

Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, December 5, 2013 — 1:00 p.m.

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

Prayers

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of National Day of Remembrance and Action on Violence Against Women

Hon. Ms. Taylor: I rise to pay tribute to National Day of Remembrance and Action on Violence Against Women in Canada, which occurs on December 6. Established in 1991 by Parliament, this day marks the anniversary of the murders in 1989 of 14 young women at l'École Polytechnique in Montreal. They were killed because they were women.

December 6 represents an opportunity for all Canadians to reflect on and to speak out about violence against women in our society. It's also an opportunity to consider the women and the girls for whom violence is a daily reality and to remember those who have died as a result of gender-based violence. Finally, it's a day on which communities and individuals can consider actions to eliminate all forms of violence against women and girls.

Compared to the provinces, Yukon has rates of sexual assault that are two to three times higher. Statistics Canada continues to show that the highest proportion of spousal violence continues to be right here in the north. It also shows that Yukon is one of the jurisdictions with the highest rates of charges being laid for spousal abuse. In Canada, four out of five people murdered by their spouses are women murdered by men. Women and girls continue to be the most likely victims in police-reported spousal violence, accounting for 83 percent of victims and those are the ones that are reported.

Violence against women is a societal issue. It's an issue that affects women and it's an issue that affects men. It's an issue that affects all of us. It costs our communities and our families dearly.

Violence in our communities affects everyone and therefore requires collective action and a shift in societal attitudes in the way we view violence and our attitudes toward those who abuse as well as those who are the subject of abuse.

Increasingly, more and more people, both men and women, are speaking out and taking action. By working together and doing our collective part to prevent violence in our communities, we can have healthier communities and we can have safer families free of violence.

Mr. Speaker, in closing, I would like to thank the many individuals in our communities, especially the front-line

workers, who work with victims of violence every day. In particular, I'd like to thank the Victoria Faulkner Women's Centre, Kaushee's Place, Help and Hope women's shelter in Watson Lake, the Dawson City Women's Shelter, the Women's Directorate and each of the women's organizations throughout the territory for their continued work in our communities to raise awareness about violence through events and public information campaigns, such as the 12 Days to End Violence Against Women campaign, which ends this week with the National Day of Remembrance and Action on Violence Against Women ceremony at the Elijah Smith Building tomorrow in the foyer at noon. I would encourage all of us to attend.

Mr. Speaker, I encourage us all to ask ourselves how we can be the solution to violence in our communities and in our homes, not just during these 12 days, but certainly every day throughout the year.

Ms. Hanson: I rise on behalf of the Official Opposition to speak to the National Day of Remembrance and Action on Violence Against Women.

Mr. Speaker, last year, along with many others, I attended the ceremony at the Elijah Smith Building. I left that gathering reeling from a speech that I heard there. Sometimes everything you want to say has been said better by someone else. Today is one of those days.

I want to thank Julie Docherty, the regional executive vice-president of the Public Service Alliance of Canada in the north, for allowing me to share her words about that day in December.

Today across the country we are speaking about the 14 women lost on that long-ago December day. Today I want to speak to you through their family and through their friends as they recall that day. These 14 women were pursuing their dreams through the engineering program at the University of Montreal's Polytechnique. Their dreams were cut short when they were gunned down solely for the crime of being women. They were intelligent, talented and skilled young women. By definition, they were out of the ordinary. They were enrolled in a school that is ranked among the best in Quebec. They were training to be engineers, a profession then dominated by men. This is a tragic story that must never be forgotten, so I will tell their story once more.

On that day, on December 6, 1989, the campus was dressed in holiday cheer. It was the second-last day of classes before the holiday season. No one could have predicted how this day would be etched in history and shake Canadians to our core. The 25-year-old gunman entered the campus at l'École Polytechnique on the north face of Mount Royal in Montreal armed with a legally obtained mini-14 rifle and a hunting knife. He first entered room 303 on the second floor. He asked the women to move to one side of the room, and then ordered the men to leave. Professor Yan Bouchard recalls, "We thought it was a joke." Nobody moved at first. He then roamed through corridors, the cafeteria and another classroom specifically targeting women.

