



Yukon Legislative Assembly

Number 158

1st Session

33rd Legislature

HANSARD

Wednesday, May 14, 2014 — 1:00 p.m.

Speaker: The Honourable David Laxton

YUKON LEGISLATIVE ASSEMBLY

SPEAKER — Hon. David Laxton, MLA, Porter Creek Centre

DEPUTY SPEAKER — Patti McLeod, MLA, Watson Lake

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Hon. Elaine Taylor	Whitehorse West	Deputy Premier Minister responsible for Education; Women's Directorate; French Language Services Directorate
Hon. Brad Cathers	Lake Laberge	Minister responsible for Community Services; Yukon Housing Corporation; Yukon Liquor Corporation; Yukon Lottery Commission Government House Leader
Hon. Doug Graham	Porter Creek North	Minister responsible for Health and Social Services; Yukon Workers' Compensation Health and Safety Board
Hon. Scott Kent	Riverdale North	Minister responsible for Energy, Mines and Resources; Yukon Energy Corporation; Yukon Development Corporation
Hon. Currie Dixon	Copperbelt North	Minister responsible for Economic Development; Environment; Public Service Commission
Hon. Wade Istchenko	Kluane	Minister responsible for Highways and Public Works
Hon. Mike Nixon	Porter Creek South	Minister responsible for Justice; Tourism and Culture

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Stacey Hassard	Pelly-Nisutlin
Hon. David Laxton	Porter Creek Centre
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Jan Stick	Official Opposition House Leader Riverdale South
Kevin Barr	Mount Lorne-Southern Lakes
Lois Moorcroft	Copperbelt South
Jim Tredger	Mayo-Tatchun
Kate White	Takhini-Kopper King

Liberal Party

Sandy Silver	Leader of the Third Party Klondike
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**Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, May 14, 2014 — 1:00 p.m.**

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

Prayers

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of Clara Hughes

Hon. Mr. Nixon: Mr. Speaker, I rise to pay tribute to Clara Hughes, a six-time Olympic medalist who is on a 110-day national bike tour to raise awareness of mental health and to help break down the stigma associated with mental illness. Clara's Big Ride will cross every province and territory and will take Clara through 95 communities in 110 days, for a total journey of 12,000 kilometres.

This national awareness campaign encourages all Canadians to be a part of the conversation about mental health and to help eliminate the stigma attached to mental illness. As you will have heard last week, National Mental Health Awareness Week ran from May 5 to 11. The week is designed to encourage people from all walks of life to talk about mental health and to realize that we all have to work to stay mentally fit and healthy. An estimate 68 percent of Yukon residents aged 12 and over reported their perceived mental health as being very good or excellent, while only 5.4 percent reported their perceived mental health as fair or poor. However, we know this is an area of real concern and numbers are likely to be much greater.

Clara is not alone in having experienced first-hand the debilitating effects of mental illness and the difficulties of finding support. But today she is using her experiences to fuel her efforts to drive positive, long-term change in the way Canadians perceive mental illness.

Clara earned her Olympic medals in cycling and speed skating and is the only athlete in history to win multiple medals in both the summer and winter Olympic Games. In addition to her long list of achievements, Clara was named one of the most influential women in sport and physical activity by the Canadian Association for the Advancement of Women and Sport in 2006.

In 2010, she was inducted into Canada's Sports Hall of Fame. Clara is involved in Right to Play which is an athletic driven, international humanitarian organization that uses sports to encourage the development of youth in disadvantaged areas.

Clara arrived in Yukon via the Dempster Highway over the weekend and cycled into Whitehorse on Monday. She flew into Whitehorse too. She will be visiting with the Whitehorse students and attending a community event at the Shipyards

Park at noon on Wednesday — today. She will also have the opportunity to visit the Kwanlin Dun First Nation Jackson Lake Healing Centre and will end the day with a community barbecue and concert at the Mount McIntyre Recreation Centre.

The connection between sport and mental health is well-known. We are fortunate in Yukon to have a strong and healthy sports community and we see first-hand the positive impacts of physical activity on individuals and communities. We recognize that there are some gaps and that mental health is a growing issue in our territory as well as in Canada. That is why addressing the issue of mental wellness is a priority for this government. We are committed to working collaboratively to improve mental wellness for all.

With determination, dignity and integrity, Clara is inspiring Canadians to go beyond what they or others consider their limitations to be. Clara is a wonderful spokesperson for both mental health awareness and a great role model for all Canadians involved in sport and recreation. I encourage Yukoners to educate themselves about mental health issues, take part in either of the community events that are planned and to cheer Clara on as she continues her journey across Canada.

On behalf of the Government of Yukon, I wish Clara the very best of luck on her journey across Canada, and thank her for all of her efforts to raise awareness of this important issue. I was very pleased to join the Minister of Education for Whitehorse's "talk and walk" that was put on in support of Clara's Big Ride.

Ms. Stick: I am pleased to rise on behalf of the Official Opposition and the Third Party to pay tribute today to Clara Hughes and Clara's Big Ride. I want to thank Clara and her very capable support team and local organizers for including the north in the Big Ride. Clara has visited Nunavik, Nunavut, the Northwest Territories and now Yukon. It is important that she came north.

Clara is encouraging and inviting all Canadians to start talking about mental health and help end the stigma associated with mental illness. One in five people at some time in their lives will have mental health difficulties. It is pretty much guaranteed that those not impacted directly by mental illness will be impacted by a family member, a friend or a co-worker who suffers from mental illness. Clara is connecting with youth, schools and communities as she travels across the country. Her primary focus, however, is on youth and services needed to help youth with mental health difficulties. She is sharing some powerful stories that she has heard along the way. As you can imagine, there are many being told.

I had the privilege of hearing Clara speak on Monday night and was struck by her passion, her compassion and her determination. To me, her strongest words were, "Enough is enough. It's time to act."

I encourage everyone to come out this evening to Mount McIntyre to the public barbecue to meet, to listen to, and talk to Clara Hughes. Mr. Speaker, we all need to start talking. Thank you.

In recognition of International Museum Day

Hon. Mr. Nixon: I rise today on behalf of the Legislative Assembly to pay tribute to International Museum Day, which takes place on May 18.

For 36 years, International Museum Day has helped increase awareness of the significance of museums around the world. In Yukon, this is an opportunity for us to celebrate the many museums, including First Nation cultural centres, that interpret our history and preserve our heritage. This year, the theme for International Museum Day is “Museum collections make connections.”

This is certainly true here in Yukon where collections are interpreted and presented to tell Yukon stories and connect us to the past. The Big Jonathan House in Pelly Crossing, for example, has collections of artifacts, traditional clothing, equipment made to catch and dry fish as well as boats used for river travel. These items are interpreted and displayed to connect museum visitors with the culture of the Northern Tutchone.

The interpretive centres are two of seven First Nation museums that are creating vibrant programming through collections as well as performances, cultural demonstrations, feasts and other events. Other Yukon museum collections connect us to specific themes in the territory’s social, cultural and economic development. The Keno City Mining Museum collection includes tools and equipment used by the mining industry in another era as well as photographs and memorabilia that tell the story of people who lived and worked there.

The George Johnston Museum contains the photographs taken by the museum’s namesake, the talented Tlingit photographer who documented the Teslin area during a time of change for the Inland Tlingit. The collections in the Old Log Church reveal Yukon’s spirited history while the Yukon Transportation Museum collection brings to life the territory’s fascinating transportation history that continues to evolve to this day.

The Copperbelt Railway and Mining Museum is an interpretive learning experience focusing on Whitehorse and Yukon mining rail history. The Copperbelt Railway and Mining Museum lets you take an adventure through the northern boreal forest and also provides a fascinating history lesson on northern mining and rail.

I have mentioned just a few examples of Yukon museums and the thousands of objects that are preserved and interpreted in order to connect us to the past and to each other through shared stories. Government of Yukon supports museums in carrying out their important role by providing \$370,000 for special projects, such as cataloguing artifacts, conservation, developing exhibitions and upgrading facilities. We also provide over \$1 million each year to museums, including First Nation cultural and heritage centres, for ongoing operations.

In recognition of International Museum Day on Sunday, May 18, I encourage Yukoners to visit their local museum or cultural centre and explore the diverse and unique collections that make up our history.

In recognition of National Road Safety Week

Hon. Mr. Istchenko: On behalf of the House, I rise today to acknowledge National Road Safety Week from May 13 to 19. All Canadians are reminded to be safe and responsible when they are on the road. National Road Safety Week is intended to highlight the importance of safe, sober and attentive driving for all drivers, passengers, bicyclists and pedestrians.

Unfortunately, it is still a reality today that lives are lost and individuals are injured on Canada’s roads due to poor decisions made behind the wheel. Whether it is from impaired driving, distracted driving or not using the proper protection such as helmets or seatbelts, the results are the same and the impacts are long-lasting and life changing. What is even more unfortunate is that the majority of these crashes are preventable.

As we approach the Victoria Day long weekend, let’s all focus on changing this reality. This weekend traditionally sees our roads or highways experience higher volumes of traffic, both from locals and from visitors. Regrettably this weekend historically coincides with a rise in the number and severity of crashes on Canadian highways.

Yukon is part of Canada’s vision to have the safest roads in the world. This vision requires the participation of all Yukoners to take responsibility for their own driving habits. Summer is a time when Yukoners drive longer distances to their favorite camping spots, take longer trips on their motorcycles, ride their bicycles or simply take more walks. This means that various types of road users must share the roads, be alert, be responsible and take precautions at all times. Summer is also the beginning of another busy tourist season, which brings increasing traffic as many tourists drive into and through our territory.

As we all head out on the roads to enjoy activities over the long weekend and begin the summer season, we need to take the opportunity to plan our outings. By planning ahead we allow ourselves the proper time to travel to our destinations and to consider the road and weather conditions. By taking the time to think ahead we can help to avoid incidents due to rushing, fatigue or careless behaviour.

Sadly, Yukon still has four times the national average of impaired driving convictions. Highways and Public Works continues to work with Mothers Against Drunk Driving — MADD — and the RCMP and other national stakeholders to reduce the number of impaired drivers on our roads, but we all need to play a role in reducing this statistic. We also note that impaired driving is not only the result of alcohol and drugs, but distracted driving as well. Distracted driving is impaired driving. The use of electronic devices while driving is increasing in the Yukon. Nationally, distracted driving fatalities are expected to surpass alcohol impaired fatalities within the next year. This emerging trend is disturbing and we all need to understand that talking on the phone or texting while driving is as dangerous as drinking and driving. The average text takes approximately six seconds to read. When you take your eyes off the road at 50-miles-per hour, you are going to travel the length of a football field in that time span.

You would never close your eyes and try to drive this length. Why would you look down at your phone and expect to be safe and in control? I cannot stress enough how serious this issue is and the consequences that accompany it. We all need to take responsibility for this rising issue and put down our phones while in our vehicles. Please practice safe driving — pull over if it is so urgent that you need to respond to a text.

The RCMP in the Yukon will continue to enforce safe driving practices and will be increasing enforcement for traffic violations, including distracted driving, to help reduce road incidents on our Yukon roads. They will also be ensuring that parents are using car seats for children. Motor vehicle collisions remain the leading cause of death of Canadian children. Child car seats, when used correctly, reduce the risk of fatal injury by 71 percent, and the risk of serious injury by 67 percent. By using booster seats instead of a seat belt alone, you reduce the risk of injury to your child by 59 percent.

Highways and Public Works values the importance of car seat safety. This summer we will continue to promote our car seat safety through our Child Car Seat Safety Program, by providing free inspection clinics throughout the territory.

Additionally, trained car seat specialists are available year-round for private car seat safety consultations. This free program is great for new or seasoned parents who want to make sure that they are using their car seats as effectively as possible. Not only will parents help to increase the safety of their children in the vehicle, but all children whose seats are inspected will be eligible for an annual draw for one of four \$500 registered education savings plans. I am proud to note that Highways and Public Works has seen an increase in inspections so far this year. This is a trend that I hope will continue and it is encouraging to see that our children are being made as safe as possible while travelling in vehicles.

To help ensure safety for commercial vehicles, the RCMP — along with the national safety code enforcement officers and the carrier compliance section of our Highways and Public Works — will be conducting an annual road check during National Transportation Week, June 1 to 7. There will also be increased enforcement across the territory in all compliance areas.

In closing, I wish all Yukoners a safe and fun-filled summer. Hopefully we will see some of you out there. We are truly blessed to live in such a beautiful region that we can explore and enjoy. While we are out enjoying our beautiful territory, let's be responsible. Let's make smart choices and let's drive safely. Remember that road safety is not merely the result of chance; it is everyone's responsibility and it starts with you. Every person needs to pay attention, be committed and play an active role in making our roads the safest in the world. We must follow the rules of the road and encourage community members, neighbours and our families to do the same. Do your part to save lives.

Speaker: Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Pasloski: I would like to introduce and welcome into the Assembly today the Council of Yukon First

Nations Grand Chief, Ruth Massie, who is here among us. I would invite everybody to welcome her today.

Applause

Mr. Barr: I would also like to have the House welcome Michelle Kolla, executive director, and Pearl Callaghan, the executive assistant to the Grand Chief. Welcome.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Dixon: I have for tabling Environment Yukon's Fish and Wildlife branch 2013 highlights report.

Hon. Mr. Nixon: I have for tabling today *Yukon Judicial Council Annual Report - 2013*.

I also have for tabling *Sharing Common Ground, Review of Yukon's Police Force — Final Report on Implementation (May 2014)*.

Hon. Mr. Cathers: I have for tabling the Yukon Lottery Commission annual report that has been previously publicly released, but has not yet been tabled in the Assembly.

Mr. Elias: I have for tabling a letter dated May 14, 2014. It's addressed to the Member for Mayo-Tatchun from me. It's regarding comments made in the *Whitehorse Star* last week. Among other things, it's about the Select Committee Regarding the Risks and Benefits of Hydraulic Fracturing.

Speaker: Are there any reports of committees?
Are there any petitions to be presented?
Are there any bills to be introduced?
Are there any notices of motions?

NOTICES OF MOTIONS

Ms. Stick: I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to introduce amendments to the *Marriage Act* to reflect equality for same-sex couples.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to introduce amendments to the *Married Women's Act* to reflect equality for same-sex couples.

Ms. McLeod: I rise to give notice of the following motion:

THAT this House urges the Government of Yukon and all Yukon salmon stakeholders to participate in the weekly Yukon River Fisheries in-season management teleconferences in order to monitor the progress of the Yukon River chinook run.

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

THAT this House urges the Government of Yukon to support the Department of Fisheries and Oceans and the Yukon First Nations in developing salmon management plans and implementing the closure of the Yukon River chinook fishery.

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

THAT this House supports the position of the Yukon Salmon Sub-Committee that there should be a complete closure of the Canadian portion of the Yukon River chinook fishery, including commercial, domestic, recreational and First Nation fishery.

Speaker: Is there a statement by a minister?
This then brings us to Question Period.

QUESTION PERIOD

Question re: Missing children research project

Ms. Hanson: The Truth and Reconciliation Commission is working toward acknowledging the wrongs committed in Yukon residential schools and to healing those wounds.

The Truth and Reconciliation Commission has requested the cause-of-death records and burial locations for Yukon First Nation children who died while at residential schools in Yukon. This government has only been prepared to provide the Truth and Reconciliation Commission with a summary of the cause of death by a school due to the limitations placed on them by the *Vital Statistics Act*. This is not what the Truth and Reconciliation Commission asked for.

On Wednesday, April 2, this House unanimously approved a motion to urge the government to take all necessary action to allow the Truth and Reconciliation Commission to complete its work in Yukon. Why has the government not acted on its commitment to the Truth and Reconciliation Commission, and why has it not modified the *Vital Statistics Act* to provide the information required by the TRC?

Hon. Mr. Pasloski: Both sides of this House agree how important the work is that the Truth and Reconciliation Commission has been doing — very important work for not only those people who are directly affected, but also for their families in the communities. We certainly have been supportive. As this House is aware, and as has been articulated by the Minister of Health and Social Services, we have been very supportive of the work of the TRC, and we have been told through correspondence that they appreciated the good work and the commitment that the officials have made to endeavour to give them the information that they could give them within the boundaries of the legislation that we have.

Ms. Hanson: In fact, on April 22 in a CBC interview, the TRC executive director Kimberly Murray said that the Yukon government has provided some help, but the law is still

a major barrier. This government had an opportunity to be a leader when it comes to assisting the Truth and Reconciliation Commission with the good work that they are doing.

They had the unanimous consent of this House to do whatever it took. They had a commitment from the Opposition parties to collaborate on this and, yet, they failed to provide the requested information. This is a time-sensitive issue. The Truth and Reconciliation Commission needs this information by August to complete their records on deaths at Yukon residential schools.

Will the government support Bill No. 105, *Act to Amend the Vital Statistics Act (No.2)* this afternoon to provide the Truth and Reconciliation Commission with the information they need?

Hon. Mr. Pasloski: I know that you are aware of the tremendous amount of work that goes into any legislative amendments that this government proceeds with. There are many things that are and need to be considered prior to moving forward with the passage of amended legislation and new legislation. Certainly, there are policy considerations, there are legal considerations and, equally important, are the consultation requirements as well. It is very important that before we move forward with any amendments or new legislation, we do our due diligence in all of those areas. We would not move forward with making amendments to legislation without ensuring full consultation with all of those people who would be affected by that legislation. To this point, I question whether or not that in fact has occurred. We know that the Opposition has tabled a bill, and we look forward to further discussion on that bill later this afternoon.

Ms. Hanson: The Truth and Reconciliation Commission is supported across the board by every Yukon First Nation.

Yukoners know that this government doesn't care about consulting Yukon First Nations on other issues that affect them. For this government dare to stand in this House and prevent the TRC from doing its job in the name of First Nation consultation is shameful. A statistical summary of causes of death of First Nation residential school students is not enough. The Truth and Reconciliation Commission is not compiling a history report. They are trying to heal a wound, to seek truth, and to seek reconciliation. To do that, they need the individual records.

Does the government think it is acceptable that the Yukon may be the only jurisdiction in Canada that is not providing this critical information to the Truth and Reconciliation Commission?

Hon. Mr. Pasloski: Again, the Leader of the New Democratic Party's characterizations are not true.

I will not go into some detail as to the extensive work that we have been doing in consultation with First Nations on many, many different areas. The reality is that the Opposition proposed these amendments two short days ago. The government has said that they would support such amendments if there is, in fact, support by Yukon First Nations.

Question re: Minto mine waste rock

Mr. Tredger: At the Tatchun Creek bridge, waste rock from the Minto mine is being used as rip-rap. Rip-rap is placed around the supports of the bridge and is also used to stabilize the creek banks up and down the stream from the bridge. The rules say that rip-rap must be hard, dense, angular, free of structural defects and contaminants and it must be non-acid-generating quarry stones or boulders. To use waste rock from the Minto mine for rip-rap in the salmon-bearing Tatchun Creek, Highways and Public Works was supposed to conduct tests through a certified laboratory to ensure the material used complies with guidelines.

