

**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, October 25, 2012 — 1:00 p.m.**

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

Prayers

INTRODUCTION OF PAGES

Speaker: It gives me great pleasure to announce that the following students will be serving this House as the legislative pages for the 2012 fall sitting. They are Sonali Malhotra, Morgan Paul and Karine Potvin from F.H. Collins Secondary School; Amanda Dendys, Joshua Ladue and Pierre Lefebvre from Porter Creek Secondary School; and Midhula Kalpak and Nicole Mabilog from Vanier Catholic Secondary School.

Today we have Nicole and Midhula with us. I would ask all members to welcome them to this House at this time.

Applause

Withdrawal of motions

Speaker: The Chair wishes to inform the House of changes we have made to the Order Paper. The following motions have been removed from the Order Paper because they are outdated: Motion No. 179, standing in the name of the Leader of the Official Opposition; Motions No. 21 and 168, standing in the name of the Leader of the Third Party; Motion No. 36, standing in the name of the Member for Pelly-Nisutlin; Motion No. 83, standing in the name of the Member for Watson Lake; Motions No. 95, 118 and 173, standing in the name of the Member for Mayo-Tatchun; and Motions No. 165, 171 and 227, standing in the name of the Member for Takhini-Kopper King.

Also, Motion No. 231, standing in the name of the Member for Pelly-Nisutlin, was not placed on the Notice Paper as it is outdated.

DAILY ROUTINE

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

TRIBUTES

In remembrance of Don Taylor

Speaker: Before I ask for tributes from the floor, I would like to do a tribute of my own to a former Speaker of this House, the Hon. Don Taylor.

Donald Emerson Taylor was born September 22, 1933, in Toronto, the son of Emerson R. Taylor and Olivia Kennedy. At the age of 16, Don hiked up the Alaska Highway in 1949. Before entering politics, he was a prospector, horse wrangler and, at one time, game warden. Don was first elected to the Legislature representing Watson Lake in 1961, when the Legislature was called the Yukon Territorial Council. He served as territorial councillor and MLA for Watson Lake for 24 years, from 1961 to 1985. He served as Speaker of the Yukon Legislative Assembly for 11 years, from 1974 to 1985. As such, he remains

the longest serving Speaker of the Yukon Legislative Assembly.

Don was a strong advocate for the development of responsible government in the territory, and he worked hard to bring it about. He was part of a lobby effort to convince the federal government to give elected representatives, the MLAs, more of a say in the administration of the territory through the creation of an Executive Committee comprised of three appointed members: the Commissioner, and two assistant Commissioners, and initially two elected members, or MLAs. The wholly elected Executive Committee, or Cabinet, was not achieved until the Epp letter of 1979, which Don Taylor helped bring about.

Don's primary residence after retiring from political life was his fishing lodge at Stewart Lake in southeast Yukon, where he spent most of his time, except for short stints in his mobile home in Watson Lake. Don was an avid radio operator, relaying messages, delivering weather reports and short news updates for trappers scattered around southeast Yukon and northern British Columbia. November 1, 2012 would have marked the 33rd anniversary of Don Taylor's radio broadcasts.

Don died in Watson Lake on October 7, 2012, after a valiant battle with lung cancer. A celebration of Don Taylor's life will be held on October 27 at the Watson Lake Curling Club in the town's recreational centre.

I had the privilege of speaking to Don on many occasions when he would come to town and visit the Legion before I became the Speaker. We spent a very enjoyable two hours with him telling me all the stories of his time in the Legislature — along with a few pointers, as you can well imagine Don had.

Thank you, Don Taylor, for your decades of public service, and Godspeed.

Are there any other tributes?

In remembrance of Roger Fisher

Ms. Hanson: I rise today to pay tribute to Roger Fisher. One day this past August, I heard on the news that Roger Fisher had died at age 90. Mr. Speaker, the news of Roger Fisher's death reminded me of how this World War II veteran, who, upon returning to the U.S. learned that four of his eight college roommates had died in combat, and who, having seen and lived through the aftermath of war, then dedicated his life to helping avoid conflict.

Roger Fisher was the co-founder of the program on negotiations at Harvard Law School.

He was also the co-author of *Getting to Yes: Negotiating Agreement Without Giving In*. This book is a classic. It has sold over eight million copies and been translated into 36 languages. His techniques and observations have helped solve conflicts worldwide. They have been successfully used in settling disputes as diverse as the Camp David Accords — the resolution of the longest running war in the western hemisphere between Peru and Ecuador — to the negotiations and constitutional process that led to the end of apartheid in South Africa.

There are few points in our careers that are really memorable. For me, it was having the privilege to be part of the process that led to the negotiation and ratification of 11 Yukon First

Nation final and self-government agreements. Hearing of Mr. Fisher's death this summer, I recalled how the failure of the 1984 Yukon negotiation process left all parties feeling on edge and defensive.

Losing trust is easy; rebuilding it takes time and real effort. It was a real challenge for all involved to find a way to restart negotiations, to rebuild trust in the process and rebuild trust among the parties.

