

**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, October 30, 2008 — 1:00 p.m.**

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

Prayers

Withdrawal of motions

Speaker: The Chair wishes to inform the House that Motion No. 517, which the Member for Klondike gave notice of yesterday, was not placed on today's Notice Paper as it was not in order.

DAILY ROUTINE

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

TRIBUTES

In remembrance of Jean Gordon

Speaker: It is my privilege on behalf of all Members of the Yukon Legislative Assembly to pay tribute to Mrs. Jean Gordon, the first woman elected to Yukon Territorial Council. It is particularly appropriate to pay tribute to Mrs. Gordon during Women's History Month, as she did indeed make history in our territory.

In 1967, Mrs. Gordon was the first woman elected to the Yukon Territorial Council and was a member of a group of seven elected members who went to Ottawa to make our case for more responsible government to former Prime Minister Trudeau.

Mrs. Gordon served the people of Mayo from 1967 to 1970 in the Council, then went on to the Yukon Territory Water Board for 20 additional years.

Mrs. Gordon passed away in her beloved Mayo on September 5, 2008, surrounded by friends and family. As one of her former colleagues, Ken McKinnon, said, "Jean was the mother of responsible government for our territory." May she rest in peace.

Thank you.

In recognition of World Polio Awareness Week and Ramesh Ferris

Hon. Mr. Hart: I rise today in the House to ask my colleagues to join me in recognizing the week of October 20 to 26 as World Polio Awareness Week, and specifically, to join me in paying tribute to one young Yukon resident who has put polio back on the map for Yukoners and many Canadians.

Monsieur législatif Président, je prends la parole aujourd'hui pour inviter mes collègues à se joindre à moi et à souligner la Semaine mondiale de sensibilisation à la polio, du 20 au 26 octobre. Je les invite en particulier à rendre hommage à un jeune Yukonnais qui a fait de grands efforts pour sensibiliser les Yukonnais et tous les Canadiens.

I refer of course to Ramesh Ferris, who, earlier this month, returned to the Yukon after a six-month journey across Canada by hand-cycle. Mr. Ferris' goal was to raise both money for

immunization and increase the awareness that polio is still a very real health concern in many parts of the world. The Yukon and Canada have a very, very good universal immunization program, which has all but eradicated polio, but in other parts of the world this is not true.

We cannot stress enough the importance of continuing immunization and rehabilitation of polio survivors. We learned very quickly during the SARS crisis just how fast contagious diseases can spread around the world.

Mr. Ferris made a personal commitment to travel the country and spread the word about how important vaccination is, and I'm pleased that we as a government and we as Yukoners were able to support him on this remarkable journey.

I would like to take this opportunity to restate the importance of immunization as the best means of protecting children and adults from communicable diseases. I encourage all Yukoners to take advantage of our immunization programs to protect themselves and their families. Mr. Ferris has shown us again how important that is.

Thank you, Mr. Speaker, and of course, thank you, Mr. Ferris.

Applause

Mr. Mitchell: I am very proud to rise today on half of the Official Opposition to pay tribute to World Polio Day. Poliomyelitis is a highly infectious disease caused by a virus which mainly affects young children under five years of age. One in 200 infections leads to irreversible paralysis, usually in the legs. Even though polio cases have decreased by 99 percent since 1988, globally in 2008, there are still approximately 1,371 cases of polio and probably more in Third World countries that have not been diagnosed.

Four countries in the world remain polio endemic: India, Pakistan, Nigeria and Afghanistan. In April 2008, the anniversary of the release of Dr. Jonas Salk's polio vaccine, Yukon's own Ramesh Ferris set out on his Cycle to Walk campaign to raise polio awareness. Ramesh hand-cycled 7,110 kilometres — not counting some detours — from Victoria, B.C., to Cape Spear, Newfoundland, to raise funds for the eradication of polio with support from the three local Rotary clubs and many other dedicated volunteers.

Ramesh's inspiring 173-day journey raised nearly \$300,000 toward his goal of eradicating polio, a disease that paralyzed Ramesh's legs as a very young child. The goals of the Cycle to Walk campaign are eradication, education and rehabilitation. As Ramesh hand-cycled across the country, he met hundreds of Canadians who wanted to learn more about polio and to help the cause. Many had not even understood that polio still existed in the world.

He spoke at many schools, with service clubs and organizations. He met politicians, including the Prime Minister of Canada and other dignitaries, all in an effort to spread his message: the global eradication of polio.

Ramesh has proven the term "differently abled" is far more meaningful than the word "disabled". We all have different abilities, but I'm sure that those of us here who have the full use of legs would have a hard time imagining ourselves walk-

ing or cycling across this vast country. Ramesh did it with his arms and hands and most importantly his will and desire to make a difference.

Though his Cycle to Walk campaign has successfully concluded, Ramesh has begun the next leg of his journey. Next month he will head to India where he will help administer polio vaccinations to the children in the country where he was born. There is no cure for polio. It can only be prevented. We must vaccinate millions of the world's most vulnerable children and end the needless suffering wrought by this disease. Polio vaccine, given multiple times, can protect a child for life.

The prevention of this disease — the polio vaccine — has existed since 1955. There is no excuse for a single child to suffer the effects of polio in 2008 — 53 years after the vaccine was developed. As long as a single child remains infected with polio, children in all countries are at risk of contracting the disease. The polio virus can easily be imported into a polio-free country and can spread rapidly among unimmunized populations.

Mr. Speaker, in Canada 11 percent of our population hasn't received a polio vaccination. That figure puts Canada in danger of a possible future outbreak if it continues to grow.

Ramesh, a year ago this week, I told you that you were my hero. Now, you are Canada's hero, and you are truly the hero of millions of children around the world whose lives will be better for your work to eradicate, educate and rehabilitate. We thank you and your Cycle to Walk team for your work to make the world polio-free.

Mr. Speaker, with your indulgence, I would invite all members to join me in welcoming Ramesh Ferris and other members of the Cycle to Walk team, Dr. Allon Reddoch, Mal Malloch, Doug and Bertha Ayers, Shelley Williamson and all others who have come here today who have contributed and worked on this great campaign.

Applause

Mr. Edzerza: I rise with great pleasure on behalf of the NDP caucus to pay tribute to our own Ramesh Ferris, a hero indeed. Mr. Ferris has made history in the Yukon and across Canada in the fight to prevent polio. His feat of hand-cycling 7,110 kilometres from Victoria, B.C. to Cape Spear, Newfoundland, is nothing short of amazing. He is our own Terry Fox, and he will carry his message now to other parts of the world.

We thank him and congratulate him for inspiring us to always do more than we think we can. But Mr. Ferris not only accomplished an astonishing athletic record, he succeeded in his main aim, which was to educate Canadians about the history, treatment and prevention of this horrible disease. He met with a multitude of politicians, including the Prime Minister, and spread his message to thousands through school visits, interviews and just talking with people he met on his journey.

Some of us are old enough to remember the childhood polio epidemic in Canada when gatherings of people were cancelled. Childhood friends were placed in iron lungs, some ending up with twisted legs or arms or even dying. It was a great

day for Canada when Dr. Salk invented the polio vaccine that we all now take for granted.

But we should not be complacent. There is no cure for polio and supportive therapy is the main treatment. Frankly, polio is not a treatable disease. The main goal of treatment is improving the discomfort level and preventing complications while the patient is healing. Treatment may include medication for symptoms, ventilators to help breathing, exercise and a balanced diet.

Because we do not have a treatment regime for polio, prevention is of paramount concern. It is almost completely preventable and vaccination provides the most effective form of prevention. Childhood immunization programs are available but 11 percent of Canadians haven't received the vaccine. That puts us at risk for polio outbreaks. If you have never been vaccinated, it is very important to obtain the vaccination.

Thank you, Mr. Ferris, and all the volunteers who helped you along the way, for bringing this important message to all of us. It is people like you who help to make this a better world.

In recognition of National Autism Awareness Month

Hon. Mr. Hart: This time, Mr. Speaker, I'd like to apologize to the members opposite for not providing sufficient time with regard to this tribute, but it is the last day of the month and, thus, I will speak on behalf of the House for the National Autism Awareness Month. I would like to ask the members of this House to join me in recognizing the month of October as Autism Awareness Month and recognizing all those who care for or provide services to individuals with autism.

Monsieur législatif Président, je voudrais inviter les membres de l'Assemblée législative à se joindre à moi pour souligner le mois d'octobre comme étant législative Mois de la sensibilisation à l'autisme, et reconnoître le dévouement de ceux et celles qui fournissent des soins et des services auxiliaires personnes touchées par l'autisme.

Autism affects individuals from all walks of life, as well as their families, friends and caregivers. Autism spectrum disorder or ASD is a neurological disorder that affects brain development and can be defined by certain characteristics that can range from mild to severe. The symptoms often include difficulties with social interaction, communication and behaviour. Studies suggest that six out of every 1,000 children are affected by autism. Despite all the research, we still do not know what causes autism or what are the most effective treatments and/or interventions.

I am pleased, Mr. Speaker, with the work our government has done with both parents and Autism Yukon to address the needs of children with ASD in the Yukon.

I am pleased that we have been able to create a new program for children with disabilities, family supports for children with disabilities, and provide vital treatment and support to children and families. I know there is much work still to be done, but we are moving forward.

Speaker: Are there any further tributes?
Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Rouble: Mr. Speaker, I'd ask all members of the Assembly to join me in welcoming Ms. Betty Irwin to our Assembly today. Ms. Irwin is a mover and shaker in our community, and has been very involved with programs such as Yukon Women in Trades and Technology. We welcome her and her partner here today.

Applause

Speaker: Are there further introductions of visitors?
Returns or documents for tabling, please.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Fentie: I have for tabling the public accounts of the Government of Yukon for the year ending March 31, 2008, duly audited by the Auditor General.

Speaker: Are there any further returns or documents for tabling?

Reports of committees.

Are there any petitions?

Are there any bills to be introduced?

INTRODUCTION OF BILLS

Bill No. 12: Introduction and First Reading

Hon. Mr. Fentie: Mr. Speaker, I move that Bill No. 12, entitled *Second Appropriation Act, 2008-09*, be now introduced and read a first time.

Speaker: It has been moved by the Hon. Premier that Bill No. 12, *Second Appropriation Act, 2008-09*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 12 agreed to

Bill No. 109: Introduction and First Reading

Mr. Cardiff: I move that a bill, entitled *Young Worker Protection Act*, be now introduced and read a first time.

Speaker: It has been moved by the Member for Mount Lorne that a bill, entitled *Young Worker Protection Act*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 109 agreed to

Speaker: Are there any further bills for introduction?
Hearing none, are there any notices of motion?

NOTICES OF MOTION

Mr. Nordick: I give notice of the following motion:
THAT this House urges the Government of Yukon through the Department of Health and Social Services, Education, Justice and the Yukon Housing Corporation to explore avenues to assist people with FASD.

Mr. Mitchell: I give notice of the following motion:
THAT this House urges the Government of Yukon to take the initiative and establish a blood donors unit so Yukoners can contribute to the national blood bank which is at a 10-year low.

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

THAT this House urges the Yukon government to lobby the federal government to secure the funds necessary to allow the Yukon Land Use Planning Council to complete its work for developing land use plans in all eight planning regions without further delay.

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

THAT this House urges the Yukon Party government to make available to the public the entire independent legal review document that the Yukon government conducted in concert with affected Yukon First Nations with regard to the roles, responsibilities and respective jurisdictions that the Yukon government and affected First Nations have in the management of the Porcupine caribou herd and their habitat.

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

THAT this House urges the Yukon government to respond immediately to all written questions put on the Order Paper from members of the third party.

I give notice of the following motion:

THAT this House expresses its collective regret and shame for the obstructionist actions of the Canadian government at the Rome meeting of the Rotterdam Convention, which has prevented chrysotile asbestos from being added to a list of substances recognized as particularly hazardous.

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

THAT this House urges the Yukon government to table the complete Ipsos-Reid 2008 Yukon government employee engagement survey report, which includes department-by-department breakdown of responses.

Speaker: Are there any further notices of motion?

Hearing none, is there a statement by a minister?

This then brings us to Question Period.

QUESTION PERIOD

Question re: Watson Lake multi-level care facility

Mr. Mitchell: I would like to address a question to the Minister of Health and Social Services. I have asked questions previously concerning health policy. I appreciate that the development of a comprehensive Yukon-based policy will take time, and given the mess this minister inherited, I will afford him some more time.

What I am interested in, however, is the \$25 million plus that has been announced for a new hospital in Watson Lake. Clearly, this is not part of a bigger picture health policy, since the minister has told us that he is still working to develop such a policy. This was something conceived and hatched in Cabinet, or perhaps in a pickup truck, and not likely by this minister. However, this minister is left with the parental responsibilities of rearing this problem child of a project.

Is this minister willing to accept this \$25-million legacy he has inherited as part of his new health strategy, or will he do

the right thing and put a hold on further progress, pending the development of a Yukon-wide health policy?

Hon. Mr. Lang: Public Works is overseeing the new hospital in Watson Lake. The member opposite has been told that, day in and day out. And the figures he puts on the floor are not correct. There was a \$5.2-million budget. It isn't anywhere near that today.

I am happy to say that it is a work in progress and we're working toward a very superior health facility for the Town of Watson Lake to service not only Watson Lake but the surrounding area.

Mr. Mitchell: Mr. Speaker, there appears to be a real reluctance on the part of this Health minister to become in any way involved in this issue. As much as I might understand his reluctance to catch this hot potato, he did accept this portfolio. He cannot cherry-pick which items in his department he wants to involve himself with, especially items with a \$25-million ticket price attached.

Mr. Speaker, this Yukon Party government has on many occasions cited the absence of a needs study as a reason to delay or defer or to decline moving forward on capital projects. Yet for this Watson Lake hospital there appears to have been no such needs study. Mr. Speaker, for \$25 million, Yukoners deserve an answer. The question is really straightforward: will this minister accept responsibility for this boondoggle, and if so, start answering questions related to it? Or will he do what he did in the past and stand up and say, "No thanks"?

Hon. Mr. Hart: As the minister responsible for health in the Yukon one of my first priorities is to ensure that health services are provided to all Yukoners. It doesn't matter where they are.

That is the number one priority for this minister and I intend to do the best I can with the tools I have to ensure that I provide that service to all Yukoners.

Mr. Mitchell: I appreciate that this minister has finally entered the debate, because we're not interested in hearing any more from the Highways minister, who is in charge of constructing unfinished buildings, we're not interested in hearing from the Premier, who is in charge of explaining all things big and small. This is a question of health policy. Yukoners deserve to hear an answer from the minister in charge of setting health policy, but I don't think I just got one.

When young people called for the government to establish a youth shelter in Whitehorse, this government said there was no study establishing a demonstrated need. When parents and teachers in Copper Ridge and Granger said there was a need for another elementary school, they were told the government had not studied this enough to establish the need. Yet now we have a four-year project to build a multi-level care facility being abandoned, and we wonder if there ever was a study done to establish the need.

Can this Health and Social Services minister stand again and tell this House: was there ever a study done establishing the need for the now abandoned Watson Lake multi-level care centre, and is there a needs study that demonstrates the need for a \$25 million or more hospital?

Hon. Mr. Fentie: There's no point in any minister answering the member's questions, and I'm going to point out why. This member has just put on the floor of this Legislature for all Yukoners to hear that there's a \$25-million budgetary item for a hospital in Watson Lake — incorrect, and the public accounts I've just tabled and the previous budget will show that it's \$5.2 million, with less than that spent to date. The physical evidence is on the ground, including the engineering assessments of the old hospital.

