like me to bring their issues forward, but I can't because they fear for their job.

The delay in developing whistle-blower legislation rests with the Select Committee on Whistle-blower Protection. The committee was never supposed to deliver legislation, but as we have heard so often from members opposite, the government is not prepared to debate the substance of whistle-blower protection legislation before the select committee completes its final report. The Select Committee on Whistle-blower Protection has run out of time. This is likely the last sitting and before the next election, if the committee was going to table its final report, they should have done so by now. However, we look at that and, in spite of all that, we can still move forward and move toward and move ahead to implement whistle-blower protection with the information and recommendations that we already have. These recommendations are all on the website for us all to view. I think that the committee had tried its best over four years. They've certainly gone out and done some consultation with people. They've put some stuff on the Internet.

But when you only meet a few times over a period of four years, it is hard to get the job done. Proposed legislation has been tabled in the form of Bill 112. It was brought forward in response to submissions made to the Select Committee on Whistle-blower Protection. It has proposed legislation that deals with how whistle-blower protection can be implemented in the Yukon. Recommendations to the select committee made it clear that the concept of whistle-blower protection was supported in principle, but without proposed legislation that clearly explained how whistle-blower protection would be implemented, respondents were not prepared to make a firm commitment of support. In short, Yukoners want to see the beef before they accept the menu. The proposed legislation needs to be an integral part of public consultation. It is not enough to ask Yukoners if they want whistle-blower protection. As the recommendations indicated, the government needs to propose a whistle-blower protection regime, and then ask Yukoners if that is the one they want.

Bill No. 112, *Disclosure Protection Act*, will empower conscientious Yukoners with the ability to speak out against wrongdoing if they wish to do so and be protected against reprisal if they choose to do so. The bill calls for a clear process for disclosing wrongdoings, assigns responsibility for investigations to the Ombudsman and identifies labour unions as the most appropriate advocate to protect employees against reprisal. Does this whistle-blower protection regime work in other

jurisdictions? I believe so. It seems to work quite well in some. Will it work as well in the Yukon? We don't know that yet. We won't know until Justice officials have had a hard look and the public has been consulted. We agree that there is a need for whistle-blower protection legislation and it's long overdue. We want the government to act on a clearly demonstrated and long overdue need for whistle-blower protection legislation.

To that end, we have tabled proposed whistle-blower protection legislation, which is far more than this government can claim. We need to do all we can to provide Yukoners with a mechanism for disclosing malfeasance when it occurs and protecting them from reprisals if and when they do step forward. Legislation has been tabled that goes a long way toward achieving this goal and that is the bill.

We need the government to engage in this issue and to work with us on it. Or, we simply wait until after the next election and then we'll do it ourselves. I said earlier on that I was going to address just the specific issue around whistle-blower legislation and I think that without getting into a lot of detail — for I hope that we'll get to the actual bill later this afternoon — I think it's important for us to make sure that we identify and we see the real purpose behind this. It's to protect Yukoners. It's to protect Yukon employees, but it's not just Yukon government employees that are protected.

It stretches well beyond that, so that any individual, any Yukoner, who sees a need that he or she can identify that requires it be brought forth to the Ombudsman, then they can do that. I think it's important that we look at these issues in light of that. To be honest, I find that as we get through the afternoon motion, I'm going to stop pretty soon, because I would like to see my bill brought forward, in which case, I will go into a lot more depth on each of the issues made up in my bill. I look forward to further debate on this one as we move through the afternoon.

Mr. Mitchell: Well, I've been listening with a great deal of attention this afternoon to the debate — to the some hour-long opening comments by the Member for Whitehorse West and also — excuse, for Whitehorse Centre.

I had better check compass — the Member for Whitehorse Centre who brought this forward; the comments from the Member for Pelly-Nisutlin, who seemed to be quite worked up over some of these issues; and the comments from my colleagues, the Member for Kluane and the Member for Porter Creek South. I would be interested in listening to comments from more members from the governing party, such as the Premier and others, but they seem to be singularly disinterested in entering into the debate. That is unfortunate. It is disappointing — because a debate is what it should be.

When I look at Motion No. 1331, the first line on the Order Paper says it all: "That it is the opinion of this House that the democratic deficit is growing in Yukon." It goes on to give some examples and some areas where there is a need for improvement. You know, as the Member for Kluane and the Member for Porter Creek South both alluded to, across the world today we see people risking their lives in pursuit of democracy that they have never known, but clearly yearn for. For

those of us who have the privilege to live in Canada, we should never take democracy for granted, because to ignore it is to risk losing it.

As elected members we are charged by the electors to be vigilant in democracy's defence. Democracy is not just vulnerable to being overthrown by a coup or by invasion from outside. It is also vulnerable to insidious erosion from within, and that is what this motion is intended to combat.

The Premier apparently wants to speak, so I look forward to him speaking to it in the not-too-distant future. He can take his 20 minutes.

Let's look at some of the points that have been raised. Well, the first bullet addressed the public's growing desire for electoral reform. You know, it's actually quite interesting that although there are some people who have been interested in electoral reform for decades — in fact, the former government leader, Yukon Party government leader, the late Mr. Ostashek became quite interested in electoral reform. But, really, it's during the two terms of this Yukon Party government that this movement has actually grown, found traction, and attracted more and more people to become involved.

We can only imagine just how loud the outcry would be if they were to ever win a third term, because then it would probably be a very loud outcry indeed.

The Yukon Liberal Party is committed to working with Yukoners to assess interest in electoral reform. We don't have a preconceived course of action. In fact, our 2006 platform said: "Take action by establishing an independent and representative citizens commission on electoral reform with a mandate to research various options and to inform, as well as consult, the public." Since the Premier is always asking what's in the Liberal plan, we can tell him. The Liberal government would strike that commission within 12 months of assuming office. Now, we know that there is a local group that has worked for several years on this issue. I've been to a number of their meetings and presentations. They have a particular proposal.