It was the late 1980s and we were working to try to complete the *Umbrella Final Agreement* and to work with those who had become known as "the first four."

It took a lot for those four Yukon First Nations — Champagne and Aishihik First Nations, Vuntut Gwitchin, Teslin Tlingit Council and the First Nation of Na Cho Nyäk Dun — to come to the table to agree to start negotiations on land claims and self-government agreements. An inspired suggestion from a forgotten source encouraged representatives from Yukon First Nations, territorial and federal governments, including chief negotiators, to participate together in training sessions on principled negotiations based on Roger Fisher's book, *Getting to Yes*. The lesson started with a simple question: What is the best way for people to deal with their differences?

It was not easy, Mr. Speaker, but over the course of time, the participants began to understand that rather than fighting a competitive battle over the merits of a party's position, Fisher's advice was to jointly develop a fair process to prepare well, to inquire carefully, to listen with the intent of learning, to separate the people from the problem and to explore options to increase value, all premised on the notion based on his experience that, as a result of cooperation, all sides are likely to do better than they would have otherwise.

Following those same principles that Roger Fisher has successfully used in settling internationally important disputes, Yukon First Nations, the Yukon government and the federal government were able to overcome deep-seated historic distrust and find a path to address and focus on the mutual interest of the parties rather than what separated us, resulting in the successful conclusion of the *Umbrella Final Agreement* and the first four final and self-government agreements.

Ultimately, Mr. Speaker, it was a profound redefinition of Yukon. I can tell you, Mr. Speaker, it was not easy. It took time. We were unlearning the traditional approach to negotiations. I have a vivid memory of being in a tense session in a community. I looked across the table and saw that the young man chairing the session for the First Nation had his copy of *Getting to Yes* on the table in front of him. It became a talisman-like reminder throughout negotiations.

In closing, Mr. Speaker, I pay tribute today to Roger Fisher, whose life work played a small but important role in helping Yukon learn this final lesson: conflict is not simply a zero-sum game in which a fixed pie is divided through haggling or threats. Instead, he showed us how, by exploring underlying interests and being imaginative, parties can often expand the pie and create greater mutual value.

Thank you, Mr. Speaker.

INTRODUCTION OF VISITORS

Hon. Mr. Pasloski: Mr. Speaker, it is my honour to introduce Whitehorse's outgoing mayor, Her Worship Bev Buckway, and also the mayor-elect, Dan Curtis.

I'd like to invite all Members of the Legislative Assembly to join me in welcoming them here today.

Applause

I would also like to introduce to the House, Darielle Talarrico, who is the chair of the Yukon Chamber of Commerce, and Peter Turner, who is the new president of the Yukon Chamber of Commerce. Again, I invite all the Members of the Legislative Assembly to join me in welcoming them to this House.

Applause

Ms. Hanson: I'd like the House to join me in welcoming Vikki Quocksister, recently named president of the Yukon Federation of Labour.

Applause

Mr. Tredger: I'd like the House to join me in welcoming to our gallery, Mary Battaja, an elder from Na Cho Nyäk Dun.

Applause

Speaker: We're always pleased to have visitors join us in the Legislature.

TABLING RETURNS AND DOCUMENTS

Speaker: Under Tabling Returns and Documents, the Chair has for tabling the Conflict of Interest Commissioner's annual report for the period ending March 31, 2012.

The Chair also has for tabling the status report of the Auditor General of Canada to the Yukon Legislative Assembly - 2012.

Further, the Chair has for tabling the addendum to the report of the Chief Electoral Officer of Yukon on election financing and political contributions 2011.

Finally, the Chair has for tabling a report from the Clerk of the Legislative Assembly on the absence of members from sittings of the Legislative Assembly and its committees, dated October 25, 2012.

For the information of members, the reports of the Conflict of Interest Commissioner, the Auditor General and the Chief Electoral Officer have already been distributed to the members and made public.

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?

INTRODUCTION OF BILLS

Bill No. 45: Introduction and First Reading

Hon. Ms. Taylor: Mr. Speaker, I move that Bill No. 45, entitled *Act to Amend the Municipal Finance and Community Grants Act*, be now introduced and read a first time.

Speaker: It has been moved by the Minister of Community Services that Bill No. 45, entitled *Act to Amend the Municipal Finance and Community Grants Act*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 45 agreed to

Bill No. 42: Introduction and First Reading

Hon. Mr. Graham: I move that Bill No. 42, entitled *Donation of Food Act*, be now introduced and read a first time.

Speaker: It has been moved by the Minister of Health and Social Services that Bill No. 42, entitled *Donation of Food Act*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 42 agreed to

Bill No. 44: Introduction and First Reading

Hon. Mr. Nixon: I move that Bill No. 44, entitled *Miscellaneous Statute Law Amendment Act, 2012*, be now introduced and read a first time.

