

**Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, October 6, 2010 — 1:00 p.m.**

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

Prayers

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of Fire Prevention Week

Hon. Mr. Lang: On behalf of the House, I rise today to recognize an important time of the year. October 3 to 9 is Fire Prevention Week in Canada. I stand before you today to recognize the men and women who are firefighters. The work they do every day and night protects our homes, our neighbourhoods, communities and our families from fire.

Last year the Yukon volunteer fire departments responded to over 765 calls for service — almost twice a day. Regardless of what else was happening in their lives, the men and women of Yukon's volunteer fire service responded to calls from their fellow citizens. It is equally important for us to recognize the families of our first responders who sacrifice time with their loved ones so that they may help others. Our volunteer firefighters are important to us all. Whether we live in rural communities or travel through one, they are the people that come to our aid when we need help most.

Yukon continues to be a national leader in supporting its fire departments and firefighters. In addition to providing support for new equipment and facility upgrades, the fire marshal's office is focusing on training and our volunteers. Volunteer recruitment and retention is a high priority of the fire marshal's office. We are working hard to help Yukon's volunteer fire departments keep their volunteers and encourage more people to get involved.

This summer I was proud to be invited to attend the Yukon Fire Service Conference in Dawson City. This is a volunteer-driven event. Put on by the Association of Yukon Fire Chiefs, it aims to increase leadership and advance safe firefighting practices across Yukon. It was inspiring to see the high level of attendance at this year's conference, which in turn speaks to the high level of professionalism that exists within Yukon's fire services. Mr. Speaker, we are in good hands.

This government wants Yukon's municipal and volunteer firefighters to know that we value their service and their contribution to healthy and safe communities in this territory. Our fire service personnel are reliable and they are well respected. Their devotion to duty and the courage they show in protecting people and property is something to recognize and celebrate. The Yukon government will continue to ensure Yukon's fire departments and firefighters have the facilities, equipment,

infrastructure, and training to do their jobs as effectively as possible.

The theme of this year's Fire Prevention Week is "Smoke Alarms: A Sound You Can Live With". Even with the work of the Yukon fire marshal's office, volunteer fire departments, municipal firefighters, and wild land fire management, fires do happen. Fire Prevention Week is a reminder. Think about how to prevent fires and protect your home during the winter heating season.

Test your smoke alarms, sit down with your family and plan for a fire drill and escape route. Have your chimney cleaned. Put together a 72-hour emergency kit. I encourage all Yukoners to please be prepared.

Mr. Speaker, members of this Legislature, please join me once again in thanking Yukon firefighters for their steadfast dedication, courage and sacrifice in safeguarding our communities. Thank you, Mr. Speaker.

In recognition of Women's History Month

Hon. Ms. Horne: I rise today on behalf of the Legislature to pay tribute to Women's History Month. This year marks 25 years of supporting and promoting women's equality through the work of the Women's Directorate. Previously, we have acknowledged Yukon women who have made significant contributions, like nursing. Just this morning we were talking about Ann Geddes and her legacy in Yukon nursing during World War II. We have also acknowledged First Nations, Filipinos, women in trades, leaders, elders' beadwork, the mini-bus and the Yukon Aboriginal Women's Council.

I am pleased that we can acknowledge Women's History Month. Our history in Yukon is long and rich of women in positions of leadership, both locally and nationally. Martha Black, Angela Sidney, Jean Gordon, Hilda Watson, Ione Christensen, Audrey McLaughlin, Lucy Jackson, Annie Ned, Judy Gingell and Pat Duncan have achieved historic firsts for Yukon women.

Since 1985, the Women's Directorate has been working to enable more women to participate in more areas. Its present core role is ensuring that gender considerations are integrated into all aspects of government policy-making, legislation and program development.

Due to time constraints, I won't mention all of them, but some examples of the Women's Directorate's impact on government policy-making include the development of human rights legislation, childcare consultations, delivering gender-inclusive analysis training, working with partners in the area of Women in Trades and Technology, midwifery, corrections reform, substance abuse, housing, victims of crime, policing reform and the implementation of Yukon Aboriginal Women's Council summits recommendations.

Other initiatives work to help young women explore new areas. For example, the young women of grit program, or the women's studies program at Yukon College.

The unit provides public education on its own and in partnership. It also administers funding programs to assist equality-seeking women's organizations, as well as funding for aboriginal women with projects conceived by, and for, their communities to prevent violence. It is indeed my pleasure to say thank

you today for all your work to help Yukon women achieve full legal, social, and economic equality. Günilschish, Mr. Speaker.

Speaker: Thank you. Are there any further tributes?
Introduction of visitors.
Are there any returns or documents for tabling?
Reports of committees.
Petitions.
Are there any bills to be introduced?
Notices of motion.

NOTICES OF MOTION

Mr. Nordick: I give notice of the following motion:
THAT this House urges all Members of the Yukon Legislative Assembly to respect the *Umbrella Final Agreement*, including chapter 11, land use planning, in relation to the development of the Peel land use plan.

Mr. Cathers: I give notice of the following motion:
THAT this House urges the Department of Community Services to recognize the hard work and efforts of volunteer fire fighters by rescinding the policy preventing them from using water from the Hootalinqua fire hall for personal use.

Speaker: Any further notices of motion?
Hearing none, is there a statement by a minister?
That brings us to Question Period.

QUESTION PERIOD

Question re: Collaborative medical care clinic

Mr. Mitchell: I have some questions for the Minister of Health and Social Services about a campaign commitment this Yukon Party government is not going to meet. In 2006, they copied a commitment we made and promised to work “with members of the health care community on a pilot project to establish a collaborative care medical practice to help address the needs of Yukon families.”

Four years later that commitment has been shelved. It can be added to a long list of broken promises. Can the Minister of Health and Social Services explain why he has not delivered on this promise?

Hon. Mr. Hart: As I have indicated in this House several times, we have a tremendous amount of collaboration going on between us and the Hospital Corporation to provide collaborative care here in the Yukon and throughout. I will also state that we have working groups dealing with collaborative care. In fact, Mr. Speaker, I did indicate yesterday that we were having a meeting of that collaborative group next week, and we look forward to working with those individuals to advance that process on collaborative care for all Yukoners.

Mr. Mitchell: Well, Mr. Speaker, that’s the same answer the minister provided in April 2010, in 2009, and in years previous, so it’s an awful long time that the minister has been working on this proposal — for four years — and has nothing to show for it. It’s an empty promise. Collaborative health care puts a greater focus on community health promotion. It provides more continuity than visiting a walk-in clinic and would

help relieve some of the stress on the local hospital, which is really meant to focus on more urgent and pressing health care needs.

During the 2006 campaign, the Premier said, “It’s being looked at to enhance the delivery of health care in the Yukon.” The Premier has not followed through with his promise. Yukoners no longer trust this government and here’s another reason why: it makes commitments and then reneges.

Who made the decision to abandon this idea — the Premier or the minister?

Hon. Mr. Hart: Well, I think the member opposite just answered his own question. We’ve been working on this solution for a couple of years now and we are working with the medical professional field. It’s a very difficult situation in which to get a collaborative affair among the professions involved, to ensure that each one of them is being addressed in its appropriate manner. Each one feels that they are putting significant effort toward the collaborative process, and getting a significant reward from same.

We continue to work with the medical profession for collaborative care for the Yukon, as I have indicated previously. We have a meeting set up next week for this group, and we look forward to the results coming from same.

Mr. Mitchell: The minister said that I answered my own question. We over here have to. It’s the only way to get answers instead of excuses. Shortly after the Yukon Party was elected in 2006, a former Health minister, who now sits on this side of the House as an Independent/Yukon Party member, made some commitments on behalf of the government. He told the annual meeting of Yukon doctors in November of 2006, “Our government will not be satisfied until every Yukoner has access to the health care system in a timely manner. A collaborative practice clinic can help achieve that goal.” He also said, quote: “The government is committed to a pilot project.” Now that minister has left the government and the promises he made appeared to have left with him. This was a good idea in 2006; we still believe it’s a good idea in 2010. Why have the Health minister and the Premier failed to deliver on this commitment?

Hon. Mr. Hart: I’m enjoying this question from the member opposite. He just said what we were looking for. We are providing that service, Mr. Speaker. We are building a hospital in Dawson City; we’re building a hospital in Watson Lake. We’re providing that service to local residents and we are also providing it in a timely manner to those individuals.

Now, Mr. Speaker, we are also working with the doctors; we’re also working with the specialists and the Yukon Hospital Corporation to reduce our wait times for services to be provided within the Yukon for our Yukon clients. We look forward to continuing to improve that process. Mr. Speaker, in the next couple of weeks, we will be making further announcements to enhance and provide greater health care for all Yukoners.

Question re: Peel watershed land use plan

Mr. Fairclough: Mr. Speaker, I have questions for the Minister of Tourism. I asked the minister about calls from the Yukon Tourism Industry Association for protection in the Peel watershed. The minister partners are calling on her to provide

leadership on this issue. They want her to use her voice at the Cabinet table. The minister refused to answer questions on Monday. She was ordered to sit down by the Premier, and the minister responsible for mining —

Some Hon. Member: (Inaudible)

Point of order

Speaker: The Minister of Economic Development, on a point of order.

Hon. Mr. Kenyon: On a point of order, Mr. Speaker, I draw attention to Standing Order 23(4). On March 25 it was ruled by the Speaker that the government is a collegial body — any member can answer for any member — and you asked members opposite to keep that in mind. I ask you to repeat that suggestion.

Speaker's ruling

Speaker: Firstly, members, when someone else is speaking I expect other members to listen. This is only polite. I'm not going to point out any member; I'm going to ask you all to accept that. Secondly, you're absolutely right, minister, that was a ruling that was made before and so please accept that in the state in which it was given.

The Member for Mayo-Tatchun has the floor.

Mr. Fairclough: We'll try again today on another item. Last week one of her colleagues floated the idea of a new tax on tourists using the Peel area. I quote: "...if you're going to have a value for that pristine environment, then the people who use that pristine environment will have to be taxed accordingly."

Does the Minister of Tourism support a new tax on our tourists?

Hon. Mr. Rouble: As members are aware, the issue of land planning falls within the purview of the Department of Energy, Mines and Resources, and as a result it's my responsibility to rise today in response to this question.

The Government of Yukon fully respects its obligations under the *Umbrella Final Agreement*. We fully respect chapter 11, and we will continue to work with the affected First Nations and all Yukoners in addressing the planning needs for the Peel region.

We recognize there are environmental and economic opportunities and consideration in the area, and we ask the opposition's patience and for them to not jump to any hasty or inappropriate conclusions before the plan is concluded.

Mr. Fairclough: The Minister of Tourism remained silent, but the Minister of Health and Social Services wasn't. Last week he floated the idea of a new tax on tourists. Perhaps this will be in the Yukon Party's next election platform. He said, "... if you're going to have a value for that pristine environment, then the people who use that pristine environment will have to be taxed accordingly.... the wilderness operators and the outfitters are all going to have to take the same kind of responsibility in using that pristine wilderness."

The Minister of Health and Social Services said he supports a new tax on wilderness users who might use the Peel. Our Liberal caucus would not support such a tax. Does she

support her colleague's new tax on tourists, or does she oppose it?

Hon. Mr. Rouble: I appreciate the question coming from the Liberal opposition. I do note that they now recognize the economic opportunities that are within the Peel.

The economic opportunities are certainly not just related to mining, but also there are other opportunities such as tourism — wilderness tourism to be specific for the member opposite — that also need to be considered in this. When we work through the planning process with our partners in this endeavour, we will certainly take into consideration the economic and the environmental considerations to the specific area.

Mr. Fairclough: Sounds like the minister is in favour of a tax. Our neighbours in Alaska understand the negative impact new taxes can have on the tourist industry. The effect of the cruise ship tax is still being felt.

The Minister of Health and Social Services was scaring Yukoners about the dangers of protecting the Peel. He said last week, "...if you're going to have a value for that pristine environment, then the people who use that pristine environment will have to be taxed accordingly...wilderness operators and the outfitters are all going to have to take the same kind of responsibility in using that pristine wilderness."

I'm sure the Minister of Tourism and Culture's industry partners will be interested to hear about the Yukon Party plan to increase taxes on the people who use the Peel region. Does the Minister of Tourism and Culture support this proposal, or does she agree with us that the Minister of Health and Social Services is taking the wrong approach?

Hon. Mr. Rouble: The Government of Yukon takes the Peel planning process very seriously and we are certainly becoming very concerned about some of the rhetoric, some of the divisive tactics and some of the unfounded fears that are being raised by some.

Mr. Speaker, we have an obligation under the *Umbrella Final Agreement* — under chapter 11 to be specific — about going through a planning process — one that is involving Yukoners, one where we're going to listen to comments coming from people before we're jumping to conclusions, unlike the Liberal Party which appears to have taken a position on this issue before the process is even concluded. That seems to be another issue of act first and then ask questions later.

Mr. Speaker, we have a process that has been laid out for the Peel planning process, and we're going to continue to follow that.

Question re: *Truth in Sentencing Act*

Mr. Cardiff: Mr. Speaker, at meetings of the federal, provincial and territorial justice ministers in 2006-07, the ministers decided to be tough on crime and as a result, the federal government introduced and passed the *Truth in Sentencing Act*. This act, which became law in February, no longer allows a judge to give extra credit during sentencing for time spent in remand.

Guess what, Mr. Speaker? According to the preliminary Justice Canada report, it turns out it is really tough on the poor, and the people in Whitehorse are spending far longer in custody today than before the new sentencing rules were imposed.

Did the Minister of Justice raise any objections or concerns when she and her federal, provincial, and territorial counterparts decided this new law was in the public interest?

Hon. Ms. Horne: I can assure the member opposite that this government respects fairness to all and that each citizen is respected. It's too early to say whether the figures are really up or down from the new laws that were passed by the federal government, and we will be watching them closely.

Mr. Cardiff: Critics of the *Truth in Sentencing Act* warned the federal Conservative government at the time the legislation was introduced that it would unfairly target the poor, the illiterate, and First Nations. The John Howard Society and the Canadian Bar Association said these groups were less able to advocate for themselves and often cannot afford to pay bail. Canada's parliamentary budget officer warned the federal government that this legislation would be tough on taxpayers, and drive up the cost of running our correctional system.