On that day in 1989, Marc Lépine shot 28 people before turning the gun on himself. In less than 20 minutes, he had murdered 14 women and injured 10 others, as well as four men. In 20 short minutes, he changed the lives of thousands.

Canadians reacted with shock, sorrow and outrage. It was the worst single one-day mass murder in Canadian history.

Nathalie Provost survived the massacre. From her hospital bed, she urged Canadian girls and women not to be frightened and to continue pursuing their engineering careers. Nathalie is now in her 40s. After the shooting, she finished her engineering degree and stayed a further year at the Polytechnique to obtain her master's degree. She is now the head of the strategic planning department in the Quebec government. She is the mother of four children, two boys and two girls. She's a busy woman.

Today, the 14 women would probably have a few lines around their eyes, a touch of grey here and there and they probably would have had careers in engineering. They might have had children of their own — sons and daughters — and partners. They would have had people in their lives who loved them.

Back in 1989, after the shootings, Heidi Rathjen was the woman from the Polytechnique who organized the massive memorial service in Montreal. She was also instrumental in launching the petition for gun control. She gathered 560,000 signatures and sent them to Ottawa. Heidi was so affected by the murders that she left school to work full-time at a funeral home in order to continue her crusade for gun control.

Mr. Speaker, this was the same funeral home where Heidi's classmates from the Polytechnique lay in their caskets before the mass funeral that cold day in December. Her female employer was so moved by the violence that she gave Heidi a generous bursary to continue her campaign work.

Heidi now has a young daughter, "too young for now," she says, to learn about what happened. Heidi says she dedicated a good part of her life to fighting back, to trying to have something good come out of such a horrible tragedy. She said she suspects that's what she'll tell her when she's old enough to understand. "You have to fight back and try to make the world a better place, for women, for all of us."

Heidi knows she is her daughter's role model. She knows her daughter will grow up not to take things sitting down, to never be a passive participant.

Alain Perreault, the former student council president who spoke at the funeral for the slain women is now the father of two boys. He says the next time your children want to play with toy guns, please think back to December 6, 1989 and remember the women. Alain is adamant when he says that toy guns are not allowed in his house. Violent video games aren't allowed either, all because of what happened to him. There is no way he could accept the prevalence of violence available and accessible to our children.

After Alain graduated, he moved to Europe to get away from his memories, but he was drawn back to the Polytechnique over a decade ago. He works in the area of research. Most days he walks by the dark stone memorial erected in memory of the 14 women on the school's front

property. Daily he walks down the halls where the women were stalked, through the cafeteria and through those two classrooms. He will never forget.

Twenty-four years ago, 18 percent of the student population at the Polytechnique were women. Today he says women only make up 25 percent or so of the student body. He believes that we need to work harder to end the gender imbalance. He's especially disappointed that the gun control law, worked on for six long years by Professor Wendy Cukier, has now been dismantled.

Alain, Heidi and Nathalie remember their friends. They remember Maryse Laganière, 25. Maryse had recently been married and worked in the finance department. She was the first woman killed in the rampage.

They remember the next six women killed in room 303. They remember Anne-Marie Edward, studying to become a chemical engineer, who was killed alongside two of her classmates. Anne-Marie's father, James, said, "She was the kind of kid a father never doubted would do well... She was proudest of the fact that she had just been named to the university's alpine ski team. She did everything and still found time for her studies." James was driving home that evening on December 6 when his wife called him on his car phone, telling him about the news at the Polytechnique. When he learned his daughter was among the slain, he was devastated. To this day, he struggles with his emotions when he says that Anne-Marie was a super kid.