We don't endorse any one proposal; we think that it would only make sense for any government to strike a commission, go out and seek the opinion of Yukoners, then come back, give that report back to the Assembly and let the Assembly deal with that information at that time. We know early in its mandate this government appointed a commission of one to go out and seek input. That person came back and said the public wasn't interested in electoral reform; they were interested in legislative reform. Well, it's interesting that that was the conclusion, because did we see this government then move forward to do legislative reform to reform how this Assembly works? No, what we saw is this government continue to not call meetings of the Standing Committee on Rules, Elections and Privileges. If anything, they went the opposite way of the recommendation that they had received. What we have heard now clearly from people, and we are sure that the government side is hearing it too, is that more and more people are interested in electoral reform. That can only be as a result of a democratic deficit that they feel they have received from the government that they have now.

When it comes to whistle-blower legislation, we did bring forward a draft bill. It is based on the bill that is in place and apparently working well in Manitoba. My colleague, the Member for Porter Creek South, has already spoken to it at great length, so I'm not going to do so now, because he has covered at least talking about why it hasn't come out of the committee and what needs to be done. What I will say, since the government is constantly chastising members on this side for bringing forward legislation without going to public consultation — I would say it's our job as legislators to bring forward legislation that we think would improve life in Yukon. But what authority or budget would any opposition party be using to do extensive public consultation? That is the government's job. When we bring forward bills, there are two purposes: to try and push government to do the extensive public consultation, which they say should be done; or to indicate that we will do that consultation if we're elected to government. Then we have the tools of government with which to work.

In speaking about public consultation, the Member for Whitehorse Centre gave some examples of public consultation. Yukoners do deserve to have a voice in government policies and activities. Consultations must be undertaken, but it's just as important to ensure that the public's recommendations are acted upon. That doesn't always happen with this government.

For example, the Peel Watershed Planning Commission incorporated input from hundreds of individual Yukoners and a wide range of organizations before coming forward with its recommendations. The government has said they got it wrong. They said it quite straightforward and strongly that they disagree. Most recently, we saw the government participate in a news conference to release the report on severely intoxicated persons at risk, and also the report on policing in Yukon, while simultaneously announcing a partial solution that directly contravened the recommendations in the report they had just released. They actually called a news conference and presented a report that talked about the need to address the problem of severely inebriated persons at risk as a medical and health issue. The report specifically says this should not be treated just as a justice or a criminal issue. What did the government do? They took that opportunity to announce that their solution was to build an addition to the Whitehorse Correctional Centre to house the secure assessment centre.

The Premier says, and said just the other day, the drunk tank is a thing of the past. Well, it's actually still a thing of the present, because the new centre is not open — but hopefully, it will soon be a thing of the past. However, we're not sure that it will be across Yukon, because in rural Yukon, people who are severely intoxicated will still be brought to the local equivalent of a drunk tank, since there isn't an alternative in every community. Of more concern is the fact that this only continues to treat it strictly as a justice matter. The Premier said it's not just a justice matter, it's a health matter, because there will be medical personnel on-site. Attaching it within the fence line of a prison to the Correctional Centre clearly sends the message that it's a justice matter. That may be appropriate for those people who have been apprehended by the police, but is that where people are going to take their friends and their

neighbours and their family members when they need help? Is that what they're going to want to do? Is that the message for the people themselves, that they are at least attached to a prison, if not in one? There's an example of the government seeking advice, getting very good advice from the two co-authors of the report — Chief Allen and Dr. Beaton — and then proceeding to merrily go down the path upon which they had already decided.

There are a lot of additional areas I could talk to, but I know I won't have time to talk to them all. We've seen the government ignore recommendations from all kinds of non-government organizations that have done a lot of work. I see on my colleague's desk that he's reading *A Home for Everyone: A Housing Action Plan for Whitehorse*. I hope the government won't ignore that report. We've seen they have been very reluctant to deal with the findings of the Northern City Supportive Housing Coalition, in terms of having supportive housing.

When it comes to lobbying rules, we have an open mind on this issue. We do have a number of questions and concerns that would have to be resolved first. How do you define a lobbyist? Government frequently meets with representatives from major companies, corporations, as does opposition. We don't see those people as lobbyists. We see them as presidents or officers of corporations. We are not sure if the mover of the motion intends to put new requirements on those people as well in those kinds of meetings, because we see that as the job of government and, indeed, of opposition.

We would need to know what Yukoners think before we were to create new rules about lobbying. Consultation must be undertaken first, but we would listen to the consultation as opposed to the government, which doesn't.

When it comes to appointments to boards and committees, we think that the current process isn't working, not because it can't work but because the government isn't desirous of seeing it work. We think that we should not have a problem if the Standing Committee on Appointments to Major Government Boards and Committees was treated like an actual decision-making, recommending committee. But the government members show up there with a decision already made.

In fact, there have been times, I understand from my colleague, when there hasn't even been resumés presented for a number of the people whose names have come forward — just the ones that the government has already decided to support. That's not consultative. No one wants to be part of a rubber-stamp process. MLAs who go to these meetings want to be actually in a position to have their input considered. But I don't believe I've ever heard back from my colleague from Porter Creek Centre that he has gone to one of these meetings and proposed somebody different from the person the government was proposing to ever see that person's name be the one selected. I know when I have substituted for him at some of those meetings that is the way it has been.

Some Hon. Member: (Inaudible)

Mr. Mitchell: Porter Creek South. The meetings have been respectful, but they have not actually entertained any meaningful input from opposition members. You know, we think that there are even other areas where this government has

demonstrated that a democratic deficit is growing in the Yukon. We think there are other things that could be included.

As a result, I would like to propose a friendly amendment and I will read it into the record.

Amendment proposed

Mr. Mitchell: I move

THAT Motion No. 1331 be amended by making the following changes: after the word “envisioned” in clause (9), delete the period and add:

(10) several other unilateral actions by the Yukon government that have added to the democratic deficit, such as:

(a) refusing advice from opposition members despite promising to work collaboratively and cooperatively with all members of the Yukon Legislative Assembly;

(b) refusing to be open, accountable and fiscally responsible, despite promising to do so;

(c) using its majority in the House to dictate the agenda of the Assembly and to invoke closure on debating matters of public interest that are brought forward by opposition members;

(d) refusing to follow the *Financial Administration Act* when investing public funds;

(e) refusing to respond to more than 50 motions for the production of papers that are currently on the Order Paper; and

(f) refusing to allow for the Auditor General of Canada to appear before the Legislative Assembly.

