

KEVIN O'REILLY—MLA FRAME LAKE
Consideration in Committee of the Whole of Bills and Other Matters

Bill 25, An Act to Amend the Education Act

June 3, 2021

MR. O'REILLY; Thanks, Madam Chair. First off, I guess I'd like to say that I did raise -- I've met -- a number of the Yellowknife MLAs have met with the district education authorities here in Yellowknife, Yellowknife's Catholic School and YK No. 1, and we knew about the situation of how their length of term for their boards was now unsync with city council. They requested that there be changes made to the Education Act to ensure that their term of office could be bought back in line again otherwise they'd have to hold separate elections from what the City of Yellowknife does and incur extra expenses, which I'm sure we would all rather see spent on education.

So, certainly, I supported that. I raised the issue in the House. I pushed it, even I -- earlier in this Assembly that this should get dealt with.

So I guess, first off, I'd like to know from the Minister and staff what consultation was done with the two Yellowknife school boards. And, for example, were they given a copy of the language in the bill? Thanks, Madam Chair.

CHAIRPERSON (Ms. Semmler); Thank you, Member. Minister.

HON. R.J. SIMPSON; Thank you, Madam Chair. There was extensive consultation with the Yellowknife school boards. I've had numerous conversations with the chairs of those boards as well. As to the question of whether or not they were provided with the proposed language, I will hand it over to Ms. Wahlberg but first I'll note that the consultation with education bodies, and consultation in general I think, is to figure out 'the what not necessarily 'the how'. And so when it comes down to the particulars of the, you know, the words used in legislation, it's our job as the government to ensure that those words achieve 'the what' that the school boards want. But I can pass it to Ms. Wahlberg for further information. Thank you.

CHAIRPERSON (Ms. Semmler); Thank you, Minister. Ms. Wahlberg.

MS. WAHLBERG; Thank you, Madam Chair and thank you, Minister. It's not my understanding that we provided the exact draft bill to the Yellowknife education bodies. However, we provided them with the plain language wording of it and they agreed to what was provided. And we made sure that they fully understood the change in the wording and the way that it was impacting the amendments to the legislation. Thank you.

CHAIRPERSON (Ms. Semmler); Thank you. Member for FrameLake.

MR. O'REILLY; Thanks, Madam Chair. So here's what I said in the House on February the 4th-- or sorry, February the 6th, 2020, about these bills when I was asking questions to the Minister of Education. The situation for CSFTNO, which is Commission Scolaire

Francophone des Territoires du Nord-Ouest, which is the Francophone school board, is different as I mentioned in my statement, in that its commission represent two communities that now have different cycles for their municipal elections. So I raise the issue that CSFTNO, based in the two communities, that there was an issue here, that I wanted to make sure that whatever changes were going to be made in the Education Act would not adversely affect CSFTNO. So can someone explain to me whether there was the same sort of consultation or consideration given to CSFTNO on development of this bill? Thanks, Madam Chair.

CHAIRPERSON (Ms. Semmler); Thank you, Member. Minister.

HON. R.J. SIMPSON; Thank you, Madam Chair. So there was definitely consideration given to CSFTNO and the effects of this bill would have on them. And it was our understanding that this bill would have no effect and, in fact, they expressed that they were in a different situation than the other school boards. They don't-- they're in two communities, and they don't align their elections with either municipality. They have a different way of conducting elections. They don't require the same voters list and enumeration and things like that. But as it turns out, there are regulations that-- under the Education Act, that reference term lengths of other education bodies in education districts and that is really a remnant of when the French first language school board was created. And so in an indirect way, these changes will affect the CSFTNO. And, again, we know what they want, and it's our job to ensure that-- that that is ultimately achieved, so. Thank you, Madam Chair.

CHAIRPERSON (Ms. Semmler); Thank you, Minister. Member.

MR. O'REILLY; Thanks, Madam Chair, and thanks to the Minister for that. So there is a problem, then, in that the regulations say that the length of term for CSFTNO is tied to the district education authorities, and now we've got one. We will have, if this bill passes, a length of term of office for the Hay River ones, for possibly Hay River commissionaires versus the Yellowknife commissionaires for CSFTNO. So how's this issue going to be fixed? And I'm curious to know why it wasn't discovered earlier. Thanks, Madam Chair.

CHAIRPERSON (Ms. Semmler); Thank you, Member. Minister.

HON. R.J. SIMPSON; Thank you, Madam Chair. So I've spoken with the chair of the CSFTNO and informed him that there exists this issue and that we will reach out as soon as this bill is passed and begin work on amending those regulations. And I've been assured that from the time that those consultations with the CSFTNO are complete, and really the consultation is 'do you want to remain with your three-year term limit or do you want a four-year term limit?' Once we're done with that, within two weeks we can have new regulations drafted and likely enforced.

And the reason this wasn't discovered, well, I can take that one; that's on me. It is the Department of ECE and the Department of Justice's job to ensure that when we're putting forward regulations like-- or changes to Acts like this that we fully consider every aspect, and this was overlooked. But-- and perhaps that if this was not discovered, it would have been overlooked for all eternity and elections would have gone forward as

normal because it literally took the legendary tenacity of the Member along with a team of lawyers to really discover this. So it was-- it was something that we did overlook, and I take full responsibility. And I thank the Member for his contribution. Thank you, Madam Chair.

CHAIRPERSON (Ms. Semmler); Thank you, Minister. Member.

MR. O'REILLY; Thanks, Madam Chair. Well, I'm happy to take compliments. You know look, my objective here is not to embarrass or point fingers at anybody but given the-- how shall I put this? Litigious relationship in the past between CSFTNO and this government and the extraordinary efforts I recognize that the current Minister has undertaken to build a better working relationship with CSFTNO, my objective here is to make sure that we continue to build that relationship and that when we do these kinds of changes, it doesn't adversely affect the Francophone first language community rights holders and so on. And that's why I guess I'm tenacious about this, is I don't want this to end up in court again and I-- you know, look, full disclosure. Our kids went to Ecole Alain St. Cyr. I'm a quarter-French Canadian, my wife is a Francophone, and they're a vibrant part of our community and we just want to make sure that their rights under the Constitution are recognized and implemented fully. So I accept what the Minister said. I will hold his feet to the fire, though, in terms of getting this resolved quickly because CSFTNO does have elections scheduled this fall, and they would like to proceed with them. And as the Minister said, basically the way they conduct their elections is a ballot box in the foyer of the schools. And the rightsholders -- sorry, the parents who are right holders under the Constitution can come in and cast their ballots right in the school. So it's different than what the school boards or the city, how they carry out their elections. But it's still democratic and all the rest so we just-- I think we want to make sure we work with them to get the solution that they want. I hear that from the Minister. And I'll hold his feet to the fire. Thanks, Madam Chair. I think that's all I've got to say. And I do support our school boards in Yellowknife getting their elections back in sync and in no way do I want this bill to be delayed. We owe it to them as well to fix this problem. Thanks, Madam Chair.

CHAIRPERSON (Ms. Semmler); Thank you, Member. Minister, did you want to respond?

HON. R.J. SIMPSON; Thank you. I appreciate the Member's comments.