

**Yukon Legislative Assembly
Whitehorse, Yukon
Tuesday, November 27, 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: Before we start I'd like to ask everyone to welcome back Sruthee Govindaraj. She is filling in as a page today as we've had a number of them off sick, unfortunately. Sruthee is from Vanier Catholic Secondary School and she'll only be here with us until 4:15, so after that you're on your own for water.

Applause

DAILY ROUTINE

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

Tributes.

Introduction of visitors.

Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Cathers: I have for tabling today a letter from myself to the Hon. Chuck Strahl, Minister of Indian and Northern Affairs, dated March 31, 2009, entitled "A proposal for Canada to partner in the creation of economic opportunities for the Liard First Nation and the Ross River Dena Council to realize resource revenues and set the stage for claim negotiations."

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

Are there any reports of committees?

Petitions.

PETITIONS

Petition No. 8 — received

Clerk: Mr. Speaker, and honourable members of the Assembly, I have had the honour to review a petition, being Petition No. 8 of the First Session of the 33rd Legislative Assembly, as presented by the Member for Mayo-Tatchun on November 26, 2012.

Petition No. 8 meets the requirements as to form of the Standing Orders of the Yukon Legislative Assembly.

Petition No. 9 — received

Clerk: I have also had the honour to review a petition, being Petition No. 9 of the First Session of the 33rd Legislative Assembly, also presented by the Member for Mayo-Tatchun on November 26, 2012. Petition No. 9 meets the requirements as to form of the Standing Orders of the Yukon Legislative Assembly.

Speaker: Accordingly, I declare Petition No. 8 and Petition No. 9 read and received. Pursuant to Standing Order 67, the Executive Council shall provide a response to a petition which has been read and received within eight sitting days of its presentation. The Executive Council response to Petition No. 8 and Petition No. 9, therefore, shall be provided on or before Monday, December 10, 2012.

Are there any petitions for presentation?

Are there any bills to be introduced?

Are there any notices of motion?

NOTICES OF MOTION

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

THAT this House urges the Yukon government to supplement its tobacco reduction strategy by implementing a program to subsidize the purchase of physician-prescribed smoking-cessation drugs and other aids in order to meet the objective of helping smokers quit and stay smoke-free.

Speaker: Are there any other motions?

Is there a statement by a minister?

This brings us to Question Period.

QUESTION PERIOD

Question re: Peel watershed land use plan

Ms. White: The Yukon Party government has been very vocal over the last nine months in their opposition to the *Final Recommended Peel Watershed Regional Land Use Plan* and so, too, are citizens. I saw a Facebook post today that is encouraging citizens to honk their horns in support of the Peel. It sounds to me like they're trying to make their voices heard.

When consultation is a legal requirement, that consultation must be meaningful and allow for a genuine interchange and consideration of views.

Mr. Speaker, given this government's clear rejection of the *Final Recommended Peel Watershed Regional Land Use Plan*, why should any Yukoner trust that this consultation process will allow for a genuine interchange and consideration of views?

Hon. Mr. Cathers: Mr. Speaker, why should anyone trust the NDP when they bring home assertions in this House that are inconsistent with the facts? Unless the members of the NDP are suffering total amnesia, they should recall during the 2011 election and during the leaders forum on environmental issues the very strong statements that were made by the Yukon Party about our views on the commission's recommended plan and our commitment to seek a final plan that protects the environment and respects all sectors of the economy.

Consistent with that, we have done as we said we would: we have brought forth potential modifications that are within the scope of what legally constitutes modifications to the plan, and we are seeking public input on both the final recommended plan and the potential modifications to it. We have been consistent in our position.

The NDP has a record in this House of attacking additional consultation if they don't like — or if they're happy with a

certain result. In other cases, they demand more consultation. So they are inconsistent in their position about whether they want more or less consultation, depending on whether they personally support the outcome of the consultation.

Ms. White: The member opposite can wrap himself and his concept of consultation and can disparage this side of the House as much as he pleases, but the fact remains that due process is not being followed. Many Yukoners believe the fix is in.

For those who doubt this, all we need to do is look at how this government has interpreted the public consultation on the new *Residential Landlord and Tenant Act*. In this summer's consultation, many Yukoners called for legislation to protect against price gouging on rents and on evicting tenants from their homes without just cause.

The government ignored those remarks and kept the record of those remarks hidden until they were pressured into releasing them at the last minute. Would the minister tell us why anyone should trust a Yukon Party consultation when they appear to have already made up their minds?

Hon. Mr. Cathers: Again, we see the NDP engaging in very polarizing rhetoric in this House, ignoring the cautions they have heard from you, Mr. Speaker, about heated debate in this Assembly. I would point out that, in fact, in the case of both the *Residential Landlord and Tenant Act* consultations, and in the case of the Peel recommended plan and the potential modifications to that plan, the government is fully following our consultation obligations. The members know very well that the Yukon Party made it clear during the 2011 election campaign that we intended to propose modifications to the commission's document, and that is exactly what we are doing. We are seeking public feedback on that, and we have made it clear that we believe that the plan should be modified to make it more fair and balanced to everyone. What the members consistently fail to represent in this House is the fact that that plan — or, rather, all of the potential modifications to the plan deal with actual environmental effects by limiting the footprint and putting in a range of tools to provide greater protection to existing users, including big game outfitters, wilderness tourism and First Nations, but the members don't like that fact because the facts don't support the NDP position.

Ms. White: I'm sure Yukoners recall a different election campaign. The Yukon Party likes to talk about balance in the Peel, but they also talk about balance in the new *Residential Landlord and Tenant Act*.

Engaging with the public is one thing, but using consultation to justify predetermined outcomes is quite another. Further proof of this was a presentation by the Minister of Energy, Mines and Resources to the Geoscience Forum on the Peel. According to the media and first-hand reports, nowhere in his presentation did the minister talk about the *Final Recommended Peel Watershed Regional Land Use Plan*. All he did was talk about the government's proposed new plans.

How does this blatant disregard for the *Final Recommended Peel Watershed Regional Land Use Plan* and for the process set out in the *Umbrella Final Agreement* allow for a

genuine interchange and consideration of views of all Yukoners?

Hon. Mr. Cathers: Has the NDP suffered complete collective amnesia? During the 2011 election campaign, the Leader of the NDP should recall sitting at a table at the environmental forum with the Premier and recall the attacks they levied on us after the Premier was very clear in criticizing the commission's document and committing to seek a final plan that protects the environment and respects all sectors of the economy. What we have done is consistent with what we told Yukoners we would do, and it is completely consistent with our obligations under the *Umbrella Final Agreement*.

I would point out to the member from the Liberal Party, in reference to the Geoscience Forum, first of all, that it was run by the Chamber of Mines, not by the Yukon government. We did what we were asked to do — provide a presentation on the potential modifications — and we have been clear about the fact that while we are obligated to consider all input, including input on the final recommended plan, that we would present modifications we felt would represent a better approach, and that is exactly what we have done.

We're very interested in hearing Yukoners' feedback on that, and I urge them to visit the open houses this week, or <http://peelconsultation.ca/> to provide their input, rather than listening to the NDP, who consistently bring forward a version of events inconsistent with the facts.

Question re: Homelessness

Ms. Stick: Now that the cold winter has arrived, I wonder what homeless people are doing to find shelter. We know there is more demand for the services of the Salvation Army than they can handle. There has been an increase in the number of people looking for shelter and the number of nights they need it. There is evidence that some people are living in snow caves along the clay cliffs in downtown Whitehorse. This is a shocking situation and completely intolerable in a territory as rich as ours.

Can the Minister of Health and Social Services tell us what the homeless strategy is for this winter?

Hon. Mr. Graham: The Health and Social Services department is making every effort to assist people without homes. We are currently in the process of negotiating with the Salvation Army to enhance transitional housing over the next few years.

At the present time, we will be working with the Salvation Army to arrange housing for current social assistance recipients and anyone else who requires assistance.

Ms. Stick: Yes, Mr. Speaker, there are homeless people being accommodated at the Salvation Army. The Salvation Army provides shelter to people, according to their rules; however, space is limited, and both men and women report not feeling safe in a room with so many others. Some are barred from the shelter for 24 hours if they have been causing disturbances — fair enough. The Salvation Army offers what it can, but it is not enough, nor does it address the need for more permanent solutions for people who are hard to house.

Again, Mr. Speaker, what is this government's plan to provide more permanent housing for the people who are difficult to house this winter?

Hon. Mr. Graham: Mr. Speaker, perhaps the member opposite will have to clarify her position. What we are doing on a more permanent basis for people who are hard to house is working with NGOs in the territory, primarily the Salvation Army at this time, to further enhance our ability with transitional housing for people who are hard to house in the City of Whitehorse.

That's what we are doing at the present time, and we will continue those negotiations until such time as we are in a position to announce some changes.

Ms. Stick: This problem is not a new one. We've heard repeatedly about the 10 years this government has been in power, and now we are moving into the second winter of this particular government. For years, especially every winter, we are faced again and again with the plight of the homeless in Whitehorse and the lack of beds. It can't be ignored any longer. Apart from adults facing homelessness, we are still waiting, as well, for the announced youth shelter to open.

Can the minister please tell the House how soon we can expect the new youth shelter to open?

Hon. Mr. Graham: I answered that question in a previous Question Period. We expect the new youth shelter, which we will be providing in concert with the Skookum Jim Friendship Centre, to open in mid-December. We made that announcement some time ago, and I don't expect that date to change.

Question re: *Oil and Gas Act* amendments

Mr. Silver: On November 1, the government brought forward legislation that will strip the Kaska of its veto over oil and gas development in its traditional territory.

On November 6, I brought forth a motion that urged the Government of Yukon to call Bill No. 49 for debate without delay. Three full weeks have passed since that time and the government has refused to bring the bill forward for debate. Perhaps it's having second thoughts about moving forward with this decisive piece of legislation or perhaps it plans on just passing it on the last day of the session without any more debate.

The government has said repeatedly that the goal of this legislation is to spur economic development in the southeast. Today, the government's battle with the Kaska has made national news in the *Globe and Mail*. Does the Premier think that national media attention highlighting this government's inability to get along with First Nations will bring more investment to the south or less?

Hon. Mr. Pasloski: We certainly concur that Yukon resources belong to all Yukoners and we have been working with the Kaska in southeast Yukon for 10 years to work out an agreement on how we can move forward with economic opportunities that affect all Yukoners, but specifically within the area of southeast Yukon and opportunities for the people of Watson Lake — jobs, training, business opportunities for people within that community.

We have worked with the Kaska and the Liard First Nation with almost \$2 million in trying to come forward with an agreement. Several First Nations have received in excess of \$10 million in royalties from the Kotaneelee gas fields over the course of the life of those fields. We'll continue to work with all First Nations to ensure that we can move forward and create opportunities for all Yukoners, including the people of southeast Yukon.

Mr. Silver: We believe 10 years and \$2 million is a drop in the bucket for a \$100-million industry. The Liberal Party supports opening up the southeast for development. Everything I've heard from the Kaska says that they also support development as well, just not in the terms that are being dictated by this government.

We think the way to open southeast Yukon and to create jobs is through negotiation, not by breaking signed agreements. This government's way of doing things is going to hurt us and we're going to end up in court. It's not too late to change the course. Just last week the government did a 180-degree turn on the issue of fracking. After insisting for months that no public discussion was required, the government changed its mind last week and agreed that yes, more discussion was needed. I applaud them for this.

Next week the Premier is meeting with the Kaska. As a show of good faith, will the government agree to withdraw the amendment to section 13 of the *Oil and Gas Act*?

Hon. Mr. Pasloski: Ten years we have been working with the Kaska to come forward with an agreement on oil and gas in the southeast Yukon. We believe that it is important that we do treat all First Nations equally and that this veto creates inequality with the other First Nations — and we're talking about First Nations that have actually signed modern-day treaties. So we believe firmly that we need to treat all Yukoners the same and we need to treat all First Nations equally the same.

We will continue to work with the Kaska people in terms of looking for economic opportunity to be able to ensure that any opportunities such as oil and gas in southeast Yukon will be to the benefit of Liard First Nation, Kaska people and all Yukoners, specifically residents of Watson Lake.

Mr. Silver: Today's article in the *Globe and Mail* brought this government's fight with the Kaska to a national business audience. It does nothing to attract investment in the Yukon, and in fact, it does the exact opposite. It is only through negotiation with the Kaska that investment will proceed, and that brings us back to legislation we have on the Order Paper.

The Premier asked me a question last week. He said, and I quote: "In terms of economic development within the Liard Basin and southeast Yukon, is the Liberal Party supporting a veto versus treating all First Nations equally?"

The answer is yes when you don't have a land claim in place and the government has signed an MOU granting that veto. I do not support ripping up signed agreements. I support negotiation instead of litigation.

The Premier is meeting with the Kaska next week. As a show of good faith, will the government agree to withdraw the veto clause from the *Oil and Gas Act* before this House is out?

Hon. Mr. Cathers: I'd like to thank the Leader of the Liberal Party for that question. I would draw the member's attention to the letter I tabled as the then Minister of Energy, Mines and Resources to the then federal Minister of Indian Affairs and Northern Development, dated March 31, 2009. At that time, I wrote to the federal minister with regard to the agreements and discussion that had been underway with the Yukon government and the Liard First Nation to open up that area and to have the Liard First Nation Corporation have oil and gas rights to approximately 10 percent of the lands in the Liard Basin. The letter specifically refers to the interest in the shale gas potential of the basin.

I would also point out to the member opposite that, in fact, if the member would look to the October 23, 2009 letter from the then Minister of Energy, Mines and Resources to Chief Liard McMillan, there is an indication that, as the Yukon government and the Liard First Nation previously discussed, if we were unable to achieve consent under section 13, repealing that section was our best alternative to an agreement. Again, this is something that has been many years in discussion. In fact, more than three years ago, the Liard First Nation was advised by this government that if they were to withdraw from the discussions, as they have done in this case, effective September 1, the government would consider repealing section 13.

Question re: F.H. Collins Secondary School gym

Ms. Moorcroft: The new F.H. Collins project got off to a bad start, even before the ceremonial shovel hit the ground. Yukoners will never forget the groundbreaking ceremony and the bold statements by Yukon Party candidates that turned out to be little more than a public relations exercise during the last election campaign.

F.H. Collins students and their parents, staff and user groups have expressed their frustrations to this government, particularly about the loss of their gym and the logistical challenges of finding alternative arrangements throughout the city during a multi-year construction period.

Now that the project has been turned over to him, how does the minister responsible for this project — the Minister of Highways and Public Works — plan to minimize further disruptions to students and their parents, who will have to live and study during this building project?

Hon. Mr. Kent: As mentioned yesterday on the floor of the House, the F.H. Collins replacement project is on schedule to be completed in time for the 2015-16 school year. There were some options developed around some alternative PE and gym activities that were planned for the time when the gym wouldn't be available. I went along with senior officials from the Department of Education and attended the open house on November 22. The school community that was there, parents and, especially, a number of young students, came and talked to me about their concerns. As a result of those concerns, we are looking into fiscally responsible options for a temporary gym at F.H. Collins during the construction period. Again, as I mentioned yesterday, we have increased the budget for the school by \$3.3 million. The total current project estimates are \$55.8 million and, in order to be fiscally responsible, we need

to find and look for options that deliver a temporary structure within that funding envelope.

Ms. Moorcroft: Well, the minister has had an additional year for planning, but it doesn't sound as if he has been turning the proper attention to it. When the replacement of F.H. Collins was first discussed 10 years ago, the price tag was estimated at \$25 million.

After the election and the ceremonial shovels were put away and the plans rejigged, and with a further year of planning, the new cost estimate came out at nearly \$56 million. We have also heard that government anticipates the final cost of a project may vary 15 percent from an original budgeted amount. That would be an \$8-million variance.

Change orders — and there are lots of change orders when it comes to major projects built by the Yukon Party government — also translate into added costs. I'd like to again ask the Minister of Highways and Public Works, if he is, in fact, responsible for this project: what guarantees he can make that this project will not go overbudget?

Hon. Mr. Kent: The departments of Education and Highways and Public Works are working very closely on this project. I met this morning with the Minister of Highways and Public Works, as well as our deputies, on developing some options for temporary gym space. The plans haven't been altered, as the member opposite alluded to, in the last year. We have detailed drawings and better cost estimates as a result of the time we have spent. We'll be engaging the services of a consulting firm to manage the project for us, to keep an eye on the change orders, to make sure we guard against those cost overruns the member opposite mentions. Perhaps the member opposite would like to consult with her colleagues, who asked for the reinstatement of the building advisory committee during this construction period.