Speaker: The amendment is in order. It is moved by the MLA for Copperbelt:

THAT Motion No. 1331 be amended by making the following changes: after the word “envisioned” in clause (9), delete the period and add:

(10) several other unilateral actions by the Yukon government that have added to the democratic deficit, such as:

(a) refusing advice from opposition members, despite promising to work collaboratively and cooperatively with all members of the Yukon Legislative Assembly;

(b) refusing to be open, accountable and fiscally responsible, despite promising to do so;

(c) using its majority in the House to dictate the agenda of the Assembly and to invoke closure on debating matters of public interest that are brought forward by opposition members;

(d) refusing to follow the *Financial Administration Act* when investing public funds;

(e) refusing to respond to more than 50 motions for the production of papers that are currently on the Order Paper; and

(f) refusing to allow the Auditor General of Canada to appear before the Yukon Legislative Assembly.

Leader of the Official Opposition, you have about four and a half minutes to speak to the amendment, please.

Mr. Mitchell: Well, refusing advice from opposition members despite promising to work collaboratively and cooperatively — we’ve seen this again and again. We’ve seen it when motions have come forward. We’ve seen it when questions have been asked in this Assembly for the government to

work toward making improvements. We’ve seen it when we’ve urged government from this side of the House to work with non-government organizations toward effecting needed services in Yukon, and we’ve seen it when we’ve tried to make small amendments to bills and to motions from the government side.

I think in all the time that I’ve been here, the government has allowed one or maybe two amendments that I’ve brought forward to their motions to see the light of day and certainly nothing to a bill. We tried to move a number of amendments to the new *Children’s Act* that would reflect the concerns that were being expressed by First Nations, and every one of them was shot down. We tried to work, as did the Third Party, toward allowing a representative of First Nations — the Grand Chief — to simply address this Assembly to express their concerns while we were looking at the new act. Again, not a chance.

Between actually bringing forward ideas — I know I brought forward the idea in the fall of 2005 of the importance and the benefit that we could gain by putting in a system of medical bursaries and tuition forgiveness. The Minister of Economic Development, who was then the acting Health minister, mocked it, said it was unworkable and that it would take seven years to grow a doctor. They did finally bring that one back, but they couldn’t simply say, “That’s a good idea. Let’s work together on it.” It had to be ridiculed, chastised and ignored for an appropriate period of time before the government could come back and say, “Look what we invented.”

In terms of other good ideas, the Member for Kluane some three and a half years ago tabled a bill on net metering. The government said it was just a partial solution. They were looking at a much bigger policy. It would be more all-inclusive. It needed to be vetted by the Department of Justice. Did they offer to work with the Member for Kluane, seek his input and say, “These are some good ideas that you’ve brought forward. Let us have us and the opposition work together to bring this forward.” I daresay, it might have occurred in less than three and a half years, had they done so. Instead, three and a half years later, they have finally announced a draft policy, and a flawed one at that.

Using its majority in the House to dictate the agenda of the Assembly and to invoke closure on debating matters — how many times have we seen motions brought forward by the Third Party or ourselves and the government simply says: I move debate be adjourned.”

Refusing to follow the *Financial Administration Act* when investing public funds — well, the Auditor General keeps pointing that out and the government keeps ignoring it. Refusing to respond to more than 50 motions for the production of papers that are currently on the Order Paper — how difficult would it be to actually respond to some of those motions? We are not looking at the Pentagon Papers here. These are documents that belong to Yukoners, but they can never come forward. Refusing to allow the Auditor General of Canada to appear before the Legislative Assembly, which was called for by the Third Party, the Premier said, when I was reading this out, “We did. She appeared.” Not in open Assembly in front of the

public, only in front of members. So I will call on people to support these amendments, because I think they add to the motion as presented, and I look forward to hearing others in the debate.

Ms. Hanson: I rise in support of the amendment. I think it does provide further illustration of the issues that give rise to this increasing sense of a democratic deficit in this territory. They are clearly illustrative of that deficit. In particular, (10)(c) in this amendment should be of particular concern to this Yukon Legislative Assembly, to all members here, because I believe — and some may call me an idealist — that we are elected to represent all Yukoners and that representation demands that we engage with each other in respectful debate. Debate is not positions; debate is not standing and reading the document from last week or the week before, but it's actually thinking about the ideas.

I understand the intent of this amendment and I would urge the other members of this Assembly to support it as well.

Mr. McRobb: Well, I rise this afternoon in total support of this proposed amendment to the motion. I believe it enhances the original motion and I accept the Third Party leader's willingness to incorporate our input and have her motion amended.

This motion is all about the growing democratic deficit we're currently experiencing in the Yukon. The motion, as it was worded, substantiates that proposing Bill 108, *Legislative Renewal Act*, would propose a number of democratic measures to change the system of governance and how this Assembly operates in the future. So, good stuff, Mr. Speaker.

We've already talked about this government's lack of a response with respect to Bill No. 108. I feel there is no need to repeat what is already on the record.

The motion also pulls out nine parts of Bill No. 108 to provide further elaboration of this growing democratic deficit Yukoners are currently experiencing. But does the motion holistically address the growing democratic deficit by identifying all the good examples? The answer to that question is no, and that brings us to the need for this amendment this afternoon.

This amendment identifies six additional items. We in the Official Opposition, and also the Third Party, as you've just heard, strongly feel the need to be included in the wording of this motion. Let's go through the list of those six items.

The first one reads, "(a) refusing advice from opposition members, despite promising to work collaboratively and cooperatively with all Members of the Yukon Legislative Assembly."

I should preface these six points with the overarching preamble that reads: "(10) several other unilateral action by the Yukon government that have added to the democratic deficit, such as" — then we get to (a) that was just read on the record.

Well, let's look at some examples of this refusing advice. Just yesterday afternoon in this Assembly I believe I heard the Premier declare he would never accept advice from the NDP. We, in the Liberal Party, the Official Opposition, have heard similar declarations from the Premier and his colleagues in the

Yukon Party government, but let's examine what he said. "To never accept advice" — those are strong words and those strong words represent a total contradiction of the mandate this government received from the voters. This government was elected on the pretense of working collaboratively, cooperatively — and there's a third "c" word, I think it was "constructively" — with all Members of the Legislative Assembly.

