

**Yukon Legislative Assembly
Whitehorse, Yukon
Monday, November 17, 2008 — 1:00 p.m.**

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

Prayers

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of National Addictions Awareness Week

Hon. Mr. Hart: Mr. Speaker, I rise today in the House to ask my colleagues to join me in recognizing the week of November 17 to 23 as National Addictions Awareness Week in the Yukon.

Monsieur le Président, j'invit tu aujourd'hui mes collègues à se joindre à moi afin de souligner la Semaine nationale de sensibilisation aux toxicomanies, du 17 au 23 novembre.

Every year for the past 18 years, the third week of November has been set aside by those working in the addictions field to help celebrate healing and education in the areas of substance abuse.

I am pleased, Mr. Speaker, that this government plays such a large role in this celebration. Employees from many different areas participate in the planning of the celebratory events for this week. This year, the theme of the National Addictions Awareness Week is "Living the good life", because we want to promote and celebrate the good work that happens within ourselves, our families, our communities and organizations when we start the healing process. It is also a good time to remind those who have been more fortunate of the struggles that others must face. Education and awareness are very empowering tools. Together they have encouraged many communities across this country and indeed across the territory to keep the circle strong, which has been the symbol of National Addictions Awareness Week since it began all those years ago. The symbol of the circle is used to encourage addiction-free lifestyles. Every year the campaign does more to empower individuals, families, groups and communities to take control and begin the healing process through the building of positive relationships.

Across the country, National Addictions Awareness Week organizers are working to build awareness and share positive experiences by those facing the challenges that addictions present. In the Yukon, those who do face those challenges receive support in many ways, and from many different groups and individuals. Without them, it would be a very lonely journey to healing.

Mr. Speaker, this government has made healthy communities one of its priorities. Through the substance abuse action plan, we continue toward the ultimate goal. It is fitting that we

join with others across the country to recognize and celebrate the successes this year — the big and the small — that we celebrate living the good life.

Merci. Thank you, Mr. Speaker.

Mr. Mitchell: I rise on behalf of the Official Opposition to pay tribute to National Addictions Awareness Week, November 17 to 23. The purpose of National Addictions Awareness Week is to provide information and materials and promote activities that will serve to raise awareness of addictions that affect so many people across our country.

There are many forms of addiction, Mr. Speaker. Addiction does not discriminate. It affects all races, gender, ages and cultures. Addictions are a devastating problem affecting many aspects of Canadian society. National Addictions Awareness Week is an avenue for effectively mobilizing communities to work together toward a common goal and to start taking action to build stronger, healthier, more caring and supporting communities.

The more comfortable we feel communicating with each other and discussing addiction-related issues as a family, community and a society, the better we will become at recognizing and addressing addiction-related problems. Although we are making progress, it is clear there is much work left to be done.

It is important to note that beating an addiction isn't as simple as just stopping. Recognizing an addiction problem and really understanding what lies behind it is often the key to recovery. Breaking a long-term habit and lifestyle takes tremendous strength and willpower.

To the people who are suffering from an addiction, please know that there are people who will help you. Be humble enough to accept the fact that you do need help. That's the first step to recovery. National Addictions Awareness Week is a time to celebrate the joy of living an addiction-free lifestyle. We would hope this one week of non-addictions would show some people that it really is a more satisfying way of life.

We hope that this one week could become the first week of the rest of their lives. We would like to thank the many front-line workers, volunteers, non-government organizations and counsellors who support the recovery and rehabilitation of people with addictions and give them hope and help them understand that each and every one of us is an important and valued member of society with a contribution to make.

National Addictions Awareness Week is a time to celebrate the joy of freedom from addiction while focusing on celebrating the success of recovery. We hope that we can create healthy people, healthy families, healthy communities and one healthy nation. Together we can work toward the elimination of substance abuse and addictions in Canada.

Mr. Edzerza: I rise on behalf of the NDP caucus to pay tribute to National Addictions Awareness Week. We are well aware of the statistics that show that substance abuse continues as a major problem in our territory, despite treatment programs. Relapse after treatment for addictions is very high. After-care support is scarce.

Addiction to gambling is a growing concern. In many cases, addictions to substances are replaced by gambling addictions when a person is determined to stop misusing substances. This is only substituting one debilitating addiction for another.

One solution to addiction treatment options that has proven valuable is community-based treatment centres. They are culturally appropriate for First Nations but are also based on healthy approaches to living that appeal to non-First Nations. This type of treatment is especially adapted to the Yukon, where our wilderness is an untapped resource for addiction treatment.

Another concept that is current and focuses on the consequences of use rather than use itself is harm reduction. Harm reduction is not advocating for the legalization of drugs. The most common definition of "harm reduction" is "measures taken to address problems that are open to outcome other than abstinence or the cessation of use."

For instance, in the case of alcohol addiction, people reduce harm to themselves and others by abstaining from drinking for a certain period, such as weekdays. The designated driver idea is a good example of harm reduction, as it is a safeguard that is promoted at F.H. Collins. In the case of drugs, an example is the syringe exchange program, such as Blood Ties Four Directions and methadone maintenance therapy, which has proven to be very successful in Vancouver.

Addictions problems affect each person and every community differently. The best response begins with an understanding of the unique resources available through the community and culture around us, and building on them. We must respond to addictions problems with creativity and imagination if we are to show progress toward a healthier lifestyle in the Yukon.

In recognition of National Restorative Justice Week

Hon. Ms. Horne: National Restorative Justice Week offers us the opportunity to reflect on the efforts made to find alternative ways to deal with harm caused by crime. The annual celebration of Restorative Justice Week was originally initiated in 1996 by the Correctional Service of Canada and has since expanded throughout Canada and the world.

Restorative justice seeks to repair the harm caused by crime by bringing together the community, victims and offenders to find solutions. Restorative justice recognizes the offenders harm victims, communities and themselves.

It is an approach that focuses on repairing and healing the harm caused by crime. It is grounded in values such as respect, inclusion, healing and compassion. It promotes community accountability and responsibility and responds to the needs of First Nation communities.

The theme for Restorative Justice Week this year is "Fostering a restorative worldview." This is appropriate as restorative justice approaches are increasingly being used globally to respond to challenges that exist in communities, places of work, schools, across countries and between nations. Last year, over 160 cities proclaimed Restorative Justice Week. As a government, we are proud to be working on solutions that are based on a restorative philosophy and to be working to ensure

that the positive impacts of restorative justice processes in the Yukon are being felt.

Through the correctional redevelopment strategic plan, we are promoting healing, offering support to victims and families and encouraging integration, while holding offenders accountable. We all have a role in creating safe and healthy communities, beginning with how we deal with conflict.

Many of us work hard to support restorative and respectful processes in our families, relationships and workplaces. It is hard work but the results are clear: more productive and healthy relationships, less bullying and victimization, and stronger communities.

We as a government would like to sincerely thank the individuals in the Yukon who are involved in restorative and community justice for their hard work and dedication to seeking local solutions and resolving conflict. These include people on the community justice committees, community justice coordinators, government and First Nation officials, families and individuals who take part in restorative processes, and our elders especially.

Günilschish. Thank you.

Mr. Cardiff: I rise in tribute to National Restorative Justice Week on behalf of both opposition parties today.

This is a week to celebrate in the Yukon. We are proud of the movement for restorative justice in Canada which had many of its roots in Yukon.

It is a concept that is based on aboriginal healing traditions. The fact that our First Nation population is over-represented in our justice system has spurred the judiciary and legal systems to embrace this participatory process.

Several years ago, some of the first victim/offender mediation efforts began here in the Yukon. This is a process that gives victims and offenders the opportunity to meet in a safe and structured setting with the assistance of a trained mediator. Victims have the opportunity to tell the offender about the crime's impact on their lives, and to participate directly in the healing options.

Another type of restorative justice that has been successful here is community conferencing, which originated in New Zealand, where the Maori have similar conditions to our aboriginal peoples. It is based on a shared community responsibility for the crime, the victim and solutions to the problem. Restorative justice is justice seen and heard by our communities. It has many mutually beneficial solutions to some very complex problems. When everyone involved is present, conflicts are resolved; solutions are committed to, and stand a much better chance of success in changing the individual. Communities live together in a safer, healthier environment thanks to restorative justice.

National Restorative Justice Week is an opportunity for all of us here in the Legislature and in the Yukon Territory to renew our commitment to the principles of restorative justice, and we offer our sincere congratulations to all those professionals, to the volunteers that are involved in restorative justice here in the Yukon and thank them for sustaining this productive and progressive movement.

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

INTRODUCTION OF VISITORS

Hon. Mr. Lang: I'd like to introduce this afternoon, Kimberly Nowlin and Brad Hoda from Whitecourt, Alberta.

I would also like to introduce Bonnie Dalziel, a long-time Yukoner. Welcome Bonnie.

Applause

Speaker: Are there any further introduction of visitors?

Hearing none, are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Mr. Mitchell: I have for tabling today a letter from a long-time Yukoner regarding the current policy for non-emergency medical travel and expressing concerns on any potential changes to such policy.

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

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motion?

NOTICES OF MOTION

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

THAT this House urges the Yukon Party government not to proceed with plans to introduce \$11.3 million a year in new health care fees.

I give notice of the following motion:

THAT this House urges the Yukon Party government to abandon plans to charge individuals with chronic disease and disabilities an additional \$1.1 million a year for the much-needed drugs and other medical supplies that are currently paid for by government.

I give notice of the following motion:

THAT this House urges the Yukon Party government to abandon the idea of charging all Yukoners a health care premium of \$54 a month.

I give notice of the following motion:

THAT this House urges the Yukon Party government to abandon its plan to force Yukoners to pay \$250 every time they travel out of the territory on non-emergency medical travel.

I give notice of the following motion:

THAT this House urges the Yukon Party government to reject plans forwarded by the chair of the Yukon Hospital Corporation to increase privatization in our health care system by

using a public/private partnership, or P3, for new hospital construction.

I give notice of the following motion:

THAT this House urges the Yukon Party government to abandon its plan to force Yukoners to pay for cost overruns on the new Watson Lake Hospital with \$11.3 million a year in new health premiums.

I also give notice today of the following motion:

THAT this House urges the Yukon Party government to abandon plans to charge seniors an additional \$675,000 a year for the much needed Pharmacare service they receive from the government.

I also give notice of the following motion:

THAT this House urges the Yukon Party government to abandon plans to charge higher rates to seniors who live in Copper Ridge Place, Macaulay Lodge and McDonald Lodge.

I also give notice today of the following motion:

THAT this House urges the Yukon Party government to retain control of the Watson Lake hospital to ensure questions about the massive cost overruns will be answered here in the Legislative Assembly.

I also give notice today of the following motion:

THAT this House urges the Yukon government to:

(1) improve spending accountability on all capital projects currently underway and those still in the planning process; and
(2) explain the:

(a) evaluation process used for the feasibility and priority of various large capital projects;

(b) justification for which communities are receiving capital projects;

(c) justification for the difference between original contracted bid amounts and actual costs on many projects;

(d) justification of sole-sourced contracts on some projects and how this saves money;

(e) guidelines used in determining when a project is deemed to be completed within the budgeted amount.

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

THAT it is the opinion of this House that:

(1) various studies have shown that user fees in the health care system do not reduce costs;

(2) studies also show that it is mostly the poor who access less medical care when forced to pay extra charges; and

(3) user fees should play no part in any future health care plan for the Yukon.

I give notice of the following motion:

THAT this House opposes measures that would:

(1) increase the amount our seniors have to pay for long-term care; and

(2) make Pharmacare harder to access.

I give notice of the following motion:

THAT this House is opposed to charging Yukoners a fee when medical conditions force them to travel Outside to seek treatment and care.

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

THAT it is the opinion of this House that Canada Post should bargain in good faith with the Public Service Alliance of Canada so the 2,400 workers who perform clerical, financial, engineering and administrative functions and are currently on strike can get back on the job with a fair and equitable collective agreement.

Speaker: Are there any further notices of motion?

Hearing none, is there a ministerial statement?

This then brings us to Question Period.

QUESTION PERIOD

Question re: Health care review

Mr. Mitchell: I have a question for the Minister of Health and Social Services. Last week the minister released a review that looks at the future of health care in the Yukon. The plan is quite simple: raise taxes on Yukoners to cover rising costs. According to this report, the plan is to raise \$11.3 million a year out of the pockets of Yukoners. This includes a new health care premium to be paid by all Yukoners of \$54 a month. It includes jacking up rates for seniors living in Copper Ridge, making seniors pay more for their drugs and charging Yukoners \$250 every time they need to travel out — \$11.3 million in new fees that Yukoners will have to pay every year.

We don't support this Yukon Party government tax grab and we don't believe that Yukoners do either. Will the minister tell Yukoners today that this health care premium will not happen?

Hon. Mr. Fentie: It is a wonder how the Leader of the Official Opposition and indeed the opposition in general could ascertain from a very thorough and comprehensive review of Yukon's health care system that the government has plans to raise fees, implement premiums and all the other items that were tabled on the floor of the Legislature just moments ago.

The fact is, Mr. Speaker, the government has none of these plans whatsoever, but it's clear the opposition has missed the whole point. What the government is doing is, firstly, informing Yukoners of the overall environmental scan of their health care system. Secondly, we're showing to Yukoners, through a 10-year lens, where our health care system will be in a decade, what it's going to take for sustainability. Thirdly, it's so that we can make the business case to Ottawa for a continuance of what is making our health care system work today: the territorial health access fund.

So the members opposite have missed the point entirely. They've missed sustainability; they've missed the business case; they've missed the facts of our health care system and have gone on with some fabricated approach that the government has plans to raise fees.

Mr. Mitchell: Well, Mr. Speaker, what the opposition has not missed is that this report is full of recommendations to

raise fees. The Yukon Party health care blueprint released Thursday includes up to \$11.3 million a year of a tax grab. It calls for a health premium of \$54 a month for every Yukoner. It calls for a \$250 charge every time a Yukoner travels Outside for medical care. It calls for seniors to pay almost \$700,000 annually in higher fees for drugs. It calls for people with chronic health problems to pay more as well. This is this Yukon Party government's plan. We don't need a public consultation to tell us that Yukoners don't want to pay more for health care. The answer is obvious and the answer is no. We see now how the Premier plans to pay for the \$25-million hospital in Watson Lake — charge people more for health care. I'm looking for the minister to do the right thing — rule out these \$11.3-million increases right now.

Will the Health minister do the right thing and say no to these fee increases?

Hon. Mr. Fentie: What part of this does the Leader of the Official Opposition not understand? These aren't government plans, but the government certainly has the intestinal fortitude to show Yukoners recommendations that came from an independent review with input from the Yukon Medical Association, from the Registered Nurses Association, from departments and from the Yukon Hospital Corporation. There are 43 recommendations and, true to form, the opposition has found a way to focus on the most limited number of recommendations.

Frankly, Mr. Speaker, the member opposite has also stated now that this has something to do with the hospital in Watson Lake. It has nothing to do with the hospital in Watson Lake; it has everything to do with making the business case in Ottawa for a continuance of the territorial health access fund and ensuring sustainability of the health care system over the next decade and beyond.

As far as the government's plans, there are two: to make the business case and to ensure sustainability.

Mr. Mitchell: Mr. Speaker, the independent review was chaired by the former Health and Social Services and Finance deputy minister, and it includes the current Health and Social Services deputy minister, the current Finance deputy minister and the chair of the Whitehorse Hospital Corporation — that is the independent review. The future that the review envisions will see Yukoners reach into their pockets for \$11.3 million in extra health fees every year. Seniors will pay more. Those with chronic health care problems will pay more. Families will pay more and those who will need to travel Outside for medical care will pay more. I for one don't think Yukoners should have to reach into their pockets to cover the costs of the Premier's \$25-million hospital in Watson Lake. Yukoners should not have to pay for this government's fiscal mismanagement, their bad investments. Will the minister categorically rule out these fee increases, or is he confirming today that these fee increases are already a done deal. Which is it?

Hon. Mr. Fentie: Well, we know one thing, Mr. Speaker, and that is the Leader of the Official Opposition should pay more attention to the facts. Here are some facts, Mr. Speaker. To suggest that we are somehow going to access premiums from Yukoners to cover costs in health care flies in the face of this evidence: under previous governments, before the

Yukon Party government came into office, the health care expenditures in this territory were at a low of \$139 million. Under this government's watch, we have been filling the gap created by past governments underfunding the health care system to the tune of \$219 million as of the recent fiscal year. That is an increase of \$88 million, a some 67-percent increase in investments in our health care system — not by increasing fees to Yukoners, but by good, sound fiscal management. That's what the members opposite should pay a lot more attention to.