Can the Minister of Justice tell us what the financial impacts are of this draconian new law and what impact it's having at the Whitehorse Correctional Centre?

Hon. Ms. Horne: Thank you, Mr. Speaker. I would ask the member to think about the name; it is "truth in sentencing". It will ensure that its time spent in remand. Our remand times in the north are historically higher than the rest of Canada. The new legislation will gradually reduce the amounts of time inmates spend in our correctional system and the number of inmates that are within the system. We're already aware that there is a disproportionate number of First Nation offenders within our correctional system, and we have taken steps to address the issue. We will be watching this issue very closely and following the time.

Mr. Cardiff: Well, that's what this is about. Historically in the north, people who are involved with the courts are spending a longer time in remand without all of the necessary services sometimes. Now, the executive director of Yukon Legal Aid said in a radio interview that he has observed more illiterate people, more poor people, and more First Nation people at the jail, just like experts expected.

The minister is right — First Nations are disproportionately represented in our correctional system. In fact, the director confirmed that the new law penalizes those unfortunate ones who cannot afford to pay bail and the Whitehorse Correctional Centre is getting more crowded than usual.

Will the Minister of Justice ask her federal, provincial and territorial counterparts at their next meeting to review the effects that this law is having on the poor, the illiterate and on our First Nations population?

Hon. Ms. Horne: The remand inmates are normally in custody for such brief periods at a time, it does not allow them to attend programming, and this is in the rest of Canada. In the Yukon, our remand inmates are able to attend all the programming that is available to the sentenced inmates.

You know, the best solution here is for these individuals to not break the law. This is what we're trying to do; we're trying to get our inmates to come up out of the Correctional Centre and be contributing members of society. The higher rates in the

Yukon are attributed to the higher rates of incarceration in Yukon and the northern territories.

Question re: Lake Laberge zoning

Mr. Cathers: I'd like to follow up with the Minister of Energy, Mines and Resources on questions I asked regarding the application by Takhini Hot Springs Ltd. to significantly change zoning regulations for their property. Yesterday, the minister seemed to be confused and talked about a different application by that same company. That application was to create one new lot under current zoning; it is not the one that sparked public outrage. I'm asking about the other application. It would change the zoning regulations and allow condos to be built.

As the minister said, people want certainty of use. My constituents in the area want to hear that the government will be listening to the public and rejecting its application to change the rules.

Hon. Mr. Rouble: I appreciate the question coming from the Independent member as this gives us an opportunity to bring a significant amount of clarity to this issue.

It's my understanding that both the existing plan and the zoning allow for the development of this property as an eco-resort. Also, both the current plan and zoning give them the ability to transfer the residential development potential from any contiguous parcel they own to a single lot. Also, based on current minimum lot sizes, they could establish up to 24 residences in this manner for this need without rezoning.

This government certainly wants to see increased opportunities for people. It certainly wants to see people happy and content living in their own communities, and it certainly values the benefit of planning and the certainty that gives to all people. Mr. Speaker, we'll certainly be working with this proponent and with the community. We'll be looking at the existing planning and the existing zoning and what it does allow for, recognizing that both the existing plan and the zoning allow for the development of the property as an eco-resort.

Mr. Cathers: I have to, in fact, advise the minister and strongly encourage him to take a closer look at this and check his facts. The statement he made about the current development potential is not accurate. In fact, it would not allow nearly as many residences to be developed as he suggests.

The minister referred to a specific opportunity that was developed for a specific project, a co-housing project among owners of that corporation, which is no longer relevant. Yesterday the minister said, "We don't pick favourites." That is exactly what the government will be doing if it approves the application by Takhini Hot Springs Ltd. Other businesses and in fact almost every landowner in the Hot Springs Road area could make a lot of money if they were given the opportunity to drastically reduce minimum lot size and develop condos. Even owners of rural residential lots at the minimum size of three hectares could build a seven-unit condo if allowed the same residential maximum density applied for by the corporation. Does the minister see a reason why one corporation should be allowed a unique opportunity —

Speaker: Thank you. Minister responsible, please.

Hon. Mr. Rouble: In reviewing the existing plan and the zoning for the area, I find that the plan and the zone give the ability to transfer the residential development potential from any contiguous parcel they own, for example, two residences per lot to a single lot. Based on the current minimum lot size of 10 hectares, in the CMT zone, they could establish up to 24 residences in this manner without the need for rezoning. The math on this works out to 122.11 hectares, divided by 10, which comes up with 12, times two residences per lot, which comes up with 24. That's how the math works out on this. We'll be certainly working with the existing plan in the zoning for the area, and working to ensure that we're helping Yukoners maximize the best use and best potential of the property. We'll also be working with the community to ensure that interests they have, for example site lines and seeing other structures, are addressed. I believe the proponent of this project also has put forward a number of mitigative measures to address many of the concerns in the community.

Mr. Cathers: Well, Mr. Speaker, again I would encourage the minister to check his facts. The minister cited the total hectareage of the lot and suggested that it could simply be divided into 10. That is absolutely wrong. In fact, a significant proportion of the property would never be able to be divided into lots because the topography does not allow it and an access could never be developed.

Residents who oppose Takhini Hot Springs Ltd.'s application to change the zoning regulations come from across the political spectrum and include business owners and some very pro-development people. At its heart, this issue is about whether or not local plans and zoning are supposed to reflect the interest of area residents and help protect the quality of life by providing certainty of use or whether rules are simply imposed on residents by YTG and subject to being changed no matter what the public says.

My constituents do not want anyone to be able to develop condos in the Hot Springs Road area, and the plan and regulations, as worded, do not allow it. Area residents from about 90 percent of the households within three kilometres signed a petition opposing the application. Will the government listen to the public and reject the application?

Hon. Mr. Rouble: Mr. Speaker, the government certainly received the petition the member opposite references, which states that they could agree to things — I am paraphrasing here — that are consistent with the plan.

We are reviewing the existing plan and the existing zoning and looking at what is currently allowed and what is currently prohibited. The member opposite talks about some issues regarding topography. I am not a land surveyor, so I will not comment on that. I don't profess to have the expertise in that.

But we certainly recognize that this is an important issue to the people looking at developing an eco-resort and it's an important issue for the people in the community. We will certainly work with a great deal of respect for the existing zoning and regulations that affect this area. I expect also that the proponent behind this project will also work with a great deal of respect in addressing and attempting to mitigate many of the other concerns that have been raised.

Question re: Land development

Mr. McRobb: I have questions for the Energy, Mines and Resources minister, who is responsible for developing lots.

Yukoners have been in a land crunch for the past few years. This government has been a big part of the problem. Earlier today, we heard how this government failed to deliver on a 2006 campaign commitment to develop a collaborative health clinic. Well, here's another broken promise from 2006: make land available to Yukoners for residential purposes. The head of the Yukon Real Estate Association is calling this government's latest lot sale in Whitehorse a "bust". He said that the lot prices are simply too high and the lots are no longer affordable. The result is many lots remain unsold.

Does the Energy, Mines and Resources minister believe making unaffordable lots available is keeping that campaign promise?

Hon. Mr. Rouble: The Yukon Party ran on a campaign commitment to improve economic opportunities, to respect the environment and to create a better quality of life for all Yukoners. Since taking office, we've seen the population of the territory go from about 28,000 people to now about 35,000 people. That has created significant pressures. Under previous governments, we saw the opposite: a decline in the population. Yes, that has put pressure on us to provide additional lots for Yukoners and it's something we're addressing.

Also, this government went to work with the City of Whitehorse and developed a protocol, which will last well into the future, on how to go about developing municipal areas and putting in these kinds of subdivisions. The current example with Ingram has some very positive results. Homeowners have purchased lots, and they intend to build houses on them. We also have developers who have bought lots and they intend to put in townhouses, duplexes and multi-family dwellings. This is a success.

Yukon is growing; economic opportunities are growing and the number of houses we have here in our community is growing too.

Mr. McRobb: If lots are priced so high that they are out of reach of most Yukoners, how can that possibly be considered fair? The minister needs to be reminded it was this Yukon Party government that promised to make land available for residential purposes. It also promised to ensure there is a constant two-year supply of residential lots in the Whitehorse area. This government failed on both counts. This government has been unable to meet demand, and when it does produce lots, they go unsold because they are too expensive. People can't afford to buy them. There is a huge demand for lots, and the government has been unable to develop them in a timely, affordable manner. Why did the government produce lots that were so unaffordable to most people?

Hon. Mr. Rouble: The Government of Yukon certainly recognizes the increased faith and optimism here in the territory. This is reflected in the growing population, in the growing number of jobs being created and therefore the need for more housing.

The Government of Yukon, City of Whitehorse and Yukon First Nations are all responding with increasing opportunities

for land ownership and places to build a home. We've gone to work with the City of Whitehorse. One current project is certainly the Ingram subdivision. Next year we'll be working to break the ground at Whistle Bend and other projects not only here in Whitehorse but throughout the territory.

We have to recognize that when lots are developed, there are development costs to recover. We also recognize that there are the competitive factors and the other assessed land values to consider in these types of equations.

This government has gone to work in the past with the City of Whitehorse to put lots out. We'll continue to work to increase the economic activity, which will relate in increasing the number of people here. We don't want to see people paying more tax; what we want to see is more taxpayers.

Question re: Burwash Landing school

Mr. McRobb: New question, Mr. Speaker. Once again it's necessary to return to an issue that could have been adequately addressed when raised the first time. Unfortunately, this government is short on answers and long on rhetoric. The Education minister epitomized that yesterday by choosing to run 90-second Yukon Party infomercials, instead of just answering clear, simple questions.

The questions asked: with whom did he side with respect to building a school in the community of Burwash Landing, something the Kluane First Nation and others have been requesting for years? Does he agree with the First Nation, other advocates and the minister's predecessor, or does he agree with the corner office and the Premier, who declared there's no case for it?

Hon. Mr. Rouble: The Government of Yukon certainly takes the issue of educating all Yukoners very seriously. That's why we are building schools. That's why we're investing in F.H. Collins and rebuilding that. That's why we're investing in Pelly Crossing, Dawson City, and building additional Yukon College campuses. Mr. Speaker, we also realize that we are faced with geographic challenges. This is Canada, where school busing is a constant. It's something that we all live with in all of our jurisdictions. I've been to the school in Destruction Bay. It's a neat little school with a tremendous spirit. It meets the needs of the community. I recognize that kids need to take a bus to get there, but that's a reality that we face in practically all Yukon communities.

Mr. McRobb: Mr. Speaker, in the minister's 90-second political broadcast, he likes to advance his take on previous administrations who've governed, even before he ever sat in this Assembly. The views of Yukoners, and in particular the Kluane First Nation's view on this issue, are far more relevant. The First Nation, and many of its members, feels neglected under Yukon Party rule. Like many others, they simply don't trust this government.

The First Nation made a formal request one and a half years ago to change the proposed youth and elders centre to a small school to serve the community, but this government denied that request and ruled out building a school there. Yesterday this minister contradicted the Premier in saying other options were being discussed. So, what are those other options?

Speaker's statement

Speaker: Before the honourable minister answers the question, Member for Kluane, referring to an answer as "a political broadcast" is pushing the edges of propriety here. We can only presume that all members are honourable in answering questions and asking questions with the best of intentions. Please keep that in mind.

Minister of Education, you have the floor.

Hon. Mr. Rouble: Thank you, Mr. Speaker. This government certainly has a history and a proven track record of working with others, working with local communities, to address many of the needs. The member only has to talk to the member to his left about the experiential education program going on in Old Crow. I understand that this program, which is funded through northern strategy funding — I should give credit to the federal government where credit is due — is providing some really neat programming there that I'm sure is supported by other members of this Assembly. We've gone to work with other communities, with other school councils, and addressed their needs.

There are some issues where we do have challenges. School busing is one of them. It is a reality in practically every Yukon jurisdiction that kids are spending time on school buses. That's something we face in all our ridings.

I appreciate the comments coming from the Member for Kluane. If there are other folks coming forward with additional ideas, we'll take a look at them. I'm not going to preclude them; I'm not going to jump to any conclusions with them. There are ideas that, when we get them, we do have to take a serious look at to determine the overall feasibility —

Speaker: Thank you.

Mr. McRobb: Did we hear any options? No. Why is it so difficult to get simple, clear answers to simple, clear questions?

Both the former and the current chief recently said their First Nation was close to finalizing a deal with this government to bring a school to Burwash Landing. That's what they said. Their statements contradicted what this government has said on the record. Yesterday the minister said other options were being discussed — a simple, clear question. Yet, did we get a simple, clear answer? No.

It's time for this minister to pull back the curtain and let us see what is going on. When might we expect a formal announcement from this government with respect to a Burwash school?

Hon. Mr. Rouble: Well, this government makes announcements when the conclusions have been reached, when people have agreed on situations. We're not going to follow the Liberal philosophy of making announcements first and asking questions later.

The Kluane First Nation has approached the Government of Yukon about utilizing one of their existing buildings as a school in that community. We're considering that. We're taking a look at it and looking at the feasibility. I can't make a commitment to the member opposite that that's where a school could be moved to, because again there are additional things to

consider. There are factors about the building, there are factors about our existing building and there are also the implications that this will have in other areas. If we open one school, we close the other. Now, I'd like a clear statement from the member opposite if he supports closing the other school. Is that what he's after?

Speaker's ruling

Speaker: Prior to the end of Question Period, the Chair will rule on a point of order raised during yesterday's Question Period. At that time, the Leader of the Official Opposition said of the Minister of Health and Social Services, "Perhaps it's easy for the minister to shirk his responsibility by saying this is not his problem." The Minister of Energy, Mines and Resources rose on a point of order regarding the remark made by the Leader of the Official Opposition. The minister asserted that the remark was out of order. In speaking to the point of order, the Leader of the Official Opposition disagreed with this assessment.

The Chair took the matter under advisement. Having now considered the matter and done a search through the record of both the 31st and 32nd Legislative Assemblies, I find that the statement was not out of order in the context in which it was used yesterday.

We will now proceed with Orders of the Day.