The building advisory committee came up with the detailed design work. They're not going to be tasked with managing the construction of this project; we're going to leave that to the professional public service that is in charge of that — the Department of Highways and Public Works and the contractor we have engaged, or will engage, to manage the project on our behalf.

Ms. Moorcroft: Mr. Speaker, the Yukon Party government has a dubious history of sound project management. Let me remind the minister of huge cost overruns, project delays and contract disputes surrounding the Whitehorse Correctional Centre, the Dawson and Watson Lake hospitals, the Dawson sewage treatment project and the current legal wrangling around construction work at Whistle Bend.

These mistakes have translated into the Yukon public paying millions of dollars more than initially budgeted. The minister has just said that they're going to engage consulting firms to manage the project for them. Has the Minister of Highways and Public Works done any other improvements to project management that he has incorporated to ensure the government does not repeat past practices and deliver a new F.H. Collins project that is significantly overbudget?

Hon. Mr. Kent: Mr. Speaker, I don't know where the member opposite comes up with the fact that the F.H. Collins project is significantly overbudget.

What we have before us are cost estimates for a project that is \$55.8 million. We won't know the budget until the tenders are done. I think everybody in this House knows that whether you are doing home renovations or whatever, you can guess or you can put your best efforts into assigning a price to what you are going to get done, but you are not going to know until you get the prices from the contractors. We are not going to know the budget for F.H. Collins until we get the prices from the contractors. As I mentioned, we've engaged a firm to do the contract management, to look after that project for us. We are very excited about that change. This is a very large project; it's an exciting project; it's going to be a school that all Yukoners are going to be proud of once it's completed, and we're looking forward to the completion of that school with as little disruption to the students, teachers and parents as possible.

Question re: FASD students

Mr. Tredger: In 2007, the Yukon Party government declared that all parts of its five-step FASD action plan had been implemented. The plan called for a diagnostic team of personal counselling, social work and health care professionals to provide services for students with FASD, and their families, throughout Yukon's public schools. It has been five years since the supposed completion of the FASD action plan, yet there are still not adequate supports in schools. The government doesn't even know the number of schoolchildren living with FASD.

There appears to be no ongoing strategy for citizens and students living with FASD. How will the Minister of Education determine how many Yukon students are living with FASD and tell us how the government intends to fill the serious gap in services for these students?

Hon. Mr. Graham: Under the action plan the member opposite was speaking about, the Department of Health and Social Services initiated stable funding for the Fetal Alcohol Syndrome Society Yukon — FASSY — and among other things the No Fixed Address Outreach van through Many Rivers. We have also established diagnostic teams that are available. Unfortunately, the diagnostic teams can only work with 10 to 20 people per year to diagnose the FASD prevalence in the territory, but that's an ongoing project and we will be bringing forward more teams as time and money permit.

Mr. Tredger: The Department of Education has purchased a useful resource called *Making a Difference — Working with Students who have Fetal Alcohol Spectrum Disorders*, which has been made available to Yukon schools. It is a comprehensive guide covering a wide range of subjects, including what FASD is, how it affects social skills, and approaches and aids teachers can use to best educate these students. This resource is sadly underused. Teachers are not given sufficient time or training on how to implement it. As I mentioned in my initial question, there is a lack of real supports in the schools. What systems of support and training for teachers are in place or being developed so Yukon students living with FASD don't get left behind?

Hon. Mr. Graham: Some years ago, the five-step FASD action plan was originally set out and some of the actions in the plan are ongoing. In other areas, the government has moved far beyond the original action plan. In September of 2008, Yukon Justice and Justice Canada hosted the first national conference focusing on addressing issues of FASD. In September 2010, Yukon again hosted a national symposium in Whitehorse on FASD prevention, programs and support strategies.

Justice, Health and Social Services and the Education departments are working collaboratively on an ongoing basis to determine FASD prevalence in the territory — in the correction population, in the school population and in the general population here in the territory. So we are working together. We're developing local diagnostic capacity, as I mentioned previously, and we're improving case planning not only for adults who are diagnosed with FASD, but also for children in the education system.

Question re: Energy conservation programs

Ms. Hanson: Energy planning and preparing for the future is one of the most important public policy issues facing the Yukon. There is a looming crisis around energy supply for future residential and industrial users alike. The Yukon Party's lack of leadership on this file has led us to this point.

The most cost-effective tool for addressing energy needs is conservation, also known as demand-side management. Demand-side management encourages consumers to use less energy through a combination of incentives and education. The idea of demand-side management has been around for decades.

Good demand-side management programs implemented elsewhere have proven to lead to real energy savings. They free up existing supply for new consumers without requiring costly new generation projects and transmission infrastructure. Why has the Yukon Party government done so little to make demand-side management a reality?

Hon. Mr. Cathers: Well, once again it should come as no surprise to anyone who follows this House regularly that the Leader of the NDP is wrong.

In fact, we have done more on this file than previous governments did. If the member avails herself of resources at the Energy Solutions Centre or on-line — programs, including our Good Energy program, have done a significant amount toward helping people purchase appliances and other pieces of equipment that are more energy efficient, reduce their use of energy and save them money as well through providing them with rebates. We have also done other work including recent work by consultants who we've engaged who have identified potential savings. Yukon Energy Corporation itself has done ongoing work on the demand-side management area. So, once again, the Leader of the NDP has her facts wrong.

Ms. Hanson: While the minister opposite likes to use his disparaging comments, I'm afraid his statements are contrary to the historical record. In 2007, the Yukon Utilities Board encouraged the government to study demand-side management and make recommendations. In 2009, the Yukon Utilities Board directed Yukon Energy to get to work on demand-side management. Yet, here we are on the cusp of 2013, and all

we have to show for it are a few pilot projects and audits with no real action. Meanwhile, Yukon Energy is seeking a huge increase from ratepayers.

I know the minister likes to deflect the question with lines about not interfering with rate applications despite the fact that the NDP has never suggested it. We have simply asked the minister to use the tools at his disposal to make energy conservation a priority.

So, Mr. Speaker, why has the Yukon Party government, in power for 10 years and ultimately responsible for the management of Yukon Energy, failed to make demand-side management a priority, thereby contributing to the crisis of energy supply facing Yukoners?

Hon. Mr. Cathers: Mr. Speaker, again, what we see is the tendency of the NDP — particularly their leader — to engage in very polarizing rhetoric in this Assembly. That, again, is absolutely wrong. In fact, we have taken significant steps in this area, but ultimately the responsibility for energy reduction begins at home, so the member might want to ask herself what she is doing to reduce her energy use.

The member's colleague, contrary to the Leader of the NDP's assertion, did stand up — the Member for Mayo-Tatchun — and call upon me to express a position on the work the Yukon Utilities Board was doing currently, which would be interfering with their independence. He did not take the opportunity to apologize for it, which I provided him. I would point out to the member that some of the areas of high cost and high energy consumption include residential heating, which is one of the reasons why the NDP's request for the government to continue to indefinitely fund the interim electrical rebate contributes to people choosing to install electrical heat in their homes as a source. I don't have the figure right in front of me but I believe it's roughly 24 percent of the identified energy reduction. The member might want to think about that.

Speaker: The time for Question Period has now elapsed.

Notice of government private members' business

Hon. Mr. Cathers: Pursuant to Standing Order 14.2(7), I would like to identify the items standing in the name of the government private members to be called on Wednesday, November 28, 2012. They are Motion No. 313, standing in the name of the Member for Watson Lake, and Motion No. 286, standing in the name of the Member for Pelly-Nisutlin.

Speaker: We will proceed to Orders of the Day.

ORDERS OF THE DAY

GOVERNMENT MOTIONS

Motion No. 309

Clerk: Motion No. 309, standing in the name of the Hon. Mr. Cathers.

Speaker: It is moved by the Minister of Energy, Mines and Resources

THAT this House urges the Government of Yukon to:

(1) respond positively to the joint request by Yukon Conservation Society and Northern Cross (Yukon) for the Yukon government to work with YESAB to improve clarity around assessment for oil and gas projects;

(2) conduct a full and rigorous scientific review of any proposed oil and gas project at each of the following stages of oil and gas development: exploration, production and reclamation; and

(3) work with the Vuntut Gwitchin First Nation and stakeholders to facilitate an informed public dialogue about the oil and gas industry, including risks and benefits of hydraulic fracturing, also known as "fracking", before any regulatory approvals or permitting allows the use of this activity in Yukon.

Hon. Mr. Cathers: Prior to beginning the text of my remarks, I have to point out that the government attempted to call this for debate yesterday. The NDP refused to debate it. This is the same substance as a proposed amendment that the government made to an NDP motion last Wednesday and, despite the fact that the introducer of the motion, the NDP Member for Mayo-Tatchun, spent roughly two hours speaking to his own motion, the NDP then filibustered the amendment and did not want to discuss the government's proposal —

Some Hon. Member: (Inaudible)

Point of order

Speaker: The Member for Riverdale South, on a point of order.

Ms. Stick: Standing Order 19(b)(i), "A member shall be called to order by the Speaker if that member speaks to matters other than the question under discussion." The member opposite said he was going to speak to this motion, and that's what we would like to hear, rather than his disparaging remarks about yesterday's business.

Speaker: The Minister of Energy, Mines and Resources, on the point of order.

Hon. Mr. Cathers: I was referencing the text of this motion and the history of the text of this motion, so I believe it was relevant to the debate.

Speaker's ruling

Speaker: It is difficult for the Chair to know where the debate is going until the member actually proceeds further. There have been references to the previous motion and, as both motions are very similar in nature, I'll allow it, but I'll ask the member to please move on to the actual debate at hand.

Hon. Mr. Cathers: Yes, Mr. Speaker, we had proposed — and if you'll forgive me for saying it because I believe it's very relevant to what we had initially proposed on Wednesday of last week during opposition private members' day — to amend an NDP motion to have government begin by working with Vuntut Gwitchin First Nation and stakeholders to facilitate an informed public dialogue about the oil and gas industry, including risks and benefits of hydraulic fracturing, also known as "fracking", before any regulatory approvals or permitting allows the use of this activity in the Yukon.

The only area in the Yukon where there is currently oil and gas exploration ongoing is in north Yukon. The Vuntut Gwitchin First Nation is very much involved in this area. Recently the Yukon government and the Vuntut Gwitchin First Nation collaborated and developed a joint decision document on the application by Northern Cross (Yukon), which went through YESAB, to drill exploration wells. We believe — rather than, as the NDP had suggested government do, which was simply go it alone and begin consulting on these matters — that the first step would be to sit down with Vuntut Gwitchin First Nation — as they are the most involved and affected First Nation — and involve other stakeholders, including the Conservation Society and Northern Cross — to talk about what would be the best way to begin a public dialogue on the oil and gas industry.

We need to ensure that there is clarity around the assessment of oil and gas projects, clarity in determining when additional assessments would be required and at which stages, and that the public dialogue about the oil and gas industry includes, but is not limited to, the risks and benefits of hydraulic fracturing. We recognize that this has been a topic of debate in a number of areas of the country. There has also been a lot of work done by other jurisdictions, and a lot of effort and money has been invested in reviewing their experiences with these techniques.

We do have to point out that the NDP has a practice of seeming to see things as having either a red light or green light. They seem to think that if government doesn't declare a moratorium on something, somehow that automatically means that that activity will be allowed, which is not the case. That is not in keeping with modern environmental assessment and permitting processes for oil and gas, or any other resource activities.

I would point out, as I have before, from the government's perspective, that not declaring a moratorium on something certainly does not mean an activity will necessarily be allowed. What it does is put it to the stage where, if an application were received for such an activity, that activity and that proposed project would be considered by YESAB and by government regulatory processes on the basis of the science presented and on the basis of public input received during the seeking-views-and-information stages of the YESAB process.

The reason the government has continued to persist in bringing this motion forward is that we believe that an informed public dialogue would begin by sitting down with Vuntut Gwitchin First Nation and other stakeholders to talk about how to best set up that dialogue and what would be involved in that, including risks and benefits of hydraulic fracturing, but also including other matters. That would be an appropriate place to start. The extent to which Vuntut Gwitchin would be involved depends on their interest in being involved in that, but we would extend that invitation to them to talk to us about it, and to begin by having those conversations at the start about what would best make up the development of a public dialogue on this.

What this motion entails is urging the government to respond positively to the joint request by Yukon Conservation Society and Northern Cross (Yukon) for the Yukon govern-

ment to work with Yukon Environmental and Socio-economic Assessment Board to improve clarity around assessment of oil and gas projects.

As the Leader of the Liberal Party noted positively the other day, he thanked the government for what was brought forward and called it a step forward when we had proposed amendments to the NDP motion.

We have also in the motion outlined committing to conducting a full and scientific review of any proposed oil and gas project at each of the following stages of oil and gas development: exploration, production and reclamation — specifically with regard to the clarity around assessment of oil and gas projects.

As I've noted before in the House, we have heard clearly from both Yukon Conservation Society and Northern Cross that they think the process needs to work better and that there is lack of clarity around it. We recognize and acknowledge that there is a need for better clarity both within government and within YESAB and in terms of what is presented to the public around defining what oil and gas activities require additional assessments through the YESAB process. That would include such future potential activities that a company may not have decided to do, but may potentially consider because, as I pointed out to this Assembly in the past, the inclusion by Northern Cross (Yukon) of hydraulic fracturing in their application this summer was done at the request of YESAB.

YESAB had told them that, if they thought they might ever want to do it, they needed to put it in as part of the proposal. As we've heard jointly from both the Yukon Conservation Society and Northern Cross, if there's clarity around the stages of oil and gas development, whether it's exploration, production or reclamation, then that matter would have been left, as it is now, to a future assessment if the company were ever to decide that they might wish to do so. They have indicated they do not plan to do that, but they could potentially decide to do so at some point in future years. As I've indicated in the Assembly before, we have given the assurance to Vuntut Gwitchin First Nation, as they requested that, should we ever receive an application for the use of hydraulic fracturing in their traditional territory, we would consult with Vuntut Gwitchin First Nation and consider their input prior to issuing any permit.

As the Premier noted in the press release we sent out yesterday, we know that many Yukoners are interested in objective and open public discussions about oil and gas development, including the technique of hydraulic fracturing. We believe the appropriate place to begin is by working with the Vuntut Gwitchin First Nation and stakeholders in particular because the only area of the Yukon where oil and gas exploration is currently underway is in north Yukon.

The Yukon government has worked collaboratively with the Vuntut Gwitchin First Nation to issue a joint decision document on Northern Cross (Yukon)'s recent project application. As I noted, it is disappointing that the NDP previously chose to vote against holding an immediate debate on this motion when we attempted to call it yesterday, rather than taking the step to begin moving forward with these important discussions. It's disappointing that the NDP appear very closed to

considering any options on how to further public understanding and dialogue in the oil and gas industry, unless those options happen to be presented by their own party — and of course their approach basically comes down to: just say no.

The NDP consistently — and not simply on this file — has had a tendency to request moratoriums on this, moratoriums on that, and really the idea that resource assessment and application assessment comes down to yes or no, rather than assessing proposed applications on their science, is really an antiquated dinosaur-like approach to resource project assessment.

I am hopeful that we'll see the NDP take a different position on this. Today I would again point out that in the past when we suggested this approach, the NDP were vehemently opposed to initiating a public dialogue by beginning with talking to Vuntut Gwitchin First Nation, as we had proposed doing. We saw then the next day they appeared to relent and have a change of heart and then yesterday, we saw them back to their original approach of opposing our government's proposition of starting out by talking to Vuntut Gwitchin First Nation and other stakeholders about how to best set up and facilitate an informed public dialogue about the oil and gas industry, rather than the NDP's approach of just having the government go it alone.

I hope the NDP will forgive me for speculating that it does seem to the government that perhaps the heart of the NDP's objection to government involving others to talk about how to set up this public dialogue is that it's easier for the NDP to take partisan shots at the government than if other stakeholders and the Vuntut Gwitchin First Nation are part of the development of this public dialogue. It's an easy and common tactic for the NDP to simply disagree with everything and to change their own position, as we saw earlier this week — sometimes three times in Question Period on the same subject. In that case, I believe it was the topic of education.

The few other things that I would note just in terms of the potential for oil and gas development and its impact on other elements of the Yukon energy sector is, in fact, that I can elaborate on something I mentioned earlier about the use of electricity by the residential sector of the economy and the use of space heating. With the projected growth of consumption in the electrical sector, space heating is expected to comprise 24 percent of electrical consumption, while domestic hot water heating is expected to comprise 13 percent. So, again, the connection to this in this case is the fact that in areas that have access to locally produced oil and gas projects that alternatives, including liquefied natural gas or home heating fuel, are other potential sources, although not as green and as attractive in terms of an end outcome. I point out that, in fact, if electrical consumption is requiring the burning of diesel fuel or the burning of natural gas to provide that electrical consumption that, in some cases, it may be a better approach to provide that heat source directly through liquefied natural gas or home heating fuel, rather than to burn it and produce electricity.