Question re: Health care review

Mr. Mitchell: Well, the Premier is now resorting to his favourite approach, "Let's blame former governments." Here are the facts: this report that we've all received is riddled with recommendations that talk about increases: increases in health care premiums. Imagine tomorrow: \$11.3 million in new health care fees. The Yukon Party government thinks seniors should pay higher drug costs. It thinks families should pay a monthly health care premium. It thinks Yukoners should pay every time they go to Vancouver to see a medical specialist. We in the Liberal caucus don't agree. Yukoners should not be forced to pay for the cost overruns of the Watson Lake hospital. They should not be forced to pay for this Premier's bad investment decisions.

Another recommendation in the report is that the government should use a public/private partnership for new hospital construction projects. The Premier keeps saying he will not use a public/private partnership for new hospitals, yet here it is again coming forward from the hand-picked committee.

Will this minister, for once and for all, rule out the use of public/private partnerships for new hospital construction, or will he blame it on an arm's-length corporation?

Hon. Mr. Fentie: Well, I think, firstly, we should allow the member some time to collect his thoughts and gather his emotions. However, no, the government has no plans to increase premiums. No, the government has no plans for privatization of the health care system. What the government does have is a plan to ensure sustainability and make the business case in Ottawa.

The member opposite is trying to get Yukoners to believe that in this report, that's all this is about. I challenge the Leader of the Official Opposition to look at this report and what it's really about, and what has been happening in our health care system up until this point in time, and where our health care system is going into the future.

This government has a plan to ensure sustainability and make the business case. The members opposite are floundering around, trying to invent something that isn't happening.

Mr. Mitchell: My emotion is outrage on behalf of Yukoners. Because they can't come here and express it, our job is to do it for them.

This Yukon Party government brags about good fiscal management, yet it is now being forced to turn to the private sector to help finance renovations at the hospital. If the Yukon Party government wasn't busy losing \$6 million in bad investments and turning a \$5-million health care centre into a \$25-million fiasco, there would be probably be plenty of money to fund the needed changes.

Mr. Speaker, the chair of the Yukon Hospital Corporation wants to move ahead with a public/private partnership for changes at the hospital. He said so this past summer. Now he has helped to author a report urging the government to accept this idea. The Premier has said he doesn't support this idea. Which is it?

Will the minister demonstrate that he is in fact the person who calls the shots in Health? Will the Health minister say no to the recommendations that we use the public/private partnership for health care projects? Will he stand up and respond?

Hon. Mr. Fentie: Once again, the member opposite is making reference to recommendations in a report that certainly isn't a plan of the government, regardless of who said what. But this government has good reason to present to the Yukon public the facts in detail of their health care system and what it is their government will have to manage going forward over the next decade.

It wasn't that long ago — mere days ago — that the Official Opposition was accusing the government of being closed and secretive.

The Leader of the Official Opposition went so far as to accuse and name officials in the public and say they were hiding information. Here we are with another example: evidence that the government is more than willing to present to its public full disclosure, and now the Leader of the Official Opposition has a problem with that.

Mr. Speaker, this government's efforts are toward the sustainability of the health care system and all that we have, meeting the five principles of the *Canada Health Act* and, furthermore, making the case to Ottawa of a continuance of the territorial health access fund. No to premiums; no to privatization. All the nonsense the Leader of the Official Opposition has brought forward is exactly that: nonsense.

Mr. Mitchell: This Premier shouldn't be referring to all the recommendations in the report as nonsense. He certainly seems to be rejecting them.

Another recommendation in this health care report is to transfer the Watson Lake hospital to the Yukon Hospital Corporation. The motivation for this is obvious. This project already cost the Member for Lake Laberge his job as Minister of Health and Social Services because he mishandled it so badly. The Yukon Party government has taken a \$5-million project and turned it into a \$25- or \$30-million fiasco.

Now they want to shuffle it off to the Hospital Corporation so they don't have to be held accountable for massive cost overruns. Nice try, Mr. Speaker. Yukoners want to see this project remain in the hands of this government so they can keep track of how much money is being spent and so they can get real answers in this Legislature.

I do feel a little sorry for the new Health and Social Services minister having to clean up all his predecessor's youthful mistakes. Will the minister agree to keep the responsibility for this project with elected officials instead of trying to pawn this white elephant off to the Hospital Corporation?

Hon. Mr. Fentie: Again, I am in wonder at how the Leader of the Official Opposition can somehow determine that meeting the health care needs of Yukoners is a white elephant

and a mistake by past ministers. Mr. Speaker, the Leader of the Official Opposition really has nothing to offer on this matter. That's a member and his colleagues who voted against the massive increases in health care over the last six years.

The Hospital Corporation, by the way, underfunded — we've now met a very important recommendation in the report of long-term stable funding for the hospital, taking the investment in the Hospital Corporation from \$20 million in 2002 to a projected investment in the Hospital Corporation by 2010-11 of \$38.8 million — almost double.

This member is talking about recommendations that we're presenting to Yukoners. The government has no plan to implement some of the recommendations; others we'll be looking at after we discuss health care with Yukoners.

What we have demonstrated and shown with evidence is our commitment to the health care system through dollars in each and every budget, increasing the overall investment in the territory to meet the health care needs of Yukoners instead of arguing with the Yukon public about someone's view or opinion. We are realistically dealing with health care in the territory.

Question re: Health care review

Mr. Edzerza: Mr. Speaker, I have some questions also for the new Health minister. The health care review has sparked fear in the hearts of Yukoners. The Yukon health care review recommends various ways to make Yukoners pay for their health care. Many studies have shown that it is a myth that user fees stop waste and ensure better use of the health care system. The Premier has stated this report is really only a paper for public discussion. Will the Minister of Health and Social Services assure this House that he agrees with the Premier's statement that he has no intention of imposing user fees?

Hon. Mr. Fentie: Mr. Speaker, you know, again, the report is very extensive and complex. It is a total environmental scan of the Yukon health care system. The members opposite have chosen to cherry-pick a recommendation. We the government have no problem presenting the report in its full detail — none whatsoever — because we don't have a plan to increase premiums or implement premiums. We have a plan to ensure sustainability of the health care system and we're showing Yukoners, through this review, what challenges lie ahead to make sure that sustainability can be achieved and to ensure that we make the business case with Canada, because, frankly, without the territorial health access fund under the per capita transfer through the Canada health transfer, the Yukon doesn't have a health care system.

Mr. Edzerza: Well, broken promises are starting to catch up with this government. One of the recommendations in this report is to charge health care premiums. Health care premiums were made free in the Yukon many years ago. This welcome move was made by an NDP government. The reason they were made free in the Yukon was that the cost of administration of the system of paid premiums was more than the amount taken in by the fees charged.

What has changed since the implementation of this policy that now makes it necessary to contemplate charging health care premiums?

Hon. Mr. Fentie: Well, Mr. Speaker, I can see that the text of the members opposite's questions have been pre-prepared, and they have no ability to recognize that government has stated now, a number of times here this afternoon, that it has no plans to implement premiums or raise fees to Yukoners. I don't know how we can say it any other way. That's what we've categorically stated, but we do recognize that there's a lot of work to be done to ensure sustainability in the health care system.

The government has tabled a motion for debate, for us to go out and discuss this issue with Yukoners. I'm hoping that the members opposite have some constructive input in that debate, but we're going to go out and have that discussion with Yukoners. That must be done, should be done. This is Yukoners' health care system, not ours, here in this House. It belongs to Yukoners, and our job here in the Legislature and as government is to ensure sustainability of a quality health care system, meeting our obligations under the *Canada Health Act*. Mr. Speaker, that's exactly what this report does in terms of the work conducted by all those involved, whom we thank. And you know, I really would caution the members opposite to not be too critical of the input of our medical professionals. That's who helped create this report.

Mr. Edzerza: Mr. Speaker, broken promises require questions to be asked many times. This disturbing report lays the groundwork for introducing the user fee health care system. Let us not pretend that it is anything else. The minister and the Premier can talk about consulting all they want, but we know this government seldom pays attention to what the people say during the consultations. The poor and elderly will be hit hardest by user fees — they are most in need of health care. In the long run, when people avoid seeking health care, it costs us all more over the long run as illness escalates and gets more serious. Will the minister assure Yukoners that our health care system will stay viable for the poor and elderly?

Hon. Mr. Fentie: Well, Mr. Speaker, here we go. "Broken promises," as the Member for McIntyre-Takhini has stated. Mr. Speaker, here is promise: this government is committed to sustainability of the health care system. This government is committed to ensuring the business case will result in a continuance of the territorial health access fund for Yukon. Furthermore, Mr. Speaker, where were the members opposite when this government took care of elders and seniors in the territory when we increased the pioneer utility grant and indexed it, when we provided affordable housing for seniors here in Whitehorse and throughout other communities in the territory? Where were the members opposite? They were opposing it. Where were the members opposite when we increased the health care system by 67 percent over the last few years? They voted against it, Mr. Speaker. How can that member stand on the floor and suggest anything otherwise? The government has taken care of Yukoners, taken care of elders, taken care of seniors, taken care of the poor through our investments — which the members opposite opposed each and every vote.

Question re: Health care review

Mr. Edzerza: This government is heading down a dangerous path of charging people for accessing basic health

care services. It has tabled a discussion document that recommends making people pay for health care premiums and medical travel. It recommends making seniors and long-term care patients pay more. It recommends making it tougher to qualify for Pharmacare. The documents say we can't afford the current system.

How does the Minister of Health and Social Services justify concluding that the only way to fix the problem of raising health care costs is to make the user pay?

Hon. Mr. Fentie: I can see this is fruitless. Once again, at the risk of being repetitive, I'll respond to the Member for McIntyre-Takhini that the government has no plans to implement fees or premiums with regard to the health care system. Clearly we've had a plan all along; that's why there's a 67-percent increase in the investment in health care in this territory, meeting the needs of Yukoners when it comes to quality health care and access to it.

I hope the members have not forgotten what the three territories had to do to ensure that Yukoners and northerners had access to quality health care, comparable services that all other Canadians have access to.

This report is a very detailed, comprehensive overview of the health care system in Yukon. It's something the members opposite should look a lot deeper into. It's a lot more than the issue of recommendations for premiums; it clearly shows where our health care system is and where it's going, and it's not unique to the Yukon. The challenge in this country that all jurisdictions will face is to make sure that our health care system — and the five principles under the *Canada Health Act* that we must meet — is sustainable. That's the work the government is doing.

Mr. Edzerza: Well, the public is losing trust in this government. It is clear the minister wants to tax the elderly and sick. This minister would penalize the poor for being poor, and the sick for being sick.

The question of user-pay health care was settled long ago in Canada. It is part of our identity. There are better ways of making the system more cost-effective. What other things is the minister considering to improve the health care system that is simply making people pay for medical services?

Hon. Mr. Fentie: If the member had read the report in any limited amount of detail, the member would have a lot more options of what's available in ensuring that our health care system is sustainable. The members opposite think that they can actually convince Yukoners that a government is going to implement premiums. Well, I can tell you categorically this government isn't.

It's a recommendation in the report. It's a report that is public. It's for the consumption and critique of Yukoners. It's their health care system. The government has no plans on increasing costs to seniors and the poor or to implement premiums — none whatsoever, but we're very, very focused.

What we're going to be working on is ensuring sustainability of the health care system. If the members had looked at it, and looked at it closely, they would see that there's a great deal of work to be done here in the Yukon and indeed in the country, in meeting the challenges of the health care system going

forward. And that is why we took a 10-year window in which to assess the health care system. That is why we've increased investment of some 67 percent to date. That is why we've provided the hospital long-term, stable funding. We already are acting on meeting sustainability in the health care system.

Mr. Edzerza: Well, Mr. Speaker, our office has got constant phone calls of concern, and this report has only been out for a few days. The public is concerned. The minister talks about setting up a committee to study the recommendations in this shocking report. He dismisses outright the creative possibilities that have been proposed by our own health care professionals. A collaborative clinic system is one such idea. It would save both time and money, by eliminating the need to book several appointments with several different professionals at several different locations. Preventive health programs that deal with nutrition and smoking cessation keep people healthy and out of the system.

Home care of patients, especially the elderly reduces hospitalization costs. These measures can also reduce the need for medical travel. Rather than setting up a committee based on the premise that the user should pay for health care, why is the minister not setting up a committee to look into finding more creative and less taxing solutions?

Hon. Mr. Fentie: Mr. Speaker, the member has now, again, put information on the public record that is totally inconsistent with what the committee structure was and what it was intended to do. It should be no surprise — the committee and this process were announced back in April of 2008, with the terms of reference on what the committee was going to do. I challenge the member opposite to find anywhere in that terms of reference that this work was to determine how to implement premiums. There was nothing of the sort. The member has also brought up the collaborative approach to medicare. Well, it is in the report and it is something that is on an ongoing basis here in Yukon already.

The member mentioned smoking. Has the member forgotten that recently this House has addressed smoking through a very significant piece of legislation and one of the highest tax regimes in the country on tobacco? That is a recommendation in this report.

Mr. Speaker, it is obvious the members opposite are on an agenda of misleading the public.

That's not what the government is going to do. It's about sustainability —

Some Hon. Member: (Inaudible)

Point of order

Speaker: Order please. Member for Mount Lorne, on a point of order.

Mr. Cardiff: The Premier knows full well that that's out of order. He just imputed motives on the Member for McIntyre-Takhini of misleading the public.

Speaker's ruling

Speaker: Actually, I think it was the whole opposition he was imputing, not just the Member for McIntyre-Takhini. That's out of order, Hon. Premier. You have the floor.

Hon. Mr. Fentie: My apologies, Mr. Speaker, but it's important that we deal with the facts in this Assembly.

Speaker's statement

Speaker: No comments, Hon. Premier. I just need you to stand up and finish your comments. No comments on my rulings though. You have the floor.

Hon. Mr. Fentie: Anyway, Mr. Speaker, I think what is at issue here is clear: the members opposite don't understand the health care system that they have the pleasure and fortune of having.

Question re: Wildlife management and protection

Mr. Elias: I see a time when our Yukon environment is given the priority and attention it deserves. I can see a time when we have stabilized our bison population, solved the dwindling Southern Lakes moose population, addressed the Porcupine caribou herd decline and hunting on the Dempster. I can see a time when the winter tick infestation of our elk herds is not an issue any more. I can see that time when the proper resources and direction are given to the department officials to get the job done and to do their good work. I can see a time when our charismatic megafauna around our great territory are looked after and there is no need for wildlife recovery plans.

I'm worried and many Yukoners are worried that it's not going to happen during this minister's time and watch. Can the Minister of Environment please explain to Yukoners when she intends to fulfill her departmental objectives?

Hon. Ms. Taylor: Let me be very critically clear on this particular aspect. This Government of Yukon is certainly working toward a pristine environment, one that respects the wishes of stakeholders and of all Yukoners, in terms of delivering a very sustainable environment for the benefit and enjoyment of all Yukoners.

A key commitment of this government was to develop and implement management plans that maintain our biological diversity. In this regard we have enhanced funding. We have actually quadrupled funding available for wildlife inventory work, which provides us with sound decisions on land use planning and develops up-to-date information on fish and wildlife populations, the availability of suitable habitat for the enjoyment of all Yukoners.

For this particular reason, we are carrying out surveys of many different species with many different projects with these additional funds. We are also carrying out a number of different, cooperative management regimes on wildlife populations throughout the Yukon, including certainly working with the Southern Lakes Wildlife Coordinating Committee in response to commitments under final agreements with First Nations and so forth. So we are indeed working toward this end.

Mr. Elias: Let us keep our promises. Yukoners expect our word to actually mean something. We must make and keep our promises to prepare the next generation of Yukoners and ensure that they are ready to inherit the challenges of a rapidly changing north.

I appreciate the Environment minister's invitation to accompany her to Poland for the upcoming United Nations

Framework Convention on Climate Change, and I thank her. To my fellow Member of this Legislative Assembly, I say to you today: we have more work to do. We have more work to revitalize our trapping industry. We have more work for our species at risk. We have more work to reduce our carbon emissions and more work regarding the terrible state that our chinook salmon fishery is in. Is the minister prepared to make the decisions necessary to ensure that Yukoners have a pristine environment?