But when the rubber hits the road, Mr. Speaker, the government has dictated that it will never accept advice from other members in this Assembly. Therefore, this is clearly yet another example of the growing democratic deficit Yukoners are experiencing.

Let's move to item (b): "refusing to be open, accountable and fiscally responsible, despite promising to do so." Let's address the promise first. In the past Yukon Party election campaign platform, there was actually a section entitled "Open, Accountable and Fiscally Responsible" — an entire section under that heading, with several commitments to indicate particular aspects of that principle would be followed by this government. Mr. Speaker, I don't have enough time this afternoon to recite the long list of examples that would clearly indicate that this is yet another contradiction of the mandate this government received from the voters and is further evidence that proves Yukoners are suffering a growing democratic deficit. But what are some of the examples?

Here's a recent one: I asked questions last week on the YDC bonds and where those monies can be indicated in the government's budget. It's a rather simple formula; the Premier even admitted it was. Yet the line item is \$1 instead of the estimated \$4.3 million that should be in the budget somewhere.

Is that open and accountable? Is it fiscally responsible? When the government knows the real figure is in the neighbourhood of \$4 million or more, to enter a \$1 line item is yet further evidence the government is not willing to uphold its promise to the people to be fiscally responsible.

Further, we've introduced a notice of motion asking the government for documentation on the schedule of payments over the 30-year life of this loan. But the government has refused to provide it. Is that open and accountable? Not a chance — not a chance.

Going back to the Premier's parallel negotiating process to sell out Yukon's energy future to a private company from Alberta, we asked this government for documents, and it agreed to provide these same documents. We are still waiting years later for those documents. Is that open and accountable? Like I said, there simply would not be time to go down the whole list, but there are a couple of good examples.

Let's look at item (c): "using its majority in this House to dictate the agenda of the Assembly and to invoke closure on debating matters of public interest that are brought forward by opposition members." How many times have we seen a motion brought forward in the public interest, or a piece of legislation, a proposed bill, where government invoked closure on debate, using its majority to dictate the outcome of those matters in this Assembly, instead of allowing those matters to be democratically debated.

The answer, unfortunately, is: too many times. The government will pronounce that it is democratic, and it will pronounce that the opposition parties dictate the agenda in the House and so on and so forth. But when the rubber hits the road, we know differently. It is the government that dictates the agenda in the House. If not, then why doesn't the government simply allow these matters to come to a natural conclusion after full debate? Well, there is another term I've heard the Premier use — "full debate". Well, it's not very often that we get full debate on issues that we bring forward. Here's an example today: none of the Yukon Party members over there, with the exception of the Justice minister, has anything to say on this important motion this afternoon. Don't they recognize the importance of democracy in the territory and how it's being eroded? Does no one else have anything to say on this motion this afternoon?

It's rather surprising, given the record of this Assembly and the desire by members to get on the record and speak extensively on matters at hand, or even perhaps, from time to time, matters extraneous to the subject matter at hand. So one would have expected the Yukon Party members to be up to the challenge this afternoon, to step up to the plate and contribute something of substance to the debate. It really is surprising.

Anyway, back to clause (c) about using the majority and dictating the agenda and invoking closure and so on. I'll try to recall an example or two. One would be the *Yukon Energy Corporation Protection Act*. What happened there? That was introduced about one and a half years ago and the government side responded and then invoked closure before members could be heard on that proposed bill. In fact, the Third Party didn't get an opportunity at all to speak to that bill. Why were the Third Party and other members in this House prevented from their duly elected right to speak to a matter being debated in this Assembly? The answer is because the Yukon Party invoked closure on the debate, instead of having a full debate. The Yukon Party invoked closure, so that's a good example.

We saw another example recently on the Yukon Housing Corporation bill that I proposed, where the government side treated that in a similar manner. That's not democratic. Let's go back a little further, as the Member for Copperbelt recollected, to the net metering bill. In the fall of 2007, this was introduced. What happened? Well, it wasn't closure, but it was the next thing up on the list, which is essentially talking out the bill. That technique is also known as filibustering. It was talked out to the end of the day, because the first responder under our House rules has unlimited time to respond. All members were treated to a two-hour speech by the Energy minister, even though my introductory speech lasted 35 minutes.

We heard a circulatory argument, round and round, about an example from Manitoba. I believe the Energy minister at the time mentioned it at least half a dozen times. Did I ever get a chance to respond to that and point out how his reference was to an old act, which had since been replaced in Manitoba with a new net metering bill? No, and the reason is that the government side monopolized the time of debate and wound down the proceedings to quitting time, thereby preventing other members from entering the debate. Well, is that democratic? No, it's not.

It's a further example of the growing democratic deficit in this territory and it's another example of why changes need to be made, not only to the rules of this Assembly, but changes to the liberties a government takes in the name of democracy.

Somebody needs to send a jolt to the government of the day and remind the government of the day they are there to serve the public, not to take advantage of rules for their own members' benefit in this Assembly, whether that benefit is political or whatever. That brings us back to the need for this to be addressed. Of course, this further substantiates the need for this amendment to the motion.

Let's move on to part (d): "refusing to follow the *Financial Administration Act* when investing public funds". I don't have time this afternoon to put on the record the whole story to justify this point, but let's just say there are 36.5 million reasons that justify part (d) in this amendment — case closed.

Let's go to part (e): "refusing to respond to more than 50 motions for the production of papers that are currently on the Order Paper".

There used to be an understanding among members of this Assembly that when an MPP was read on the books, the minister responsible for the area of interest would take it as a signal to respond with the information requested. Has this government continued forward with that tradition? Has the Yukon Party felt any compunction at all to respond to those types of information requests put on the record? The answer is no, and that is why the number of outstanding MPPs currently stands at a disgraceful number of 50. This is unbelievable, and again, this is the same government that promised to be open and accountable and has patted itself on the back on several occasions to say that it's open and accountable. Well, these 50 MPPs are 50 good reasons to dispute such proclamations and 50 good reasons to further justify why this amendment should be supported this afternoon.

Finally, we move to part (f): "refusing to allow for the Auditor General of Canada to appear before the Legislative Assembly". This is another recent slip in democracy. I acknowledge my time is almost out. I just refer people to *Hansard* on that. Over all, I call on all members to do the right thing and vote "agree" to this amendment and "agree" to the motion, and we'll move on.