So those are the main points I had, in terms of bringing forward this motion here today. We really think that it's important that the Yukon look to our opportunities. We were consistent. In the election campaign, we talked about the potential for

oil and gas development in north Yukon and in southeast Yukon. As I have pointed out before, we had talked about those areas, and that is, in fact, a big part of why when we received the unexpected application this year for oil and gas rights in the Whitehorse Trough, we indicated from the outset that a main issue of consideration would be what public opinion was on that, because we had not talked about the Whitehorse Trough in the 2011 general election.

Again, I can't help but point out that the NDP consistently throughout that process stood up and insisted and declared government had already made up its mind and that they knew the government had already decided and was pushing forward with what they referred to as government plans to develop the Whitehorse Trough, when they had ample opportunity to be made aware of the fact that such statements were grossly inaccurate.

Really, that type of contribution by the NDP to dialogue around the oil and gas potential for Yukon is really not helpful ultimately to the public, regardless of the topic — whether it's a topic of hydraulic fracturing, whether it's a topic of other practices in the oil and gas industry, whether it's related to potential in usages in the Yukon of locally developed and locally extracted energy resources. All of those things are not benefited by an NDP that prefers to attack, rather than to carefully reflect the facts and bring forward sound input, options and constructive input into public dialogue.

Again, that is why we have brought this motion forward here today. We are hopeful that all members will support it and that we will see the opportunity for the Legislative Assembly to have supported the government's proposal of beginning a public dialogue by first engaging others, including the First Nation that currently has oil and gas activity in its traditional territory and has active wells and active drilling taking place.

Another statement I would like to emphasize — as I've said in the past — and is important to emphasize is the government's position and the direction we have given to officials. When it comes to activities, including oil and gas development, until and unless we are fully confident that activities can be responsibly regulated, and we are fully confident that human health and safety and the environment can be fully protected, no permits, licences or authorization should be issued.

I'd like to also note that within project reviews, which is a specific element of this motion before us, the proposal that there is a full and scientific review on any proposed oil and gas project at each of the following stages of oil and gas development — exploration, production and reclamation — is a key element.

While scientific reviews already occur through the YESAB process, this section of the motion really relates to the need for government to work with the Yukon Environmental and Socio-economic Assessment Board to better define where these stages occur and to be able to understand, both internally within government and within YESAB, where these lines apply and to be able to clearly explain that to the public and to those who review a project in order to comment on it.

People will have a clearer understanding of what they are commenting on and what they are being asked to look at and

what is being proposed and what additional processes might apply, should a proponent wish to seek other activities. They would then understand that that potential activity is not part of this proposal. If it were to become part of a future proposal, they would know what the public consultation process around that would look like.

When it comes to practices like multi-stage hydraulic fracturing, which use large amounts of water, one thing that we recognize was not clearly explained by YESAB or the Yukon government to those who expressed an interest in Northern Cross' application this summer — 2012-0140 — is the fact that any activity requiring large amounts of water is automatically subject to the requirement to receive a water licence which comes through the process under the jurisdiction of the Water Board, so is subject to yet another stage of licensing and permitting.

I would point out that nobody is currently proposing to do hydraulic fracturing in the Yukon. As I briefly referenced earlier, as members will see if they read the letter that I tabled today from myself to the then Minister of Indian and Northern Affairs for Canada, Chuck Strahl, dated March 31, 2009, the shale gas potential in southeast Yukon has been no secret to the Liard First Nation and certainly has been known by all three levels of government — by the Kaska First Nation, by the federal government and by the Yukon government — and has been specifically referenced in correspondence going back from years ago, including that letter that I signed back in 2009.

I will say again, because it seems to be something that the NDP has trouble understanding and I'm hoping with repetition they will get the point: considering something doesn't mean that it will automatically be allowed. Not declaring a moratorium on something certainly does not mean that automatically that activity will be allowed. They seem to see it as an either yes or no, red light or green light situation. Again, as I've said before, that is neither consistent with the government's position nor modern environmental assessment and permitting processes. Setting a standard that is focused primarily on the outcome — that being to ensure protection of the environment and protection of human health and safety — if that is the first point in the scientific assessment of any proposal and the proposal is judged against that standard, that is a more effective way, in our view, of protecting the environment and human health and safety than simply on the basis of what someone may have Googled and seen from a YouTube video that may have been done by a professional entity or by someone in their basement in God only knows where and it be a very unreliable source of information. Really focusing on scientific review and on scientific processes that review projects on the basis of their merits rather than on the basis of fears and innuendo is the approach that government and the Official Opposition and the Third Party should, in our view, be looking at.

As I've referenced before, there are specific triggers in the *Yukon Environmental Socio-economic Assessment Act* that fall under the YESAB process which clearly defines when applications need to be reviewed. Part of what this motion is proposing to do is simply to better define where those lines apply and to be able to better explain that both internally and to others.

With that, I have two closing comments I would make in terms of the benefits of oil and gas development or potential benefits. What we have seen directly to Yukon First Nations in terms of royalties received from the two wells in the Kotaneelee region alone is in excess of \$10.46 million. Yukon's oil and gas revenues have also been significant since that time. We have consistently talked about how we believe Yukon resources belong to all Yukon citizens.

We believe that when it comes to matters, including oil and gas development, it's important to provide people with easy access and information about scientific processes to focus on the facts of the matter.

Another example of this is the approach we've taken with the current consultation on the Peel recommended plan and the potential modifications we have proposed — as we said we would in the 2011 election. We have provided a very interactive website that provides a lot of information to people. We have provided one of the longest consultation periods that the Yukon government has held on any matter — some four months in total, plus an additional month of First Nation consultation.

We are really trying to provide citizens with the facts and the technical information, so that they can make an informed decision, because certainly we have seen consistently, whether it be on the Peel or on oil and gas, anyone who makes the grave mistake of listening to the NDP for their information will have a very badly warped view of the facts.

Mr. Tredger: I'm not quite sure where to begin. I heard a lot about the NDP and what the minister opposite thinks of them. I was a little disappointed that we would enter into a discussion on consultation by ridiculing, "dissing" and denigrating one of the partners to that consultation.

As I recall during the last election, all parties made a firm commitment to the Yukon people to elevate the level of debate, to work together, to come up with ideas together, and to work for the people of the Yukon.

When the NDP comes up with a good idea, it's held up as not being able to oppose some or parts of a question or an idea. All answers are not simple. It's not acceptable to work on one polar opposite or the other. In order to accomplish something, we need to work in the grey areas. We need to find common ground.

Yesterday, I heard a member opposite go on at length about all the things in the budget that the NDP opposed, making the assumption that because we didn't believe in the entire budget we opposed everything in it. Yesterday, I had the opportunity to talk about the *Residential Landlord and Tenant Act*. My party and I were accused of many things around that.

I was doing what I said I would in the election. I was stating what we publicly stated in the election, and that is that we would support good ideas when they were presented. We would hold this government accountable. We would bring forth common sense, valuable contributions to the argument, and we would oppose things we felt were not in the interest of Yukon people. We will continue to do that.

Earlier this day, I was told that the Yukon Party was very clear on its position on the Peel prior to the election. I'm not sure who they were being clear to, but I know that on September 19 — a short time before the election — CBC News reported that the Yukon Party refused to say whether or not it supported the Peel commission's final recommended plan for the region.

The plan released in July recommended that 80 percent of the region be protected from development. First Nations and other groups want to know where the Yukon Party stands.

The minister's answer to that was that they hadn't finished that process and they had to be able to follow it through. He chided other political parties for taking a stance. He then went on to say that there is still one round of consultation, and as time goes on there are more and more questions and things that are being raised about this and so we need to get through the final part of the process. Otherwise what we're saying as a government is: You know what? Consultations don't mean anything because we've already made up our mind as to what we're going to do.

The Liberals, the NDP and the Green Party all say they'd accept the commission's final plan if elected. The four affected First Nations have also said they are prepared to endorse the plan, even though it protects less than the 100 percent of the region they were asking for. I'm not sure how the minister or the Premier reconciles that with what he said this morning or what he has said many times over the last few days — and he seems to increasingly be going on that speaking line.

I'm not sure who he was being clear to: it wasn't to the Na Cho Nyäk Dun because they released a statement shortly before the election saying that the Liberal Party supports the final recommended plan; the NDP supports the final recommended plan; the Yukon Party has no position. My question: Who were they talking to when they were being so clear? It makes one wonder who was privy to these inner thoughts, consultations and workings when the Yukon Party was being so clear.

In speaking to this motion, I am concerned — and I will oppose it. I am concerned that what it proposes will be very divisive for Yukoners. The meaning of consultation is when people come together. We saw an effective version of that when the Minister of Education was speaking to parents at F.H. Collins last Thursday. It began as an information session but the minister, to his credit, opened it up to a discussion period and I, the parents and the students who were there at F.H. Collins thank him for that. When he answered the questions and entertained the ideas, a number of good things came from that and I was pleased to hear the minister stating today that he's considering some of them. Had the original format been followed, we would have missed that opportunity.

The law provides for consultation between persons or bodies, or persons and bodies. The consultation must be meaningful and allow for genuine interchange and consideration of views. That seems to be common sense. What is the point of consulting someone — and even more, of requiring a person to consult someone else — unless that consultation is to be meaningful?

To consult is not merely to present or tell. Consultation involves the statement of a proposal not yet fully decided upon, listening to what others have to say, considering their responses and then deciding what will be done.

My concern when I see a motion like this is after having seen — and I hesitate — the information session around the Peel that is going on at the Gold Rush Inn — and I would encourage people to attend that and see if it meets their ideas of consultation and express their views. But my concern when I hear that and I think about it is that I'm not sure that the Yukon Party government understands the meaning of consultation.

When I see this motion, many of the things I said last week apply. It's divisive. I know that the First Nations in my territory — the Na Cho Nyäk Dun, the Selkirk First Nation and the Little Salmon Carmacks First Nation — and the communities in my area — the communities of Mayo, Pelly Crossing, Stewart Crossing, Keno and Carmacks — all have an opinion about fracking. They want to be informed; they want to be involved. There are many First Nations throughout the territory who want to be involved: Dawson City and TTH; Watson Lake; Ross River.

What we saw — before I go there, I do want to comment on one of the things that the minister opposite said. He said that they chose the Vuntut Gwitchin to speak to because there was no other proposed oil and gas development in the Yukon. We just had an extensive consultation on the Whitehorse Trough and we know that in a few short years that discussion will have to be had again. We know by the minister's own admission that there has been extensive interest expressed in the southeast Yukon area. In fact today he revealed that he had been talking about it since 2009. So there are proposals on the table; there have been discussions; there are thoughts going on about it and industry is interested in the Yukon — all of the Yukon, not one part.

So, to begin with, consultation is about building consensus. It's about informing people, getting the information out on the table and having an honest back-and-forth dialogue. It's not about hiding off and having a little bit about this little part or that little part.

The second thing that I noticed this has taken from the member's amendment to my motion last week is any reference to fracking.

Some Hon. Member: (Inaudible)

Point of order

Speaker: The Minister of Energy, Mines and Resources, on a point of order.

Hon. Mr. Cathers: I think the member may be debating a different motion than we have in front of us because Motion No. 309 specifically includes in clause 3 —

Speaker's ruling

Speaker: There is no point of order. It's a dispute between members.

Mr. Tredger: My apologies. Clause 3 does refer to hydraulic fracturing. I was referring to clause 2 where the rig-

orous and scientific review of any proposed oil and gas project, including fracking, was in the one last week.

My point is that fracking is of paramount interest to all Yukoners. We are on the cusp of having to make some major decisions that will have a huge effect on our lifestyle and our territory for many, many years to come.

Fracking is fundamentally different from traditional gas extraction methods and has only reached this level of sophistication in the last decade. The scope of it — the amount of water required — far exceeds anything even imagined five or six years ago. One only needs to look at northeastern B.C. to see the effects that it has had on the area. One only needs to go to Google Maps and Google that area to see the amount of activity that has happened in the last 10 years. One only needs to drive through Fort Nelson to see the effects that it has had on the community. It is a growing, bustling community, but there are concerns being raised and being raised even more by community members.

Health impact studies have been done in the area, throughout Canada and indeed throughout the world. Virtually in every jurisdiction, every health impact assessment says this would be done far better if it were done in advance of it happening.

The consultation should begin now. The sharing of real, scientifically proven, peer-reviewed data should begin now. Once again, this government doesn't have a plan. This is a one-off. This is about one project, a single proponent, a single traditional territory and a single First Nation.

Fracking will affect each and every one of us. There will be some benefits and there will be some serious detriments to it. All Yukoners deserve the opportunity to participate in that discussion.

When I speak of fracking, as I mentioned last week, there are a number of areas that we need to consider. The precautionary principle is first and foremost. Before we enter into it, the onus is on the government and the proponent or the industry to prove that there are not detrimental effects. We need to know through careful study and sharing of information: the human health impacts related to gas extraction and production method; emergency events such as well-blowout and pipeline breaks; chemicals used in drilling and well stimulation techniques; chemicals in drilling waste, and the related issues of on-site and off-site waste management; air quality issues; transportation and disposal activities; land reclamation activities; general quality of life; climate change; earthquakes caused by fracking; impacts on water — surface and ground water; waste water and drilling mud; fracking fluids and their often secret chemical mixes; and, of course, the environmental impacts, including the effects on fish, wildlife and habitat. That's quite a list. Yet we have so little data. We don't have the baseline data yet.

How can this government — how can we as Yukoners — make an informed decision if we don't know how much water is available for fracking? Do we have ten million gallons? Do we have twenty million gallons? Do we have thirty million gallons to take out of our system? We don't know. What effect will climate change have on our hydrology systems? This is our water that is being used. Fracking is a discussion for all parts of the Yukon.

The potential for oil and gas development, as I said, exists in the Whitehorse Trough and impacts the traditional territories of several First Nations: Kwanlin Dun First Nation, Ta'an Kwäch'än Council, Carcross-Tagish First Nation, Little Salmon Carmacks First Nation, Selkirk First Nation, Champagne and Aishihik First Nations and Teslin Tlingit Council. The potential for oil and gas development and fracking exists in the Liard Basin, and this impacts the traditional territories of the Liard First Nation and Ross River Dena Council. I would ask that the member opposite not unfairly single out the Vuntut Gwitchin government and people. This affects all Yukon First Nation governments and all Yukon peoples.

Furthermore, how will this affect our agreements and responsibilities under the *Umbrella Final Agreement* and the duty to consult with all First Nations? Let us not pass lightly over our obligations and promises that we as a government have made to First Nations — promises given to them honestly, openly, in the spirit of negotiation and in the spirit of land claims. Let's honour that spirit, and let's work with all bodies involved to develop something for the Yukon.

The Council of Yukon First Nations recently said, "We will not be divided." They were speaking in support of the Liard First Nation and the Ross River Dena Council over their concerns of the removal of section 13 from the *Oil and Gas Act*. Has the Council of Yukon First Nations been consulted on this motion that cuts them out and looks to the Vuntut Gwitchin?

Relationships are already strained between the First Nation governments and the Yukon Party government. We need to tread carefully.

The member's current motion, clause 2, sounds like speaking points for a YESAB review. There should be reviews at each of the following stages: at exploration, production and reclamation. We agree with this. It should be standard procedure. However, we do think, and we will support, a full and rigorous scientific review of the practice of hydraulic fracturing. The member's motion admits this. There is a significant body of peer-reviewed research that details the negative impacts. I mentioned some of them. They include negative effects on water, on the land, on the air and on us. This body of research has not been refuted, and it's growing each and every day. The precautionary principle tells us that the onus is on the industry side to prove that it is safe. This motion needs to address the public's call and the good public policy position for a full and rigorous scientific review of the practice of hydraulic fracturing.

I mentioned relationships with First Nations. Perhaps this government is in damage control. Perhaps this is an attempt to reach out to some First Nations, but they're making the same mistakes. Yukon First Nations stand strong and together.

This government is repealing laws that have been agreed to by the Yukon government, Yukon First Nations and the Council of Yukon First Nations. They have known for over a year, despite assertions to the contrary in this House, that industry has plans for fracking in the Yukon. They have angered the Kaska so that there are threats of road blockades and litigation over and above the withdrawal of the Kaska from the table.

Yukon First Nation governments, investment brokers, past land claims negotiators, lawyers, industry players, miners and the public have all questioned why this government seems so intent on picking a fight over oil and gas in the territory.

Last week they all but agreed to a moratorium on fracking in all but name. They offered a public consultation process but have limited its scope to just one area and one proponent. Now, rather than debate their legislation or their budget, they are using an entire afternoon of government business to try and defend themselves by debating this poor attempt at heading off disaster. But most importantly, one only needs to see the level of heightened attack they daily launch against the NDP and myself in an effort to divert attention.