ORDERS OF THE DAY

OPPOSITION PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 1126

Clerk: Motion No. 1126, standing in the name of Mr. Cardiff.

Speaker: It is moved by the Leader of the Third Party THAT this House urges 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*;

THAT the commission report its findings and recommendations to the House no later than the end of the 2011 spring sitting of the Legislative Assembly, and

THAT the review include, but is not limited in scope to, the processes for:

- (1) soliciting nominations,
- (2) receiving nominations,
- (3) reviewing nominations,
- (4) making merit-based appointments,
- (5) reducing patronage appointments,
- (6) setting honoraria and other remuneration,
- (7) setting the terms of these appointments,
- (8) determining reappointments,
- (9) reducing the potential for conflicts of interest,
- (10) determining the need for new boards and committees to address new issues and/or concerns, i.e., climate change; and

(11) disbanding boards and committees that no longer serve any widely recognized public function or purpose.

Mr. Cardiff: I'm pleased today to speak to this motion. I think the reason we feel it's important to address this issue at this time is because there has been much discussion, not just recently but also in the past 18 months, about boards and governing boards of corporations here in the territory. What we would like to do is to raise the bar in the debate. We'd like to broaden the debate and, most importantly, as Members of the Legislative Assembly, we're continuously urged to provide solutions, and to not be confrontational, and to come up with good solutions to address some of the problems that we face. That's what we're here to do today. I look forward to the conversation among Members of the Legislative Assembly regarding this.

First of all, the motion urges the government to establish a commission to review all the processes and procedures regarding government boards and committees. Specifically, we're asking about soliciting nominations, receiving nominations, reviewing nominations, making merit-based appointments, reducing patronage appointments and how honoraria is set. This morning, one of the reporters asked me if it is appropriate that anybody should set their own wages, determine how much they should be paid.

I don't think that that is appropriate. I come from the labour movement. Collectively as a group, we negotiate with employers. That's one way of doing it, but there needs to be a process that's transparent and accountable to the public. What about setting the terms of the appointments? How long should they be? How many reappointments should there be? Can we reduce the potential conflicts of interest of those who are sitting on those boards or committees? Also, one of the things we've asked about is determining the need for new boards or committees to address new issues. There are 99 boards and committees in the Yukon currently. We want to ensure that they are all serving a purpose. Some of them may be redundant. Maybe the functions, processes and mandates of those boards and committees could be combined for greater efficiency — better use of taxpayers' dollars. Maybe some of those boards and committees that no longer serve any widely recognized public function or purpose could be disbanded. The government has already done that, and they've yet to amend the *Environment Act* to disband the Yukon Council on the Economy and the Environment.

What is it that we hear? We hear there is a greater need for transparency, openness and independence in appointments; we hear that the process needs to be depoliticized. We want to ensure that we attract qualified individuals. By "qualified", I don't mean necessarily education or the letters behind the name. We need people who are knowledgeable about the issue the board or committee they're on is dealing with so they can provide the recommendations and advice to government so that government can make good decisions.

This isn't meant to be an attack on any person in the Yukon who sits on a board or a committee. I think this is probably, for me anyway, the perfect time to recognize the in-

credible contribution of those people who sit on these boards and committees, because it takes a lot of time — just like we as Members of the Legislative Assembly spend a lot of time not just here in the Legislative Assembly but out in the public and on the phone at night and attending meetings. Some people who sit on boards and committees get honoraria to attend meetings, but I can tell you from my own experience and from the people I have talked to, that the amount of work that goes into sitting on a board or a committee on behalf of other Yukon citizens and the contribution that they make far exceeds attending meetings. There's much more involved, just like there's much more involved in being a Member of the Legislative Assembly. I think we can all relate to that here. We need to recognize the contribution they make to Yukon society and their contribution to government decision-making.

What else do we hear? One of the things that we hear is that people don't really like having their names exposed to public criticism and ridicule. That has to stop. We all have to take some responsibility for that, both here in the Legislature and in the comments we make in the media. It may not just be us doing it; criticisms may be coming from other areas as well. The reasons for preventing that is so that we can attract qualified individuals — that we're not discouraging people from participating in what is essentially the public's ability to participate in democracy. Every citizen, regardless of the letters behind their name, or their social standing, or their level of education, has something to contribute. They should be allowed to apply for any and all vacancies.

So why did we bring this forward? One of the reasons we brought it forward is that we believe it's time for a comprehensive review of our approach to government corporations, boards and committees, and the reason for doing that is we want to improve public trust and confidence in the integrity of the political process of how those appointments are made and how the remuneration or honoraria is determined.

As I said earlier, there are 99 government corporations, boards and committees, and they serve important functions in the political, social, cultural, environmental and economic life of the Yukon. There are currently — the last numbers we have from the government website — 544 people who sit on those public bodies.

Government corporations, boards and committees have a variety of functions. Some of them are advisory, providing input to Cabinet about policies and other matters. Some are regulatory and set standards and license professions. Some are adjudicative and may rule on a person's rights or the application of a law or regulation. Some are established by legislation; some are established by Cabinet or a Cabinet minister; and some are established under the *Umbrella Final Agreement* and the final land claims treaties.

Yukon corporations, boards, and committees provide an important vehicle for civic participation in the governance of our territory, and I've said a little bit about that already. They allow for representatives of the public and/or membership groups to assist the government in its work and its decision-making. These are our friends; these are our neighbours; some of them are relatives. As some members of the Legislature like

to put it, and I've heard it again this morning, "We're all in it together." Well, if we're all in it together, we need to treat each other with respect, and we need to allow people to participate.

I'd like to touch briefly, as well, on why it is that we thought a commission was important in this process. We believe that a commission ensures an independent process — a process that's arm's length from government — and it would also, unlike a select committee, survive past the call of an election, or a change in government. The commission could continue its work, despite there being an election or a change in government, and it would allow the process to continue and it could still report its findings and its recommendations to any successive government.

We need a more open process — that's why we're proposing what it is that we're proposing. We need to ensure that there are merit-based appointments that still reflect broad societal issues and a broad spectrum of our Yukon society. We need to have some oversight. We need a clearer system for determining the honoraria, and we need to address the widespread perception that patronage is a deciding factor in appointments. We need to ensure competence of arm's length government corporations, boards and committees with significant regulatory, adjudicative and service responsibilities, and we need to ensure quality governance for those organizations to avoid putting the public purse at risk.

I'm going to pose a few questions for members to consider in this discussion. What is the impact of the politicization of the appointment process? Are Yukoners becoming reluctant to put their names forth for fear that their names or reputation might be dragged through the mud? Could this politicization reach the point where we are actually unable to find competent people to fill positions? Because they are unwilling to, not because they don't have something to contribute, but because the process they see is not very welcoming.

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 government to handle appointments and recruit members based on merit, rather than political affiliation. The question I'm asking members is this: is it time to do that here? I believe it is.

Is the current system we have truly inclusive? Are Yukoners from groups affected by decisions of a board or committee, given a seat at the table to participate? Do we need to create equity-targeted seats, for example, for women, youth or First Nations, to ensure a more representative mix of seats on government corporations, their boards and those committees? In some instances, in some pieces of legislation and in some of the boards mandated under the *Umbrella Final Agreement*, there are provisions like that. Do we need to look at provisions like that for other boards or committees or corporations? That's one of the questions we're asking the commission to look at.

We want to get away from the accusations and counter-accusations about what's happening on some of these boards and committees, what the processes are, and what the remuneration is. The New Democrats want to be the mediator in this process. That's why we're doing that today. We want to create

confidence in those boards and those committees and the ability of citizens to participate.

We want a process that promotes diversity and is representative. Yukoners want a nomination process that is independent, a process that seeks out people with skills that are essential to effective functioning of the corporation, the board or the committee. In some instances — and we've seen this on some boards and corporations — they actually have input into the selection process. Is that something that Yukoners think is valuable? That's a question I think they should be asked. We think that there should be formalized training for all corporations, boards and committees so that when people are appointed to those committees, they have all the tools in their toolkit to ensure that they can do the job and fully participate.

I'll speak briefly a little bit about my own experience in this, because I think that there might be a valuable lesson there. Almost 20 years ago, I walked into the Union Hall down on Strickland Street. At that time the former Member for Whitehorse Centre was the business manager. We had received a letter from the Minister of Education, asking organized labour to put forward a name to participate on the Yukon College Board of Governors. There were a number of organizations that had been contacted in this manner.

I looked across the table at the former Member for Whitehorse Centre and I said, "So who would be a good person? Is there somebody at the Federation of Labour? Is there somebody you can think of? He looked at me and said, 'I kind of thought you would put your name forward.' I kind of went, 'boy, what do I have to contribute?'" I had no letters behind my name. I was a journeyman sheet metal person.

Some Hon. Member: (Inaudible)

Mr. Cardiff: The minister says "tin basher" — affectionately, that's what we're called, but we like to use a soft hammer sometimes.

Quite frankly, Mr. Speaker, that's what we're trying to do today. We're trying to use a soft hammer to drive home the point that this is an issue that we feel needs to be addressed. It's part of legislative renewal; it's part of democratic reform and it's about how citizens participate with democracy.

To get back to the story, I didn't really know what I had to contribute, but I did have post-secondary experience. I had been to trade school. I had lots of friends who had been to college and university — people who were valuable sources of information about their experience in the post-secondary education system. I thought about it for a little while and I agreed to have my name put forward and I eventually did sit on the Yukon College Board of Governors. It was a steep learning curve. The decisions that were made at the very first board meeting were astounding to me. I didn't sleep for three days because I was absolutely amazed. At the very first meeting was the first time I'd ever approved a budget for over \$10 million. It was the first time I'd ever hired an interim president for an institution that had a \$10-million budget.

What we're asking these people to do is incredible. The decisions that they make — the responsibility for the decisions that they make, because if you're a member of a board that governs a corporation, or the Yukon College, or the Hospital

Corporation, or the Yukon Housing Corporation, or the Development Corporation, or the Energy Corporation, you're actually responsible — you're liable for the decisions that you make, and you can be held responsible. So it's an incredible burden, to some extent — what these people are doing and what they're contributing and giving of themselves. We need to treat them with respect and we need to ensure that the processes are fair, open, and transparent and that their names, or the bodies that they're a member of, are not disrespected or dragged through the mud in the media.

We also believe that there needs to be a periodic performance assessment, so that they can get some feedback and identify the ways to strengthen what it is that they're doing and how they are performing their duties. The key issues for us: transparency; accountability; Yukon society's goals; who has a role to play in appointments and what role it is; how independent the process can be; how independent that process should be; how remuneration should be determined, such as through legislation or through a government policy; if boards of corporations should be allowed to determine their own remuneration; how we define the length of a term; and if there should be a limit on the number of public bodies that any one individual can serve on at one time. Now as I said earlier, 544 people serve on 99 boards.

I've talked about the significant efforts that go into ensuring that the boards have the legally required composition, as specified in some pieces of legislation. But there's a need for constant renewal of those public bodies, as members resign and new members are recruited. We need to know whether or not that's working. We know of one board where the chair of that board has actually been chairing that board since sometime in the mid-80s, but we're not going to talk about that. However, it's an issue. We believe there is a need for constant renewal.

We also believe that there's a need for continuity and corporate memory. In some other jurisdictions — as I said, we have 99 boards — there are far fewer boards. In P.E.I., there are 60 government corporation boards and committees that are open to public participation; in the Northwest Territories, it's 57; British Columbia is a little different. They have more than 200 Crown agencies alone and they're subject to the Crown agency accountability system.

One of the things we raised in our motion is the possible need for new boards when new issues arise. It may not be a matter of a new board; it may be just a matter of re-tasking an existing board or committee with an issue. Any government can use the power that they have to create such a board and draft its mandate. We believe it should be the right of the government of the day. I don't know. Is there a better way to determine societal priorities? Is there a better way to engage the public? Maybe some of those boards and committees would be the best vehicle for determining whether there's a new issue that's important to Yukoners. Maybe it's the Legislative Assembly? I don't know.

The government is the one that has all the authority and all the power to do these things and the resources to do it, but should they actually be the ones that decide that? I believe it's a question that needs to be asked.

We currently have a process — it's the all-party Standing Committee on Appointments to Major Government Boards and Committees. The government has a majority of members on that committee. We meet to discuss the composition of those committees and to appointments. It was thought to be a good thing when it was first proposed, but it took a long time for it to actually do its work.

Does it really remove it from the political process? Sometimes the committee has been faced with receiving only one nomination for one position; sometimes it receives nominations that have been screened by other organizations. We need to look at that.

The appointment process for the majority of all other boards and committees basically involves approval by an appropriate minister, or it can be done through representation by an organization that is guaranteed a seat on that board. It could be, as in the case of Yukon College, community representatives, staff representatives, student representatives, or those representatives nominated by Council of Yukon First Nations or a First Nation, but under our current system the governing party has the power to make most of these appointments, and there's no obligation on the part of the governing party to present a slate of candidates so that we get all of the appointees. I'm not saying that that necessarily happens, but the possibility is there. It may not be this government, but it may be future governments that do that. So we need to come up with a less partisan process.

I've had this discussion with others who have been in a position to make some of these appointments, and there is something to be said. You don't necessarily want to be appointing somebody to a major government board or committee with whom you're going to be bumping heads and working at odds with for your term in government, because that wouldn't be productive. It wouldn't be productive for the government; it wouldn't be productive for the board or the corporation and it wouldn't be productive for the taxpayers of the Yukon.

I've talked a lot about a variety of things. I could talk a lot, probably, about other issues like patronage in appointments and how the recruitment is done. The recruitment part of it is a key issue, and part of that is about public perception. It's ensuring that the perception of the process — what your participation in this process is in being a part of a board or committee — is respected, and that you have the respect of the government and the public. That's a key piece of the recruitment. I think we need to ensure that we're going out there, however the process is working, and that all those who want to participate are given an opportunity to participate in the process and an opportunity to be selected to sit on the board.

One thing I'd like to talk about, and I touched on it a little earlier, and it's in the motion, is disbanding boards and committees that no longer serve any widely recognized function or purpose. When governments decide to let appointments expire and not appoint any new members to a board or committee, that's what they're doing: they're deciding to disband that board.