Speaker: It has been moved by the Minister of Justice that Bill No. 44, entitled *Miscellaneous Statute Law Amendment Act, 2012*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 44 agreed to

Speaker: Are there any further bills to be introduced?
Are there any notices of motion?

NOTICES OF MOTION

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

THAT this House urges the Yukon government to examine legislative regulatory policy options to ensure that movable sports nets at public facilities meet appropriate standards that protect the safety of Yukon children.

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

THAT this House urges the Arctic Winter Games International Committee to address the reduction in the number of sports at the 2016 Arctic Winter Games in Nuuk, Greenland by considering options presented by the major participants that would ensure young athletes are able to participate in a full 2016 Arctic Winter Games experience, while at the same time supporting Greenland in its role as host jurisdiction.

I also give notice of the following motion:

THAT this House urges the Government of Canada to recognize the important role that Parks Canada sites in Yukon play in attracting visitors, increasing the value of our tourism products and supporting local travel and recreation by:

(1) ensuring that Dredge No. 4 continues to be open to the public with guided tours and that the operating hours during the summer season are not reduced;

(2) recognizing the historical and tourism value of Bear Creek by opening it to the public and providing guided tours during the summer season;

(3) restoring the funding for curatorial, conservation and collection management of a quarter of a million artifacts in Dawson City, including the preservation of Dawson's historic buildings;

(4) continuing to provide year-round access to Kluane National Park, including access to emergency medical and search and rescue services, ski trails and winter camping opportunities at the Kathleen Lake campground;

(5) ensuring that the *SS Klondike* continues to be open to the public with guided tours and that the operating hours during the summer season are not reduced;

(6) continuing to provide year-round services for the Chilkoot Trail National Historic Site; and

(7) promoting the development of interpretive and instructional material for Ivvavik National Park and Vuntut National Park.

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

THAT this House urges the Government of Yukon to implement the 2012 Aishihik bison herd management plan, which includes allowing a fall hunt in selected areas, reducing the cost of the seal from \$50 to \$10, and maintaining hunting as the primary management tool.

Hon. Mr. Kent: I give notice of the following motion:

THAT this House urges the Government of Yukon to implement initiatives that will enhance safety of oil fired appliances, including regulatory and/or legislative changes, public awareness, and training initiatives for industry based on the report of the Oil Fired Appliances Advisory Committee and input received from Yukon citizens, municipal and First Nation governments, industry and other interested groups during a community tour in September and early October 2012.

Hon. Mr. Pasloski: Mr. Speaker, I rise to give notice of the following motion:

THAT it is the opinion of this House that section 14.2 of the Standing Orders of the Yukon Legislative Assembly should be amended to provide Independent members fair ability to represent their constituents by giving them an opportunity to call motions and bills for debate on Wednesdays.

Ms. White: Mr. Speaker, I rise to give notice of the following motion:

THAT it is the opinion of this House that the *Final Recommended Peel Watershed Regional Land Use Plan* reflects a balanced approach between preservation and development, protects one of the last remaining pristine wilderness watersheds in North America, respects First Nations and public participation, and upholds the spirit and intent of land claims and our final agreements; and

THAT this House urges the Yukon government to withdraw its unbalanced plan for the Peel watershed which favours extractive industries over the other land use values, which stands contrary to the expressed will of the majority of Yukoners, which could result in the opening of the vast majority of

this important ecological and cultural pristine wilderness area to industrial development, and which could result in increased uncertainty and conflict.

Ms. Hanson: Mr. Speaker, I give notice of the following motion:

THAT this House urges the Government of Canada to not ratify the *Canada-China Foreign Investment Promotion and Protection Agreement* without extensive public consultation and discussion with experts and stakeholders, including territories and provinces, First Nations, labour groups, investors, legal and constitutional experts, and Canadian citizens, in order to:

(1) consider the legal consequences of the treaty, which will be irreversible by any Canadian or Yukon court, legislature or other decision-makers for 31 years after the treaty is given effect; and

(2) determine the impacts of the treaty on the ability of Yukon, First Nations, municipal governments to make laws and set policies in the public interest, such as getting a fair share for our natural resources, environmental regulations, and labour standards.

Mr. Tredger: Thank you, Mr. Speaker, and welcome back.

I rise to give notice of the following motion:

THAT this House rejects the Yukon government's plans to amend the *Oil and Gas Act* based on an inadequate consultation process held in the summer of 2009, and urges the Yukon government to immediately conduct a full public consultation on the *Oil and Gas Act*, its regulations and policy in order to give Yukoners a say in how this industry and its practices should be governed now and in the future, including but not limited to questions surrounding:

(1) "fracking" and other environmentally risky practices;

(2) fair approaches that respect the aboriginal rights and title of non-treaty First Nations; and

(3) how Yukon can generate more local economic value from this industry.

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

THAT this House urges the Minister of Education to adapt the JJ Van Bibber memoir, entitled *I was born under a spruce tree*, as part of the education curriculum.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to table a copy of the agreement transferring the ownership of the Top of World Golf Course to the City of Dawson.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to work with emergency services personnel and fire officials in Dawson City to establish 911 services in the community.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to lobby the Government of Canada to reverse its decision to cut Parks Canada services, jobs and guided tours of the *SS Klondike* and Dredge No. 4.