What testing was done on the waste rock being used to fix the road at Tatchun Creek? Will the minister responsible confirm that the testing done meets all of the licensing requirements?

Hon. Mr. Istchenko: I thank the member opposite for the question.

Of course Highways and Public Works is committed to ensuring that our operations meet the highest standard for environmental and socio-economic responsibility. Highways and Public Works always obtains all required assessments, permits and authorizations before any work is done.

My department demonstrates due diligence on every single project that we complete. In the case of the Tatchun Creek bridge, Highways and Public Works received a YESAB assessment and a water licence from the Yukon Water Board. The Water Board sets the licence conditions for the protection of the water and its resources, and we are fully compliant with that licence. All work conducted on the site and all material used during this project meet the conditions of our licence and will continue to do so. Our rip-rap supplier provided written certification that the material delivered for this project is suitable for the use in the creek. We also completed independent testing, using an Outside facility and they have also confirmed that this material is suitable for the use and meets the conditions of the water licence.

Invitations had been sent to the Little Salmon Carmacks First Nation to meet with Highways and Public Works so that the First Nation could be informed regarding the steps being taken by the government to properly oversee and monitor this project. Representatives from the Little Salmon Carmacks First Nation and Highways and Public Works have not been able to meet, but we are encouraging them to meet with us. We have already sent them —

Speaker: Order please, the member's time has elapsed.

Mr. Tredger: The use of waste rock from a copper mine site defies common sense. Tatchun Creek is a salmon-bearing waterway and Yukon chinook are endangered. Trace amounts of copper is toxic to salmon. Minto mine has an obligation to cap and monitor waste rock. Alternative uses for waste rock are now being tried. Capstone said waste rock would be used for their Mill Valley fill, but it turned out to be metal-leaching and problematic. Now Yukoners want to know how waste rock is ending up in salmon-bearing waters. The water licence for the work around Tatchun bridge says to use

non-acid-generating stone. Does the minister have guarantees that the waste rock being used at Tatchun Creek is non-acid-generating, not metal-leaching and will remain so over time, and will he make the results of all testing public?

Hon. Mr. Istchenko: I'm pretty sure I just reassured the member opposite in my first response, but I'll say it again. All work conducted on the site and all material used during this project meet the conditions of our licences and will continue to do so. The rip-rap rock supplier provided written certification that the material delivered for the project is suitable for use in the creek. We also completed independent testing — I said that — using an Outside facility, and they have confirmed that the material is suitable for use and meets the conditions for our water licence. Both the written certifications and the independent test results have been provided to the First Nation.

I'm glad the member opposite asked me this question because the Tatchun Creek bridge project is a major redevelopment of this important piece of Yukon's transportation infrastructure, representing a significant capital investment of \$6.85 million. This job is for Yukoners — just another thing that we're committed to here that the member opposite definitely won't be voting for, and I'll let the members of his riding know that.

Mr. Tredger: If a mine is asked to cap and monitor its waste rock, Yukoners want to have confidence that they are in fact doing so. A company gets licensed to operate because it has agreed to the terms of operation, including taking measures to protect the environment. Now we are hearing that waste rock from Minto mine is being used not only in Tatchun Creek, but also on the highway near Montague House and along Fox Lake, a favourite fishing and camping spot. If the mine is no longer capping and monitoring its waste rock, who is?

Once waste rock that was supposed to be monitored by the mine has been taken and used off-site, who is responsible for ongoing testing and monitoring of the rock? When are results of the testing going to be made available to the public?

Hon. Mr. Pasloski: Again we see the New Democratic Party unnecessarily trying to create fear within Yukon and its citizens. We just have to look at an example with F.H. Collins Secondary School, where the NDP stood up and told us that this school was only for 450 students, that this school didn't meet the building codes, and that this school didn't have enough learning spaces. We have heard the minister clearly articulate to the members opposite that this project has gone through the YESAA process and, in fact, has gone through a water licence process.

I won't comment on the Leader of the New Democratic Party's continuation of trying to talk over top of me. I will continue to state the truth — that this project has gone through YESAB and this project does have a water licence. The NDP will pull at all straws to try to unnecessarily cause fear, and Yukoners understand this and they know better.

Question re: Search and rescue services

Mr. Silver: Last year, the Government of Yukon completed a risk assessment of the territory's search and rescue capabilities. The objective was to assess the capabilities of the territory's search and rescue program to respond to incidents, to identify areas of greatest concern and to address those concerns.

This is an issue that I have raised before with the Minister of Environment about what types of services were available in Tombstone, for example. The report made several recommendations and said — and I quote: “The existing level of service for search and rescue may not meet the perceived needs in the future.”

How has the government responded to this report?

Hon. Mr. Cathers: We certainly appreciate the importance of search and rescue, and the work that is done by search and rescue volunteers is an important part of that. In fact, we continue to work on this issue. When I was up in Dawson last weekend, I met with a representative of the local search and rescue group as well as with the fire chief to discuss this matter, their perspectives and their perspectives on the report. We look forward to taking additional actions to further strengthen our search and rescue capability.

Mr. Silver: This November, 2013 report listed a host of concerns from current members in the search and rescue community, including the ones who the member opposite just spoke about — including volunteer recruitment and participation; training, radio communications, liability and risk and the adequacy of equipment. It also made a number of recommendations. For example, it recommended that the Government of Yukon should develop and fund a territorial search and rescue training plan.

Mr. Speaker, does the government plan to implement this specific recommendation, and if so, when?

Hon. Mr. Cathers: I'm not going to speak to specific actions here today in the House. As I mentioned to the member, this is an area we are actively working on and actively following recommendations that we've heard from people, including within the Member for Klondike's riding. We very much appreciate their perspective on this, and I can tell the member that, last weekend, during an opportunity to sit down with people in his riding and in the town of Dawson City, I gained some additional valuable perspective and suggestions, beyond what was laid in the report. I can assure the member that government will be taking action, based on the good advice and solid input we've heard from our volunteers. We very much appreciate the service they provide and the valuable role they play.

Mr. Silver: I do appreciate the minister's answer. The Government of Yukon participates in search and rescue through the Emergency Measures Organization, or EMO. The report says a mix of factors is impacting EMO's ability to engage fully in search and rescue coordination. For example, EMO currently does not have a clearly articulated vision statement of its role in search and rescue. There is no established strategic plan or management plan to support the program. Standard operating procedures are not in place,

communication protocols are not available and internal policies, roles and responsibilities are not well-documented, among other recommendations.

Since the government received this report, has it taken any action to address these specific issues within the Emergency Measures Organization?

Hon. Mr. Cathers: The report was commissioned by this government to help provide an independent knowledgeable review and assessment of the system and identify areas where improvements could be made. We appreciate the work that was done on that and, as I indicated to the member in my previous responses, I've had the opportunity to sit down with some of our search and rescue volunteers and other related agencies, including last week, when I was up in Dawson City.

I very much appreciated the perspective received from volunteers who provide search and rescue response, and I appreciated their input on their perspective on the recommendations the government had received. I can also add for the member that I received additional input from people in Dawson City — from those volunteers — that I think goes beyond what is identified within the report and provides detailed and specific suggestions that I believe will be helpful to us in taking action to further strengthen our search and rescue capability.

Question re: Yukon River salmon health

Ms. White: Last week we all agreed that the chinook salmon are an important economic, cultural and historical fixture for many Yukoners and an integral part of our ecosystems. We know that the population is in crisis with numbers falling from over 300,000 between 1987 and 1997 to an expected all-time low this year. This trend is evident in other salmon populations, so we aren't alone. The Fraser salmon run has been decimated partly because of diseases, including an infectious salmon anemia and piscine reovirus. Yukon chinook salmon cross paths with Fraser salmon during their migration. As a result, they have been exposed to these diseases and should be tested to ensure the health and safety of our salmon stocks.

Does the minister believe testing for infectious salmon anemia and piscine reovirus should happen on Yukon River chinook salmon?

Hon. Mr. Dixon: It is important to note that the management of Yukon salmon on the Canadian side of the border is the responsibility of the Department of Fisheries and Oceans. Any sort of testing of that particular species with regard to viruses or any other health concerns related to salmon would be conducted by the Department of Fisheries and Oceans. If the Department of Environment can assist the Department of Fisheries and Oceans in any way in testing for these types of contamination or testing for these types of viruses, we will, of course, endeavour to do so.

When it comes to what diseases need to be tested for and whether or not it's appropriate to do those kinds of testing are issues and matters for which I rely on the advice of staff in my department and staff in the Department of Fisheries and

Oceans to determine whether or not it's necessary. I don't have the technical expertise to tell you whether or not I think it's appropriate because I don't know the answer to that. I rely on the advice of officials, and if they tell me that we should be testing for a particular disease, we will endeavour to do that.

Ms. White: This government might not be able to make the rules when it comes managing the Yukon River chinook population, but it still has the responsibility to ensure that those responsible are taking action on this issue.

Testing for infectious salmon anemia and piscine reovirus is not being done even though the chinook salmon are at high risk of being infected. There is no reason why we wouldn't want to ensure that our salmon are healthy and to take every action necessary to attempt to revitalize the salmon stocks.

Will the minister ask the Department of Fisheries and Oceans to test Yukon River chinook for infectious salmon anemia and piscine reovirus to determine if these viruses are possible causes for the steep decline of the chinook salmon population?

Hon. Mr. Dixon: As I noted before, the member is correct in noting that the Department of Fisheries and Oceans holds the responsibility on this particular issue, but I can commit to consulting with the experts in my department who have understanding on this particular matter. I'll follow up with the other bodies like the Yukon Salmon Sub-Committee and Yukon members of the Yukon River Panel to determine whether or not the testing of this nature is required. If it is determined that it is required and it's not being done, I would be happy to ask the Department of Fisheries and Oceans to undertake that work, but I'm not going to do it solely on the advice on the member opposite. I am going to do it in consultation with the experts in my department and others in the Yukon Territory who have expertise in this matter.

Question re: Medical travel

Ms. Stick: Back in 2009, a departmental report showed that costs for medical travel almost doubled between 2004 and 2008. The department agreed with the Auditor General's recommendations to institute a rigorous process for monitoring costs. Then, in 2011, the Yukon government announced it would use short-term funding to hire a consultant to review the medical travel program and policies to address the cost of service.

A commitment was made to identify areas for cost-savings, but between 2008 and 2013, we saw a 33.3-percent increase in medical travel costs.

Can the minister explain what went so wrong with the commitment to identify areas for cost-savings with medical travel and actions taken?

Hon. Mr. Cathers: As Acting Minister of Health and Social Services, I will have to refer part of the question to the Minister of Health and Social Services.

I would, though, point out to the member that during the time period she cited in increasing medical travel costs, there was also an investment made by government of \$1.6 million per year of money received under what was originally titled the territorial health access fund and then became the

territorial health system sustainability initiative and has now become the territorial health investment fund.

That \$1.6 million in new federal funding was money that we had to use for enhancing medical travel services, and what this government used it for was to increase the subsidy for in-territory medical travel from rural areas to Whitehorse, as well as increasing the out-of-territory per diem that is provided to Yukoners that had previously been \$30 per day on the fourth day that a Yukoner was out of the territory to a new level of \$75 a day starting on day two.

Again, this does not fully cover someone's cost, but that was a significant cost and a significant cost to that enhancement, which is included in the numbers that the member is referencing.

Ms. Stick: That may be true, but there were also monies put aside to look at reviewing the travel cost and addressing the higher cost, not increasing them.

The Yukon Hospital Corporation said new hospitals would result in less medical travel but, as the Auditor General reported again, the Yukon Hospital Corporation — and I quote: "...did not analyze the amount of medical travel that had taken place in the communities previously, the reasons the travel occurred, or how it anticipates that the services to be provided in the new hospitals would reduce the travel."

Now the Yukon government appears to be making ad hoc cuts to medical travel programming, compromising rural Yukoners' access to health care. How does the government plan to ensure equitable access to health care services for all Yukoners, including those in rural communities?

Hon. Mr. Cathers: First of all, the assertion the member is making about cuts to services is completely incorrect, and I would remind the member that, as I did in my earlier response, part of the increased cost is due to a specific investment that government made with federal dollars — the medical travel portion of the THAF fund that became THSSI and became THIF. We had to use that portion of dollars for enhancements to our medical travel services, and we did. We increased the per diem for out-of-territory travel and increased the subsidy for travel within the territory.

In addition, another portion of the rising costs has been that the Yukon population has increased significantly since 2003. At that point it was at 28,500 and now it's over 36,000. With increased population comes increased travel. I would also, without having a detailed breakdown of statistics in front of me, state with a large degree of confidence that part of the increase in out-of-territory treatment and costs would be due to the fact that the Yukon population is aging. As they get older, people do tend to rely more on treatment for certain things such as surgery or testing that is only available Outside. Of course that leads to increased travel costs.

Ms. Stick: Current medical travel costs are unsustainable and at the same time, rural communities are desperately lacking critical services. Because of costs, people are being denied access to dental health, hearing service, mental health, alcohol and drug services, physiotherapy and occupational therapy. This information is according to the Dr. Peachey report on Yukon's health services. Yukoners can't

afford to wait for a five-year planning cycle to get these services in their communities. While the government does its work in planning a more sustainable model of care for the territory, will it also immediately look at increasing services in the communities — not assisting people to come to Whitehorse for it, but bringing those services to the communities? Will the government commit to increasing critical services in the communities until it has actually planned a collaborative and sustainable health care system by bringing the specialists to their communities?

Hon. Mr. Cathers: It's interesting to hear that coming from the member opposite considering the fact that she and her colleagues have voted against the investments we've made in enhancing services in rural Yukon — that includes investments we have made in upgrading our nursing stations; that includes completing the two rural hospitals that we committed to building in our election platform; and enhancements that we have made including the mental health clinicians — two rural mental health clinicians — that were implemented by this government during my time as Minister of Health and Social Services. That includes the investments we have made in telehealth. Yukon became only the second jurisdiction in the country to have the telehealth system available in every hospital and nursing station. That includes the teleradiology system that allows for the transmission of information from the Yukon to out-of-territory radiologists and has significantly sped up diagnoses in those areas.

Again, we continue to invest in technology. We continue to enhance our health system, including our bursary programs, with which a large number of Yukoners have been trained as doctors, nurses and other health professionals. The NDP has voted against every single dollar of it.

Question re: FASD adult offender programs

Ms. Moorcroft: The government's amendments to the Yukon NDP's motion to support the Yukon Member of Parliament's private member's bill related to FASD and the Criminal Code was disappointing.

Their support of Bill C-583 while at the same time rejecting the need to address issues within the Yukon's corrections system show their disregard for people living with FASD in the Yukon. The Yukon Party is perfectly content to support improving legal rights for people with FASD in the courts and then to send them into a correctional system that assumes they have no cognitive disability.

Why does this government think that a cognitive disability should be taken into consideration in the justice system, but not in the correctional system?

Hon. Mr. Nixon: Mr. Speaker, in addressing the member opposite, the member is well aware that right now we are undertaking an FASD prevalence study within the correctional system. We take that very seriously. In fact, it was this Yukon Party government that implemented this and is on the centre stage across Canada — all of the other jurisdictions are looking at what this prevalence study does. As Minister of Justice, I'm incredibly proud of the team that

we have put together to address this very issue within the correctional system.

I might also add for the member opposite that it was in fact this Yukon Party government that consulted extensively on modernizing the correctional system and moved forward into a correctional redevelopment strategy that was implemented and approved in December of 2008 at the Yukon Forum. This Yukon Party government will put its money where its mouth is and continue to make wise investments, such as those I have just spoken about.

Ms. Moorcroft: Mr. Speaker, the minister is conveniently ignoring the fact that the priorities identified in that correctional system report — including FASD and addictions — have not been addressed by this government. The minister is using the FASD prevalence study to avoid taking action on problems occurring today. FASD is a major problem in our correctional system. I know it; the community knows it; and the minister certainly knows it, yet he doesn't act.

We are expecting prisoners with FASD to meet certain levels of behaviour and conduct that their disability prevents them from meeting. The justice system presumes that when people break the law or disobey authority, they are doing it consciously. This is why they are punished. But FASD can prevent people from differentiating between right and wrong, thus making them unable to meet the rigorous behaviour standards at WCC.

Why does this government think it's okay for people suffering from FASD to be punished for not meeting expectations that their disability prevents them from meeting?

Hon. Mr. Nixon: It has never been so clear to me that the member opposite is clearly not paying attention to what we are doing. We've moved forward with a new correctional redevelopment strategy just a short number of years ago. We've moved into a new correctional facility, with top-notch service and exceptional staff. We'll continue to make those investments.

As for the member's question regarding the prevalence study, I'll stand in front of that prevalence study. There's a lot of good work that's being done there and we really look forward to the outcome of that study. I said in my initial response that we've put together an exceptional team and are quite proud of the work that's being done there.

We've also done a lot of work around victims of crime. We've implemented a new *Victims of Crime Strategy*, because they should never be forgotten as part of the justice system. Within our new act, we have a victims' bill of rights, as well as clear processes that allow for victims to be heard in the court processes that affect them. We have expanded our services for victims to include not just crimes against the person, but also in helping those people with crimes against their property.

We'll continue the good work, Mr. Speaker, and thank you very much.

Ms. Moorcroft: The Yukon is fortunate to be full of leaders on this issue. Rod Snow, as the president of the Canadian Bar Association, brought FASD to the forefront and

many committed Yukoners are taking this work even further. People with FASD are certainly victims.

The actions taken by this government when the FASD motion was debated were so disheartening. To acknowledge that people with FASD deserve better treatment in the courts, then to turn around and deny that they deserve that same fair treatment in corrections, is deplorable.

It does not promote mental wellness; rather it is setting up people with FASD to fail in our current correctional system.

Doesn't this government think there is something wrong with the mistreatment of people with FASD in the correctional system?

Hon. Mr. Nixon: Again the member opposite is clearly not paying attention. We do take individuals who are at the correctional facility and who have FASD very seriously. That is exactly why we have kept the FASD topic on the FPTs — the federal, provincial, territorial ministers meetings — for the last number of years. That is exactly why we have moved forward with the FASD prevalence study and working with our MP on the bill that he has brought forward. This government has stood great ground with the correctional redevelopment study, with the new Correctional Centre, with the FASD prevalence study — among other great things that have happened over the last number of years. We will continue to work on services for victims of crime as well. We have a great track record there, and we need to keep victims involved in the criminal justice system as well.

Speaker: The time for Question Period has now elapsed.

We will now proceed to Orders of the Day.

ORDERS OF THE DAY

OPPOSITION PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 680

Deputy Clerk: Motion No. 680, standing in the name of Mr. Barr.