Secondly, this member has said repeatedly that this project has been sole sourced. I have here a copy from the contract registry that demonstrates 14 public tenders were issued with respect to the project in Watson Lake. The problem here in answering the member's questions is we're not getting factual information from the member.

Question re: *Education Act*

Mr. Fairclough: I'm becoming increasingly concerned over the years it is taking to get to the point where we actually amend the *Education Act*. There were eight long years of consultation with Yukoners. I'm not against consulting but there comes a time when you actually have to do something.

First there was the *Education Act* review. The government thought it was necessary to consult further, so they commissioned the education reform project. That has not seen the light of day since it was submitted to the minister. Now we have New Horizons and I understand that has been very inactive.

How much closer is Yukon today to amending the *Education Act* than it was six years ago, when they took office?

Hon. Mr. Rouble: First, Mr. Speaker, in order to answer the member opposite's question, I do have to obviously shed some light on a number of different initiatives that would appear the Liberal Party is not aware of. The member has talked about the education reform project. Yes, that report was received and released. There were briefings done for opposition parties — at least one about the New Horizons project that is going forward in cooperation with the Council of Yukon First Nations. There were briefings and presentations to literacy groups, to school councils and much work done on that. As well, with New Horizons, Mr. Speaker, there have been presentations, again, to school councils.

Recently the implementation plan was taken back and approved by the Council of Yukon First Nations. We are working in concert with our partners in education on these initiatives. The implementation plan to go forward was presented and it is approved. We are now going forward with things like school growth plans, with leadership training — well, the specific one and one of the key ones is the school growth plan, which includes the community and the school council in making many of the long-term decisions for the school.

Mr. Speaker, there has been a tremendous amount of work done with school councils, with our partners in education, on addressing many of the educational needs and creating an inclusive system for Yukoners, and we will continue to do that.

Mr. Fairclough: Just what I thought, Mr. Speaker: the minister avoids the question again by going on with exactly what the department is doing.

The consultation process was well on its way in 2000 — in fact, in 1999. A child starting school that year would now be in high school today and nothing has happened since — just consulting and talking with our partners.

Now, I realize the minister has an obligation to consult. I also realize that the minister has an obligation to do something. Yukoners want action. I'm hearing from Yukoners that they are becoming very suspicious that this minister is simply prolonging the consultation process to avoid doing something, and I truly hope that is not the case.

Would the minister tell the House when he intends to take action and table an amended *Education Act*?

Hon. Mr. Rouble: Mr. Speaker, I think I've heard a pretty interesting comment coming from the Liberal Party — that I am avoiding the question by providing details and information. I've heard many, many times that I haven't answered the question. Now, Mr. Speaker, when I provide information on what the Department of Education is doing, about how they are changing programs, about how they are introducing things in grade 5 — like the grade 5 curriculum on First Nation governance issues that has gone across the territory; when I talk about changes to involving school councils in the school growth plans; when I talk about the relationship with Council of Yukon First Nations; when I talk about meetings with the Chiefs Committee on Education, when I talk about meetings with school councils, when I talk about a meeting I had earlier this week for the swearing in of school councils — again I'm avoiding the question.

The Department of Education works every day. Our teachers are making a difference; our curriculum people are making a difference; our programming people are making a difference; our facilities people are making a difference every day in delivering quality education for Yukoners that will meet the needs of students today and into the future.

Mr. Fairclough: The question was simple enough: when does the minister intend to table an amended *Education Act*? He couldn't answer the question.

Now, sitting after sitting, Mr. Speaker, we ask the minister the same questions, and we're getting the same answers — no answers. Now, we all understand that education is a pillar for our future. We spend millions of dollars providing facilities and resources. We have a wonderful and competent group of teachers and support staff. What we need is real leadership from this minister.

There is a requirement under the *Education Act* that the act be reviewed every 10 years. We're eight years overdue, and the *Education Act* still needs to be followed, and the minister is not doing that. The minister raised expectations with the education reform project and still there are no amendments.

Will the minister give this House the date he will table the amended act?

Hon. Mr. Rouble: One of the key comments coming out of the education reform project was that Yukoners wanted to be involved. Throughout the whole *Education Act* review — the education reform project — they were coming out with many things and many ideas that could already be accommodated in our very empowering *Education Act*. One of the things

we have in there is a very inclusive system that does provide many opportunities for Yukoners to be involved and for the Yukon Department of Education to go forward with the best education system possible.

It was just this week when the secondary school planning process report was presented to the public. That was done with a very inclusive group. I'm looking at the vision for secondary schools here in Yukon. We're working with our teachers; we're working with our parents; we're working with our students; we're working with all our partners in education in order to build the best education system possible, one that meets the needs of all students — people of First Nation ancestry, people of different religions and of different languages. We will continue to work with all our partners in order to meet the needs of Yukoners.

Question re: Employee engagement survey

Mr. Cardiff: Mr. Speaker, yesterday we received the results of the Yukon government's employee engagement survey. Can the minister responsible for the Public Service Commission explain why only half those surveyed expressed confidence in senior management? Only 32 percent could say that hiring is done based on merit and that promotions were free from favouritism.

Hon. Mr. Rouble: It's my honour and pleasure to rise as the minister responsible for the Public Service Commission. Mr. Speaker, I can tell members here, and indeed all Yukoners, of the pride that members of Cabinet feel in the efforts and accomplishments of people in our Public Service Commission and in our government employ. And in the last couple of years, I know I have certainly been very proud of the different policy changes that the elected arm of government has made in this area — things like the creation and the expansion of the Yukon Government Leadership Forum; the Workplace Diversity Office; the Harassment Prevention Office; the whole investing in the Public Service Commission program, the IPS program.

Mr. Speaker, in the brief time I've been minister responsible for the Public Service Commission, I've seen the areas of the department that are responsible for accommodating people of differing needs; I've seen the programs for training and educational opportunities.

We certainly value the efforts going on in government, and the political arm of government will continue to provide policies, services and funding allocations that help our administrative arm of government carry out their duties and responsibilities to the best of their abilities and create a happy and healthy workforce in the Yukon.

Mr. Cardiff: Well, the report reveals the deplorable state of worker morale in this government. It's something that we have known for some time. What plans does the minister have to address the serious concerns that are obvious in this report?

Hon. Mr. Rouble: One of the things that this government fully supported was going out and doing a survey of employees. That was the very fact why, two years ago, we started the first annual employee engagement survey. We value what the employees have to say — that's why we asked them these questions.

The information has come back in. It has been distributed to the deputy ministers and the departments who are responsible for managing their departments and for working with the employees, and they have already incorporated many of the comments — good and bad — brought forward in this report on how they will go about doing the public's business.

This government has confidence in its employees, directors, managers, deputy ministers — indeed, all employees — to work together in order to create a healthy work environment that will be positive for the employees and accomplish the needs of the territory.

Question re: First Nation relations

Mr. Edzerza: This Yukon Party government has promised to work closely with First Nations and to live up to the intent of the *Umbrella Final Agreement*. How does the Premier reconcile that promise with the fact that he has refused to negotiate in good faith with several First Nations, forcing them into court to have their agreements recognized?

Hon. Mr. Fentie: The Member for McIntyre-Takhini is entirely incorrect. The government hasn't forced anybody into court. However, all people — all governments, anyone who so chooses — have the right to access courts to have the courts provide a ruling. But the government has not forced anyone into court.

More importantly, the government is living up to its obligations with respect to the agreements and its obligations to the Yukon public. That's what the government was elected to do; that is our responsibility; that is our duty and that's exactly what we're carrying out.

Mr. Edzerza: Here are examples of broken agreements and promises: the asset construction agreement with the Kwanlin Dun First Nation, and construction on improvements to the Whitehorse Airport — broken.

A promise to first right of refusal to Kwanlin Dun First Nation on obtaining waterfront property owned by YTG — broken.

Is this the Premier's understanding of honouring First Nation people?

Hon. Mr. Fentie: What's broken here is the Member for McIntyre-Takhini's assessment of the facts — that's what's broken. At no time has the government contravened its obligations under the agreements and we intend to continue meeting our obligations under the agreements and as I said — at the risk of being repetitive — our obligations to the Yukon public.

Question re: Moose management in Southern Lakes

Mr. Elias: I realize having responsibility for the environment may not be this minister's forte yet, so in my usual constructive way, I respectfully ask the following questions. Yukoners are very worried about the vitality of the Southern Lakes moose population, so worried, in fact, that many Yukoners are exercising their own restraint and not hunting a moose with a permit issued by the Environment minister, and citizens are not exercising subsistence harvesting rights. I challenge the minister to submit to this House current information on aerial census data for moose in the area, the harvest numbers of First

Nations and permit hunters within the Southern Lakes boundaries, predation numbers on the moose population from grizzlies and wolves, cow/calf ratios, and the estimated poaching numbers.

Will the minister submit this valuable baseline data to this Legislature?

Hon. Ms. Taylor: What we will in fact do, as the Department of Environment, and certainly as the Government of Yukon, is continue our commitment to develop partnerships, build upon our relations with First Nation governments and others to support collaborative and cooperative resource arrangements. And for this reason, we are upholding and certainly maintaining our commitments and obligations to bodies, such as renewable resource councils and the Yukon Fish and Wildlife Management Board.

Certainly, with respect to the member opposite's reference to moose recovery in southern Yukon, we are, in fact, working with a number of partners, First Nation governments and others in the Southern Lakes Wildlife Coordinating Committee, for which there is a workplan, and they have deemed it as the number one priority going forward — moose recovery.

So, in fact, we are very much committed and remain committed to working with our respective parties and doing what we can.

Mr. Elias: The minister can't and won't table such crucial data because she hasn't done the work. There is an old saying, Mr. Speaker: "Nine-tenths of wisdom consists of being wise in time."

Here's what the minister could do to help solve the Southern Lakes moose population problem: ensure that the Southern Lakes Wildlife Coordinating Committee is properly funded to fulfill their mandate, collect current baseline data information quickly to accurately define how bad the problem really is and conduct a moose aerial census as soon as possible. We need to know what the First Nation moose harvest is. It is a touchy issue, I know, but we need to know the numbers; it is important. We need to get an estimate on what the poaching numbers are and an estimate of the wolf and grizzly populations in the area. We need to get more eyes and ears out on the land with First Nation game guardians to support the hardworking conservation officers, biologists and technicians.

Will the minister give the proper resources and direction to ensure the Southern Lakes Wildlife Coordinating Committee can get the job done? Please answer the question.

Hon. Ms. Taylor: Mr. Speaker, I thank the member opposite for his question. I'll just make reference to a recent letter to the editor by the Chief of Ta'an Kwach'an Council. She references this particular issue very well. I might just refer to the letter as saying that, "In order to be effective, all parties, including governments, stakeholders, conservationists, hunters, trappers, non-First Nations and First Nations need to be onside in order for the management plans to be successful."

Mr. Speaker, we are very much committed to this process, as is the Ta'an Kwach'an Council. We are very much committed to this process, as is the Government of British Columbia, the federal government and six Southern Lakes First Nations, with respect to making the priority of the recovery of caribou

and moose in this area. I commend their work. Their work commenced as of April 1.

We are respectful of the First Nations' final agreements and the role that First Nations play in effective coordinated and collaborative wildlife management in the territory.

Mr. Elias: I'm talking about baseline data that the Environment minister should have already had on the table. If the Environment minister was actually doing her job, we wouldn't be in this situation in the first place.

Yukoners are tired of the minister speaking and acting like things are fine. Well, they're not fine. Our fish and wildlife populations are suffering endlessly. This will take leadership, adequate funding and the proper execution of a plan by the minister. I've talked to many of the good residents of Carcross and Tagish, Whitehorse, Kwanlin Dun and Ta'an Kwach'an, and all parts in-between, and many of them are worried and very concerned about their moose populations. Some residents have not even seen moose tracks in their hunting areas for a very long time. I'm trying to guide the minister toward the correct course of action here to solve this problem.

What is the minister willing to do to ensure a strong Southern Lakes moose population?

Hon. Ms. Taylor: You know what Yukoners are really tired of? They're tired of individuals pointing at one another and not doing a thing. The member opposite could do his part. The member opposite could join in with the respective stakeholders to do their homework.

Some Hon. Member: (Inaudible)

Hon. Ms. Taylor: Mr. Speaker, I believe I have the floor.

The member opposite could join in with the respective partners at the table and they could join in and attend renewable resource council meetings, Yukon Fish and Wildlife Management Board meetings, public community meetings and soon, public meetings hosted by the Southern Lakes Wildlife Coordinating Committee, for dialogue and discussion of the future of wildlife in this particular area.

I will also make reference to this government's commitment to doing wildlife inventory work, for which we have quadrupled resources in this particular area, to a point of almost \$2 million for a number of wildlife-related studies, including caribou — 12 different studies — studies on elk, studies on freshwater fish, studies on furbearers, studies on grizzly bears, moose and the list goes on.

Question re: Asset-backed commercial paper investments

Mr. Mitchell: Hold your applause. Thank you, Mr. Speaker.

This is the last time we'll have an opportunity to ask questions of Yukon's Finance minister before he jets off to attend the finance ministers' meetings next week.

The Liberal caucus, along with all Yukoners, is still waiting to hear from this minister what specific agenda he will be taking to the meeting. In recent weeks I've made some specific suggestions. The minister's answers were less than clear.

Now, this Yukon Party government has \$36.5 million tied up for years to come, but we've just learned that the public

accounts for 2008-09 will show a writedown or a loan loss provision of approximately \$6.2 million of that amount, and their value has likely not improved since March 31 with all the events we've witnessed.

It's clear that no one's going to want to purchase these restructured bonds on the open market, but the federal minister is open to all suggestions. Will the Premier put forth the case to the federal government, with its massive financial resources, to buy the frozen ABCP investments and thus free up much needed cash for Yukon and other Canadians caught in this mess?

Hon. Mr. Fentie: Well, Mr. Speaker, I think the member opposite should do a little more homework, and a little less speechifying. Here's the issue: the federal government has been involved in the restructuring process from day one. The federal government's well aware of the situation, and I want to correct the member opposite. The member opposite seems to think that the Yukon government is somehow in a cash-poor position. It used to be. It used to be, under Liberal financial management, but today I'm pleased to note, in the very public accounts that the member has referred to, that the Yukon's net financial position is \$165 million. Furthermore, with asset-backed paper investment included, the Yukon government's earning for the fiscal year-end of 2008 is \$2.4 million. And, in total over the last six years, our investment earnings are \$15.9 million. Not a loss, not a writedown — revenue. Profit, Mr. Speaker — something the member doesn't understand.

Mr. Mitchell: If this Premier thinks he wants to count, on the one hand, interest payments — phantom interest payments to date, on an investment — but on the other hand, the principal is shrinking daily, well, that's great. Let's earn our three and a half or four percent on the principal, while the principal disappears. That's great math, Mr. Speaker.

Now, the Canadian Federation of Independent Business just reported that the percentage of their members experiencing difficulties accessing credit has jumped from 15 percent last March to almost 30 percent last week. So we can just imagine how many people are going to be looking to invest in the Premier's new bonds.

In order to create new construction in Yukon, government may have to step up to the plate and help Yukon businesses because of the lack of credit available to them. But we won't have that \$36.5 million — not this year, not next year, not for years. What does Yukon's Finance minister plan on fighting for at the Finance ministers meeting to help Yukon businesses remain competitive?

Hon. Mr. Fentie: What I won't do is take the member opposite's math to the finance ministers meeting; but what we will do is make sure that the Yukon's position is well represented.