I also give notice of the following motion:

THAT this House urges the Government of Yukon not to repeat the mistakes made in the Peel land use planning process when it begins work on its other plans by ensuring it:

(1) sends clear and specific direction regarding the nature of the changes it desires on the particular land use planning commission to ensure the plan's approval and implementation.

(2) develops an effective implementation plan, given that history repeatedly shows that plans without clear, definitive workplans and accountabilities do not get implemented.

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

THAT this House urges all members of the Assembly to unite and support the Minister of Community Services, who is responsible for sport and recreation, in her pan-northern efforts to ensure that the sports of speed skating, figure skating, curling, gymnastics, midget hockey and dog mushing be included in the 2016 Arctic Winter Games.

I also give notice of the following motion:

THAT this House urges all members of the Assembly to unite and support the Minister of Health and Social Services in his pan-northern efforts to extend the territorial health system sustainability initiative fund that is scheduled to expire on March 31, 2014.

I also give notice of the following motion:

THAT this House urges all members of the Assembly to support the Parliament of Canada in its efforts to systematically dismantle the 1876 *Indian Act* and its associated paternalistic policies that have no place in today's Canadian society and replace the legislation with comprehensive treaties based upon First Nations' rights and responsibilities.

I also give notice of the following motion:

THAT this House urges the Minister of Energy, Mines and Resources to, as soon as practicable, conduct a series of open public discussions on the issue of hydraulic fracturing in the territory as part of the Yukon government's formulation of oil and gas legislation and regulations.

Speaker: Are there any further notices of motion?

Is there a statement by a minister?

This brings us to Question Period.

QUESTION PERIOD

Question re: Peel watershed land use plan

Ms. Hanson: On Tuesday, the government issued its rewritten plans for the Peel watershed region that favour industrial resource extraction over environmental conservation, eco-

tourism, and other values. “Greenwashing” is the act of using environmentally-friendly language to describe non-environmentally-friendly ideas. The government is using the language of balance and fairness to sell a one-sided, pro-development vision to the Yukon public. Yukoners are not buying it. The voices of the public and Yukon First Nation governments and the planning process mandated by the Yukon final agreements are being ignored.

Mr. Speaker, will the Premier stop creating conflict, stop pushing industrial development at the expense of our environment, start listening to the voices of Yukoners and First Nation governments, and change his government’s reckless course on the Peel land use planning process?

Hon. Mr. Pasloski: The Peel watershed land use planning area consists of an area that is the size of the Province of New Brunswick and, in fact, is larger than the size of Nova Scotia and Prince Edward Island combined. We have begun the final round of consultation in accordance with the *Umbrella Final Agreement*. What we have said and what we’ve heard is that we’re looking for a plan that protects the environment and respects all sectors of the economy. During the election, we stated that we believe the plan should be modified to be fairer, to be more balanced, and not be picking winners and losers in our Yukon economy.

I’d like to take this opportunity to thank all of the staff throughout the corporation, throughout the organization — the government — from the many departments, for the tireless work that they’ve put in helping us put this together. This is truly an innovative approach — new concepts and active management tools — and we are looking for feedback from Yukoners. Yukoners want wilderness beauty, Yukoners want a healthy environment, and Yukoners want a strong, diversified economy for their friends, for their family and for their communities.

I encourage the member opposite to participate; view the website, www.peelconsultation.ca; read all of the information and provide thoughtful and constructive comments; share her opinions. The comments made by the member will be —

Speaker: Order please. The member’s time has elapsed.

Ms. Hanson: I’d like to point out to the Premier that we are not yet a corporation. We are a public government and you were elected to represent all Yukoners, not just the corporate interest.

Speaker’s statement

Speaker: Order please. I’ll remind the member to address her comments to and through the Speaker and not refer to the individual directly. Thank you.

Ms. Hanson: Mr. Speaker, the Premier should be reminded that he does represent all Yukoners and not just the corporate interest that he referred to there. We are not a corporation. The final recommended plan for the Peel is the right plan for the environment, economic certainty, First Nation governments and all Yukoners.

The government is attempting to dismiss opponents of their plans to develop the Peel instead of saying what they

really mean. What they mean is they don’t like the results of the multi-year planning process mandated by First Nation final agreements, so they’re going to impose their own. It’s another example of a government that picks and chooses what rules to follow and makes up new rules when they don’t get their way.

Mr. Speaker, will the Premier stop ignoring the process, stop making up his own rules, stop dismissing people opposed to his plans and start putting the interest of the environment and future generations ahead of corporate profits that he referred to?

Hon. Mr. Cathers: Once again, the Leader of the NDP is indebted to her imagination for her facts. I would like to begin by encouraging all Yukoners to visit the government’s website, www.peelconsultation.ca, to view what government has actually presented.