Alain, Heidi and Nathalie remember the final four women then killed in room 311. Police officer Pierre Leclair was outside the Polytechnique, briefing reporters on the tragedy. Imagine what he felt when he returned inside the school and found the body of his 23-year-old daughter, Maryse.

City councillor Thérèse Daviau rushed home when she heard the news about the Polytechnique. She waited with bated breath until midnight to learn that her daughter, Geneviève Bergeron, had died.

School teacher Noella Fecteau says her niece, Hélène Colgan, a 23-year-old mechanical engineering student, was "the pride of her entire family". Hélène was one semester away from graduation. Noella says, "Hélène brought a lot of joy to the family. There are no words to describe our grief."

Fernand Croteau beat his fists against the walls of his home when he learned his daughter Nathalie was a victim. He said, "The whole thing is incomprehensible. I am devastated."

Mr. Speaker, it is now left to each and every one of us to honour their memory. We must remain as their voice to never stop speaking about the violence against women. Tomorrow is the 24th anniversary of the deaths, of the murder of these women. Let us always remember our fallen sisters and never stop for a moment the fight and the crusade to end violence against women everywhere.

Mr. Silver: Mr. Speaker, I rise today on behalf of the Liberal caucus to also acknowledge and to pay tribute to the National Day of Remembrance and Action on Violence Against Women.

On December 6, 1989, 24 years ago tomorrow, a gunman entered a technical institute in Montreal and targeted women in the school. Before turning the gun on himself, he had killed 14 women and injured 10 others, as well as four men. He specifically targeted these women because they had beaten the odds in pursuing technical fields. They had fought against many barriers to enter a male-dominated field. For this courage, they were targeted.

How do we even begin to honour these women? How do we even begin to address the tragedy of this event? How do we scrape the surface of this injustice? The answer is, we cannot. We cannot bring these women back, we cannot make it better for the families and we cannot hold the gunman accountable. What we must do is continue to stand up against violence against women.

The Yukon is disproportionately plagued by violence against women. We need to put an end to this. We need to turn the table and to lead the nation in respectful treatment of women. There is much good work going on, on that front, Mr. Speaker. Yukon women and women's organizations across the territory are bringing issues of violence against women to the forefront in the hope of ending this violence.

Men have also stood up in the Yukon and forwarded their support to end this violence against women. The exponential growth of the White Ribbon campaign is a great sign of this. This issue is about more than just violence against women, though. As long as women have to fight against the system and a society that prevents them from progress, violence against women will be a risk.

Mr. Speaker, only one-quarter of this Legislature is made up of women. We need to salute the six women who have overcome the odds to get here today, and it is a travesty that that statement is true. Moving forward, we must commit to have a more equal representation in the next election. Only when we have equal representation of women in our government and in our corporations will there actually be a true, fair playing field. A fair playing field is perhaps our only hope at truly ending violence against women and preventing tragic events like the one that occurred at l'École Polytechnique 24 years ago.

In recognition of International Volunteer Day

Hon. Mr. Cathers: For International Volunteer Day, I rise today on behalf of the Assembly to pay tribute to Yukon volunteers. In doing so, I join governments and non-government organizations around the world that celebrate the role of volunteers in helping to build a better world.

International Volunteer Day was established in 1985 by the United Nations to honour the contributions that volunteers and volunteer organizations make to society and the well-being of people around the world. Here at home, Yukon's volunteers contribute enormously to our quality of life and also the quality of people in other areas of the world.

The differences that individuals can make are extraordinary and, in Yukon, we have many extraordinary individuals and organizations. With funding support from Community Services, Volunteer Yukon fosters a strong

Yukon with a strong volunteer spirit. Volunteer Yukon helps match volunteers to organizations, helps organizations recognize volunteers and provides resources and skill development training for volunteer managers.

Volunteers support cultural, recreational and sporting events that are important in our communities. Because of their efforts, we have year-round access to music, dance, film and theatre festivals. As Yukoners, we have the opportunity and it creates opportunities for young Yukoners to participate in sport, recreation, community and other events, thanks to those individuals who step forward as volunteers.