This is the case with the Yukon Council on the Economy and the Environment. The government took it upon itself to

make that decision all by its lonesome. It didn't include the public and it didn't include members on this side of the House. I've heard members on the other side of the House, I've heard members on this side of the House, and I've heard people in the public tell us that important issues to them — at one point it was jobs, jobs, jobs, which to me is economy, economy, economy. Other issues important to Yukoners, as evidenced by discussions, are: What's happening in Tombstone Park? What happened in the north Yukon land use planning process? What's happening in the current process with the Peel Watershed Planning Commission and the Peel land use plan?

The environment is a very important issue to Yukoners, and I'm sure that the Minister of Environment would say it's important. Climate change is important. How does climate change affect the environment? How does climate change affect our economy? Those are all big issues. There needs to be a process to determine whether a council, a board or a committee that was created by a legislative instrument of this Assembly, notably the *Environment Act* and the *Economic Development Act*, should be disbanded or should cease to function. I think the public needs to play a role in that and that all members of the Legislative Assembly need to play a role in that.

Just a brief piece about remuneration — it's not just necessarily about remuneration, as I said earlier. It's more than just about attending a meeting. It's about all the work you do outside of the meetings, and how can that be recognized? I think that's something that hasn't been reviewed for as long as I can remember. A category D board pays basically \$200 a day in honoraria. I know that that hasn't changed in 20 years, and I know that from my experience of sitting on a board.

Are the rates fair? Is the public aware of it? Are people who are applying or putting their names forward aware? Should it be based on more objective factors such as preparation time for a meeting or the measure of the responsibility, and who should be responsible for setting it? Some of these people are taking time away from their families, time away from their jobs and I can tell you that there is an impact on employers. I was a fortunate employee at the time, because my employers allowed me time away from work to fulfill my functions and duties both as a member of that board, and later on as chair of that board, which was an even greater responsibility. That required a greater time commitment and a greater responsibility, basically. Those things need to be recognized for the people currently serving in those positions. I recognize it; I think other members in the Legislative Assembly recognize it as well.

So how can we do this? I have suggested that we establish a commission. It could be a commission of one person; it could be an all-party commission; it could be members who are suggested by the three political parties here in the Legislative Assembly. I don't have all the answers, Mr. Speaker. If I had all the answers, I wouldn't be standing here today having this conversation. I believe that a commission should be established to look into the questions that we've raised and to look into the questions that Yukoners have regarding this. We need to ensure that the respect that is owed to the people who are currently serving is there, that we show that respect and encourage other people to participate in the democratic process, be given the

opportunity to contribute what it is they can contribute, what it is they're willing to contribute to Yukon society and to the decision-making of the government and those corporations of which they are members.

I'd like to thank all Members of the Legislative Assembly in advance for their contributions to this discussion. I look forward to their comments. I would also like to thank all the people who have talked to me about this issue — our leader Elizabeth Hanson, our staff, as well as all those who have come forward and asked, "Why is this happening? Why can't you fix that? Why isn't there a better way of doing this?"

Quite frankly, Mr. Speaker, that is the impetus for doing this today. People have said that there has got to be a better way of doing this. There has to be a more open, transparent process for all the appointments, the honoraria, and the procedures to ensure that the people are respected. I'd like to thank everyone who has contributed, and thank members in advance for their contributions today.

Hon. Mr. Fentie: Mr. Speaker, I first want to acknowledge the Third Party's presentation here today by way of motion in dealing with what is really a complex and massive process that the Yukon government undertakes each and every day when it comes to boards and committees by whatever instrument said boards and committees are mandated.

I want to be really brief, and I mean this not to be controversial or acrimonious, but I must point out that we in this Legislative Assembly should be careful when we make statements of politicization, when we make suggestions that there are things going wrong with boards and committees, when we make statements about what's appropriate and inappropriate, because in all cases, the matters before us by way of this motion do have linkage to law, to acts, for example, to policy and to other regulatory processes. To take it further, I think we all have to understand that the Yukon is a small jurisdiction. Inevitably, people who step forward and choose to serve on behalf of the public may be affiliated in some way with some political party, or there may be other affiliations that could reflect in a manner that this Assembly and its members should never use without first providing all the solid evidence to even stand in this House and make the statements that are being made.

I understand the Third Party does have an impetus and a rationale for this, which does make a lot of logical sense for many reasons, not the least of which is that the Yukon is actually a jurisdiction that far outdistances jurisdictions relative in size in the number of boards and committees, and the number of citizens who serve. Politicization of our boards and committees, in many cases, is the result of political debate by members of political parties, who, by convenience, find this type of debate politically expedient. The problem here is that innocent, hardworking Yukoners who are serving the public, who are dedicating themselves to serve the public in many ways, in many areas of responsibility, are being used as pawns. Recently, we are experiencing that very same scenario. Frankly, the government side takes full exception to that.

I want to just briefly go over some of the content of the motion. First, I have to make the point that excluding certain

boards from this process may very well be a mistake right at the outset. Example: already, a review of a board is happening through a process given force and effect by federal statute, and that is the review that's undergoing right now with YESAB.

There are other issues with *Umbrella Final Agreement*-mandated boards: from where members are appointed; who makes those appointments; what regulatory processes; what areas of authority they have; what instruments provide that authority; what legislation outside the Yukon may very well be a mechanism that provides that authority and responsibility.

The first point the government side would make on this motion is that to enter into any process such as this, because it really has impact across the corporate structure; it has impact across the Yukon; it has impact in the federal government system; it has impact on First Nation governments; it virtually has impact on the daily lives of Yukoners — so exclusion is something that we should thoroughly think through before we proceed with any processes related to boards and committees, regardless of their responsibilities and their mandate.

The first point that is brought forward in terms of action items is soliciting nominations. I think members know — and anyone who has served in government knows — that there is quite an extensive process when we solicit nominations, but it doesn't just include the Yukon government. It includes the federal government; in some cases it includes the Council of Yukon First Nations, and it includes, in other cases, First Nation governments, so there is quite an extensive process of soliciting nominations. It has been done in the manner that clearly engages the public for their review and the possibility for their decision of acknowledging that they wish to serve whatever the case may be. There's a process for receiving those nominations. There's a process for reviewing those nominations, including the process of the all-party Standing Committee on Appointments to Major Government Boards and Committees. We talk about making merit-based appointments, which is in fact happening under this government.

The appointments to the Yukon Energy Corporation — even though there was criticism, especially from the Liberals — resulted from a merit-based process totally outside of government. We have to reflect on the fact that in many cases on Crown corporations — such as the Energy Corporation, the Development Corporation, the Hospital Corporation, the college — members of the public who sit on those boards bear a significant responsibility and obligation but also — and this is critical — extreme liability for the decisions they make and their involvement in serving and carrying out their duties as board members. It's no different from any other board of directors or trustees for any corporation. There is a significant liability that goes with the decision and the choice to serve.

So let me then briefly touch on honoraria. I'll go back to patronage appointments later, but setting honoraria — the simple matter is, again, there is the GAM policy manual. There are other statutes that speak to this, but frankly the choices made here, especially with past practices, have been done in the manner always consistent with those policies, with those regulatory processes and, indeed, in some cases, with the law.

That means that in some cases board members have for years been making that decision themselves. I think we have to recognize that. One should not suggest that this is inappropriate. One should not suggest that that somehow speaks to cronyism or favoritism. It is past practice. It is what Yukoners who have served on certain boards for years have been doing and they bear that responsibility and obligation in the appropriate manner.

On patronage appointments, one has to thoroughly reflect on this matter because if you consider the process, which is extensive, and all that must be gone through, including the all-party standing committee, we will quickly come to the realization that inevitably citizens of the Yukon will be appointed to boards and committees who may very well be affiliated to some political party.

Is it this Assembly — this institution and its members? Is it our job, then, to make a determination whether any individual appointment, at any given time, of any Yukon citizen, is in fact a patronage appointment? These are problem areas and we should be very careful how we debate and proceed with any suggestions that come out of any processes. We don't want to leave even the most limited impression that somebody — some Yukoner sitting on a board serving the public interest — is there because of a patronage appointment; that in receiving a fair and equitable return for their efforts and their commitment in bearing the responsibilities and the liabilities that they do in carrying out their duties, they are receiving something that they do not deserve. So we must always be conscious of that.

It gets me back to my original point: are we going into this process because this Assembly believes that there are all these problems when it comes to boards and committees in the Yukon? I would hope not, though I would point out that recently we've heard a great deal from the Liberal Party that that is indeed the case.

The government side takes full exception to that because we don't have that belief whatsoever. In fact, we stand in defence of all Yukoners who choose to serve, who bear the responsibility of making decisions on behalf of Yukoners, who carry out their duties and who deserve a just return for said duties.

I have to also delve now into the issue of timing on the motion. I can say without any hesitation that to strike a commission in an all-party, cooperative manner and choose a commissioner and/or members of a commission and agree upon them — reach consensus, determine a terms of reference and/or mandate for said commission to carry out its duties and to deliver its findings by the spring sitting of 2011 — is logistically, physically, and in all facets impossible.

Secondly, in discussing this with government officials who must look into this matter internally across the corporate structure, I can assure this House that they too recognize that such an undertaking would be impossible. If we were to dictate a timeline to such a process, should we ever proceed with one, we would not want outcomes to be a reflection of not enough time to do the appropriate work, to bring this House the appropriate recommendations and/or suggestions.

The member's point about boards that may need to be disbanded or have served their purpose — he makes a good point, but that's a matter we can understand more thoroughly when I get into further detail about how we might be able to do that.

Let me just quickly touch on the broad scope of how this affects just the Yukon government, never mind the federal government, First Nation governments and, in some cases, there are certain groups that are required to have boards and/or committees. I can tell you the only board I know of that has been disbanded in all these years is the Motor Transport Board, and there are reasons for that. It became a board of redundancy because we have opened up our borders. There is such a thing as the *Agreement on Internal Trade*, and the issue of operating authorities, for example, in the trucking industry is not something that we really undertake any longer. Access to a Yukon commercial licence is done in a somewhat different manner, and the review of said application for licence by a motor transport board — by its own admission, the Motor Transport Board stated there was no longer a requirement.

We also have to remember that in all of these cases, they could either be established by statute, established by Cabinet, and/or a Cabinet minister or, obviously, pursuant to the *Umbrella Final Agreement*. Of course, another example is the YESA Board, which is an instrument of the *Umbrella Final Agreement*, but appointments to that board are done through the federal system. There is a clearly defined number of members, where those members come from, and so on and so forth, but the decision is not made here. The approvals for certain members on the YESA Board are made elsewhere, and that is also the case in some other instances.

Cross-corporate structure — boards and committees and any changes or any processes they're in, should we undertake them, will affect Tourism and Culture, will affect Community Services, will affect Education, will affect Energy, Mines and Resources, will affect the Department of Environment, will affect the Department of Health and Social Services, will affect the Department of Highways and Public Works, will affect the Justice Department, the Public Service Commission, the Women's Directorate, the Workers' Compensation Health and Safety Board, the Yukon Development Corporation and *Umbrella Final Agreement* boards and committees. There is a long list, including renewable resources councils.

At this point, I'd like to express to you that renewable resources councils have, on many occasions, voiced their concern about their fiscal capacity, given their duties and responsibilities under the treaties in the Yukon. That is a federal fiduciary responsibility. There again, we must reflect on whether we should proceed with the process for any board or any committee because the renewable resources councils are already areas where we must continue to work with the federal government and deal with the challenges when it comes to implementing the treaties in Yukon. Then, of course, there possibly could be boards and committees appointed and administered by agencies other than the Yukon government.

So it is massive in order of magnitude and scope, and it would include affecting statutes, laws, acts, regulatory processes, policies. As we get into this, one can understand that,

directing a commission to do work and bring back the conclusions and/or the outcomes and/or the recommendations to this Assembly would require a lot of insight into exactly what it is we want the commission to undertake so the work the commission and/or members of a commission do, should we proceed, is not wasted, that time is not wasted, that expense is not wasted, and we get the results that were envisioned at the very outset of proceeding with said process.

In other words, there is a considerable amount of work that must be done should we enter into a process such as this. When I say “considerable”, I emphasize the order of magnitude and the massive amount of assessment and analysis that would have to take place to be able to provide us — this Assembly — with insights and the necessary information for this Assembly and its members to make informed decisions for us to proceed in any manner.

Therefore, to avert needless partisan wrangling, if I may, and keep this — as the Third Party has intended all along — as a constructive measure —

The government side does not have any aversion to or disagree with the need for looking into these matters. In fact, regarding honoraria, there has been a process under this Yukon Party government that is ongoing. The member said he can't remember the last time rates were reviewed. I believe the last time was somewhere in the early 1990s, so it is timely. That's why we've undertaken reviews in a number of instances. Those are internal reviews based on all the lists of departments, and what mechanisms involve certain boards and committees. The process is ongoing and we see no need to stop that process at this time.

We have undertaken independent processes for solicitation of interest in serving, such as the Yukon Energy Corporation. Hopefully, the members opposite recognize that as another example of addressing certain areas of this particular process the Yukon government and the Yukon Territory is in.

Therefore, the government side feels that an appropriate amendment brought forward could, in the spirit of cooperation, add to this motion and that would allow for future considerations, once the necessary work is done and the members of this Assembly are much better able to make informed decisions, choices and/or recommendations.

Amendment proposed

Hon. Mr. Fentie: Therefore the government side moves

THAT Motion No. 1126 be amended by:

(1) deleting the words “establish a commission to review all” and replacing them with the words “conduct a comprehensive review of all the mandates, function”;

(2) deleting the words “but excluding” and replacing them with the word “including”;

(3) deleting the word “commission” in the second clause and replacing it with the words “Yukon government”;

(4) deleting the words “and recommendations”;

(5) deleting the word “spring” and replacing it with the word “fall”; and

(6) deleting all the words after the word “Assembly”.

If I may, Mr. Speaker, let me read the amended motion:

THAT this House urges the Yukon government to conduct a comprehensive review of all the mandates, functions, processes and procedures regarding appointments to government board and committees listed in Standing Order 45(3.2) including those established under the *Umbrella Final Agreement*; and

THAT the Yukon government report its findings to the House no later than the end of the 2011 fall sitting of the Legislative Assembly.