The potential modifications and the range of illustrative options of how potential modifications might be applied are shown on that website. It’s a very interactive website. We will also be holding open houses to provide people the ability to talk to staff to get a better understanding of the potential modifications government is proposing. I would again remind the member opposite that, as she knows very well, during the 2011 election campaign we criticized the Peel commission’s proposed document. We made it clear that we would be proposing modifications and we committed to seeking a final plan that was more fair and balanced. We presented those potential modifications. We’re looking forward to the input of all Yukoners.

Ms. Hanson: To be clear, the Yukon Party did not present options or modifications during the election campaign. They simply criticized those of us who supported the process that was set out in the final agreement.

This Premier likes to talk a lot about creating a positive investment climate. Land use planning provides certainty on the land and that encourages investment. Yet the Premier’s disregard for fair process, disregard for the views and voices of others, and brinkmanship with the Yukon First Nations on the Peel only serves to create economic uncertainty. This leads to doubt in the minds of the very investors he wants to attract.

To be clear, stalled land use planning, long and expensive court challenges and public mistrust of governments do not help create a prosperous economy that benefits everyone. In fact it threatens our economic growth.

Will the Premier tell Yukoners why he is seeking conflict with First Nation governments, ignoring the voices of Yukoners and threatening our economic well-being by mismanaging the government’s role in the Peel planning process?

Hon. Mr. Cathers: Once again the Leader of the NDP is indebted to her imagination for her facts. Again, I begin by reminding all Yukoners that the government has set out on this, one of the longest public consultation periods the Yukon government has ever held on any matter — 120 days in length. We are encouraging Yukoners to go on to the website — www.peelconsultation.ca — and to attend open houses if they are interested, to participate in this process and provide us with their views during this public consultation. Contrary to what

the Leader of the NDP consistently says, government is in fact obligated to conduct a final consultation.

During the 2011 election campaign, we criticized the commission's plan, and we committed then to seeking a final plan that protects the environment and respects all sectors of the economy. During the election and since, we have repeatedly made it clear that we think that the plan proposed by the former Peel Watershed Planning Commission should be modified and that a final plan should and can be more fair and balanced. We said we would present Yukoners with potential modifications and seek their input on it. We will do that and, of course, we will continue to fulfill our obligation to consider all input received during consultation prior to making final decisions.

We encourage people during this consultation to be thoughtful and constructive in their comments, and we look forward to hearing their input.

Ladies and gentlemen of the public, we want to hear from you.

Speaker's statement

Speaker: Before we proceed to the next question, make sure your phones are off, please. That should have been noted before.

Question re: *Oil and Gas Act* review

Mr. Tredger: Mr. Speaker, in 2009, the Yukon government held an inadequate consultation process with Yukon First Nation governments and the Yukon public on amending the *Oil and Gas Act*. Now, three years later, without further consultation — voila. The government is suddenly pushing forward.

Mr. Speaker, the Whitehorse Trough oil and gas disposition process sparked Yukoners' interest. Yukoners want to be engaged. This is a great opportunity to involve all Yukoners in discussing how our oil and gas industry will develop.

Will the Premier direct his minister to postpone amendments to the *Oil and Gas Act* until Yukoners have been properly consulted?

Hon. Mr. Pasloski: Mr. Speaker, Yukon resources belong to all Yukoners. An MOA and section 13 of the Yukon *Oil and Gas Act* were created on the assumption that all First Nations would sign modern day treaties and land claims.

We will continue to attempt to achieve an economic agreement regarding the Liard oil and gas basin. It's very important to us that we treat all First Nations equally. Each year, the Yukon government gives millions of dollars to First Nations, beyond our legal obligations and over and above what the federal government does provide for them. We continue to hold lands set aside for the three unsettled First Nations even though there is no willingness or mandate to negotiate a self-government agreement. Watson Lake wants economic opportunities. In northern British Columbia, in the Liard basin, the Apache Corporation has stated that they have massive amounts of gas reserves that they have identified, and of course that basin extends into the Yukon. Investment would create jobs, business opportunities and training for all Yukoners and First Nations. I'd like to finish by saying that the self-governing

First Nations have received \$10.5 million in royalties from the Kotaneelee area.

Mr. Tredger: Again, I raise the inadequacy of the hurried consultation. First Nation governments expect full and adequate consultation. In particular, the aboriginal rights entitled to the Kaska may very well be infringed if the section requiring First Nations' consent for oil and gas activity on non-settled traditional territory is removed. That was put in there as a condition of devolving the *Oil and Gas Act* to the Yukon. The Yukon government has a duty under the law to engage in deep consultation with Yukon First Nations, and the Kaska in particular. This obligation has been affirmed by the Supreme Court of Canada. Will the Premier abandon this confrontational approach and properly engage First Nation governments in meaningful consultation on the *Oil and Gas Act* before any amendments are tabled?