Volunteers also play a key role in Yukon's tourism and economic development. Organizations in the Yukon, including the Yukon Arts Centre, Northern Film and Video Industry Association, the Yukon First Nations Tourism Association and the Klondike Visitors Association rely on the leadership and dedication of volunteers to contribute to the greater good.

Community libraries are also run by volunteer boards and other community members come forward to assist with library programs and special events.

Yukon volunteers are at the heart of our community. Acting together, they make our communities healthier, more active, more vibrant places to live for all of us.

Individual Yukon volunteers and the organizations they support are improving the quality of life for citizens in our communities, our territory, in Canada and around the world.

One of Yukon's remarkable volunteer leaders is Morgan Wienberg, a young woman dedicated to helping others in need. Morgan has worked hard to help reunite abandoned Haitian children with their families, to improve the lives of orphaned children and to establish a successful charitable organization called Little Footprints, Big Steps. Her work has inspired Yukon volunteers to help her make the world a better place. Some have not only donated to her charity, but have also travelled to Haiti to help first-hand with its work. Morgan has been recognized with the Queen's Diamond Jubilee Award in November 2012 for her commitment to helping others.

I'd also like to recognize the work of two of my constituents, Al and Lynn Alcock, who were recognized for their work with the Red Cross in helping people in other countries, including Haiti.

These individuals I've mentioned are representative of the excellent service provided by Yukon volunteers, including our volunteers who, on a daily basis, provide emergency medical and fire services, as well as search and rescue, in Yukon communities and in rural areas. These volunteers are experts in their fields, the product of strong individual commitment that responds to critical calls for help throughout the year. That includes our 16 volunteer fire chiefs in communities across the Yukon who oversee 225 volunteer firefighters in unincorporated communities. It also includes over 155 volunteers with Emergency Medical Services who provide paramedic and ambulance services in Yukon communities and 130 search and rescue volunteers who serve in seven Yukon communities.

Our first-response volunteers display tremendous commitment, care and enthusiasm and we appreciate their effort of service above self, as well as the effect that it has within their daily lives of putting their lives on hold to respond to emergency situations and take care of their fellow Yukoners.

In Yukon, our small and tightknit communities mean that volunteers may wear many different hats. It takes a special person to not only excel in learning the technical aspects of their volunteer jobs, but also maintain the relationship so necessary to successful volunteer work.

Volunteerism is essential to the fabric of our society, and on behalf of the government I'm pleased to rise in recognition of International Volunteer Day and I'm also pleased to do so on behalf of the Legislative Assembly.

Speaker: Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Ms. Taylor: It is with great pride that I'm very pleased to extend a warm welcome to Mr. Toews and to his grade 11 social studies class from F.H Collins Secondary School, who have joined us here for today's proceedings. I would ask all members to join with me in extending a warm welcome.

Applause

Speaker: Are there any returns or documents for tabling?

Are there any reports of committees?

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to produce the key indicator report that was to be completed in the fall of 2012, detailing how many people in the territory suffer from each chronic condition.

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

THAT this House urges the Government of Yukon to work with the Government of Canada, the Assembly of First Nations, First Nation governments and provincial and territorial governments to develop and explore opportunities for programs that will address the necessary steps toward healing the children of survivors and their families, who are impacted by the intergenerational effects of the residential school system.

Speaker: Is there a statement by a minister?

Speaker's statement

Speaker: Prior to proceeding to Question Period, the Chair will make a statement in light of events that occurred

yesterday during debate on Motion No. 332. During the debate, members raised points of order and the Chair, at times, intervened on his own initiative. A variety of procedural concerns were raised.

The Chair is particularly concerned about negative personal comments made during the debate. The Chair will not repeat the comments in question or analyze each comment individually. What the Chair will say is that the issues raised during proceedings in this House are important to Yukoners. Members owe it to their constituents — and all Yukoners — to focus their remarks on those important issues.