Hon. Ms. Taylor: Well, not only are we committed to it, we are also obliged to do that for the benefit and enjoyment of all Yukoners. This government and this Department of Environment is working very soundly with a number of managers of our habitat, including the Yukon Fish and Wildlife Management Board, including a myriad of renewable resource councils, including First Nations, including the Yukon Fish and Game Association, including Ducks Unlimited and many other organizations to ensure that we work collaboratively on a pristine environment, again, for the enjoyment of all Yukoners.

Mr. Speaker, not only are we working with partners through the Porcupine Caribou Management Board, we are one of eight sitting at this particular table that is working toward the conservation of the Porcupine caribou herd, for, certainly, this generation and future generations to come. We are also working, again, with a number of different resources on a Southern Lake caribou recovery program — again, working with a myriad of partners on this Southern Lakes Wildlife Coordinating Committee.

Mr. Speaker, we are implementing management plans for wood bison, woodland caribou and elk. We are working with technical planning support for a number of different initiatives. We are very much committed.

Mr. Elias: The solutions to the challenges we face may not be perfect but generation after generation of Yukoners have shown that we are sure as heck going to give it a try. Yukoners need to know about the populations of our wildlife, the state of wetlands and protected areas, about the quality of the air and the fresh water throughout the territory. They need to know about the presence and quantity of contaminants in our ecosystem.

So when I put public pressure on the Environment minister to act on behalf of all Yukoners, I'm doing exactly what my job as Official Opposition critic directs me to do, what many, many Yukoners have asked me to do, and what my heart is telling me I must do. I don't want history to show that this government was weak, lost and non-compliant when it comes to the environment, because it reflects on all of us in this Legislative Assembly. Is the minister ready to fulfill her responsibilities under sections 47 and 48 of the Yukon *Environment Act*?

Hon. Ms. Taylor: Well, Mr. Speaker, I can appreciate the Member for Vuntut Gwitchin hasn't been in the Assembly for very long, but I certainly take my obligations as Minister of Environment very seriously. The Government of Yukon is working toward this end, toward a pristine environment — again for the enjoyment of all Yukoners, for this generation, and future generations to come.

Mr. Speaker, the member opposite speaks of sound decision-making based on sound inventories being made available. Under this government's watch, we have almost quadrupled the level of funding for wildlife inventories, inventories which include 12 projects on caribou, projects on elk. There are four projects on freshwater fish. There are projects including, for the first time in Yukon's history, an Old Crow Flats muskrat survey, on grizzly bears, as well as a multitude of inventory projects to do with moose — and the list goes on with respect to rare species of birds, sheep, habitat, including a community ecosystem monitoring program for the first time in Yukon's history.

This government is taking its obligations seriously. We are working to that end and we are very proud of the work conducted to date.

Speaker: The time for Question Period has now elapsed. We will proceed to Orders of the Day.

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 63: Second Reading

Clerk: Second reading, Bill No. 63, standing in the name of the Hon. Mr. Hart.

Hon. Mr. Hart: I move that Bill No. 63, entitled *Act to Amend the Seniors Income Supplement Act*, be now read a second time.

Speaker: It has been moved by the Minister of Health and Social Services that Bill No. 63, entitled *Act to Amend the Seniors Income Supplement Act*, be now read a second time.

Hon. Mr. Hart: I'm very proud to speak on this initiative to amend the *Seniors Income Supplement Act*. This is another area where this government is working hard to ensure a better quality of life for Yukoners and, in the case of this particular amendment, a better quality of life for Yukon seniors.

Monsieur le Président, members honorables, je suis très heureux d'être de retour à l'Assemblée législative pour représenter mes électeurs de Riverdale Sud.

Mr. Speaker, today it gives me great pleasure to debate the act that is before the House today. This government stands ready and able to manage the public finances prudently and responsibly while we continue to make strategic investments that put Yukoners first.

In October 2006, we presented Yukoners with a vision of the territory in our election platform, entitled *Building Yukon's Future Together: A Clear Vision for a Bright Future*. From our platform, our government's vision is based on four major pillars: achieving a better quality of life for Yukoners; protecting and preserving our environment; promoting a strong, diversified private sector economy; and practising good governance with strong fiscal management.

There are many, many things this government is doing to implement our platform. We have increased the pioneer utility grant, and we have indexed it. This has ensured that seniors

will continually see increases to their pioneer utility grant as inflation increases.

In terms of housing for seniors, this government has made large investments to ensure our seniors are comfortable in their living space. For example, here in Whitehorse we have a legacy from the Canada Winter Games that is a seniors facility up at the college. This is a building with beautiful bright rooms and all the amenities such as a large lounge, with not one, but two fireplaces in it. This is a fine new building for seniors. I know many of the seniors within that facility, and they have expressed great pleasure with being in that facility. If members opposite have not been in there, they should take the time out to go and have a look.

We have also built a seniors building in Haines Junction. This too is a brand new facility that this government has built for seniors. This building has beautiful bright rooms and a common room for seniors to socialize and live in.

Today we are debating one of the actions taken by this government and that is to amend the act.

En octobre 2006, nous avons présenté aux Yukonaises et aux Yukonnaises dans le cadre de notre programme électoral, une vision pour le territoire: *Bâtir ensemble l'avenir du Yukon — Une vision claire pour un avenir radieux*.

Tirée de notre programme, la vision de notre gouvernement repose sur quatre piliers principaux: amélioration de la qualité de vie de tous les Yukonnais; protection et conservation de notre environnement; promotion d'une économie du secteur privé forte et diversifiée; exercice d'une bonne gouvernance reposant sur une gestion financière rigoureuse.

Currently, the benefit amount and formula are contained within the body of the legislation. It is our intention to amend this practice by providing the authority to set in regulation the maximum benefit amount. Once the amendment to this legislation has been approved by this Legislature, we will proceed with a regulation that will double the maximum benefit amount to low-income seniors in the Yukon from \$100 to \$200.

In order for this benefit amount to keep pace with future costs, we will also annually index the supplement to the Yukon consumer price index. This will ensure that the Yukon seniors income supplement continues to grow and keep pace with inflation.

These changes will see eligible Yukon seniors receiving a maximum benefit of up to \$2,400 a year. This benefit builds on the federal guaranteed income supplement program and the old age security program to ensure that our seniors who have a modest income can remain self-reliant and not be forced on to social assistance. By moving the authority to set the benefit amount into regulations, we will in future be able to be much more responsive to the needs of our eligible seniors. Maintaining benefit amounts in regulation, rather than embedded in the act, is the current common legal practice. This ensures that a government cabinet and management board have the authority and responsiveness to adjust the rates with the proper financial authority when needed.

This act comes into force on January 1, 2009. Concurrent with this date a regulation will come into force with a new maximum benefit amount.

The YSIS was introduced in 1982 as a supplement for those Yukon seniors receiving the federal guaranteed income supplement, or GIS, which is paid to all low-income Canadian seniors. The benefit level was set at a maximum amount of \$100 a month for those seniors who qualified based on the eligibility criteria. This maximum amount has not increased since the program began in 1982.

Yukon seniors income supplement was not indexed, and therefore the actual dollar impact of the maximum benefit set in 1982 has eroded significantly over the past 26 years. By annually indexing the supplement to the Yukon consumer price index, this will ensure that eligible seniors will be more able to keep pace with the cost of living and not fall behind.

The current cost of the Yukon seniors income supplement is approximately \$217,000 per annum. During 2007-08, the Yukon seniors income supplement provided a total of \$18,000 per month to approximately 338 seniors. By increasing the Yukon seniors income supplement to a maximum of \$200 per month per person, this will result in an increase of up to \$612,000 per year and will increase the number of recipients to approximately 658. This is due to the increase of the threshold based on the eligibility criteria. This enables an increase to a number of seniors who will benefit from this supplement. The annual cost of the Yukon seniors income supplement is expected to be up to \$829,000 in total.

In closing, Mr. Speaker, this is another area where this government is working hard to ensure a better quality of life for Yukoners and, in the case of this particular amendment, a better quality of life for Yukon seniors.

I would encourage members to support this important legislation, as it will enhance the lives of low-income seniors by increasing their income and will help them meet the increasing cost of living. I am pleased to debate this amendment here in the House and I look forward to the comments from members opposite.

Mr. Mitchell: Merci, Monsieur le Président, I'm going to ignore the campaign speech that someone apparently included in the Health and Social Services minister's second reading speech en anglais et aussi en français. We're here to debate Bill No. 63. Nous sommes ici pour législative debat sur projet de Loi numero soixante-trois. I will try and keep my remarks pertinent to the bill at hand, as opposed to getting into platforms and grand speeches.

First of all, I will say that we support the intent of this bill. We in the Liberal caucus, the Official Opposition, obviously support increasing the seniors supplement. We're pleased to see that the minister is announcing that the increase will be from \$100 to \$200 a month, or up to \$2,400 a year. We think it's a positive thing that it be indexed to the consumer price index. We agree in fact that moving the calculation from the act where it presently resides to the regulations will allow for greater flexibility and more timely adjustments to rates, as it becomes necessary for those living on fixed incomes.

We would also look forward — since the minister mentioned it — to seeing additional things done beyond simply indexing the pioneer utility grant, toward perhaps seeing not

only indexing it to a consumer price index, but as we hit periodic times when utility costs such as fuel oil spike very dramatically, if that trend returns and continues long term, we would encourage as we already have the government to actually increase the pioneer utility grant as opposed to simply talking about doing it on a straight index method to the consumer price index, because the utilities may go up far more — the cost of fuel oil, propane, or electricity — than any one index might reflect, which covers a wider basket of goods.

We do want to thank the officials who brought forward the work and we look forward to dealing with this bill expeditiously when it gets into Committee. We will be supporting it.

Thank you. Merci, Monsieur le Président.

Mr. Edzerza: We in the NDP caucus will also support this supplement increase from \$100 to \$200. I just want to put on record that it's a traditional belief of First Nation people that, when one is born into this world, they need to depend on adults for assistance. When we go through our life path from being newly born into this world, we also believe that when you reach the golden ages of senior years, you also need help.

There's a lot of support for that kind of statement.

I know the minister was talking about the seniors complex at the college, and he's right: it's a very beautiful place.

I went and had supper — I was invited to a dinner up there last week and had a very enjoyable time. It's really nice to see the seniors have a place that's comfortable and there could be a lot of social activities taking place. It had a really nice, warm atmosphere to it.

So I look forward to more debate on this bill. It is probably, in my humble opinion, one of the most important things that a government will do, and that is to take care of the elderly.

Thank you.

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

Hon. Mr. Hart: I thank the members opposite for their comments. I would just like to further qualify that, as I indicated, with the double increase, there will be the addition of other members who will be eligible for their return. One thing is that — just for members opposite so they know — it does have to be applied for through — in other words, the applicant has to be able to get the guaranteed income supplement from the government.

They have to make their application, and then from that application, that's how we go forth with the Yukon seniors income supplement. So it is something that has to be applied for, and the individual has to qualify under the federal government's GIS. But it has increased substantially the number of applicants, and it is specifically targeted to those seniors who are on very low or medium income, and we believe that this hits directly into their pocketbooks and will benefit them substantially.

I look forward to more comments when we get to Committee of the Whole.

Motion for second reading of Bill No. 63 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: Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 59, *Forest Resources 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. 59 — *Forest Resources Act* — continued

Chair: The matter before the Committee is Bill No. 59, the *Forest Resources Act*. Mr. Cathers, you have about 10 minutes remaining.

Hon. Mr. Cathers: Thank you, Mr. Chair, and I will be rather brief in the introduction here. We had a bit of discussion on our last sitting day, discussing the proposed new *Forest Resources Act*.

I hope that the members of the Official Opposition and the third party have taken the time to review this legislation, which they did not appear to have done at the time of their debate on November 13. Some of the points they were raising and asking about were on matters already addressed within the legislation and other matters, as I pointed out — particularly to the Member for Kluane, who was very far off topic and had taken a bit of an interesting tangent with regard to this legislation — there are common-law obligations that exist including obligations for consultations with First Nations where there is not a land claim agreement in place and who have not settled. That of course includes the Liard First Nation who does not have a land claim or self-government agreement in place.

Any obligations that exist with regard to consultation with those who have unsettled aboriginal rights and titles and do not have a treaty or final agreement in place — those obligations are in place, regardless of legislation. It is not common practice to reference them repeatedly, although there is reference within the legislation, in fact, of the requirement — or the ability, I should say in this case. There is reference to the ability to enter into an agreement with First Nations who do not have settled agreements with regard to any work that may occur for forestry planning. So we have enabled the ability to engage in planning with a First Nation that does not have a final agreement, as well

as, of course, the ability that is referenced in many, many clauses of the act — the ability to work with settled First Nations.

Again, the member, in a tangent that was being taken — I hope both parties have seen the error of their ways, and particularly in this case with the comments made by the Liberal Party. I point out the suggestions they have made of what they would see put in this legislation would not be good legislative drafting. It is not practice to include common law obligations in legislation; it is also not good legislative practice.

Again, of course, as the bill specifically references, this legislation, once it is passed, will be subject to the *Umbrella Final Agreement*, and any common-law obligations that exist with unsettled First Nations will not be altered and cannot be altered, indeed, by legislation brought forward by the Yukon Legislative Assembly. So, I hope the members will get to a much more productive debate in today's discussion in Committee of the Whole. It is unfortunate to see us going through repeated debate of topics that have very little to do with the legislation.

Again, I point out that this new *Forest Resources Act* replaces the old timber regulations under the *Territorial Lands (Yukon) Act*. It provides much more detail, including things related to forestry planning and multiple users and the importance, as laid out in the preamble, of “recognizing that the long-term health of Yukon's forest must be maintained and protected for the benefit of current and future generations; recognizing that the use of forest resources can play an important role in the economy of Yukon; recognizing that Yukon forests play an important role in the social and cultural lives of Yukon residents, and that Yukon Indian people have a special relationship with these environments; recognizing that the use of forest resources must be planned and undertaken to enhance beneficial socio-economic change while not undermining the ecological and social systems upon which Yukon communities and societies depend.”

The intention of the *Forest Resources Act* is to establish a planning regime comprising forest resources management plans, timber harvest plans and woodlot plans. The new act establishes new licence and permit types: a timber resources licence, a woodlot licence, a fuel wood licence, a forest resources permit and a cutting permit. It also provides for community forests.

The act also comes forward in a manner to ensure that management and use of forest resources is done in a manner that respects and protects the rights of First Nations and provides Yukon residents, First Nations and local governments a defined role in the planning and use of forest resources.

With that brief introduction, it is my sincere hope that members of the opposition, upon reading this legislation over the weekend — which I hope they did — will have gained a better understanding of this legislation. Perhaps those few who did attend the briefing provided by officials of Energy, Mines and Resources on this legislation will have reviewed their notes and, between that and reading the act, will have gained a better understanding of what the act actually does, and they will spend less time, I sincerely hope, debating things the act does

not do, and should not do, and matters that have nothing to do with the legislation.

Mr. McRobb: Well, I'm not going to respond in kind, because I truly believe we should have a productive debate this afternoon. The record will clearly show who was repetitive and so on in their speeches.

I just want to recap briefly for the minister and others our position with respect to the *Forest Resources Act*, which, by the way, Mr. Chair, I read long ago, and I'm sure other members have. There was also accompanying documentation, such as the position paper that was produced by the Liard First Nation, which is extremely informative. I certainly hope the minister has read it by now.

I would like to express my gratitude to the Liard First Nation, Chief Liard McMillan, and the legal counsel, who obviously put a lot of effort into drafting that paper.

For those who missed it, that position paper — although it offered a critique and made suggestions — it certainly could not be described as combative. On the other hand, the overall tone was very helpful and cooperative and was intended to work with all members in this Assembly to try to improve the bill on the floor this afternoon.

The bill has represented a significant improvement with respect to forestry laws in the territory. There is no question about it. The input from the Yukon public, various levels of governments, organizations, and committees is greatly appreciated. The bill has several good aspects to it; however, it is still lacking in other areas of significance. As mentioned, we will be introducing amendments to try to improve the bill.