Hon. Mr. Cathers: I would point out again that the context of this is that section 13 of the Yukon *Oil and Gas Act* was put in by an NDP government. It gave First Nations, who would not settle a land claims agreement, a veto under Yukon legislation over oil and gas activities in their traditional territory. That is a greater right than that provided to First Nations who have settled their final agreements. The proposed repeal of section 13 would put all First Nations on an equal footing. Government would still be obliged to consult with them on any disposition and to consider their input.

I would remind the member that we consulted on this matter with First Nations previously. This current consultation is above and beyond our legal obligation to consult with First Nations. I would point out that we have spent 10 years attempting to gain the Kaska First Nation's consent for allowing oil and gas activity in their traditional territory. Their connection of it to a host of other issues — nine issues in the recent letter and the declaration that they would exercise the veto on any activity and were not even prepared to talk about it. We have to consider the interest of all Yukoners, including other First Nations who would derive a share of the revenue from any activities in those areas. The 11 First Nations who concluded final agreements receive a share of those resource royalties.

Mr. Tredger: I would remind the member opposite that the Yukon First Nation government's agreement to the transfer of oil and gas from Canada to the Yukon was based on an agreement of the Yukon government to include the consent clause and it was reaffirmed in 2004 by the Yukon Party, representing the Yukon government, where they negotiated a bilateral agreement with the Kaska that reaffirmed the consent clause.

In the summer of 2009, Yukoners were not thinking about fracking. Most Yukoners had never even heard of this controversial practice.

This is one example of the changing landscape since 2009. The Apache oil and natural gas discovery in the Liard Basin is dependent on fracking to be viable. It is imperative that the Yukon public and First Nation governments are adequately consulted on all aspects of Yukon's oil and gas. Will this government enter into meaningful consultation?

Hon. Mr. Cathers: As I have reminded the NDP Member for Mayo-Tatchun, in fact we are fully in keeping with all our legal obligations for consultation. We are going beyond our legal obligations to consult with the Kaska First Nation.

I would point out that the member, due to his recent communications, does not even understand the difference between legislation and regulations, unless he was deliberately being misleading in his communications, which I hope he was not.

Mr. Speaker, the member refers to lapsed agreements; he cites obligations that do not exist. The repeal of section 13, if we proceed with that, would put all Yukon First Nations on equal footing. Government would be required to consult with them prior to disposition for oil and gas in their area. There would also be the opportunity for First Nations and the general public to comment on dispositions at the YESAB review stage. The member is jumping to wild conclusions and hurling accusations that have no basis in fact.

Question re: Parks Canada funding cuts

Mr. Silver: Mr. Speaker, earlier this year, the Government of Canada cut funding to Parks Canada. The impact of these cuts is being felt in the Yukon. Next summer, visitors will be able to look but not touch the iconic Dredge No. 4 and the *SS Klondike* will lose its guided tours. The response of the Government of Yukon to these cuts has been silence. Six months after the fact, we see a motion today from this government voicing their concerns.

This summer, the Prime Minister was here as part of an annual tour of northern Canada. Our newspapers were full of pictures of the members posing with the Prime Minister. The Minister of Tourism, however, didn't even bother to raise this issue with the Prime Minister when he had a chance to speak to him directly. Why has the Government of Yukon done nothing to try to stop these cuts from happening?

Hon. Mr. Nixon: Mr. Speaker, I sincerely appreciate the question coming from the Member for Klondike. In fact, the Government of Yukon shares the concerns of all Yukoners about the impact these reductions may have on our tourism industry, heritage resources, and recreational activities. There was a motion put forward from the Member for Pelly-Nisutlin just a few moments ago, and we'll be following up on that motion.

Mr. Silver: When Canada AM broadcasted from Whitehorse, they did so on the deck of the *SS Klondike*. Prince Charles, when he visited the Yukon a decade ago, was introduced to Yukoners from the very same spot.

The dredge in Dawson is the most visited Parks Canada site in the Yukon. These are two of the most recognized Yukon attractions, and they are being shuttered by the Government of Canada. The Government of Yukon seems content to let this happen. They have received their marching orders from Ottawa, and they have been unwilling or unable to stand up to their friends in Ottawa. We are opposed to these cuts. So is the City of Dawson, the Tourism Industry Association and the tour operators who bring visitors to see these reminders of our history.

If the government is opposed, they haven't bothered to tell anybody until today. Why didn't anybody on the government

side raise this issue with the Prime Minister when he visited this summer?

Hon. Mr. Nixon: Again, I have to thank the member opposite for bringing this question to the floor. I'm not too sure where the Member for Klondike was in the spring, but I can read the motion that I put forward on the floor of this Legislature:

"THAT this House urges the Government of Yukon to work with Parks Canada, other federal government departments and agencies, the City of Dawson, non-government organizations including the Klondike Visitors Association ..." and so on.

I share the sentiments of the member opposite. This is a file that I have been actively engaged with for the last number of months. The Yukon government shares the concerns of all Yukoners pertaining to these essential components to tourism in Yukon.

I don't know what else to tell the member opposite.