As we saw yesterday, negative, overly personal comments lead to disorder. This does not assist the House in reaching a decision on the business before it and does a disservice to the people who elected us to conduct that business. The Chair would ask members to keep that in mind when addressing the House.

Thank you for your attention and we will now proceed to Question Period.

QUESTION PERIOD

Question re: Mining legislation

Ms. Hanson: In 2011, the Yukon's new *Forest Resources Act* and regulations replaced the timber regulation inherited from the federal government. The *Forest Resources Act* is the only resource legislation brought in by the Yukon Party government since devolution in 2003. When the new act came into effect, the Yukon Party government declared that it, and I quote, "ushers in a new era for forest management."

Unfortunately, when it comes to mining, this government has done everything it can to prevent a new era of mining from succeeding in our territory. Instead the government has wasted valuable time and resources forcing court battles and flaming the fan of uncertainty.

When will this government realize that the future of Yukon mining needs new, forward-looking legislation and regulations, not the patchwork of backward-looking fixes it has tabled in this House?

Hon. Mr. Kent: As I mentioned previously in this House during this sitting, the *Quartz Mining Act* and the *Placer Mining Act* have served the territory well. There have been several discoveries that have been a result of the free-entry system. I know the Leader of the New Democrats and her party are against that system for mineral tenure and for staking claims. That system allows individual prospectors to go out and find deposits, hopefully becoming economic deposits like the Wolverine mine or like the United Keno Hill, the Bellekeno mine, like Victoria Gold's Eagle Gold project or projects that have seen us enter into a new era of a second gold rush, like the discoveries made in the White Gold area or the Rakla belt areas as far as new and exciting discoveries are concerned.

When it comes to successor resource legislation, there is a working group and the priorities set by that working group were for forestry and lands. There has to be some cooperation at that working group and there is an invitation out from the Premier to First Nations to reconstitute that working group

and take a look at what legislation needs to be dealt with. But when it comes to mining legislation, I believe that what we have is working very well.

Ms. Hanson: The minister might want to look at his inbox and correspondence since January. First Nations have been saying they want to do exactly that.

In April, the Premier paid tribute to the 10th anniversary of the devolution agreement, which transferred management of Yukon's public lands, forests, waters and mineral resources to the Yukon government. After a decade in power, the Yukon Party can only name the 2011 *Forest Resources Act* as one of its achievements. When the new *Forest Resources Act* came into effect in January 2011, the Minister of Energy, Mines and Resources said the new legislation reflects "the importance of forests to the Yukon way of life." The minister also said the new act and regulations would enable "modern forest management that supports viable, sustainable forest-based industries."

Given the importance of mining to this territory, why has the government refused to bring in new mining laws and regulations that would support a viable and sustainable mining-based industry?

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

Hon. Mr. Kent: As I mentioned, the successor resource legislation working group agreed that forestry and lands were the two priorities. It was an agreement made by First Nations partners and the Government of Yukon when dealing with successor resource legislation.

Mr. Speaker, I know that I have spoken in this House on a number of occasions with respect to how the NDP Party feels about the mining industry. They certainly want to end the free-entry system that has worked very well and has served the industry well for a number of years here in the territory. They want to see large-scale withdrawals of land; they want to increase royalties and taxes on even the small placer miners — the backbone of the Yukon mining industry and the backbone of the Yukon economy.

What we see from the NDP — what they want to do is legislate, regulate and tax the mining industry out of business here in the Yukon and indeed, out of the Yukon entirely.

Ms. Hanson: The minister might want to tone down his rhetoric, considering that under his government's watch, there is only one mine fully operating in Yukon this winter.

The recent mineral exploration boom should have alerted this government to the fact that the Yukon needs the modern mining legislation called for by the devolution agreement, but the government did not act and today we are no further ahead with the last-minute fixes contained in Bill No. 66.