Mr. Speaker, that timeline is not simply pulled out of the hat. It is based on an understanding of the amount of work that would be necessary.

Speaker: Order please. The amendment is in order and it reads as follows:

THAT Motion No. 1126 be amended by:

(1) deleting the words “establish a commission to review all” and replacing them with the words “conduct a comprehensive review of all the mandates, function”;

(2) deleting the words “but excluding” and replacing them with the word “including”;

(3) deleting the word “commission” in the second clause and replacing it with the words “Yukon government”;

(4) deleting the words “and recommendations”;

(5) deleting the word “spring” and replacing it with the word “fall”; and

(6) deleting all the words after the word “Assembly.”

For clarity, I will now read the motion with the proposed amendment:

THAT this House urges the Yukon government to conduct a comprehensive review of all the mandates, functions, processes and procedures regarding appointments to government boards and committees, including the major government boards and committees listed in Standing Order 45(3.2), including those established under the *Umbrella Final Agreement*; and

THAT the Yukon government report its findings to the House no later than the end of the 2011 fall sitting of the Legislative Assembly.

Hon. Premier, you have 20 minutes.

Hon. Mr. Fentie: I will now be very brief. The amendment is a constructive one. I hope in my brief time I've been able to explain the amount of work we need to do to bring forward information to assist the Assembly and its members in making informed choices and decisions.

Our amendment is not about issues of patronage; it's not about issues of favouritism; it's not about issues that there are things going wrong, and that Yukoners are doing inappropriate things as board members or committee members. It is based on the very fact that the Third Party pointed out. It has been a long time since a thorough review of boards and committees in the Yukon has been conducted. This is by no means a decision to disband boards or change anything. It is to do an analysis, to report back to this Assembly on all matters related to boards and committees, whatever the function or service they provide to the Yukon public.

Mr. Cardiff: I'm not going to take back my previous comments. I do thank all Members of the Legislative Assembly for what it is that they have to contribute. One of the things that the Premier said in his remarks was, "Be careful." I think the Premier needs to be careful when he considers what he has proposed in this amendment.

Regretfully, I am going to oppose the amendment, but I may have something constructive to contribute as well. First of all, the whole point of having a commission was to ensure that it was an independent process — something that was independent of government, and that it wasn't government looking at itself. I know that there are internal review mechanisms and I would like to thank the Premier for enlightening Members of the Legislative Assembly that there is actually a review of honoraria being done, because I think it has been an issue and he agreed with me that my facts were correct — I'm glad to know that — and there hasn't been a review of that since the early 1990s. But, what's open, what's fair and what's transparent about that? The first we heard about it was today when the Premier notified us that that was actually happening. We weren't aware of it; the public wasn't aware of it. Out of respect for some of the boards and committees, I think it would be fair to get input from them as to whether or not they think that their honorarium is fair and adequate for the contribution that they make.

I'll leave that one alone and the Member for Kluane is going to have his time in the spotlight as well today, I'm sure.

The idea was to have that process at arm's length from government. Also, as I explained in my remarks about the motion, it was to ensure that even if we have a new government before the commission completed its mandate, the work of the commission could proceed and it would survive.

I'm going to go back briefly here because I recognize and will even thank the government for pointing out the scope of the work that's involved here — the magnitude, I think is the word that the Premier used — realizing that this is a bigger task than what we first thought, and extending the mandate to report in the fall sitting of the Legislative Assembly.

The fact of the matter is, as I told the Premier the other day, I'm looking forward to the fall 2011 sitting. Hopefully he will call it early, before we have a fall election, so we can all debate the issues that are important to Yukoners before we go to the polls next fall.

Even if there were a change of government, the commission could still do its work and it would survive. By having government do the work, we need to ensure that any new government — because there could be a change of government this fall; there could be a change of government in the spring — nobody knows. The Premier loves to have all Members of the Legislative Assembly, members of the public and members of the media speculate about when there may be an election. I try not to get too wrapped up in that and just concentrate on the work at hand.

The commission would be able to complete its work and it wouldn't be subject to the political will of a change in government or future governments. I do support changing the timeline.

With regard with some of the other things, they decided to basically do away with the commission. I can't support that. They replaced some of those words by "conduct a comprehensive review of all the mandates, function" so it actually reads "...all the mandates, function, processes and procedures regarding appointments to government boards and committees, including the major government boards and committees listed in Standing Order 45(3.2), including those established under the *Umbrella Final Agreement*." This is where the Premier said earlier: "Be careful." I'd like to remind members of the motion read into the record by the Member for Klondike today. His motion today was urging all MLAs to respect chapter 11 of the *Umbrella Final Agreement* with respect to land use planning processes. I would argue that what this motion is saying now is that it's urging the government to conduct a comprehensive review of all the mandates, functions, and processes and procedures of boards that were established under the *Umbrella Final Agreement*.

Well, I don't believe that that's necessarily within the purview; I think it's beyond the mandate of this Legislative Assembly to do that. Those are boards and committees that were creations — children — of the *Umbrella Final Agreement*. They're entrenched in final land claim agreements that the federal government and the territorial government have signed with First Nations. I think this is a very difficult process that would require the cooperation of the federal government; it would require the cooperation of all First Nations in the territories. I'm not saying it's impossible, I just think that the Premier is making it more difficult than necessary.

The idea behind the motion is: what's within the purview of the Government of Yukon? How does the Government of Yukon make appointments? It's not about the mandate of those; that's one of the reasons why we excluded it. It's not about the mandates of those boards or committees, and I can respect what the Premier said about RRCs. They have a tough job; it's their responsibility to breathe life into those final agreements and to ensure that the spirit of those agreements is respected. I would caution the Premier — I don't think it is within our purview or that we want to get into reviewing the mandate of boards or committees that were created under the *Umbrella Final Agreement*. I don't think that's our job. It might be a job for First Nation governments to review their participation. It may be that there needs to be a different process to review mandates, but we're not reviewing the mandates of those boards. At least that wasn't my intent. My intent was to review how the government makes appointments, what the process is for making government appointments to those committees. I think the Leader of the Official Opposition used the term "naval gazing" — but I think that it's going to open the government up to accusations of actually politicizing the review, and the whole point of having a commission was to remove it from politicians, to remove it from government, and to have it created at arm's length.

As well, they've removed, in the final amendment, the word, "recommendations"; they're just saying "findings". I would like to see "recommendations" as well as just "findings". I would like some concrete suggestions for improving the proc-

esses and procedures regarding appointments by government to government boards and committees. But in a very — I am hoping — constructive manner, I would like to propose, for the reasons that I've already stated, a subamendment to the government's amendment. I know this is a little bit of a convoluted way of doing this, and it's a little confusing for us all.

I'd like to thank the Clerk of the Legislative Assembly and the staff in my office for guiding us through this, hopefully to make it easier.

Subamendment proposed

Mr. Cardiff: The subamendment is:

THAT the amendment to Motion No. 1126 be amended by:

- (1) deleting clause (1);
- (2) amending clause (2) by adding the word "processes for Yukon government appointments to boards and committees" immediately after the word "including";
- (3) deleting clause (3); and
- (4) deleting clause (4).

Speaker: Order please. The subamendment is in order, as moved by the MLA for Mount Lorne:

THAT the amendment to Motion No. 1126 be amended by:

- (1) deleting clause (1);
- (2) amending clause (2) by adding the words "processes for Yukon government appointments to boards and committees" immediately after the word "including";
- (3) deleting clause (3);
- (4) deleting clause (4).

So for sake of clarity, I'll read the subamendment as proposed.

THAT this House urges 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), including processes for Yukon government appointments to committees established under the *Umbrella Final Agreement*; and

THAT the commission report its findings and recommendations to the House no later than the end of the 2011 fall sitting of the Legislative Assembly.

Mr. Cardiff: Thank you, Mr. Speaker, for the work in getting that very clear for all members. I don't want to quibble about a whole bunch of things here. First of all, I understand what the government's intention was with removing the list of 11 processes. It was about the scope of the review, and I think the government caught that by including the words, "mandates, function",

I'm willing to live with that, because I believe that anybody who is going to do the work is going to look at the original motion. They're going to go back to the Legislative Assembly and they're going to look at the discussion that happened here in the Legislative Assembly to understand the scope

of their work, and what their terms of reference are really about — they're about the discussion that we had in here. Government officials will often look at second-reading debate on pieces of legislation to try to understand the intent of the Legislative Assembly when it proposed and passed legislation, so I'm okay with that. I'm okay with lengthening the term. What I wasn't okay with was — as I said earlier — what I considered to be an interference in something that the government made a motion about today — in the *Umbrella Final Agreement* processes, and what the mandate of boards and committees is under the *Umbrella Final Agreement*.

The Premier obviously doesn't understand, because his amendment, in my mind, allows the government to review the mandate. That's what it says. The Premier needs to read his own motion. It says that the government was going to review the mandate of those boards and committees established under the *Umbrella Final Agreement*, and I don't think that's within our purview. If he didn't hear me in my response to his amendment, I don't think it is within the purview of the government to review the mandates of those boards. What I am looking for — and that's why we put that in there —

Some Hon. Member: (Inaudible)

Point of order

Speaker: Order please.

Hon. Mr. Fentie: I don't mean this to be antagonistic, but we're going to have to try to get some clarity here. It isn't about the mandate as much as it is about the fact that the Yukon government and ministers responsible have to make those appointments, whether they are *Umbrella Final Agreement* or not.

Speaker's ruling

Speaker: I can appreciate that the Hon. Premier is looking for clarity by utilizing the vehicle of point of order, but it actually isn't a point of order.

The Leader of the Third Party has the floor.

Mr. Cardiff: Thank you, Mr. Speaker, and that's what I'm trying to do: bring clarity to the issue by ensuring the processes for Yukon government's appointments to boards and committees, including those established under the *Umbrella Final Agreement*. That's what we've done with the subamendment.

I believe, as I said earlier, there should be a commission and that this should be done at arm's length. We've increased the timeline. I recognize it's a lot of work. As I said during my opening remarks, it could be a commission of one person that all three parties could possibly agree to; it could be a three-person commission — many hands make light work sometimes — whom we could all agree to. I'm leaving that open.

Also, I do believe that it's not just the findings that we're looking for; we're actually looking for the government and the Legislative Assembly to receive some recommendations about how to proceed — how we can best proceed as a group — not what the government should do to address the issue.

As Mr. Speaker often says, we're a collegial body, so I think it's time we start acting like one. The government wants

to receive the findings. It's the Legislative Assembly that needs the findings and the recommendations provided to it, so we all have the information, so that we all can be part of the participatory democracy that I was talking about when we first started this discussion earlier today. So I'm not going to go on at length about this. I think it's pretty clear what it is that we're trying to do. We want a commission established. We want to ensure that it is the processes for Yukon government appointments to boards and committees established under the *Umbrella Final Agreement* that are being reviewed, and not the mandates of those boards. We do want to have those recommendations, and we do want to ensure that the process is fair and open.

So I'm not going to go on any longer. This was done in the interest of being constructive. I appreciate what the Premier was trying to do. I've accepted some of that, and other parts of it, obviously, I think needed to be rethought. I thank all members for their contributions and look forward to what it is they have to say.

Mr. McRobb: It is a pleasure to finally speak to this motion, and I fully realize that we're dealing with an amendment to an amendment at this time, but it has been an interesting discussion. There is a lot that can be said on this matter, and I will be brief because my time is limited to 20 minutes.

First off, one of the major concerns I have — and it's something I didn't hear from the Third Party — is that if this amendment to the amendment is approved, it basically guts the intent of the first motion completely with respect to nominations, appointments, reappointments, honoraria, terms, conflicts of interest, need for new boards and committees, and disbanding boards and committees.

Mr. Speaker, in this modified text of the motion, if this amendment to the amendment is passed, show me where those items would be reviewed by this commission. It's nowhere in there.

Instead, the whole purpose of the commission has been confined to just reviewing all processes and procedures. That's it — regarding the appointments. The mandates and procedures are totally separate from looking at how board members are nominated, how they're appointed and reappointed, what their honoraria is and, as a sub to that, who decides what their honoraria is. The terms of the appointments, the issues of conflicts of interest, the need for new boards and committees or disbanding them altogether — all those items that were the substance of the original motion are gutted. And it seems to be okay with the mover of the motion. I'm just floored by that.

I could understand why it's okay with the Yukon Party government side because I think it has realized it is being forced to go along with the nature of today's motion debate. I really don't think that all the members who are speaking to this really understand what is involved. We really need to take more time to revisit this whole matter.

In listening to the Premier, you know, we're used to it on this side where he'll say one thing but do another. In the beginning, we heard him say we all need to cooperate, take the high road, but later we heard him digress and he started with his

political messaging and his attack on the Official Opposition. I'm not going to respond in kind, but I have something to offer and it is consistent with something we hear frequently from the Premier and it is warnings that members had better be careful — very careful.

Speaker's statement

Speaker: The honourable member's purpose is to speak to the subamendment. Member for Kluane, you only have 16 minutes, so if you would use this time appropriately and stick to the subamendment, the Chair would appreciate it. You have 16 minutes left, and I will add the time taken for my interruption.

Mr. McRobb: Thank you, Mr. Speaker. I am a true believer in freedom of speech, which is why I am elected to this Assembly, and I will use all the tools at my disposal to make the points on behalf of the people who have elected me, and other people who are counting on me to make their points in this Assembly.

What I was getting at with respect to the Premier is something that I am aware of regarding his view of boards and committees in the territory. Mr. Speaker, I know he'll know what I am referring to. I think that we need to safeguard the presence of these boards and committees and not merely leave everything to the whim of government. That is why I am defending the substance of the motion as it was originally tabled in this Assembly, before it was amended. This further amendment still leaves too much out of the substance of that motion.

If this amendment to the amendment is passed, it does bring back some democratic intent to the original motion, such as it reintroduces the commission — that's good, because the Yukon government should not have full control itself over what's happening here. We in the Official Opposition do believe it should be an arm's-length vehicle, such as a commission.

That said, we had plenty of questions about the terms of reference for a commission, how it would be comprised, and how far it can go in terms of acquiring information. If it's reviewing the feasibility of boards and committees, it must rely on the best information available.