This is a concern to many Yukoners. Just last week I brought a petition from over 1,800 people asking to be consulted. When I walk downtown, people say it's important that we are consulted; we are concerned. We have requests from the industry — and hats off to Northern Cross for making that request — we need clarity and we need a consultation process. We have requests from non-governmental organizations — and hats off to the Yukon Conservation Society for trying to wake up this government. They are taking a risk; they are concerned that their words will be taken and distorted and changed and used for political gain. They don't want to be a pawn; Yukoners don't want to be pawns. This isn't a game — we move, we live, we exist in the Yukon because of the land, because of the water, because of the people in the territory, because of who we are, because we love to live, we enjoy each other, we want to work together, we want to grow together and we want to build the Yukon together. We don't want to be divided. We don't want to be set one against another.

An issue like fracking can be looked at in two ways. It can be a challenge for us to work and live together. It can be a challenge for us to discuss, to learn and grow together. Or we can use it to divide us. We can use it for political gain or to hurl accusations, half-truths and inventive insults at one another. I think we can do better. I think that open and honest consultation — I know the member opposite is concerned about it and is a little bit afraid of open consultation.

Some Hon. Member: (Inaudible)

Point of order

Speaker: Minister of Energy, Mines and Resources, on a point of order.

Hon. Mr. Cathers: Mr. Speaker, for the member to accuse any member of this House of being afraid of open consultation certainly seems to be contrary to the assumption of this House and the rulings you have given that members are to treat each other as honourable. While he did not specify the member to whom he was referring, I think that it is contrary to your rulings.

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

Ms. Stick: Mr. Speaker, on the point of order, you've been very clear in your rulings. I don't think we need to keep referring back to them. You've spoken to them and they are the final word on it. For the member opposite to keep bringing them up just seems irresponsible.

Speaker's ruling

Speaker: The rulings I have given in the past have been to deal with a point of order that had been brought forward or to make it clear that the rules were not being followed. They were also intended as a caution and warning to all members as to where the line was being drawn. The decorum in this sitting of the Legislature has changed from where it was in the past. The members have changed it, not I. I have maintained what has been established by members on both sides of the House.

As I cautioned yesterday, there have been a number of times when members have been pushing the line that they have established. Personalizing debate and imputing unavowed motives are unacceptable from either side. This has been raised in points of order since day one, and we have established this.

The Minister of Energy, Mines and Resources said that the member did not point out a particular member directly, but it was fairly clear from his reference. Was he implying that there was a motive? I don't believe he was actually implying that there was a direct motive that the member was not willing to have an open dialogue, but he was implying that there was probably a reluctance to have an open dialogue, in his opinion. This has been building for awhile, in particular on this subject and on a few others.

It is very difficult for the Chair to continually have to remind the members of the same rulings that I have to give day after day and week after week. I'm getting tired of it; I'm sure the members are all getting tired of it.

I caution members to be very careful about how they choose their words, in particular when it comes to imputing a motive through an action or inaction by a group on either side and, in particular, be very cautious about what they say in regard to members on either side. Whatever members say may come back to them, and the Chair may allow it to happen to both sides. In this particular case, I would say there is no point of order, but members are all on notice that I'm getting tired of it.

Mr. Tredger: I will withdraw my comment about fear. I was referring to situations that the member opposite described whereby people were afraid to —

Speaker: Move on, please.

Mr. Tredger: Thank you, Mr. Speaker.

During Question Period today, the Premier said that the government wants to treat all Yukoners the same and wants to treat all First Nations the same, but this motion divides people. It doesn't give every citizen a voice, and it doesn't allow all students to speak from their hearts and to be involved in a Yukon-wide assessment process.

Having said that, I think I made my point. I am concerned about the direction in which this motion is leading us. Members of my riding are concerned. The people I speak to are concerned. This is an opportunity — an opportunity to grow. Let's take hold of it and move forward together. Thank you.

Hon. Mr. Dixon: This is an issue and a topic that I am, of course, very interested in, not only as the Minister of Environment and Minister of Economic Development and a member of this House, but as a Yukoner and as someone who is interested in seeing the Yukon thrive and do well, not only economically, but in terms of our environment as well.

What's very obvious is that I'm not the only one who is passionate about this issue. I can tell very clearly from the remarks from members in this House that it is an issue that provokes a certain degree of passion and energy, and I would simply say that I think we are compelled by the folks who elected us to either harness our passion and use it for constructive debate or to quell it and let reason prevail because I think — based on a lot of the comments that I've heard, particularly from the Member for Mayo-Tatchun — that perhaps passion is getting the best of him and some of the issues that are being discussed today need to be reconsidered.

Of course, what we're talking about today in this motion is facilitating an informed public dialogue about the oil and gas industry in Yukon and I think — again, based on a number of the comments I heard from the Member for Mayo-Tatchun — that's exactly what he wants as well. I would encourage him to reconsider the motion and give it due consideration when he decides whether or not to support it or vote against it.

As I said, this is something I'm passionate about as well, and I will do my best to maintain reason and logic as my guides in this discussion.

There are a number of things I wanted to touch on with regard to this motion as I rise to support it. I listened very carefully to the Member for Mayo-Tatchun's comments about this, and I simply don't have the time to — issue by issue, step by step — respond to each of his comments, so I won't bother trying. I will just move on to some of the material I wanted to discuss today.

But before I do that, I did have to say that I was glad to hear him say that he supported the second aspect of this motion and, as I said, I think he supports, in concept, the third part as well, and I see no reason why he would not support the first section. I do expect if he gives the motion a thorough re-read and some calm consideration, I think he will appreciate where the government is coming from with this motion and why it's the proper step forward for this House and for the government.

The oil and gas industry is an interesting one. It's one that has received a lot of attention in this House and in the media to date. In particular, the practice of extraction related to hydraulic stimulation, or "fracking", as we have come to use the term, is one that is particularly interesting to a lot of folks in the territory and around the country. Of course, it's a process that has been fairly well-used over the years. The 20th century has been certainly dominated by the use of fracking, particularly throughout North America and the United States, but more recently coming north into Canada as well. It's something, like any process or method, that is refined and worked on over the years.

We have certainly seen a significant shift in this particular industry and this particular practice over the years. The changes to the process have been in both type and scope, and they have

really gained a lot of prevalence as a result of newer methods and newer iterations of that process that have come about as a result of significant scientific and technological advancement, particularly driven by the United States, as they have proceeded in what some in the media refer to as the "gas revolution", which sees natural gas become an increasingly important piece of the North American and American energy system. That's something I'll talk about in a moment.

With that growth and use of the process and use of that technology, there has been an increasing amount of dialogue around it, and that has filtered right to the top of the American political system.

As recently as this year, the President of the United States has made a number of comments about this process and about the natural gas industry in the United States. Those comments have been fairly overwhelming in their support of both the natural gas industry and the process of fracture stimulation, or fracking or hydrofracking — the terms tend to change.

I would like to, if I could, quote President Barack Obama, from his State of the Union address earlier this year. That was delivered in — I believe it was on January 24, 2012. He says, and I quote: "The development of natural gas will create jobs and power trucks and factories that are cleaner and cheaper, proving that we don't have to choose between our environment and our economy. And by the way, it was public research dollars, over the course of 30 years, that helped develop the technologies to extract all this natural gas out of shale rock - reminding us that government support is critical in helping businesses get new energy ideas off the ground." So what we see here is the recognition from the President that his government — his administration — has supported the development of the technology and ultimately the creation of the technology that we have been talking about for a significant portion of today's discussion.

He goes on to say that — and again I quote: "We have a supply of natural gas that can last America nearly 100 years and my administration will take every possible action to safely develop this energy. Experts believe that this will support more than 600,000 jobs by the end of the decade. And I'm requiring all companies that drill for gas on public lands to disclose the chemicals they use. Because America will develop this resource without putting the health and safety of our citizens at risk."

I think what you see here from the President's comments in the State of the Union address is that he most certainly believes that the natural gas industry and the extraction of natural gas from shale rock can be done safely and can be done with respect for the health and safety of American citizens. That's something that I take a fair amount of interest in because, as we know, the President of the United States is advised by quite literally some of the best scientific minds in the world.

For him to come out in a very public address like the State of the Union and provide such unequivocal support, to me, is telling.

Moving on though, I think the motivation behind the President's speaking notes here relate primarily to the economy. His motivation, as far as I can tell, relates to energy inde-

pendence for the United States, creating jobs and developing the economy. He uses an example of research and technology that can spur innovation and create new energy ideas. While those are very valid arguments for him to make about the United States, I think they're equally as valid for the Yukon. The economic benefits of the creation of a natural gas industry and the increase of usage of local natural gas and oil and gas resources has a number of very clear economic benefits. The first is obviously the creation of jobs and the diversification of our economy. Certainly we've always had a lot of discussion in this House about the need to diversify away from mining and tourism, which are mainstay pillars of our economy. I think this offers something more. As well, there is the potential for job creation.

As we have talked about today, we know that the opportunities in the northern Yukon and in southeast Yukon are probably the most likely. I am sure the MLA for Watson Lake will agree with me that the southeast Yukon will certainly benefit from the creation of jobs in that area.

A second economic benefit is that currently any money we spend on hydrocarbons in the territory immediately flows out of the Yukon, so the significant number of dollars that Yukoners spend on heating fuel, on gasoline for their vehicles, or other hydrocarbons, is, at this point, money that simply flows south or perhaps west and north to Alaska. There is certainly that aspect of it as well. We see it across the spectrum when we talk about the need for Yukoners to recognize the importance of purchasing and consuming local goods. I think in this case it is relevant to say that it's like encouraging people to buy local produce. The economic logic behind that is equally so with the natural gas and oil and gas resources in the Yukon.

I think, Mr. Speaker, it is important to recognize that there aren't just economic benefits to the development of natural gas in the territory. There are, of course, I think, environmental issues that can be considered as well.

The first one that comes to my mind is the development of local oil and gas resources in the territory keeps the impact of our consumption and the means of accessing hydrocarbons at the front of our minds. When we look around the territory and see oil and gas being developed, it very much reinforces in the minds of Yukoners that there are impacts when it comes to developing natural resources like oil and gas. We need to consider those impacts when we make decisions about our consumption.

As it stands right now, the impacts of oil and gas and our usage of oil and gas in the territory are completely exported. We don't look around the territory and see the impacts of oil and gas development quite yet. In some cases, like the Kotaneelee, we can make that claim, but because that flowed south, I don't think it's relevant. I think keeping the impact of oil and gas development at the front of our minds when we make decisions about consumption is important.

The next point I wanted to make is about the impact as it relates to climate change and the need for governments across the country and across the globe to reduce, to the greatest extent possible, our emissions of greenhouse gases.

When the President spoke about natural gas, I think it was a little before some of the most recent data has come out on the impact of the so-called "gas revolution" in the United States. Both the U.S. Energy Information Administration and the International Energy Agency have put out reports earlier this year which indicated some very interesting developments in the energy systems of the United States. The primary issue that I want to point out is that for the first time in history, natural gas has met with coal as a fuel for energy generation. This is remarkable because coal has always been the highest in the United States and natural gas obviously has been either a second or third fiddle to coal. So having a fuel like natural gas displace coal has had a profound effect on both the energy systems in terms of a cost-benefit and a cost discussion, but also in terms of the greenhouse gas emissions that have come about as a result of energy production in the United States.

I'd like to quote the chief economist of the International Energy Agency, whose name I won't try to pronounce, in an article from the *Financial Times*, dated May 23, 2012: "This is a success story based on a combination of policy and technology — policy driving greater efficiency and technology making shale gas production viable."

Of course, his comments are in relation to the fact that shale gas has transformed the U.S. energy landscape with surging production pushing gas prices down to 10-year lows and heralding what they refer to as an "industrial renaissance".

What's clear there is that the development of this technology has resulted in a significant increase in the production of natural gas in the United States and thus a reduction in the use of coal. This is important not only for the fact that it has driven energy prices down in the United States, but because it has had a profound effect as well on the greenhouse gas emissions of that country.

I'll go back to someone much smarter than I am — an expert in the field of energy.

I would mention Dr. David Victor, an energy expert from the University of California, San Diego who is quoted in the *MIT Technology Review* in an article called "King Natural Gas" by David Rotman. I will quote Dr. Victor: "... the United States is saving about 400 million metric tons of carbon emissions annually in the recent switch to natural gas from coal. That's roughly twice as much progress as the European Union has made in complying with the Kyoto Protocol through policy efforts."

So what we see here, Mr. Speaker, is a clear reduction in the overall amount of greenhouse gas emissions as a result of the switch from coal to natural gas. That's not to give natural gas an absolute free ride here. I think there a legitimate discussion that needs to be held about the impact of the switch to natural gas. Of course there are some who would argue that natural gas can act as a transition fuel to, hopefully, a renewable future for energy. There are, of course, some who say that the switch to natural gas is simply the switch to yet another fossil fuel, which ultimately is unsustainable over the very long term as a result of climate change and the need to mitigate the growth of greenhouse gas emissions in the world.

I think that is a legitimate discussion that needs to be had, and I think it is one that is being referenced in this motion. When the motion says that it intends to facilitate an informed public dialogue about the oil and gas industry, including risks and benefits of hydraulic fracturing, also known as “fracking”, before any regulatory approvals or permitting allows the use of that activity in the territory, those discussions are entirely relevant for us to talk about. We know there are challenges with natural gas when it comes to greenhouse gas emissions and the fact it’s primarily methane-based fuel, that in cases it has been guilty, certainly with pipelines, of difficult-to-measure fugitive emissions. We know that fracturing itself also has a role in greenhouse gas emissions.

Those are the kinds of lifecycle costs we need to consider and we need to weigh them against the continued reality of importing all our fossil fuels from Outside. I don’t even know where all the hydrocarbons in our territory come from. I know that some come from the North Slope in Alaska, are refined in North Pole and come by truck through the Member for Klondike’s riding into Yukon. I know that some come from Alberta and elsewhere.

Those are the kinds of considerations we need to take when we make decisions about not only the direct environmental impacts of natural gas and oil and gas extraction in the territory, but the broader impacts when they relate to climate change and greenhouse gas emissions

We know that natural gas is better for fuel combustion than diesel when we consider the grams of greenhouse gas per unit of measurement. We committed in our Yukon *Climate Change Action Plan* progress report to reduce the emission intensity of on-grade diesel power generation by 20 percent by 2020. We know natural gas offers a cleaner burning fuel than diesel and that we can make a significant impact in our own territorial greenhouse gas emissions by switching from diesel to natural gas. If we can use locally produced natural gas, all the better, for all of the reasons I have indicated today.

Now this isn’t a new issue of fracking in this discussion of natural gas as an important component of the economy. I don’t have time to go into the studies in New Brunswick, but I would note that both of those studies did extensive work, both from the chief medical officer of that province, as well as the LaPierre report which has been referenced in this House before. I would note that both of those reports fall way short of indicating that a moratorium is necessary.

When pushed on the issue by the media, Dr. Cleary, the chief medical officer who did this report for New Brunswick, explicitly said that the need for moratorium wasn’t there in New Brunswick. I think those are telling aspects.

Seeing that my time has elapsed, I’ll conclude by saying that this is a good motion. Having a public dialogue about these issues is important, and I hope that some of the material that I have discussed today will find its way into that public discussion.

If we go piece by piece through the motion, we see that it’s a good motion, and I look forward to hearing support from all members.

Mr. Silver: I will be brief. I will be supporting this motion today. I hope that we don’t spend the entire day debating it. There are a number of other things that we should be debating, including the budget and the *Act to Amend the Oil and Gas Act*. The government, of course, can use its spot on Wednesday’s rotation to debate these motions, and in my humble opinion, we shouldn’t be cutting into our time that should be used for debating the budget.

With regard to the Yukon Party’s attempt to force this into the agenda yesterday, that is something that I found quite surprising and I do not support this method.

Debating this issue has not been a priority of this government for a complete year in office. Delaying the discussion of the motion for 24 hours — because a motion must appear on the Order Paper for 24 hours before a minister can call that motion for debate — certainly did not make any more difference than delaying it another 24 hours until tomorrow’s private members’ day would have. Nonetheless, it is up for debate and so debate it we will.