Mr. Elias: It's a pleasure to engage in the debate today with regard to this motion to amend the motion from the Member for Whitehorse Centre. I'll focus on a couple of things I think are relevant to the debate today, and that's with regard to promising to work collaboratively and being open and accountable. I'll use some examples that I've experienced over the last five years being in the Legislative Assembly and focus on some constituents' issues, some Yukon-wide issues with regard to my critic areas and some of the ideas and initiatives that we on this side of the House, in the Official Opposition, felt could benefit and make Yukoners' lives that much better. I'll begin in the Department of Environment.

Being the Environment critic and advocate for a couple of years now, we brought a lot of issues to the floor of the House to which we expected to get a better reception from the gov-

ernment — to work collaboratively to get these initiatives implemented. One of them, a couple of years ago, was this issue with regard to a Yukon-wide trap exchange, as part of revitalizing one of the oldest industries in our territory. Many Yukoners felt that doing something like this would not only help individual trappers produce fur and to do it within the new trapping guidelines, it would help with a lot of other things, like rural income, when needed, during the tough winter months and other things like the Yukon-wide harvest support program. A report was done. It was very well done and expressed the question of whether there was a need for a harvest support program in the territory. Recommendations were that, yes, this is something that could be done, in collaboration and partnership with various orders of government, to achieve a lot of objectives. That was out of the *Umbrella Final Agreement*. Many Yukoners felt that was a good suggestion but, again, trying to work collaboratively with the government didn't bear any fruit.

I'll change departments here. One of the departments was the Women's Directorate. Over the years, I've been advocating for a collaborative effort with all government departments, our partners and various levels of government to reverse the statistics that have been there for far too long and try to do something in collaboration for violence against women, violence against aboriginal women.

As I look at the main budget that we have in front of us today, those statistics of spousal violence are up by the hundreds. That is concerning — very concerning to me. Was the collaborative effort — coordinated effort — from government departments looked upon as favourable by the government? No, it wasn't. That's why we bring amendments to motions like this on the floor the House. It is because we feel that these are good ideas. The government doesn't.

Another issue that I brought up was that I feel that all levels of government have a responsibility and have a role in revitalizing the aboriginal languages in our territory. The responsibility, I feel, is with all orders of government, from the individual right up to elected officials and everybody in between.

That was another initiative that I brought forward as a motion that wasn't accepted by the government, so that is why we put this motion to work collaboratively with this side of the House. I think it would bode well not only for the territory's citizens, but for the country, to show that party politics in the Yukon is pretty impressive when they can work together.

I'd like to talk about the democratic deficit and legislative renewal and electoral reform and dispute resolution as well in the main motion, because I do have some ideas to put forward to put on the floor of the House for debate on those topics as well.

Another thing that I brought forward and I didn't get a good reception — I've done this several times — is this issue of the Yukon government working to canvass our citizens to discuss these chemical concoctions of energy drinks. I feel that they should be treated just like alcohol and tobacco. I don't think they should be in the hands of anybody under the age of 18 years. I think they shouldn't be allowed to be possessed in schools. I think that all government sport functions should not

allow these energy drinks to be advertised or consumed or anywhere near sports.

I think momentum is growing across especially North America with the thousands of reported cases now of adolescents, teenagers and youth as young as 10 years old ending up in the hospital with heart palpitations, and parents whose children have actually died saying they feel they've died as a result of consuming energy drinks. When I bring things like this to the floor of the House, hoping to work collaboratively in an open and accountable manner with the government, it is very difficult to do, even though parents and Yukoners come into my office and give me encouragement not to give up on issues like this.

Is it necessary to put forward amendments to motions on motion day like this? Absolutely it is, to bring light to issues that we're not going to give up on, that we stand for. We hope not to get rigid reactions or dismissive behaviour, but we do, so it's necessary to bring these kinds of ideas forward.

Some constituency issues: I've tried to demonstrate a need several times with regard to what my constituents feel is a simple thing like the policy of getting our secondary school or high school students, who have to travel from Old Crow to the capital city, back for two holidays. Our community thinks that's a good investment. We don't have a high school in Old Crow. The system basically forces the students from Old Crow to leave, if they want to get a high school education. To me, that clearly falls directly as a responsibility of the Department of Education. I tried to demonstrate that need time and time again, and it was met with no collaboration at all, very little openness. That's disappointing.

One of the other issues in the environment — just recently asking the government to be accountable with regard to something that they said was one of their top priorities — was the *Climate Change Action Plan*.

It was two years ago that they committed to Yukoners that they would develop and create targets in consultation with a broad range of Yukoners. They came up with the Yukon government's *Climate Change Action Plan*. I looked at that plan. I read that plan. I just simply asked the government — the Minister of Environment — are these targets being met? Again, was there any collaboration or open and accountable responses from the government? No. I had to ask I believe it was nine separate questions in Question Period to actually start to begin to get somewhere, but I still never got any definitive answers as to whether or not they are meeting those targets in the *Climate Change Action Plan* that they committed and promised Yukoners they would do. I thought it was a simple thing. I thought it was a simple case of the minister just reading a briefing note. But it wasn't. That's not collaboration. That's not accountability. That's definitely not openness.

You know, when I get on the floor of the House — I stand up on the floor of the House — I bring these issues because that is what I expected. Coming from Old Crow, I am a disciple of consensus-style governance and that is the way I was raised. We talked things out until we found an amicable solution. Being the MLA for Old Crow, this type of democracy was foreign to me at the beginning, but I still expected elected members to

perform and to work together in openness and accountability. It was quite disappointing and I had to change my ways of getting things recognized and accomplished — silent tact and diplomacy come to mind.

Anyway, again, I appreciate the Member for Whitehorse Centre bringing the original motion forward and her support for the amendment to her motion. I think that this amendment actually enhances the original motion; therefore, I'm going to support this motion.

Mr. Inverarity: It gives me great pleasure to rise this afternoon to speak to the amendment to Motion No. 1331. I find the issue, as we look at this amendment, to be an issue around the democratic deficit. As we look at the six items we have added to enhance this main motion, I'd like to thank the Leader of the Third Party for bringing her motion to the floor. I'm particularly pleased that she stood and supported our amendment to this, because it does enhance it. It makes it a friendly motion.