A lot of that information is behind the secret curtain of this government. How, then, would this commission acquire that information? That's a legitimate question. We'll have to go through the ATIPP office, spend thousands of dollars getting to the bottom of a particular issue? Just how would that vehicle acquire the prudent information? That remains to be seen.

Aside from that, there are other aspects of this amendment to the amendment that are worthy, and it tries to introduce the original intent. I agree with probably three-quarters of this amendment to the amendment, but the one-quarter we don't believe in is the most important part. Of all the aspects that were identified in the original motion — how they would now be left out — they would be excluded. Only the processes and procedures would be investigated, and we all know how that might go.

I don't see a need to try to support this amendment to this amendment for that purpose. I know the government side al-

ready indicated they will be voting this down. We can accept that and get back to the amendment the government side put on the floor of this House and try to go from there.

Finally, we heard members earlier today mentioning this spirit of cooperation thing. I would suggest that, because of the complexity of the issues we are currently experiencing, it would have been a wise expenditure of time for all parties to perhaps designate someone this group could have met and gone over some of these matters and try to discover a wording all parties can live with before the motion was called for debate. I know we don't live in a perfect world and things can't be perfect all the time, but we're talking about something that is important to a lot of people in our territory and it's important to the government of the day, the boards and the committees.

It's important to other governments in the territory. As mentioned, First Nation governments have involvement; municipal governments have a stake in all of this too. The subject matter on the floor today involves virtually every person in the territory, whether they realize it or not. It's a matter of critical importance, so with that I look forward to the vote.

Mr. Cathers: I will be speaking briefly in favour of the subamendment, but first of all I appreciate what the Member for Mount Lorne is trying to do with the original motion. I think that there is a need to take a look at the processes related to some of these boards and committees and also at the fact that there are a great number of boards and committees, some of which could probably have their functions blended with others and some of which, I would argue, possibly may not really have a current function.

One thing that has occurred over time is that, when communication was more difficult, it was much more difficult for government to provide citizens the opportunity for input and that would then necessitate the need to sit down with a smaller group of people versus options such as e-mail, Internet feedback, et cetera, that do provide the opportunity for a great number of citizens to be involved.

I also appreciate the concerns the amendment to the motion is trying to address, but I do think it detracts from some of the key elements within the motion. It's important that this process be as depoliticized as possible. One thing that troubles me greatly as an elected member is the fact that it's becoming increasingly difficult to get people to serve on those boards and committees. One of the reasons for it, as the Member for Mount Lorne noted in introducing the motion, is that those positions often become very politicized.

There will be times, I think we all recognize, that governments of any stripe, whoever is in government, will want to ensure that they're appointing people of whom they have personal knowledge, or have a degree of confidence in, that they will be willing to work with them in fulfilling what that government believes the mandate they received from the people is. There is also the need — and I think we would all agree — or most of us would agree to — to try to ensure that, as much as possible, the boards and committees processes are striving to ensure that qualified people come forward for those positions.

I would note the good work that the Workers' Compensation Health and Safety Board has done under the chair — who is retiring or may have retired, I'm not sure the status of that — and is also the chair of the Hospital Corporation. He and others on that board did an excellent job in trying to develop standards, guidelines and suggestions for what types of qualifications are appropriate on that board. The intent being not to deprive the Cabinet of the day of the opportunity to appoint whomever they choose from those nominated — but providing guidance, particularly to employer and labour organizations who make those nominations, that they may wish to consider in identifying the skill sets of people from whom they are considering nominations and ultimately providing advice to the Standing Committee on Appointments to Major Government Boards and Committees, and to Cabinet itself. They may wish to consider that there be some sort of attempt to determine — from a technical perspective — what the requirements are to be a member of that board and what skill sets would be valuable.

So, Mr. Speaker, again speaking in favour of the subamendment by the Member for Mount Lorne, I think that the first amendment took a step too far in taking out some valuable parts of the motion. I actually find myself in the rare situation of agreeing with the Member for Kluane that the latter part of the motion did have some good things in it and it is unfortunate to see that taken out, but it's not my intention to get into submitting an amendment to the subamendment this afternoon. I think that the motion itself — if the amendment and subamendment are both carried — is still a step in the right direction.

I want to again emphasize and make it very clear that my objective with this is not to politicize the situation. I will avoid pointing out members in this debate for that reason.

But, as members know, in the past I have been very critical of the way some members have politicized boards and debate about board members. I also recognize that under the current situation there is opportunity for that concern to perhaps be genuinely present itself. But it does create a situation where we have a dwindling number of people who are able to serve in some of these demanding positions, who have the time to serve in those positions and are willing to stick their necks out, step forward and risk having their reputations unfairly impugned as a result of agreeing to sit on the board and happening to find themselves in a situation that becomes politicized and debated on both sides of the floor of this Legislative Assembly.

There is also a need to ensure, as I noted, that an attempt is made to be striving collectively through processes, including the Standing Committee on Appointments to Major Government Boards and Committees, to ensure we are coming up with qualified applicants, without regard to partisan stripe, but are in fact simply focusing on Yukoners who are able, capable and willing to do a job on behalf of the citizens of the territory and to work with the duly elected government or other partners they may have to work with and ultimately with the Legislative Assembly.

The bottom line: we have a number of people on boards and committees who have been put in unfair situations through political discussion that has gone on. That discussion also has

some roots and merit to the concern from which it originates — or it can, in some cases. That relates primarily to the issue of the process that occurs.

There's also the issue of the fact that, quite simply, some boards do not receive enough remuneration for the work they do; others have probably outlived their function; and there are some that could perhaps be revised in scope.

Particularly considering the fact that it's possible we may get into more wrangling back and forth on amendments and subamendments, I will not go on at length, though I could. I do think this is an important matter. I do think the Member for Mount Lorne's original motion was a good one. I think that some of what has come forward in the amendment and subamendment is an improvement, but some of the elements left off the list are a loss — I should say that if the subamendment and amendment pass it would be a loss.

I also want to note, again, the fact that this is not to suggest in the least that the process of appointments to major boards will ever be completely divorced from — or should be completely divorced from — the ability of the duly elected government of the day to make a decision and appoint people it believes are capable of serving and is confident will do the job. I think most of us would agree that we would like those decisions to be made on the basis of merit, rather than on the basis of patronage. And in fairness to all who are appointed, I think we need to create, as much as possible, an environment where they are respected for stepping forward; that their contributions, qualifications, and abilities are respected. There is also another element to it, which would take a longer period of time to discuss greatly, but with some of the boards, particularly ones with very technical elements to the work they have to do, there is a need for more board training to help the people who are appointed to get up to speed and ensure that they understand the situation.

I would like to continue on because there are a few other points I'd like to make, but I think that in the interest of time I should wrap up. I will note that the most important element of this is creating something that is a net benefit to the process — that is an enhancement to the steps that we took in developing the Standing Committee on Appointments to Major Government Boards and Committees, and that the objective of this stage of the exercise is ensuring qualified people are appointed, ensuring that the process is depoliticized as much as possible, and with regard to the implications that are cast upon those people. When those people step forward, they should be respected, they should be allowed to do their jobs, and we should have, up until the appointment process, taken appropriate steps to try to ensure that we're appointing the best people possible. When they do serve on those boards, there are some areas of public policy in which criticism, comment, or question may be merited, but those people should not see themselves attacked personally and their personal integrity unduly drawn into the political arena.

Mr. Mitchell: I'm going to speak pretty briefly to the subamendment because we want to see how the voting goes, and there may be other changes that come along.

I do think the initial intent of this motion from the Member for Mount Lorne was well-intended; I think it was a true non-partisan attempt to improve how government functions, and that's a worthwhile undertaking.

I know our caucus and I were prepared to support the original motion, although we saw that there would perhaps be some need for amendments. We understood in discussions with the Member for Mount Lorne that the Premier had already indicated that he felt the timeline was too tight and should be extended, and we agreed that this was a large undertaking and the end of the spring sitting of 2011 was probably too tight a timeline to do justice to the job that needed to be done.

I also think that, as the Member for Kluane said, this subamendment restores much that was removed by the Premier's original amendment, which eliminated the idea of an arm's-length commission at all. While the Premier suggested that government can review these things and it can be done internally, it didn't leave much confidence on this side of the House with there being much for teeth left in it because it wasn't arm's-length.

If government itself is directing that it be reviewed, it's always potentially subject to the wishes of the government of the day to direct how that review should occur. It is too loose and I think too much was lost in the Premier's amendment. So I do think that this subamendment has merit, as the Member for Kluane indicated, because it addresses some of those issues. The Member for Kluane also indicated that there are other questions that need to be addressed. One that I would agree with is just what powers the commission, which would be restored by this subamendment, would have. Do they simply have to go through Access to Information or would they have the power to simply subpoena or request information be provided as to how procedures currently occur?

The Member for Kluane in speaking to it also indicated that much was lost in this back and forth; that being the items that specified what the review should include. It didn't limit the scope, but simply gave 11 items that should be noted. They were obviously well-considered by the original motion of the Member for Mount Lorne as being important, so we are concerned that they are gone.

I can see how the latest wording in this subamendment, which urges the Yukon government to establish a commission to review all processes and procedures regarding appointments to government boards and committees, might address — although it leaves it for the commission to determine — items 1 through 5: soliciting nominations; receiving nominations; reviewing nominations; making merit-based appointments; and reducing patronage appointments, because those would be processes and procedures regarding appointments. It would appear that setting honoraria and other remuneration would be lost, because those are not processes and procedures regarding appointments, those are processes and procedures regarding the boards and committees themselves. I don't think that this current wording would necessarily cover that.

I'm concerned that items 10 and 11 — I think 7, 8 and 9: setting the terms of appointments, determining reappointments and reducing the potential for conflicts of interest might be

included by this general wording that is in here about processes and procedures. Determining the need for new boards and committees to address new issues and disbanding boards and committees that no longer serve any widely recognized public function or purpose appears not to be referenced by this new wording. That is a concern because the Member for Mount Lorne worked hard to make the case for why these were important issues that should be included.

I was tempted to consider a subamendment to address these, but getting into a subamendment to a subamendment to an amendment — I think we would run out of colours of paper and we can't do that procedurally, so I think we will have to deal with this issue and perhaps, depending on whether the amendment or the subamendment is approved or disapproved by this House, we can then go back to those issues later. But I just wanted to note for the House that some of those issues should be looked at before we reach a final conclusion today. Thank you, Mr. Speaker.

Speaker: Are you prepared for the question on the subamendment?

Some Hon. Members: (Inaudible)

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

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.

Mr. Cardiff: Agree.

Mr. Cathers: Agree.

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

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

Subamendment to Motion No. 1126 negatived

Speaker: Is there any further debate on the amendment?

Mr. McRobb: A lot has been said on this already. I'll just touch on a few things I didn't get to at the previous opportunity. What I wanted to say was confined to the subject matter

at hand. Now we're talking to the motion as amended, and it raises some concern.

I see there is a major division in how this afternoon's debate and the current wording in this motion can be perceived. One is the original intent was upholding values of democracy in how it identified arm's-length measures from government. Whereas, after the Yukon Party side used its majority to achieve what it wants, we've now got something that is totally different. Whatever happens here is subjected to the dictates of the government. I would say, to paraphrase it, that's a blow to democracy.

Secondly, the subject matter at hand, as I discussed previously, is now in question. It was spelled out specifically in the original motion. Now it appears inclusion of those items is somewhat subjective.

Many Yukoners are suspicious when it comes to this government's interpretation of matters that are interpretive. We've all seen how the spirit of matters simply disappeared from the final product. It slipped between the cracks if you will, Mr. Speaker, and I'm afraid that's what could happen to this whole undertaking. There's only one bright light on the horizon, and that is that Yukoners know there will be a general election sometime in the next 12 months. Perhaps, under a new government, the territory can resume its long-stalled progress toward improving democracy for the people it serves.

Speaker: Are you prepared for the question?

Some Hon. Members: (Inaudible)

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Fentie: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Hart: Agree.

Hon. Mr. Kenyon: Agree.

Hon. Mr. Rouble: Agree.

Hon. Mr. Lang: Agree.

Hon. Ms. Horne: Agree.

Hon. Mr. Edzerza: Agree.

Mr. Nordick: Agree.

Mr. Mitchell: Disagree.

Mr. McRobb: Disagree.

Mr. Elias: Disagree.

Mr. Fairclough: Disagree.

Mr. Inverarity: Disagree.

Mr. Cardiff: Disagree.

Mr. Cathers: Disagree.

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

Speaker: The amendment is carried.

Amendment to Motion No. 1126 agreed to

Speaker: Is there any debate on the main motion as amended?

Mr. Cardiff: Mr. Speaker, I am greatly disappointed in the outcome of today's events. I am willing to accept that this is the way things go in this Legislature sometimes, but unfortunately we can't agree. I am not going to be able to vote for the motion as amended, because it does not have the intent of the original motion.

Does it make me angry? Yes, it makes me angry, because I do believe that there was a spirit of compromise in the Legislative Assembly and we were all trying to work together. Unfortunately, we couldn't arrive at the same point.

I don't want to go on for long, because I know the Member for Vuntut Gwitchin has another important matter that we are going to discuss this afternoon, which is very important to his constituents, and by extension, very important to all Yukoners. I won't go on for a long time.

I'm not going to support the motion as amended because I feel that the intent of the motion has changed. Number one, I was looking for something that was independent of government. What we have now is the government reviewing its practices and processes for making appointments to boards and committees. Not only that, now we have the government reviewing the mandates of boards and committees that were established under the *Umbrella Final Agreement*. That is a travesty in the Yukon. That is not showing respect for the agreement.

There were land claim final agreements established under the *Umbrella Final Agreement*, which is exactly what the Member for Klondike was asking today when he tabled his motion. You can't have it both ways. You can't ask for respect for one clause of the *Umbrella Final Agreement* when you're actually disrespecting other clauses of the *Umbrella Final Agreement*. Those boards are mandated and established under the *Umbrella Final Agreement* and in the final land claims agreements. I don't know why the government took the misguided approach to step into that quagmire, because I don't believe that it is in the purview of the government or the purview of this Legislative Assembly to meddle in that legislation. I think that's something that should be done cooperatively between the federal government and First Nation governments. That's something that should be part of a review.