The member seems to be fixated on the fact that the Yukon government can't or isn't doing anything. I want to make reference to what the Yukon public thinks of that. Openly, key stakeholders have clearly stated that what we should do in these times of global cycle is stay the course; don't panic. Mr. Speaker, that's clear reference that the government is doing the right thing.

Secondly, they say, “Maintain a stabilizing role of the Government of Yukon in these times.” Clearly Yukoners recognize what the government has done, what the government is doing and what the government should continue to do, and that’s exactly what this government will follow through with. They’re certainly not listening to the Member for Copperbelt, the Leader of the Official Opposition, in his constant ravings about loss when there’s gain.

Unparliamentary language

Speaker: Order please. Before the honourable member answers the question I’d ask the Hon. Premier to please not refer to another member’s statements in this House as “ravings”. You have the floor, Leader of the Official Opposition.

Mr. Mitchell: I have to tell you, Mr. Speaker, this minister is talking so much apples and oranges it’s hard to know where to start. Let’s just simplify it. When the day comes that I misplace \$6 million of Yukoners’ money, I’ll tender my resignation. This minister has already accomplished that. He hasn’t once stood up and said to Yukoners, “Look, I’m sorry. I forgot to do my oversight responsibilities; I forgot to look after your interests, but I’ll do better.”

His model, Ralph Klein, used to go out and apologize to people when he made a mistake, and that’s why people re-elected him, but this minister will never admit to making a mistake. He points at others; he talks about past governments. Well, Yukoners will be short \$6 million as of March 31 and more as of next March 31 — that’s what has happened on this minister’s watch. He has been a passenger, not a captain, on his ship.

Hon. Mr. Fentie: I’m not sure if that was a question, Mr. Speaker, but I’ll endeavour to answer it. When it comes to pointing fingers, let’s look at the member opposite’s record. The member opposite, definitely in this House, made reference to members of the Workers’ Compensation Health and Safety Board and wrongdoing — it’s in the pages of *Hansard*. This member has continually made reference to Finance officials who have the responsibility of making these investments, and even the Auditor General has said those officials were making those investments in good faith. And most recently, this member has put into the public domain through the media that —

Some Hon. Member: (Inaudible)

Point of order

Speaker: I presume you are standing up on a point of order.

Mr. Mitchell: I am, Mr. Speaker. This member is now impugning motive and he is putting inaccurate facts on the record. I have never once made reference to Finance officials. I have asked this minister to assume responsibility, not officials.

Speaker’s statement

Speaker: There is no point of order. It is simply a dispute among members. Hon. Premier, you have the floor.

Hon. Mr. Fentie: In conclusion, most recently, through the media, this member has made reference to the hid-

ing or cover-up of information and has even named the government employees who apparently were involved in this. Mr. Speaker, when it comes to fingers, no one needs to take a lesson from the member opposite — he’s an expert at it.

Speaker: The time for Question Period has now elapsed. According to my paper, you have a supplementary left.

Mr. Mitchell: I wish I did but I don’t.

Speaker: All right, fine. The time for Question Period has mercifully expired.

We will proceed to Orders of the Day.

ORDERS OF THE DAY

Unanimous consent re calling Motion No. 518

Hon. Mr. Cathers: Mr. Speaker, pursuant to Standing Order 14.3, I request unanimous consent of the House to call at this time Motion No. 518.

Speaker: The Government House Leader has requested unanimous consent of the House to call at this time Motion No. 518. Is there unanimous consent?

All Hon. Members: Agreed.

Speaker: There is unanimous consent. The House shall now proceed with Motion No. 518.

GOVERNMENT MOTIONS

Motion No. 518

Clerk: Motion No. 518, standing in the name of the Hon. Mr. Cathers.

Speaker: It is moved by the Government House Leader

THAT this House shall stand adjourned from its rising on Thursday, November 6, 2008, until 1:00 p.m. on Wednesday, November 12, 2008.

Hon. Mr. Cathers: I will be very brief in introducing this motion. Motion No. 518, as read by you, Mr. Speaker, is simply to — as has been common practice — provide the ability for this House not to sit on November 10, 2008. It has been common practice when there is but a single day between the Saturday and Sunday to have the House stand in recess, thus allowing rural members to spend more time in their ridings and not be required to rush to their community to attend Remembrance Day ceremonies, as many do, and then return immediately thereafter at some expense and of course time spent on the road and not in their riding.

So for that purpose, as has been common practice, this is being presented. I would seek the support of all members of the Assembly for us to move forward with this motion today. The reason of course for calling it and requesting unanimous consent to debate it without it sitting on the Notice Paper for the usual amount of time is in the interest of providing that information to staff of *Hansard* and of the Legislative Assembly, to enable them to make their plans, based upon the House decision — or possible decision. So with that, I would encourage the support of members.

Mr. McRobb: We in the Official Opposition concur with this motion. It was a matter of internal discussion at the House Leaders' meetings, and we see no further need for additional elaboration at this time. It has been done in the past and this will help all employees within the government, the *Hansard* office and others to better plan events around the weekend leading up to Remembrance Day.

Thank you.

Mr. Cardiff: I would concur. It was agreed to by House leaders, and the Member for Kluane is right. There is no need for any further elaboration.

Motion No. 518 agreed to

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair: I will now call Committee of the Whole to order. The matter before the Committee is Bill No. 58, *Act to Amend the Quartz Mining Act*. Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 58 — *Act to Amend the Quartz Mining Act* — continued

Chair: The matter before the Committee is Bill No. 58, *Act to Amend the Quartz Mining Act*.

Hon. Mr. Cathers: It's a pleasure once again to resume debate on the *Quartz Mining Act*.

I trust that members have enjoyed the briefing provided by officials and have had an opportunity to peruse this legislation in detail. I trust that they will recognize that this is a very forward-looking piece of legislation and, of course, happening at a very important time.

As mentioned in my comments earlier, but I will reiterate to highlight the issue for members, this legislation is something that is required to modernize the regime to clarify some of the administrative issues within the legislation and eliminate some of the outdated factors that have been in place for some time. That includes references to things such as the size of claim posts, which have previously required a four-by-four post for those posts, and it also includes changing some of the references to the amount of time for filing claims, which previously

was based on outdated modes of travel and had the amount of time for filing a claim escalate based upon the distance from the mining recorder's office.

Mr. Chair, resuming on discussing the legislation — of course, also, it is important to modernize the royalty provisions in this legislation, whereas previously the Yukon had an uncapped royalty for a larger mine that would see the royalty, in fact, exceed 100 percent of total profits. That would be if a mine had roughly \$480 million in profit, that they would be having 100 percent of those profits going into the royalty provisions. As I have mentioned previously to members, the Yukon collects a maximum of \$3 million annual royalty due to the provisions in the devolution transfer agreement and the majority of the royalties go the federal government.

Largely through the good work done by the Yukon Minerals Advisory Board, the areas in the legislation that were posing a significant impediment to mining development in the Yukon were identified because of the archaic, uncertain, and potentially punitive royalty regime set out in the *Quartz Mining Act*. I must again reiterate to members that, under the regime we inherited from the federal government, the royalty calculation had uncertainties and discrepancies in it that resulted in the federal government and Faro spending a significant amount of time in court and out of court, with lawyers, trying to address the outdated language in the legislation and determine, in fact, what the royalty provisions were. Those court costs, of course, affected the federal government and getting into disputes over legislation when the legislation was quite clearly so unclear.

The royalty rate within the amendment to the *Quartz Mining Act* is to be set at a maximum level of 12 percent of profits and, contrary to what some have said, the deductions that are allowable when calculating the profit are not identical to those which are under the *Income Tax Act*. You are not allowed to make as many deductions for determining what your profit is as a company would be in filing their income taxes. Therefore, the amount upon which the royalty would be calculated would be larger than that which the company would be likely to end up with as profit under the federal income tax legislation.

With that, I hope I have refreshed members' memories and clarified it again for them. I emphasize the importance of moving to the structure we have in the legislation now and that we ensure that the Yukon remains competitive with other jurisdictions. The royalty rate proposed in this is intended to maximize benefits to Yukon citizens and to the federal government's coffers in providing those royalty provisions without getting to the stage of providing a disincentive to mining investment. It is important we have a competitive regime and therefore, the royalty rate places us toward the lower end of royalty rates in Canada, but we are still not anywhere close to being the lowest, in terms of royalty rate, in Canadian jurisdictions.

I look forward to comments and questions from the members opposite.

Mr. McRobb: As I indicated in my second reading speech on this bill, I thank officials for the very informative briefing held last Friday afternoon and also thank them for their contribution toward this bill. I realize it must have been significant, given all the archaic information dating back about 100

years that they had to wade through in order to develop the issues that relate to this bill today.

I also thank all of the stakeholders who were involved, and especially the members of the Yukon Minerals Advisory Board, YMAB. In dealing with this bill at this stage — it's day 5 of the sitting; this sitting is one week old — I just want to put on the record that it's very unusual to be dealing in such detail with a major bill at this early juncture in our sitting. Usually a supplementary budget is introduced, which consumes about the first week, given the need of members to respond to the supplementary budget. Normally it is well into week 2 or week 3 before we get to this juncture. Due to the government's inability to bring in the supplementary budget until today, that has caused the advancement of these other pieces of legislation. As a consequence, that has reduced the time available to us for reviewing the bill and talking about it with interested parties and those with concerns, as well as other stakeholders in order to formulate questions for the minister, which will occur at this stage.

I know in previous governments, legislation such as this was provided prior to the start of the sitting. I see no reason why this particular legislation, the *Quartz Mining Act* amendments, couldn't have been provided to the opposition members before the sitting even started.

But the Yukon Party decided not to do that and, as a consequence, we most certainly could have used extra time in order to ensure that our critique of the bill helped to make the bill as good as it could possibly be.

So given those shortcomings, I hope all of that doesn't degrade our ability to hold the minister accountable and have a good discussion about the various aspects of this piece of legislation to try to make it the best it can be. Aside from political and philosophical differences, I think all three parties represented in this Legislature will earnestly try to make this the best legislation for all people in the territory. It will likely have the privilege of being the ultimate document governing quartz mining in the territory and all other forms of mining for several years.

We don't anticipate that we'll see this bill being amended within the next few years, so whatever we do as an outcome of this process should have, at minimum, the ability to withstand the test of foreseeable time.

Given that, Mr. Chair, previously I asked the minister for some documentation from stakeholders. He spoke about 15 minutes the other day on that aspect. Among everything he had to say, I believe there was a commitment to have his officials review the correspondence and determine whether there was anything that could be provided to us on the opposition benches.

I would like to use that as a benchmark for discussions. What does the minister have in that regard for us today?

Hon. Mr. Cathers: Mr. Chair, I will attempt to be positive in engaging in debate with the Member for Kluane. I think it is important to note for those who are listening or reading the pages of *Hansard* that if one reviews not only every legislative sitting of this government, both in this mandate and the previous one — I would think it is fair to say, likely every

single legislative sitting except for the period of time when the member was sitting in government — those reviewing it would find that the Member for Kluane always complains about when bills are called for debate. He complains about the information provided.

Some Hon. Member: (Inaudible)

Point of order

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

Mr. McRobb: On the point of order, Mr. Chair. We are trying to have constructive dialogue. The House rules, I believe, are being violated. Clearly there is a section in them that prevents personalizing debate. The minister just specifically identified me —

Chair's ruling

Chair: Order please. On the point of order, yes, the Chair does feel that the debate is already starting to get personal and I'd like to remind both members and both sides of the House, to please not personalize the debate.

Hon. Mr. Cathers: Thank you, Mr. Chair. Certainly it was not my intention to overly personalize this, but I do have to point out for those analyzing the debate, who might be erroneously tempted to take the Member for Kluane's comments at face value, that in fact this is the standard messaging that that member uses in debate. It is, to some extent, a party line, but it is certainly his practice in his effort to debate. So, Mr. Chair —

Some Hon. Member: (Inaudible)

Point of order

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

Mr. McRobb: On a point of order, Mr. Chair, it seems everyone in here heard your recent ruling except for the minister. He continues to violate it. He personalized comments again.

Chair's ruling

Chair: On the point of order, the Chair does agree. There is a point of order. Mr. Cathers, if you could not personalize the debate, please.

Some Hon. Member: (Inaudible)

Hon. Mr. Cathers: Mr. Chair, I respect your ruling, while noting that the policies of parties, their standard messaging, their standard debate — certainly, in any way what I said has been interpreted as an attack on the Member for Kluane individually, I do respect your ruling in that area — however, I do point out that the party rhetoric is in fact a point for debate.

Moving on to other areas related to the legislation, the Member for Kluane suggested that it has been past practice for governments to provide legislation to members of the opposition prior to sitting. I would challenge the member to provide a single case of evidence of this, because the member knows that is not the past practice. Bills are tabled in this Assembly for debate and when they are tabled, they are then provided to the opposition at that point in time.

Were this government to do as the member suggests and make bills publicly available in their full text, prior to being

here in the Assembly and to announce it as the final version, the member would be the first to stand up and complain that we were bypassing the Legislative Assembly by making the bill available to the public through the media and through direct contact, et cetera, rather than bringing it forward in the Assembly. So, let's call a spade a spade and recognize that no matter what this government does —

Unparliamentary language

Chair: Order please. Members do know the level of dialogue that should be taking place in this Assembly and we're not off to a very good start. Mr. Cathers, if I could, please refrain from those kinds of comments, please.

Hon. Mr. Cathers: Of course, the Chair is always right. That's a fundamental principle in our democratic society.

Chair's statement

Chair: Order please. When the Chair makes a statement, the Chair expects members not to debate the statement, question the statement, or even praise the Chair for the correct statement. I would just encourage members to continue with debate on Bill No. 58, please.

Hon. Mr. Cathers: I am finding myself at a little bit of a loss to understand the limitations you're applying. I understand I cannot provide commentary on the opposition's positions and rhetoric with regard to this legislation, so I'll talk about the bill.

The legislation here — I know the members opposite are very eager to engage in this debate. The consultation with regard to this legislation began with — consultation has been ongoing for the past year, and consultation began with initial policy work, which resulted in two discussion papers on the proposed claim, administration amendments and proposed royalty amendments in December 2007 and March 2008 respectively. The discussion papers were designed with questionnaires to solicit comment on proposed changes to the *Quartz Mining Act*.

Consultation on the claims administration proposal took place from January 2008 to the end of February 2008, with meetings held during January and February. Staff of the Department of Energy, Mines and Resources met with the Chamber of Mines, Yukon Minerals Advisory Board, and a variety of Yukon government departments. They also met with six First Nations. There were also letters and comments received from five other First Nations and invitations for comments sent, of course, to all First Nations. However, there were a few who did not comment.

Comments were also received from community groups. A public open house was held in Whitehorse on February 20, 2008, and questionnaires were made available at meetings and on the Web site.

Targeted consultation on proposed changes to the royalty section began in March 2008. Notification of formal consultation was sent to First Nations and input from industrial associations, NGOs and government departments was sought. A discussion paper outlining the proposed amendments was posted

on the Energy, Mines and Resources Web site in early April 2008 with a requested deadline for comments of May 31, 2008.

EMR received submissions from industry and First Nations. Energy, Mines and Resources held technical workshops for industry representatives, First Nations, finance officers, government departments and the general public, and a public open house was held on March 10, 2008.

On April 8 a royalty workshop was held for First Nations and attended by First Nations and representatives from the Council of Yukon First Nations. An industry workshop was held the following day on April 9 and was attended by the Chamber of Mines and one contractor.

A summary document outlining all comments received on all proposals has been posted on the Energy, Mines and Resources public Web site.