All the motion says, when it boils down, is that the government should do their job. The government was caught flat footed with the degree of opposition to the issue of fracking in the Yukon. It seemed unhappy with the traction that the NDP has generated by continuing to raise this issue and was looking for a way to take back the agenda. This motion is the government’s way of taking control of that agenda. The NDP, on the other hand, won a great victory last week. The government has been saying for a year that there is no problem with fracking and that no action on the part of the government was required. Last week it changed its mind and agreed to engage the public for the first time. There is now a de facto moratorium on fracking in the Yukon until these public discussions are complete. The NDP didn’t get everything that they wanted but, in my view, they got quite a bit — so much for the Yukon Party never taking advice from the NDP on oil and gas issues. Unfortunately, the NDP doesn’t accept the compromise that has been laid before them.

With respect to the motion itself, and clause 1, we can support it. For the first time, the government has acknowledged problems with our current regulatory regime and desires to improve it. This is a positive step forward. It is something that should have been done in the first place.

The second clause, in my view, is a bit redundant. It basically says the government should regulate the oil and gas industry. That is a great idea.

I do have one concern about the final clause, and that is that this is limiting the motion only to the Vuntut Gwitchin. This should be expanded to include all First Nation governments; however, I can live with the wording in this motion before us. We will see where this public discussion leads.

This motion says the government should do its job. I will be supporting it. Let’s get on with debating the budget and the legislation before us. Thank you.

Mr. Elias: It’s a pleasure to rise to debate the motion today on the floor of the Assembly. At the first opportunity that I have to speak, I need to correct the record, Mr. Speaker, be-

cause I misspoke the other day in the House. It was brought to my attention by the Hon. Member for Mayo-Tatchun, who did mention chapter 14 in the *Umbrella Final Agreement* and I said that nobody had in this House. I apologize for that to the member and to his constituents.

First of all I want to congratulate the Minister of Energy, Mines and Resources for bringing this good idea forward. I congratulate the minister. I think business in this territory needs to be done in this fashion more often, and it has been done this way before. I can name several protected areas in our territory where a First Nation government and public government worked together to consult the public. This is not something new.

For industry, non-government organizations, a self-governing First Nation, a public government and a board that operates in our territory, working together to solve a problem in the best interests of the citizens should be done way more often. This is the right way to go. The engagement of all Yukoners to have a public discussion addresses a motion that I put forward on the floor of the Assembly this sitting, a few weeks ago, and that's good.

In terms of the third point of the motion, I don't read anywhere in this motion where it says that any individual, any non-government organization, any other First Nation will be excluded from this process. While being well aware of the Vuntut Gwitchin First Nation but never speaking on their behalf, I recognize that if they are going to participate with a public government to engage Yukoners, they are going to do it very comprehensively.

I have no quarrels whatsoever with the Vuntut Gwitchin First Nation helping to steer this process through what could be characterized as "troubled waters". I went on public record the other day explaining some of the historical facts about north Yukon and I'm not going to reiterate those today. What I do recognize is that the Vuntut Gwitchin First Nation has a signed, constitutionally protected final agreement land claim that they agreed to abide by and have responsibility and jurisdiction over in partnership with the territorial government and the federal government and the boards and committees therein. They've got the only approved land use plan; they've got the experience of working with the oil and gas industry and have signed impact and benefit agreements that are recognized under the *Yukon Oil and Gas Act*.

They have some valuable experiences that could prove to be very valuable to the rest of the territory's citizens. I expect that to happen during this public dialogue — that hopefully this motion gets passed and occurs.

In addition to this, the Vuntut Gwitchin First Nation has an active oil and gas drilling program going right now, as we speak, in their traditional territory. So I don't know — or I'm not aware of any other jurisdiction in our territory that has all of those things occurring at the same time. So look at this as a positive way of looking at things and doing things in a good way, like I said the other day.

I'll use the land-based experiential education program — the history of the Vuntut Gwitchin First Nation in sharing their work with the broader community to not only help our terri-

tory's citizens, not only our Canadian citizens, but our citizens around the world — take examples that work in educating your children and use them. This is no different.

Again, I think that when it comes to certainty and about maximizing the responsibility and authorities in the land claims agreement, this is an excellent example of doing that, of working together to deal with a very complex and important issue that could affect the day-to-day lives of our citizens in the future. I think that one of the most powerful lines in the motion is in clause 3, where it says, "work with the Vuntut Gwitchin First Nation and stakeholders" — which is a big word — "to facilitate an informed public dialogue about the oil and gas industry, including risks and benefits of hydraulic fracturing, also known as "fracking", before any regulatory approvals or permitting allows the use of this activity in Yukon." That is a very strong statement that has not been said by any responsible government in this territory until today — that I'm aware of. So this is a pretty important motion we are debating today.

Again, I congratulate the Minister of Energy, Mines and Resources on taking this approach. I'm going to be voting for this motion and I hope in the future it will set the example of how we can properly conduct business here in the territory. This could have ramifications for business, tourism, economic development, for the environment, et cetera, when we see — as I said before — industry, non-government organizations, First Nation governments, public governments and our boards and committees in the territory working together to solve an issue.

The public formulating the best possible opinions they can, and then engaging in the decision-making processes, is going to be a good thing. This is a very serious and complex issue that is before us today. I want to thank all the members who spoke prior to me.

When we look back on our discussions and deliberations here, Yukoners are going to appreciate the fulfillment of this motion to its fullest because there is a lot at stake — or could be a lot at stake here. I think this is the beginning. I support this motion. I am aware of many situations of public government — whether it be federal or territorial — working with a First Nation government to consult the general public. They have done it many times. They have sat at the table and addressed the public. This is nothing new. It should be the way things should be done, actually.

I'll conclude my comments just by saying that I support this motion. I think that, in the paramount interest of our territory, I look forward to it passing the Assembly today.

Ms. Hanson: Mr. Speaker, I am pleased to be able to rise to speak to this motion. As expressed by the Member for Mayo-Tatchun, and as the NDP expressed last week with respect to the same motion, there are some aspects of this motion that we endorse and support.

We're talking about a fundamental public policy issue here with respect to the development of the oil and gas industry in this territory — an industry we believe should be developed like all resource extraction industries in this territory — responsibly and, to the best of our abilities as legislators, taking

in all the aspects and all the information before we jump on any one bandwagon and any approach.

There are some fundamental pieces there, so it's the whole issue of the public policy with respect to an aspect of the oil and gas industry elsewhere in Canada not so far practised in the Yukon — that we know of, anyway — and that is the issue of hydraulic fracturing, or fracking. It's our view, as the New Democratic Party, that that is a fundamental policy discussion that needs to be held with all Yukoners.

We have the policy issue with respect to fracking, and once you have made that decision, it leads to discussions about what kind of regulatory framework you place around it and then how the environmental assessment processes would apply there.

So I just have a couple of comments with respect to certain aspects of this, because we do believe, as we've said in all of our conversations, that where there's a good idea, we'd like to build on that good idea. So I will be bringing forward some amendments — some constructive positive amendments — to this motion that I think will address the issue of how we ensure that all Yukon First Nations, Yukon citizens and stakeholders are involved in that fundamental discussion about this issue around ensuring that we have a complete understanding of the risks and benefits of hydraulic fracturing before we develop any regulatory approvals, as the motion currently speaks to.

But I wanted to also speak to some of the other issues that have been raised here, because the members opposite have spoken quite a bit about — and I mentioned this last week, and my colleague from Mayo-Tatchun has applauded both Northern Cross and the Yukon Conservation Society for raising this issue with the Yukon government. But I think it's important that we make sure that when we use the voices of others that we accurately reflect what they have said. So the Yukon Conservation Society's website makes it very clear — and I'm actually quoting, Mr. Speaker.

The Yukon Conservation Society asked for a five year moratorium on fracking and on oil and gas development in traditional territories where there are no land use plans in place to allow for public consultation and clarifying of YESAB triggers for oil and gas developments. In their view, a five-year moratorium on fracking would also create time for a closer examination of the impacts of fracking worldwide, which could help form a Yukon decision.

They are really asking legislators to take seriously the issues associated with fracking. They are not suggesting that we jump on the bandwagon of President Obama. They are saying, "We're the legislators for this territory. We're not taking our directions from the American government. We take our direction from the Yukon people, and we govern based on what's best for Yukoners for Yukon land and resources." I can't say that strongly enough. I don't take my direction from any other leader anywhere.

The Yukon Conservation Society also says on their website that they make clear that the Yukon Conservation Society is asking for a legitimate public consultation on oil and gas and specifically fracking, which includes all First Nations, as every

Yukon First Nation is or will be affected by oil and gas exploration and development in their traditional territories.

They said further that it is important for Vuntut Gwitchin First Nation to be involved, but the Kaska and many others are, or will be, equally affected by oil and gas development. They also said that the Yukon Conservation Society and Northern Cross (Yukon) asked for clear YESAB triggers for oil and gas activities. The Yukon Conservation Society also explicitly asked for fracking of any type or on any scale to be a trigger for YESAB assessment. I think that that was partially what the Minister of Energy, Mines and Resources was trying to capture in that motion. But there is another aspect of this motion, and it is the notion that we achieve a solid grounding in this industry by effectively hiving off a particular area — in this case the north Yukon — and effectively making that a test-pilot. That may or may not inform what is going on elsewhere.

We should be aware — and I'm sure that the members opposite are aware because they do their research as well — I ground this on my own personal experience of friends and colleagues who are ranchers in southern Alberta. They chose to ranch in an area that is in the Porcupine Hills; it's a beautiful area — beautiful scenically — and it's also a great ranching area. It was until quite recently a protected area and then the provincial government decided that they would open up the area to coal-bed methane. Now this was something that ran contrary to previous policies of the province there. It's consistent with the process that has been going on in Alberta since 2006 when the Energy Resources Conservation Board, which is the provincial agency, decided to enter into a series with industry — the Canadian Association of Petroleum Producers or CAPP, which is Canada's oil and gas entrepreneurs; that's what they call themselves — to form this www.synergialberta.ca. Effectively what they've done is divide the Province of Alberta into 25 different communities. They spend a lot of time and energy and money working to develop these projects and getting the community to buy into test areas where they'll talk about what might be best practices in the area: "We'll talk about the effects of health, socio-economic, environmental and infrastructure issues prior to signing cooperative agreements to agree to regulations or to allow fracking in your area."

The experience of many Albertans over the last six years is that, while these community members are engaging honestly and in good faith with members of their community, with members of the provincial government and with industry representatives to create best practices that would protect their lands and citizens and their environment, they're getting a sense that they're engaged and this is meaning something, what they are finding is that, while they're holding their meetings and talking about those sensitive ecosystems that are near and dear to them, where they talking about the department that they know so well because it's in their neighbourhood, their pasture lands, their wildlands, their special areas, the provincial government has proceeded to allow those lands to be drilled or to be fracked without their consultation and then they live with the consequences.

I think it's very important that we not be naive. The oil and gas industry worldwide is a giant. The Yukon government

pales in comparison to the strengths that will be brought to bear on this territory. We see it at the edge of this territory in the southeast Yukon — the huge, huge amount of activity that's going on there.

The Yukon NDP very strongly believes that there is an important discussion that needs to be had before we open up our land and our resources. I echo the Premier. He talks about this land and these resources belonging to all Yukoners. That's a fundamental policy, a fundamental value, that we share. The land and resources of the Yukon belong to all Yukoners before they belong to anybody else, and we have a right and a responsibility to make sure that as we develop them we develop them responsibly and we develop them in response to and completely cognizant of all aspects of the implications of that development, and that we develop the framework for regulating the exploitation of those resources that is not only thoughtful but it's in line with best practices and that we define what those best practices are.

We are not looking to industry to define for us in this territory what best practices are; we need to know that. I believe we have an opportunity here, as I echo the Member for Vuntut Gwitchin, to really make a positive statement here, to work together as legislators, to respond positively to the express concerns not only of Northern Cross (Yukon), not only to Yukon Conservation Society, but to thousands — it is now in the thousands — of Yukoners who want to ensure that as we develop our resource extraction industries, we do it in a responsible way. We have expressed that concern by saying, "Let's take a pause to make sure that we have the legislative and regulatory environmental assessment framework in place that will ensure that the decisions we make today will stand the test of the future for the future generations.

Amendment proposed

Ms. Hanson: With respect, I would move that Motion No. 309 be amended by:

(1) adding the words "of the practice of hydraulic fracturing, also known as 'fracking', and" between the words "review" and "of" in clause (2); and

(2) deleting the words "work with the Vuntut Gwitchin First Nation and stakeholders to facilitate an informed public dialogue" and replacing them with "work with all Yukon First Nation governments, stakeholders and citizens to conduct a comprehensive public consultation" in clause (3).

So the full amended text would be:

THAT this House urges the Government of Yukon to:

(1) respond positively to the joint request by the Yukon Conservation Society and Northern Cross (Yukon) for the Yukon government to work with the Yukon Environmental and Socio-Economic Assessment Board to improve clarity around assessment for oil and gas projects;

(2) conduct a full and rigorous scientific review of the practice of hydraulic fracturing, also known as "fracking", and of any proposed oil and gas project at each of the following stages of oil and gas development: exploration, production and reclamation; and

(3) work with all Yukon First Nation governments and stakeholders to conduct a comprehensive public consultation about the oil and gas industry, including risks and benefits of hydraulic fracturing, also known as "fracking", before any regulatory approvals or permitting allow the use of this activity in Yukon.

Mr. Speaker, that is the proposed amendment.

Speaker: The proposed amendment is in order. I'll read it into the record, so just give me a second. It's in small print, so I need my glasses to make it bigger.

It has been moved by the Leader of the Official Opposition THAT Motion No. 309 be amended by:

(1) adding the words "of the practice of hydraulic fracturing, also known as 'fracking', and" between the words "review" and "of" in clause (2); and

(2) deleting the words "work with the Vuntut Gwitchin First Nation and stakeholders to facilitate an informed public dialogue" and replacing them with "work with all Yukon First Nations governments, stakeholders and citizens to conduct a comprehensive public consultation" in clause (3).

Leader of the Official Opposition, you have seven minutes and 11 seconds.

Ms. Hanson: I won't speak long on this. What I've said up until this point is I just want to reiterate that, as the Official Opposition — as we said last week — we see much that is positive in the initiatives by the representatives of the Yukon Conservation Society and Northern Cross in the fact that they felt compelled to bring this issue to the attention of the Chief of the Vuntut Gwitchin First Nation and the Premier. It speaks volumes to the importance of bringing this very important issue of how or if, perhaps — we don't know that, but it's really up for that full discussion that hasn't occurred to date — the practice of hydraulic fracturing or fracking will be addressed in this territory.

I've heard speakers from the government side reference already that there has been an awareness of the interest in shale gas in this territory for a number of years. So it's not as though this is not a known issue. To date there hasn't been any engagement with the public on this as a fundamental public policy discussion. So here's an opportunity for us to do two things. One is to work with Yukon First Nation governments who, as we all know, are parties and partners in government in this territory through the provisions of their First Nation final agreements, and who have express provisions in those agreements that we cannot ignore.

We've heard reference already to the importance of chapter 14 with respect to water. There are amazing and empowering provisions in that chapter and the other chapters in the First Nation final agreements that we could seize and make this policy in this territory the most effective, but we need to engage with all Yukon First Nations as government, with citizens, civil society and with stakeholder groups to conduct a comprehensive public consultation.

To limit it simply to an informed public dialogue ignores the fact that we have a constitutionally mandated obligation: a

duty to consult both with those First Nations who have completed First Nation final agreements and a common law duty to consult with those First Nations who have not.

The word “consultation” is very important here. It has significance beyond just semantics.

The aspect in terms of when we talk about the review process and the regulatory regime — it’s reviewing the practice of hydraulic fracturing, adding that into when we look at being clear about what the implications are from exploration through to production through to reclamation, because there are implications at all stages of those with respect to this practice.

I would urge members of this Legislative Assembly, as responsible legislators, to approach this with an open mind and open heart, that we put this on the table. This is intended to engage all Yukoners to respect the fundamentals of the motion that was put forward by the Minister of Energy, Mines and Resources, but to elaborate on it so that it is more inclusive and that it does directly address the issue of hydraulic fracturing at each of the proposed stages that it might be implicated when we talk about oil and gas development in this territory.

So with that, Mr. Speaker, I would commend this amendment to members of this Legislative Assembly and really do hope that they will look deep within themselves and support it.

Hon. Mr. Cathers: It’s a bit hard to keep track of the NDP’s position on this. First of all, we began the discussions before this House on motions related to public discussions of hydraulic fracturing, with a motion brought forward by the member of the NDP. Government then brought forward a motion, and we now see an amendment from the NDP. I’m trying to figure out what the NDP’s position is. It’s a much harder trick to pull off; it’s much harder to develop that insight to figure out where they are on this situation.

I’m genuinely trying to understand whether the Leader of the NDP is misunderstanding the facts pertaining to this or why is she making certain statements that she has?