There are already processes established for doing that for some of these boards and committees — namely, the Yukon Environmental and Socio-economic Assessment Board and the review that is currently going on there. For us to step into that whole realm, I don't believe is proper. While I agree with the timelines, I can't agree with the government meddling in those processes. I was able to agree with removing the list of 11 items because most of them were covered by the words, "mandate, function, processes and procedures". Admittedly, they weren't all covered off, but sometimes we do have to make compromises in order to achieve the goals that we are trying to achieve and to move forward. Unfortunately, today the government will be moving ahead on its own.

Speaker: Are you prepared for the question on the motion as amended?

Some Hon. Members: (Inaudible)

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

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: Disagree.

Mr. McRobb: Disagree.

Mr. Elias: Disagree.

Mr. Fairclough: Disagree.

Mr. Inverarity: Disagree.

Mr. Cardiff: Disagree.

Mr. Cathers: Agree.

Clerk: Mr. Speaker, the results are one yea, 15 nay.

Speaker: The nays have it. I declare the motion, as amended, defeated.

Motion No. 1126, as amended, negatived

Motion No. 1178

Clerk: Motion No. 1178, standing in the name of Mr. Elias.

Speaker: It is moved by the Member for Vuntut Gwitchin

THAT this House urges the Government of Canada's Minister of Indian and Northern Affairs to ensure that the new Nutrition North Canada program delivers healthy foods to citizens living in Old Crow, Yukon by:

(1) ensuring the Nutrition North Canada program includes a personal shipping transportation subsidy from Whitehorse to Old Crow of "nutritious perishable foods", "non-perishable foods", "non-food items" and "essential non-food items" by the residents of Old Crow via Air North, and

(2) maintaining a transportation subsidy that is administered by Air North with the company being accountable directly to the Department of Indian and Northern Affairs Canada.

Mr. Elias: It is with great concern that I rise to speak to my motion today. On behalf of my constituents of the Vuntut Gwitchin riding, I say to you today that, as of April 1, 2011, the federal food mail program will be no more and will be replaced by the new Nutrition North Canada program.

The objective of the new food subsidy program is to ensure that healthy foods are more accessible and affordable to residents living in our isolated, fly-in-only community of Old Crow. A key issue of concern to my constituents is the elimination of their ability to shop in whatever stores they choose and purchase the eligible nutritious perishable foods, non-perishable foods, non-food items and essential non-food items

in our capital city and take them to Air North, Yukon's airline, for direct shipping to Old Crow.

I'll be honest here. My constituents are wondering what the Department of Indian and Northern Affairs is trying to fix here in the Yukon, because we believe we have a workable system, including the most direct distribution possible of healthy, nutritious foods to the dinner tables of Old Crow.

Yes, some fine tuning of the program was warranted. This level of overhauling of the program is considered to be excessive and unnecessary in the Yukon by my constituents, who are the only beneficiaries of this program in the Yukon. Many of my constituents feel that as a result of the federal government trying to fix the inefficiencies of the federal food mail program in eastern Canada, where most of the costs of the program are incurred, that our community receives a disservice. It is considered a step backwards to achieving the program objectives for residents of Old Crow. My constituents have a lot of concerns about the new Nutrition North Canada program, such as the composition of the external advisory board, the eligibility lists of food and non-food items, and the flexibility of the program to meet their needs, to name a few. I will focus on the major issue of removing the transportation subsidy all together, and the decisions that directly impact the physical and financial health of my constituents.

This is a concern because the new Nutrition North Canada program says that the subsidy will be changing from a transportation subsidy to a retail subsidy, in that the new Nutrition North Canada program will provide funding directly to retailers and wholesalers who already ship large volumes of food and goods to Old Crow and choose to participate in the program. It also says that in order for retailers to participate in the program they must meet a minimal annual shipping rate requirement, as set by the Department of Indian and Northern Affairs Canada.

Mr. Speaker, the only store that operates in Old Crow is a Northern Store, and the parent company is the North West Company. They have already said they will participate in the new program. However, it is important to note that the nearest shipping distribution centre for the Northern Store is Winnipeg, Manitoba. As one of my constituents put it, "By the time the fresh fruit arrives in Old Crow it is hardly worth buying." Furthermore, it will be up to each parent company and individual retail store in the capital city to sign up, qualify, negotiate the shipping rate of freight with Air North, and then agree with the Department of Indian and Northern Affairs Canada's accountability agreement.

So you see, Mr. Speaker, the new Nutrition North Canada program has the potential to force my constituents to shop at only those stores that sign up and register for the program, and that is unacceptable, because my constituents deserve to shop for nutritious foods wherever they choose.

This concept in the Nutrition North Canada program, in my opinion, is not achieving the objective of healthy foods being more accessible. The stores in the capital city may choose not to participate because it is simply not worth their time and cost as a business, or there's not enough volume of food and goods being purchased at their store to warrant their participation, or they view the program as having a ridiculous

amount of red tape to make it worthwhile. At the end of the day, it is my constituents who have to bear the consequences.

What if the only store that signs up is the Northern Store in Old Crow and my constituents are forced to pay whatever the Northern Store charges, just so they can receive a benefit from the subsidy? That is a concern of my constituents.

Last week when I travelled to Old Crow I took note of some of the prices in the Northern Store at home, and for a carton of milk it was \$8.69; for a loaf of bread it was \$5.49; for a box of Cheerios, it was \$11.20; and for a box of Gain laundry detergent, it was \$43.59 — on sale — and those prices are subsidized.

We need to stay as close to the status quo as possible here in the Yukon, and I believe this motion we are discussing achieves that direction from my constituents, and that the new Nutrition North Canada program be flexible enough to maintain the personal shipping transportation subsidy from Whitehorse to Old Crow of nutritious perishable foods, non-perishable foods, non-food items, and essential non-food items for the residents of Old Crow via Air North, and maintaining a transportation subsidy that is administered by Air North, removing Canada Post from the picture altogether with the airline being accountable directly to the Department of Indian and Northern Affairs Canada.

I am hopeful that the federal government will continue to work with our community of Old Crow before April 1, 2011, to ensure the best possible delivery of the new Nutrition North Canada program to my constituents. It is my constituents who know what works in terms of getting healthy, nutritious foods on their tables. On behalf of my constituents, and the community of Old Crow, who are the only beneficiaries of the federal food mail subsidy program, I ask today that all members join me in sending a united message, and vote in favour of this motion. Mahsi'cho.

Hon. Mr. Hart: In the spirit of collaboration and support here, I am very pleased to rise today in support of this motion. This government recognizes the importance of ensuring that the new Nutrition North Canada program continues in the spirit of its predecessor program, and provides a personal shipping transportation subsidy to those individuals living in Old Crow, seeking to purchase and ship food and essential items to their homes.

I came from a small town in northern Manitoba where we were the hub for many of our communities that could only be accessed by airplane, so I'm very familiar with shipping to these small communities. In fact, I contacted my counterpart in Manitoba and had some discussions with him with regard to this particular subject and how it's affecting his communities, especially those in the far eastern part of the province, as well as those in the far north. He told me that they had four communities taken off the food mail program and not put on the new program. That had an even more dramatic effect with regard to his community so he was very interested in having a discussion with us. I faxed him a copy of our motion for the Government of Manitoba to consider.

I will state that it's very important; as I said, I'm very familiar with the usefulness of having it. In Manitoba, for example, one company does all the delivering of the food to these small communities, and that is Safeway.

As the member opposite indicated, they have one monopoly that operates in his small town, which it makes very difficult for him to get anything on a competitive basis with regard to good food. Once the winter comes, we all know what the vegetable line looks like here in our own community of Whitehorse. We consider Whitehorse to be the end of the line for vegetables and fruits. One only has to go shopping here locally to find out that most of our stuff will only last three or four days once you take it home.

It's a very important situation. I think I stated here in the House previously on many occasions that it's important to assist all individuals to maintain a healthy lifestyle and have the ability to purchase good, quality vegetables and fruits and to ensure that they're there. I know the member opposite made some comments about what was available.

I did look at the federal program to see what it is. I won't bother going over that, but I think we all basically understand what the program provides. It's a subsidy. Again, I think the community of Old Crow is different from many of the other communities in the east, as the member opposite said, because of the fact it has a monopoly situation. We don't have a bunch of retailers that are going to fight the doors down to deliver products in Old Crow.

Although I haven't talked to the major retailers here in town, I'm pretty sure that, given the constraints the member opposite has indicated, it's going to make it very easy for them to not participate. Obviously for that reason this government will be in support of this motion.

I would also like to state that the member opposite didn't go through a lot of the changes on eligible and ineligible items from the old program to the new program. I was taken aback, actually, by some of the items that were identified as eligible and non-eligible.

I wonder whom the government consulted when they did this. It's unrealistic, in my opinion — canned vegetables and fruit were available before, but they won't be after 2011. Whole pumpkins, okay, I'll give you the whole pumpkins; that makes sense. You're not going to have a jack-o'-lantern, but it's there.

We have items on here. I can see some of the — canned condensed milk. I don't know about you, Mr. Speaker, but I grew up on canned condensed milk; Pacific, I might add, was the actual brand. I can still see the cow on the brand; yet it won't be eligible. With whom did they consult? In northern areas, condensed milk is a staple for them to survive on.

I love this one: back bacon is okay — peameal, curried, smoked products — but guess what? Side bacon is not acceptable any more. Who makes these decisions? What cubicle is this individual in?

As I stated, I come from a community where we were involved with this. I was very curious when I dug up the information as to what these changes are — like canned meat and fish were acceptable before. Think about it — canned meat. Here in

the north, you're going to go out on the trapline. Canned meat is the logical thing to take with you; not acceptable after March 21, 2011. We have many things: canned soup — Campbell's soup. Can you imagine Campbell's soup not being available to people in Old Crow? I can't imagine. There are a couple more pages; it is very easy. Prescription drugs are not acceptable, but non-prescription drugs are okay. Where's the common sense in that? I have no idea where that comes from. Okay, here's a beauty and there's a whole slate of them: infant care products, dental care items, personal hygiene items, household items, nutritional items, medical products, and hunting and fishing equipment were all acceptable.

Now, on March 31, no, not acceptable any more. So with whom do they consult? Where are all these items? Will they consult with them across the north? In my discussions with a minister from Manitoba, they had nothing. In fact, they sent a letter off to the Minister of Indian and Northern Affairs and they got, basically, no response back. Okay? So I think that by us voting on this process before us today — voting on the motion, and supporting it, and sending it off — I think it will have a good effect. We'll send a copy off to my colleagues in Manitoba, and see if they can send off theirs, or a similar one, and see if we get any impact on the process. I believe that, as the member opposite has indicated, Old Crow consists of less than one percent of this program in Canada — less than one percent. I'm sorry, but it's not exactly a big, huge request on behalf of the citizens of Old Crow. They make up less than one percent of the total program cost across Canada. I don't feel that the seven percent of the estimated \$60 million cost of the program for 2008-09, for example — that was just 2008-09 as per the information that I got — is asking a lot. That's not asking a lot at all. I think that the citizens of Old Crow have demonstrated that the current system works well. Not only that, it works well utilizing Air North. That community has a stake in Air North. It is a part of their investment. I think that utilizing Air North as its carrier and making Air North accountable to the federal government is a logical step, and it makes it a lot easier for them to be accountable for it.

So, Mr. Speaker, I have older rates with regard to costs of food, but I would give a couple of these just to give you a quick example.

Chef Boyardee — in Ottawa, it's \$1.39; Cape Dorset, Nunavut, \$3.65; Old Crow, \$4.29. Minute Rice — I won't even bother with the size because it doesn't matter — Ottawa, \$3.49; Cape Dorset, \$6.49; Old Crow, \$7.69. One dozen eggs, large — \$2.35 in Ottawa, \$3.69 in Cape Dorset and \$4.29 in Old Crow. I believe the member opposite had a little higher price, and he already stated the cost of milk.

Just by indicating those prices — and these are already subsidized prices — for the individuals in Old Crow to endure more cost will make it even more difficult. I believe that if we make it a lot tougher for them to get good, clean vegetables and fruit and good healthy living items to their community, they're just going to spend more money on Coke and other things that will make their health deteriorate.

If we make the cost of getting good, healthy food to them very expensive, it's just going to make it a lot easier for them to

order cigarettes, to order Coca-Cola, and I'll be sending a dentist up there every three weeks to deal with the dental issues for all the kids in the school.

I think I've said enough, Mr. Speaker. The government really supports this motion. We look forward to voting on this and sending the message to the federal government that the citizens of Old Crow should be looked after through the same process used by the old food program. Considering Old Crow only accounts for less than one percent of the actual total program, it's not too much for this small community to ask for — basically, to get the flexibility and have the same kind of program it had in the past.

Mr. Cardiff: I appreciate the Member for Vuntut Gwitchin's concern in bringing this motion forward. It is what I would consider to be a very important issue, not just for the people of Old Crow, but for everyone in Yukon. This is about looking after our brothers and our sisters, our fellow Yukoners, and ensuring they have the ability to obtain and make healthy living choices and, at the same time, try to reduce or maintain the present cost of living in that community.

I'd like to also thank the Member for Vuntut Gwitchin. I know he took the time to go and speak with the Premier and explain what it was he was trying to achieve. In a lot of instances, when we do that, we can achieve some good results for Yukoners. Unfortunately, we weren't able to do that earlier today. But here today — now — I honestly believe that we can not only achieve good results for those in Old Crow, but for everyone in Yukon, because we're all standing together for the good of everyone and for the good of the people who live in Old Crow.

Having the ability to make the choices about what foods you're going to buy is an important factor. Sometimes people don't make the right choices in their diet and it contributes to bad health; it contributes to the cost of our health care system.

Given all that has been said by the Member for Vuntut Gwitchin and the Minister of Health and Social Services, I don't need to repeat that. The important things for me are to allow people the opportunity to make those healthy choices about what food they're going to get, to try to ensure that the cost of those things that are essential to living in that community. After listening to the prices, I can't say that I believe they're reasonable. In fact, most Yukoners would shudder if they had to pay those prices.