With these amendments passed, we believe this bill would become the best forestry legislation in the country. If that were to happen, this legislation could be used as a template in other jurisdictions. If it doesn't happen, there are comments from me and other members in this Assembly about the likelihood of what could happen in the Yukon, such as the dark cloud of uncertainty over the forest industry and over the Yukon with respect to the investment climate as a result of legal wranglings.

There's one point I do want to address because the minister doesn't seem to correctly understand our position. He referred to what we were trying to achieve as giving First Nations veto power. Nothing could be further from the facts.

How is working in partnership and in collaboration between levels of government giving First Nations a veto? Well, it's not. And that's what we were suggesting: the Yukon government should be working in partnerships and in collaboration with First Nations in dealing with issues such as forestry in their traditional areas. It's as simple as that, so the minister shouldn't try to spin the snowball any bigger, because there is no snowball.

Mr. Chair, the minister made comments about common law and how it's not accepted practice in the Yukon to reference common law within a piece of legislation, nor is it in other jurisdictions. Well, unfortunately I did not have the time available to search through our exhaustive number of legislation that currently exists in the territory to discover whether common law in fact is excluded from that legislation, but I've been told

by those who are familiar that common law is often cited and referred to in Yukon legislation, as it is in other jurisdictions.

Regardless of whether it is or isn't, I would submit that in trying to make this legislation the best in the country, we should be thinking out of the box and we should be trying to clarify how this legislation should be interpreted by those who may have issues. We should be trying to ease the burden on the courts dealing with challenges. All of that can be achieved by simple inclusion of accepted common-law practices and rulings from case history in the Yukon and elsewhere in similar jurisdictions like British Columbia.

Again, we intend to introduce several amendments to this bill later in the afternoon. Of course, Committee of the Whole may not conclude today.

For the record, we have a bit less than three hours until adjournment. It is a very lengthy bill and I'm sure there is a lot to be debated. I would encourage all members to be constructive.

Hon. Mr. Cathers: Thank you, Mr. Chair. Again I would note there was very little discussion from the Official Opposition, the Liberal Party, on actually what is in the bill.

I would point out also with reference to discussion that occurred on November 13 that the Official Opposition critic from the Liberal Party spent two pages of *Hansard* — pages 3325 and 3326 — or, the Blues, I should say, since they're not in the final version yet. Pages 3325 and 3326 — for two pages of *Hansard* the member spent telling members about the Standing Orders, the guillotine clause, describing Standing Orders, et cetera. Then the member spent three pages — those being, in case anyone is interested, pages 3327, 3328 and 3329 — talking about and reading from a document that he had already indicated had been tabled and every member of this Assembly had a copy of it, by the member's own admission.

Let us reflect on how effectively the Official Opposition, the Liberal Party, was using its time, and members and others listening can draw their own conclusions as to why the Liberal Party might have taken their time reading from documents they noted all members had copies of, and describing clauses from the Standing Orders — five pages of *Hansard* from November 13 describing and discussing these topics, all from the lips of the Member for Kluane.

So I would point out, with regard to members' concerns or the notes they have brought forward about First Nations and the impact of the legislation and the impact on unsettled First Nations, the *Forest Resources Act* is only enabling legislation. The bill provides a framework and processes for matters such as forest resource management plans and the issuance of harvest licences, et cetera. The bill includes specific provisions for consultation with First Nations, particularly at the planning level, for forestry management within their traditional territories.

As well, any obligations that currently exist through common law for either notification or consultation with regard to dispositions will still exist, as it does at the time of the act coming forward.

So for those who suggest that they would like to see the legislation specifically reference this, and reference common-law provisions in this area, again, it is neither necessary nor

standard practice to include these common-law obligations in legislation.

Some of the areas, for members again, if they have not read the act, as I hope they have by now — some of the sections of the act that refer to collaboration and provide the ability for working in this area and refer to working with the First Nations include section 7 regarding consulting on planning areas, section 12 regarding agreements on planning within traditional territories, and section 18, notice of application to all First Nations within their traditional territories.

There are many provisions within the act that provide direction on how First Nations will have a role in the development of forest resources management plans in their traditional territory. Again, I noted the ability to provide for consultation with the First Nation to determine boundaries of the planning area and their preferred method for being involved in the planning; provisions under section 8 for a joint planning committee if the First Nation agrees that the planning area should include their settlement land as well as public lands; section 8(2), providing for the development of an agreement with the First Nation that identifies the composition of the committee and including representation and other items such as terms of reference; section 8(2), under subsection (h) also includes providing for reciprocal agreements between the minister and the First Nation to discuss the plan recommended by the committee; section 9, in instances where the Yukon government is preparing forest resources management plan for public land only, the minister is still required to provide the First Nation the draft terms of reference for the planning committee prior to providing those terms of reference to the committee and provide the First Nation with 30 days to make representations in this area.

Again, under section 9, prior to approving a plan, the minister must provide a copy of the plan to the First Nations and to provide for a period of no less than 30 days for their comments and representations on the subject.

So these are but a few examples in this area. Much of this would be better served in line-by-line discussions. The members again are, of course, making assertions and calling for actions that are not well justified in either case.

Again, I would encourage members to talk about what the legislation is, not talk about their misguided notion of what they think the legislation is, might be or should be, but recognize what it is.

It is intended to be a framework for providing a regime for dispositions. I would indicate that any obligation that exists under common law to either notify a First Nation or consult with them is not altered by this legislation; it is not reduced in any way, shape or form. However, for the members to suggest — as the Member for Kluane has — that the government should endorse legal positions and representations made by the Liard First Nation by recognizing points they are making — in noting also that the Liard First Nation, as the member knows, has not been satisfied with the *Umbrella Final Agreement* and currently is not in the midst of a negotiation process for a land claim or self-government agreement and recognizing that First Nation, as it has a right to do, is taking issue with certain areas within that because they have their own view of the law and

have areas they would like to see additional powers provided to them and additional areas they do not feel are addressed within the *Umbrella Final Agreement*. For the member to suggest that the Yukon government and Yukon Legislature endorse their negotiating position by referencing it within legislation is folly for that member to do and it is folly for his party to do.

The Liberal Party should be embarrassed for suggesting it. They should apologize for that and should change their ways while they still have time to recognize their mistake, correct the error of their ways and realize that, by bringing forward a bargaining position and suggesting Yukon government and the Yukon Legislature should enact it within legislation, that is a very, very misguided act on the part of that Liberal Party, the Official Opposition.

Mr. Chair, I will provide them with the opportunity to retract that if they wish to do so and to make an apology for their error.

Mr. McRobb: Well, I'm embarrassed all right. I'm embarrassed by what the minister just said. It's shameful really.

The minister also made a big deal of me consuming about five pages of transcript. Well, Mr. Chair, the minister didn't get it. Since I was the first speaker following the mover of the bill — him — it was incumbent upon me to lay the groundwork for debate as I was the only one granted unlimited time. I mentioned that at the time. The minister —

Some Hon. Member: (Inaudible)

Point of order

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

Hon. Mr. Cathers: Mr. Chair, the member again has lost track, and we were talking about debate in Committee of the Whole. Any member in Committee of the Whole has only 20 minutes, and I would urge you to draw his attention to the Standing Orders.

Chair's ruling

Chair: Order please. There is no point of order.
Mr. McRobb.

Mr. McRobb: Thank you, Mr. Chair. I think the minister has the second reading confused with Committee of the Whole, because the pages consumed were in the second reading speech. I'm a little scared if this is an indication of the minister's poor understanding of the record.

I want to point out that, if he thinks five pages is wrong, then why did he consume 10 pages, double the amount? Remember, when you point a finger, you have three pointing back at you, and that applies in this case.

Anyway, I won't take back anything I said. My arguments weren't circuitous, like the minister's, where he tended to repeat everything four or five or six times. We heard it again today. I read sections of the position paper on the record. I was asked to by the Kaska Nations as a gesture of respect, yet the minister couldn't find it in himself to allow that to continue, and he continues to criticize it to this day. Again, I'm very concerned, Mr. Chair. To imply that a First Nation who hasn't signed on to the land claims agreement somehow should not be entitled to defend its aboriginal rights and title by challenging a

bill like this is absurd. I'm sure we'll be hearing back from the principal in this matter about how they feel with respect to the minister's comments.

I've got a lot more I could say, Mr. Chair, but in the interest of returning to a reasonable semblance of constructive debate, I'll pass for now, and I'll suggest we conclude the general debate here soon and get to the clauses, because we've got to roll up our sleeves. We've got a lot of amendments to deal with.

Hon. Mr. Cathers: Well, Mr. Chair, I see from the member's tone and his comments that he's very sensitive about the issue, and so he should be.

The Opposition Liberals made a very grave mistake in endorsing a negotiating position that a First Nation, which has not settled their land claim yet, has taken. It is not the role of the Yukon Legislative Assembly, or it should not be, to get involved in an active process that has not been concluded. We do not diminish, nor should the member, that First Nation's right on behalf of its citizens to advocate the positions that it sees fit; however, for the member and his party to endorse that position is folly. It's unfortunate the member has not realized it, but I know that his party, upon reflection, will be embarrassed by the position they've taken in this regard.

Again, I point out that the Member for Kluane, as he responded, noted and defended his taking up five pages talking about things that weren't in the act — his five pages talking about matters that did not need to take up the time in this Assembly. Two of those pages of *Hansard* were taken up with time the member spent explaining to Members of the Legislative Assembly what the Standing Orders do. Most of the members of this Assembly have been here for one term or more already and are well aware of how the Standing Orders work.

For the Member for Kluane, on behalf of the Liberal Party, to stand up and take up two pages of *Hansard* explaining the Standing Orders to members cannot, by anyone's judgement, be described as an effective use of time in this Assembly.

The member then took up three pages reading a position paper brought forward by the Liard First Nation, which he acknowledged had been tabled in this Assembly and that every member of the Assembly had a copy. Why would the member do that? We know the member's position on it. He's very defensive on the topic. Perhaps his leader will explain it, perhaps apologize for it and ask members of the Assembly to look deep within their hearts to find forgiveness.

However, let us move forward. I see the Member for Mayo-Tatchun is eager to engage in debate with his rather inaudible heckling. I appreciate his — I'm glad to see he's raising his voice now so I can hear him — but Mr. Chair —

Chair's statement

Chair: Order please. Mr. Cathers does have the floor and if there are comments with regard to points of order, please stand up and raise a point of order. Otherwise, all discussions in debate are supposed to be directed through the Chair.

Mr. Cathers, you have the floor.

Hon. Mr. Cathers: Thank you, Mr. Chair. So since the members of the opposition have spent a great deal of time

talking about things that have very little to do with this legislation and are, by any standard, at best peripheral to the discussion.

Let me pick a few sections here to describe to the member, since it seems they're reluctant to get into line-by-line debate and are taking up time to avoid it. I will note there are a couple of examples here: the definition of "forest resources" under the legislation includes all flora in the wild state and, for greater certainty, includes mushrooms.

"Forest resource harvesting" means the cutting and removal of any forest resource. "Forest resources management" — and this is a key one for members to recognize when they suggest this legislation has not addressed the need for planning in the interest of the ecosystem — means the practical application of scientific, biological, social, cultural and economic information and traditional knowledge of First Nations to the management, use and conservation of forests to meet specific public interest goals and objectives, while maintaining the productivity and health of the forest.

If members want to hear that point again, I won't read it again unless we get into a lengthy discussion on the topic, but it's in the definitions, right up front.

It was patently obvious in debate on Thursday that the members did not appear to have even read the preamble of the legislation, let alone the legislation itself. Mr. Chair, I will note the preamble: "Recognizing that the long-term health of Yukon's forests must be maintained and protected for the benefit of current and future generations," and it also goes on to mention a number of areas which, since I've read already, I will not read in their entirety, but including noting that "Yukon forests play an important role in the social and cultural lives of Yukon residents, and that Yukon Indian People have a special relationship with these environments." It also references "the ecological and social systems upon which Yukon communities and societies depend."

Mr. Chair, it also recognizes in here, "First Nation". "First Nation" in the definitions "has the same meaning as the term 'Yukon First Nation' in *An Act Approving Yukon Land Claim Final Agreements*, and includes the Tetlit Gwich'in in relation to any matter involving the areas described in Annex A of Appendix C of the *Gwich'in Comprehensive Land Claim Agreement*, Volume 1."

"Traditional territory" — again, there's description in the definition of traditional territory, noting that, (a) it "has the same meaning as in the final agreements for a first nation for which a final agreement is in effect other than the Tetlit Gwich'in; (b) means the areas described in Annex A of Appendix C of the *Gwich'in Comprehensive Land Claim Agreement*, Volume 1, in relation to the Tetlit Gwich'in; and (c) means the geographic area within Yukon identified on the map provided by that first nation under the *Umbrella Final Agreement* for the purpose of delineating the first nation's traditional territory in relation to any other first nation."

Again, Mr. Chair, the members say the act doesn't recognize this. Well, they're wrong.

In this act, the expressions “consult,” “consultation,” “renewable resource council,” and “settlement land” have the same meanings as in the final agreements.

The definition of “First Nation” in the proposed act includes both First Nations with final agreements and those without. The proposed act provides Yukon First Nations’ input into the development of higher level strategic plans, the forest resources management plans. Again, the member should recognize that this is a positive step forward with this legislation. This is something that is not addressed within the existing timber regulation. This is indeed a step forward.

But the members are apparently going to stand up and oppose it. The forest resources management planning regime set up within the proposed act ensures that the Yukon government consults with a First Nation whose traditional territory falls wholly or partially within the proposed planning area. Section 12 provides for Yukon government and First Nation agreements that address the process for preparing a forest resources management plan and that clause also provides the ability to address First Nations in the Yukon that do not have settlement land.

Again, this act will enable the regulation of all timber and non-timber forest resources in the Yukon under the definition of flora and forest resources. The act provides a forest management regime incorporating planning from a strategic and operational level down to site plans. These strategic plans and, to a certain extent, the operational plans will take into account the cultural and ecological value of Yukon forests prior to making any decision on timber harvesting.

Again I have to emphasize to the members, because they do not seem to have gotten the point or do not want to get the point, that the obligation to consult applies in areas related to certain types of dispositions and, in other types of dispositions, the obligation is to notify. The common-law obligations will not be altered in any way, shape or form by this legislation as they apply to unsettled First Nations. The members may not like the answer, but there it is.

I have to point out that for the Official Opposition Liberals to stand up — their critic, the Member for Kluane — and articulate their position and read it into the record that they would fully endorse the position of the Liard First Nation in this area, fully endorse their negotiating position with regard to factors, including the fact that it has an unsettled land claim and does not have a self-government agreement, is a very unusual step to be taken. It is something that I am amazed that the members were not cautioned against by wiser individuals. It is a very, very bad step for them to take. They have chosen to take that. I provided the Member for Kluane the opportunity to retract and apologize. He has not done so. That is no surprise. But again, their position is folly.

Common law is something that does evolve by court decision and can change. For the members to suggest — as the Member for Kluane specifically did — that he thinks it’s practice because someone told him so — but he couldn’t cite who that was and certainly didn’t appear to be citing a lawyer — that common law is sometimes included in the legislation, the member, quite frankly, doesn’t know what he’s talking about.

The Member for Mayo-Tatchun appears to be appreciating my points. He says this is good. And, yes, it is good to have this explained to the members opposite. The members should recognize court cases and court decisions with regard to unsettled First Nations occur in many parts of the country. The Yukon, in fact, has the rare situation of having 11 out of 14 First Nations settled with final agreements regarding land and respecting self-government.

Again, the members of the Liberal Party, in taking a position on this matter in the way that they have, have made a very grave mistake. The Yukon government respects the ability of every government — First Nation governments, of course, in this specific instance — to represent its citizens and to take a position in any matter it may wish in the manner it wishes to.

For the members of the Liberal Party to take the position they have, all I can say is that time will certainly show their mistake. I would again encourage them to debate the act.

I point out and again reiterate — because they clearly have not gotten the point: any obligations that currently exist with respect to First Nations that do not have a final agreement respecting land and a final self-government agreement — any of those obligations that the government has with regard to either notification or consultation in any disposition matter will not be altered or reduced by this legislation. This is providing a framework for all Yukon citizens. It is enhancing the management system and is providing the ability for greater involvement by First Nations in forest planning than currently exists under the outdated timber regulations.

With regard to areas such as those who have brought them forward — including members of the Conservation Society — the perspective that they would like to see more mention of certain things, such as those related to ecosystem-based planning, et cetera, I have to remind all that there is far more mention of it within this legislation than there is within the outdated timber regulations.