Mr. Chair, it should be pointed out that some of the information that was requested the other day by the member is in fact available publicly; therefore, I will not be asking officials to spend many hours of time photocopying and stapling and putting together packages of information for the member that the member can find on the government Web site, available to answer his questions.

I would like to also point out to members, since much of this work and much of the details initiated with the advice from Yukon Minerals Advisory Board, that the Yukon Minerals Advisory Board report has identified many of these key issues, particularly pertaining to the royalty rate and to the administrative provisions around the filing of claims.

Many of these provisions were identified in the Yukon Minerals Advisory Board report. Although this report has been made available publicly before, I recognize that members may not have bothered to read it at that time. I would like to make it available to them again by sending over copies. I believe this document has already been officially tabled in the Assembly, but in case it has not, I will then table copies to be sent over. Perhaps I should just send copies of the Yukon Mineral Advisory Board annual report for 2006-07 — in the interests of time for the Clerk's Office — across the floor to the critics for both parties. If members would like more copies for their caucuses — if they have thrown out the copies that were tabled earlier — I would be happy to provide individual copies for each and every one of the members. But in the interest of saving paper, I will avoid doing that at this time and simply ask the page to take a copy over to each of the members opposite.

That has really addressed the issues around consultation. There has been significant consultation on these areas, of course, as has been identified. Public consultation occurred with industry groups, with First Nations, and with the general public, and there was a time factor. We are necessarily moving forward with these areas because, in particular, the punitive royalty regime under the existing *Quartz Mining Act* would pose, in the words of the chair of the Minerals Advisory Board, a "potential significant impediment to mining development in the Yukon because of the archaic, uncertain and potentially punitive royalty regime set out in the *Quartz Mining Act*." Punitive because the royalties could, for larger products, exceed 100 percent of the operating margin. Those comments — the

work that the Yukon Minerals Advisory Board did when they identified the issues of the royalties as being such a critical issue — were taken under advisement, an internal review was conducted, and the department agreed with the Yukon Minerals Advisory Board that this was indeed an issue that needed to be considered and potentially addressed. We then, of course, conducted an extensive consultation process with all sides involved and affected by such potential changes, including First Nations, industry and the public, and engaged an Outside consultant to assess the comparative royalty situations in other mining jurisdictions in Canada. And that process, of course, resulted in identifying a series of possible proposed amendments, which were published for comment on by the public and for review from industry, First Nations, et cetera.

Again, I would point out that, under the current regime, royalty rates increased by one percentage point for each \$5 million in royalty revenue. And, of course, the royalty rates were set quite some time ago, when the dollar values put in the legislation were far more significant than they are today. Today, of course, the amounts that are placed in the legislation would result in a large-sized mine paying perhaps in excess of 100 percent of its profits in royalties. Needless to say, that would scare off any investor with any level of intelligence, and that is not something we wish to see. We wish to attract positive investment, to attract responsible mining development and companies, and encourage companies to operate in manners that work within Yukon's fabric, a Yukon environment, and are beneficial to Yukon society including, of course, employment opportunities for Yukon citizens.

I should also mention for members opposite the investment that has been put in by this government through the Yukon Mine Training Association and through work on apprenticeship programs, community training trust funds, et cetera, through the Department of Education and through Yukon College to assist Yukon citizens in receiving training for the jobs that are in demand at mining operations. Those include Sherwood Copper, the Minto mine and the others that are in the early stages of development, as well as those that will come into fruition — or we anticipate coming to fruition — within the next period of time.

I hope with that provision of facts that we can engage in a debate on the policies within this legislation, rather than debating paperwork and photocopies.

Mr. McRobb: Before I address the issue of my question, I just want to ensure the minister understands the precedence of providing opposition parties with legislation before a sitting starts. That was done by the previous Liberal government. I believe in 2001 or perhaps prior to the spring sitting 2002, the information was provided to the opposition parties. So the minister's hypothesis about concerns raised by the opposition parties would be simply unfounded because that piece of legislation was not a public document. Now with respect to the matter at hand — I thank the minister for this 2006-07 annual report. I believe it was something that was tabled previously in the Legislature. Upon quick review I see no correspondence from any of the stakeholders in the process and very little in the way of any attributed statements. That was the en-

tire reason for the request: try to find out who said what. If the minister needs any elaboration, I will refer him to my comments the other day. Obviously the minister is more worried about saving staples and paper than meeting the test of accountability in respect to providing information —

Some Hon. Member: (Inaudible)

Point of order

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

Hon. Mr. Cathers: You've previously ruled on personalization of debate. The Member for Kluane clearly just suggested that I was not interested in being accountable. I would urge you to call him to order for those remarks.

Chair's ruling

Chair: With regard to the point of order, yes, the Chair does feel there's a point of order. It's tough for the Chair to keep intervening, especially if points of order are drawn and then the person who is putting the point of order contravenes the point of order that they just requested to be a point of order. So, it's really up to the members of this Assembly to gauge and to develop the level of decorum themselves; it's not really up to the Chair to do it.

I would, once again, and probably for the last time, encourage members during the debate this afternoon to stick to Bill No. 58 and to not personalize the debate.

Mr. McRobb: Thank you, Mr. Chair. Well, this speaks rather poorly about the accountability of this government. We made a specific request —

Some Hon. Member: (Inaudible)

Point of order

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

Hon. Mr. Cathers: The Member for Kluane just did exactly what you called him to order for.

Chair's ruling

Chair: No. On the point of order, it's just a dispute among members.

Mr. McRobb: Thank you, Mr. Chair. Just in case the minister didn't hear it: this is another example that speaks poorly of this government's record of accountability when it denies the opposition parties legitimate requests for information. The test is it fails to meet the requirements of accountability. Point taken. It's not the first time nor do we expect it to be the last.

I do want to get to the substance of the bill and, for the benefit of the critic in the third party, I intend to ask questions about various aspects of it and then give the member the floor, at which time I will listen very attentively and then come back before general debate concludes with some additional questions and follow-up to issues he has raised.

On the first matter, it seems that several powers within the existing legislation are being shuffled by these amendments to regulations, which of course then are at the discretion of the minister.

The minister must be aware of this, because I presume he was involved fully at the drafting stages of the legislation. He's also aware that the drafting, development and passage of the regulations are excluded from any review in this Assembly. It is strictly a process completely under the control of this minister. They don't get approved without the minister's consent. That causes somewhat of a concern. The reason is that if a matter is dealt with in the act, then of course we have an opportunity to discuss what the government intends to do about that particular provision. When it's shuffled out of the act and into the regulations, it removes discussion of that matter out of our hands. It appears there are several such instances occurring here where matters previously in the act are being shuffled into regulations. It seems to be a pattern. There are other pieces of legislation currently on the Order Paper that are subject to this same type of action, so that's a concern.

Another concern is that the scope of the review was limited by the Yukon Party government, when this was the appropriate opportunity to deal with a few issues important to Yukoners. As stated during the second reading speech, we understand this is the opportunity to deal with a lot of those controversial issues. It's somewhat disappointing to see these being neglected. Although we in the Official Opposition are supportive of the mining industry and attracting investment dollars to the territory, we take a more balanced view than the Yukon Party government does. We believe it would have been a more appropriate time, especially for issues considered to be "trade-off issues", but instead the government is dishing it all up for one group and has nothing to offer anybody else.

There are issues of royalty that have been raised by members of public organizations and others. Although the proposed method seems to be reasonable for issues already delineated by the minister, it appears there are several good questions about that approach and that needs to be explored in some detail. There are other issues I'm alluding to, and one of them is that of property rights. I intend to ask the minister some questions about property rights of Yukon residents and landowners with respect to industrial intrusion upon their land, what rights they may have and whether this is the appropriate opportunity to address those matters. It seems to be.

There have been issues in the past of importance to Yukoners. One of the matters has been dubbed "nuisance staking". While I certainly hope that is not a practice by those within the industry, I'd like to remind members that staking is an activity that can be done by any individual, whether Yukon resident or resident of another province, country or even from another continent. I think it is a matter that could have been addressed. We see the Minister of Economic Development about to embark on quite a long trip to China to attract investment. In the past year, we have also seen three or four examples of how Chinese investors, in particular, have invested in Yukon mineral properties. The Yukon is not as isolated as it once was. It truly is a global market. So whatever rules this Legislature sets to govern this industry are not necessarily intended to apply only to Joe Miner in the Yukon. They're intended to apply to people across the world.

I also have some issues about proprietary information under the minister's scheme to change the royalties. It seems reasonable to expect that what is termed "proprietary information" is provided to officials somewhere at some time. This is information that is not made public. There is some concern about that and how that's being handled — what guidelines those officials operate under, for instance?

There are other issues such as electronic staking. During the briefing we had a good but short conversation with the officials about that. It appears there is no consensus whether it's good or bad for the Yukon at this time. We know it's practised south of the border in British Columbia.

If we're truly trying to streamline the process and reduce costs, such as we are with decreasing the size of the staking posts, then it would seem this is yet one step further in that same direction. That's part of the reason why I was requesting correspondence from the stakeholders. I understand there was some opposition about electronic staking, and it would be good for us in the opposition, who are the critics of this bill before it's finalized, to know where that opposition was coming from, and for what reason. Unfortunately, because the Yukon Party is once again unaccountable, and refuses to provide that correspondence, we don't know.

So there are probably some other areas we wish to explore with the minister, and I've just given him a rough outline, so he knows better what to expect, and hopefully we can have a constructive dialogue.

We're off to a bit of a rocky start, but I think everybody can suck in their horns and get down to doing the public's business in an efficient and responsible manner.

Let's go to the issue of property rights. I'd like to go specifically into this area. We in the opposition are at a bit of a disadvantage with respect to knowing all the factors that go into the mix of any particular issue, whereas the minister has the luxury of accessing officials within the department who can seek answers to questions, provide information, et cetera. He also has access to legal experts within the Department of Justice; he has the ability to seek consultants' opinions and even launch surveys, reports, studies — whatever it takes for the minister to be confident that he's proceeding in the best way and in the public interest.

However, the opposition parties have access to some members of the public and industry who wish to share their opinions with us, and officials for a brief period of time during a briefing, and anything else we might squeak out of the government, in terms of information, either in paper form or dialogue. Already, our request for correspondence has been refused.

So the minister is aware of numerous issues with respect to property rights. I would like to start at the beginning — with the minister's indulgence — and ask him if he would put on the record a clear overview of how a person's property rights, or the property rights of a business or farm or whatever, is affected by the act and what maybe some of those concerns are that could be dealt with at this time.

Hon. Mr. Cathers: Mr. Chair, I hope you will excuse me for pointing out that in fact these questions that the member

spent a significant amount of time answering have been, in large part, answered. In second reading, members from the opposition parties, including the critics, brought forward their questions about such matters, including the scope of the review of the legislation. I answered that in my closing response at second reading. I will reiterate it for the members opposite, although I would encourage them to review *Hansard* again, because I don't have my speech from before in front of me. I was under the illusion that members were listening to the response that I was making to assist them in better debating this bill. So I will go from memory.

In this case, I would point out, again, to members opposite that the scope of the review of this legislation had to be limited if amendments were going to be made in a expeditious fashion. Any potential changes to this legislation, which would be classified as changing the regime, require going through a much more extensive process, a much longer process and much more time through the successor resource legislation working group as per our obligations to First Nations in the devolution transfer agreement. Therefore, in these areas that were identified as priority matters that the Yukon needed to act on in order to maintain our competitiveness, we moved forward quickly. I would point out to members opposite that the need to move forward in a timely manner has certainly been borne out by what happened in world financial markets. Members opposite may be surprised that we have the financial situation worldwide that we do right now and the uncertainty.

I think it's fair to say that few people, if anyone, predicted the situation to occur to the extent that it has, and to the extent it is thought might occur. However, when the sub-prime mortgage market in the United States collapsed because of the significant involvement throughout the world financial markets of investments in this market, because of the work that had been done — the lobbying which had resulted in investments that were heavily made into sub-prime mortgage market — being classified as triple A stocks rather than the status they should have been considered, which was basically that of junk bonds — the level of investment of major financial institutions, primarily in the United States — or particularly in the United States, I should say — but throughout the entire world. The ripples of this could not be predicted.

But it was quite clear when this occurred last summer — in 2007, I'm referring to, Mr. Chair — that there would be impacts, there would be ripple effects, and it would be a negative, not a positive, impact on the world economy and on the world markets. Therefore, when these issues were identified by the Yukon Minerals Advisory Board, the Yukon government decided to move expeditiously on consulting on possible changes. First of all, to develop potential changes, consult on those potential changes, and to do it in as timely a manner as possible, because it is key, in this worldwide time of financial uncertainty, that the Yukon government take every necessary and appropriate step to maintain the Yukon's competitiveness worldwide. As I have pointed out to members before, and probably will again, the Yukon mineral properties, the Yukon opportunities, are significant, and even in a time of worldwide financial uncertainty, good deposits, good projects, still have

the possibility of receiving the investment they need to come into operation.

A classic example of this is Alexco's success in raising money — I believe it was \$65 million in capital investment — during this period of uncertainty. It was still a good project for metals that were needed on the market. Even with uncertainty, many of the minerals that have been identified in the Yukon and the major exploration projects that have taken place to date have identified minerals or metals that are needed worldwide and will be needed even if the economy internationally does take a negative turn. There is sufficient unmet demand for those minerals and those metals.

So again in recapping, if the Yukon has a competitive regime, if we have a clear, consistent, practical, reasonable, fair and predictable regime in what its outcomes will be and how it will work, we will make it far more attractive to those who wish to invest and we will make it clearer, by the way, to those who have concerns about a mineral development.

The clearer the rules are, the easier it is for those who are considering trying to get a project permitted through the rules to meet those requirements, and it is also clearer for those within groups that have concerns about developments and within the Yukon public to understand what rules will be applied and then understand, at the end of the day, why a decision was made by the relevant decision bodies.

Therefore, clarifying the rules and moving forward quickly in reducing the unnecessary administrative burden was appropriate. And changing the royalty rate, as I have mentioned several times in this Assembly, was absolutely critical that we do quickly because major deposits will not have the investment they need if the Yukon does not make that move decisively and ensure that our royalty rate remains competitive in Canada, rather than what was the worst royalty regime structure in the country.

Now, the members may go to comments that have been made by some within the public about how Yukon is seen as an attractive jurisdiction for investment anyway, and therefore, in their view, the rate change is not necessary. I would point out that when this government came to office in 2002, this jurisdiction, the Yukon, was near the bottom of the list, in terms of places that were seen as being attractive to invest in. It has been through the good work of this government and the employees of departments — particularly the Department of Energy, Mines and Resources, but also other involved Yukon government departments that have worked to provide consistency, to provide clarity and to ensure that all potential investors and developers understand that we as a government collectively endeavour to have a very clear set of rules.

We have high environmental standards and requirements. We will continue to have those high standards but be forthright in identifying what those are and helping companies identify for those projects what requirements must be met. One of the biggest costs to any potential developer is uncertainty in what the rules are. That results in additional development work, planning work, legal work and ultimately discussion, clarification, negotiation, et cetera, with not only those who are affected by this in an area and clarification, in particular, with govern-

ment departments, but it also requires work with potential investors on getting back to them with information and clarification about what some unclear rule or process actually meant. So those potential investors or the shareholders of the company can determine whether it is worth going forward. Clarifying the regime is key. It is important and I hope members will recognize and support the need to move forward on it quickly.

Again I would encourage the members to focus on a debate on the policy, focus on what this legislation is doing rather than getting into the situation of suggesting that every single comment sheet that has been filled out by anyone who commented on the process should be provided by them so they can decide whether or not to bring the view of that person or group forward in this Assembly and debate the merits or lack thereof of that perspective.