When we look at the issue of democratic deficit, I'm reminded of something that happened to me recently. It goes to the issue of democracy and to the issues around what we're going to be talking about this afternoon on this amendment.

Recently I had a constituency meeting, and one of my constituents approached me to talk about the democratic deficit — didn't word it specifically that way. But he wanted an opportunity to speak at the constituency meeting and, as a constituent, I afforded him the opportunity. I wasn't able to do it that particular evening, and he was wondering if he could come back to the next constituency meeting that I had and open it up for further discussion around the meeting. I said, "Sure, you're a constituent; you can come and talk about just about anything you want with me."

The issue that was brought forward dealt with legislative reform and electoral reform and a couple of other broader issues, but specifically those. How it was couched, from my perspective, was not just making things better, but the problem and the reason it was being brought forward were basically because they were unhappy with what was going on in the Legislative Assembly. They felt that things needed to be changed. They felt that attitudes needed to be changed. As such, it was worth listening to and worth hearing about what these concerns were.

I have to say this individual is not alone. Over the past couple of years, if not the past nine years, we have continually butted heads, in terms of trying to get things done, get things progressed, and this motion goes to the heart of some of those issues we have. It's worth us looking into the matter as deeply as we can this afternoon so we get to the heart of it.

The first item we have in this particular amendment goes to refusing advice from opposition members. Frequently, I rise in this House and offer suggestions to the other side. I ask questions about issues of concern to both my constituents and Yukoners in general. Quite frequently, we get sloughed off with "not my branch", "not my department" or, particularly in budget debate, "That question is for the other member to answer; go to him." When we go there, we don't get an answer either because it gets sloughed back to the first minister.

One of the things government needs to do is to be open and accountable.

They need to be able to engage in debate with this Legislative Assembly forum and listen to the advice and the counsel that they get from members opposite. Yes, we have different points of view. There is no question about that, but that doesn't mean that the points of view are necessarily invalid. In fact, if anything they lend credence to the issues. I look at, for example, the *Civil Forfeiture Act* that was brought forward. We had a debate in December about it and thought that it might be worth looking at. Then when it was brought to the floor, one of the issues around it was certainly the issue of public consultation. I know that members are going to criticize me and the bill that I brought forward about public consultation, but the issue isn't the public consultation, it is what you do when you bring a bill before the House. We felt that it needed to have public consultation. The government felt that it didn't and that they had done all the consultation. They acknowledge that if they had gone out for public consultation and listened to individuals, they might have seen some of the errors that we saw within the bill. Certainly the motions and bills that we bring forward are worth debate within this. It is part of the process. One of the things that I learned about the steps that we go through within the Legislative Assembly where we do first reading, second reading and third reading is that between each of those readings, something is supposed to happen.

Part of that something is public consultation, or consultation with departments and with other individuals. The issue isn't bringing it before the Legislative Assembly; the issue is what you do as you go through the process to make it better.

What we're doing, as the Member for Vuntut Gwitchin has said, is about supporting debate. It's about listening to everybody and it's about not refusing advice, but accepting it. We need an open and accountable government, which is why item (b) is on the list here. We need a government that's prepared to listen to individuals; we need a government that's prepared to listen to the public; we need a government that's prepared to listen to the opposition. We don't get that; we have not had that in nine years. The opposition is the voice of the public, too.

Item (c) in this particular list that my colleague from beautiful Kluane referred to earlier deals with using the majority in the House to dictate the agenda of the Assembly and to invoke closure on debating matters. I've felt that firsthand. I've brought acts before this Legislative Assembly. The first one I brought in was a human rights amendment — simple, easy to deal with. What happens? Debate closure. Did things happen down the road? Thank God, yes, they did. But the government would not even go so far as to listen to and debate that particular issue. If it was just the once, one might be able to get away with it, but in fact the next act that I brought forward, which was an apology act, the same thing happened. I got up and spoke for my 40 minutes or however long it was. The Premier stood up and said, "Great job, Don, but I'm adjourning debate." Shut down, closed — I tell you that it sure jaded me, in terms of how the Legislative Assembly is supposed to work here. It's supposed to be cooperative. I know my voice has a bit of an edge to it as we speak here this afternoon. I didn't want to get

too worked up. I'm normally a calm, quiet, mild-mannered speaker. But what do I see here this afternoon? I see no one from the opposite side wanting to engage in any kind of debate on this issue — probably too embarrassed.

I think I am going to allow the other members here some time, but before I get into it, I think it is worth us talking about the *Financial Administration Act*. I think I would like to echo the words of my previous colleague here when he talks about the 36.5 million reasons why the *Financial Administration Act* was broken.

Mr. Speaker, I hear silence. I'm surprised. This is amazing — quiet from the opposite side as soon as we mention 36.5 million reasons why the *Financial Administration Act* was broken. Need I say more? The real abuse is when we table 50 motions for documents and what happens? Nothing. They end up in some big void.

One of the thoughts that crossed my mind here was, upstairs, somewhere in the government, there's a binder that has 50 notices of motion for the production of papers, buried somewhere, and someone goes through that and probably collated it and got all the papers and stuff, but they put them all together in a binder and there it is, never to see the light of day. It just goes on and on from here.

The biggest issue here and the slap in the face from this government was in refusing to have the Auditor General speak to the Legislative Assembly. That was an insult and it needs to be corrected.

Unparliamentary language

Speaker: Sit down, please. Just a gentle reminder to the honourable member, we ruled terminology like “slap in the face” out of order in the past due to its violent connotations. The honourable member has the floor. Just keep that in mind.

Mr. Inverarity: Thank you, Mr. Speaker, I'll keep that in mind. I apologize. Nevertheless, the issue is still embarrassing.

We knew in August about the Auditor General coming and the dates the Auditor General was coming. That knowledge and the ability for us to have her wisdom and counsel — I guess that goes back to this first amendment that we put here, which was refusing advice not only from the opposition, but from anybody. I'm really, really sorry about that.