Again, we appreciate the perspective of all who have opinions in this matter and every Yukon citizen. We appreciate the perspective of other orders of government; we appreciate the perspective of NGOs; we appreciate the perspective of industry and others in these matters. However, at the end of the day, it is not possible in any area such as this, which has been under public discussion for roughly a decade, for the government to bring forward legislation — or for anyone to draft legislation — that will be, word for word, the manner in which each and every one of the differing interests and differing perspectives would like to see it written.

We must come forward, as we have, with a balanced product, a balanced piece of legislation, that recognizes the interest of all and provides the ability, first and foremost, to manage the Yukon forests and Yukon forest resources in a responsible manner and to provide the ability for certainty and an appropriate modern framework that replaces the regulations that, in large part, were drafted and have not been changed in many areas since the 1960s.

This is a modern piece of legislation; it is good legislation. Again I thank officials from Energy, Mines and Resources and all those who participated in the process for their contributions

to this legislation. I thank the members of the successor resource legislation working group for their perspective and contribution, and the many employees of the department and non-employees of the department, members of the successor resource legislation working group and others, including individual citizens and groups representing conservation perspectives, industry perspectives and varying individuals and interests and views. I appreciate the perspective they have all put forward.

At the end of the day, the Yukon government must do as it has done — come up with a product that is balanced, fair, appropriate and moderate.

With that being said, I look forward to what I hope will be more productive debate coming from the opposition benches. Or perhaps they will wish to turn it over to the third party and we can try our luck there and hope that they have — upon reading the legislation — come up with a more positive take on what they should by now have realized is a very good piece of legislation.

Mr. McRobb: It's very disappointing. The minister had an opportunity to take the high road, be constructive in this debate and try to move it along in a progressive manner, but unfortunately he has again demonstrated a substandard level of acceptable debate. There are a few of his allegations I wish to respond to for the record.

First of all, he alleged that we haven't seen the bill or the preamble. I've already stated for the record that that is not the fact. In fact, we just proved the minister wrong in how he didn't seem to even read *Hansard*, because he criticized me for using five pages, when he used 10 pages.

Furthermore, the intent of putting a section from the position paper on to the record was to put it on the public record — for the public. That was stated very clearly at the time. The member seems to imply that it was solely for the benefit of all members who had already received a copy. Well, that is not accurate, and from the sounds of it, the minister still hasn't read that position paper.

Now, he also criticized me for talking about how the Standing Orders would affect debate on this bill. I believed it was a very relevant exercise, and the member stood up on a point of order, but the Speaker ruled him out of order on his assertion that it wasn't a relevant exercise. So the member should just accept the Speaker's ruling and move on from there.

Now, in another allegation — this one is truly sad — the member said it was a very grave mistake for the Liberal Party to debate these aboriginal issues and implied that we shouldn't be negotiating land claims on the floor of the Assembly, that it's folly for us to endorse that position, and how my party should be embarrassed. Well, the minister's conclusions are simply wrong. It demonstrates he truly has an imaginative memory, but maybe he should keep it to himself.

Finally, Mr. Chair, we should try to regain the high road in this debate. We could go on all afternoon responding to the minister's rhetoric and false accusations, but nobody wants to hear that, with the exception of him perhaps. The public doesn't want to hear it. The Minister of Justice says, "Sure they do." Well, I assert that the public doesn't want this Assembly

to waste time in arguments, trading shots across the floor. They want us to do the work in front of us. Let's focus on the bill.

I said last time, "Let's conclude general debate." Let's conclude general debate, we can hear the third party, clear it, and go on to the clauses and do our work there, instead of wasting time all afternoon.

Hon. Mr. Cathers: I would point out that the Member for Kluane is very sensitive on the topic of his wasting five pages of *Hansard*. In his defence, I would point to my bringing to everyone's attention the fact that he spent two pages of *Hansard* describing the Standing Orders, which every member of this Assembly knows, and another three pages reading a position paper, which he had already noted had been tabled in this Assembly and a copy had been presented to every member.

Now in the member's defence, that latter point in his last effort when standing up was suggesting that it was for the public. Mr. Chair, the moment that document was tabled, it became a public document that people could have access to, so that's a very weak argument. Now, the member also suggested that I spent 10 pages talking about the act. Well, first of all I'd point out to the member that at least I was talking about the act, and secondly, that his math is badly off and he's overstating it by a factor of roughly 50 percent. Again, Liberal math — no surprise.

Mr. Chair, again in the discussion here this afternoon I've encouraged the member to talk about the legislation. I have read certain clauses of the legislation in the attempt to encourage members to get through this legislation. The Member for Kluane keeps saying that he wants to get into general debate, yet he keeps standing up and trying to defend his waste of five pages of *Hansard*.

I know the member is sensitive on the issue of waste, almost as sensitive on this as he is of his contribution to energy, when he opposed the use of hydro and required at his request — at his urging — the burning of \$4 million of diesel fuel.

Point of order

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

Mr. McRobb: On a point of order, Mr. Chair. This has nothing to do with the bill. This discussion has been ruled out of order before by both Chairs and Speakers in this Assembly and the minister should get back on track.

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

Hon. Mr. Cathers: Mr. Chair, I am simply bringing up the member's record with regard to the issue of waste, and I believe it's relevant to the debate and a dispute between members.

Chair's ruling

Chair: On the point of order, the debate, from the Chair's perspective, has gone off topic, but the Chair also feels it has been off topic from both sides this afternoon. I would encourage both the opposition and the government side to focus their discussions on Bill No. 59, the *Forest Resources Act*.

Mr. Cathers, you have the floor.

Hon. Mr. Cathers: Thank you, Mr. Chair. Of course we will have time to discuss energy and varying positions on records at a later date.

With regard to the issue of this legislation, I will summarize for members — apparently I have to say this several times before they get the point: the legislation is a good piece of legislation.

The member keeps trying to suggest that I haven't read the Liard First Nation position paper; I have. I have read it backward and forward several times. It has also been gone through by officials and legal counsel and, while we appreciate their perspective, again, in the member standing up and endorsing that position, it is folly for him and his party to endorse a negotiating position. The position paper connects to other matters related to its unsettled final agreements that the Liard First Nation is raising.

I realize the members don't like to talk about things like that, much as the Member for Kluane doesn't like to talk about his record on the energy file and his past urging of the burning of diesel fuel — \$4 million of wasted taxpayers' money — money that ratepayers paid at his urging. It's a fact.

I would point out in this area that the *Forest Resources Act* is a good piece of legislation. With that, I would suggest, since the members are not debating the legislation, they turn it over to the third party to see if they are prepared to actually debate the act.

Mr. McRobb: Well, Mr. Chair, since you allowed the minister to discuss his imaginative memory of past energy issues, I'd like to be given a fair comment.

Some Hon. Member: (Inaudible)

Point of order

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

Hon. Mr. Cathers: I believe the term "imaginative memory" has been ruled out of order in the past.

Chair's ruling

Chair: There is no point of order. But, as the Chair did point out earlier, we are discussing Bill No. 59, not past practices on other issues. It's Bill No. 59, please.

Mr. McRobb: Well, I'll nail down the discussion on the energy issues, simply by saying that the Premier was a member of the caucus involved in that matter.

Chair's statement

Chair: Order please. The Chair is unaware of the past issues that members want to proceed with today, but the Chair is very much aware that Bill No. 59 is what we're supposed to be debating today. I would encourage members to debate Bill No. 59, not past issues with regard to energy.

Mr. McRobb: Thank you for that ruling, Mr. Chair.

The minister mentioned that he got legal advice from the Department of Justice personnel. I'd like to know if he has a legal opinion he can share with us on the floor this afternoon. I believe it would be extremely beneficial if all members could see that legal opinion.

Hon. Mr. Cathers: Mr. Chair, by my count I believe the Member for Kluane has been a member of this House since 1996, was it not? Twelve years. The member should know that it is the practice of every government of every stripe not to table legal opinions, and in fact there is mention in the Guidelines for Question Period with regard to legal opinions. So, no, of course we're not going to table a legal opinion. I have informed the member of the situation; I have informed the member of the facts. The member does not like the facts; I know that, but the facts are the facts.

Mr. Edzerza: As I listen to the debate here, I have to probably bring up one issue of great concern to me and to a large number of different citizens in the territory, but before I go there I would like to just make a couple of general comments about the raw nerve I touched last week when I talked about cutting the trees down in the Yukon Territory.

It has been repeated by the minister and the Premier on the radio, so I imagine it almost leads one to believe that maybe some of their intentions were exposed a little bit here.

When I talk about that, all one —

Some Hon. Member: (Inaudible)

Point of order

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

Hon. Mr. Cathers: The Member for McIntyre-Takhini should be well aware that imputing motive is not allowed under Standing Order 19(g) and I would ask you to remind him of that.

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

Mr. McRobb: On the point of order, I don't believe the minister's interpretation of the Standing Orders is correct. For instance, he just said that the rules prohibit providing a legal opinion; that's only for Question Period.

Chair's ruling

Chair: On the point of order, the Chair feels it is just a dispute among members, but the Chair also feels it was kind of getting on to breaking a point of order. I would encourage members not to do that.

Mr. Edzerza, you have the floor.

Mr. Edzerza: Thank you, Mr. Chair. The point I was trying to get across was that all one needs to do is to drive down the Stewart-Cassiar Highway and they would get my point. It just so happens that I was down that highway a very short time after it was constructed and it was magnificent and beautiful country. Lo and behold, 15 years later, down that same road was like going through a desert.

The point I was trying to get across to the minister was simply that nowhere in this legislation does it say that there will be no such thing as clear-cutting in the Yukon Territory. I know the minister is going to stand up and say, "Well, we're going to be developing regulations and we're going to consult," and it will go on and on.

However, the general public is starting to have a very difficult time believing what the government says it's going to do. I know the minister is going to get up and say, "Well, it's going to be addressed in the regulations," but there have been too

many broken promises so it's hard to really believe that this will actually happen in the regulations.

The second point I wanted to talk a little bit about was this: I listened to the minister with great interest on how there appears to be such a lack of concern for other interest groups that have concerns with this legislation. It's actually quite disturbing to me that, when different interest groups come forward with some very legitimate concerns, they're brushed aside by this minister as if to say, "Well, we know what's best and if you don't like it, too bad, take us to court."

I've heard a lot about the Liard First Nation, but I want to put on the record that there are also six other First Nations that have developed a paper to voice their concerns. Every one of them say we have concerns with this legislation. These letters, all these concerns, were sent to Energy, Mines and Resources, resource, policy and planning of the Yukon government well before this legislation was drafted.

I also heard the minister say that Liard First Nation is a First Nation that isn't working under the confines of the *Umbrella Final Agreement*. Well, all of these other six First Nations who wrote in and said they have grave concerns with this legislation are all self-governing First Nations that are working under the *Umbrella Final Agreement*. So what we have here, basically, is the Yukon Conservation Society saying they have really drastic concerns with what's being proposed here and they would like some friendly amendments to it. We have seven First Nations who are saying, "We would like to have the opportunity to talk in the Legislature; we would like to have the opportunity to be able to have some amendments to this legislation" — all falling on deaf ears.

I hope all the citizens of the territory are keeping very good track of how the general public is being treated when it comes to them having a voice with regard to proposed amendments to any legislation in the Yukon Territory, whether it be child welfare — we all saw what happened there; the *Education Act* reform — we know what's happening there; the Justice reform — we know what's happening there. At the end of the day, everything that is going to be presented by this government will be written in stone. Nobody else's concerns will really have much effect on how the government is going to move forward. I know I would get called out of order if I really mentioned what I think this is, but I'll just leave that to the imagination of the public at large.

I guess one of the very distinct differences here that I want to put on record between the six self-governing First Nations that wrote in concerns versus Liard First Nation — which is not a self-governing First Nation per se under the *Umbrella Final Agreement* — is that the Liard First Nation is the only First Nation to go through the exercise and expense of getting a qualified legal opinion on just how this document will affect their aboriginal rights. This leads me to believe that they could possibly be preparing for a court challenge if this legislation becomes law.

I know the minister is confident that his legal advisors are guaranteeing the government that they'll win this court case, and that's why there appears to be no fear of going ahead in the courts. So having said that, I have to ask the minister this ques-

tion: why does this government consistently put themselves into the courthouse instead of consulting and trying to compromise and come to a solution that suits everyone? Why is the government trying to provoke another court case on this legislation?

Hon. Mr. Cathers: We are certainly not doing anything of the sort. If anyone is doing it, it's the members with their rather inflammatory language. Once again, it's unfortunate; I was hoping the third party would make a more positive note, a more factual note, as they sometimes do in debate, than the Official Opposition Liberals do. Unfortunately, once again, the Member for McIntyre-Takhini — just as the Liberal Party did before him — stood up and proved that they are indebted to their imaginations for their facts.

The Member for McIntyre-Takhini referred to six First Nations — six settled First Nations — providing comments on the *Forest Resources Act*. The member is referring to comments at an earlier stage, not at this stage. The member's representations as to what they said are also not accurate and not factual. They had input in the process. The Member for McIntyre-Takhini is once again not accurately representing the facts.

With regard to the member and his very over-the-top rhetoric the other day in referring to, "Imagine a Yukon without any trees," Mr. Chair, that's a horrific image for anyone. For the member to suggest that by modernizing this legislation, bringing forward legislation — as I've pointed out several times — that contains far more reference to the importance of planning for forests in a manner that respects the importance of the long-term health of the forests, the principle that they must be maintained and protected for the benefit of current and future generations — this is a significant step forward for the timber regulations.

The members might add a clause or two; there may be those who would add wording, but as I've pointed out to members and will say again, there are many differing perspectives on this issue. The legislation itself has been under development for over five years; the discussions around this issue of forest policy have been going on for roughly a decade. There are many differing views on this subject.

The government must work, as we did, to bring those perspectives together and to come forward with a piece of balanced legislation. There are those who said they would like wording to be a little different here and there; we appreciate their perspective; it is not possible for the government or for anyone to draft legislation that, word for word, in a topic with as many views as the issue of forestry legislation, every group, every individual, every perspective, every First Nation government, every industry member will be happy with. We must come forward with balanced legislation; that's what we've done.

The flow of legislation and the way it works for someone accessing the timber, or accessing any manner within forest resources, is that planning takes place first — again a new step under this legislation — and then licensing takes place, and then compliance steps are taken, as well as the new administrative measures, which members opposite apparently oppose, but

they give the forest management branch more ability to hold licensees accountable for the work they're doing.

The legislation needs to be read as a whole, and the planning ensures that values will be reflected in forest management. The process will ensure that the community values set the size of the industry in the area through the forest management plan. It would not be appropriate in this legislation to start setting annual allowable cuts for individual areas. That would be disrespectful of community input. For the members to suggest that, if that's what they're after, is ridiculous.

Other forestry-related acts across Canada provide members with information about regulations and the number of regulations. I'd like to give the members an example here. British Columbia, under the *Forest Act*, has approximately 30 regulation-making provisions in the act and 30 regulations under its associated act, the *Forest and Range Practices Act*. I should point out that the first act, the *Forest Act*, is related to the disposition of timber cut control, scaling, roads, timber-marking, payment and appeals.

The second act, the *Forest and Range Practices Act*, is related to planning, roads, forest health, silviculture, audits and the Forest Practices Board. That act has 36 regulation-making provisions in the act, and currently 14 regulations under what is a fairly new piece of legislation. The *Forest Practices Code of British Columbia Act* has three regulations under it. The *Forestry Revitalization Act* is related to restructuring of the forestry sector and it has underneath it one regulation-making provision.

In Alberta, under their *Forests Act*: timber disposition, forest land use, offences and penalties are the basic purpose of the act. It has 24 regulation-making provisions in the act.

In Saskatchewan, the *Forest Resources Management Act* has planning, timber dispositions, forest resource dispositions, scaling, roads, forest protection and enforcement as the basic purpose of the act. It has 39 regulation provisions in the act, and currently 15 regulations, but some of those have been amalgamated with other sections of the act.

Manitoba's *Forest Act* — timber cutting rates and prohibitions; includes 18 regulation-making provisions in the act.

Ontario, under the *Crown Forest Sustainability Act*, includes the content of management planning, timber disposition operations, trust fund processing facilities, remedies and enforcement and it includes 32 regulation-making provisions in the act.