The minister listed off a number of items that aren't going to be covered in the new year. I think that's a travesty that the federal government has taken it upon itself to decide what is essential — especially when it comes to our children. If I heard the minister correctly, childcare products and prescriptions that are essential in most instances for health and well-being aren't going to be covered. I think that is unconscionable of the federal government to make those decisions about what is essential and what isn't essential. Quite frankly, I'm shocked.

The Member for Vuntut Gwitchin apprised me of what he was intending to do. He told me what the prices were in Old Crow. There are many Yukoners who wouldn't be able to survive and provide for their families if they were forced to pay the

prices that the people in Old Crow currently have to pay for things that, quite frankly, are essential.

It doesn't matter whether it is healthy food — and I believe healthy food is important: fruits, vegetables, and grains. We support and are proud of the fact that the people of Old Crow still try to live a traditional lifestyle and still try to live off the land — I think that we should be proud of that — and eat those traditional foods, but still recognize the fact that fruits and vegetables, grains and a lot of those things that are part of everyone's diet now — and are healthy alternatives. They need to be made available, and they need to be made available at a cost that is reasonable and does not unduly burden those consumers.

So, I'm proud to support this motion and I hope that the debate that we are having here in the Legislature — *Hansard* — will reflect the comments of the Minister of Health and Social Services regarding which items won't be allowed and which items aren't, and how those decisions are made. I just can't understand how decisions like that are made.

I can't believe that certain items, especially for the care and well-being of the children in Old Crow and in our communities, can be denied. That's terrible.

I will be supporting the motion, quite proudly. I hope the federal government listens to what we as a collective body here in the Yukon have to say on this issue, and I hope they pay attention.

Mr. Mitchell: I'm going to be very brief because we want to get this to a vote, but I just want to first of all commend the Member for Vuntut Gwitchin for bringing this motion forward but, more than that, for the way in which he did so. I know that he took this to the Premier to consult with the Premier, and I want, on the record, to thank the Premier for being responsive. I want to thank the Premier for indicating that the government would support this.

I'd like to thank the Member for Mount Lorne for his comments. I particularly want to thank the Health minister. I've been pretty hard on the Health minister the last couple of days and I'll continue to be, where I find reason to disagree, but the Health minister went the extra mile here. He did the research. He contacted his colleague in Manitoba and he brought information to this House. He spoke passionately about the importance of this and the importance of a healthy lifestyle and the absurdity that the changes to the food mail program have brought, and I want to thank him personally for doing so.

I just want to note, many of us have had the opportunity to visit Old Crow from time to time. I know the last time I was in Old Crow, the Member for Vuntut Gwitchin and I went out one evening, or one late afternoon, to the local store to buy some food for dinner. It wasn't a very elaborate dinner. We were buying the food for a spaghetti dinner to be cooked at one of his relatives' houses. Now when I say we were buying the food for a spaghetti dinner, we already had the spaghetti. We were buying some ground meat, we were buying some sauce, some spices, some beverages and very little else. We spent \$70 to buy the fixings for a spaghetti dinner without having to buy the spaghetti. We didn't need a bag to carry it out; we could carry out what we bought in our hands.

When you go to Old Crow, and you stay in a B&B, there's really only one "B". They give you a bed, they don't give you breakfast because they'd lose their shirt if they had to. As we all know from having been there, you have to bring your own food, or you have to go to the one and only store and shock yourself, if you live anywhere but Old Crow, with the prices.

When I looked around the store the last couple of times I've been up there and saw how difficult it would be to have a nutritious diet, and to be able to afford to, based on the prices of the food that exist in Old Crow, obviously and fortunately, the people who live there use a lot of traditional foods, but there are other foods you want to add to a diet. It's very difficult.

We often talk about the impact of roads on areas, wildernesses, and such when we debate issues here. Well, the lack of a road to Old Crow is a double-edged sword because, on the one hand, it's one of the reasons why the traditional way of life has survived there more than most other places in the Yukon and, on the other hand, of course it leads to these costs.

I just want to thank all members for supporting this motion, and I hope that Canada will listen. It's a good motion and it will hopefully have a positive effect on Canada and INAC in making their decision.

INTRODUCTION OF VISITORS

Hon. Ms. Taylor: I would like to extend a warm welcome to my son, Will Taylor, and my mother, Dianna Raketti — welcome.

Applause

Speaker: Are you prepared for the question?

Some Hon. Members: (Inaudible).

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Fentie: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Hart: Agree.

Hon. Mr. Kenyon: Agree.

Hon. Mr. Rouble: Agree.

Hon. Mr. Lang: Agree.

Hon. Ms. Horne: Agree.

Hon. Mr. Edzerza: Agree.

Mr. Nordick: Agree.

Mr. Mitchell: Agree.

Mr. McRobb: Agree.

Mr. Elias: Agree.

Mr. Fairclough: Agree.

Mr. Inverarity: Agree.

Mr. Cardiff: Agree.

Mr. Cathers: Agree.

Clerk: Mr. Speaker, the result are 16 yeas, nil nays.

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

Motion No. 1178 agreed to

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Mr. Nordick): Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 22, *Second Appropriation Act, 2010-11*. We will now proceed with general debate.

Do members wish a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 22 — *Second Appropriation Act, 2010-11* — continued

Chair: The matter before the Committee is Bill No. 22, *Second Appropriation Act, 2010-11*. We will now proceed with general debate.

Hon. Mr. Fentie: I am pleased today to introduce to Committee of the Whole, Bill No. 22, *Second Appropriation Act, 2010-11*, along with the accompanying *Supplementary Estimates No. 1, 2010-11*.

The first supplementary estimates for 2010-11 provide an additional \$65.3 million in total spending authority. This will increase total projected spending for the fiscal year 2010-11 by \$1,141,000,000, of which \$297,000,000 will be directed toward capital investment. Let me, for a moment, expand on that very point.

Over the last two years, Canada, as a nation — each province and territory, in concert with the federal government — has been stimulating the Canadian economy, and of course, in this case, we have been stimulating the Yukon economy to better manage our way through this global economic downturn and recession. It is because we have a savings account; it is because of prudent, fiscal management; it is because of the hard work of many in the Department of Finance, and indeed, all departments across the government's corporate structure. It's about engaging with the private sector, with such groups as the contracting community, who help us put together multi-year capital plans so we are better able to strategically invest this very significant amount of capital dollars.

If you look at the statistics in the Yukon, it's clear that what we are doing is indeed working. We now know that the Conference Board of Canada has deemed Yukon as one of the

only bright spots in North America, whereby the Yukon experienced real economic growth during a period of global recession, unlike most other jurisdictions in the country, which actually experienced a recession. In other words, their economies shrank. As noted, the supplementary provides for \$65.3 million in increased investments, specifically additional operation and maintenance requirements of \$31.5 million and additional capital requirements of approximately \$33.8 million. Mr. Chair, these additional expenditures and investments result in a projected increase of expenses over revenues of approximately \$2.4 million. This will be a variance that is partway through the fiscal year.

Notwithstanding, our government continues to deliver a very healthy financial position. The first supplementary estimates for 2010-11 reflect a net financial position of \$33 million and an accumulated surplus of \$519 million. On that point, Mr. Chair, I once again want to emphasize that the Yukon Territory — due to prudent fiscal management and the fact that we have a healthy financial position and a savings account — continues to be one of only two jurisdictions in Canada that is not in a net-debt position, but indeed has the benefit and the luxury of a savings account. This sets the Yukon apart and we certainly are proud of that fact and our financial record as a government. I would like to reiterate: the supplementary includes \$65.3 million of additional expenditure authority in several key areas of great importance to Yukoners, and I am sure that members of the House and all Yukoners will appreciate this significant fact.

Our financial framework remains strong and I assure Yukoners that our government remains committed to managing and directing the Yukon government's finances in a disciplined, responsible and strategic manner. The supplementary estimates provide a significant increased investment for Yukon in capital infrastructure and in programs and services for Yukoners, all contributing to a quality of life that Yukoners now recognize is improving.

Many of the significant expenditure initiatives were highlighted during my second reading speech. In the interest of time, I will not reiterate them here, but my colleagues will of course be very pleased to discuss these initiatives in greater detail during line-by-line debate.

I'm indeed proud of the additional investments our government is making through these supplementary estimates. Moreover, I am extremely proud of our government's success in providing these significant investments on behalf of Yukoners, while maintaining our commitment to prudent financial management. As noted, our financial position remains strong and will provide more opportunities for our government and for Yukon to make future significant investments here in our territory on behalf of all Yukoners.

I am confident that the supplementary estimates speak for themselves in addressing the needs of Yukoners.

I look forward to the opportunity to discuss further all the details in the days ahead, but I must make a few additional comments.

We continue to hear from the Official Opposition — the Liberals in the House — that the Yukon Territory is broke.

How can this be, Mr. Chair? How can the Liberal members of this House maintain that statement in the face of the evidence?

Let us go back in history. The last ever final balance deficit in the Yukon Territory was under a former Liberal government. Since then — and this is the reason we have a savings account — final balance figures, duly audited, have shown clearly — and this is factual evidence — that the Yukon Party government has taken in some \$150 million more than we have expended. Therein is a case that we make before the House and encourage the Liberals — the members opposite — to recognize this.

For what purpose would they tell Yukoners that the territory is broke? Is this to startle Yukoners?

Is this to make public some position in the Yukon that's simply not a reality? Yukoners deserve better. We have gone through all of this. We have doubled the fiscal capacity of the Yukon. We have invested heavily in the territory, both in program services and in infrastructure. We have been reducing taxes. We have been reducing taxes for Yukoners and for Yukon small business to the tune of \$5 million plus annually, and we still maintain a savings account.

Now, the Liberals across the floor are maintaining that we are increasing taxes for such areas as tourism. This is not the case. The Liberals should be factual in their statements and should correct the record. But, by the way, maybe there is a reason behind their position.

They have voted against all successive budgets in the Yukon that have created this healthy, financial position, that have created these significant investments in our territory that have resulted in the savings account, that have put, and set, Yukon apart from most other jurisdictions in the country. They have allowed us to provide tax breaks for the Yukon Territory, that have allowed us, the Yukon, to receive a double-A credit rating to ensure that the Yukon tax revenues have grown by some 65 percent in Yukon, despite CPI increasing by only 11.6 percent. It has allowed us to currently have approximately \$260 million in cash, plus our investments, on hand today. This is over one-quarter of a billion dollars.

We've also been receiving millions of dollars in interest income for our investments, and even in the never-ending sinister plot of the asset-backed commercial paper investments the Liberal leader continues to voice over and over incorrectly, this investment has earned the Yukon some \$1.8 million.

I challenge the Liberals to demonstrate to the Yukon public the last time they brought that kind of fiscal capacity, that kind of wealth, have afforded Yukoners those very significant tax breaks, invested so heavily in Yukon's programs and services and infrastructure, built such an economy, put the Yukon on the global stage, attracting private sector investment to the level of hundreds of millions of dollars — and the list goes on and on.

Mr. Chair, the Liberals have a long way to go. They have a long way to go in demonstrating to Yukoners that they could indeed manage an economy and keep our economy diversified and strong. They have a long way to go to demonstrate to Yukoners that they have an understanding of the significance of the programs and services and how they contribute to quality of

life for Yukoners. They have a long way to go in demonstrating to Yukoners why they would oppose building hospitals in communities, building hospitals in communities when they just stood on the floor of this House and berated the Minister of Health about timely access to health care services. What is it, if it's not timely access for Yukon citizens in rural Yukon, communities like Watson Lake and Dawson City. Without facilities of this nature, how then can they have timely access to health care services? Is it their lot in life to drive to Whitehorse or to be flown to some other jurisdiction? The Liberals can't have it both ways, and they have a long way to go to demonstrate to Yukoners that they understand what it means to ensure that Yukoners have quality and comparable health care services to which any Canadian would have access.

They have a long way to go when it comes to demonstrating they actually can manage a set of books; that they actually can manage the finances of the Yukon; that they actually have a plan, a strategy, on where to invest the finances of the Yukon; that they can continue to ensure that Yukon maintains its position nationally and internationally.

Yes, they have a long way to go, but they must begin by correcting the record. There is a long, long list of statements by the Liberal Party in this House that need to be addressed — a long, long list, Mr. Chair. So before they can talk about elections, before they can talk about how they can lead the territory, before they can talk about being an alternative to the Yukon Party government — which has proudly served this territory eight years and now we're heading into our ninth year — they must address the public record. They must stand and, item by item, statement by statement, correct the public record.

They must demonstrate to Yukoners that they have that ability first before they can maintain to Yukoners that they have any other abilities to deal with the challenges, the responsibilities, the obligations, and all that goes with practising good governance. Practising good governance is not just a statement or an item of conversation, it is hard, hard work. It is team building; it is listening to Yukoners; it is consulting; it is an understanding of what the challenges and issues are; it is having a plan; it is having a vision; it is having the ability to work well with others, to cooperate, to collaborate, to build our position nationally and internationally — which is certainly being done these days.

So, Mr. Chair, much can be said, and I'm sure that the Official Opposition, the Liberals, and other members across the floor will have some things to say. We can only hope that it will be constructive; that it will be relative to the Yukon and its reality of today; that it will be informative; that it will actually mean something to Yukoners and to the members of this House; and that it will begin with the Liberals of this Assembly correcting the record, item by item, statement by statement.

It also must include the Liberals clearly articulating that they recognize the importance of hard-working Yukoners serving on boards and committees, dedicating themselves to do a service for the Yukon public, and they should be treated in kind — fairly, equitably — and they should not be put in question. That is a fundamental element and a prerequisite of practising good governance.

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

Chair: It has been moved by Mr. Fentie that Committee of the Whole report progress.

Motion agreed to

Hon. Ms. Taylor: I move that the Speaker do now resume the Chair.

Chair: It has been moved by Ms. Taylor that the Speaker do now resume the Chair.

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

May the House have a report from the Chair of Committee of the Whole?

Chair's report

Mr. Nordick: Committee of the Whole has considered Bill No. 22, *Second Appropriation Act, 2010-11*, and directed me to report progress on it.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

The House adjourned at 5:31 p.m.