Speaker: It is moved by the Member for Mount Lorne-Southern Lakes:

THAT this House supports the rights of aboriginal people in Yukon and indigenous peoples throughout the world and endorses *Canada's Statement of Support on the United Nations Declaration on the Rights of Indigenous Peoples*; and

THAT the decision of the House be transmitted to the Council of Yukon First Nations and the Yukon Human Rights Commission by the Speaker of the Yukon Legislative Assembly.

INTRODUCTION OF VISITORS

Mr. Barr: I just want to start by welcoming to the House, Heather MacFadgen, the executive director of the Yukon Human Rights Commission, who is also here with us today. I would just like to have the House welcome her.

Applause

Mr. Barr: Standing here today, I'm very glad to be able to rise in this House to speak to this motion. It also gives me feelings of apprehension, knowing the importance of the work over the years of the people who have endeavoured to be recognized as a people to begin with.

As I went through my talking points, I was sitting here thinking — prior to standing and speaking — about what a history indigenous people all over the world have had to endure to come to this point — I think of members of my own family — when we would be standing here speaking to this today.

I just hope my words, or what I have written here with the help of some of my colleagues in the office — I just don't think that words are enough to even express the hardships of indigenous peoples to get to this point, but it's a beginning. This is a beginning of an ongoing work that we have to do.

I'm very honoured to speak to this motion:

THAT this House supports the rights of aboriginal people in Yukon and indigenous peoples throughout the world and endorses *Canada's Statement of Support on the United Nations Declaration on the Rights of Indigenous Peoples*; and

THAT the decision of the House be transmitted to the Council of Yukon First Nations and the Yukon Human Rights Commission by the Speaker of the Yukon Legislative Assembly.

Before I begin, I would like to acknowledge the support that I have received from both Grand Chief Ruth Massie of the Council of Yukon First Nations and Chief Doris Bill of the Kwanlin Dun First Nation on this issue. I would also like to acknowledge the hard work that Heather MacFadgen, the director of the Yukon Human Rights Commission, has done to have this motion brought up for debate in this House.

I would also like to extend my acknowledgement and thanks across the floor to the Member for Vuntut Gwitchin First Nation and also to the Member for Klondike, as they have both put forward similar motions. This was a collaborative effort to seek unity on an issue that we all felt was relevant.

I know from my conversations with both members that this is very real and it touches our friends, our families — both indigenous and non-indigenous — because we are in this together. It is big stuff.

This House has worked together in the past to provide unanimous consent to motions through which were trying to achieve a common good and a better future. I am reminded of the unanimous consent of both the motion to assist the Truth and Reconciliation Commission in finding whatever information it needed and the motion to call for a national inquiry into missing and murdered aboriginal women.

This *United Nations Declaration on the Rights of Indigenous Peoples* embodies a spirit of equity, respect, fairness and partnership so I am hoping that, over the course of this motion, we can apply those values to our debate and ultimately our decision.

This is an important declaration that is both symbolic and tangible. Its adoption and recognition will have an impact all over Canada and, of course, here in the Yukon.

I'm going to begin by providing a little background on the *United Nations Declaration on the Rights of Indigenous Peoples*, or UNDRIP, as I'll be referring to it from here on out. As I was reading this, and I was just mentioning to the Member for Mayo-Tatchun, because UNDRIP — how I'm going to be referring to this — also says “un-drip”. I see some faces going “hmm.” Me too — I was thinking, am I going to just refer to it and say “un-drip” as I go forward? No, it doesn't sound right. It kind of weakens it.

So the Member for Mayo-Tatchun said, UNDRIP — okay. As I was thinking about it and contemplating to myself, I was thinking, lying in bed at night sometimes, as we all have done, and the tap is dripping, and there is unrest. I know myself, I've gotten up, tried to turn off that tap. When I think I'm going to relate it to indigenous peoples, they have not rested. There has been unrest; an inability to be, to live in a good way — and us, with each other, no matter what race, colour or creed, from the four directions of this Earth.

It's not a thing to grimace about. It's a thing about a way of speaking. That can affect us. Try to go to sleep; try to live with a dripping tap on you and your life every day. That's not an easy thing to do.

As I was thinking of this, I was going to say, “Geez, this is too extreme”, but they used to use a drip of water as torture in war. That's how extreme that action is. I will refer to it as UNDRIP, but I just want to say that this UNDRIP is an international instrument adopted by the United Nations on September 13, 2007 to enshrine the rights that constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

When I try to put that together, I think that at this point it's not a constant drip. Really, it's a minimum. We have lots to do. It's about progress. We as a society, we as a world and we as human beings continually are progressing. I don't believe we will ever be perfect and yet part of striving to be good — to be in a good way with ourselves and with others all in creation — is about learning from our mistakes and not even thinking of them as mistakes, but as opportunities for us to go forward as a people and as human beings to be able to be good to all the rest of creation.

We as different cultures and different peoples have different ways of thinking about what is important. Really to me, this speaks to us respecting our differences of what we believe are our priorities in life as far as family, the environment, bugs, water, gold, the animals are concerned — whatever that might be — and to be able to live together as we go forward. This is kind of a time immemorial of what we are talking about as our progress is and it is also for the unborn who are to come. We speak of that as indigenous people in our prayers. We talk about the unborn and remembering our ancestors who have gone before us to where we are today. It's ongoing and we will continue. This is part of our continued work. We should be very proud here today that we're even at this point, recognizing, as I said before earlier, what hasn't been in place — knowing some of the atrocities. We should be proud of where we are today even though we have lots to do.

There's a lot of work to even be here. I do thank those in the gallery here and all of us for getting to this point.

The UNDRIP protects collective rights that may not be addressed in other human rights charters that emphasize individual rights. It also safeguards the individual rights of indigenous people. The declaration is the product of almost 25 years of deliberation by UN member states and indigenous groups. In fact, indigenous representatives from Canada have been involved in the creation of the declaration since the 1970s.

The first attempt of indigenous peoples to reach out to the international community started as early as 1923, with the attempt of Chief Deskaheh. He was the speaker of the council of the Iroquois Confederacy to get the League of Nations to address the Iroquois dispute with Canada. They were not given an audience by the league, but the fact that they sought this was already an assertion that indigenous peoples are subjects of international law.

With the establishment of the United Nations in 1945, and with human rights being one of the key foundational elements of its charter, the justification for indigenous peoples' engagement with the UN was strengthened. In 1982, UN Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities released a study about the systemic discrimination faced by indigenous peoples worldwide. A year later, the UN responded to these findings by creating the Working Group on Indigenous Populations — WGIP — comprised of five independent experts as well as indigenous advisors.

This working group drafted the declaration over almost a decade. The authors of the UN declaration sought to break free of the colonial mindset, not reinforce it. The human rights lawyer, James Sake'j Youngblood Henderson observed — and I quote: “[Member states] worried about the implications of Indigenous rights, refusing to acknowledge the privileges they had appropriated for themselves.” The draft declaration was approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in 1994. Upon its approval, it was sent to the Commission of Human Rights, which established another working group consisting of human rights experts and over 100 indigenous organizations that were tasked with considering the text presented and drawing up a draft declaration for its consideration and adoption by the UN General Assembly.

The UNDRIP was originally adopted by all but four countries. Now all four countries, including Canada, which originally rejected it, have signed on to date. Canada originally rejected the declaration because they thought that the level of autonomy granted to First Nations under UNDRIP would undermine their power when it came to resource extraction and land disputes.

This document is a significant one for Canada. It is notable that it was drafted with the help of the rights-bearers, or in this case, indigenous people and Canadian First Nations, and they had a strong hand in its creation.

People may ask why we should endorse this declaration if Canada already has. Well, the answer is that Canada is a land

of shared jurisdiction and its endorsement today in Yukon would send a message throughout Canada that more work needs to be done.

This declaration is a long time in coming and it is the result of a lot of hard work of dedicated people throughout the world. Its adoption today in this House would be a big step for the Yukon and many other jurisdictions in Canada. I remember the last time I was up here speaking about things of the heart and my composure is way better this time. I just wanted to clarify that for myself. It is good to know I am a human being and I continually remind myself of that.

The declaration has 46 articles, all of which help to recognize several things. UNDRIP recognizes that past wrongs have occurred. It includes measures to rectify those past wrongs and ensure that they never happen again. I think, most importantly to me, the UNDRIP recognizes that First Nations have the right to rehabilitate their culture and strengthen it and grow it. The declaration recognizes that First Nations as a people have a lot to give when it comes to respecting one another and respecting the environment. Finally, what the spirit of this document encourages is a partnership and recognition that by working together we can achieve the most.

Like I said, the document has 46 articles, and if I were to go through and give my thoughts on all of them, it would take a couple of days. I'm not going to go through them all; however, it just reminds me that indigenous peoples did take time to do these things. They would have stood there and gone through everything, even in introductions. An introduction — people would gather, whether it was in the Yukon or other places and part of the culture is you would spend the time, with 100 people introducing each other in the circle. That could take three days just to have the introductions because it was important. It was all important — who you were, who you are, and who your family was, if you were a hunter or your good deeds. You walked with your family and your ancestors walked with you.

I want to say that because indigenous people have a lot to offer that, in my own opinion, would do us some good. Even though I was not raised First Nation, a lot of that in other cultures is similar. "My grandma is so-and-so" — and you told about how good the bread was that she baked. We all share these same things. Some of us in our cultures have lost a lot of it, though. I think to remember the good of being at a slower pace as people, as a society — it reminds me of a slow-cook meal versus the microwave. I won't say any food franchise, but fast food is different from going home and having a meal cooked by your grandma. In reality, for us as people coming together today, it's really about what this speaks to and what Canada has endorsed. What we're talking about today is that — it's about good stuff.

Like I said, the document has 46 articles. If I were to go through it, we would be here a long time, so I'm just going to highlight a couple. Article 10 of the declaration relates to the forcible relocation of First Nations from their lands and territories. It recognizes that this was a common occurrence

for indigenous peoples around the world and the ramifications of these actions are still felt today.

I want to say about this comment here that sometimes they were not just relocated — they were eliminated in Canada. That is something that I do not think we should hide from. We should learn from that. We have to know our history and to be able to speak to it truthfully so that we can never have these things happen again. It is honourable to be truthful, really.

When I say "eliminated", I think of Newfoundland — the bounty on aboriginals of fifty cents for the ears of a child and a dollar for adults. That is our history. We can never do that again. We can never be so ignorant to think that what I think is better than what you believe in. To me, it is more about what this speaks to — wow, that is what you think. I think like this.

We have seen examples of this with our own First Nations in Yukon. The treatment of the Kwanlin Dun, whose land we work on every day, is just one illustration. The Kwanlin Dun have lived, hunted and fished in this land since time immemorial.

This is gathering place for all First Nations. They came to this area, from what I am told, and they have inherent rights to this land as a result of their relationship and responsibility to the Creator. However, when the White Pass railway came to this region, Kwanlin Dun First Nation was forced to relocate to Whiskey Flats or Moccasin Flats and Sleepy Hollow. Soon after, even these homes were stolen from them and the land was bulldozed and turned into parks. Today we are finally seeing the Kwanlin Dun move back to the river. I know, from seeing members in this House and in the gallery here, that for all of us who are able to go to the Kwanlin Dun Cultural Centre, it just feels good to be in there and, time and time again, it is said, "Is it ever great to be back here, in such a beautiful building that reflects our culture." We all come together there in a good way these days.

Article 12 also touches on righting another historical wrong. It urges states to "enable the access or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned." In my conversations with elders, I have heard their strong wishes for those historically, culturally and spiritually important artifacts to be returned to them. There are deep connections to these artifacts and their loss has had profound impacts on First Nation spiritual health.

This is an opportunity for the government to show leadership and their willingness to work with First Nations and further strengthen those relationships.

Another important aspect of this article is its mention of human remains in the possession of the state. This directly relates to the work of the TRC, as they attempt to tell the story of the many children who died in the residential school system and the families have not been told where the children are buried. Endorsing this declaration will serve to further the support of our unanimous motion today to provide all necessary support to the TRC as they do their important work.

If I know that someone has that information and I'm the grandma or the family that just wants to have that closure — I don't understand how we could stand in the way of that. I don't get that. I just don't get that.

It acknowledges the racist and ignorant view held by states that indigenous peoples aren't able to properly provide for themselves or their children. In fact, traditional education is making a comeback. All one has to do is look at Wood Street School, where students are able to engage in the excellent experimental learning programs that provide hands-on learning experiences.

First Nations have long known that this is the most effective way to educate. Bringing youth out on the land and facilitating relationships with elders, as well as the land, provides a well-rounded and truly effective method of teaching and learning — get your hands dirty. You feel good.

Had First Nations been accorded the right to educate their own children, then perhaps we would not still be trying to heal from the devastating intergenerational effects of the Indian residential school system. Recognizing this document is an important step in our joint journey of healing and reconciliation.

Article 19 describes the obligation that governments have; that they share in the jurisdiction with First Nations to provide them with free, prior and informed consent. This means that when decisions are being made that will have an impact on the traditional territory of First Nations, they will be consulted in an open and fair manner on the decision-making process. Canada's statement of support to the declaration raised concerns about this article and not entirely without merit, because there already existed a duty to consult in our Constitution; however, keeping in mind that we are not only hoping to adopt the content, but to abide by the spirit of this document. The spirit is that First Nations will and can work together with government to provide their input on matters that impact on them. The spirit of free, prior and informed consent is especially important to Yukon First Nations. We have seen so many occasions in our history where free, prior and informed consent was not sought. I gave an example earlier with the relocation of the Whitehorse waterfront. Another example is the community of Ross River being moved across the river without their consent. They used to live on the other side of the Pelly River.

It is simple when free, prior and informed consent is sought and given. We all win when this happens. It leads to better and healthier relationships and fosters an ongoing and respectful dialogue between groups.

There are some things that I want to emphasize about this declaration, often described as the minimum standard of the human rights of indigenous people. It is not an excuse to stop any of the work we have been doing. It is an adoption in recognition that First Nations have been wronged in Canada and in the Yukon in the past and we must now do more to work together to resolve issues within and without First Nations communities.

There is no better evidence to the fact that there is still work to do than the recent report from the Special Rapporteur

on the rights of indigenous people that highlighted a number of inequalities in economic, social, health and justice issues for First Nations that are still far behind the rest of Canadians.

Adopting this motion would be a good first step, but it must be done recognizing that it is just another step along the path toward healing and reconciliation. If it is adopted, it has to be more than words on a piece of paper. There needs to be a real commitment to work toward the goals outlined in this declaration and this House needs to recognize and embody the spirit of partnership with respect toward First Nations that the *United Nations Declaration on the Rights of Indigenous Peoples* envision. Thank you for your time.

Hon. Mr. Pasloski: I would like to begin by acknowledging and thanking the Member for Mount Lorne-Southern Lakes for bringing this motion forward and the words that he spoke in the House today. I would also like to acknowledge the Member for Vuntut Gwitchin, as he had also tabled a motion that was very similar to the one that we are debating today.

The government will support the motion as presented to the House today. In my remarks, I thought that because we are talking about support for Canada's statement, I think that it is appropriate that for the record we enter *Canada's Statement of Support on the United Nations Declaration on the Rights of Indigenous Peoples*, which was dated November 12, 2010, and I quote: "Today, Canada joins other countries in supporting the *United Nations Declaration on the Rights of Indigenous Peoples*. In doing so, Canada reaffirms its commitment to promoting and protecting the rights of Indigenous peoples at home and abroad.

"The Government of Canada would like to acknowledge the Aboriginal men and women who played an important role in the development of this Declaration.

"The Declaration is an aspirational document which speaks to the individual and collective rights of Indigenous peoples, taking into account their specific cultural, social and economic circumstances.

"Although the Declaration is a non-legally binding document that does not reflect customary international law nor change Canadian laws, our endorsement gives us the opportunity to reiterate our commitment to continue working in partnership with Aboriginal peoples in creating a better Canada.

"Under this government, there has been a shift in Canada's relationship with First Nations, Inuit and Métis peoples, exemplified by the Prime Minister's historic apology to former students of Indian Residential Schools, the creation of the Truth and Reconciliation Commission, the apology for relocation of Inuit families to the High Arctic and the honouring of Métis veterans at Juno Beach.

"These events charted a new path for this country as a whole, one marked by hope and reconciliation and focused on cherishing the richness and depth of diverse Aboriginal cultures.

"Canada continues to make exemplary progress and build on its positive relationship with Aboriginal peoples

throughout the country, a relationship based on good faith, partnership and mutual respect.

“The Government’s vision is a future in which Aboriginal families and communities are healthy, safe, self-sufficient and prosperous within a Canada where people make their own decisions, manage their own affairs and make strong contributions to the country as a whole.

“The Government has shown strong leadership by protecting the rights of Aboriginal people in Canada. The amendment to the Canadian Human Rights Act, the proposed Gender Equity in the Indian Registration Act and the proposed legislation concerning matrimonial real property rights on reserve are just a few recent examples.

“This government has also taken concrete and viable actions in important areas such as education, skills development, economic development, employment, health care, housing and access to safe drinking water. These are part of a continuing agenda focused on real results with willing and able partners.

“At the international level Canada has been a strong voice for the protection of human rights. Canada is party to numerous United Nations human rights conventions which give expression to this commitment.

“Canada has a constructive and far-reaching international development program that helps to improve the situation of Indigenous peoples in many parts of the world. Canada’s active involvement abroad, coupled with its productive partnership with Aboriginal Canadians, is having a real impact in advancing indigenous rights and freedoms, at home and abroad.

“In 2007, at the time of the vote during the United Nations General Assembly, and since, Canada placed on record its concerns with various provisions of the Declaration, including provisions dealing with lands, territories and resources; free, prior and informed consent when used as a veto; self-government without recognition of the importance of negotiations; intellectual property; military issues; and the need to achieve an appropriate balance between the rights and obligations of Indigenous peoples, States and third parties. These concerns are well known and remain. However, we have since listened to Aboriginal leaders who have urged Canada to endorse the Declaration and we have also learned from the experience of other countries. We are now confident that Canada can interpret the principles expressed in the Declaration in a manner that is consistent with our Constitution and legal framework.

“Aboriginal and treaty rights are protected in Canada through a unique framework. These rights are enshrined in our Constitution, including our *Charter of Rights and Freedoms*, and are complemented by practical policies that adapt to our evolving reality. This framework will continue to be the cornerstone of our efforts to promote and protect the rights of Aboriginal Canadians.

“The 2010 Olympic and Paralympic Winter Games were a defining moment for Canada. The Games instilled a tremendous sense of pride in being Canadian and highlighted to the world the extent to which Aboriginal peoples and their

cultures contribute to Canada’s uniqueness as a nation. The unprecedented involvement of the Four Host First Nations and Aboriginal peoples from across the nation set a benchmark for how we can work together to achieve great success.