I would point out that the Official Opposition's tendency to bring the names of public employees and private citizens into debate in this Assembly and attack the manner in which they do their jobs or the views they have or are believed to have by the Official Opposition is something this government has expressed concern about in the past and hopes we will not have in the future.

Some Hon. Member: (Inaudible)

Point of order

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

Mr. McRobb: On a point of order, Mr. Chair, I believe it's against the House rules to impute a motive. Clearly — I don't know what the minister is talking about, but certainly we in the Official Opposition — I don't think I've heard the third party attack any public servant either. The minister calls on us all to raise the bar —

Chair's ruling

Chair: Order please. There is no point of order. It's a dispute among members.

Hon. Mr. Cathers: When I refer to the Official Opposition and their practices, I think *Hansard* will bear out particularly the Leader of the Official Opposition's record in a level of personalization toward people who are not present in this Assembly to defend themselves, and do not have the opportunity to sit in this Assembly and defend themselves. This government has concerns about Yukon citizens being drawn into the public debate, and having their views and perspectives, or views and perspectives that others believe they have, attacked on the floor of this House, rather than having the Official Opposition do as we would encourage them to do, and have in the past, and debate the policy merits, debate the merits of budgetary spending, et cetera, et cetera; focus on the facts, not on the people who have those views.

We respect all Yukon citizens for their views, and we appreciate the comments from all who have come forward. I reiterate again that the Member for Kluane is standing up and demanding that we table information and provide him with a binder full of information, or a folder, or a stack of papers that is already publicly available. When the member asks for comments from various groups, which he, I believe, was referring

to and implying, although he did not directly refer to the groups — if he's referring to groups and organizations, whether mining-based or from a conservation perspective or you name it, I would point out that these groups have put their comments and their views on the public record, that any group that I am aware of which has provided their comments to the government, has already provided those comments to the media and probably to the opposition parties directly.

Certainly they were reported in the media. Those comments have been debated and discussed. For the member to demand that officials of Energy, Mines and Resources spend time pulling together documents that have already been reported in the media, publicly discussed and the story for whatever their points were and whatever their comments and whatever their perspective discussed until the media in their wisdom decided that it was no longer newsworthy, this is simply a waste of effort on the part of employees of Energy, Mines and Resources who have better things to do than satisfy a desire of someone who is not prepared to do the research of what is publicly available, what has probably been faxed to him or mailed to him personally. For us to go through and pull every one of those comments from groups that have already made those comments publicly available would be a waste of time for the hardworking staff of the Department of Energy, Mines and Resources. I'm not going to ask them to waste their time compiling that information that is already on the public record and is probably in the filing cabinets of the Official Opposition.

So, again, this is a needless request, and I would point out that it seems to have a lot more to do with rhetoric than an actual concern for receiving this information because the members have already received this information.

Now, moving on to other comments by the member — again, I reiterate that the reason the scope of the act review was limited is that anything that would qualify as regime change or changing a regulatory regime, would require a far more in-depth and lengthy process, and there was a need to move forward quickly to ensure the Yukon's ability to attract mining investment. Although we are very pleased to see Sherwood Copper in operation, and we are very pleased to see others that have developments in the works, if we do not have a market where these large, advanced exploration projects would be able to receive the capital they need to bring that mine into production, we would again have one mine and only one mine. And Yukon citizens would be deprived of having projects, such as Alexco, which I mentioned, and such as Carmacks Copper, come into production for their benefit — the benefit of jobs, both direct and through economic spinoff.

In a time of global economic uncertainty, it is critical that the Yukon take the necessary steps to maintain and be an attractive place for responsible investment and development. That is what we have done and that is what we are doing.

The Member for Kluane specifically suggested that with this legislation the Yukon government is, "dishing it all up for one group." Now, Mr. Chair, the member was referring to the mining side of things. It is those comments — I would hope the Member for Kluane will reconsider them and reconsider the position he has presented on behalf of his party as their critic,

because suggesting that making changes necessary for mining investment the Yukon government is “dishing it all up for one group” — in this case the mining community — reflects an anti-mining agenda by the Official Opposition.

So perhaps the member will wish to retract those comments and to apologize for the uncertainty that it may have caused to mining investors and those working in the mining field as to what the Official Opposition’s position would be should they ever be in government. We on the government’s side certainly hope that the Yukon will never return to the days of an anti-mining agenda under an NDP government or perhaps under a future Liberal government.

We hope that will not occur because it is critical that the Yukon continue to maintain a positive investment climate, a clear set of rules, and a high set of environmental standards, but that we have fair rules and balanced rules and provide an environment that welcomes that responsible investment and development.

The member asked questions about property rights. I would point out staking a claim does not guarantee you’ll be able to develop it. The *Yukon Environmental and Socio-economic Assessment Act* requires that level of socio-economic consideration and consideration of others’ affected rights before any development is permitted. So in many cases you may be able to stake a claim but may not ever be able to develop it if you are adversely affecting someone else’s interests.

The issue again with regard to property rights — I said it before in my second reading comments; I will say it again because I believe the members have missed it: to consider that type of change from what is the practice across Canada would have qualified as a very significant change to the regulatory regime and would have required a very in-depth and lengthy process.

So any such proposed changes can be considered down the road, if and when this legislation is reviewed through the successor resource legislation working group process. However, again, I’d point out that the changes we are making did not trigger the requirements to go through the successor resource legislation working group process, and so what we did is work extensively with industry, with First Nations, and with the public to gain their views on these proposed changes. I would point out for the benefit of members opposite that, in fact, the level of consultation that we undertook with First Nations was well in excess of our legal obligations, but it was done in the interest of good practice, and in the interest of ensuring that all stakeholders, including other levels of government in the Yukon’s future, had opportunity to consider proposed changes, to consider potential impacts, and to have those respectful, informed discussions about such matters.

One other point that was raised by the Member for Kluane was the question of Internet staking, and where the opposition to it came from. The answer to that is, the opposition came from industry, and, of course, it came from those who are concerned with the potential of nuisance staking by those who have made no investment in the territory, who have spent no money on exploration or on actually identifying a resource, but instead have simply clicked on an Internet Web site. It hasn’t

worked that well in B.C.; we’re not contemplating going down that road.

Mr. McRobb: Some very interesting comments from the minister. Many of them are contestable. Certainly his argument about how the opposition attacks officials is unfounded, unproven and it’s unwarranted as part of the discussion today. I’ll leave it at that. I asked all members to try to raise the bar in being productive and meeting the public’s interest, and I’ll leave it at that.

His comments attributed to me were taken out of context. To put it into better context, I was merely calling on the need for more balance. The minister characterized us as having an anti-mining agenda. Mr. Chair, I can assure you and everybody else that that is not true.

Refer to my speech at second reading. We have a pro-balance position and one of more interest to all Yukoners. One can say that it reflects poorly on the Yukon Party’s ability to deal with related issues and how it might reflect poorly on the Yukon Party to have an anti-everybody-else position. Well, we can enter into a war of words and go on from there, but I won’t.

I thank the minister for his response with respect to the Internet staking. I expected somewhat more of an answer, but I think the one he gave will suffice.

With respect to the information requested, I disagree with the minister’s characterization that it wouldn’t be meaningful, whereas we believe it would be constructive. I disagree with his theory that we would ask and re-debate all issues discussed in the public domain — not so. Merely, they would be a reference so we can see who said what and when and help us give weight to the issues.

I think the most relevant thing the minister had to say was about the need to deal with this bill as soon as possible. While he was saying that, Mr. Chair, I couldn’t help but wonder, well how much time did the government have available?

Wasn’t this part of the devolution transfer agreement that took effect in April 2003? Well, if that is the correct date, Mr. Chair, then this government has had five and half years to deal with these amendments. So why are we rushing it through now?

Hon. Mr. Cathers: I hope that the member will excuse my frustration in noting that typically the Official Opposition has a practice of either suggesting — as the member did in this case — that we could have done it sooner or, if we do it sooner, they suggest that we’re rushing it through.

Clearly, no matter what the government does, the Official Opposition will criticize it as being the wrong thing. Therefore, in returning to the policy merits and the issues, I have to point out the fact the Member for Kluane asked, wasn’t this part of the devolution transfer agreement? The mirror legislation came in after devolution and, upon the implementation of it, first there was implementation work for a Yukon department that previously had not had the obligation to perform these types of functions — there is a bit of a settling-in period with any new major change, particularly considering the massive transfer of new responsibilities that a department such as Energy, Mines and Resources received on April 1, 2003. It takes a bit of time

to have everything up to speed and then, of course, to analyze the effect of such issues.

Another thing that should be pointed out when a member asks about these issues and why they weren't addressed sooner is, in working with industry, one thing that fortunately we have had the experience in due to providing a more competitive investment climate and getting away from the uncertainty provided by previous governments with their anti-development approach through measures such as the flawed protected areas strategy, we have had the opportunity of having people actually investing in the territory, rather than being in the situation of not having a single operating hard rock mine.

When industry came back to the territory, when exploration came back to the territory and went from the low level of mineral exploration of around \$5 million at one point, under a previous government, moving to a mining exploration level of \$140 million in 2007, that means a lot more industry actually dealing with legislation and looking at it, rather than just a few doing somewhat small projects as was happening under the previous Liberal government.

So therefore, in working with industry and hearing them identify their concerns, the time was taken and the due diligence was done. When it became clear as well there was a need to move forward expeditiously, that was done.

Again, I point out that based on the standard line from the Official Opposition, if the government had not brought this legislation in now they would have criticized us for not bringing it in and, with bringing it now, of course, they criticize us for it being done too quickly and being done too late. So they have both sides of the coin covered, Mr. Chair.

I would note in some of these areas here — with regard to balance — I don't think there is a need to spend a lot of time debating this but the Member for Kluane, in reading his party's official position and talking about mining, was saying a lot of nice platitudes that are empty statements and I think that all will recognize them for what they are. The proof is in the action and the proof, of course, is in what members critique and the proof is in comments such as what the critic for the Official Opposition said, noting that in his opinion the government was "dishing it all up for one group" in this legislation. Again, I provided him the opportunity to clarify those comments. I noted, of course, that in my belief — and would suspect in the opinion of industry — they will consider those comments directed at the mining industry to reflect an anti-mining agenda.

I provided the member the opportunity to clarify his comments and to retract them; he did not do so. So, clearly, the position of the Official Opposition is that this legislation is dishing it all up for the mining industry. It's unfortunate that the Liberal Party still does not recognize the benefit that mining provides to Yukon citizens, and the fact that it has been one of the mainstays of our economy for many decades; in fact, since the Yukon was a territory, it has been key to our economy. In every period of economic success, the mining industry has been doing well and that responsible resource development will continue to be key to any future success of the Yukon.

I would note in terms of where the issues came from that, in the 2006-07 report of the Yukon Minerals Advisory Board,

in identifying their top priorities, number one was reform of the *Miners Lien Act* to facilitate access to debt financing for mine development while providing suppliers and contractors reasonable protection. That was a key issue; the government has acted on it. The legislation — which I hope we will debate in this fall session since it has been tabled, and I hope members will have an informed debate upon it — has been brought forward, as we should, in modernizing the legislation and reflecting the reality of today's financial markets and the way mines are operated today to prevent situations such as in today's modern age where mines often do not own the movable equipment on that mine.

The existing legislation that we're proposing amending makes reference to being able to seize those assets under a lien and does not provide the ability to exempt those assets when they are, in fact, contracted, as they are in the case of the Yukon's only operating mine. Therefore, that places contractors in jeopardy without providing any additional security to those who might have a dispute with the mining company for lack of payment of services.

I would point out that, in this particular case, it's a hypothetical situation since every indication so far by the Yukon's only operating mine has been that they make every effort to be a good citizen and work well with levels of government and with employees and contractors. We hope that will continue to be the case and that they will continue to provide the indication of following a high level of environment standards and being proactive in working with those involved and affected.

Returning to the Yukon Minerals Advisory Board annual report for 2006-07, another one of their top priorities was reform of the *Quartz Mining Act* with particular emphasis on the royalty regime thereunder.

And here we are. The legislation has been brought forward. Of course there have been comments since devolution about the way the legislation was working. But as I mentioned to the member before, without having a significant industry back in 2003, when this government took over the authority for these matters, it took some time to assess how the legislation was working and to come to that reasonable, informed conclusion, once the department was up and running and executing those responsibilities that it had newly received.

And I think in pointing these things out — I hope the member recognized the need for two of the top priorities — in fact, the very two first listed top priorities by the Yukon Minerals Advisory Board that we listen to industry; that we understand their arguments and we consider when they have merit and, in the case of this legislation and also the *Miner's Lien Act*, when it is necessary to move forward. And they are right that the existing legislation is badly outdated and places the Yukon at a significant disadvantage in attracting investment without providing any additional security for environmental reasons or for socio-economic impacts. The legislation we had, in fact, was worse for those purposes as well.

It is necessary to modernize the regime and to move forward in changing legislation that reflects language in many cases drafted in 1923 under the federal regime, Mr. Chair.

I hope that has provided some clarity in this area. I hope that members will reflect on and understand the need for the government to make the necessary changes to the regulatory structure, to attract that investment and to ensure that the environment is protected. In the case of the *Miners Lien Act* — which as I said is a related piece of legislation but of course not the one primarily under discussion today — but in helping members understand the reason for this legislative package I think it's important to note that both pieces of legislation are key in modernizing our legislation, in providing the security to contractors and, in the case of provisions such as under the *Quartz Mining Act*, the changes to the requirements for staking — the legal post requirement under the existing act we are proposing amending — there is no benefit to Yukon citizens and society or the environment in requiring a four-by-four post to mark a claim when an inch and a half wide post will do the same thing just as well and will result in less helicopter time to stake those claims, less carbon emissions and if the exploration company has money to spend, it will enable them to advance their exploration schedule and to do so more efficiently and in a more environmentally sensible manner.

Mr. Chair, I would point out that in other areas, again, one that I've mentioned is the requirement that currently exists — and we're proposing changing — that changes the amount of time that someone has for filing a claim based upon the distance they are from the mining recorder's office and the outdated provision that allows for an emergency mining recorder to be elected in an area where they were too far from a mining recorder's office. Both provisions, of course, in this day of modern technology are no longer necessary like they were 100 years ago.

I trust that has addressed the questions asked by the member opposite, and I look forward to further questions about what's actually in the legislation.

Mr. McRobb: It's unfortunate the minister's response didn't address the questions very adequately. In listening to him, it's obvious that he's very quick to jump to incorrect conclusions and will further those incorrect conclusions to an extreme statement, and I'll give an example.

The comments that he continues to recite and attribute to me, I've already explained were taken out of context. He refuses to acknowledge that explanation and he incorrectly assigns it to my position when, in fact, it was a qualified question to the minister. Then he further goes to the extreme and assigns it to the position of the Liberal Party.

I would explain to the minister that he knows full well that any one member cannot develop new party policy on the floor of this Legislature. There's a long process for that and I can assure him there is no policy within our party that can be deemed "anti-mining". Our policy represents a balanced perspective. We're fully in support of responsible mining in the territory and, as mentioned during my second reading speech, we do see positive change in this amendment act, and therefore any questions we might have in making a judgement should not be taken out of context. It's a waste of time for this Assembly, and I think we should all be above that. Now, secondly, the minister misunderstood, obviously, the issue of time available

for members of the opposition to review the legislation and respond to it as we are today in less than a week from when we first saw it, and the time the government had available to draft the bill. Those are two completely different things. For the minister to meld them together is as different as apples and grapefruit. There is no similarity between those two issues.