I think that this amendment to the motion adds to the existing Motion No. 1331. It goes a long way to make it better. It was good that we had this discussion this afternoon. I'm glad I could have added my counsel and wisdom to the government in terms of what I think that they should do to have a more open and accountable government, but that's not to be. I know that it falls on deaf ears all the time, but I'll tell you something — there's an election coming and it's coming soon. Someone had better start listening, because I can tell you that after that election Yukoners will see blue skies and they'll see who's going to be running the government. I'm pretty certain it isn't going to be members on the opposite side. Thank you.

Mr. Fairclough: I'd love to speak to this amendment to the motion —

Some Hon. Member: (Inaudible)

Point of order

Speaker: Hon. Premier, on a point of order.

Hon. Mr. Fentie: Point of order, Mr. Speaker. The government side is so enraptured, we offer all our remaining time to the Liberal Party.

Speaker's ruling

Speaker: From the Chair's perspective, there is no point of order. The Member for Mayo-Tatchun has the floor.

Mr. Fairclough: Thank you, Mr. Speaker, for that ruling.

Quite often we hear that from the members opposite and that's why we brought forward this amendment to the motion. It's about how the government side should improve decorum in this House and we haven't seen that since the promise that they made some while back.

I would like to thank the Minister of Justice though, Mr. Speaker. She had enough in her to speak to the motion that was presented by the Member for Whitehorse Centre. We on this side of the House, and probably their team too, are all interested in where she will park her vote on this amendment. I thought that was a good line.

Why isn't the government side speaking to this motion? Well, it points out perhaps some faults on the government side. I hear silence from the members opposite.

I'm sure they've done their research about how they could perhaps rebut some of the points that have been raised by the Official Opposition — the Member for Copperbelt, who proposed this amendment, which adds to the motion. What about this one? I hear the Environment minister speaking up, so let's talk about a couple of things. One of them is being open and accountable. We have asked for that time and time again in this House. We have seen governments make decisions — rather, the Premier make decisions to the surprise of some of the ministers here. Let's take, for example, when the Environment minister was the Education minister, and he promised a school in Burwash. Well, it was overruled by the Premier and it certainly wasn't being open and accountable to the public at all. Let's take, for example, the building of the Carmacks school. There were demonstrations outside of this House. What happened, Mr. Speaker? Well, it was reported that the Education minister jumped into his vehicle — out the back door and around the back of the building and was gone. He wasn't going to face and be accountable to the public at all. The forfeiture act —

Some Hon. Member: (Inaudible)

Point of order

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

Mr. Nordick: I am surprised I even have to call a point of order for that personal comment. This is actually getting to the point where I am almost embarrassed to be part of this. The members are supposed to be speaking to the amendment, not personally attacking the members. This is ridiculous.

Mr. McRobb: If the Member for Klondike is embarrassed to be a part of this, then he should resign from the Yukon Party like the Member for Lake Laberge did.

Speaker's ruling

Speaker: From the Chair's perspective, of course, there is no point of order, simply a dispute between members. However, we have about 25 minutes left here, folks, so we will just carry on debate without attacking each other personally and we'll get through the day. The Member for Mayo-Tatchun has the floor.

Mr. Fairclough: Thank you for that ruling, Mr. Speaker.

Speaker's statement

Speaker: You don't need to comment on the rulings. The ruling is a ruling. You're on.

Mr. Fairclough: Okay, a ruling is a ruling. Thank you.

Speaker's statement

Speaker: The honourable member doesn't get to comment. It is simply that the Chair has made a ruling. The honourable member stands up and carries on his conversation. He makes no comment on the ruling.

Mr. Fairclough: Part of the amendment here points out that the government basically refuses the advice of the opposition. The prime example is a motion today, and we heard no one on the government side speak up. Being open and accountable means that you're going to bring forward your views to the public and to members on this side of the House.

It means you're going to be committed to the things you say in this Legislature. Let's take one of them for example that I think the government side is really interested in, and that is some of the committees we have here. Being open and accountable would mean you bring forward information that has been worked on to the floor of this House — reports — and that hasn't happened. You cannot form a committee and have a commitment on the government side swallowed up in it, gone for years, and say you're open and accountable and still committed to a promise you made in an election platform. I'm speaking about the whistle-blower legislation. It was formed in 2007. It had about eight or nine meetings or so. A draft was produced and nothing is flowing to the floor of this House or to the public.

That is a very conscious direction on the government side to have this committee basically not bring forward whistle-blower legislation. It's not democratic; the government side knows that. But you know what? They did it and it's a calculated decision, I believe, on the government side.

Speaker's statement

Speaker: Order please. The honourable member is speaking to motive now. He has been in this House long enough to know well and good that that's not appropriate. The Member for Mayo-Tatchun has the floor. Please go ahead.

Mr. Fairclough: Let's talk about another one. What about the very first point, refusing advice from the opposition members. Here we have the Yukon Party talking about all the good things they've done, and the economy is doing well, and they did it all and they're the only ones who could do it. When you talk to the public out there, they'll say of course that's wrong; we still get the dollars coming from Ottawa; that will increase all the time; we had devolution and, guess what? We have land claims agreements.

When I gave the advice to the government to give credit where credit is due, they didn't do it. I heard it from one member and that was from the Deputy Premier of the time. It was mentioned once, and it's not even in the government vocabulary to show that.

The *Umbrella Final Agreement* — this was the advice I gave them: give credit where credit is due. The UFA was agreed to. First Nations had final agreements and before that, the development community was asking for certainty here in the territory. The UFA and the final agreements brought a tremendous amount of certainty to the development community. We didn't hear the government side saying anything about that. Give credit where credit is due. Take the advice of the opposition and it may work for the government from time to time.

What about this one: what about the devolution of federal programs to the territory? What about that? Was there any credit given to the people who worked so hard on the devolution transfer program? That was also to bring certainty to the territory. The government side felt like they did it all, for whatever reason. They did it all. Of course, that is not the case. Others have worked so hard on this. Other government officials who are no longer part of government any more have worked hard on it. The Yukon Party took credit for it, even though they were opposed to it at the time, because it didn't include all that they wanted. They didn't give credit where credit was due. They didn't take the advice of the opposition. That brought certainty to the territory, too.