The government will be opposing the amendment proposed by the NDP because the change barely even makes grammatical sense in the case they have suggested. Amending the proposed amendment to clause (2) as I believe it would read — “conduct a full and scientific review of the practice of hydraulic fracturing, also known as ‘fracking’, and of any proposed oil and gas project in each of the following stages of oil and gas development: exploration, production and reclamation” — really confuses the whole purpose of that clause, which was about clarifying the assessment process and better communicating it and getting that into a more general review of a practice that, thanks to legislation the NDP brought in, is already allowed under Yukon legislation. For them to suggest that it’s a case of opening up the regulations to permit it and thus require an official consultation process, the members do not understand or are choosing to not reflect their understanding. I think the Member for Vuntut Gwitchin and the Leader of the Liberal Party understood what is intended and that is that government has proposed to begin by talking to the Vuntut Gwitchin First Nation and other stakeholders about how to best foster and

inform public dialogue on these issues, which could lead to changes in regulations following that.

But as a starting point, while the Yukon has had discussions and consultations and development of oil and gas regulations in the past, at previous times, there has — including when the NDP were the ones doing the consultation — probably not been as much public interest in the topic as we have seen recently, and a starting point on this is not necessarily whether change is even being made regarding any specific practice, but talking about what is involved in the industry, talking about the experiences of other jurisdictions, and we believe that starting by talking to the Vuntut Gwitchin First Nation — who is the only First Nation with recent experience around exploration and development and the only one, as noted by the Member for Vuntut Gwitchin, that has current exploration going on within their traditional territory.

To engage in a process, as the NDP has proposed — they first proposed that government go out alone and not involve any First Nations. Now they want government to involve all First Nation governments before even getting to the stage of doing public consultation. Either the NDP doesn’t understand the processes and the amount of time that government-to-government relationships involve, or the NDP has gone from the extreme of wanting government to do something immediately without involving anyone to having government seek concurrence from all 14 First Nations prior to having any public dialogue. It’s really quite the flip-flop in the NDP position, where they went from last week wanting government to begin consultation without involving anyone. They were vehemently opposed to the amendment government brought forward. Also, I am compelled to remind the members that both the Leader of the NDP and the NDP House Leader specifically urged government to bring this forward as a motion. Then earlier today the Member for Mayo-Tatchun of the NDP attacked the Member for Riverdale South and said with regard to the amendment that I had proposed on Wednesday, “It’s a motion, I believe, that the member opposite should bring forward in the House at another time as a totally separate motion.”

We did that yesterday; the NDP opposed talking about it and today we’ve seen an amendment that is a complete change to the NDP’s position on how to do this. It seems to be something that would lead to a lot of front-end discussions that would better be informed by a First Nation that has had recent experience with this and the Yukon government having an opening conversation about what’s involved in an informed public dialogue — how does it best get set up to reflect the science and provide open opportunity for Yukon citizens and for all First Nations to become involved in the conversation; to become well-informed on practices in the industry; to have a fact-based rather than a fear-based discussion about the economic benefits around oil and gas development; and how to responsibly manage that.

With that, in the interest of time, I’ll wrap up my remarks, but the government cannot support the NDP’s latest position on this topic, any more than we could their previous positions, and we’ll be voting against the proposed amendment.

Ms. White: In speaking to the amendment, I believe that these amendments strengthen Motion No. 309. Eighteen hundred people signed a petition tabled in the House last week. These 1,800 people have fears regarding the practices of the oil and gas industry. Fear is not a weakness; fear is not dishonourable. Admitting to our fears is a strength and asking for help to understand our fears is a powerful action.

Many more Yukoners than just the 1,800 who signed this petition want a chance to learn more and to speak about the oil and gas industry. They want to help shape its future in the territory; they want to be involved in the discussion; they want to be confident that the practices of the oil and gas industry in the territory will be safe; and they want to know that it will be safe for our water, safe for our environment, safe for our wildlife and safe for all who live here. Consultation is more than telling or presenting. Consultation involves the statement of a proposal not yet decided upon; listening to what others have to say; considering their responses and then deciding what will be done. I believe the three people sitting in the gallery today deserve to have that opportunity — to be consulted and to speak about the oil and gas industry.

The Premier spoke today about treating all Yukoners equally; he spoke to treating all First Nations equally. With these amendments we will be doing just that.

We'll be giving all citizens of the Yukon an equal voice in these discussions. We'll be bringing all Yukon voices to the table.

I hope the other members are able to take a look at this as a whole and realize that we're asking to open up this consultation, this back-and-forth with all Yukoners — with all of them: with the three in the gallery, the 1,800 who signed the petition, and the many more who did not sign that petition because they were unable to or they did not. All Yukoners deserve a chance to be involved in a consultation process about the oil and gas industry. They deserve to have their fears acknowledged. With the scientific information brought forward, maybe those fears could be dispelled. All Yukoners deserve a voice at that table.

Ms. Moorcroft: Mr. Speaker, I rise to speak in favour of the amendment proposed by my colleague, the Member for Whitehorse Centre, on the subject of oil and gas development and the proposal to: (1) respond positively to the joint request by the Yukon Conservation Society and Northern Cross (Yukon) for the Yukon government to work with the Yukon Environmental and Socio-economic Assessment Board to improve clarity around assessment for oil and gas projects; (2) conduct a full and rigorous scientific review of the practice of hydraulic fracturing known as “fracking”; and (3) work with all Yukon First Nation governments and stakeholders to conduct a comprehensive public consultation about the oil and gas industry, including the risks and benefits of hydraulic fracturing before making any regulatory approvals or permitting that might allow this use.

The subject of oil and gas development in the Yukon does go well beyond the question of Northern Cross (Yukon), which has withdrawn its initial idea of fracking in the Eagle Plains area. The motion as proposed in this amendment would call on

the Yukon government to work with all Yukon First Nation governments and stakeholders. I fail to understand how the government could be opposed to that.

Oil and gas development would affect all citizens of the Yukon and would affect all First Nations of the Yukon. This government is focusing on a single project, a single proponent, a single traditional territory and a single First Nation. The actual reality is that what is affected is more than one project, more than one proponent, and not just one traditional territory and not just one Yukon First Nation.

To paraphrase something that Vandana Shiva recently said, the veneration in which indigenous peoples hold the earth is an impediment to what has become the dominant world view of capitalism and globalization economies that bestow privilege on corporations over the value of the lands, the waters and of all life forms — of peoples, of plants, of animals and fish. I think that we have a lot to learn from the approach that indigenous peoples take, including Yukon First Nations elders — and who are often called primitive for the beliefs that they hold. Yukon First Nations elders have spoken about the need to respect our land and our waters, and many Yukon residents are speaking out and actively campaigning not just for a ban on hydraulic fracturing, but for an approach that takes into full account the value of the land.

The NDP has been very consistent in setting out its approach to oil and gas exploration drilling. One document that I would like to refer to is the submission that we made that the Member for Takhini-Kopper King signed off and sent forward to the YESAB office relating to the project 2012-0140 Oil and Gas Exploration Drilling, Eagle Plains. In that submission, we laid out that our opposition to the proposal is largely based on a precautionary principle. If an action or policy has a suspected risk of causing environmental or public harm, in the absence of scientific consensus that the action or policy is harmful, the burden of proof that it is not harmful falls on those taking the action.

It's essential that the government meet the responsibility of providing a burden of proof that we are not damaging our environment or all of the life forms that are sustained by the environment.

Now when the Minister of Energy, Mines and Resources began debate this afternoon, he spoke very dismissively about the NDP. He spoke about the fact that this opposition had some very serious concerns that are shared by many in the Yukon public but were based only on a YouTube video. I'd like to correct the record on that and —

Speaker: Is the member speaking to the amendment or to the original motion?

Ms. Moorcroft: Mr. Speaker, I am speaking to the amendment and the improvements that this amendment would make on the subject of —

Speaker: Okay, that's fine — on the amendment.

Ms. Moorcroft: Now, in support of what this amendment proposes, I would encourage the government to take a look at some of the recent research and reports which we have tabled in this Legislature and asked this government to consider. Those include *Examination of Possibly Induced Seismic-*

ity from *Hydraulic Fracturing in the Eola Field, Garvin County, Oklahoma*; *Preece Hall Shale Gas Fracturing Review & Recommendations for Induced Seismic Mitigation*; the *Preliminary Report on the North Star 1 Class II Injection Well and the Seismic Events in the Youngstown, Ohio, Area*; *Induced Seismicity in the UK and its Relevance to Hydraulic Stimulation for Exploration for Shale Gas*; *Water Pollution Risk Associated with Natural Gas Extraction from the Marcellus Shale*; *Shale Gas in British Columbia: Risks to B.C.'s Water Resources*; *The SEAB Shale Gas Production Subcommittee Ninety-Day Report — August 11, 2011*; *Chemicals Used in Hydraulic Fracturing*; and British Columbia recently prepared a report: *Identifying Health Concerns relating to oil and gas development in northeastern BC, human health risk assessment — phase 1 report*.

These reports are only a beginning in identifying the need to look very carefully at what the effects will be of hydraulic fracturing. This is why it is important that, as this motion proposes, there will be a full consultation that includes all Yukon First Nations, not simply the one First Nation that the government has proposed, and that the government look at hydraulic fracturing and what its harmful effects could be.

I'm not confident, as the previous speaker has said, that the motion as it's originally proposed by the government would be a de facto moratorium. That is why I would support the clarity to the motion that is being brought forward by the amendment before us. It's also a small comfort that the Minister of Energy, Mines and Resources refers in the motion to the Yukon Environmental and Socio-economic Assessment Board when this government has rejected a number of the recommendations that have been brought forward by YESAB in relation to this project.

I would encourage all members to support the amendment before us. I would support the principle of working with all Yukon First Nations governments as well as with the citizens of the Yukon and all stakeholders in conducting a comprehensive public consultation related to hydraulic fracturing in the development of oil and gas and I commend the amendment to the House.

Speaker: Does any other member wish to speak to the amendment?

Are you prepared for the question on the amendment?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Disagree.

Hon. Mr. Cathers: Disagree.

Hon. Ms. Taylor: Disagree.

Hon. Mr. Graham: Disagree.

Hon. Mr. Kent: Disagree.

Hon. Mr. Nixon: Disagree.

Ms. McLeod: Disagree.

Hon. Mr. Istchenko: Disagree.

Hon. Mr. Dixon: Disagree.

Mr. Hassard: Disagree.

Ms. Hanson: Agree.

Ms. Stick: Agree.

Ms. Moorcroft: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

Mr. Elias: Disagree.

Clerk: Mr. Speaker, the results are seven yea, 11 nay.

Speaker: The nays have it. I declare the amendment defeated.

Amendment to Motion No. 309 negatived

Speaker: We'll continue with debate on the original motion.

Hon. Mr. Pasloski: I'm proud to rise today in support of this motion. I'd like to thank the Member for Vuntut Gwitchin for his support, and I'd also like to mention a couple of things he just lightly touched on. One was the impact benefit agreement that has been reached between Northern Cross and Vuntut Gwitchin, which will not only see benefits to Vuntut Gwitchin First Nation members but also to many Yukoners.

I'd also like to mention the dual decision document that has been reached collaboratively between the Vuntut Gwitchin and the Yukon government, working together on projects that occur in north Yukon, as I've spoken in this House over the last number of days about some of the great and incredible work that does go on between Yukon government and all the First Nations on many different issues.

I was going to thank the Member for Klondike for his support of our motion, but I'm not sure how to take that now. He just actually also supported the amendment, but I assume he will still continue to support our original motion and perhaps that speaks to the political stripe and the fence.

I also just want to briefly acknowledge and say it's good to see the Member for Copperbelt South today.

We're here talking about the motion we have put forward, which is really significant. It was disappointing to see the NDP chose not to debate that yesterday, but we are here today on government business because this motion is a priority for the government. Yesterday I was quoted as saying that we know that many Yukoners are interested in objective and open public discussion about oil and gas development, including the technique of hydraulic fracturing, or fracking.

We believe the appropriate place to begin is by working with the Vuntut Gwitchin First Nation and stakeholders in particular, because the only area of the territory where oil and gas exploration is currently underway is in north Yukon.

I wanted to also acknowledge the Minister of Environment. I think he had some excellent comments. His comments stayed relevant to what the discussion was and he brought up some very interesting facts and things. I believe, as the dia-

logue moves forward, we'll continue to see relevance to many of the things that the minister did bring forward.

We talked the other day — I've spoken a few times about the letter that we did get from Yukon Conservation Society and Northern Cross (Yukon). The letter has been tabled as a document here in the House. It was from this letter that there was identified a couple of areas of agreement between Northern Cross and Yukon Conservation Society in terms of the confusion around the YESAB processes and about public engagement. Those were two things that were very well articulated.

The Minister of Energy, Mines and Resources, the Minister of Environment and I did meet very recently with representatives from both of those organizations, as well as Mr. John Streicker, who was there as a member of the group — he collaborated on the letter and was there really for his technical advice as a scientist and an engineer. We understand that while there are different reasons from these two polarities within the debate on oil and gas development, they were able to both come together to say that there are things they agree on.

As I mentioned to the people during that meeting, part of their letter was talking about the *Yukon Environmental and Socio-economic Assessment Act* and I did explain to them that this is a federal piece of legislation and is administered by YESAB, which also belongs to the federal government. So we have, in fact, also dialogued and forwarded a copy of this letter to the federal government in terms of engagement and dealing on this very important issue.

As a result of this meeting — it was a very good meeting and positive — both the Yukon Conservation Society and Northern Cross (Yukon) articulated their perspective on these areas that were of concern. My colleagues and I took note of the conversations that we had. There was much discussion and questions and we are now going back to review the information we gathered to help move forward.

Part of the moving forward is what we have tabled today in this motion we are debating. I wanted to take a couple minutes to talk about the other thing that concerns me that doesn't get a lot of talk from the other side of the House, from the NDP. While they're concerned about the oil and gas industry and the economy that would be created, there is not a lot of concern about those countless super Bs of hydrocarbons that are imported into the Yukon every day. Unfortunately, none of the hydrocarbons that we use are actually Yukon resources. We're confident that such resources do exist but at this point every day, whether you're watching the highway coming in from Alaska or whether you're watching the highway coming in from the south end through Watson Lake, we see countless numbers of trucks rolling down the highway with their large tractor-trailers and their rubber tires carrying vast amounts of hydrocarbons. We have to ask ourselves a question about this and why this isn't part of the discussion. Why do we not have concern — why does the opposition not have a concern for this?

The Minister of Environment did speak about the impact of consumption. I think we need to talk about where we get our energy and what we are supporting when those trucks come up from either highway. From which country does that energy

come from and why is there no concern? Canada as an energy exporter and as an energy producer protects the rights of women; protects the rights of workers; protects indigenous peoples and all minorities.

In contrast to Canada, other oil-producing countries and regimes — and I can name a few, such as Saudi Arabia and Iran. I know the Leader of the Official Opposition doesn't have the mic, but she is talking loud enough that it's actually interrupting my thought process and I gracefully ask for a little more respect.

Countries like Saudi Arabia, Iran, Nigeria, Venezuela and Sudan oppress their citizens; they operate in secret with no accountability to voters, the press or any independent judiciaries. Some of these regimes even support terrorism. As in the world, the Yukon economy still requires growing amounts of oil —

Some Hon. Member: (Inaudible)

Point of order

Speaker: Member for Riverdale South, on a point of order.

Ms. Stick: I would refer to Standing Order 19(b)(ii) where the member opposite is just — I do not know where this is going in terms of any relation to the motion that we have in front of us, that we are debating.

Speaker: Minister of Energy, Mines and Resources, on the point of order.

Hon. Mr. Cathers: I believe that the Premier is making statements that he believes are relevant to the issue of energy self-sufficiency, including oil and gas development, so I believe it is relevant to the motion and I believe the Premier believes that.

Speaker's ruling

Speaker: I believe there is no point of order at this time. It's difficult to know how the Hon. Premier is going to tie it all together back to the motion. The motion is on a very large subject.

Hon. Premier, you have the floor.

Hon. Mr. Pasloski: As I was saying, the world and the Yukon economy require growing amounts of energy. People, businesses and governments — Yukoners — need to be able to make a choice: Do we want to continue to buy our natural resources from politically oppressive and environmentally reckless regimes or do we purchase natural resources that are discovered, produced and transported responsibly? We are talking about an opportunity to responsibly explore and extract Yukon resources for Yukon people.

I have said and it has been repeated in this House that this government and this Premier believe that Yukon resources belong to all Yukon people. The Yukon is a jurisdiction with a strong permitting process, with a strong licensing process, strong regulations and also inspections. With such assurances in place, it is the opportunity for job creation, for wealth creation, for prosperity, for training, for individuals and for businesses.