The purpose of the Quebec *Forest Act* is forest management permits, forest conservation, forest roads, timber supply and forest management agreements, management of public forests, regional agencies, forest protection, forestry fund, compliance and enforcement. It has 23 regulation-making provisions in the act.

The New Brunswick *Crown Lands and Forests Act* includes Crown timber licence and permits, search and seizure, royalties, protection of forest roads, compliance and enforcement. That is, again, the purpose of the act and it has 30 regulation-making provisions spelled out in the act.

Nova Scotia's *Forests Act* includes forest management programs and planning agreements, protection of forests, com-

pliance and enforcement. There are 21 regulation-making provisions in the act.

In Newfoundland, the *Forestry Act* outlines forest management, licensing of mills, forest protection, roads, timber scaling, offences and penalties being the purpose of the act and there are approximately 60 regulation-making provisions in the act.

The P.E.I. *Forest Management Act* deals with management plans, operational plans, sales, permits, roads, forest conservation, penalties and seizure. There are 26 regulation-making provisions in the act.

The Northwest Territories *Forest Management Act* includes agreements and permits, licences, appeals, enforcement, offences and punishment. There are 21 regulation-making provisions in the act.

These are examples of other jurisdictions and the number of areas they have left to regulation and provided the ability in the act to deal with under regulation. We are following common practices in other jurisdictions in that not every single issue and detail is spelled out in the act. Good practice across the country is to spell it out in regulation for much of those details.

Development of this act occurred in large part due to the successor resource legislation working group as set out in the devolution transfer agreement. We have followed the provisions of the devolution transfer agreement, followed our obligations in developing this legislation and we have also re-sourced participation in that group.

First Nations have also participated directly in the development of the *Forest Resources Act* in various stages, starting with input on the forest policy framework document back in 2004 — sorry, that began in 2003 and concluded in 2004.

The points the members are making are mistaken. The Member for McIntyre-Takhini was indebted to his imagination for the fact that he brought forward — or the alleged fact he brought forward — about six settled First Nations not having their interests addressed within the act. The member was referring to documentation sent at an earlier stage. The member was wrong and mistaken in the manner in how he reflected it.

I hope that has provided the members with some clarity in this area. I would point out to the Member for McIntyre-Takhini and to the NDP that despite the statement they've made that they, according to their leader, represent a majority of Yukoners in the position they bring forward, they are cherry-picking one perspective — a valuable perspective — but they are ignoring the many, many Yukoners who participated in this legislation and whose views do not happen to coincide with that of the New Democratic Party.

This government did as we should: we have incorporated the views of all. It has not, of course, ended up in legislation, as it could not, that reflects word for word what each and every one of the contributors would like to see. We must bring together differing positions into one piece: a fair, appropriate policy framework. That is what has been done. This is good legislation; it's balanced legislation. It's legislation that provides far more recognition of the importance of First Nations being involved in planning than the timber regulations do, and

it provides far more recognition of the importance of the long-term health of the forest and of things, including the important role forests play in the social and cultural lives of Yukon residents and recognizing that the use of forest resources must be planned and undertaken to enhance beneficial socio-economic change while not undermining the ecological and social systems upon which Yukon communities and societies depend. It's a significant step forward; the members don't like it. That's very disappointing.

Mr. Edzerza: Well, I just have to address the one comment the minister made about my comments being over the top. I think that's being disrespectful. Every member in this Legislature should have their opinions respected.

I have to say that the beautiful Stewart-Cassiar Highway, in my opinion, now looks like a war zone after the loggers were finished with it, and that's the point I want to make. I don't want to see the Yukon Territory being demolished in the same fashion.

Now, having said that, the minister just stood up and made my case for me. You know, when he said that the First Nations brought their concerns forward at a very early stage, way before this point, what it tells me is that they weren't listened to.

Once again, the government has demonstrated that they don't really have to listen to anybody. This is really what is undermining the whole consultation process in this territory. The public at large is starting to get just absolutely fed up with a government that constantly boasts about consultation and corresponding with everybody about everything they do but, at the end of the day, are not implementing the concerns they heard — and rightfully so.

I've heard it a lot out there, that, "You know, you're wasting your time. Why even bother?" They're being consulted to death and, at the end of the day, the concerns that really bother the people — every citizen in the Yukon, not only First Nations — are not being taken seriously. That's too bad, because now when there has to be some really serious consultations taking place, people are going to be skeptical about even wanting to get involved. That to me is very unfortunate.

I don't know what the solution is. I think a lot of people are getting burned out and it's mainly because they don't see any benefits coming from all of their input. This government can stand up and pat itself on the back as much as it wants, but the proof is in the pudding. When a large number of the population is dissatisfied, the government should get the hint that some things are not going as they should.

I'd like to ask the minister this question: is the minister willing to agree to some friendly amendments to this bill to strengthen it? A very simple question; I don't need to have a big song and dance. I just want to know the answer.

Hon. Mr. Cathers: This government has always stood and recognized good ideas, wherever they come from, but the Member for McIntyre-Takhini, in suggesting that because he's hearing from a few people — two specific perspectives on the issue — who would like something dealt with a little differently, the member is ignoring the many other individuals and many other perspectives. The government has to listen to every one and work to bring it all together. That is what has been

done. The perspective of those who would like to see changes to this legislation have been included in many areas. They did form part of the development of this legislation.

Again, the member failed to notice the point when he's suggesting talking about six First Nations that were settled that he says are not happy with the legislation. Well, Mr. Chair, he's referring to comments and letters they put in, in earlier stages that were indeed incorporated in the development of this legislation. Again, the member's wrong — entitled to his imagination for his facts.

Now, we know the member has a very negative view of what the Yukon is today and what the Yukon public thinks. Mr. Chair, I would point out that if you compare the way things were six years ago, most Yukon citizens, and the Yukon Territory as a whole, are better off than they were under previous governments. And this government will continue to work with Yukon citizens and all who are willing to engage in that cooperative effort to continue to improve the Yukon, our social fabric, et cetera, et cetera.

Mr. Chair, we will not do as the Member for McIntyre-Takhini advocated back in the spring sitting of the Assembly. The member, on April 17, advocated that First Nations should have a veto over any kind of Yukon government initiative. He advocated First Nations should have a veto over any kind of Yukon government initiative; he called it a good idea and a marvelous idea if they were able to do that.

Mr. Chair, it's in *Hansard*, April 17, 2008, page 2559. It's unfortunate the member chooses to do that; his comments were unfortunate at the time. The Yukon government cannot and will not give a veto over any legislation, including proposed legislation, to any other government. We respect other orders of government, we respect their position on behalf of their citizens, but what we will not do, as the Member for McIntyre-Takhini encouraged, is to give First Nations veto power over the Yukon government and the ability to "... totally annihilate any kind of initiative that they might bring forward."

The member said it was a good idea and a marvelous idea if they were able to do that.

The member is looking somewhat dumbfounded at his own words but I would encourage the member to read it. He said it; it's right there in *Hansard*, April 17, 2008, page 2559. Maybe the member wishes to reconsider his view —

Some Hon. Member: (Inaudible)

Point of order

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

Mr. McRobb: Point of order, Mr. Chair. Several times now you've instructed members to get back to the bill. You've granted the minister considerable leeway. He's talking about something that doesn't even pertain to this bill.

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

Hon. Mr. Cathers: We were talking about members who've advocated a veto power on this legislation and I was referencing previous debate referring to such a position.

Chair's ruling

Chair: There is no point of order.

Mr. Cathers, you have the floor.

Hon. Mr. Cathers: Perhaps rather than me referencing members' previous positions on subjects related to veto, the Member for Klwane might like to stand up again and start explaining the Standing Orders to members — again — for perhaps another two pages.

In summary, the Member for McIntyre-Takhini advocated that First Nations should have a veto power over the Yukon government and the ability to totally annihilate any kind of initiative the Yukon government might bring forward. The Yukon government will not, cannot, must not, accept that perspective and take that type of action. We must act on behalf of the interests of all Yukon citizens. We respect the views of any level of government and even when those views may differ with the position, we must as public government act on behalf of Yukon citizens.

I would point out again that the process of developing the *Forest Resources Act* started back in 2003 with the development of a policy framework. Since then, the government has been working with Yukon First Nations, the forest values and forest industry focus groups on the concepts of the proposed act. More recently in March and April of this year, there was a 60-day consultation on the concepts of the proposed act, followed by a 30-day targeted consultation on the draft bill itself in July and August.

During public consultation many comments were received from individuals, conservation organizations, industry, First Nations and renewable resource councils. The comment covered many aspects of the concepts document. Where possible, those comments were separated into themes and based on sections of the proposed act, and in general, there were comments on 21 areas of the act.

Those comments were heard — again I point out to members — many varying perspectives, 21 areas of the act, various groups, including all of those that I laid out to the members. Now the members again are cherry-picking individual perspectives. While those that hold those perspectives are certainly entitled to their view and we respect the position they take, the government must act in the interests of all.

The member was talking about bringing forward amendments. I would point out to the member opposite that although we will never absolutely rule anything out of hand without seeing it first, it is highly unlikely at this stage that the amendments the member would bring forward — particularly based on the motions they've tabled and suggested they would bring forward as amendments — that it would be a responsible move on behalf of the government to accept said amendments.

In the comments that have come forward from both opposition parties — the rhetoric around potential amendments — none of those amendments outlined would be in the interest of the Yukon public as a whole. We will, as government, do as the public expects us to do, and act in the interest of all Yukon citizens.

Mr. Edzerza: Thank you, Mr. Chair.

I wasn't going to stand up again, but because the minister put some things on record, I feel I need to respond to them, because I don't want a person's last impression to take this minister's word as gospel. The minister puts his own spin on

things that are said in this House, and that's his right. He can put any spin he wants on it. But what I have to say to it is: so what? So what? What I say in this House I'm not ashamed of, and I'll defend whatever I say in this House.

Basically, the whole gist of that conversation that the minister is talking about was merely a statement that, being a First Nation person myself and being of a minority group, it would be nice to win for once.

I think one has to try to understand how difficult it is for minority groups to stand up against the government and to be consistently — consistently for years and generations and generations always having to be the loser is not a good thing — mentally, spiritually, emotionally or physically. But a lot of these governments don't understand that. They just feel that because they have a majority, whatever they say goes, and they'll do as they please and to whomever they please. So maybe the minister ought to think about that.

Why do you always have to get a joy out of trying to knock somebody down? Do you get joy out of stomping on people? Well, so be it. I hope the minister really enjoys that kind of an approach to things because, as a person from a minority group, I don't appreciate that approach. It would be nice if, for once, the minister would just try to understand —

Some Hon. Member: (Inaudible)

Point of order

Chair: Ms. Horne, on a point of order.

Hon. Ms. Horne: Standing Order 19(g): the member opposite is insinuating that the government is stomping on minorities.

Chair's ruling

Chair: With regard to the point of order, the Chair believes it's just a dispute among members.

Mr. Edzerza.

Mr. Edzerza: Thank you, Mr. Chair. It was more or less an attempt to have the minister realize that, when some things are done to people on the floor of this Legislature, it is fairly obvious that there will be some hard feelings about how people approach things. All I'm saying to the minister is to maybe be aware of that. I don't think there's any need for it.

Hon. Mr. Cathers: The Member for McIntyre-Takhini just stood up and was talking about — first of all, he suggested that the government and I get joy from trying to knock somebody down. That is a very offensive statement for him to make and it is one he ought to know very well is not true.

The member also suggested in closing that, talking about things that are done to people on the floor of this Legislature. What this really reflects, Mr. Chair, when I stood up and reminded the member of his past statements in his record, and held him to account for his previous statements in this Assembly, is the member didn't like it. The member, like other members of the third party and the Official Opposition, like to dish it out in this Assembly, but clearly they can't take it when the government responds by holding them to account for their statements and the positions they've taken.

Some Hon. Member: (Inaudible)

Hon. Mr. Cathers: Exactly. The Member for Mayo-Tatchun's right; this is exactly what I'm doing now. I'm reminding members opposite of their records and I'm holding them accountable. I'm giving Yukon citizens who are paying attention the ability to be reminded of the positions both opposition parties have taken in the past, so they can't try and be all things to all people and play both sides against the middle and reflect every view depending on who they're standing up and speaking in front of. I will hold the members opposite to account for what they have said. That is what I was doing. The Member for McIntyre-Takhini, like many others across the floor, loves to dish out the attacks in this Assembly on the government, but is very, very sensitive to being reminded of the positions they've taken and their record with regard to statements, with regard to positions they've advocated, with regard to actions they've advocated.

We can stand up here and engage in that type of debate for hours. I have many more examples, many of them related to the Leader of the Official Opposition, that really are not that relevant to the *Forest Resources Act*. We can debate their past record, if they'd like to engage in personal comments and back and forth — I can do that for hours, but why don't we talk about the *Forest Resources Act*?

For the members again, the assertions the Member for McIntyre-Takhini made that the government and I were getting joy from trying to knock somebody down are completely at odds with the facts and very offensive to me and to my colleague, the Member for Pelly-Nisutlin, and Yukoners realize it is not fact-based.

We must do as all responsible governments do: we must listen to the views of all who come forward. At the end of the day, we cannot give any group or any other level of government the ability to veto legislation. After roughly 10 years of debate of policy on forestry legislation, when industry has waited for certainty, when others are waiting to use and access the forest and be provided with certainty with regard to conservation measures — and they have waited for certainty in that timeline — we must act to provide that certainty.

The members would seek to constantly delay. The members would seek to reflect limited perspectives and ignore the majority of those who contributed to this debate. That is not a responsible action, and it is not something that government can do in acting responsibly on behalf of Yukon citizens.

This legislation has been developed as laid out in the successor resource legislation working group process. We have followed that process. Those who were involved in that contributed to it. We have also consulted directly with First Nations. We have provided opportunity for members of the public, including non-governmental organizations, to provide their views. We have worked extensively with all who wished to be involved. At the end of the day, it is a good piece of legislation. And in fairness to all those who are waiting on it, we must move forward, rather than perpetually delay, as the members opposite would do, rather than engage in the failed policies that both parties practised when in government, which created tremendous uncertainty within all industry and investment and

resulted in a mass exodus of over 4,000 Yukoners from the territory and double-digit unemployment even during that time.

Under the Yukon Party government, since we took office slightly over six years ago — I guess we weren't quite sworn in as of six years ago — the territory was in a very negative state. The economy was bad. Things are better today. We have acted both through government actions and through providing certainty, clarity and the sense to all involved that the government will work fairly with all involved. At the end of the day, we will take the action that the broader public demands of us. We will act in the interest of all Yukon citizens. We will respect the views of each and every perspective. We will incorporate them to the extent that is appropriate, if we are able to do so and, at the end of the day, we will do what responsible governments do: we will make a decision and move forward on behalf of the people of this territory.

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

Recess

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

The matter before the Committee is Bill No. 59, *Forest Resources Act*. We will now continue with general debate.

Mr. Cardiff: At this time I would like to enter the debate on Bill No. 59, the *Forest Resources Act*. I too would like to thank all of the people — the officials who provided briefing to our staff, the people who participated in the successor resource legislation working group, and all the other individuals and organizations that participated in the drafting of the piece of legislation that we have before us.

Am I an expert in forestry legislation? I would say that I am not, but from what I understand, this is a significant piece of legislation. It is a step forward, and for the minister to say that members don't like it isn't true, not from my perspective anyhow.

I think that we recognize that this is a needed piece of legislation but we on this side of the House also believe that there are ways to improve upon and to make it better. I think that with the Official Opposition bringing forward amendments, we may have a few amendments of our own and possibly working together we can bring some of those amendments forward and maybe make this bill better. But I get the feeling from the minister that he's not open to that.

I understand the need to listen to a wide variety of groups and individuals and get their perspectives and bring balance to the legislation, but there are some things that make sense. I think the minister and the Premier have referred to the *Forest Resources Act* as a framework document that provides the workings for a forest industry to come into being, to operate and hopefully would make the best possible use of the forest resources we have here in the Yukon.

Some could say we have lots of forest resources, and some would say that we have limited forest resources. Depending on how you look at it, I think what we want is to ensure that forestry and the forest industry are sustainable in the long term.

I'll wait for the Premier to finish giving advice, and then I'll proceed.

Some Hon. Member: (Inaudible)

Mr. Cardiff: Well, I hope that the weather for the hockey game is good.