All in all, the development community looks at all of that. Not only that, but it brought a \$250-million increase to the government's annual budget. That was lost. The government side didn't do that. We asked them to do it. We gave them advice. I wanted to make that point very clear; that this was pretty important.

The Environment minister wants to speak, Mr. Speaker, at the end of the day. At the end of the day, the Environment minister wants to speak.

Here's another one: show your views — take advice from us on this side of the House. Be open and accountable and show your views. When the opposition side brings forward a motion, why can't government debate it? Why can't they debate it? That's a little silly — looking at the government side, and they're not saying a darn thing on this at all.

Only the Justice minister — and we on this side of the House are very interested in where she will park her vote on the amendment. We are interested to see that.

When it comes to education reform, here's one about listening to the general public, being open and accountable and taking advice from the Official Opposition. They came forward

and said they wanted to talk about the whole issue of governance. That was a big issue in educational reform. I know the Education minister knows this, but what happened? The Premier said publicly and in this House that the issue of governance was not on the table. Just like that — overruled the Education minister and it was not on the table. Interesting, because the whole issue of governance was brought up by the communities, by teachers, by parents and they wanted to see a bottom-up approach to education and not so much a top-down approach, which we have today.

That was a big improvement that could have happened if the minister had stuck to his guns, followed the advice of the committee and the recommendations about including governance. The Premier overruled it.

Bringing forward amendments like this only enhances the motion that was presented by the Member for Whitehorse Centre. It points out a few things for government. They could look at it and vote in favour of it and make improvements among themselves for the next 14 days of sitting in their term, but we know that's not going to happen. That will not happen at all.

What about refusing to respond to the more than 50 motions for the production of papers? That's pretty important. That process is not there for nothing, so why does the government not use it to respond to the Official Opposition? They just don't do it. When we talk to the general public about this, they just couldn't understand it.

When we talk with the general public about the Auditor General of Canada and her opinion — which is rated pretty high; not with the Yukon Party, but with the rest of Canada and her opinions with the federal government or provincial government — her opinion is rated pretty high, but not by the Yukon Party. We wanted to be able to do some questioning of the Auditor General so that the public could all hear what they are saying rather than it be closed to members in this House. I have more to say. I would like to hear and see which way the government side is going to park their vote on this amendment.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Madam Deputy Clerk, please poll the House on the amendment.

Hon. Mr. Fentie: Disagree.
Hon. Ms. Taylor: Disagree.
Hon. Mr. Hart: Disagree.
Hon. Mr. Kenyon: Disagree.
Hon. Mr. Rouble: Disagree.
Hon. Mr. Lang: Disagree.
Hon. Ms. Horne: Disagree.
Hon. Mr. Edzerza: Disagree.
Mr. Nordick: Disagree.
Mr. Mitchell: Agree.
Mr. McRobb: Agree.

Mr. Elias: Agree.

Mr. Fairclough: Agree.

Mr. Inverarity: Agree.

Ms. Hanson: Agree.

Mr. Cathers: Disagree.

Deputy Clerk: Mr. Speaker, the results are six yea, 10 nay.

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

Amendment to Motion No. 1331 negatived

Speaker: Is there further debate on the main motion?

Hon. Mr. Fentie: Well, talk about the democratic deficit. We have just witnessed that democratic deficit right here this afternoon in this Assembly. You know the government side put up one responder to the Leader of the Third Party's motion, laid out our position clearly, point by point, and then prepared for a vote, which is all about democracy.

Beyond that, the Member for Porter Creek South has a bill on the floor today for debate. What is astounding here, speaking of a democratic deficit, is his own caucus talked the clock to the point where the Member for Porter Creek South couldn't even bring to the forefront and debate his bill on whistleblower legislation. That is a deficit.

I have to say also to the Leader of the Third Party that what is clear here is that the NDP believe that this of the utmost importance to the Yukon public. What I offer here, in the spirit and intent of collaboration and cooperation, is some very sage advice: take this to the public in a few short months. The Leader of the NDP can put this before the public for their consumption, and she can solicit all of the support from the Yukon public that she chooses to solicit on these matters.

The other thing that is becoming very clear is there is a bit of a coalition going on and the Liberals and the NDP in this House are all in it together, in lockstep in terms of the fact that they believe these are the things that are so important to the Yukon public. It really gives rise to a lot of questions that we don't have any further time to ask, but I'm sure the Yukon public will be very interested in it.

We heard the Liberals on a number of occasions this afternoon reference the fact that they put in their platform in 2006 a commitment to electoral reform. All the Yukon Party government side can say is, why then did the Yukon public not elect the Liberals to office? This is a pretty obvious point here — and the list goes on and on.

The NDP would have us focus on a council — fine; take that to the public. The Yukon Party government is focusing on the environment and the economy. I think we can sum all this up, when we consider a democratic deficit, that what the NDP motion actually does is wave goodbye to the future and say hello to yesteryear.

The Yukon Council on the Economy and the Environment is ages old. This whole process began at a time of pre-the advancement of land claims, pre-devolution, pre-a lot of things that are happening in today's Yukon, Mr. Speaker. One wonders what this is really all about. I encourage the NDP leader to

take this before the public. I'm sure they will be in rapture listening to the NDP leader present it as, "This is the future, Yukoners. Elect the NDP and this is what we'll build for you." I wish the NDP leader good luck.

The other point I'm going to make has to do with a comment made by the NDP leader about respect. I challenge that member, the Leader of the NDP, who made the comment during the by-election campaign in Whitehorse Centre, that the government has unethical advisors. I challenge the NDP leader to name those unethical advisors. Does the NDP leader not recognize and understand that deputy ministers are advisors to government? Does the NDP leader not recognize and understand that, across the corporate structure of government, there are many individuals who provide sage advice to ministers — unethical advisors? This is the member who just said we need to reform because we have to have respect for one another. Well, there's a real example of respect.

The process for making appointments to major boards and committees: this is astounding. Is there not a standing committee that represents this institution on these appointments? I think what is at play here is an age-old example of those who are so distant from ever convincing the public at large to elect them to government that they clamour for all these things. They clamour for electoral reform.

Speaker: Order please, the time being 5:30 p.m., this House now stands adjourned until 1:00 p.m. tomorrow.

Debate on Motion No. 1331 accordingly adjourned

The House adjourned at 5:30 p.m.