I asked him to confirm whether, in fact, this government had five and a half years to develop this legislation. He did not respond, so I assume that would be correct. That dates back to the date of the DTA. I pondered the question whether the government is really acting in a responsible manner, trying to persuade us to hurry up the bill when it indeed had five and a half years to do so, and have a good and thorough process and allow sufficient time for review — especially before we actually get to the mechanics of the bill, which we're facing right now.

So, Mr. Chair, I would invite the minister to dispense with the quick conclusions and the assignment of comments taken out of context and extrapolated further, to instead focus on providing information that's relevant to the debate.

I did ask him a question with respect to property rights. It wasn't sufficiently responded to so I'm going to ask it again.

Let's get into this issue, so I'm satisfied one way or another that it is being addressed. If it isn't, we can agree to disagree, but I'm not quite there yet.

My question to the minister is: what is in place to protect property owners from mining-related activity on their properties or in their neighbourhood?

Hon. Mr. Cathers: The problem with engaging in debate here in this Assembly is that the government side consistently runs into is that when we answer the questions, the members opposite — especially the Official Opposition — ignore the response and keep reading their script, saying, "The government didn't answer the question. The government didn't provide the information. The government didn't this, and the government didn't, the government didn't and the government didn't", and so on and so forth.

No matter how much information we provide, no matter how many times it is pointed out that the information is publicly available and no matter how many times a question is answered, the response across the floor does not alter. Again, I will specifically address this, so the Member for Kluane finds it harder to say that I didn't answer the question.

I will specifically answer his question around property rights. The protection that is available right now, as in most jurisdictions in Canada comes through the environmental assessment process and through consultation. In Canada, surface title and subsurface title are two different matters.

If the Yukon is to consider changing from this standard practice it would mark a significant change to the regime and it would require a longer consultation process with First Nations through the successor resource legislation working group and it would also require, of course, a significant amount of time consulting with industry and with Yukon citizens about the merits of any proposed change. As I mentioned at least once, but I believe several times earlier, the legislation we inherited at devolution, including the *Quartz Mining Act*, was legislation

that was federal legislation and was replaced. The Member for Kluane was here that session.

It was replaced by mirror legislation, as per our obligation under the devolution transfer agreement. We did not have the leeway to have different legislation — to substantively change those acts or even to change them — at that point in time. We had an obligation, as negotiated under the devolution transfer agreement, to put in place legislation that mirrored the federal legislation we were inheriting — or rather the responsibilities we were inheriting — from the federal government. We had the obligation to mirror the legislative provisions they had in place.

Of course, in the interests of general good governance — once a regime has come into place under your management — there is some time required to actually assess where the problems are, to hear the feedback from industry, which had been driven out under the NDP and Liberal governments that were immediately before us. The Yukon population, as members will recall, went from a high of roughly 34,000 people prior to the NDP coming into office, down throughout the course of their mandate and under the Liberals to a low of roughly 28,500 in the very early days of this government's first mandate, and it has now resurged by over 4,000 people.

The economy is doing well; we no longer have the double-digit unemployment that existed under the Liberal watch. We have had unemployment of under five percent for quite some period of time now. Yukoners are working, and Yukon citizens who left the territory are coming back to the territory because there's finally work here. I'm sure every member of this Assembly knows of people who left the territory because they just couldn't work; they just couldn't feed their families. And that, Mr. Chair, is the best, most significant and most major benefit of responsible mining: it creates economic opportunity for Yukon citizens to feed their families, to make a living, and to better the lot of themselves and their dependants and other family members.

So that is why we must take the actions necessary to permit responsible mining development and to make the changes necessary to attract that investment. And of course, as the Member for McIntyre-Takhini is noting, it's important that this work with other responsible levels of government: First Nation governments and, of course, the federal government, as well as municipalities and unincorporated communities.

All are part of the picture. All stand to benefit if mining occurs in a responsible fashion. All benefit when the Yukon attracts good investment into a mine that operates responsibly and, of course, as I've pointed out to members before, the rules that apply to mining development in Yukon are far different from the era when Faro occurred and when that took place.

As we've discussed the Faro situation, of course that mine provided a lot of economic benefit to Yukon citizens but it also left an environmental liability that I don't want to see and I think every member of this Assembly does not want to see ever left by another mine. That is why changes were made to the rules that are in place and that is why mines today are required to submit closure plans, which are not required in every jurisdiction. Mines here are required to have closure plans identified at the point when they go through the permitting process and

they are required to post security for the activities they get. We also encourage, which is not common in all areas, a process for them to do environmental reclamation throughout various areas of their site as they are doing their development — the benefit being that, if they finish working on one area of the mining project and if they complete the reclamation requirements for that area, they get their security for that area back. If they don't do it, of course they don't get the money back. If it's never done, they never get the money back, but we've taken the steps necessary to encourage responsible mining development and we'll continue to do so.

The comments that the Member for Kluane asked the last time he stood in this debate reflected a lack of awareness of the consultation that occurred, that was publicly occurring. It was on the Web site, it was advertised in the papers; the comments have been posted on the Web site and again, unfortunately, either the member has not read those comments or is choosing to ignore them.

I don't think there's a lot of point in this Assembly spending too much time debating the position of the Official Opposition as expressed by their designated critic — the Member for Kluane — that with this legislation, the Yukon government is quote, "dishing it all up for one group".

I've pointed out those comments reflect a very negative view of the mining industry and that they reflect an anti-mining agenda. I have offered the member, on behalf of his party as their critic, the opportunity to retract those comments and apologize for them. The member continues to say that they were taken out of context. I would encourage anyone who might be listening to this debate or reading it to review the context in which he made them. In or out of context, the statement made by the Member for Kluane was very clear. He said that, in bringing forward this legislation, the Yukon government was dishing it all up for one group — that being the mining industry. If the member is suggesting that he, as critic, is at odds with his party's position, it's a very strange statement. I will leave those matters to be dealt with by his party, if they truly have that level of lack of coordination and dissension within their caucus. I find it hard to believe and I suspect that in reviewing parties' respective positions on the *Quartz Mining Act* and their attitudes expressed toward mining in general, Yukoners will see that statement for what it is.

The Member for Kluane, the Official Opposition critic for this area, accused the Yukon government of "dishing it all up for one group" — that being the mining industry — in bringing this legislation forward. That does not reflect this legislation. It does not reflect the reality of it and it is unfortunate that that type of anti-mining statement is being made by the Official Opposition.

So, with that, I would again encourage the member to look at the legislation and engage in a debate on what the legislation is doing. I'm happy to answer any actual questions that relate to the legislation, but getting into the type of debate that has occurred so far this afternoon does very little to actually debate the policy merits of this legislation.

I can, if the members truly want it, spend my time going through all of my notes on this legislation and reading 20-

minute speech after 20-minute speech into the record to provide the information to the public, because they are not asking the questions they should be to actually discuss what is in the legislation, but that is also an unfortunate type of debate to get into.

This is a good piece of legislation. As I've said, the issues were brought to our attention by the Yukon Minerals Advisory Board, which, despite those who have suggested — particularly one newspaper report on the subject — that these individuals were paid for that work. They contribute their time to provide advice that, in some cases, particularly the work of mines, including Sherwood Copper that are past the stage of some of these issues being relevant to them. They have taken the time — and I would commend Sherwood Copper for their work and for the work of their president and CEO — to provide information about their experience going through the permitting process that really is no longer relevant to them but is for the benefit of other mines and the Yukon economy as a whole. They have provided us with a significant amount of work that is done free of charge and is useful to public policy, because they are doing more than their part in trying to be a responsible citizen of the Yukon and help the Yukon as a whole be a good place for mining and a good place for Yukon citizens to derive the benefits from that activity and I thank them again for that.

Mr. McRobb: Where do I start, Mr. Chair?

Probably with the minister's characterization of my comments, once again, even though they have been fully explained. Now, if I'm going to apologize, I'll apologize on behalf of the minister for misconstruing my comments. If I'm going to retract anything, I would retract my original expectations that this debate would somehow be responsible, and members would rise above such characterizations. End of story.

Now, with respect to property rights for land owners, have you noticed the minister's answer is changing? When I first asked the question, he went on to explain that owners of property were protected by processes currently in place. My second question examined that a bit further, and the minister responded, this time saying the government had no time to change the rules to adequately protect land owners. Well, Mr. Chair, it's a changing answer. Maybe his third answer will finally get it right, and we know what the right answer is. It's because the Yukon Party had no interest in the concerns of other Yukoners. Although it had five and a half years to do the work, it failed to do the work, Mr. Chair. In five and half years.

Now, the minister made a big deal of trying to put it statesmanlike about how the government was obligated to pass the mirror legislation, but somehow left the impression it was obligated to politically constrain the scope of this review. Let's just talk about that for a minute. There was no obligation to politically constrain the scope of the review on this act to exclude other issues of import to Yukoners — no requirement whatsoever. Mr. Chair, the minister challenged me earlier; I met that challenge. I'll put a challenge to him now. I would like him to prove how this government was constrained, how this government was forced into purposely constraining the scope of this review within the five and a half years it had available.

Two years ago, Yukoners were subjected to political rhetoric, something like, "Re-elect us because there will be a continuing advantage." Well, let's examine the past five and half years. The Yukon Party government has had the luxury of being in power when the bills — these responsibilities — were transferred to the Yukon Territory; they had the luxury of five and one-half continuous years in which it could have rolled up its sleeves and done the hard work to address all Yukon issues, or at least some of the issues of import to Yukoners, but it did not.

Now the minister wants us to cooperate in expediting this bill throughout because it's tough times for industry and we need to do it quickly. Well, Mr. Chair, I will agree that it is tough times for industry. We should do what we can to assist investment in the territory and to encourage economic activity and so on. What I don't agree with is this type of tactic by the Yukon Party to make us believe that we had to hurry to get it done. That's why we are excluding these other considerations and that's why we can't get a proper answer to our questions. That is why the minister can't take the time to provide us with correspondence that he has access to through the process leading up to this piece of legislation.

We need to get this bill right. Unfortunately, it seems we're between a rock and a hard spot to get this bill approved because, if we did take the time now, as the minister said, it would require lengthy public consultation that would certainly be beyond the ability of time that members have in this sitting to deal with it, probably beyond the spring sitting, and it would be at least a year and possibly two years or more away. I can understand the need to avoid that.

Again, what I don't understand or appreciate is this perception that the Yukon Party was working hard and we need to get this through and it was somehow obligated to not make changes. Let's be clear about something — we know the review was limited in scope by those at the political level. The officials in this department had no choice but to follow those directions. If they didn't, presumably, they'd be fired or suspended.

This government gave a direct order to those officials to narrow the scope of this review. I want to ask the minister: why did it do that?

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

All Hon. Members: Agreed.

Recess

Chair: Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 58, *An Act to Amend the Quartz Mining Act*.

Hon. Mr. Cathers: When we left we had just experienced yet another round of rather interesting comments by the Member for Kluane, the Official Opposition's critic on this file. Again, it is very discomfiting to hear this type of comment and vision from the Official Opposition. It is discomfiting to hear the comments that are negative toward mining. Again, the

member spent the first half of his response trying to back away from the comments he'd made, noting specifically that the government was "dishing it all up for one group," that being the mining industry.

The member spent the first half of his response, or his question, as it is supposed to be, trying to back away from his comments, trying to suggest that they were not really reflective of his position or his party's position. Then he spent the last part of his question suggesting that the government had no interest in other Yukoners and only addressed the interests of the mining industry in this. So he is back again to his comments of "dishing it all up for one group".

His colours and his position are showing, as is this example of the hard left turn of the Liberal Party in its policies toward mining, in particular, and it seems to be reflective of an anti-mining agenda. Now, that is not what they have purported to believe previously. But in numerous requests I have offered the Member for Kluane the opportunity to retract his comments and to apologize for them, and he has failed to do so, nor has his leader stepped in to clarify whether his critic is outside where the party is and why their caucus is seeing this type of divided approach on such a policy issue and this type of attack and criticism of the mining industry and the efforts of the government to listen to the responsible and reasonable issues brought forward by that industry.

In simplifying and clarifying the legislation, we are not doing anything for the mining industry that is out of context with what is appropriate practice. And it's not for the mining industry we're doing it. We are doing it for Yukoners who need and deserve the opportunity to benefit from jobs from mining activity.

We know the approach taken by the Liberals and NDP when in government. We know the approach taken by the government that the Member for Kluane was a member of, and we know that the mining industry left the territory, in large part.

The majority of it left; exploration dollars went to other jurisdictions and the Yukon had one of the worst reputations in the world for being a jurisdiction to invest in for mining exploration. So we seem to be seeing a return to that practice and that policy, and the Liberal Party seems to have taken a very hard left turn now that it has the Member for Kluane and his colleague who, I point out, was the architect of the Yukon protected areas strategy that was badly flawed and scared off mining exploration, caused the Yukon economy to take a massive downturn, and resulted in us losing over 4,000 citizens who fled the territory because there was no work and double-digit unemployment.

Some Hon. Member: (Inaudible)

Point of order

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

Mr. McRobb: Just to clarify the record, the member's talking about the NDP, the same party as his leader belonged to at the time.

Chair's ruling

Chair: There is no point of order.

Hon. Mr. Cathers: I know that the Member for Kluane is trying to distance himself from his record; however, again I point out that the Liberal Party actively recruited the architect of the Yukon protected areas strategy and the Member for Kluane, who clearly has a similar view of the mining industry, and that, in doing responsible legislation, says that by bringing forward this *Act to Amend the Quartz Mining Act*, the Yukon government is, and I quote, "dishing it all up for one group", that being the mining industry.

I point out for the member that his comments reflect a lack of interest on the part of the Liberal Party and a lack of respect for the comments brought forward by other Yukoners, including First Nation governments, other groups and private citizens, who brought forward their comments during this consultation process. The member keeps suggesting that we should have spent more time on consultation. I point out again there was a year in consultation on this legislation. Is a year of consultation not enough? For the member to suggest that the work that went on, the extensive consultation processes and periods on individual sections of the legislation was not enough time, is an astounding statement.

The members continuously get up and suggest that when consultation processes run by the Yukon government have gone on longer than that which was spent on the *Quartz Mining Act* amendment, they suggest that we're delaying consultation, that it's stalled, that somehow the review is not going well, et cetera, et cetera, et cetera, et cetera.

Yet when we proceed in the manner that was done in this case, the Member for Kluane suggests that we're ramming it through and not taking enough time, and we should have started earlier. Now, if we had started earlier, there is no doubt in my mind that the Official Opposition would have stood up and said that we haven't let enough time pass since devolution to actually do the work and assess how the system is working and how the regulatory environment was working under the new system with the recently received transfer of responsibilities to the Yukon Government. This type of debate, although it is not abnormal to hear these types of comments from the Official Opposition, it really does very little to serve the interest of public debate of the policies and legislation and their merits. It is interesting here to see this type of approach being taken.

Property rights — I know the Member for Kluane is desperate to try to make an issue out of that. Mr. Chair, I have pointed out to the member that what is in place under Yukon legislation was in place under the federal government for many years — over 100 years. For the entirety of the Yukon's history, the same rules have applied, in essence, with regard to surface rights and subsurface rights.

As I noted, we will not preclude or rule out the possibility of the changes to that or any other potential area of change to the Yukon's royalty regime might be something that would be discussed in a future review through the successor resource legislation working group and through extensive public consultation. That is a major departure from the status quo that has been in place for a century.