Mr. Silver: I appreciate the answer from the minister, and I hope that this means two motions later, we'll actually see some action. The cuts at Parks Canada will affect more than just the dredge and the *SS Klondike*. Yukoners are losing jobs. While Parks Canada spends millions of dollars on new urban parks in Toronto, in Dawson, the artifact museum function has been completely gutted and jobs being transferred to people 5,000 kilometres away in Ottawa. Access to collections and new exhibits will slow down to almost nothing. Parks Canada is slowly pulling out of Dawson, and it will definitely impact Yukon tourism.

I am very concerned that the government seems more concerned about not offending the Prime Minister's Office than standing up for Yukoners. We are talking about half a million dollars in salary cuts in Dawson alone, and that's a lot of money to a small community. Yukoners are pressuring the Government of Canada to sufficiently fund Parks Canada Yukon operations in maintaining quality personal interpretation and management of the collection. What is the government doing to stand up for Yukoners?

Hon. Mr. Nixon: The Yukon government, as I mentioned before, is actively taking steps to identify potential solutions to address the impacts of these changes at Parks Canada. I just bumped into the Member for Klondike two weeks ago and asked him if he had any concerns and, at that time, he told me no. This is something that I've been concerned about for the last number of months and have been actively working on, as I mentioned to him.

I've written to Minister Kent about this issue; I'm sure the Prime Minister is well aware of this issue. The department officials have been meeting with local Parks Canada representatives to identify possible mitigations. I don't know what else I can tell the member opposite, but we are working actively on this file.

Question re: Education partnerships

Mr. Elias: There has been recognition from the Auditor General of Canada, First Nation governments, parents, educators and various non-governmental organizations that the achievement rates of our territory's rural and aboriginal stu-

dents continue to decline even though there has been an increase in public resources injected into the education system. However, there is a success story today that I want to report to the House. There's actually a celebration going on right now at the Beringia Centre. It's called the Old Crow experiential education project. It was a three-year partnership between the Vuntut Gwitchin First Nation and the Department of Education and other Old Crow community organizations and it's scheduled to end next month.

Is the Minister of Education aware of the limitless potential of the project and the success it has had with the children of the Chief Zzeh Gittlit School accomplishing their academic learning objectives?

Hon. Mr. Kent: I did have the opportunity to attend the Beringia Centre at lunch today, the launch of the resource materials and program outcomes that was held here in Whitehorse. It was a great event, attended by the chief and the Member for Vuntut Gwitchin.

Over the summer I had the opportunity to visit the community of Old Crow twice.

Speaker's statement

Speaker: Order please. Sir, in the corner with the camera, you are not permitted to take photographs in here at all, especially of the people in the gallery. They are not here to have their pictures taken. I would ask you to please put your camera away. If you are leaving, please clear the fire exit. Thank you.

Please proceed.

Hon. Mr. Kent: Again, it is a tremendous program that has been funded by the Northern Strategy. I know that when we entered the Chamber here today, the push-up press was on the desks. We could see on page 3 inside the three-year camp cycle. For 2012, there are the traditions, arts and trades and then the next three years. We are very supportive of this program and recognize the success. We look forward to it continuing.

Mr. Elias: Well, that's encouraging, Mr. Speaker. Our community did not stand idly by in the face of disparaging educational statistics. In 2009, led by Chief Joe Linklater and his staff, the community of Old Crow seized the opportunity to integrate traditional First Nations land-based learning with Western academic methods. We took ownership over the educational challenges facing us. Our community spearheaded the development and implementation of this new method of delivery of education. The project has provided the students, school staff and Old Crow community members the opportunity to academically grow and learn together to understand our culture, language and history.

It was so effective and so successful that our work has already been used in other jurisdictions. The interest in experiential learning in our territory is strong. Is the Minister of Education prepared to expand on the resounding success of the Old Crow land-based educational program and, if so, how?

Hon. Mr. Kent: Again, as mentioned, this has been a collaborative process involving, as the member opposite mentioned, the Vuntut Gwitchin First Nation heritage culture and

land resources, the Department of Education, along with school, staff, students, and Old Crow community members. Again, on my second visit this summer — early in the fall actually — to Old Crow, I had the opportunity to participate in the christening of the *Blue Rock*, which is the riverboat that was built by two Vuntut Gwitchin elders, and the entire school was there, as well as the Member for Pelly-Nisutlin. It's a tremendous program that's being offered, and I know that at the event today there were people from Alberta in attendance as well, as we look to expand this curriculum and offer it to other schools throughout the Yukon, based on the great work of the people of Old Crow and members of the Vuntut Gwitchin First Nation.

Mr. Elias: Land-based learning is more than just a camp out in the bush. The goal was to help students learn in a different, more effective way by actively discovering and engaging with knowledge themselves, instead of just hearing or reading about the experience of others. I've seen the students grow and that they made the connection between their culture and language being valued in today's society, and thus, they feel valued and that they belong and that they are understood. Now that's education. Recognizing the success of this and other community-based programs and in light of the overall challenging state of achievement rates of our rural and aboriginal students, is the minister prepared to champion systemic change and long-term financial commitments to continuing the program in Yukon communities?