Now that mineral commodity prices have softened, we have an opportunity to prepare for the next upturn. That's why it's so important to get at it now and to get it right. Unfortunately, this government doesn't have a vision for the future of mining in this territory. Yukon desperately needs a government with such a vision, a government that understands we can create jobs, protect our environment, honour First Nation agreements and provide investors with certainty.

This is what a new era of mining can bring to Yukon. When will this government stop holding the Yukon back and start collaborating with First Nation governments and industry to create modern, 21st century mining legislation?

Hon. Mr. Kent: Again, I will repeat for the member opposite that I believe the *Quartz Mining Act* and the *Placer Mining Act* have served this territory very well for a number of years. We have seen significant discoveries; we've seen operating mines; we've seen jobs for Yukoners; we've seen royalties in excess of \$13.3 million paid from Capstone Mining on their Minto operation to the Selkirk First Nation. There are significant benefits from the industry for Yukoners and for Yukon First Nations.

It's interesting to hear the Leader of the Official Opposition talk about her vision for mining. Of course, we were treated to an extremely long afternoon of their economic vision for the territory and how they wanted to reduce the impact of mining and resource development in the territory. I've talked to a number of individuals about mining, as I do very often — especially with the recent Geoscience Forum. One comment that struck me was from a gentleman here in Whitehorse who owns a business. He said that there's no room in the Yukon for him under the NDP. That is something that struck very true for me.

We'll continue to support responsible resource development in the territory and work within the existing legislative framework to do so.

Question re: Residential school curriculum in Yukon schools

Mr. Tredger: The legacy, the history and the reality of residential schools in the Yukon has been the subject of many discussions in this House, as it should be. These terrible events have left lasting scars. Our communities, our friends and our governments still struggle with the impacts of this attempt at forced assimilation.

Equally discussed in this House has been what efforts we should undertake in our schools to teach all children about what happened and to ensure this kind of policy is never enacted again. Toward this end, the government committed to implementing pilot projects for grade 10 classes in several of our schools. Will the minister update this House on what schools are part of the pilot project on residential school curriculum?

Hon. Ms. Taylor: I'd like to thank the member opposite for bringing forth this very timely topic of importance to all Yukoners. I can say that this government continues to place great emphasis and great focus on First Nations students and their success. As a result of that, it has culminated in a number of very creative and unique partnerships and programs with Yukon First Nation governments and the Council of Yukon First Nations, including an MOU on education partnership with Yukon First Nations and the federal government.

We also recently entered into a landmark education agreement with the First Nation government of Tr'ondëk Hwëch'in First Nation to develop specific school curricula

and programs within the territory. Together — for the member opposite — we are developing a Yukon-specific residential school unit and resources that we're looking to pilot next spring. That work is currently underway. We have hired a curricula specialist to do that work. We also continue to work with our teachers and our instructors in order to support teacher awareness and understanding of First Nations perspectives. We were also very pleased to be able to launch summer academies — four sessions — for teachers that delved into residential school curricula.

Mr. Tredger: I thank the minister for her answer.

Mr. Speaker, ensuring that the tragedy of residential schools is properly communicated to our children is not just about developing Yukon curricula. It is also about training teachers appropriately and ensuring that our communities — our First Nation governments — are intimately involved in the process in a meaningful and very real way.

Will the minister tell this House what steps are being taken to directly engage First Nation governments, the survivors of residential schools, the children of those survivors and all those who continually deal with the intergenerational impacts of the residential school system in the development of the curricula and pilot projects?

Hon. Ms. Taylor: As I mentioned, we recognize the importance and that it is absolutely critical and necessary to tailor our curriculum to reflect desired learning outcomes for all Yukon students and to really include locally developed materials that reflect the history of our territory.