The rights of surface title have protections, including Yukon Surface Rights Board, which has a legislated mandate to

resolve conflicts between those who hold rights to surface property and those who have subsurface rights. There are processes, including the *Yukon Environmental Socio-economic Assessment Act* — again federal legislation, independent board with representation appointed by First Nations, by federal government, and by the Yukon government. These are but a few of the processes that exist and this does not even include the processes for public input and review that occur with quartz mining permits, with placer mining permits, with water licences, et cetera. There are many public processes to go through and for the member to be trying to raise this issue now — well, we know the member is simply reading from the sheet brought forward by the Yukon Conservation Society.

And while I respect the Yukon Conservation Society's perspective, I would point out that when a previous government — when the NDP went too far in following that sole source of advice and not considering other Yukon citizens and the effect on the Yukon economy, that was in part what led them down the path toward their flawed protected areas strategy; what led them down the path to scaring industry away from Yukon; what led them down the path to putting the Yukon economy into a hard nose-dive; and what led them down the path to causing double-digit unemployment and over 4,000 Yukon citizens to leave the territory because there was no economy.

It's very disappointing to see that the Liberal Party has taken such a hard left turn and endorsed these policies, which have been proven to be flawed, and is again taking their notes and their script from a group that has not reflected the full interests within the public. Again, I respect their perspective; I share their desire to ensure that the Yukon environment is protected, but their comments do not reflect the interests of all Yukon citizens, and they do not recognize some of the realities of the process.

We'd be happy to provide them with clarification, should they wish it, through officials, and provide them with information to help them better understand the way the system works, but we are not going to listen to a flawed analysis as our primary source of advice, like the Member for Kluane and the Liberal Party are doing.

Now, Mr. Chair, one thing this afternoon has done — although we have not gotten into much debate on issues within the legislation, due to the Official Opposition critic continuously standing up and saying that questions that have been answered haven't, because it makes a nice script, I would speculate. One thing we have established this afternoon is the difference in this Assembly; the difference in vision, the difference in attitude toward the mining industry. We on this side of the floor — government — believe that responsible development can be done; we believe it should be done in the interests of Yukon citizens; we believe that, done right, it provides significant net benefit to Yukon society. It is important that we modernize this legislation. It is important that Bill No. 58, which we are debating today — or should be debating today — be about making sensible changes to the structure.

It is important that the Member for Kluane actually listen to the fact that based on legal advice that to do a broad review of the act and change provisions relating to the overall regime

would have triggered a much lengthier consultation process and development process which would have left the Yukon as clearly it would have been under the Liberal watch if they were here — it would have left the Yukon floundering in this time of global economic uncertainty, instead of taking the necessary steps to modernize and clarify our legislation and the provisions within that legislation — the royalty provisions, the administrative provisions — and provide a very clear, straightforward process so that someone who is looking at investing can actually look at the rules and understand what they mean.

Going back to the days under Faro when the royalty provisions that we are currently proposing an amendment to were constantly debated in court between the mining company and the federal government — for us to go back to those days makes no sense. For us to stay in those days makes no sense. The proposed change to the royalty provisions, as I have stated before, makes the Yukon government, makes the Yukon as a jurisdiction, competitive nationally, but it is not the lowest royalty rate.

It is among the lower end, as we think it should be, but it places us toward the more competitive end of average. That is because we believe we don't need to be the lowest royalty rate in the country to attract investment. We believe that we need to be close. We need to be in the lower end of the royalty rate to be competitive and attract that investment. First and foremost, clarifying the administrative provisions, clarifying the rules and clarifying what the royalty rules are is key to having responsible investors — intelligent investors — coming forward and saying, "Yes, we will invest in the Yukon and yes, we will develop the mineral resources in a manner that is responsible and provides jobs to Yukon citizens, and gives our company and shareholders the opportunity to benefit." But it is in a way that fits well with the fabric of Yukon society, because the Yukon, as a jurisdiction, is a good place to do business.

We are focused on the Yukon being a good place to do business. We are focused on bringing forward Bill No. 58 and such other steps as may be necessary to ensure that our rules are clear and straightforward, and that we are a good place to do business.

Part of being a good place to do business means protecting the interests of all Yukon citizens. That is what we have done. The Member for Kluane, the Official Opposition critic, reflecting the Liberal Party's position, keeps suggesting that we are, as he said, "dishing it all up for one group," with this legislation and reflecting only the interests of mining industries.

The member cannot point to a part in the legislation that does that because it isn't there. The member is engaging in empty rhetoric. The member is making assertions.

Chair's statement

Chair: The Chair feels the comments are getting a little personal in manner and the Chair would prefer that wouldn't happen.

Hon. Mr. Cathers: Thank you, Mr. Chair. Allow me to rephrase that then. The Official Opposition is taking an approach in their debate brought forward on to this floor that is very unfortunate.

Their position, as stated by their critic on the floor, is that this legislation reflects the interest of only one industry. Again, I point out — I reiterate that they cannot point to a part in the act that shows that because it isn't there. This is a balanced piece of legislation. The development of this legislation listened to all Yukon citizens who chose to comment. The development of this legislation included working with First Nation governments.

I would point out to the members opposite that in developing this legislation, in moving forward for the changes to the mining sector, one of the primary beneficiaries of the work that is being done right now — the mining that is occurring at the Minto mine through Sherwood Copper — a significant share of the benefits is going to the Selkirk First Nation. The First Nation is deriving revenue. Its citizens have employment through the work of training. They have been brought forward, and they are enabled to take the opportunity of those jobs. This is of good benefit to the Selkirk First Nation as a government and to its citizens. They see the benefits, and we see this as an excellent example of how a mine — and, of course, each situation is different — but we see it as a good example of how a mine can work with a community, can work with responsible levels of government and come to an outcome that is mutually beneficial.

That is, the mine's making a profit, their shareholders are making profits, the citizens in the area have the opportunity for jobs, and revenues are flowing to the communities and to responsible levels of government. It's unfortunate that the members of the Official Opposition see this as a bad thing. We see this as a good thing.

Mr. McRobb: Well, once again the minister has chosen to give us his version of events and history that we simply cannot agree with. It doesn't resemble reality or the facts of the matter.

Unparliamentary language

Chair: Order please. Mr. McRobb, you know that terminology isn't allowed in this House. I'd ask you to refrain from that.

Mr. McRobb: Thank you, Mr. Chair. The minister's historic recount completely avoids a number of the true reasons for the previous economic collapse.

Some Hon. Member: (Inaudible)

Point of order

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

Hon. Mr. Cathers: The Member for Kluane is challenging your ruling by suggesting that my version of history avoided the truth. That, of course, is an accusation that a member is lying.

Chair's ruling

Chair: I feel that there is not a point of order, but I would encourage members to maybe be a bit more respectful to each other during this debate.

Mr. McRobb: Thank you, Mr. Chair.

The minister's recount ignores the reasons for the previous economic collapse. The main reason was the closure of the Anvil Range Mine at Faro. By some accounts that single mine was responsible for about 40 percent of the Yukon's economy. Why did it close? It had absolutely nothing to do with what the minister believes. It had to do with falling commodity prices — the price of zinc and lead.

If the minister cares to go back to about 1997-98 and look at the commodity prices, he will learn the real reasons why the mine closed. In addition to that, the junior mining market seized up. Has he not heard of the Bre-X scandal? Well, basically it cast a huge black cloud over the entire junior Canadian mining industry and finding any financing became impossible. But we don't hear about those reasons, Mr. Chair. Instead, the minister connects it to previous government policy and then amplifies that incorrect conclusion to something it never was.

The minister continues to misunderstand my previous comments and quote them out of context. I feel that has been dealt with adequately and deserves no further response.

The minister's explanation with respect to property rights included citing several boards that are in place and are mandated to deal with property rights disputes. However, it completely failed to mention that each one of those boards has to deal with the law and the law in this case is this very act. The process is only as good as the constraints and the limited parameters in which they must operate. This act is one of those constraints. It can't go beyond this act or any other act. That was the intention of the questions with respect to property rights of Yukoners, businesses, farmers and so on.

I sense that there is no appetite from the minister or his colleagues to address these matters of concern to Yukoners, nor is there any time to deal with them. As stated earlier, I gave the option that perhaps we can agree to disagree.

That seems to be what this particular debate on that matter has rendered. I would be interested to hear if the third party pursues this and whether or not there is any discussion worth following up on after that.

I suppose the same goes for any one of the issues that were eliminated from discussion during the review. There simply is no time to deal with them at this juncture. Each one would require extensive consultation with Yukoners and if indeed we are under time constraints to pass this bill, obviously it is not an option to pursue those other matters. For example, one of the constraints we must live by is the current House rules with the guillotine clause. This means that on the final day of the sitting, debate is terminated and any bills that are on the Order Paper are simply voted upon.

So, obviously, there is no hope to include these other matters in this piece of legislation, and that's unfortunate. The minister questioned holding public consultation for a period longer than a year and somehow misunderstood that that's what I was suggesting. What I was suggesting is that the Yukon Party government had five and a half years to do the work necessary. Now, certainly, a public consultation is part of that work, but it's not all of that work.

The public consultation is usually the final step in drafting legislation. It's not the first step. There was nothing preventing

the government, four and a half years before it started the consultation, from rolling up its sleeves and doing the hard work to bring Yukoners together to try to address some of these outstanding issues, but it didn't.

The issue of property rights is still one of concern.

I know there were quite a few constituents who live near one of the communities in my riding who are quite concerned about a lot of staking activity in their neighbourhood. Last winter and spring, I attended some local meetings and actually assisted the mining proponent in explaining the activities to the local residents. If the minister thinks I'm anti-mining, he should've been present at that meeting, because if he spoke to the proponent, he would find out that my participation was in fact quite cooperative and, through my role, I helped local area residents to understand what was going on and what the next steps were. Upon a subsequent meeting with the proponent, we agreed to transfer information and so on.

So, Mr. Chair, some of these concerns can be ameliorated through the local actions of MLAs, but not in all cases will that happen. People need to understand what their property rights are, what their rights as a neighbourhood are and so on.

There are some issues with respect to staking. I hope they are adequately addressed in the regulations. I'm not even sure if they need to be part of the regulations because if this mining proponent is any example of industry in general, he was more than willing to meet the concerns of local area residents in adapting their activities to be more consistent with the values of local residents. I'm not sure if that work has happened from this government. We never hear a report on it. You know, there is one mechanism in the House rules to allow for ministerial statement but it has been so long since we've had one reflecting the policy of the government, especially with respect to mining, that nobody really knows what is going on and Yukon residents are feeling that pressure. I invite the government to revisit its policies and practices in that respect and to try to better serve the public interest.

So where does that bring us at this point? Well, I guess we could enter a debate about some of the other issues contained in the bill such as the royalty regime, and I presume we will get there. I think the third party is geared up for that debate. I would thank the efforts of some of the Yukoners who have contributed information about this matter. The Conservation Society is one such organization. By the way, Mr. Chair, I would like to correct the record on that. I don't believe that organization has put out any material with respect to property rights. If that's the case, then the minister is mistaken. I'm certainly not basing my questions on anything that organization put out on that issue. I haven't even seen that issue raised by that organization, so I think the minister needs to check the facts a little closer.

I think it's also incorrect to blame members of a public organization for the fact that Yukoners left back when commodity prices were low.

I won't engage in a discussion that attacks individuals who can't come to this Legislature to defend themselves, and I believe that's what I heard from the minister in his attack on this public organization.

Some Hon. Member: (Inaudible)

Point of order

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

Hon. Mr. Cathers: Mr. Chair, the Member for Kluane is not accurately representing what I said, and he knows it.

Chair's ruling

Chair: There is no point of order.

Mr. McRobb: Well, I'm wondering if there is really a point to this debate. It seems that not only the minister's officials were constrained in the review, but it seems that we're constrained in our review of items that might have been addressed by this piece of legislation, and it's practically impossible to address them.

So, like the officials, all we've got to do is deal with what's in the bill. And with respect to the royalty regime, I would just ask: has the minister run any forecasts of what the royalty from Yukon's only operating mine would be over the life of the mine, under this new scenario?

And I'd like to hear an explanation of that, particularly with respect to the benefit to Yukoners.

Hon. Mr. Cathers: Listening to the Member for Kluane, the member's comments illustrated, in fact, why NDP governments and those that call themselves Liberals — but seem to be as left as any NDP party — why such governments typically, nationwide, take their economies for a very hard downturn, and that being the lack of understanding of economies — the lack of understanding of how economies actually work. In hearing the Member for Kluane, as critic for the Official Opposition, suggest that the only reason the Yukon economy went downhill was because Anvil Range mine shut down completely ignores the fact that investors had lost the confidence to put money in the territory, that investors still had the confidence to invest in exploration in every one of our neighbouring jurisdictions: Alaska, British Columbia and the Northwest Territories, as well as other Canadian jurisdictions.

The member suggests it was all about mineral prices and one mine. Why then was exploration interest still strong in every one of the Yukon's neighbouring jurisdictions? Why did it flee from the territory with the saying commonly noted, "Last businessman in the territory, turn the lights out." That was the reality under the NDP and Liberal governments. That is the same policy we hear espoused here by the Liberal Party's critic.

Their lack of understanding of the fact that the Yukon adopted policies that scared off mining exploration investment explains —

Some Hon. Member: (Inaudible)

Point of order

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

Mr. Cardiff: On a point of order, Mr. Chair. I don't find the minister's comments relevant to Bill No. 58, *Act to Amend the Quartz Mining Act*. I believe that is what we are discussing, the amendments to the *Quartz Mining Act* — not

what has happened over previous administrations. I think we should be dealing with the *Quartz Mining Act*.

Chair's ruling

Chair: On the point of order, the Chair has given a lot of leeway today with regard to staying on topic. I feel quite strongly that the member was going to be focusing his comments back to Bill No. 58, because today's comments throughout the debate from both sides have been fairly far off topic. Mr. Cathers, you have the floor.

Hon. Mr. Cathers: Mr. Chair, the next words out of my mouth were going to explain why the Liberal Party does not understand the need to amend this legislation. Clearly, the fact that the member of the third party didn't understand the connection demonstrates questionable understanding on his party's part of the relevance to the topic of the comments I was making.

My point with regard to this specific legislation, the specific need to this amendment, is that the policy positions and criticisms brought forward by the Official Opposition this afternoon demonstrate a lack of understanding of how the mining industry works, what makes a jurisdiction competitive, what makes it fair and understandable for industry and investment and what drives investors to see a jurisdiction as a good place to invest, a good place to do business, versus what policies caused them to run for the hills and say, "Last businessman out of the territory, turn the lights out."

Again, unfortunately, we have been this afternoon — all afternoon — significantly off the topic of the legislation during much of the debate because we've ended up in a debate on the Liberal Party's policies toward mining, on their negative attitude toward mining, and their belief that this piece of legislation is — and again I am compelled to quote: "dishing it all up for one group."

Mr. Chair, the only group that this legislation is dishing it up for is Yukon citizens. This is a good amendment to the existing legislation. It will clarify the regime. It will clarify what the royalty rules are. It will clarify what the administrative provisions are. It will simplify those provisions and remove those that create unnecessary complexity and cost, such as the requirement for four-by-four posts to stake a claim — provisions like that that do nothing for the benefit of Yukon citizens and that in no way, shape, or form improve the environmental effect and interaction of a mining development or an exploration development and in no way, shape, or form create a net benefit to Yukon society.

So why would we not move forward with changes to the administrative provisions that eliminate unnecessary costs and eliminate unnecessary carbon emissions through wasted helicopter time and other transportation means? Why would we not remove those provisions that cause an unnecessary burden to industry and create no benefit in themselves to Yukon society and no increased protection to the environment in any way, shape or form? We're getting rid of the provisions in the legislation that don't make sense and we're replacing them with provisions that do make sense, that do protect Yukon's interests, and that do allow mining companies and exploration com-

panies to face less administrative burden and red tape that, in and of itself, has done nothing to protect the public interest any better than the simplified, clarified provisions do.