“In endorsing the Declaration, Canada reaffirms its commitment to build on a positive and a productive relationship with First Nations, Inuit, and Métis peoples to improve the well-being of Aboriginal Canadians, based on our shared history, respect, and a desire to move forward together.”

That statement was issued three-and-a-half years ago by Canada.

Since the adoption, we know that all the major nations across the world with indigenous peoples have in fact supported the declaration, including the United States, Australia and New Zealand.

From a Yukon context, I think there is certainly a tremendous amount for us to be proud of in terms of the accomplishments that have been occurring here in the Yukon. I thought it would be appropriate to have a brief history of the final and self-government agreements here in the Yukon, which truly have been leading not only in this country of ours, but in the world.

I think that really the history would begin back in 1902 when Jim Boss, who is the hereditary Chief of the Ta’an Kwäch’än, saw the impact that the Klondike Gold Rush was having on his people in the Lake Laberge area. He wrote urgently to the superintendent general of Indian Affairs, “Tell the King very hard, we want something for our Indians because they take our land and game.”

One hundred years later, the Ta’an Kwäch’än Council signed its final and self-government agreements. The long road of negotiations was complex and challenging. What began in 1973 took more than 20 years to complete.

If we go back to 1973, the modern process began when the Yukon Native Brotherhood, which represented 12 Yukon Indian bands under the leadership of Chief Elijah Smith, presented *Together Today for Our Children Tomorrow*, which we all celebrated last year here in this territory. They presented it to the Prime Minister of Canada. This really marks the beginning of the negotiation process between the federal government and Yukon First Nations. Later in the year, the Yukon Native Brotherhood and the Yukon Association of Non-Status Indians created the Council of Yukon Indians, Council of Yukon First Nations, to negotiate land claims on behalf of all Yukon First Nation people, both registered or status Indians and non-status.

Between 1974 and 1979, there were sporadic negotiations between the Government of Canada’s Office of Native Claims and CYI. In 1979, Yukon joined the negotiations. In 1984, an agreement in principle was reached between negotiators for Canada and First Nations and submitted to CYI for approval. Their agreement in principle did not gain sufficient support from First Nations and, at that time, the negotiations were suspended. The next year, 1985, negotiations resumed when Canada was able to be more flexible in the issue of extinguishment of aboriginal rights, and the Government of

Yukon played a more active role in the talks. First Nation interests in having more land were addressed.

In November 1988, the three parties announced an agreement on all outstanding issues and published the *Yukon Indian Land Claim Framework Agreement*. In December, the chiefs announced that they had approved it. In January 1989, it was approved by Yukon Cabinet and, soon after, by Canada.

On the 29th of May in 1989, the framework agreement was signed by the federal Minister of Indian and Northern Affairs Pierre Cadieux, Yukon Premier Tony Penikett and Chair of Council of Yukon Indians Mike Smith.

On March 31, 1990 the more detailed *Umbrella Final Agreement* is signed by negotiators and is made public on June 28. Its provisions are to be incorporated in each Yukon First Nation final agreement. Interim protection of selected lands begins. In 1991, the first four First Nation final agreements are reached and work on self-government agreements begin. The first four are Champagne and Aishihik First Nations, Teslin Tlingit Council, Na Cho Nyäk Dun and the Vuntut Gwitchin First Nation.

On May 29, 1993 the UFA and the first four First Nation agreements and self-government agreements are signed in Whitehorse by INAC Minister Tom Siddon, Government of Yukon Leader John Ostashek and Chair of Council for Yukon Indians Judy Gingell.

Implementation planning begins. Negotiations continue with other individual First Nations. On February 14, 1995, the first four final agreements and self-government agreements come into effect, as do land claims boards and councils such as the Yukon Fish and Wildlife Management Board. Negotiations continue with the other individual First Nations.

In 1997, Little Salmon-Carmacks and the Selkirk First Nation agreements came into effect in October. In 1998, the Tr'ondëk Hwëch'in agreements came into effect in September. In 2002, the Ta'an Kwäch'än Council agreements came into effect in April. Talks end with the Ross River Dena Council and Liard First Nations without agreements being reached. In 2003, White River and three other First Nations signed MOUs with commitments to finalize and take agreements to ratification. White River First Nation ultimately does not take its agreement to ratification. In 2004, Kluane First Nation agreements come into effect in February. In 2005, Kwanlin Dun First Nation agreements come into effect in April. In 2006, Carcross-Tagish First Nation agreements come into effect in January creating the 11th self-governing First Nation in Yukon.

Yukon is certainly committed to reconciliation with First Nation peoples here in the territory and we have demonstrated this through the negotiation and ongoing implementation of final agreements and self-government agreements and the fulfillment of our constitutional obligations to Yukon First Nation people. Our final self-government agreements put Yukon and Yukon First Nations in the forefront of modern treaty negotiations in Canada, and as I've stated, I believe is in fact a model for the rest of the world.

While indigenous peoples in many parts of the world struggle for recognition of their basic human rights, settled

Yukon First Nations have legal authority over their internal affairs and settlement lands and can administer their rights under their final agreements. There have been significant economic benefits to Yukon First Nations as well. Whether through direct financial transfers, resource royalty sharing or other mechanisms, Yukon First Nations have an increased role and prominence in the Yukon Territory's economy.

The economic benefits to Yukon First Nation have in turn generated net benefits for all Yukoners with Yukon First Nation development corporations making significant investments in businesses across the territory. You don't have to look very far to see that tremendous benefit through investment through Yukon First Nation development corporations, not only in this community, but in essentially every community across the territory, employing many, many people and contributing largely to our local economy.

The Government of Yukon values its relationship with all Yukon First Nations and upholds the fundamental principles underlying the *United Nations Declaration on the Rights of Indigenous Peoples*. Those principles include equality and diversity and condemnation of discrimination and historic injustices.

Our support of the United Nations declaration is grounded in the unique history of the Yukon and the commitments made and compromises reached in our own final and self-government agreements. I therefore stand today to urge this House to support the rights of aboriginal people in Yukon and indigenous peoples throughout the world by endorsing the *United Nations Declaration on the Rights of Indigenous Peoples* on the same basis and consistent with Canada's statement of support for that declaration and to continue to work together with Yukon First Nations in our commitment to reconciliation through the implementation of the final and self-government agreements, the fulfillment of our constitutional obligations and the development of cooperative relationships with First Nations of the Yukon.

This certainly is a timely time for this debate. Again, I appreciate the motion being put forward by the Member for Mount Lorne-Southern Lakes. I would also like to acknowledge the work and similar motion that was put forward by the Member for Vuntut Gwitchin.

Mr. Silver: I would like to begin by also thanking the Member for Mount Lorne-Southern Lakes for putting forth this motion today. I would also like to thank Grand Chief Ruth Massie for her requesting it of our Legislature.

I would like to start off by stating for the record that the Yukon Liberal Party unequivocally supports this motion. Today we are joining our neighbours in the Northwest Territories and the Government of Canada by supporting the *United Nations Declaration on the Rights of Indigenous Peoples*.

The declaration is a comprehensive statement addressing the rights of indigenous people. Prior to being adopted, the declaration was drafted and debated for over 20 years. The declaration's purpose is to emphasize the rights of indigenous peoples to maintain and strengthen their own institutions,

cultures and traditions and to pursue their development in keeping with their needs and aspirations, something that we as Yukoners are keenly aware of the importance of.

It has been a long road for us in Canada to recognize the importance of this declaration. As members will remember, in 2007, Canada was one of just four countries to vote against this motion in the United Nations General Assembly, the others being Australia, New Zealand and the United States. There were concerns by the Government of Canada that some of the provisions within the declaration would be in contrast to Canada's Constitution and it was not until 2010 that the federal government issued its statement of support. The Northwest Territories also endorsed the declaration in 2008.

Even with the Canadian government's endorsement, we as a country still have much to do to ensure equality for First Nation people and to help in the healing process as we move past some very, very dark parts of Canada's history. We can support the Truth and Reconciliation Commission's work by providing them with the documentation that they need to bring closure to the families who are affected by residential schools so that we can begin to move past the gross human rights violations that occurred.

We can support the call for an inquiry for our murdered and missing aboriginal women. Women in aboriginal communities are disproportionately the victims of violent crimes.

It was just this past week that Dr. James Anaya, the United Nations Special Rapporteur on the rights of indigenous peoples, lent his voice to this plight by stating — and I quote: "The federal government should undertake a comprehensive, nationwide inquiry into the issue of missing and murdered aboriginal woman and girls, organized in consultation with indigenous peoples..."

The Yukon government should use its voice to encourage their federal counterparts to open an inquiry.

We can also ensure proper consultation with First Nations and government-to-government relationships. Too often we see that governments in Canada and the Yukon have strained relationships with First Nation governments, and only by creating an environment of cooperation can we begin to work toward common prosperity. Ultimately we need to stop viewing this as a First Nation issue. These are Canadian issues, Mr. Speaker. They are issues of humanity and our actions will define us. We are all responsible to ensure the safety of our women in society and to help in the healing of those affected by Canada's residential schools. These are both national tragedies and international embarrassments to Canada.

I would like to read into the record the statements made by federal Liberal Aboriginal Affairs and Northern Development critic, Dr. Carolyn Bennett, in the fall of 2013 on the sixth anniversary of the *United Nations Declaration on the Rights of Indigenous Peoples*, as it echoes our own party's sentiments. I quote: "As we mark the anniversary of the adoption of the UNDRIP, we must recognize the immense work still required to address the urgent needs of Aboriginal

Peoples in Canada, and to give concrete and practical meaning to Aboriginal inherent and treaty rights.

"The Liberal Party of Canada is committed to respecting indigenous rights and working in collaboration with Aboriginal Peoples in Canada to realize the shared prosperity that only a true partnership will bring. Canadians believe in equality of opportunity, and we must engage in a renewed, respectful and inclusive process with all Aboriginal communities to improve social outcomes and to unlock economic potential.

"In particular, the federal government has an indisputable responsibility to rebuild its relationship with First Nations, Inuit and Métis in Canada on a foundation rooted in the principles of the UNDRIP.

"On behalf of the Liberal Party of Canada and our Parliamentary Caucus, allow me to reaffirm our commitment to work in full partnership with all Aboriginal communities, in a spirit of respect and cooperation, to achieve a brighter and more sustainable common future."

Mr. Speaker, today I ask the House to support this motion — to renew our collective support for First Nation communities across the country and commit to building better working relationships to ensure equality for all Canadians and for all Yukoners.

That's all I have to say today. Thank you very much. Once again, the Liberal Party will be supporting this motion.

Mr. Elias: [*Member spoke in Gwich'in. Text unavailable.*]

I want to thank the member opposite for bringing this motion forward here today. I am going to speak about how it is to be Vuntut Gwitchin and the words that our community has put on paper for the world to see. I am going to speak about our vision and our mission, our goals and objectives for how we as Vuntut Gwitchin want to fit into today's western society.

When we talk about the rights of indigenous peoples — the Member for Mount Lorne-Southern Lakes spoke about the transition from where we were and where we came from, about colonialism, about the paternalistic policies that we had to overcome and about assimilation. They threw measles at us, they threw smallpox at us, they threw mission schools at us, and I always tell our youth, "You know what? We are still here. We are still here, and we are as strong as ever."

I stand here today as a member of the Vuntut Gwitchin First Nation having boundless pride in our ancient cultural heritage and ancestral homeland. We exercise our inherent right to govern ourselves, assume responsibility for the general welfare of our citizens and provide responsible governance to our communities, lands and resources. It is incredibly important, as Vuntut Gwitchin, to pass on our traditional Vuntut Gwitchin land ethic and stewardship principles to future generations.

Vuntut Gwitchin means "People of the Lakes". The name demonstrates the close bond that the Vuntut Gwitchin people have with their surrounding environment as well as the land

ethic and stewardship that must be maintained in order to live off the land.

This bond is maintained by passing down the oral history and stories to generations to come. To continue with the traditional lifestyle, the Vuntut Gwitchin relies on community elders to teach community youth. Adapting classroom curricula, holding cultural camps and recording elders' histories are priorities and teachings of the elders in our community. We have instituted programs in the schools and hold community events that reinforce those ethics.

Our vision as Vuntut Gwitchin people reflects our traditional values, sustainability principles and long-term goals as a self-governing First Nation in the Yukon and Canada. Our vision is to create and maintain a sustainable, healthy, vibrant community that provides a safe, supportive environment in which to live and work consistent with our Vuntut Gwitchin land ethic.

Our vision promotes a sustainable community with the context of the Vuntut Gwitchin land ethic. We want the same services and amenities that other Yukon communities have in so far as our unique location can support them. We want to see Old Crow as a healthy community with the resources to meet and current future needs, without compromising the environment and our children's future.

Vuntut Gwitchin have sustained our traditional values for thousands of years and will continue to do so in the future. Our community values are a reflection of our Gwitchin culture, relationship to the natural environment, desire to develop and prosper both outside and inside the local economy, increase our local governance capacity and have a happy, healthy community.

We value the empowerment of our people to contribute to a strong and health, Vuntut Gwitchin First Nation and other communities that we live in. Vuntut Gwitchin recognizes that our people are our greatest capital. As such, we want to educate and empower our members to actively contribute to Old Crow's economic development and create a healthy community. We value all that are living and strive to create a balance in our interactions with them.

The Gwitchin people have maintained sustainable harvests of their natural resources for thousands of years and we will continue to do so. It is in the best interests of our community, as well as the environment, to make conscientious, sustainable infrastructure and land use choices.

We value children and our youth and are committed to a safe and healthy environment within our traditional ways. Our children and our youth are our leaders of tomorrow. The Vuntut Gwitchin want to provide a safe environment where our children and youth can learn and play and become confident, healthy leaders who continue to direct Vuntut Gwitchin and Old Crow toward achieving our long-term goals.

We value our traditional language, culture, spirituality and the oral teachings of our elders. Our traditional ways are the backbone of our community. Elders provide an essential link to our past and help us maintain a strong Gwitchin heritage. The Vuntut Gwitchin endeavours to promote

programs that enhance traditional knowledge in the community, such as language, training, hunting, fishing, traditional crafts and oral history.

We value accountable and transparent governance. As a self-governing First Nation, Vuntut Gwitchin understands that accountability and transparency are essential to building trust with its members. An open, accountable government encourages participation by its membership and allows citizens to understand how decisions are made.

It also allows them to question how and why decisions were made and promotes dialogue between government and the public at large.

The following goals reflect the Vuntut Gwitchin values and long-term development objectives: to provide residents and beneficiaries desiring to return to the community with the opportunity to live and work in their community by encouraging a healthy, stable and sustainable economy; to enhance the physical and social character of Old Crow by ensuring future development occurs in a timely and orderly manner, reflecting the quality of life desired by residents and respect for the local government; to encourage sustainable development through the adoption of appropriate technology and environmental procedures that promote energy conservation, recycling, heritage, protection and environmental stewardship consistent with the Gwitchin culture; and to make Old Crow a better place to live by providing a range of educational, employment, housing and recreational opportunities consistent with the changing demographics of the community.

I want to go over some of the accomplishments that have come from our self-governing First Nation in Old Crow, the Vuntut Gwitchin. In 1973, in Ottawa, Ontario, we participated in the document *Together Today for Our Children Tomorrow*, signed by 100 Yukon chiefs, councils and delegates. In 1988, we came up with a mandate for the calving grounds within the Arctic National Wildlife Refuge, and that battle goes on today.

On May 29, 1993, we signed the *Umbrella Final Agreement* in Whitehorse. The self-government agreement was signed, establishing our own law-making authority and abolished the implementation of the Government of Canada's *Indian Act* over Vuntut Gwitchin citizens. In 1991, our community began the prohibition of alcohol in the community of Old Crow. In 1997, which was a big thing at that time, we established dial-up Internet and we started our very first website, <http://www.oldcrow.ca>.

In 2004, the Vuntut Gwitchin government's Department of Education took over the administration of the post-secondary education program from Indian and Northern Affairs Canada. The Vuntut Gwitchin trust was created in 2004. It provided a consistent and predictable income stream for current beneficiaries, while preserving capital and protecting the purchasing power of the compensation assets for the future generations of Vuntut Gwitchin citizens.

In 2010, a Boeing 737 jet landed at the Alfred Charlie Old Crow Airport and our Vuntut Gwitchin First Nation, and

now the development corporation, own a large portion of Air North, Yukon's airline.

So you see, I just touched on a few points, but I am proud to stand here today in support of the *United Nations Declaration on the Rights of Indigenous Peoples* and the progression that Yukon Indian people have made throughout the years, especially my First Nation of whom I represent, the citizens and constituents of the Vuntut Gwitchin riding and how far we've come in business, in economic development and in the administration of our lands, the caring and stewardship of our wildlife, our waters and our home.

When you talk about self-determination and the land claim, this wasn't about money. Our land claim wasn't about gaining power. It was about self-determination. It was about securing a vibrant future through hard work for those yet unborn. It was about manifesting our destiny as I've said before in this Assembly. It was about the protection of our land, water and wildlife. It was about securing the ability to tell our historical stories about our living languages and our living culture. It was about ensuring a long-term partnership and relationship with the federal Crown and the territorial government in all facets of life.

I thank the Member for Mount Lorne-Southern Lakes for bringing this motion forward today. I support it.

Ms. Stick: I want to also thank the Member for Mount Lorne-Southern Lakes for bringing forward this motion today and thank the Member for Vuntut Gwitchin for also bringing forward a similar motion. It's an honour to speak to this today. I support this motion.

I also want to thank Grand Chief Ruth Massie and the Council for Yukon First Nations and Heather MacFadgen and the staff at the Yukon Human Rights Commission for advocating and encouraging this motion today with all parties of this House.

We have heard the history behind the *United Nations Declaration on the Rights of Indigenous Peoples* and the work and the efforts that went into this document that was adopted in 2007. My colleagues spoke of reading the *United Nations Declaration on the Rights of Indigenous Peoples* and the amount of time it would take. I remember, Mr. Speaker, gathering with many other Yukon citizens in Whitehorse about two years ago to actually read this document from front to back — each person taking a turn to read an article, or the preamble. For me, it was a very moving event. I remember listening carefully to what others read and reflecting personally on the article I got to read. At that moment, the UN declaration became a living document. It was an important document. It was a beginning — it was a beginning, not an end.

In that *United Nations Declaration on the Rights of Indigenous Peoples*, there were a few key points that bear repeating. This came through the hard work and active involvement of indigenous people around the world and this declaration has the distinction of being the only declaration drafted with the rights holders. Over 370 million indigenous

people from around the world are impacted by this declaration.

In 2010, Canada — which did not initially endorse or adopt this declaration — came out with *Canada's Statement of Support on the United Nations Declaration on the Rights of Indigenous Peoples*. It was very important for Canada to join other countries in supporting this. In the very first paragraph, we read, "...Canada reaffirms its commitment to promoting and protecting the rights of Indigenous peoples at home and abroad."