I think where there is some uncertainty and discomfort is with how much isn't in the legislation. That's my understanding. There is that framework there, but there is a lot that is left to regulation, whether or not those regulations will be consulted on, and just what type of consultation that will entail.

I'd like to talk a little bit about the forest industry. I may not be an expert on forestry legislation but I've got a bit of a history with the forestry industry. I was raised in the Alberni Valley and later lived on the Sunshine Coast, in the community of Powell River, so I'm pretty familiar with what large-scale forest industry looks like, how it operates, what kind of an economy it is and what the end results of a large-scale forestry industry like that are.

As the Member for McIntyre-Takhini pointed out, if you drive down the Stewart-Cassiar Highway — I've lived in the Yukon now for, coming up, just over 30 years, I guess — and there's a lot of difference when you drive down the Stewart-Cassiar Highway now to when you drove down it about 25 years ago.

But I think one of the points that I'd like to make is about the economics of the forest industry. If you look at the forest industry in southern Canada or in the United States right now, the forest industry is in decline. I was on the phone with my mother last night again, and she was telling me about the hard times that they're having on Vancouver Island with the forest industry and the fact that there are few jobs in the industry — again, more people being laid off.

One of the things we'd like to see here in the Yukon — what I think all Yukoners would like to see — and one of the things we've talked about that probably every party that has run in an election and every politician who has run in an election for quite some time now has talked about: economic diversification. I don't know that the forestry industry is an industry that will lead to economic diversification and a big change in the economy, unless we ensure that the industry we're creating will be, number one, sustainable culturally, economically and environmentally. I don't know that a large-scale forest industry will do that. I don't think a large-scale forest industry, given what's going on in southern Canada and the United States, is going to provide that economic diversification here in the territory.

What we see a lot of is the smaller operations, the ones that do selective harvesting and provide some value-added to the product. I think that that is what the act and regulations should strive for: something that is sustainable; something that leaves something here for Yukoners.

Some of the concerns — I think it's probably highly doubtful that we're going to have a forest industry that's going to be a major player in the global forest industry. That's what this legislation appears to be attempting to do. The concerns about the regulations leave a lot of — whether or not they're

consulted on — power in the hands of the minister to make those regulations and decisions.

One of the weaknesses in the bill is its inability to address the unresolved issues of aboriginal rights and title. PricewaterhouseCoopers has done a couple of reports on the forest industry. One thing they stressed was that one of the strongest assets they saw of a strong forest industry here in the Yukon was the relationship that the government had with First Nations, with the whole land claims and self-government regime and with the relationship that the government had with the Kaska on this issue.

The government has done a lot to destroy that relationship, I suppose. They've backed out of agreements. They have backed out of participating in forest management plans. They've left the Kaska First Nations to go it on their own. To their credit, they have.

I'd like to talk a little bit about one of the things the Premier likes to talk about all the time. Whenever it is brought up that First Nations litigate when they don't agree — whether it's on land applications with the Carmacks/Little Salmon First Nation, whether it's on the asset agreements with Kwanlin Dun, whether it's on land sales down on the waterfront with Ta'an Kwach'an and Kwanlin Dun, or the fact that we may be involved in another litigation around the *Forest Resources Act*, should the government try to use its authority on Kaska traditional territory, the Premier always says that First Nations, or anybody, can avail themselves of due process and take us to court, that that's the right way to go and that's how we get to where we should be. I have to disagree with that. We seem to see more and more of that all the time, and I think that forest resources legislation shouldn't lead to litigation.

I think that there are ways to work with and accommodate the needs of all these groups — conservation groups and First Nations — and I don't think that due process and going to court and the outcomes of that should be viewed as successful. I think it's a failure. I don't think that going to court to resolve these problems again and again is very successful. And I don't know any business person in the Yukon who would suggest that going to court to resolve problems is the right thing to do and that it would be viewed as a success.

We've raised some issues, and I hope that the government — the government seems to be setting us up for litigation. I won't go over all of the concerns that were raised in the Kaska document, but I think it's important. We need to clarify aboriginal rights to hunting, fishing and trapping in this because harvesting of timber will affect the ability of First Nations to access their aboriginal rights to hunting, fishing and trapping.

The act doesn't recognize all of the values that are in the forest. It talks about the trees, mushrooms and plants, but it doesn't talk about the wildlife in the forest — the animals that live there, right from the insects to the birds and the larger ungulates, the bears, the large wildlife population. The soil itself is a living organism and contributes to the ecosystem. That's what the plants and trees grow from; the water that nourishes those plants is necessary. It doesn't adequately address riparian areas and wildlife habitat.

The minister talked about consultation, how broad the consultation was and how this has gone on for a decade — some of it under the leadership of the Premier, at one point in his political career — and how over the last five years, the successor legislation working group has worked on this legislation. It has kind of been an on-again, off-again priority of the Premier to have this legislation go forward. I guess he made it a bit more of a priority this spring and, after a bit of a lull, decided to rush it through a bit more and speed up the process.

A lot of the work that had transpired to that point seemed to have disappeared over the intervening months, where it appeared there had been agreement on some of the things that needed to be in the act. A lot of those things disappeared in the final draft.

The bill doesn't allow for the provision of First Nation self-regulation of the aboriginal domestic harvesting of timber; it doesn't allow for aboriginal rights of non-treaty First Nations that do not have settlement lands; it doesn't allow for a criterion for adjusting the volume of a harvesting licence to include the concerns of aboriginal people. There are a lot of things that are left to the discretion of the minister, and they're found in section 92. The minister — “the Commissioner in Executive Council may make regulations,” it says — that's the minister and the Cabinet who may make those regulations — “describing the matters to be considered in the preparation of forest resources management plans; describing the process for preparing timber harvest plans and woodlot plans appropriate to the harvesting to be undertaken and the content of these plans; establishing application fees for a harvesting licence, a cutting permit, a forest resource permit, establishing information requirements for a harvesting licence, cutting permit...” — there's a typo, look at that — (c) and (d) — no — “...information requirements for a harvesting licence, cutting permit and forest resources permit; establishing stumpage reforestation and any other fees to be levied...”.

There are 22 areas where the minister can make regulations, and he's ultimately the one who can do that. I think that if democracy would prevail, the minister would want to involve the public and First Nations. In light of the fact that they want forestry to be an economic driver — I see my time is running out and I still have quite a bit to say, but I would just put this on record: the minister may want to consider — instead of that control — using something similar to the Yukon Minerals Advisory Board and consider something along the lines of what Alaska has, which is a forest resources board, made up of a group of stakeholders — multi-stakeholders — that could make recommendations to the minister on a number of these issues related to the forest industry and the regulations. I hope the minister will consider that and that he will consider public consultation when it comes to the regulations.

Hon. Mr. Cathers: I think the Member for Mount Lorne perhaps missed something earlier. He refers to 22 regulation-making powers for Cabinet to prescribe regulations under this legislation. I don't want to go through the whole list in the detail I did before, unless it's absolutely necessary to do so, so I will try to summarize it for the member.

I will go through other forest-related acts across Canada. In summary, British Columbia, under their piece of legislation, has four different acts. One has 30 regulation-making powers, the next one has 36, the next one has three, the next one has one, compared to 22 in the Yukon. Alberta has 24 regulation provisions, Saskatchewan has 39, Manitoba has 18, Ontario has 32, Quebec has 23, New Brunswick has 30, Nova Scotia has 21, Newfoundland has 60, Prince Edward Island has 26, and Northwest Territories has 21. So, again, we're certainly at the low end of the spectrum in what is being left to be developed through regulation.

And the request has come forward again — I've pointed out that we've committed, if not from the very outset of this process, certainly since earlier this year, in the later stages of the legislation development, that the regulations would be developed through public discussions and there will be public review of this. I've said this several times. I may have to say it again. But that is the fact, and that's the way it should be done appropriately as well.

Now, the establishment of a formal board is something that — some take that approach. But I would point out that that doesn't necessarily mean any better involvement. In this case, in the development of this legislation, both the forest values and the forest industry focus groups were composed of representatives of people from those perspectives. We provided them with resources to assist their participation. They selected themselves based on their interest, to an extent. They represented varying degrees.

What the member in a sense is proposing is the NDP model of governance, which doesn't ensure any more inclusion of individuals but it devolves a government's authority to a board, which sort of creates a buffer and, in my view, often can create the opposite effect and end up with a distance being created between the elected government and those who are affected and those who have a view they wish to express.

We have respected those who wish to express a view and have resourced the participation of them in this process, in the case of those two focus groups: forest values and forest industry.

In answer to the member's question, I appreciate his perspective; I don't agree; I don't think it's the right approach and that's why we haven't put that in. It's not just my opinion; it is also through the good work done by officials in the department. They're not recommending it either, and it's about our belief that the way we have proposed is a more effective and appropriate way for direct public engagement, not distanced public engagement.

In answer to the member's question, I would note already that preliminary discussions on the regulations are already underway with industry and the forest values focus groups — so some of that work has already begun — and First Nations, via a technical advisory team that was established as per the successor resource legislation working group provisions.

This act allows the Yukon to chart its own course with an emphasis on planning established in the bill.

I appreciated the perspective the Member for Mount Lorne brought forward on this; however, I think where he may be

getting off-course in this is a misunderstanding of what the act is supposed to do. The act is establishing that some of these areas are not to be dealt with even in regulations, but rather, through forest management planning. The act enables the ability for forest management planning to take place in areas. That is, to provide the ability under these plans for First Nations, for communities, for Yukon citizens, for those wishing to use it as an industry, as well as environmental groups, to provide their input in the development of that plan for that area. So it would not be appropriate for us to entrench provisions of the plan, to arbitrarily — without that planning work having occurred in many areas of the Yukon — set those levels in this legislation that would decrease the ability of communities in areas, including First Nation governments, municipal governments, citizens and various interested groups and individuals and industry. To take that approach would reduce their ability to be involved in a forest management plan appropriate to their region.

So, again, the act does establish — which, if the member compares to the timber regulations, the member will note that, again, this is a significant step forward in recognizing the importance of forest management plans and laying out the ability for that, placing an emphasis, indeed, on doing that forest management planning. Of course, at the actual disposition stage, anything that is over the fairly low threshold set out in YESAA for requiring review would go through that process in addition to any processes internal to government or related to plan development. That process, of course, provides Yukon citizens a process which they're becoming increasingly familiar with for providing their input into any and all matters that fall within YESAA's purview.

I don't disagree, actually, with the Member for Mount Lorne talking about large-scale forest industry and declines in the lumber industry down south — layoffs, et cetera — and the member, of course, is right in making that point. I would point out to the member that in this case, again, he's correct: smaller operations are typically the norm here in the Yukon and are likely to be for the foreseeable future. This legislation neither precludes the establishment of larger operations nor smaller operations, nor leans toward any one of them.

It lays out a number of flexible amounts for timber. There are more significant and stringent obligations for larger amounts of forestry use, those being larger operations, than there are for a smaller operation, out of recognition both of the long-term impact of that operation — or potential impact — and the fact that, for a smaller operation, if it's a mom-and-pop operation, we don't want them to have to go to any unnecessary work in submitting their applications and doing the work as per their licence, while maintaining the need for appropriate safeguards that are in place. A smaller operation is, by its nature, a smaller operation with a smaller range of impact.

The other part, forestry, does include fuel wood. It includes Yukoners' personal use; it includes questions that the Member for Mount Lorne's colleague asked about issues related to people being able to cut personal fuel wood and commercial fuel wood. Those are things that fall under forestry. Based on the indications we've had from those within industry, the expectation is that the market for export of timber — or the

potential for that — is very limited in the foreseeable future when you look at declining operations down south and their easier access to timber, that the chances of getting into export of either milled product or raw logs is not a very likely prospect in the near term on any type of a significant scale.

It may occur in small levels. It is not prohibited, but there is simply — the market conditions don't make it likely that the Yukon is going to be exporting its product so much as using Yukon forests for our own local needs.

Now, again, these areas, as I've pointed out — I've said several times that the act is established as a broad framework. As I pointed out, I recognize the member's perspective in making the point — and it's always a debatable point how much should be in legislation and how much should be in regulations. We have, as I pointed out — the number of powers we have left to be put and prescribed in regulations are at the lower end when you compare us to other jurisdictions across the country. There are many that have — including British Columbia, of course, a major area that has many, many more regulation-making powers than we do under our legislation. Again, this is toward the low end of the scale and there is some need, of course, to have flexibility in those areas, rather than to be constantly bringing forward minor matters before the Legislature.

Not that "constant", of course, is the correct term but, as members know, when we deal with older pieces of legislation, we often run into areas and sections where there is often common agreement on the fact that it is too prescriptive in the act and would be better to leave in regulations. I would point out that one example of this was the changes brought forward earlier and discussed today at second reading on the amendment to the *Seniors Income Supplement Act*, whereby the government is moving into regulation, through that law, the ability to increase the amount of the Yukon seniors income supplement. Members on the other side stood up and noted it was a good way of doing so.

I'm not trying to take a swipe at the members — in response to the look on at least one face — by saying that; I'm pointing out that there is agreement in some of those areas that it simply makes sense to give the ability to adjust such things, to raise the seniors income supplement, without having to go to the Legislature and amend the act to do so in the future.

I again point out these areas are based on the advice we've received and what is believed to be best practice. The policy people in Energy, Mines and Resources, legal drafters, the successor resource legislation working group — all contributed to the development of determining what should be in legislation and what should be in regulations, and I believe they've come up with a good balance.

Again I want to emphasize and go back to the point and stress to the Member for Mount Lorne, and indeed all members, that this legislation is not a forest management plan. It is legislation, overarching legislation that places an emphasis on developing forest management plans. The legislation itself is not designed to be the forest management plan, nor should it be. Forest management plans are critical to the effective operations of the act. They are to be done by virtue of the wording of the act within specific areas, where it provides the ability for

specifically noting the requirements for involvement of First Nations and the ability to work with First Nations who do not have settled land claims agreements; all of these are spelled out. What I want to emphasize again to the members: forest management planning is a key part of this act. Developing those plans is critical to the effective operation of this act, but the act is not, nor should it be, itself a forest management plan. Those plans, though, and that effective work with First Nations, with community groups, with communities themselves, with citizens, with various groups representing a conservation perspective and representing an industry perspective — all are important to that planning work.

The Member for Mount Lorne and a number of members of the opposition have mentioned the issue of unresolved aboriginal rights and title. I would point out that I agree with the member that those issues are important, but the place to resolve unresolved aboriginal rights and titles is not in Yukon legislation. It is developed through a tripartite process, through negotiation between the federal government, the First Nation and the territorial government. For us to be defining aboriginal rights and titles here is not appropriate.

Some Hon. Member: (Inaudible)

Hon. Mr. Cathers: The Member for Mount Lorne is suggesting off-microphone “the court.” The court is an avenue that is open to any who wish to have it. In the issue of unresolved aboriginal rights and titles, it is not appropriate for it to be dealt with, nor can it be dealt with, through bilateral negotiation between the Yukon government and that First Nation. It must involve the federal government. It must follow the process that has been established and laid out in the *Umbrella Final Agreement*, so on and so forth.

The Yukon government cannot negotiate when the federal government has the primary responsibility in those matters. We can't negotiate that or set it out in legislation, nor should we. So if there are issues with those unresolved aboriginal rights and title, what we have do, as we will, is notify where we're required to by law, including common law, and consult where we must by law, including common law. And if First Nations outside of a negotiation process — which I'd remind the member that we have stood on the record and encouraged the federal government to establish a new mandate and engage in negotiation, and we have encouraged both the federal government and the First Nation governments who have not settled agreements to work together with the Yukon government and actually bring final resolution in this area.

We wish to see final agreements in all areas where there are not final agreements. However, outside of a final agreement negotiation process, all we can do is do as we are doing — work to address our legal obligations to consult, where we're required to consult, and address our legal obligations to notify, where we're required to notify, and do in general practice, as we have with this legislation, and exceed what we understand our legal obligations to be by doing more work than is strictly necessary in engaging First Nations in these discussions, including the policy discussions in these areas.

That is what we have done, but if the member is talking about specifically defining aboriginal rights and title, that takes

place through two processes — through either negotiating them through a final agreement process or through court decisions establishing what those who have an unresolved and non-negotiated right are entitled to. A treaty is a treaty, but outside of a treaty, the Yukon government cannot negotiate these matters without the federal government and the First Nation government as part of an official land claims process. These matters are important, but the members must recognize the facts and recognize the way that the law is established.