It is an opportunity for more companies and more people to pay taxes to the government, building on the more than 100-percent increase in own-source revenues, building on the more than 100-percent increase in tax revenues that the Yukon Party government has accrued over the past 10 years of government.

We know that we will continue to work on alternative and renewable sources of energy because that is a priority for all of us in this world — that we need to be able to focus and work with technologies to see how we can continue to pursue alternative and renewable energies. But the reality is we do live in a harsh environment in the Yukon, where we see temperatures that are colder than minus 40.

If we are unable to produce our own resources domestically and responsibly, we have to continue to receive our energy from other places. I did look to see who the top world net exporters of oil were for 2011. I'll read this brief list out, but I would like members to listen to the list, and perhaps count how many of these countries are free and clear democracies without oppression to their people.

So the number one net exporter in the world in 2011 was Saudi Arabia; number 2 is Russia; number 3 is the United Arab Emirates; number 4 is Kuwait; number 5 is Nigeria; number 6 is Iran; number 7 is Iraq; number 8 is Norway; number 9 is Angola; number 10 is Venezuela; number 11 is Algeria; number 12 is Qatar, number 13 is Kazakhstan, and number 14 is Canada — not a lot of free democracies are actually world net exporters of energy.

So we are talking about a lot of countries with a suppression of their citizens, no accountability to their voters — we hear the stories of women being stoned for trivial things. I, for one, have a conscience when it comes to looking at these, and it does bother me that we promote such jurisdictions by continuing to purchase energy from these sources, as opposed to looking for ways to responsibly extract and utilize these same energy products here in the Yukon, for Yukon citizens to not only do it in a responsible manner, but also to ensure that we create jobs and wealth for Yukoners right here at home.

I heard some comments from the NDP about working together. I try to think hard now that we have almost gone through a full year in the House; we had a very short fall session in 2011 and spring 2012 and now we're in the second half of the fall session this year. I'm trying to count how many times we have actually had constructive suggestions or alternatives from the NDP. Unfortunately, what we hear is really being about attack; it's about no constructive dialogue; no alternative solutions; no clue. As the Minister of —

Some Hon. Member: (Inaudible)

Point of order

Speaker: The Member for Riverdale South, on a point of order.

Ms. Stick: I will go to Standing Order 19(g); it is just imputing unavowed motives of members. I know you've spoken to this, but it's just carrying on to me what is just a ridiculous point.

Speaker: Could you remind me of what statement he made that implied a motive?

Ms. Stick: Speaking of no clue, no help, no thoughtful suggestions, not knowing what we're talking about. It was in the previous line.

Speaker's ruling

Speaker: Although he did say he was speaking about the NDP, he did not impute a motive. It was purely his interpretation of action or inaction by the group. The motive wasn't directed at a particular group. This is not a debate. This time there is no point of order, although I talked about this earlier today and many times before. I ask members not to personalize debate and to be careful of imputing unavowed motives to any individual or group.

Hon. Premier, please continue.

Hon. Mr. Pasloski: We're proud to move forward on this motion as debated in the House today, to really speak of working together. We've heard from the Yukon Conservation Society. We've heard from Northern Cross. We know that there are some opportunities to continue to streamline the processes that we have. Quite honestly, the oil and gas industry is a new industry to the Yukon, one that has had very little experience in the past. We continue to hear counsel from all sides that are engaged and all the groups that are involved to make sure that we work toward making this the best process that we can. We are committed to full and rigorous scientific review of any proposed oil and gas project at all the stages that are involved, in terms of exploration, production and, of course, in the reclamation phase, to ensuring that we do facilitate an informed and public dialogue about the oil and gas industry, including all the risks and the benefits, and ensuring that we move forward with this before any regulatory approvals or permitting allows the use of this activity in the Yukon.

We are very excited to continue to move ahead with that. We are excited to continue to dialogue with the Yukon Conservation Society, with Northern Cross (Yukon) and continuing to work — as we have described — and engage Vuntut Gwitchin First Nation, as this is actively occurring in their traditional territory.

It is confusing day to day coming into the House — we heard today that the NDP like the budget, but they don't like the budget; they like a bunch of it, but they are going to oppose it. I'm not sure where we are going to be on the *Residential Landlord and Tenant Act* because they said it is a 110-percent improvement, but then you know the comments have been — yes, I'm sorry, they said at first it was a 110-percent improvement, but then it was categorized as being — I think it was quoted as — 110 percent of zero, of nothing.

So I'm not quite sure whether they will oppose this while thinking there are some great improvements in it or not, and I think we are also to agree, seeing this occurring on the issue of oil and gas.

This government is engaged in ensuring that we have public dialogue and we move forward. I think that's key. Although the Leader of the NDP didn't like the comment, I did write down the quote that the Minister of Environment made from the President of the United States, saying that we don't have to choose between the environment and the economy. I think

members of this House have heard that before and perhaps the President picked that line up during the 2011 campaign here in the territory.

With that I would like to acknowledge the hard work that has been done by the departments going forward in terms of oil and gas, through Energy, Mines and Resources. I want to acknowledge the hard work and the commitment of Yukon Conservation Society and Northern Cross (Yukon), Vuntut Gwitchin and all Yukoners who are interested and engaged and really looking forward to full dialogue. As I said, I think we need to look at the full balance and not only try to oppose any development in the Yukon with total disregard for the fact that unfortunately at this point we have to use hydrocarbons from other parts of the world for which there is a lot of very significantly undesirable and unacceptable things that unfortunately happen to citizens of those nations.

Mr. Barr: First of all, I would like to say that a number of comments have been made here in the House today that frankly have me shaking my head from time to time.

I would like to also speak on this motion today and state quite clearly for the record that I do not support it. However, in stating that for the record and for the Yukon public, I think it is important that I put on the record my reasons for that. In following up with that, it has been quite a journey since last spring — I'm not sure of the actual time — when the Whitehorse Trough was being explored and how the people of the Yukon became quite involved when they began to understand that hydraulic fracturing might be involved in the pursuit of oil and gas development in the Yukon. At that time, particularly the term “hydraulic fracturing” in the Whitehorse Trough created an awareness of hydraulic fracturing possibilities, and it has generated interest and concern by Yukoners — all Yukon people. They would like to be a part of a discussion that will affect not only this generation and our environment, but the generations and environment to come.

When we speak of this motion today, we're speaking of a First Nation that is specified in the government's motion, particularly Vuntut Gwitchin. I will vote against this motion because of the wording, not because I feel we do not need consultation in this territory, by all people in this territory, for all people in this territory, before we move ahead with an unknown commodity and resource development extraction that may or may not be safe, as it affects our water, air and food. We need these things. All people all over the world need these things.

When I say “all people”, I'd like to reflect on recent news — and when we're speaking about what the NDP has been saying since — and interest in the Whitehorse Trough has come forward. Contrary to what I've heard in this House today, which is that the NDP seems to be bouncing back and forth on consultation, I would very clearly state that the NDP has been listening to Yukon people since this topic specifically was brought back the discussions on the Whitehorse Trough and has not stopped attempting to reflect what we have been hearing from the Yukon public. Ruth Massie stated on the radio about hearing that we want to talk to Yukon people. She came

to a point in her statements where First Nations are Yukon people.

We are all Yukon people and when we on this side of the House — or particularly when I say “Yukon people”, it does include Yukon First Nations, non-First Nations — all people who live in the Yukon are all people. I want to make that very clear, and we have been listening to all people in the Yukon. We will continue to listen to all people and we will continue to fight for all people to be heard, including the people who are not in this motion: NGOs, specifically Yukon First Nations, the 1,800 people and the business interests that are not included in the wording of this motion.

The reason we brought forward and continue to bring forward a public consultation that includes all — and will not stop — is because we believe we are all elected by the Yukon people to serve the Yukon people.

Hydraulic fracturing is something that Yukon people are now very concerned about. They are concerned about proceeding without proper regulations, without a proper framework that is thoughtful and planned and with all people being a part of a consultation — not select people — to then decide that maybe others can be a part of the process, if the first people selected are or are not. We are asking for assurances from this Yukon Party government to include specific stakeholders in their motion — not just the word “stakeholders”, but specific stakeholders — and to spell it out by giving specific examples, but not limiting it to those stated in this motion. Why not? I think when I hear the word “fear” or “afraid”, I don't think of that as an unrealistic word.

I think that word is a genuine word that evokes behaviour by a person or an animal when they are feeling backed into a corner and don't have the ability to be a part of what's going to happen in the immediate future. We have just recently heard about the possibility — and we were not informed by this government — of interests in southern Yukon that would include unconventional extraction of liquid natural gas in the first quarter of 2013.

When things are sprung on people that cause concern about safety and involve something of such importance as our water, people may feel fear and want to have a say. If they feel fear, then one of the behaviours is to say, “Hey, I want to have a say; I want all of us to have a say before we go ahead until we feel safe and not afraid.” That's not unreasonable and we as elected officials are here to listen to people and to rest their fears. I believe that's why I'm here as an elected official.

It is not to put forward my agenda or the NDP's agenda or any partisan party or independent, but for us to work together to come together for all people. That's my opinion. I do not see that as unreasonable. To be possibly flagged as an uncooperative member or party or what-have-you in this House for speaking on behalf of the people — we're not making this stuff up; 1,800 people signed that. This is not the NDP's specific position. This is the people's position; we are here to listen to the people.

As it was stated earlier in this House — not knowing where the NDP might go at this point — I think I've been very clear where we have been since hydraulic fracturing has be-

come a more real possibility. I would applaud the Yukon Party government for finally beginning to listen to the Yukon people by putting this motion forward today — finally. Where have they been? Where has the Yukon Party been this last while? Where? It seems only when there is pressure that cannot be denied — when I listen to the horns blowing out here today, when I think about consultation and people saying “enough is enough” — that’s when I hear the Yukon Party put a motion forward for part of the Yukon.

I see heads shaking over there. I see little funny faces and little smiles. This is not a game — this is about our generation, our water, our people, our animals. When I think of the consultations of the Whitehorse Trough that started and going around and sitting in on each consultation — I have five minutes, thank you, I’ll try to wrap it up — and government officials speaking to the concerns of hydraulic fracturing in the territory and trying to reassure that what people heard and what people might be possibly facing with hydraulic fracturing, not to worry — we will make sure it does not happen here.

I think of a woman who stood up in Tagish. I can’t swear in this House, Mr. Speaker, but she was quite concerned. She said, “Here I am. I have moved from Alberta because I am now dying from the poisons from hydraulic fracturing in Alberta. I moved to the Yukon because that was not here and I have sat through these consultations and listened to the same jargon that the government and oil industries tried to spin on me there.” Well, she said —

Some Hon. Member: (Inaudible)

Point of order

Speaker: Minister of Energy, Mines and Resources, on a point of order.

Hon. Mr. Cathers: For the Member for Mount Lorne-Southern Lakes to accuse government officials of speaking using jargon and suggesting that they are not reflecting the facts really is not fair to officials who have no ability to defend themselves in this House, and I think he should retract that statement and apologize to officials.

Speaker: The Member for Mount Lorne-Southern Lakes, on the point of order.

Mr. Barr: On the point of order, I was really reflecting the fears of a person at a public consultation.

Speaker’s statement

Speaker: I would remind members that whatever you say in here, you own. Whether you’re quoting somebody or reflecting their opinions, you own the statement when you make it in here. If you can’t make that statement in here on your own, you can’t use somebody else to do it.

I was listening closely — and believe me, I am doing the best I can to listen very intently to this — but I will have to look at the Blues tomorrow to see exactly what the wording was, and I will, if necessary, give a ruling then.

Mr. Barr: How much time do I have, Mr. Speaker?

Speaker: Four minutes.

Mr. Barr: Thank you, Mr. Speaker. What I was saying is that this is a real concern for people and particularly this

person last week. Her hair is growing back now after her treatments, and I rubbed her head — and she told me that treatments are going pretty good; that this isn’t a game.

These are real concerns that do and will affect all Yukoners — our children, our grandmothers, our animals and our dads. I can’t express it any more clearly. I wish I had better words. I’d like to say that my intention is not to offend anyone here today — that has certainly not been my intention. My intention is only to do my best, as I was elected to speak on behalf of all Yukon people.

Ms. White: In speaking to Motion No. 309, I think it’s important to say that the *Oil and Gas Act* is the legislation that Yukon First Nation governments use on their own lands to regulate the oil and gas industry.

To not involve all Yukon First Nations in this dialogue displays a lack of understanding on how the Yukon First Nations work. I believe that all of the 13 First Nations not named in this motion deserve the respect of consultation. To not involve all Yukon citizens in this conversation leaves them out in the cold, feeling that government doesn’t care about their fears.

This afternoon, 96 more signatures were dropped off at the NDP office. That brings the count of the fracking petition up to 1,900 — 1,900 people are trying to get us to listen. I believe that the 1,900 people who have told us they want to be heard deserve the respect of consultation, of being consulted, of being involved and invited to the table. I believe that any citizen of the Yukon who wants to be involved in a consultation should be able to participate.

I’m voting against this motion because of the 13 First Nations not invited to the table. I’m voting against this motion for the 1,900 Yukoners not invited to the table. I’m voting against this motion because I don’t think it goes far enough. Thank you.

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

Hon. Mr. Cathers: While I appreciate the passion of some members on this subject, some of the comments they’ve made leave me wondering whether they have not actually read the motion the government has presented. They espoused a viewpoint — of course I’m referring to our friends in the NDP — who suggested that as the previous member just did that somehow this would not lead to all members of the public being involved. That is exactly what this motion speaks to, which is beginning an informed public dialogue. It is talking about the two levels of government who have dealt with the issues around permitting recently coming together and talking about things including the experience this summer with the YESAA process that led to the Vuntut Gwitchin First Nation and the Yukon government jointly developing a decision document approving those wells going ahead, talking about how to best foster informed public dialogue and also begin talking to stakeholders, including the specific reference to the Yukon Conservation Society and Northern Cross (Yukon).

I'm not sure whether the NDP are simply making political points here or whether they actually don't understand the fact that for government to begin a dialogue about everything that is within legislation about practices that involve the public about the oil and gas industry, including areas where there is not at this point any proposal to change legislation — let me point out a few things to the members. As I have said previously, we anticipate that if there are future changes to regulations, those would have public consultation on them.

In this case, I have to try to give the members the benefit of the doubt and assume they're missing the point that this is about a dialogue with the oil and gas industry which, as I indicated to the Member for Vuntut Gwitchin during his questions to me last Wednesday, the outcome of that might be regulatory amendments, depending on the area.

What we have proposed here and what is in front of us is to begin step one, which is to "respond positively to the joint request by Yukon Conservation Society and Northern Cross (Yukon) for the Yukon government to work with YESAB to improve clarity around assessment for oil and gas projects." That point is in specific response to the situation that we saw this summer, whereas we have acknowledged there was not sufficient clarity within government or within YESAB, which led to lack of clarity being provided to the public about which activities would trigger which assessments and which new activities would require a new assessment by YESAB and potentially other permitting processes, including possibly the Water Board, depending on the type of application. So that is a specific acknowledgement of the concerns they've expressed.

Contrary to what the Leader of the NDP said, in fact, in this case we recognize that the Yukon Conservation Society and Northern Cross do not see eye to eye on all matters, but they have come together — by their own acknowledgement, often seen as polarized ends of the spectrum — on some areas that they can reach agreement. They have met with us. The Premier, the Minister of Environment and I met with them and we appreciate the effort that they put into it, as well as the effort that others involved in that conversation, including John Streicker and Darielle Talarico, had put into that to try to get people who have very different viewpoints sit down and come up with things they can agree on and ask government to address areas where there can be better clarity.

We think all who were involved in that really deserve to be commended for that effort of getting away from polarized debates and arguments in the media to try to come together and find common ground on matters they can find common ground on.

Another matter in the motion here, I would point out, is the commitment to conduct a full and scientific review of any proposed oil and gas project at each of the following stages of oil and gas development: exploration production and reclamation. As the NDP seems to have failed to recognize, that is specifically responding to a point that was jointly agreed on by Yukon Conservation Society and Northern Cross (Yukon) that there should be full and scientific reviews at each of those stages of any oil and gas project. So that is about clearly delineating in the process, working with YESAB to ensure that we are clearly

defining where the lines are, so that people who comment and people who have concerns, or who see an economic benefit, or wish to provide any perspective into the YESAB review process, are doing so with as much clarity and as much information as they can have. That is the other element the NDP have missed in the informed public dialogue, which I appreciate the Leader of the Liberal Party and the Member for Vuntut Gwitchin have both grasped, understood and supported, and I thank them for it — that part of proceeding with responsible resource development is not just deciding whether there should be specific changes to the regulations or debating a specific technique that people have some concern about, but talking about what goes on — the impacts, the risks and benefits and learning from other jurisdictions.