This document, although not legally binding, is a statement that governments into the future will also be held to. It is not just the current government's commitment or the federal government's commitment, but this should be adhered to and understood by all levels of government in Canada and by its citizens. This is a framework. In the statement, we hear of Canada's apology to former students of Indian residential schools. This was an important moment in our recent history. We hear the creation of the Truth and Reconciliation Commission, an important step for First Nations, individuals, families, and communities across this country to begin healing. We heard of the provision of the Indian residential school settlement agreement, Canada's apology for the relocation of Inuit families and the honouring of Métis veterans at Juno Beach. These events have taken place, but Canadians have more to do than just check these events off on Canada's support on the rights of indigenous peoples.

We have the recent report from the Special Rapporteur on the rights of indigenous peoples, Dr. James Anaya. He does speak to numerous initiatives federally and at the provincial and territorial levels that address problems faced and recognize that there have been actions that are good starting points, but Canadian governments and provincial and territorial governments all have a part to play in ensuring that this statement of support on the *United Nations Declaration on the Rights of Indigenous Peoples* remains a living document, a map, a guide to ensuring that the rights of indigenous people in Canada, as outlined in the declaration, are met.

A few of these that I thought were important, but are not exclusive, are: the right to be free from any kind of discrimination; self-determination; not to be forcibly removed from their lands or territories; the right to and access to education; the right to revitalize, use, develop and transmit histories, language, oral traditions; the right to participate in decision-making in matters that affect their rights. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this declaration. These are all from the declaration, Mr. Speaker, and are just a few, but they illustrate the broad range of what this declaration upholds.

In Canada's statement, it reaffirms its commitment to build on a positive and productive relationship with First Nations.

We need to encourage and advocate in those areas where we see that action needs to be taken. In this House, we

unanimously agreed that the Government of Canada needs to call a public inquiry into the missing and murdered aboriginal women. It has not happened yet, and we still need to push and advocate to see that it happens.

We need to encourage the Government of Yukon to continue to work with First Nations to come up with an education bill that meets the needs of First Nations.

We need to encourage the Government of Canada and territorial and provincial governments to address, in meaningful ways and in partnerships with First Nations, safe and adequate housing away from flood zones. Again we hear of communities being flooded out year after year.

We need to guarantee access to equitable health services, safe schools for children. We know of the Shannen's Dream project — children across this country promoting safe schools for all Canadian children.

We need to encourage access to economic development, as the member across spoke of. We need to address the overrepresentation of First Nations in our justice system.

On another note, in the statement of support, the Canadian government reaffirmed its commitment to protecting the rights of indigenous people at home and abroad — two words, “and abroad”. Canada has a role to uphold the rights of aboriginal people not just in Canada, but around the world. It's heartening to see that recently an Ontario provincial court made the landmark decision that Canadian companies involved in mining or extraction in other countries can be held accountable for their actions abroad in a Canadian court, whether it be environmental damages or uprooting and ignoring the rights of indigenous people in their traditional territories in other countries.

This is important because this statement includes the rights of people abroad. We can't ignore that.

I would once again like to thank those members who brought forward motions for this debate. It's important to recognize and endorse *Canada's Statement of Support on the United Nations Declaration on the Rights of Indigenous Peoples*, but it's important to recognize that this is a framework of moving forward as a country to address the concerns of aboriginal persons in Canada and around the world.

Hon. Mr. Dixon: Thanks to my colleagues who have spoken today and to the Member for Mount Lorne-Southern Lakes, who put forward this motion initially, and to others who, as the Member for Riverdale South has indicated, have also put forward similar motions to the same effect.

I wanted to add my words very briefly in support — and not necessary in my capacity as a minister of the government, or even necessarily as a Member of the Legislative Assembly, but as someone who has been very interested in these sorts of issues for a number of years now, as someone who was born and raised here in Yukon and witnessed first-hand the context and the developing context of First Nation-state relations, and as someone who has taken a keen interest in comparative indigenous-state relations throughout the world. Throughout the course of my years and degrees of studying this, I have

always had an interesting perspective on this because of my background here in Yukon.

When I first read the *United Nations Declaration on the Rights of Indigenous Peoples* as an undergraduate student, I was a bit perplexed by it because, to me, so much of what is in the declaration is self-evident. It seemed so obvious and so clear that it was confusing to me why we would need to adopt this declaration. It wasn't until my studies progressed into my graduate studies that I really understood the comparative context of this. When we look at the indigenous state relations throughout the world, we realize how lucky we are here in the Yukon, I think. Whether that is because of our beautiful location and the benefit of the incredible endowment of natural resources that we have in the territory, or our governance and constitutional development over the years, we are very lucky and it is worth reflecting on that.

The context of our Yukon First Nation land claims, and the development of the self-government agreements that have come pursuant to those agreements, puts us in a very unique position. My colleague, the Member for Vuntut Gwitchin, very eloquently described these issues from the perspective of the Vuntut Gwitchin and what that means to that particular First Nation. I very much appreciated that. Quite frankly, it is a difficult speech to follow. My Gwich'in is a little rusty so I won't be using that particular language in my discussion today, but perhaps another day, with some lessons from the member, I can attempt it.

I appreciated some of the articles that the Member for Mount Lorne-Southern Lakes listed from the declaration. I agree with him that it doesn't bear a lot of need to recite the entire declaration, but there were three particular articles that stood out to me that haven't been mentioned yet. I wanted to take a moment quickly to mention those and then conclude.

The first was article 3, which the Member for Vuntut Gwitchin noted, that relates to self-determination. It indicates that the need for First Nations — or aboriginal or indigenous peoples — to be able to freely pursue their economic, social and cultural development. I thought that was fairly profound, especially when you consider the great strides that have been taken in Yukon to date. When we consider our economy presently, the incredibly profound role that the First Nations and their respective development corporations play is undeniable. We have a unique scenario where so much of our economy — such an incredibly large percentage of our economy — is driven by those First Nations and their development corporations. I think it's unique in the country and perhaps even in the world for that level of participation and activity to be taken by First Nations and their development corporations. I think that's worth noting. Here in Yukon, I really believe that we are leading the way — First Nations are leading the way in terms of commanding their own destiny economically.

Article 11 is one that also hasn't been mentioned yet. It relates to indigenous peoples having the right to practise and revitalize their traditions and customs. As I noted previously, it is something to me that seems so self-evident because our First Nations here in the Yukon have been so active on this

particular issue, but that is not necessarily the case around the world. Certainly in other countries, that ability to revitalize those important histories, traditions and customs is not available. The success that First Nations in Yukon have had on this particular issue is incredible.

One of my professors when I was a graduate student studied the revitalization of languages, and his background was from Wales and he was interested in the redevelopment of the Welsh language in the U.K. He took great instruction from some of the developments that First Nations in Canada — and even the Yukon — had made with regard to the revitalization of traditional languages. He took some of the examples from here in Yukon back to Wales and used those as examples of what models may be employed there to learn from and to practise in a similar effort there in Wales.

Again, I think this is a case where Yukon First Nations and Yukoners are leading the way in practising what is articulated in the UN declaration.

The final article that I wanted to note that I did not think had been mentioned yet was article 13, which dealt with, among other things, the names of communities, places and persons. There are a number of examples that I wanted to speak about, but I will jump ahead and simply point to a few in Yukon that have changed over the years.

We have taken a different approach than other jurisdictions when it comes to the naming of many of our places. Part of that is because of our *Umbrella Final Agreement* and the individual final agreements. In cases such as the resource management board and some of the other institutions that provide traditional context and traditional names for some of our places and communities in the territory — to note some of those examples, I am particularly driven by our territorial parks, whether its Asi Keyi or Agay Mene or Kusawa. I had to seek the help of the Member for Vuntut Gwitchin in the pronunciation for Fishing Branch, which is Ni'iinlii'Njik. I'm sure Hansard will spell it correctly, but I certainly can't. There is, of course, Herschel Island, Qikiqtaruk. That's another great example.

Mr. Speaker, I simply wanted to add my support to this with some of the additional perspectives that I felt hadn't been mentioned yet and to thank those who have spoken already about this particular motion and to add my support. I was going to speak a little bit more about some of the development of Canada's position on this particular issue, but I don't think it's necessary now because I think that we'd like to move on and see this motion passed unanimously and, in fulfillment of that motion, have you, the Speaker, transmit that to the groups named in the motion.

Thank you, Mr. Speaker, and I commend my colleagues for their support on this motion and I look forward to seeing it passed.

Ms. Hanson: I thank the members who brought forward this motion and the other companion pieces.

I had not intended to speak this afternoon, but I just wanted to comment because as we speak about the *United Nations Declaration on the Rights of Indigenous Peoples*, it is

really important to recognize that this is not something that was self-evident or clear. Governments for many, many years, regardless of their stripe at the federal level, resisted this declaration — resisted recognizing it at the federal level. Throughout the course of my 30 years working for the public service, I can tell you that I sat at many policy tables where I was told all the different reasons why Canada would not support this. It is not luck that we have the Yukon agreements and the potential for relationships with Yukon First Nations. It came about by the same kind of persistence and patience that First Nations and indigenous peoples around the world have demonstrated, whether it was Chief Jim Boss in 1902, petitioning the Crown for recognition of rights, or the final ability of countless numbers of indigenous peoples who worked in the committee rooms in New York and elsewhere trying to gain support for this United Nations declaration. It is that persistence and patience in understanding that, within their own experience and within their own hearts, their rights did exist, do exist and must be recognized. It is that understanding at a very deep level of the history of indigenous peoples that give the power to this declaration. It also reinforced that the declaration cannot be watered down. There are challenges in this declaration that are deep. When we talk about the condemnation of historic injustices, words are not enough.

We need to right those injustices and we have a unique opportunity, because we are legislators, elected by the citizens of this territory. We have the ability to assist to right injustices. We'll be given that opportunity again this afternoon, but there are many times in the future when we'll have those opportunities.

I just wanted to comment that I think it's incredibly important to acknowledge and recognize generations of work that went into finally achieving this declaration and the persistence of First Nation leaders, Inuit and Métis leaders across this country in finally succeeding in getting a federal government — it doesn't matter what stripe it was at the time — to acknowledge and adhere to this declaration.

Ms. Moorcroft: I rise to support the motion brought forward by my colleague from Mount Lorne-Southern Lakes. I also would like to acknowledge the Member for Vuntut Gwitchin, who put forward a very similar motion for debate. I would like to begin by saying mahsi' cho and welcome to the many representatives in the gallery from Yukon First Nations, and also from the Yukon Human Rights Commission.

When the *United Nations Declaration on the Rights of Indigenous Peoples* was first adopted in September of 2007, the Government of Canada did not initially agree to support it. I want to thank the Human Rights Commission for providing copies of the UN declaration for all members of this Assembly.

I have been really happy to see members in the House reading through the declaration and many of us quoting from it in the debate today.

But again, in 2007 when the *United Nations Declaration on the Rights of Indigenous Peoples* came forward and the

Government of Canada expressed opposition to the immediate adoption of it, I served as a member of the Yukon Human Rights Commission at the time. The Yukon Human Rights Commission was one of the jurisdictions where we felt that we had enough independence and autonomy that we could openly write a letter to Prime Minister Stephen Harper at the time to urge him to in fact adopt the declaration. The letter was signed by one of my fellow commissioners at the time, Rick Goodfellow. I wanted to read just a few excerpts from that letter.

It begins with urging the Government of Canada to withdraw its opposition and speaks about what an important step to forward the rights of indigenous peoples the declaration was in building global protection for the rights of indigenous peoples.

“It represented the culmination of more than 20 years of international consultation in which Canada has played a significant role. Canada played a key role in the successful conclusion of the negotiation process, helping find common ground between indigenous peoples and the vast majority of participating states and helping to draft many key articles of the declaration.

“Indigenous peoples are among the most marginalized and dispossessed sectors of societies around the world. They endure prejudice, discrimination, and violations of human rights that threaten their cultural survival. Unfortunately, the same is true for aboriginal Inuit and Métis people across Canada.

“Many endure higher levels of poverty, worse living conditions and far less control over their lives and lands than do non-aboriginal Canadians.

“The official position of the government indicated a number of concerns with the provisions of the declaration and the Human Rights Commission was disappointed in that. The declaration is simply a tool for interpreting the United Nations *Universal Declaration on Human Rights* as it applies to indigenous peoples. An independent poll commissioned by Amnesty International Canada showed that the majority of Canadians do support the declaration and feel Canada needs to take a leadership role in the area of human rights for indigenous peoples. The UN declaration is needed urgently to bring attention to these serious human rights concerns and to galvanize the effort to address them around the world.”

Others have commented on *Canada's Statement of Support on the United Nations Declaration on the Rights of Indigenous Peoples*, which was issued in November 2010. It really is progressive of the government to have finally acknowledged the aboriginal men and women who played an important role in the development of this declaration.

The Government of Canada, in its statement of support, spoke about the shift in Canada's relationship with First Nations, Inuit and Métis peoples, exemplified by, among other things, the creation of the Truth and Reconciliation Commission. We will be debating later today amendments to the *Vital Statistics Act* to support the work of the Truth and Reconciliation Commission.

Canada needs to continue to fulfill its roles in having a strong voice for the protection of human rights.

Canada reaffirmed its commitment to build on a positive and productive relationship with First Nations, Inuit and Métis peoples, to improve the well-being of aboriginal Canadians, based on our shared history, respect and a desire to move forward together.

I want to turn to the *United Nations Declaration on the Rights of Indigenous Peoples* and a couple of the key articles that I would like to draw attention to for all members of the House. In Article 15, it speaks about indigenous peoples having the right to the dignity and diversity of their cultures, traditions, histories and aspirations, which shall be appropriately reflected in education and public information. It states also to take effective measures in consultation and cooperation with the indigenous peoples concerned to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society. That is something we have an opportunity to do here in this House by supporting this motion and by other measures.

Article 37 states that indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with states or their successors and to have states honour and respect such treaties, agreements and other constructive arrangements. I would urge members to take into account Article 37 and the Indian residential school settlement agreement reached in 2006, both in consideration of this motion and in debate on amendments to address the information requests of the Truth and Reconciliation Commission.

James Anaya, the United Nations Special Rapporteur on indigenous people, has just released his report on Canada.

I want to speak to just one of the many important issues where he called for action on the part of the Government of Canada. For many, many years there has been a chronic high level of violence against aboriginal women. We have debated in this House and unanimously agreed to call on the Government of Canada for a national public inquiry into the huge numbers of missing and murdered aboriginal women across the country. That's a huge concern in the north, it's a huge concern across the country and I'm hopeful that in supporting this motion and communicating to the Government of Canada that we support the *United Nations Declaration on the Rights of Indigenous Peoples* that we can in fact see movement on that important priority.

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

Mr. Barr: Thank you Mr. Speaker. First, I would like to thank all members of the House for supporting this motion. It's good for us. It's good to acknowledge the hard work and the support that we receive, not only from Grand Chief Ruth Massie, but Heather MacFadgen from the Human Rights Commission and Chief Doris Bill — who have supported us — and the Member for Vuntut Gwitchin for bringing forward

this motion and the Member for Klondike for bringing forward similar motions. I just want to keep it short just to say thank you, really for us. Good on us. To also acknowledge the strength of First Nation and indigenous peoples from all over the world — it reminds me of the saying: if at first you don't succeed, try and try again.

We are going to keep trying to succeed at other endeavours as we go forward here to acknowledge the ability and the perseverance of those who have walked before us on this path and that we are still on the path. I would just like to thank everybody and encourage us all to continue on this path as we go forward as human beings to have a better place for us and all of creation. Gunilschish.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Madam Deputy Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Mr. Hassard: Agree.

Mr. Elias: Agree.

Ms. Hanson: Agree.

Ms. Stick: Agree.

Ms. Moorcroft: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

Deputy Clerk: Mr. Speaker, the results are 17 yeas, nil nays.

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

Motion No. 680 agreed to

BILLS OTHER THAN GOVERNMENT BILLS

Bill No. 105: *Act to Amend the Vital Statistics Act (No. 2)* — Second Reading

Deputy Clerk: Bill No. 105, standing in the name of the Member for Copperbelt South.

Ms. Moorcroft: I move that Bill No. 105, entitled *Act to Amend the Vital Statistics Act (No. 2)*, be now read a second time.

Speaker: It has been moved by the Member for Copperbelt South that Bill No. 105, entitled *Act to Amend the Vital Statistics Act (No. 2)*, be now read a second time.

Ms. Moorcroft: The death of a child is heartbreaking. Every parent may fear the death of a child, but a parent who hasn't known such loss can only imagine the pain one might feel. As members of the Yukon Legislative Assembly, all of us can decide today to know the truth and to support the families of children who have died at Yukon Indian residential schools.

I am seeking unanimous consent from all members of the House at second reading of Bill No. 105, entitled *Act to Amend the Vital Statistics Act (No. 2)*, in a spirit of cooperation and in a search for the truth about how First Nation children have died in the past, during the seven generations of — quote: “mission schools”.

This is a straightforward amendment for a specific and worthy purpose. The Truth and Reconciliation Commission currently has records of more than 50 deaths in its Yukon registry of First Nation children in the prison camps we describe as residential schools. It is unknown what the true number is, and the Truth and Reconciliation Commission would like to know the truth. It is a matter of principle, a matter of justice, for everyone in Canada to know the truth about the colonization of Indian peoples and the Indian residential school system, beginning with the first missionary-operated school established near Quebec City from 1620 to 1629 until the last residential school closed in 1996.

The amendment to Clause 37 of the *Vital Statistics Act* would allow the Truth and Reconciliation Commission of Canada to have access to the death records and burial records of Yukon First Nation children who died while they were part of the Indian residential schools system 25 years after that death or burial occurred, notwithstanding the current provisions of the *Vital Statistics Act*, which protects the privacy of the cause of death and burial records for 100 years except to a family member.

I would like to mention the nature of some of the motions and bills that all members, regardless of their party affiliation, have voted to support. In 2013, we saw assent to Bill No. 56, the *Movable Soccer Goal Safety Act*, providing for safety standards for the installation and maintenance of movable soccer goals after the death of a child in Watson Lake. The Member for Vuntut Gwitchin called for a national public inquiry on missing and murdered aboriginal women in Canada. We know that more than 35 Yukon aboriginal women have died and we achieved unanimous consent on that bill. The Member for Mount Lorne-Southern Lakes' motion in support of the Northern Cultural Expressions Society was unanimously supported. Last month in this House — in a debate that I am sure all members will remember from April 2 — members unanimously agreed to urge the Yukon government to take all necessary measures to expedite the release of data requested by the Truth and Reconciliation Commission regarding the number and cause of deaths,

illnesses and disappearances of First Nation residential school students in Yukon.