Hon. Mr. Kent: Again, I think the success of the program is contained in the pages of this — of the push-up press that was on our desks here when we arrived. One only needs to look at the smiles on the faces of the children who are attending the culture camps or read some of the quotations and thank-yous that are contained in these pages. I think I've had the opportunity over the summer to work on a number of initiatives of concern to education in Old Crow. Of course, we have the ILC pilot that's happening at the school there, right now. There's a van in the community — of course, purchased by the Vuntut Gwitchin First Nation and the Vuntut Gwitchin government — but transportation of that van into the community was provided by the Yukon government.

Of course, the long-standing issue for the member opposite is providing transportation home for Vuntut Gwitchin students from Whitehorse to Old Crow at Thanksgiving. All of those initiatives were done because they were the right thing to do. Supporting this program was also the right thing to do and I look forward to continuing it.

Question re: *Canada-China Foreign Investment Promotion and Protection Agreement*

Ms. Hanson: Mr. Speaker, the *Canada-China Foreign Investment Promotion and Protection Agreement* was completed last February and signed September 9. It is scheduled to be ratified next week. The Yukon Party government regularly travels to China but it provides very little detail about the business it conducts there. Yukoners want to be informed about what their government is up to. Mr. Speaker, either the Premier knew about the *Canada-China Foreign Investment Promotion and Protection Agreement* and did not inform Yukoners or he did not know about the deal at all. Which is it?

Hon. Mr. Pasloski: The Yukon needs investment — direct foreign investment to create jobs, to create training and to create business opportunities for Yukoners. What I can tell you, Mr. Speaker, is that any company that comes to the Yukon must abide by the laws and the rules and regulations of the Yukon. That includes the labour laws, environment laws and health and safety laws. It includes paying Yukon taxes and paying Yukon royalties. That will not change.

Ms. Hanson: It sounds to me then that the Premier is not aware of the provisions of this agreement. Sovereignty is about being masters in our own house. Sovereignty is about having the power and authority to pass laws, enact and enforce regulations, and have any disputes decided in our own courts. The Canada-China foreign investment agreement weakens Yukoners' control over the territory for the next 31 years — a whole generation.

Does the Yukon Party agree with giving Chinese state investors more rights in Canada than Canadian and Yukon governments, citizens and businesses?

Hon. Mr. Dixon: Our position with regard to foreign investors in the territory has always been that any and all such investors are subject to all the Yukon's environmental and regulatory laws and processes, as well as Yukon's health and safety laws. We reviewed the agreement in question. We've consulted with our counterparts in the provinces and territories and we've determined that the FIPA, the agreement, does not prevent parties from regulating the public interest with respect to health, safety, the environment and security. As well, I would note that no other province or territory — even the NDP governments in Manitoba or Nova Scotia — has raised concerns at this time. We'll continue to review this and monitor and report progress.

Ms. Hanson: Mr. Speaker, I was just following your directions to look at you and not the speaker. You know, it's good that there has been some review done by the government. In fact, it would be nice to know that that review has been extended — the privilege of being consulted — because this *Canada-China Foreign Investment Promotion and Protection Agreement* is being rammed through by the Harper government. The Yukon Party government has been very silent on this; maybe they've done internal reviews, but it would be nice to talk about it with us — with Yukoners.

So far, there has been no evidence provided by the Yukon Party that this is a good deal for Yukoners. By its silence on this issue, the Yukon Party government appears to want to give away our rights, Yukoners' rights, to Chinese state investors. When will the Yukon Party join us in calling on the federal government to not ratify this agreement?

Hon. Mr. Dixon: As we've said before, and as the Premier articulated earlier, in order for responsible economic projects to go forward in the Yukon, we need to seek investment from outside of the Yukon Territory. In respect to this particular agreement that's before the federal Parliament, our position has been clear, and it has been clear with Canada as well, that any foreign investors in the territory have a duty to comply with all of Yukon's environmental and regulatory laws and processes, as well as Yukon's health and safety laws.

We're confident that we can attract investment at the same time as protecting Yukoners through our environmental and health and safety laws.

Speaker: Unfortunately, the time for Question Period had now elapsed.

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

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

Motion agreed to

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

The House adjourned at 1:59 p.m.

The following Sessional Papers were tabled October 25, 2012:

33-1-45

Conflict of Interest Commission Annual Report for the period ending March 31, 2012 (Speaker Laxton)

33-1-46

Auditor General of Canada: Status Report to the Yukon Legislative Assembly – 2012 (Speaker Laxton)

33-1-47

Election Financing and Political Contributions, 2011, Addendum to the Report of the Chief Electoral Officer (dated May 11, 2012) (Speaker Laxton)

33-1-48

Absence of Members from Sitzings of the Legislative Assembly and its Committees: Report of the Clerk of the Yukon Legislative Assembly (dated October 25, 2012) (Speaker Laxton)