As we have indicated, we believe an appropriate step in this is to start by talking to the Vuntut Gwitchin First Nation and other stakeholders, and we have not eliminated any stakeholders or eliminated the possibility of talking to any level of government, whether First Nation or municipal or provincial, in determining how to proceed with that, but make specific reference to Vuntut Gwitchin First Nation, because they have active projects in their traditional territory. They have been the other government participating on a joint-decision document for active exploration programs, and because they have expressed an interest in being involved in talking to us about the oil and gas industry because, as I said, in responding to questions from the Member for Mayo-Tatchun, from my perspective, I think that Vuntut Gwitchin First Nation and Yukon government are coming to this issue from a very similar perspective. We see there is a potential benefit to citizens from oil and gas activity occurring. We want to see economic benefits, but we are also very much focused on ensuring that until and unless we are confident that something can safely occur, and that human health and the environment can be fully protected by the terms of any licence, there should never be any authorizations or permits issued that allow an activity to occur.

In the interest of time, I will not be too long in wrapping up on this. I would like to thank the Member for Vuntut Gwitchin and the Member for Klondike for their support of this motion. It's disappointing to see that the NDP, unless it's their specific idea, have no interest in the ideas coming from other members of this Assembly. They take an approach that is, if I may say, very — no, I won't say it, Mr. Speaker. In the interest of trying to avoid heating up the debate further, I will simply conclude my comments but will note that as my colleague, the Minister of Environment noted when he urged members on issues that they have passion about to set aside passion and to focus on reason. I think when we have an issue like this, it's also important to recognize work that is done by other jurisdictions — the fact that in the United States, as my colleague, the Minister of Environment mentioned, President Obama has been very clear about his view of the benefits of doing responsible resource development and responsible development of natural gas specifically. In fact, I think it's fair to say it has done more than any other single measure at reducing the carbon emissions coming out of the United States.

As the Yukon reaches the point where we're looking at having to provide capacity to our power grid, liquefied natural gas is certainly an attractive option that is being looked at by both utilities. There has also been the opportunity in other jurisdictions for it to be used in other types of energy applications. From our perspective, a science-based discussion that begins from a respectful standpoint of sitting down and talking to the Vuntut Gwitchin First Nation about how we can best proceed with this is a good way to proceed. I commend the motion to the House and urge the NDP to reconsider their position on it.

Speaker: Are you prepared for the question?

Some Hon. Member: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Graham: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Mr. Hassard: Agree.

Ms. Hanson: Disagree.

Ms. Stick: Disagree.

Ms. Moorcroft: Disagree.

Ms. White: Disagree.

Mr. Tredger: Disagree.

Mr. Barr: Disagree.

Mr. Silver: Agree.

Mr. Elias: Agree.

Clerk: Mr. Speaker, the results are 12 yea, six nay.

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

Motion No. 309 agreed to

Motion No. 303

Clerk: Motion No. 303, standing in the name of the Hon. Mr. Cathers.

Speaker: It is moved by the Government House Leader THAT the membership of the Standing Committee on Statutory Instruments, as established by Motion No. 8 of the First Session of the 33rd Legislative Assembly, be amended by:

(1) rescinding the appointment of Darius Elias; and

(2) appointing Sandy Silver to the committee.

Hon. Mr. Cathers: This is a fairly standard procedural motion changing committee membership due to the change in the status of the Member for Vuntut Gwitchin from a member of the Liberal Party to an Independent member and

based on the longstanding practice and, in some cases, specific requirements of the Standing Orders to have representatives of all parties on committees.

Speaker: Does any other member wish to be heard? As no other member wishes to be heard, Government House Leader, do you have any closing comments? No?

Motion No. 303 agreed to

Motion No. 304

Clerk: Motion No. 304, standing in the name of the Hon. Mr. Cathers.

Speaker: It is moved by the Government House Leader

THAT the membership of the Standing Committee on Public Accounts, as established by Motion No. 7 of the First Session of the 33rd Legislative Assembly, be amended by:

(1) rescinding the appointment of Darius Elias; and

(2) appointing Sandy Silver to the committee.

Hon. Mr. Cathers: This again is somewhat of a housekeeping motion, similar to the other one, relating to the change of party status of the Member for Vuntut Gwitchin. So with that, I think no other comment is necessary.

Mr. Elias: With regard to the membership on the Public Accounts Committee — this learning curve with regard to the mandate and the responsibility that the Public Accounts Committee has on behalf of the Yukon people is incredibly important. I wish the Member for Klondike well, and if he needs any information with regard to the processes or the mandate of the Public Accounts Committee, I'm willing to share that knowledge with him.

Hon. Mr. Cathers: I just want to thank the Member for Vuntut Gwitchin for his services as a member of the Public Accounts Committee and thank the members on the committee for the work they do.

Motion No. 304 agreed to

Motion No. 305

Clerk: Motion No. 305, standing in the name of the Hon. Mr. Cathers.

Speaker: It has been moved by the Government House Leader

THAT the membership on the Standing Committee on Appointments to Major Government Boards and Committees, as established by Motion No. 4 of the First Session of the 33rd Legislative Assembly, be amended by appointing the Hon. Scott Kent and Sandy Silver to the committee.

Hon. Mr. Cathers: Again, this is a motion prompted by the change in party status of the Member for Vuntut Gwitchin. The reason that this one is different from the others you see before you is that the Standing Committee on Appointments to Major Government Boards and Committees, as you may recall, was established by the Yukon Party.

It was a motion tabled by me. The first chair of the committee was the Member for Whitehorse West, the Deputy Premier. With the change of party status of the late John Edzerza, an amendment moved by the then Leader of the Official Opposition, Arthur Mitchell, had suggested that he continue to serve on this committee and thus there be an Independent member on the committee as well as party members. That same courtesy was extended to me later. In keeping with tradition, we have proposed the appointment of an additional government member to the committee as well as the appointment of the interim Leader of the Liberal Party to the committee without removing the Member for Vuntut Gwitchin.

Ms. Stick: I've spoken to the Member for Klondike and the Independent member and I left a message with the Government House Leader. I would like to make a friendly amendment to this. The Member for Vuntut Gwitchin has agreed he does not want to carry on on this committee.

Amendment proposed

Ms. Stick: I move

THAT Motion No. 305 be amended by deleting the words "appointing the Hon. Scott Kent and Sandy Silver to the Committee" and replacing them with the following:

- "(1) rescinding the appointment of Darius Elias; and
- (2) appointing Sandy Silver to the committee".

Speaker: The proposed amendment is in order. It has been moved by the Member for Riverdale South

THAT Motion No. 305 be amended by deleting the words "appointing the Hon. Scott Kent and Sandy Silver to the committee" and replacing them with the following:

- "(1) rescinding the appointment of Darius Elias;
- (2) appointing Sandy Silver to the committee."

Ms. Stick: I don't have much to say, Mr. Speaker, except I did discuss this with my colleagues and I would just point out in the Standing Orders under 45(5): "No standing, special or select committee shall consist of more than seven members without the consent of the Assembly." I would just suggest that trying to get nine of us together for a meeting of appointments to committees and boards — seven sometimes is difficult enough and having nine would just make it that much more difficult.

Mr. Elias: I do support the amendment from the Member for Riverdale South, but I do want to speak on my own behalf in suggesting that it wasn't necessarily that I did not want to serve on the committee. It is just recognizing with my experience in being on many of these committees over the years that it is very difficult getting all of the MLAs' schedules in line to meet to make decisions on these, especially on the very valuable dozens of boards and committees that many Yukoners share time, serving their fellow citizens in the territory.

In recognizing that fact, I thought it would be better to have fewer members on the committee versus more, for the very same reason that the Member for Riverdale South had

mentioned. So I think that it would bode well to have fewer members with all political parties represented on this committee, versus having additional — just for the simple fact of logistics.

Hon. Mr. Cathers: As mentioned, we were following what had been the tradition in the relatively recent history of this committee, but based on the indication from the Member for Vuntut Gwitchin and understanding that his constituency is some distance away and the challenges involved in the workload of serving his constituents, especially while he's down here, we have no problem with the amendment proposed by the NDP House Leader, the MLA for Riverdale South. So we will support the amendment.

Amendment to Motion No. 305 agreed to

Speaker: Is there any further debate on the motion as amended?

Does the Government House Leader have any closing comments?

Hon. Mr. Cathers: Thank you, Mr. Speaker. I will just take up the opportunity to wrap up this motion by thanking all members who have participated in the committee over the years, including both current and past members of the Legislative Assembly. I think that most would agree — or, at least, would agree outside of this House — that for all the divisive and polarized debate that can occur sometimes in this House, there are some examples, including this committee, that have been very successful with members working together. Through the efforts that have occurred since the Yukon Party first established this committee a number of years ago, I remember hearing that the efforts of all who participated in that committee have really led to this being a good process and has, for those major government boards that are spelled out, reduced the extent to which people who put their names forward to serve on those boards were perhaps discouraged from doing so in the future or punished for their willingness to serve by political attention drawn to those appointments and then being seen as partisan appointments, rather than merit-based appointments.

I would like to again thank all MLAs, past and present, who have served on this committee for their willingness to work together and reach agreement on those matters.

Motion No. 305, as amended, agreed to

Hon. Mr. Cathers: Mr. Speaker, 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 (Ms. McLeod): Order. Committee of the Whole will now come to order. The matter before the Committee is Vote 3, Department of Education, in Bill No. 7, *Second Appropriation Act, 2012-13*.

The minister has requested a brief recess while he fetches his officials. Committee of the Whole will recess for five minutes.

Recess

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

Bill No. 7: *Second Appropriation Act, 2012-13*— continued

Chair: The matter before the Committee is Bill No. 7, *Second Appropriation Act, 2012-13*, in Vote 3, Department of Education.

Department of Education — *continued*

Hon. Mr. Kent: I know we began debate on the Department of Education — I believe it was last Monday, perhaps. It was last week, anyway. Since then, we have had the public open house on the F.H. Collins project, and I'd like to just touch on that briefly. In conversation with the Member for Vuntut Gwitchin, I believe he asked a couple of questions that I didn't get an opportunity to answer, so I'm hoping he's able to restate those two or three questions that I didn't get a chance to answer during his time. I just wanted to speak briefly about what happened last Thursday evening at the F.H. Collins project open house and some of the things that have gone on since then with respect to that project.

As I have stated during Question Period and at other times during this session, the replacement project for F.H. Collins is on schedule, to be completed in time for the 2015-16 school year. What the superintendent had come up with, after quite a bit of work, were some options for the delivery of student physical education activities and other gym activities, and a number of resources were identified to make available in the community for teachers to utilize in planning for their physical education programs. It presented a unique opportunity for programming physical education activities that were designed to expose students to the many active living options that are available in the Whitehorse area.

However, after attending the open house — and there were a number of senior officials in attendance at that open house, including, of course, the Deputy Minister of Education, the ADM of Public Education, as well as the superintendent for the school, who is also the chair of the building advisory committee, as laid out in the terms of reference for that committee.

There were some great questions asked by members of the public — not only the parents and some of the teachers there. I was particularly impressed with the questions that came from the grade 10 boys' volleyball team, the junior volleyball team. They were playing in their annual tournament and had the opportunity to come in and ask some questions at the end of one of their games. They were very respectful young men; I was

very impressed by them and extremely happy to listen to their concerns at the open house.

As the Member for Mayo-Tatchun mentioned earlier today, we had planned on it being just an open house type of an event and just reacted to some of the wishes of those in attendance. We did open the floor up — the deputy minister and I — to questions and listened to some of the concerns. As a result of some of the concerns expressed, we are looking into options for a temporary gym at F.H. Collins during the construction period.

That construction period will be two full school years plus April, May and June of this current school year and there won't be a gym facility in place. That decision was the recommendation that emerged from extensive consultations with the community and put forward by the building advisory committee.

What we have right now is a total budget that is \$55.8 million, which is an increase of \$3.3 million from the previously approved budget of \$52.5 million. One of the issues that the building advisory committee was dealing with initially was a one-year closure of the gym. Something that happened in the last year was that a more realistic two-year construction period was adopted rather than the original 18-month period, which could have resulted in increased costs due to time pressures. So we certainly want to make sure that we're fiscally responsible with this project.

As far as the communications go, I don't think I have had the chance to mention it to members of the Legislature, but the Department of Education will be contracting an individual to handle the communications exclusively for this project throughout the construction phase.

The open house that many individuals attended on November 22 will be the first in a series of open houses as we move through the construction period. We are looking at a number of innovative ways to keep the public informed as to the progress of the project and what we are going to end up with at the end of the day.

Again, I would like to thank and congratulate the building advisory committee for coming up with such an innovative design for the school, some flexible learning spaces that can be adapted as the students and the faculty at F.H. Collins get more comfortable with that type of learning environment. There are some opportunities to open up spaces, but again there is the flexibility to deal with this in a traditional learning model with regular classrooms or, as I mentioned, open it up to more flexible learning spaces at some point.

I know there has been a lot of conversation and on-line petitions and other things going on around the gym closure. We are committed to looking at some alternatives for a temporary gym, provided they are fiscally responsible and fit in to what we've got for a project estimate of \$55.8 million. I want to make sure that the conversation starts to turn to programming and the exciting opportunities that are going to exist with the F.H. Collins school, once it is complete and ready for the 2015-16 school year.

I should add again in closing, before I turn it back to my colleague from Vuntut Gwitchin, that what we've set aside in the \$55.8 million is a project estimate and that includes all as-

pects of the project, including the busing aspects of getting the students from F.H. Collins to what we had planned throughout the community — the Canada Games Centre and other areas — to provide the Phys Ed program. We won't know the project budget until the tender closes and we get a successful bid.

I did speak again with the Minister and Deputy Minister of Highways and Public Works, who are managing this project, along with an independent contractor who will be retained to do the actual project management. There is an awful lot of interest in the project that's being garnered not in the Yukon but across the country.

So we're hopeful we get a very competitive bid on this project. I look forward to it being complete and finding ways to address the concerns that were raised at the open house on Thursday evening.

Mr. Elias: I thank the minister for taking the time to explain some of the things that happened at the open house with regard to the F.H. Collins school and the lack of a gymnasium fairly soon.

On that topic and on a related question I spoke to the minister about previously with regard to a sports or hockey academy as a possible option, one thing I did hear from a couple of Yukoners with regard to the F.H. Collins gymnasium is that maybe we could rotate classes right through the Canada Games Centre and have actual classes at the centre with different classrooms in F.H. Collins.

For instance, math would be there on two days of the week, science would be there on two days of the week and then they could utilize the whole facility — skiing, soccer, hockey, et cetera. That was one idea that was passed to me the other day at the skating rink. Those are some of the things that are being talked about at the venue.

I also took the opportunity to educate myself more with regard to the Challenge program over the last week or so and speak to additional parents and to additional teachers I haven't spoken to before who have experienced the Challenge program. I have really educated myself in terms of what the goals of the program are and what it hopes to achieve and some of the shortcomings. I did mention some of the shortcomings that parents approached me with, but over the last week or so in educating myself — listening to the deputy minister speak on CBC Radio, speaking with one of the principals in our high schools, trying to get as big a perspective as possible — I encourage the Challenge program to meet its goals and objectives as best it can.

Obviously, the program needs some fine-tuning so we can develop good, solid, productive young citizens with them participating in the program and not feeling that they have been marginalized or isolated and that they are looked after, after they do participate in the program.

Now that I have a better understanding of the program, I wish them all the successes and, just like everything else, we have to have a public dialogue and talk to as many people as possible to fine-tune that program in order for it to achieve its goals and objectives. I did take the time to educate myself and I will be forwarding all of the stuff that I learned to those parents and students who expressed concern to me about the Challenge

program. I just would like to mention that to the minister here today.

We don't have very much time; we only have a couple more minutes here, but I would also like to hopefully get into the discussion about trapping that could come up in the Legislature in the very near future — and the Minister of Education, with the idea that I have, could play a positive role in revitalizing our trapping industry, as well as the Minister of Environment, the Minister of Economic Development, the Minister of Justice and the Minister of Tourism and Culture. I think I have an idea here that I have put forward to the House and with that I move that we report progress.

Is that how you say it? That's the first time I've reported progress for quite a while.

Chair: It has been moved by Mr. Elias that the Chair report progress.

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Ms. McLeod: Committee of the Whole has considered Bill No. 7, entitled *Second Appropriation Act, 2012-13*, 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.

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

The House adjourned at 5:30 p.m.

The following document was filed November 27, 2012:

33-1-32

Resource revenues and claim negotiations (proposal). Letter re (dated March 31, 2009) from the Hon. Brad Cathers, Minister of Energy, Mines and Resources, to the Hon. Chuck Strahl, Minister, Indian and Northern Affairs Canada (Cathers)