Let me speak about the need for this act to amend the *Vital Statistics Act*.

In correspondence with the Minister of Health and Social Services and with the Truth and Reconciliation Commission's executive director over the past 10 days or so, it is clear that there is a disconnect. The Minister of Health and Social Services has offered to provide the Truth and Reconciliation Commission with a statistical summary about the causes of death. I am calling on this Legislature to do better than that. The Truth and Reconciliation Commission is looking for a copy of the individual cause of death and burial record for each child who died. The Truth and Reconciliation Commission would absolutely like to have more information than the Yukon government has offered. They want what other jurisdictions in Canada have been able to provide — the individual records of the cause of death and burial place. The Truth and Reconciliation Commission maintains confidentiality of all of those records.

The Yukon Party government had over a month — from April 2, 2014 until now — to determine what legal obstacles may prevent the Truth and Reconciliation Commission from knowing the individual causes of death, the ages and names of the children who died and the place of burial, and to introduce legislation to allow the Truth and Reconciliation Commission to have access to the records they need. The *Vital Statistics Act* doesn't allow access to death and burial records for 100 years after the death — the most restrictive legislation in Canada. Other jurisdictions have a 10-year or a 25-year limit on the privacy of the records. Some jurisdictions have a public interest or ministerial discretion clause that would enable death records to be released where it is justifiable. Those powers have been used to provide the TRC with the Indian residential school death records.

The laws of the Yukon should be able to support the mandate of the Truth and Reconciliation Commission. It is a matter of justice for each individual child who died, and for their family members, to know the truth. Some sort of numerical data bank is not good enough. A statistical summary is not good enough. It is not the truth. The truth is the basis for reconciliation.

Mr. Speaker, I have spoken to family and community members who would like to know where their loved one who attended residential school was buried. How can a government ignore the requests of the Truth and Reconciliation Commission for access to the truth? That is not respecting the humanity of each individual child who died.

The Truth and Reconciliation executive director has stated that they have had no discussions with the Yukon on a discretionary clause or that discretion would be exercised.

Members of the TRC have to deal with governments of Canada, 10 different provincial governments, three territorial governments and have been asking for access to records and had to resort to the courts to obtain some records from the Government of Canada. Some records are still outstanding, but the courts have ruled that they must be produced. We need

to see greater cooperation in providing access to the records for the Truth and Reconciliation Commission.

The TRC director of statement gathering has been accepting calls to hear from people across Canada who know of a child who died in residential school, or who attended residential school and never returned home, or whose fate is still unknown. The TRC knows of more than 50 records of deaths at residential schools in Yukon. Families are still asking where the burial sites are for residential school students who are missing, because they still do not know where the bodies of their loved ones are.

The Truth and Reconciliation registry to date has confirmed over 4,100 student deaths of children who died while in Indian residential schools during the 130-year time frame of when the schools were operational.

The Truth and Reconciliation Commission of Canada was established as part of the Indian residential school settlement agreement in 2006. Its mandate is found in schedule N of the *Indian Residential Schools Settlement Agreement*. The commission's goals that are most relevant to the amendments before us include: "Acknowledge Residential School experiences, impacts and consequences; Provide a holistic, culturally appropriate and safe setting for former students, their families and communities as they come forward to the Commission...Promote awareness and public education of Canadians about the IRS system and its impacts; Identify sources and create as complete an historical record as possible of the IRS system and legacy."

I will repeat that for emphasis: the goal of the Truth and Reconciliation Commission is to identify sources and create as complete an historical record as possible of the Indian residential school system and legacy.

Mr. Speaker, the aboriginal community of Canada and Yukon First Nations individually have participated in and supported the work of the TRC.

Justice Murray Sinclair gave a statement when the University of Manitoba accepted the responsibility to continue with a national registry of the documents that the Truth and Reconciliation Commission has collected over its five-year mandate.

The Truth and Reconciliation Commission will end its mandate next year, and that is one of the reasons why there's a critical deadline for the information on the death records of children. The Truth and Reconciliation Commission would like to have all records by August of this year — 2014 — in order to complete their report before their mandate is over.

I want to quote from some of what Justice Murray Sinclair said to remind people what the Truth and Reconciliation Commission was all about. "To put it simply, for the government to take children away from their families for no good reason other than to indoctrinate them into a different way of thinking is wrong. It was wrong then. It was not acknowledged to be wrong then, but it should have been. It is acknowledged now that it was wrong, but now we have to deal with the aftermath of all of that."

"They had no idea where they were going, they had no idea why they were here, and they had no idea of who they

were. They tried hard — many of us tried hard — to join this society and be a part of it, and many of us have succeeded but at great cost of our own sense of self. And now we know that we can do something about that. But it begins with the truth. It begins by acknowledging what happened, and it begins by knowing as much as we can about what happened. And if we are able to uncover those truths, and if we are able to uncover all we can about what happened, and how things happened, and why things happened, and where they happened, and who they happened to, and who did them — if we are able to do that, then and only then can we turn to the major focus of the future, which is reconciliation.

“Reconciliation is about ‘What can we do about this now? What can we do about the fact that all this damage has been created?’

“One of the first steps in that process is to understand that it wasn’t just aboriginal children who have been damaged by this history. All Canadians have been damaged by it. This is not just an aboriginal problem. We have been given responsibility for gathering together the relevant documents relating to residential schools that currently sit in the archives in the churches and the government who are responsible for the running of the schools. That has not been an easy process because of the magnitude of the work that is involved. It is a large effort that we have imposed upon the churches and upon the governments.

“Some of the resistance on the part of the government to providing us with these documents had to do with the magnitude of the work, but we have convinced them it is worthwhile and we know now that those documents are going to flow. We know now that they must flow and we know they must be kept in such a way that all future generations of Canadians, including generations of children and grandchildren of residential school survivors, can have access to them so they will know what happened to their ancestors. The Truth and Reconciliation Commission wants future generations of aboriginal children to know why things are the way they are.

“So the collection of documents from the government and the churches that ran the schools is an important undertaking.”

The commission knows that there are documents in the hands of provincial governments and of private collectors. They also know that there are documents in the hands of private museums, libraries, aboriginal organizations and individuals. But what we in the Yukon Legislative Assembly are able to do is to make the necessary changes for the records held by the Yukon to be released to the Truth and Reconciliation Commission.

The facts of these schools operating as instruments of colonization have been previously discussed in this House.

I want to put on the record the residential schools that were operated in the Yukon. In 1927, Shingle Point Aklavik Anglican Indian Residential School opened and then it moved to Aklavik in 1934 due to overcrowding. The Baptist Indian Residential School opened in 1900 and became the Yukon Indian Residential School. It closed in 1968. The 40 Mile Boarding School was in operation from 1891 to 1910 and then

it moved to Carcross. The Carcross Indian Residential School opened in 1910. It was known as Choooutla Indian Residential School and Caribou Crossing Indian Residential School as well and it closed in 1969. During the time that it was in operation, at one point the school buildings burnt down. Children and staff were moved into various accommodations that were less than healthy and safe for a period of time until the new school was constructed. The St. Paul’s Indian Residential School in Dawson opened in 1920 and closed in 1943. Yukon Hall in Whitehorse opened in 1956 and closed in 1965. The Lower Post Indian Residential School, which is in Lower Post B.C., opened in 1940 and closed in 1975. We know, however, that many of the First Nation children in the Yukon who attended Indian Residential School were sent to Lower Post.

Although colonization efforts were a wholesale attempt to destroy a culture and a people, that has not happened. Make no mistake, today in this House, Yukon First Nation peoples and Yukon First Nation leaders and other community leaders, human rights defenders and governments want the Yukon to release vital information — information about the causes of the deaths of the children at Indian residential schools — to the Truth and Reconciliation Commission. Yukon First Nation people who live here want a reconciliation, which can only begin with truth.

In Question Period today, the Premier commented on policy and legal issues, as well as the issue of consultation with First Nations. The Premier has asked why the NDP did not introduce an amendment to its own government bill to previously amend the *Vital Statistics Act* to recognize same-sex partners’ rights for adoption.

There are two answers to that. The first is that the Yukon Party government had given unanimous consent to the motion that urged the Yukon government to take all necessary measures to expedite the release of data requested by the Truth and Reconciliation Commission regarding the number and causes of deaths, illnesses and disappearances of First Nations residential school students in Yukon.

The Yukon government has a team of lawyers, policy analysts and legislative drafters and the Official Opposition had hoped the Yukon government would bring forward the necessary amendments. We brought the amendments forward when it became clear the government would not.

This is after we had already unanimously agreed to take all those necessary steps. We are doing the job the Yukon Party government failed to do. They failed to direct their legal and policy teams to follow through. Secondly, we sought the advice of the Clerk of the Legislative Assembly and were informed that an amendment for a different purpose — an amendment to deal with records being provided to the Truth and Reconciliation Commission — would not procedurally be in order when we were debating a bill that dealt with a definition of same-sex spouse. Both of these are worthy bills and we had all-party support for the amendments on same-sex spouses. I would like to see all-party support for this amendment as well.

The Premier said in Question Period this afternoon that his government will support the amendment if Yukon First Nations support it. I guess the Premier didn't think that consulting Yukon First Nations about expediting the release of the data for the Truth and Reconciliation Commission regarding the number and causes of deaths, illnesses and disappearances of First Nation residential school students in Yukon was his responsibility, even after unanimous adoption of the motion.

In the debate earlier today on the *United Nations Declaration on the Rights of Indigenous Peoples*, I referred to Article 37, which speaks to the fact that indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with states, and to have states honour and respect such treaties, agreements and other constructive arrangements.

The settlement of the Indian residential schools and the establishment of the Truth and Reconciliation Commission is one of those agreements that all governments should acknowledge. We know that Yukon First Nations have supported and participated in the work of the Truth and Reconciliation Commission. I'm going to begin by reading into the record a letter addressed to Liz Hanson, Yukon NDP Official Opposition caucus, dated May 14, 2014, regarding the Yukon First Nations Health and Social Development Commission consensus for the amendment to the *Vital Statistics Act*.

The letter reads, "Dear Ms. Hanson: The Yukon First Nations —

Some Hon. Member: (inaudible)

Point of order

Speaker: Government House Leader, on a point of order.

Hon. Mr. Cathers: The Member for Copperbelt South has for the second time used a member of this House's name, which is contrary to the Standing Orders and she should be aware of that.

Speaker: Member for Copperbelt South, on the point of order.

Ms. Moorcroft: Mr. Speaker, I apologize for not observing the rules of order. I was reading the letter to quote from it and forgot to replace the name of my colleague, the Leader of the Official Opposition, with her title as MLA for Whitehorse Centre.

Speaker's ruling

Speaker: That's fine. The member understands her error. Member for Copperbelt South, please carry on.

Ms. Moorcroft: Thank you, Mr. Speaker.
"The Yukon First Nations Health and Social Development Commission, which is an advisory committee to the First Nations chiefs, have met and discussed the issue of the amendment to the *Vital Statistics Act*. This amendment would provide an exemption to the 100-year limit on the privacy of information for death and burial records.

"The Truth and Reconciliation Commission of Canada could access the records for children who died while attending Indian residential school in Yukon. The members of the Yukon First Nations Health and Social Development Commission support allowing access to the vital statistics records from the 100-year time limit to 25 years after an event has been recorded or registered. If you need any further information, please contact Lori Duncan, health and social development director."

It is signed: "Sincerely, by Lori Duncan, Chair of the Yukon First Nations Health and Social Development Commission".

Since the Premier raised the issue about consultations with Yukon First Nations, I have already spoken to the fact that we know Yukon First Nations have participated in and support the work of the Truth and Reconciliation Commission, as do First Nations, Inuit and Métis people across the country, and it is part of an official agreement between Canada and indigenous peoples on the Indian residential school settlement.

The Premier is also aware that the Grand Chief of the Council of Yukon First Nations has indicated that Yukon First Nation chiefs are in support of amendments — and I have just read into the record the letter of support from the chair of the First Nations Health and Social Development Commission.

The Leader of the Official Opposition has spoken to Chief Doris Bill at Kwanlin Dun First Nation, to George Morgan, the executive director of the Liard First Nation on behalf of Chief Morris, and both of them confirmed that they support the amendments.

The Leader of the Official Opposition has also been in conversation with Sid Vandermeer, the executive director of White River First Nation, and they are in support. There is presently not a chief of that First Nation since he recently resigned from his position.

The Leader of the Official Opposition has had a conversation with Chief Brian Ladue of the Ross River Dena Council, who is supportive. In conversation with Chief Joe Linklater, the Vuntut Gwitchin First Nation Chief indicated that he is supportive in principle but, for the record, he is in Vancouver at a meeting and is unable to contact all members of council.

Mr. Speaker, I believe that Yukon First Nations are in agreement with the amendment before us. We have an opportunity today in this Assembly to quite simply do the right thing — to provide the Truth and Reconciliation Commission with all the government records in Yukon government's possession, including any archival records that document the individual cause of death and the burial location, and the age and place of death for every First Nation child who died during the period that Indian residential schools were in operation in the Yukon.

The Yukon government could also decide to waive the fees for the Truth and Reconciliation Commission for copies of the death and burial records it has requested.

I spoke earlier — and I quoted from Justice Murray Sinclair of the Truth and Reconciliation Commission — about

the fact that the Government of Canada was initially reluctant to release records, but ultimately the courts ruled that it was required to release them and those documents are starting to flow. The Yukon government can choose to be a jurisdiction that cooperates with the Truth and Reconciliation Commission.

Let's put the Yukon on the record as a northern territory that makes a special effort, that recognizes the principles of the *United Nations Declaration on the Rights of Indigenous Peoples* and that goes above and beyond the call of duty. Let's ensure that the Yukon government gives justice for Yukon First Nation families and releases to the Truth and Reconciliation Commission the individual cause-of-death and burial records for the more than 50 First Nation children who have died in the Indian residential school system.

If there is an ability for the Yukon vital statistics registrar to make an exemption and release information to the Truth and Reconciliation Commission if it's justified, the Truth and Reconciliation Commission has not been made aware of that and has said that the TRC would have exercised that exemption.

To close, I respectfully ask all members to respect the mandate of the Truth and Reconciliation Commission, to respect the wishes of Yukon First Nations and to respect the unanimous agreement of this House to take all necessary measures to expedite the release of data requested by the Truth and Reconciliation Commission regarding the number and causes of deaths, illnesses and disappearances of First Nation residential school students in Yukon. I urge all members to support and to vote in favour of Bill No. 105, *Act to Amend the Vital Statistics Act (No. 2)*, at second reading.

Hon. Mr. Pasloski: I am proud to rise in second reading to debate this proposed amendment to the legislation. What I would say is that the government certainly supports the principle and the intent of this bill and will support it at second reading.

I am, as I had stated earlier today in Question Period, disappointed with the tabling of this proposed amendment in the last week of the Legislative spring sitting — in fact it was just two days ago that this was brought forward.

Looking back at some of the comments that I would paraphrase from the Minister of Health and Social Services during second reading of the *Act to Amend the Vital Statistics Act* that received assent last week, he was commenting on the circumstances around the work with the Truth and Reconciliation Commission. He said that it would require due diligence in not only analyzing the policy implications of the proposed option, but how to most effectively implement a new approach and what impacts that would have on all Yukoners. He made comments about how we have heard — on numerous occasions from the members opposite — about how much consultation is required. The importance of it is certainly something that, as a government, we feel is very important and are ensuring that we meet and in most cases certainly exceed those obligations that we have. But he says that now we get a request to amend a piece of legislation on the floor of

this Legislature without any reference, without any consultation, without any discussion with Yukoners, including First Nations.

The Minister of Health and Social Services did go on to say that he knows there are also a number of seniors groups in the territory that have an interest in changes to this legislation, such as the change that the members opposite have talked about. We would also want to look at the transition and implementation issues if such a change were made to vital statistics. He also says that, as a government, I think we have to carry out any changes we make to legislation in a very thoughtful and responsible manner.

As has been discussed on an informal basis, as late as yesterday evening, we did inform the Opposition that, according to the interpretation we received from the Department of Justice, they've stated that an amendment is unnecessary because the *Vital Statistics Act* already allows anyone to get a copy of a death registration at any time, but it requires the person to state the reason for asking for it. The registrar can then provide the copy if the registrar considers the reason justifies the person having a copy.

The Truth and Reconciliation Commission obviously has good reasons for wanting copies of these death registrations. There is no reason to think that the registrar wouldn't accept the TRC's reason as justifying the TRC getting copies it asks for. That is the opinion of the Department of Justice. I did share that with the Leader of the Official Opposition last evening.

As we are aware, there are many obligations toward making amendments or to tabling legislation, as I did speak about earlier today, to ensure that the due diligence is done before tabling such pieces of legislation. I spoke to the legal requirements and to the policy requirements and implications. I then of course spoke to the consultation — the opportunity to seek views — and then to also really consider the comments that are given as a result of the consultation protocol.

The duties to consult under the UFA certainly are not fulfilled or discharged by consulting with CYFN. I believe the Member for Copperbelt South discussed a letter of support from CYFN that was in fact from an unelected representative of CYFN. Also, as we all are aware, CYFN does not represent all of the Yukon First Nations. There certainly are concerns, while, as I have stated, we certainly support the principle and the intent of what the Opposition is requesting at this time.

As a responsible government, we have obligations that we have to ensure that we meet all of those obligations as defined. As I have briefly described, the member in her statement said she believes that the First Nations support the amendments. Belief is not quite good enough from government's perspective. We have to ensure that the First Nations and their communities fully have that opportunity to provide their input, so we seek their views and consider their comments on any piece of legislation that we bring forward to this House.

I look forward in Committee of the Whole to hear of the record of consultations that have occurred with First Nations

by the Opposition and the tabling of the letters of support from the 14 First Nations.

Mr. Silver: I'll be very brief here. I would like to thank the NDP for putting forth this amendment today. As we saw earlier in this session with the changes to the *Vital Statistics Act*, the government can move very quickly when it wants to make changes to the legislation. I would like to remind the government that on April 2, this House voted unanimously on Motion No. 600, agreeing to take all necessary measures to expedite the release of data for the Truth and Reconciliation Commission.

As with our debate on the April 2 motion, the Liberal caucus will absolutely be supporting this bill. Through its missing children project, the Truth and Reconciliation Commission is currently trying to get an accurate count on the number of children who died in residential schools, the cause of their death and where they are buried. This would be a one-time exemption for the commission and we should comply with this request. We have the opportunity today to do what is right and to help to bring closure to the families who have been affected by this black mark on Canadian history. We absolutely will be supporting this bill. Once again, I thank the NDP for their efforts in bringing this to fruition.

Ms. Hanson: I thank the Member for Klondike for his comments and the Premier as well.