The Member for Mount Lorne suggested that, by cancelling the agreement in principle with the Kaska on forestry that we had somehow acted in a way that was negative toward the relationship. I would point out to the member opposite that, when we were notified in February 2008 by the Liard First Nation that the Kaska Tribal Council no longer represented the Liard First Nation in any matter whatsoever, we had to look at the wording of the agreement in principle, which specifically reflected the Kaska Tribal Council acting on behalf of and representing the Liard First Nation. Therefore, by notification given by the Liard First Nation, they told us, and we responded as per their request, that the Kaska Tribal Council was not to represent them in any matter whatsoever. So we had to, by their direction, by their letter, cancel that agreement in principle. We have, however, indicated our desire on several occasions to establish a bilateral agreement with the Liard First Nation with regard to forestry and forest resources, including a full-day meeting that took place in Watson Lake on that topic with officials from Energy, Mines and Resources, discussing and laying out the interests, the issues, et cetera, and discussing with the Liard First Nation that very topic — that is, establishing a bilateral agreement on this matter.

So again, in this case I point out to the member the issue of the cancellation of the agreement in principle. That was as per their direction in a February 2008 letter.

Mr. Cardiff: I have a few questions for the minister. The minister stated that forest management plans are key to the act. I believe the minister just gave the reasons for stopping the government's participation in the creation of those forest management plans in southeast Yukon. He's shaking his head that that isn't the reason. It's my understanding that the Liard First Nation and the Kaska are developing those forest management plans on their own, now that the government stopped its participation in the development of those forest management plans.

So, I guess, from my perspective, the minister has said that these are key to the act. These are important in order for the act to operate. It's also my understanding that there are more areas that don't have forest management plans than do have forest management plans. One question I have for the minister: what is he going to do to ensure that there is a process that will see these forest management plans come into being and that there will be a community-driven process that will include groups from communities — foresters, conservation groups and First Nations as well?

Can the minister also tell me whether or not forest management plans are going to guide the setting of the limits for harvesting timber and the annual allowable cut? The other

question I have about forest management plans — it's interesting we got into forest management plans — is that in section 11 of the proposed act, it allows for the minister to unilaterally change or completely toss out forest management plans. Now, if forest management plans are key to the act, why does it give the minister these sweeping powers? The minister says he wants to act in good faith; he wants to work with communities; he wants to work with conservation groups; he wants to work with First Nations; and he wants to work with foresters and the industry. So why would a clause like that be necessary in an act like this? I'm putting those questions on record and I'll await the minister's answer on that.

But I have one other question. Earlier, the minister referred to the fact that he had asked for and obtained a legal opinion on this bill in relation to the Kaska's position paper. I don't want the minister's opinion. It's a public document. The minister asked for and received, by his own admission, a legal opinion. What I would like to do — and it's not out of order to ask for this in the Legislature; it's consistent with past practice in this Assembly actually is my understanding — is ask the minister to provide that legal opinion he asked for and received to both opposition parties.

With that, I'll sit down and await the minister's answer.

Hon. Mr. Cathers: The Member for Mount Lorne, in noting that it is common in the past to ask for legal opinions, will also note that it has been common practice of every government in Yukon's history, dating back decades, to decline to provide a legal opinion. By standard it is privileged advice to the client and it is something the Standing Orders make specific reference to — asking for legal opinions in Question Period.

However, as with the past practice, if the member will look back he would find Yukon governments dating back since the beginning of responsible government, at the request to table a legal opinion, will refuse to do so, and that is what I am doing because that is the appropriate thing to do.

Now, Mr. Chair, the Member for Mount Lorne asked about the minister's ability to toss out a forest management plan, as he referred to it. That is not quite the case in that there is the ability for a forest management plan to be revoked, and that is for the same reason that contribution agreements and other areas are often worded as "subject to the annual appropriation by the Legislative Assembly." It is about the practice of not fettering the ability of future governments to make decisions. A future government would have the ability to cancel a forest management plan, and of course they would bear the political consequences for doing so if it was not something the public wished to see done. It does not eliminate the ability of a future government to eliminate such matters, but again, if the process was truly reflective of the interest of the area, then the government would bear some criticism for getting rid of it, and if it was for any of a myriad of potential reasons an appropriate thing for them to do based on the public will at that point in time and changes within the Yukon environment, et cetera, they would probably then be criticized by some for doing so and applauded by others. But that is something again — it's about not fettering future governments' ability to pull out of such things, if they feel it appropriate to do so.

Under the legislation, I would point out that we've also done work on forest management planning. With regard to the Member for Mount Lorne, I would point out that the agreement in principle on forestry with the Kaska was an agreement, not specifically a process. Their process is related to the agreement. But, again, just to clarify what I said — it was at the indication of the Liard First Nation in a letter sent in February indicating that the Kaska Tribal Council did not represent them on any matter whatsoever — that the government had no choice, based on Liard First Nation's indication, but to cancel the agreement in principle because it had specifically referenced the Kaska Tribal Council acting on behalf of Liard First Nation.

So, again, it was upon receipt of Liard First Nation's letter indicating their desire to not have the Kaska Tribal Council represent them in this matter and any other matters.

We have done as per their request and ensured that we are always working directly with the Liard First Nation and consulting directly with them on matters that we are required to and matters that, in the interest of good policy and good relationships, we are choosing to consult and work with them on.

Under the legislation that specifically references work that we have done in the Teslin Tlingit traditional territory and the Champagne and Aishihik traditional territory — in the case of the first one, dated February 9, 2007, under the strategic forest management plan for Champagne and Aishihik traditional territory, approved December 10, 2004, are forest resource management plans for the purpose of the act. So they are also protected under this legislation for the work that has been done.

But again, I do point out and emphasize to the members that a key part of the legislation is enabling and placing an emphasis on planning. There's reference to agreements on planning, integration with other plans, implementation of plans, amendments and cancellations of plans, planning process for settlement land and public lands, and the planning process for public lands if settlement lands are not included in that. It also talks about planning areas.

There is an entire part of the act called "Forest Resources Management Plans." I won't read the highlight of every clause, but I would point out that, in fact, this is a specific part of the act for dealing with forest management plans. It's an important matter. The effective management of Yukon forests under this legislation depends on that planning work occurring. Although we can, in the absence of it, take action — that has not been precluded, nor should it be — the desire is very strong and the emphasis in the legislation is on encouraging all to come forward and to work on the development of a plan so that the dispositions made are in the interest of the work that has been done — in the interest of affected First Nations, affected municipalities, affected communities, and incorporated or non-incorporated affected citizens and so on and so forth. The planning process is very key to making the act work. But as I've said several times, the act itself is not a forest management plan nor should it be.

Another area the Member for Mount Lorne referenced was things including wildlife, and I would point out that wildlife — although there are some linkages, the specific areas related to wildlife are largely dealt with under other legislation, including

the *Wildlife Act*, and of course there are references in the *Umbrella Final Agreement* and final agreements, Fish and Wildlife Management Board, RRCs, et cetera. This is not the only act that governs the use of Yukon resources, and all of those other acts must be worked with as well.

So, again, there are a number of provisions in place to incorporate this type of planning and, of course, the forest management planning process itself. A key component and a key emphasis of this act is designed to take and consider all such issues.

Mr. Cardiff: I thank the minister for his answers. In some respects, they have cleared the air. In some respects, they've muddied the water or fogged up the air. I have some other questions for him, though.

It's unfortunate that the minister, right out of the gate, doesn't want to provide that legal opinion. It is my understanding that there is nothing preventing him from doing it. It would possibly alleviate some of the concern and the discussion we've been having here. It would help us on this side of the House understand the minister's position. It would help us understand where he's coming from with his position. So I would urge him to think about doing that.

I understand the purpose of the forest management plans. It's my hope that the minister will ensure that the good work that has been started in some areas — and we can learn from the work that has taken place and been completed in some areas — will be built upon so that their forest management plans for much of the Yukon will help guide the forest industry.

The minister didn't answer — or at least I didn't hear him answer — that question about how those forest management plans will guide the setting of the limits of harvesting timber and the annual allowable cut.

I'd like to know how the act and the regulations are going to regulate the export of raw logs. We've previously seen raw logs leave the territory, rolling down the Stewart-Cassiar Highway. We see large stockpiles of forest resources in the areas of Smithers and Fort Nelson piled up outside sawmills and OSB plants. We don't want to see our timber go in that direction. We want to see value-added.

I have another question for the minister. The act says, "Despite anything in any other enactment..." and I take that to be any other piece of legislation. When the minister was referring to other values in the forest — specifically wildlife — he said that they're regulated by other pieces of legislation, but which piece of legislation takes precedence? Because in this case, it says, "Despite anything in any other enactment, the Director may construct..." which means the government may construct, "...or authorize the construction of roads to assist forest resource harvesting," then it says they "may maintain and administer these roads," they may "limit the loads..."; they can "restrict the use" to "seasonal use."

It says, "or for reasons of public safety, environmental protection or fish and wildlife conservation." But what's to stop the building of these roads and what guides the building of these roads? It says they "may restrict the use of these roads...for reasons of public safety, environmental protection or fish and wildlife conservation." But what's to protect during

the building of the road? It says, "Despite anything in any other enactment," so if the director or the minister, or the director under the direction of the minister decides to build a road into some area of high timber value, it says that they may restrict the use of these roads but it doesn't say they have to. And we're dealing with the "may" and "shall" issue here, I believe, and that's a concern, because it doesn't say that these roads need to take into consideration land use plans, forest management plans, or any endangered species legislation. It says "despite anything in any other enactment."

I asked the minister again about forest management plans and the annual allowable cut. I asked him about how they intend to regulate raw-log exports, and the question about the roads, and I hope the minister can provide an answer.

Hon. Mr. Cathers: With regard to road building, first of all, you need to read the flow of the act. There's a requirement for it to go through the planning hierarchy, and forest resources management plans or timber harvest plans must respect other legislation and other plans. What that would be referring to, for the member's clarity, is that there are other areas related to highways, that type of thing, under legislation in different areas. This is to provide clarity to the director's powers.

However, it does not eliminate the requirement to go through review processes including YESAA. As the member is probably aware, the Yukon government — even for building roads, even for a project where the government would be the decision body — must still submit an application through YESAA for anything that goes over the threshold in that legislation. And if there were issues set out that would have an impact, the government must, of course, live in accordance with its regulations.

To clarify for the member, the key point in this is that clause — "despite any other enactment" — that specific part is there to ensure that the roads don't become defined as "public roads" under the definition of the *Highways Act* — I believe that is the applicable piece of legislation — which means that we can't deactivate that road. We can't decommission the area. It is not an official public road. So it is to clarify that in fact a temporary road can be established by the director through this legislation, which these roads would be, versus roads established, as is typically the case even on the land base of anything that is defined as then being a public road or public trail. There are requirements associated with protecting it, moving it, et cetera, if applications occur. Whereas, in this case, the intent would be — a timber harvest road would be in existence as long as it was needed, based on the licences issued, the plans, et cetera, and then eventually it would likely be decommissioned or would certainly be allowed to fall into a condition of being overgrown.

The forest resource management plans do guide the annual allowable cut establishment. In areas without forest resource management plans, section 20(2) of the act provides some certainty and protection against other harvesting. Where a forest resource management plan hasn't been approved for the area where forest resource harvesting is proposed to occur, the director may only authorize a harvesting licence in an amount less than that prescribed by regulation for the area. So, again,

there are some safeguards in this area, and section 20(3) refers to a requirement for a level of planning for all harvesting, except for very small amounts. So, again, that is intended to provide that clarity there and places the emphasis and importance on doing that forest management plan work.

With regard to the export of raw logs I have two things for the member. Exporting outside of Canada requires a federal permit to export goods from Foreign Affairs and International Trade Canada. The issue of export from the territory is something that will undoubtedly be discussed in the regulation stage and could potentially be addressed through either the harvest licence or permit disposition stage, including requesting information on the possibility of export and potentially other areas within legislation. Again, all things that are possibilities that will occur through that development — the possibility of a stumpage fee, providing for an export levy, and the possibility of a requirement for a timber mark being required for the export to proceed. Again, those things will be on the discussion table in the development of regulations. Of course, the actual form and what is in there, including what provisions are included, is being discussed and will be discussed through discussions with a number of groups in the general public, and of course, the successor resource legislation working group. For the Member for Mount Lorne, it is an issue that I recognize is out there, and it is something that there is a possibility to deal with through regulations, potentially, but it would be an appropriate area to deal with in the act itself.

Mr. Chair, that is running close to the end of my comments and my answer to the members opposite. I have a feeling that I missed something in the member's comments.

Annual allowable cuts. Under the forest management plans guide, the establishment of an annual allowable cut — again, it's under section 16. "Determination and apportionment of allowable cut," refers to the setting of that cut and gives the ability for the director, in accordance with the regulation of course, to determine the maximum amount of timber that may be harvested annually in a specified area as prescribed by regulations. The establishment of annual allowable cuts is to be driven heavily by forest resources management plans. I mentioned the provision under section 20 that provides the ability for some restriction on those levels when there is not a forest management plan in place.

I would again point out to the member that of these areas they bring forward, many will be laid out in great detail in the regulation that refers specifically to planning. Although he and I have some different views and perspectives on some issues, I would encourage the member to note that I and this government — and certainly officials in Energy, Mines and Resources — as with most, if not all, Yukoners feel a great deal of importance placed upon us in terms of making appropriate management decisions. We recognize the appropriateness, as recognized in the preamble, of the importance of ensuring the long-term health of Yukon forests is maintained and protected for the benefit of current and future generations. Although we do have somewhat different views on topics of how to manage them, et cetera, it is something that no matter what one's political leaning, almost without exception — perhaps without ex-

ception — Yukon citizens place a great deal of importance upon the natural beauty of the Yukon, the unspoiled wilderness, our pristine waters, our well-protected and managed wilderness.

There would be few, if any, who would find it acceptable to get to not only the type of extreme state suggested by the Member for McIntyre-Takhini of imagining a Yukon without any trees, but even to a level where significant areas or even small sections of the territory had ecosystem damage — that would not be acceptable. I would, in fact, challenge members to find anyone who would consider it acceptable.

We recognize the examples that some have brought forward of outside jurisdictions and examples of poor management of forests. Like examples we've discussed in previous debates — examples of mining in a way that would occur in a manner that currently we consider to be unacceptable — those practices are things that no one wants to see occur again. It is something that a great deal of importance is placed on by everyone — that these steps be taken appropriately, that the planning be done right and that, in the interest of short-sighted, limited, short-term benefit for individuals who are engaged in any activity, that we not take any steps that jeopardize the long-term health and future of the forest.

There are those — as we've discussed before, there are always those — who would like to see more details, more clarity provided in legislation of their perspective, to see their specific view recognized to a greater extent in legislation. I again say to members opposite that I do appreciate that perspective; I understand it; I sympathize with it; but the government is acting, as I've indicated on numerous occasions in debate, in the way that we believe is in the best interests of the public as a whole. A key part of that — a very critical part — based on what Yukon citizens want, is ensuring that our wilderness is managed in a way that is appropriate, that our forest resources are managed appropriately, that the pristine wilderness is protected, and that no one is allowed to engage in activities that cause damage to the ecosystem or leave a scar upon an area of our natural beauty.

So although we have some differences in views of how that should be accomplished and what the legislation itself should read, I remind the member opposite the security on this, the certainty, when I say to him that much of this will be dealt with in regulations and in the plans, is the certainty and the final authority in this matter is that the Yukon public as a whole will not accept any government taking action in forest management plans or on regulations that are contrary to the preservation of a viable, vibrant forest ecosystem.

However, the majority of Yukon citizens I believe want Yukoners to be able to access the forests, to cut down trees for their house. I know the Member for McIntyre-Takhini is shaking his head, but I believe if he doesn't burn wood in his own stove, he at least has a number of constituents who burn it in theirs. Many of us have woodstoves. Wood of course is something that is a viable and valuable source for Yukoners to heat their homes.

Yukon citizens, in the planning process —

Chair: Order please. Seeing the time, the Chair will rise and report progress.

Speaker resumes the Chair

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

Chair's report

Mr. Nordick: Committee of the Whole has considered Bill No. 59 and directed me to report progress on it.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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. tomorrow.

The House adjourned at 5:31 p.m.