The Official Opposition has said that we engaged in consultation on this legislation for too long, that we should have done it sooner and we should have done it quicker. Now, the members need to make up their mind. They've got to decide whether they say it takes too long or it was not long enough, because, in fact, they've said both in this debate about this legislation and this consultation process.

Not to mention that every consultation process the Yukon government engages in for every piece of legislation that has occurred in not only this mandate but the one before, the Official Opposition stands up and they will either say that we took too long or we didn't take long enough. Sometimes different members say different things. So in this case, what we are doing is we are relying on what Yukon citizens tell us about this legislation, what those who contribute to the public process tell us and responding to the issues that they identify, and responding to any feedback they provide us about the consultation processes. Again, I point out that with all of this, with this consultation process on the *Quartz Mining Act* amendments, we have gone over and above what legislation and policy actually require us to do in the interests of trying to provide increased opportunity for First Nation governments, for industry and for the general public to provide their comments into this process and to engage in meaningful work on the policies being changed.

I will reiterate, because the member keeps trying to stray away from the legislation and tries to suggest that the scope of the amendment was limited for some ill-advised reason or for political purpose. It was based on legal advice that if we strayed into some of the areas of the act that the member has demanded that we go into, that would trigger the extended consultation requirements and policy development requirements through the successor resource legislation working group process and all the extensive consultation and public process that attaches to that process. This would have put us in the position of being left waiting for something to come forward. We would not have been able to take this action that needs to be taken to ensure that Yukon is a competitive jurisdiction and that we attract responsible mining investment and development.

The member in representing the Official Opposition fails to recognize the need to remain competitive, to clarify our rules and to do things in a timely manner, rather than waiting forever perhaps, until the members have satisfied themselves that consultation processes have taken long enough. Again I point out that when consultation processes do get extended to provide more opportunity for public input and First Nation input, the members then are the first ones to stand up and suggest that the government shouldn't be taking so long on the review of that legislation.

So, in talking about this amendment to the *Quartz Mining Act*, the Member for Kluane, in representing the Official Opposition Liberals, is standing up and calling for changes to the legislation, saying that we should have contemplated changes. And what I believe the member is saying is that his position is

that the Yukon should abolish the free-entry system of mining. If that's his party's position, if he wishes to reiterate that, then let his party do so. Anyone in the mining industry will condemn the Official Opposition for that position. That's unfortunate to see them, whether directly or indirectly, saying that we should go down the road of abolishing the free-entry system of mining.

Mr. McRobb: The minister likes to summarize the questions that have been put to him and try to apportion a certain percentage of our comments a certain way. Well, he failed to respond to the question I put to him regarding the royalty regime. Instead, he was focused completely on attacking the messenger. And after all, that's what we in the Official Opposition are, and the third party: we're messengers on behalf of Yukoners, and we bring those concerns to the floor and put them in the way of questions to the minister. But instead of getting responsible answers regarding those issues, it seems the minister has engaged in this attack game, and it's leading nowhere. It's leading nowhere, Mr. Chair. And once again, I've got to question the validity of this whole process.

I'll stand down and let the third party have a try, and I wish them a little better luck, and would encourage the minister to lighten up a little bit, and maybe we can get somewhere.

Hon. Mr. Cathers: The Official Opposition never hesitates to criticize the government, never hesitates to attack our policies, and even attack individuals in the government, but they do not respond well to criticism of the statements they've made, to criticism of the policies they have put forward, and to the specific criticisms of our policy that illustrate an attitude in their party that in this case, of course, is very much against the interest of what Yukoners and the mining industry have expressed and policies and positions that reflect an anti-mining attitude, an anti-development attitude.

The record of the member's comments of the Official Opposition's position as expressed this afternoon are very clear. I hope that the mining industry will read them and understand clearly the Liberal Party's position and provide the members the feedback that they should receive that hopefully will cause them to see the light and the error of their ways and move away from their anti-mining attitude, which is not in the best interests of the Yukon economy and Yukon citizens.

I hope that when the third party rises to ask questions we will engage in a more productive debate. I am cautiously optimistic that we will because we sometimes see good questioning and reasonable questions come forward from the third party, although I would note to the Member for Vuntut Gwitchin that it is not by any way, shape or form always the case. We will give credit where credit is due and sometimes we do hear fair, reasonable policy-based questions from the NDP. Although we may not agree with their position, at least their position and their policies tend to be a lot more clear than that of the party that sits to their right, but acts to their left — that being the Official Opposition Liberals.

Mr. Edzerza: Well, I guess I would like to start out by thanking the staff in the department for all the hard work they do and definitely for the patience they have to demonstrate in listening to this debate. I find it kind of odd that the minister

would try to butter up the NDP after poking them in the eye all afternoon when they weren't in the debate. However, one just has to sort of try to understand where it's coming from.

Mr. Chair, I guess I have to make some comments to what the minister standing on the other side of the floor has been criticizing the opposition about all afternoon. I would like to start out by clarifying some of the comments that were made. The minister referred to the opposition as "anti-mining" all afternoon — not so.

The NDP is not against mining. That's clearly demonstrated from the years of Faro days and Elsa days. Most of us worked in the mines and we have a lot of respect for any endeavour that has been able to help us provide for our families. Why would we condemn mining when we worked in the mines most of our lives?

So, again, I point out that the whole technique that the minister has demonstrated all afternoon for debate was to constantly poke the opposition, to try to spark a negative approach to this whole afternoon, which is unfortunate. The NDP, like I said, is not against mining but does question destroying the environment at all costs. Now it appears the minister would destroy every lake, river and forest if it meant that they were —

Some Hon. Member: (Inaudible)

Point of order

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

Hon. Mr. Cathers: The Member for McIntyre-Takhini, in suggesting that I as minister would support destroying every lake, river and forest is clearly imputing unavowed motive and one that I am very much against, of course, in contravention of our Standing Orders. I believe the specific Standing Order is 19(g): "imputes false or unavowed motives to another member."

Chair: On the point of order —

Mr. Mitchell: I was going to speak to the point of order, but if you are —

Chair: Are you raising another point of order, Mr. Mitchell?

Mr. Mitchell: I was just going to suggest that there is no point of order, Mr. Chair.

Chair's ruling

Chair: I don't really need advice on this right now.

There isn't a point of order but the comments definitely are personal in nature. I find it unique that the member just stood up to criticize and then did the same thing. I would hope that both sides could maybe cooperate in a positive way. Mr. Edzerza, you have the floor.

Mr. Edzerza: Thank you for that ruling, Mr. Chair, but one can't help but come to some conclusion along those lines by listening to the debate here today and that's what I was referring to.

At all costs it appears the minister would want to open a mine just so that it can be stated that under their watch they opened up a mine. If that is the case, and with a right-wing government constantly in the driver's seat, I would say that is a

very dismal and bleak outlook for the future of our children yet to come in this territory.

Mr. Chair, I ask the minister now: does the minister truly consider the environment important? Is it important enough to say to a mining company that may be jeopardizing the Yukon River's fish that no, we are not going to agree with that mine?

Hon. Mr. Cathers: Mr. Chair, the environment is of tremendous importance to me, as it is to most if not all Yukoners. The protection of our ecosystem and the preservation of it for us and future generations is of foremost importance. Where this government and I differ from some of the members opposite is in believing that development can occur responsibly, versus their position where they seem to believe development cannot occur and that it is better to simply shut down all development.

There are certainly some cases, some potential mines and some potential projects that could come into being that might not meet environmental standards, and if they do not, then those mines will not be permitted.

The Yukon government, as long as the Yukon Party is here on this side of the floor, will not allow the preservation of our environment to be jeopardized in the interests of economic development and mineral development. The distinction between ourselves and the Liberals and the NDP is that we believe that mineral development can occur responsibly and that appropriate standards can, in most cases, be taken to develop a deposit in a way that is responsible and does not jeopardize the Yukon environment or Yukon wildlife. And we believe that it must be done.

Mr. Chair, I trust that has addressed that issue.

I would point out, in reference to the Member for McIntyre-Takhini's initial comments in his statement, that I did not in fact suggest that he was anti-mining. I recognize that when the NDP was in government, the Member for McIntyre-Takhini was not there and, in fact, the Member for McIntyre-Takhini was with the Yukon Party after that period in time. And I was giving the member the benefit of the doubt that he realized that the NDP had failed economic policies and a failed approach to the Yukon and that, although he has chosen to join them now, perhaps rightly or wrongly, he felt that their attitude had changed. So I was giving the third party, the NDP, the benefit of the doubt that maybe their attitude has changed from where it was.

However, the Liberal Party, including the member who, as minister, was the architect of the protected areas strategy — including the Member for Klwane with his expressed attitude toward mining — clearly has an attitude that is not in favour of mining and has expressed opinions that suggest that we should abolish the free-entry system of mining.

Now, the Member for McIntyre-Takhini, when he referenced the debate earlier this afternoon and speculated how it reflected on the government's position — I'm really surprised that the member hasn't learned by now that if he listens to the Official Opposition too much, his vision of the facts will be somewhat obscured.

The Member for McIntyre-Takhini asked whether we'd open a mine at all costs. Of course not. The legislation does not

allow it, the officials and departments who have a legal responsibility entrusted to them would not permit it, and it would never go through the many processes which do exist, including the Yukon environmental and socio-economic assessment process, and the independent body that includes representatives appointed from First Nations, representatives appointed by the federal government, and a representative appointed by the Yukon. Those members are appointed with a responsibility outside of government agendas, outside of connection to the Yukon government or any level of government. They have a responsibility, which I trust that each and every member of that board takes very seriously, to ensure that the Yukon Environmental and Socio-economic Assessment Board and the designated offices thereunder do an appropriate assessment of environmental impacts and socio-economic impacts of each and every project and process that applies to it — rather, each and every project that applies through that process.

I trust that they do their jobs to the very best of their ability. I would point out that the citizens on that board come from a wide diversity of backgrounds and have, in many cases, long records of contributions personally to Yukon society and Yukon citizens. That board, of course, has legal responsibilities under federal legislation. We do trust them to do their job; however, we also recognize the role of the Yukon government as a regulator to consider those recommendations and determine whether or not they should be accepted, rejected or varied. That work and those responsibilities are taken very seriously by Yukon government officials, who have the responsibility to do that. I would hope that all members recognize that the officials who are entrusted with those responsibilities take them very seriously and, as they should, take it as a sacred trust placed upon them by Yukon society and they are responsible to Yukon citizens for it.

They will ensure that they do their jobs in an appropriate manner that protects and preserves Yukon's environment and protects and preserves Yukon society. This is not the early 1900s. This is not the 1950s. The rules, the legislation and the requirements are very different than they were then. As I have said many times this afternoon in debate, if members will review *Hansard*, they will note that I have stated numerous times and in almost every — if not every — instance when I have mentioned mining development, I have noted the need for responsible mining development. I have mentioned in detail or briefly, in almost every one of my comments, the need for mines to operate in a way that is environmentally and socially responsible, and in a way that provides net benefit to Yukon society and Yukon citizens. It is my position as minister and the position of this government that we believe there is opportunity for mining investment and mining development. We believe that it can be done responsibly. We believe that only responsibly done mining is acceptable. We believe that the rules can be met by companies. We work with them to help them understand what they have to do to meet those rules in as timely a manner as possible.

Mr. Edzerza: The minister constantly wants the debate to go in directions where we usually get called to order. He just did it again by making comments about me. I don't

believe the minister really has the authority or the knowledge to be able to determine what my train of thought is and what decisions I make on behalf of myself.

The minister constantly puts the right-wing governments on the back. I think the facts speak for themselves. The right-wing governments have had control over the economy for many years in Canada and the United States. Guess what? They crashed the economy. They crashed the economy in Canada and the United States, so they aren't perfect.

The minister should recognize that even his extreme right direction has its faults. They created chaos in Canada and the United States — the right-wing governments. So let's not put them up on too high a pedestal just yet.

I asked the minister a specific question about how he would deal with mines that may cause potential damage to the environment, and he stood up and said that he would definitely condemn them; they would not be in production, and so forth. Well, it just so happens that right in the territory today, another government felt that a heap leach mine in their traditional territory may jeopardize a very important waterway. But the Yukon Party government has overruled their decision and approved the mine. So much for those who believe that First Nations have control over their traditional territories — they don't. There is always a way to override a decision that a First Nation makes.

I am going to start to divert away a little bit from some of this debate, because I think it can just go back and forth and not be very productive.

Mining has long been one of the mainstays of the Yukon economy and it will continue to fulfill that role. Our job as legislators is to act on behalf of all people of the Yukon, present and future generations, to ensure that any mining activity in the Yukon meets three principal goals. First, it must be economically viable, with Yukoners deriving the best economic benefit possible from the operation. Second, it must respect and reflect the social values of Yukon people and our communities. Third, it must pass the litmus test of environmental sustainability. Put quite simply, that test is that any economic activity by the current generation must not compromise the ability of future generations to meet their needs and goals.

Does this bill pass that test? We believe it doesn't. We believe that there is a lot of haste here to push this bill through, and I have to agree with the House leader from the Official Opposition to some extent that, at the end of the day, it really doesn't matter what the MLAs on this side of the House say because if it comes to a vote, we lose. If it doesn't come to a vote we'll still lose, because of the guillotine clause. And I guess maybe that's one of the weaknesses of having a majority government. It's a simple fact that not all of the citizens of the territory are really represented. There's a lot who have to put up with anything that the government of the day wants to cram down their throats. There is no recourse to stop it. Sure the minister will stand up and say "We've got our mandate. They elected us."

Well, obviously not every Yukoner elected the Yukon Party. In fact, they lost some seats in the last election. There are more on this side of the House this term than there were before.

That ought to send a wake-up call to the minister that, you know, maybe you should start accepting the fact that there could be some amendments to a bill that you bring in here. It would clearly demonstrate that the government really cares about all citizens in the territory and not only the ones who elected them.

If you were to say to the opposition, "Well, yeah, you know, there is room here for an amendment, a friendly amendment;" that would send a pretty nice message out to all of the citizens in the Yukon Territory. But I have a hard time to believe that will ever happen. It was demonstrated with the amendments to the child welfare act. That was a good example of how a very large number of citizens in this territory had to accept what was being crammed down their throats because there was no recourse to be able to make some really good, constructive amendments to that bill.

I see the same thing happening with all the bills that have been presented. In fact, I sometimes question why one would even want to debate them, because at the end of the day, all that happens is that there are all kinds of criticisms thrown across the floor at each other. At the end of the day, we have not been heard. We're not being heard by the government. The real fact of the matter is that we are constantly being ridiculed. A lot of the input we have — and want to be a part of — is ignored.

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

Chair: It has been moved by Mr. Edzerza that Committee of the Whole 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

Mr. Nordick: Mr. Speaker, Committee of the Whole has considered Bill No. 58, *Act to Amend the Quartz Mining Act*, and directed me to report progress.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

Hon. Mr. Cathers: I move that the House do now adjourn.

Speaker: It has been moved by the Government House Leader that the House do now adjourn.

Motion agreed to

Speaker: This House now stands adjourned until 1:00 p.m. Monday.

The House adjourned at 5:29 p.m.

The following Sessional Paper was tabled October 30, 2008:

08-1-83

Public Accounts 2007-2008 of the Government of Yukon for the year ended March 31, 2008 (Fentie)