I share the Premier's disappointment that this bill had to come forward at the last moment. We had, as the Member for Copperbelt South indicated, anticipated that the government would have — just by due course — followed through on the commitment that we all made on April 2 with respect to doing everything within our power. I can recall during that debate saying at least twice that the Opposition would do whatever it took with respect to providing full support — unanimous support — to legislative or regulatory changes that were going to be required. We anticipated that we would, as my colleague from Copperbelt South said, be able to do it simply as an amendment at the same time as the amendment that was quite expeditiously put forward by the government with respect to the amendments on the *Vital Statistics Act* to deal with same-sex marriage and the adoption issue. Unfortunately, it was a surprise to us to find out that the bill, which was tabled on April 30 — we were not going to be able to use it as a vehicle to move this necessary amendment forward.

I would like to thank the Premier for responding to my call yesterday. We in fact had two conversations yesterday, which are two more than we've had in the last two years, so it was delightful to be able to actually engage on an issue of this kind of importance and have the Premier actually speak with me about his concerns. I will confirm that we did discuss the three major issues that he identified with me. One was the question of why we didn't introduce amendments to the *Vital Statistics Act* when it was opened for amending.

I explained to him, as the Member for Copperbelt South has explained to this Legislative Assembly, that we were informed that was not procedurally possible and that we

would have to come forward with a separate bill. Unlike the government, we don't have legislative drafters, but we were very lucky to have friends in the community who are lawyers and who did contribute to the drafting of this bill.

He did share with me a brief assessment from the Department of Justice with respect to the need for not necessarily having an amendment to this bill. He made reference to the notion that, if the registrar considers the reason the person wants to have a copy of a death or burial registry, it could be made available. I would ask the Premier, when he does speak to this in Committee of the Whole, to provide reference to which section of the act the registrar is provided that kind of flexibility, because I'll come back to that in a second.

He then also raised the question of what kind of consultation we had engaged in with respect to talking with First Nations and First Nation representatives in bringing this forward. I sent the Premier a note last night at 5:50 p.m. outlining my responses to those issues and the work that we had done over the course of the afternoon. I told him at noon yesterday that I would follow through and make attempts to reach not only the Grand Chief of the Council of Yukon First Nations, but the other non-represented First Nation leaders, to have that conversation to confirm what is fairly publicly understood that the Truth and Reconciliation process, as it has gone on over the years, has engaged Yukon First Nation citizens, Yukon First Nation public and the Yukon First Nation leadership. They have been unanimous in their support of getting the work of the Truth and Reconciliation Commission completed.

I acknowledged in my note to the Premier last night that in the normal course of events, we would never come forward with a bill unless we had an opportunity to consult or unless the bill anticipated a consultation process. We have tabled legislation in this House that contains a consultation process.

I also said to the Premier in my note to him last night that, given the very real August deadline facing the TRC with respect to finalizing this information, we believe that ensuring that the TRC has access to all necessary information to complete the record with respect to death and burials related to residential schools in Yukon serves a deep public need that has been reinforced in many heartfelt declarations during the course of the TRC hearings. I told him that over the course of the past few hours — at that time it was just about 6:00 p.m. last night — I had been in touch and I had spoken at length with the Grand Chief Massie. Through her, the members of the CYFN health commission, as well as her member chiefs — the members of the Council of Yukon First Nations — indicated their support. Members will recall, and I said this to the Premier as well in my note last night, it was the result of the work of the CYFN leadership and health commission that that April 2 motion was instigated and brought forward.

I spoke with Chief Bill of the Kwanlin Dun First Nation, who is in Vancouver for the land claims meeting. She is supportive as representing her council. I spoke —

Some Hon. Member: (inaudible)

Ms. Hanson: Mr. Speaker, when you have a verbal conversation, do you want me to table the recording of the conversation? I do believe that what we have to believe is, when somebody attests to a conversation that they've had and has a record of the notes taken in that conversation, it's corroborated. If the Member for Lake Laberge wants to challenge the veracity of the statements being made by the Leader of the Official Opposition in this House this afternoon with respect to the conversations I've had with the leadership of Yukon First Nations, let him say so.

As I was saying, Chief Brian Ladue from the Ross River Dena Council has indicated by conversation. At the time when I wrote this to the Premier he was en route to Whitehorse. He contacted me late last night. We acknowledge today there is no chief of the White River First Nation. There is an executive director. Chief Morris of the Liard First Nation this morning indicated the Liard First Nation's full support.

If the members opposite wish to challenge that — wish to challenge the leadership of Yukon First Nations — let them do so and put that on the record.

One of the other reasons that it's important to realize how important this bill is going to be is that it applies only to the work of the Truth and Reconciliation Commission in completing the data-gathering with respect to deaths and burials of little Indian kids at Indian residential schools. It has nothing to do with seniors — nothing at all about any other deaths. We're talking about the deaths of children at Indian residential schools.

At one point during the debate in this Legislative Assembly, the Minister of Health and Social Services indicated that kind of information was being provided. He subsequently, to his credit, indicated to the members of the Opposition that he had misunderstood what kind of data was being provided. The information that this government is providing is aggregate data — a roll-up, a summary. That does not tell the Truth and Reconciliation Commission what they need. They need to know individual names.

He shared with us questions he had asked of his own department. One question, he said, was: What information did the TRC not get because of the 100-year restriction on the *Vital Statistics Act*? The answer was individual cause of death. Isn't that what we're talking about here? That's why this amendment to the *Vital Statistics Act* is so important.

I'm pleased to hear the Premier say that he supports this bill at second reading, I am pleased to hear the member representing the Third Party indicating his support, and we will look forward to the debate in Committee of the Whole.

Hon. Mr. Cathers: First of all, I want to note the importance of this issue and the fact that the tragedy of residential schools is something that I know for those who were affected and whose families were affected — the effects of that continues to this day.

My colleagues and I are very sympathetic to that, but it is unfortunate that the NDP has chosen to take the approach that they have on this. What I do not understand is, if the NDP are trying to be constructive and act in good faith in this

Legislature, why wait to table this amendment until almost the very last minute when they could table it and call it for debate today?

The NDP House Leader indicated at the House Leaders' meeting that they had this amendment ready weeks ago — why not table it? Contrary to the assertions of the Member for Copperbelt South, claiming that she thought that government would bring forward an amendment to the legislation, the Minister of Health and Social Services has repeatedly said on record, before and after the motion passed on April 2 by this House, that, based on the information he had, he believed that an amendment to the legislation was not needed for government to be able to release this data.

As the Premier quoted from the advice received from senior Justice officials yesterday — and I quote: “The amendment is unnecessary because the VS act” — it actually says that in the e-mail, but *Vital Statistics Act* — “already allows anyone to get a copy of a death registration at any time, but requires the person to state the reason for asking it. The registrar can then provide the copy if the registrar considers the reason justifies the person having a copy. The Trust and Reconciliation Commission obviously has good reasons for wanting copies of the death registration. There is no reason to think the registrar wouldn't accept the TRC's reason as justifying the TRC getting any copies it asks for.”

With that being said — as the government indicated — despite the fact that this was sprung on us at short notice, despite the NDP's previous commitments — including a commitment made by one member of the Opposition, to the Minister of Health and Social Services in an e-mail that they would not bring forward an amendment to the *Vital Statistics Act* and were satisfied with the answers the Minister of Health and Social Services had given earlier — and because we do very much support the principle of releasing this data, government indicated — and I indicated to the NDP House Leader — that we would be happy to support this legislation. However, we had been advised by Justice that we would need to make an amendment to the formatting of it because, on the advice of Justice, the drafting of Bill No. 105 is poor and needs to be cleaned up. However, the amendment would not have affected the basic content.

What the NDP has also done — by leaving this until a mere two days before this — is it has ignored the legal requirement that no bill can pass this House until it has both an English and a French version. This required government not only to amend the format but have it translated into French.

Again, I hear the heckling from the Leader of the NDP, which we are used to in this House, but I would remind the member that statements made by her own colleague, the NDP House Leader, indicated that they had this ready weeks ago. Why did they not share it with government so that we would have time to consider it, have Justice review it, do a French translation and consult with First Nations on this?

I'm very disappointed with the approach they've chosen to take with this. I would also note that, to the best of my knowledge, government has not received any request from

First Nations to bring forward amendments to this legislation. Again, in concluding my comments, I want to remind the members that, despite the Leader of the NDP's apparent view that it's enough to just consult with CYFN and not consult with individual First Nations, government's duty to consult with First Nation governments is not fulfilled by consulting with CYFN. We recognize the important role that CYFN plays and we respect that role, but there are five First Nations that are not members of CYFN and government also has past correspondence from chiefs of member nations that are a part of CYFN indicating to government and reminding government that our obligation to consult with them and engage in government-to-government consultation on important matters that may affect them is not fulfilled by consultation with CYFN as an organization representing those First Nations.

Again, government will be supporting this bill at second reading but, as of moments ago, we still had staff working on determining how an amendment could be made and what the French translation of an amendment would even be. We have yet to receive record from the Leader of the NDP that the consultation she claims has occurred actually did. Table the record of it. Table the letters received. It is common practice for government to be asked to provide the demonstration that something has occurred.

We would say the same thing to the NDP and would point out to the Leader of the NDP that she and her colleagues have a record on almost a daily basis of bringing forward assertions to this House which are not factual. She should understand why we want to see in writing that First Nations say what she claims they did.

Some Hon. Member: (inaudible)

Point of order

Speaker: The Member for Takhini-Kopper King on a point of order.

Ms. White: This is a repeated time again when the Government House Leader asserts that we are bringing forward falsehoods. That is offensive on every line and it does a disservice to this Legislative Assembly — 19(g).

Speaker: The Government House Leader, on the point of order.

Hon. Mr. Cathers: On the point of order, I did not to my belief contravene that Standing Order. I did ask the member to provide the evidence of what she claimed was factual.

Speaker: The Member for Takhini-Kopper King on the point of order.

Ms. White: Mr. Speaker, it was his assertion that we repeatedly bring forward falsehoods. That is what I'm calling in the point of order.

Speaker's ruling

Speaker: I ask the members to keep their heckling down, so I don't have to listen to it while I'm trying to decide on a point of order please. It does not help.

There is no point of order. It is difficult on all sides. You have your own interpretation of the facts and you also assert on both sides that the other side's or other member's interpretation of the facts are in fact wrong — or they've been interpreted incorrectly or they are paraphrasing it in an effort to just draw attention to one particular piece of the facts.

The use of the words "falsely identifying the facts" is on the edge of intent, inferring that the person is purposely intending to misrepresent the facts. It's impossible for the Chair and it's not the responsibility of the Chair to interpret the facts. I don't have the facts. I don't have the information to be able to make that determination. So I'm asking all members in these last days and hours we have left in this sitting to keep in mind that with the nature of your comments, the rhetorical temperature in the room is up. Let's try to bring it down and keep the conversation and the debate where it needs to be. Thank you.

Hon. Mr. Cathers: Thank you, Mr. Speaker. In concluding my comments, I want to again express the importance that government places on the work done by the Truth and Reconciliation Commission. That is why we voted unanimously for a motion that urged the government to do everything it could to help them with their work.

I have reminded members of the fact that although members of the NDP have asserted an amendment to legislation was necessary to allow the data to be released to the Truth and Reconciliation Commission, the Minister of Health and Social Services repeatedly said in this House about his understanding that in fact such a legislative amendment was not needed. I read the advice received from the Department of Justice yesterday, which indicated and confirmed again that, in their view, the data could be released by the registrar and would certainly be released by the registrar to the Truth and Reconciliation Commission.

Those are the reasons why government does not view this amendment as being strictly required to facilitate the release of information but, as I indicated and as the Premier indicated, we did not have a problem with the content of it, because it was very much in line with the principle of exactly what government and government officials were in the process of doing.

I do have to express my very strong disappointment with the fact that the NDP indicated they had this amendment ready weeks ago and they chose not to share it until almost the very last minute when they could table a bill in this House, deprive government of the opportunity to have more time — a reasonable amount of time — to do French translation and to talk to First Nations and seek their views on it.

The Leader of the NDP has indicated that after the Premier asked her if she had talked to individual First Nations, she made a last-minute rushed attempt to contact them, after ignoring individual First Nations earlier on. Again, we will be supporting this at second reading, but the approach the NDP has taken is very disappointing and the fact that they did not do, as we did when we made a commitment to bring forward amendments to the *Vital Statistics Act* that they and the Third

Party were also supporting. We gave them weeks of notice of that, and we gave them sufficiently more time to look at it, and a briefing on it, before calling this — courtesies they did not extend to this side of the House.

Speaker's statement

Speaker: Before I continue, I have a question for the Minister of Community Services. You and the Hon. Premier both have referred to this advice from the Department of Justice. Has that been shared with the other side or would you care to table it?

Constant referral to a document — it is advice. I will talk to the Clerk to see what the procedures are, but give it some thought please.

If the member now speaks, she will close debate. Does any other member wish to be heard?

Ms. Moorcroft: First of all, I would like to thank the Premier and the Government House Leader for indicating that they will support this amendment on second reading.

I have to say that I find the comments of both the members who spoke from the government to be somewhat confusing. They said they do not have a problem with these amendments; they said that government officials were going to do it and then they said that it was possible for the information to be released to the Truth and Reconciliation Commission according to a legal opinion that they referred to in their speeches, but which they have not shared with the members of the Official Opposition.

Yesterday afternoon, the Premier came down and met with the Leader of the Official Opposition. He referred to the opinion. He quoted from some of it, but he was not willing to provide us with a copy of it so that we would have the benefit of that. As I indicated in my initial speech, we do not have access to the legal teams and the policy analysts that the government does.

I would like to say that it is unfortunate that the Yukon government did not in itself — if they were truly in support of the Truth and Reconciliation Commission's request for records — bring forward their own amendments if that was needed. I am also disappointed that the Yukon government did not inform the Truth and Reconciliation Commission if in fact there is a clause in the *Vital Statistics Act* that would allow the registrar to release information — they did not share that with the Truth and Reconciliation Commission or with the members of the Opposition. I would like to know what section of that act that was in, and I would like to request that the members opposite do table that information for us.

To conclude, what I would like to achieve by this amendment to the *Vital Statistics Act* is very simple. The Truth and Reconciliation Commission wants the individual cause of death records and the burial records. We in the Official Opposition want that too. It would seem that the government wants that too, from what they've had to say in the debate this afternoon. We in the Official Opposition have no doubt that Yukon First Nations support the work of the Truth and Reconciliation Commission. We believe that has

been manifestly demonstrated over the years that the Truth and Reconciliation Commission has been in operation and has made visits to the Yukon. In fact, members opposite have spoken about meeting with Justice Murray Sinclair, the Chief Commissioner of the Truth and Reconciliation Commission and going to hear him speak when he was in Whitehorse. It certainly was moving to hear him speak when he has been here on more than one occasion.

I will close by saying that I appreciate hearing that members opposite will support the bill and look forward to debate in Committee.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Madam Deputy Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Mr. Hassard: Agree.

Mr. Elias: Agree.

Ms. Hanson: Agree.

Ms. Moorcroft: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

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

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

Motion for second reading of Bill No. 105 agreed to

Speaker: Bill No. 105, entitled *Act to Amend the Vital Statistics Act (No. 2)*, has now received second reading and, pursuant to Standing Order 57(4), stands ordered for consideration by Committee of the Whole. Pursuant to Standing Order 14.2(3), the Official Opposition designated Bill No. 105 as an item of business today. The Member for Copperbelt South is therefore entitled to decide whether the House should resolve into Committee of the Whole for the purpose of continuing consideration of Bill No. 105.

I would ask the Member for Copperbelt South to indicate whether she wishes the House to resolve into Committee of the Whole.

Ms. Moorcroft: Mr. Speaker, I would ask that the House now resolve into Committee of the Whole, for the purpose of continuing consideration of Bill No. 105.

Speaker: Pursuant to the request of the Member for Copperbelt South, I shall now leave the Chair and the House shall resolve into Committee of the Whole.

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Ms. McLeod): Committee of the Whole will now come to order.

Bill No. 105: *Act to Amend the Vital Statistics Act (No. 2)*

Chair: The matter before the Committee is Bill No. 105, entitled *Act to Amend the Vital Statistics Act (No. 2)*. Do members wish to take a brief recess?

Some Hon. Members: Agreed.

Some Hon. Members: Disagreed.

Chair: We do not have unanimous consent.

Ms. Moorcroft: I'm pleased to respond to questions from the members opposite on Bill No. 105, *Act to Amend the Vital Statistics Act (No. 2)*. We have just concluded second reading. I believe members have the bill before them and we can proceed. I would certainly like to hear any amendments that the government may have to the bill. I also would appreciate if the members could provide the information that they referred to in their second reading speeches on the opinion from the Department of Justice that indicates they believe the registrar for vital statistics could and would be able to provide to the Truth and Reconciliation Commission the individual causes of death and burial records for Yukon First Nation children who have died at Indian residential schools.

Hon. Mr. Pasloski: As has already been described by me and by the Government House Leader, certainly there is a huge acknowledgement of how important the work is that the TRC is doing, and, in fact, it has already been articulated — the unanimous motion of support that this Legislative Assembly has provided and how I have mentioned during second reading our support in principle and intent of what the bill is that is actually now in Committee. There is no denying that the whole TRC — this whole process — is certainly of great significance to the people and the communities and First Nations who have been affected in many areas of this country. In fact, we have on other days talked about some of the work that has been done through the Department of Education working with, for example, the Tr'ondëk Hwëch'in, looking at some of the work that has been added to curricula in Nunavut and in Northwest Territories. There was no disputing the tremendous amount of support and acknowledgement we all feel for this process. I had mentioned previously that in South Africa they as well went through a similar truth and reconciliation process after the introduction of free and independent elections — democratic elections — back in the mid-1990s. Having said that, it is very important for us as a government to ensure that we fulfill all of our obligations.

Yes, this is legislation that is being tabled by the Opposition, ultimately to be passed by the Legislative Assembly. The government has a responsibility to ensure that the due diligence does happen.

I would like to comment briefly on the question that was asked during second reading about this section of the *Vital Statistics Act*. I would like to state that the section is 31(7). It says, "When application has been made in the prescribed form and the prescribed fee has been paid, a copy or certified copy of the registration of a death or stillbirth

"(a) may be issued to a person who requires it for a stated reason that in the opinion of the registrar justifies the issuance of it, or

"(b) may be issued to a person on the order of a court."

It is the government's opinion that the registrar of vital statistics may provide copies of death registrations for more recent deaths if the Truth and Reconciliation Commission, or Technical Review Committee, is able to provide a list of names of students for whom they are seeking death registration, and the registrar is of the opinion that the TRC's stated reason justifies the disclosure. In this case, it would be hard to see how the TRC would not have a justifiable reason and, further, the TRC is subject to its own privacy considerations, which would offer protection for the information, once in their possession.

Madam Chair, of course the government won't table its legal opinions, but what I will do is quote from it.

It is my opinion that if you also provide copies of death registrations for more recent deaths — if the TRC is able to provide a list of names of students for whom they are seeking death registration and you as a registrar are of the opinion that TRC stated reason justifies the disclosure — this again assumes that the government prescribes the required application form. The TRC uses it and the TRC pays the \$10 fee per copy. Of course the government in this situation would certainly be willing to waive or cover those costs as prescribed in the legislation.

As I have stated in second reading, we have an obligation to ensure that adequate consultation is undertaken and that we seek the views and consider the comments. We must do so with all First Nations because this certainly is an issue that does impact all of the First Nations, their citizens and those communities as a whole. Believing in their support, unfortunately, doesn't meet the muster as a government. We need to ensure that such diligence does occur. I have stated for the record as was requested — the section of the *Vital Statistics Act*, which was applicable — and we're hopeful that as a result of that, we will see that the information that is required can be disclosed. We believe, as I have stated previously — certainly we have heard that there has been a great appreciation by TRC for the work that has gone into this and the level of commitment from the staff who are involved with Vital Statistics and their efforts to provide the TRC with the information they are looking for.

Ms. Moorcroft: I would like to thank the minister for reading into the record some of the information he has been provided with and an opinion that informs the government's

view that the information may be provided to the Truth and Reconciliation Commission.

I know that the Truth and Reconciliation Commission has not been informed that there is a provision in the act by which they can receive these records of the causes of death. I would ask the minister who just spoke to that, whether the registrar of Vital Statistics has been informed previously of this opinion that he first discussed with us today. I want to emphasize that the Truth and Reconciliation does have strict privacy rules and finally, I would like to acknowledge and thank the Premier for his indication that he would waive the required fee for the copies of death and burial records for the Truth and Reconciliation Commission.

I am still not clear how this is going to transpire over the course of the debate here. The government supported the bill at second reading. They have made some statements in Committee of the Whole that could be interpreted different ways. It's unclear to me whether they will bring forward an amendment and move on and whether they will support this bill in third reading. I will be requesting unanimous consent to move to third reading and enact this bill.

Perhaps the Premier could indicate whether or not the registrar has been informed of the Department of Justice opinion previously.

Hon. Mr. Dixon: This is an interesting topic to discuss and I'm interested to see some of the perspectives of the members opposite, particularly the sponsor of the particular bill, on a few issues. Does the member feel that two days' notice is sufficient for the passage of legislation, and should the government take that as an indication that is the threshold that should be necessary in coming years for notice for the passage of legislation of this nature?

Ms. Moorcroft: I would refer the member to the second reading debate on *Vital Statistics Act* amendments No. 1, which were brought forward by the Minister of Health and Social Services. At that time, I did indicate to the minister that we would like to bring forward an amendment to address the issue of providing the Truth and Reconciliation Commission with copies of death records and burial records.

Subsequent to that, as I indicated in second reading debate, the Clerk of the Legislative Assembly indicated that an amendment would not be in order to address Truth and Reconciliation Commission records when the House was debating a bill related to the definition of same-sex spouses. So we were informed that that was not in order.

When the correspondence between the Minister of Health and Social Services and me and the Opposition House Leader took place, the minister wanted to know whether we would be bringing forward an amendment to his bill. The response we gave him was that no, we would not be bringing forward an amendment to his bill because procedurally that was not in order.

One of the issues you raised was Yukon First Nation reaction to passage of amendment without adequate consultation. As the Leader of the Official Opposition discussed with the Premier, in the normal course of events we would never come forward with a bill unless we had had an

opportunity to consult or unless the bill anticipated a consultation process. However, given the inaction of the Yukon Party government and the very real August deadline facing the Truth and Reconciliation Commission with respect to finalizing this information, we believed that ensuring that the TRC would have access to all necessary information to complete the record with respect to deaths and burials related to residential schools in Yukon serves a deep public need that has been reinforced in many heartfelt declarations during the course of the Truth and Reconciliation Commission hearings.

Hon. Mr. Dixon: Just so I understand and we have it on the record, the member opposite clearly believes that there are circumstances whereby two days is a sufficient amount of time for notice for the passage of legislation that certainly affects not only Yukon citizens but Yukon First Nation citizens and, in particular, their own personal private records. Could the member reinforce that this is a special circumstance whereby normal conventions of notice are thrown out the window and that's an acceptable practice for the passage of legislation?

Ms. Moorcroft: This is a unique circumstance and the mandate and the goals of the Truth and Reconciliation Commission are a very unique matter. I would also point out to the member that when the government brought forward their own *Act to Amend the Vital Statistics Act* in relation to same-sex spouses, we had a very short notice of those amendments and a very short turnaround. We indicated that we would support the bill and we did support the bill. I urge the government to support this bill to accommodate the very real and important needs of the Truth and Reconciliation Commission for information about the children who have died in Indian residential schools.

Hon. Mr. Dixon: Does the member believe that in conducting its business that the government should work with a First Nation level of government on a government-to-government basis? Is that an approach she supports when government conducts itself, either when it plans to pass legislation or in any other matters that affect each level of government?

Ms. Moorcroft: Yes, and Yukon NDP government would consult with Yukon First Nation governments.

Hon. Mr. Dixon: So has government-to-government consultation been undertaken with all First Nation governments in Yukon with regard to this bill?

Ms. Moorcroft: Unfortunately, because the government did not come forward with its own amendments, despite its unanimous support for the motion that we had approved in this House to accommodate the needs of the Truth and Reconciliation Commission for information — we are not in government — the government could have acted. We did what we could when it became clear that the government was not fulfilling their commitment.

Hon. Mr. Dixon: So the member would agree then that government-to-government consultation should be conducted before the passage of such legislation and before members of this House agree to make changes to legislation?

Ms. Moorcroft: Yes, Madam Chair, under normal circumstances, the Government of Yukon — regardless of which political party forms the Government of Yukon — absolutely has an obligation to consult with Yukon First Nation governments. This government chose not to do that. This government chose not to inform the Truth and Reconciliation Commission that there may be a way for them to acquire the records of death and the records of burial without amendments to a bill.

Hon. Mr. Dixon: Throughout the course of our time here, we have amended or brought in new legislation. A number of times we have enacted changes within my portfolio — to the *Environment Act* and to the *Animal Health Act*. In previous sittings, we have amended legislation in a variety of portfolios — whether it be the Justice department or the other branches.

Each and every time, government of course consulted with First Nations, as is required. In this case, the member concedes that inadequate consultation has occurred, given the fact that she agrees that government-to-government consultation should be undertaken before such changes are made. That is the standard that they hold us to, typically, when we make changes to our legislation — when changes are proposed by government. That is certainly the standard that has been imposed on us previously and they have criticized us in the past for not consulting enough, in fact.

One of the means by which we make the public, the Opposition and other parties aware of how we consult is by tabling what-we-heard documents, or making them available on-line. Can the members make available to us some sort of what-we-heard document that outlines the consultation that has been undertaken so far by the member? Recognizing that she has acknowledged that the consultation she has conducted has been inadequate, in that it was not conducted on a government-to-government basis, can she make that information available?

Ms. Moorcroft: I acknowledge that the Yukon government has been inadequate in undertaking to deal with its commitments to take all necessary measures to provide the Truth and Reconciliation Commission with the release of data about the deaths of children in Yukon Indian residential schools.

I don't believe that the Yukon Party government tabled 14 letters of support from 14 Yukon First Nations to support its *Quartz Mining Act*. It's sad that the member opposite is choosing to play petty political games on such an important issue. I would like to see if the members opposite have an amendment — bring it forward. I would like to know whether the members opposite will in fact commit — if they're not satisfied that Yukon First Nations support the Truth and Reconciliation Commission's work — then will they commit to doing the consultation and commit to calling an emergency sitting to pass any necessary changes to a bill?

Hon. Mr. Dixon: Madam Chair, which elected official did the member consult with from the White River First Nation?

Ms. Moorcroft: As we put on the record during the debate in second reading of this bill, the Chief of the White River First Nation has resigned from his position and the Leader of the Official Opposition has spoken to a senior official at the White River First Nation.

Hon. Mr. Dixon: Do the members opposite recognize the elected council of the White River First Nation and the fact that they have a vice-chief or an acting chief in place who could be able to fill in on behalf of the chief who has recently resigned?

Ms. Moorcroft: The Official Opposition was informed that there was not an acting chief in place at White River First Nation.

Hon. Mr. Dixon: I just want it to be clear that no elected official has been consulted from the White River First Nation, other than an unelected executive director of that First Nation — if we could just get that on the record as well.

Ms. Moorcroft: Given the fact that the Yukon government had not undertaken its responsibilities to bring forward amendments to the *Vital Statistics Act* to accommodate the Truth and Reconciliation Commission, the Official Opposition was left on short order to attempt to do that work on behalf of the government. If the government would like to do it better, the government could do it themselves. In our view, the government should have themselves consulted with Yukon First Nations and should have communicated clearly with the Truth and Reconciliation Commission so that this amendment may not have been needed, but it still is.

Hon. Mr. Cathers: Would the NDP Member for Copperbelt South please explain to this House her repeated statements claiming that she felt that the April 2 commitment — the motion passed by this House unanimously on April 2 — committing government to doing everything it could to support the work of the Truth and Reconciliation Commission — now, all members of the House voted in favour of that. I voted in favour of that. My colleagues did. We supported the intent of that.

The member has repeatedly stood here and indicated that she took that as an indication that government would, in this sitting, be bringing forward a second amendment to the *Vital Statistics Act* or including, as part of the amendment for same-sex couples, provisions that related to the Truth and Reconciliation Commission.

Now, I'm completely puzzled how the member could possibly believe that to be the case when the Minister of Health and Social Services has repeatedly stood on the floor during Question Period, in debate on the Department of Health and Social Services and in debate on the *Act to Amend the Vital Statistics Act*, and indicated that the legal advice that government had was that the information requested by the Truth and Reconciliation Commission could be disclosed to it without an amendment to the act being required.

The member might have a different legal interpretation of the facts, but this is the advice that the minister has received from the Department of Justice. I'll quote again. As the member knows, no government has been in the habit of giving

out legal opinions. It's a long-standing practice that governments of every political stripe treat that advice as privileged solicitor-client information. But I will quote from the legal opinion provided by legislative counsel — Yukon Department of Justice — to the Department of Health and Social Services on April 5, 2014 — a legal opinion, I might add, that the Minister of Health and Social Services has repeatedly made reference to and has relied on in responding to questions over the past six weeks in this Legislative Assembly in this spring sitting.

The excerpt from the legal opinion provided by legislative counsel to the Department of Health and Social Services, April 5, 2014, reads as follows: "It is my opinion that you may also provide copies of death registration for more recent deaths if the TRC is able to provide a list of names of students for whom they are seeking death registration and you, as the registrar, are of the opinion that the TRC's stated reason justifies the disclosure." This again assumes that the government prescribes the required application form, which is specified in the act and regulations, that the TRC uses it and that the TRC pays the \$10 fee per copy. As the Premier noted, we've committed that we would waive that application fee.

I would again reference the section of the act, as far as the discretion of the registrar. Based on information from the Department of Justice, the key section of the act that relates to registrar discretion is 31(7): "When application has been made in the prescribed form and the prescribed fee has been paid, a copy or certified copy of the registration of a death or stillbirth

"(a) may be issued to a person who requires it for a stated reason that in the opinion of the registrar justifies the issuance of it, or

"(b) may be issued to a person on the order of a court."

My question for the Member for Copperbelt South is, upon hearing that information from the Department of Justice, upon hearing that excerpt from the legal opinion, and in light of the Minister of Health and Social Services' repeated statements in this House since this issue was first raised during the spring sitting — the member has heard the Minister of Health and Social Services repeatedly indicate that government believed it was fully able to release all of the information requested to the Truth and Reconciliation Commission without changing legislation.

The Member for Copperbelt South has claimed that, despite the minister's repeated assurances, she takes the government's unanimous support for a motion passed in this House as an indication that the government was going to bring forward another amendment to the *Vital Statistics Act* in this sitting. I'm trying to reconcile her statements with the facts and the fact that she herself has repeatedly been sitting here during Question Period and heard the Minister of Health and Social Services say that he was not going to bring forward an amendment to the act because, based on the advice of lawyers, he believed it was not necessary.

That's my question for the Member for Copperbelt South. I would also offer the opportunity to retract the statements that she has made this afternoon and, if not, perhaps she could

explain how she has been completely unaware of what the Minister of Health and Social Services has said repeatedly through this entire sitting or, alternatively, she has not understood it.

Ms. Moorcroft: Before I respond to the question, I want to tell the member opposite that this Yukon Party government has broken the trust of the people. We agreed in this House to a motion to support the work of the Truth and Reconciliation Commission.

We want to help people to bring closure in facing the deaths of their children, of their sisters or brothers, of their loved ones. That is what we are talking about there today.

Now the member opposite has alleged that I failed to understand what the Minister of Health and Social Services has said. I want to read into the record an e-mail dated Monday, May 5, from the Minister of Health and Social Services to me and to the Member for Riverdale South regarding amendments to the *Vital Statistics Act* and Truth and Reconciliation Commission record — and I quote: "Here is the information I have just received. I misunderstood what had been sent to the Truth and Reconciliation Commission, so I am learning something new as well. As I understand the situation, once the Truth and Reconciliation Commission has its short list of names of children from the list of children provided who they believe may have died while attending residential school, Health and Social Services will then provide aggregate causes for each location. I can provide additional numbers of children when we receive the short list from the Truth and Reconciliation Commission if you wish."

Now there were a number of questions that I had asked the minister and I am going to read those questions and the responses because I think that will help inform the members opposite and possibly lead to them understanding and supporting the amendments before us.

The question was: "What information did the Truth and Reconciliation Commission not get because of the 100-year restriction in our *Vital Statistics Act*?" The answer was: "Individual causes of death."

"Were the Truth and Reconciliation Commission able to get family names of any of the children who died at Indian residential schools?" The response was: "Yukon death certificates do not specifically reference residential schools, but we were able to hone the search down to First Nations and age at death, which the Truth and Reconciliation Commission will then cross-reference and provide to Health and Social Services so that we can then collate an aggregate cause of death."

Again, the letter from the minister says that they can collate and provide an aggregate cause of death.

The next question I asked was: "What is the total number of deaths of children at Indian residential schools in Yukon?" The response was: "This information cannot be gleaned from the cause of death unless the place of death was actually a residential school. Most unwell individuals were hospitalized and then passed away."

I asked the minister: "What are the causes of deaths of children at the Indian residential schools in the Yukon? For

example, influenza, tuberculosis, accidents, et cetera.” The response was: “This information will be provided once Yukon receives a short list back from the TRC.”

“At what age did each child die? This information will be determined once Yukon receives the TRC shortlist. How many children died in each community or school? This will be determined once Yukon receives the TRC shortlist. What was the year of death for each death of a child? This will be determined once Yukon receives the TRC short list.”

Madam Chair, at no point in this correspondence with the Minister of Health and Social Services did the minister indicate that he or his departmental officials were aware that the existing legislation could provide for the Government of Yukon to release individual cause-of-death records to the Truth and Reconciliation Commission.

The Yukon NDP has presented this bill because the government failed to do its job and fulfill its commitment. They had over a month to act; they had support from all parties; they even changed other parts of the *Vital Statistics Act* last week. My question for the government is: Did they not even seek a legal opinion until the Official Opposition tabled amendments to the *Vital Statistics Act* to do the work that they failed to do? Is that why they sought the legal opinion? Why did the Yukon Party government not take every possible action it could? Why did they not take all necessary measures to expedite the release of data, as we agreed to? That’s what we agreed to.

The Government House Leader is asking me why I didn’t understand what the government was doing. Well, it’s hard to know what the government is doing. The government has chosen not to act on a very important motion that we debated in this House and agreed to unanimously.

The Truth and Reconciliation Commission is supported across the board by every Yukon First Nation. The Yukon public knows this government doesn’t care about consulting Yukon First Nations on every other issue that affects them, that this government —

Some Hon. Member: (inaudible)

Point of order

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

Hon. Mr. Cathers: The member is, contrary to Standing Order 19(g), imputing motive, and of course, is absolutely wrong in saying that government doesn’t care about consulting First Nations. It flies in the face of the facts and the realities. Considering the NDP’s recent behaviour, she should be ashamed of those remarks.

Chair: Ms. Stick, on the point of order.

Ms. Stick: Madam Chair, we have been hearing the same from the opposite side over the last number of weeks, including today. I would suggest that this is the same as what this side has endured from the same member.

Chair’s ruling

Chair: There is no point of order. This is a dispute among members.

Ms. Moorcroft: The fact that this government would stand in this House and prevent the Truth and Reconciliation Commission from doing its job in the name of First Nation consultation is shameful. The fact is that the government has committed to do all it takes to get the information to the Truth and Reconciliation Commission. The fact is that the TRC has not received the information they need. This should have triggered the government to honour its commitment made in this House to make the necessary changes to the act. Instead, they are standing here and they are playing petty political games on this issue. The matter is the Truth and Reconciliation Commission need to have access to the public record, before their deadline of August 2014 — access to the records of the individual causes of death and burial.

I think it’s very sad to see what the government is doing in delaying and seeming to disagree with our work to attempt to help the TRC do its job. If this government is not prepared to support this bill and this amendment, will they in fact commit to doing the consultation and commit to calling an emergency sitting to pass the changes? Will they commit to providing the Truth and Reconciliation Commission with the information? Will they commit to letting the TRC know what its latest interpretation of the vital statistics legislation might mean for them and that they will be able to get those individual causes of death without paying a fee?

Madam Chair, I move that you report Bill No. 105 out of Committee without amendment.

Chair: I’m afraid that is not in order. Has the member concluded her discussion in general debate?

Ms. Moorcroft: Madam Chair, seeing the time, I move that you report progress.

Chair: It has been moved by Ms. Moorcroft that the Chair report progress.

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair’s report

Ms. McLeod: Mr. Speaker, Committee of the Whole has considered Bill No. 105, entitled *Act to Amend the Vital Statistics Act (No. 2)*, and directed me to report progress.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

The House adjourned at 5:30 p.m.

The following Sessional Paper was tabled May 14, 2014:

33-1-120

Yukon Judicial Council Annual Report - 2013 (Nixon)

The following documents were filed May 14, 2014:

33-1-85

Fish and Wildlife Branch Highlights - 2013 (Dixon)

33-1-86

Sharing Common Ground, Review of Yukon's Police Force – Final Report on Implementation (May 2014) (Nixon)

33-1-87

Yukon Lottery Commission Annual Report – 2012-2013
(Cathers)

33-1-88

Select Committee on the Risks and Benefits of Hydraulic Fracturing, letter re (dated May 14, 2014) from Darius Elias, Member for Vuntut Gwitchin, to Jim Tredger, Member for Mayo-Tatchun (Elias)