As I mentioned before, we have hired First Nation curriculum consultants to specifically work on the residential schools curricula and other First Nation-related partnerships, as I alluded to earlier. That work is currently underway. As I mentioned earlier, we were very pleased to be able to partner with the Northern Institute of Social Justice earlier this year to host a residential school awareness session for the summer academy for all Yukon teachers. It was really the first time we had ever done such a thing and it was very instrumental. It was very well-received by all the respective teachers in the territory, both old and new.

As I mentioned before, we continue to work and expand on pilots such as the Northern Tutchone resources in Yukon schools and the Southern Tutchone bicultural program, which aims to raise the level of First Nation content and locally developed perspectives.

Mr. Tredger: As I have noted, this House and our territory have been discussing the need for a Yukon-specific and Yukon-designed curriculum on the history, impacts and legacy of the residential school system for many years now. The survivors are getting older. Time is passing. We owe this to them, to their children and to our future generations.

When will all our students receive the benefit of a Yukon-specific residential school curriculum in all of our schools and all of our communities? When will it happen?

Hon. Ms. Taylor: We have been working on this for a number of years, and I would like to commend Yukon First Nation governments, CYFN and all of our educators throughout the territory in our Department of Education for

their instrumental work in piloting a number of specific initiatives to specific communities and working with individual communities to tell their specific stories. We're also, as I mentioned, developing a Yukon-specific residential school unit and resources, something that we hope to be able to deliver next spring.

That work is underway and it will build on a number of other initiatives. Land-based experiential programming, which has been successfully implemented in partnership with the Vuntut Gwitchin government recently, builds on other initiatives, such as the Southern Tutchone bicultural program — another initiative that has been underway with the St. Elias school in Haines Junction. These are all very important initiatives. We recognize the very importance of being able to tell the story and to be able to help inform — something that was not done when I was growing up in this territory, but we are working on this.

Question re: Youth issues

Mr. Silver: As mentioned earlier, the grade 11 social studies class is here today in the gallery, but they will also be in Hansard, as they wrote this question I'm going to ask today.

The youth of the Yukon are concerned that the Government of Yukon is not doing enough to solve problems of the youth. There are several issues that the government has failed to address, which will directly affect young people in the territory. The youth of our territory want the Government of Yukon to act on problems that youth are facing today to ensure a better tomorrow.

Here's an example. There is a constant issue for competitive athletes who strive to excel in sports. The issue has to do with a lack of competition in both our communities and our territory. As a result, many of the athletes must travel to other provinces, other territories and other countries to compete. The cost of travel is by no means cheap and, therefore, athletes are not able to compete as much as they would like, which also decreases exposure of our Yukon athletes.

What steps will the government take to assist competitive youth athletes financially, and are there plans to increase this financial aid?

Hon. Ms. Taylor: I would first like to thank the member opposite for taking this question up and for asking the grade 11 class here with us today to raise these very important questions.

The Yukon government recognizes the importance of healthy and active lifestyles for all Yukoners and has been taking steps for a number of years through the good work of the departments of Community Services, Education, and Health and Social Services with the recent launch of the renewed active living strategy and working on the national front on a renewed Canadian sport policy.

When it comes to specific assistance for elite athletes, I'm very proud of this government's record when it comes to providing assistance. Housed within our government's budget, we have almost \$3.5 million in support of elite athletes, coaching and officials grants — grants that have really

precipitated in some world-class Olympians: Zack Bell, Jeane Lassen, Brittanee Laverdure, Mackenzie Downing, and the list goes on.

We are very proud of our support in terms of funding for sport-governing bodies, in terms of local recreation authorities and support of the recreation facilities that we see around. We recognize that there is always more room for improvement.

Mr. Silver: Today's youth are among the highest users of the Internet, according to an article found at www.iphoneincanada.ca, "The Most Expensive Bandwidth in the World: Yukon's Northwestel". That's the name of the title. Yukoners receive little Internet service for very high cost. The author points out that 3 cents is the prime cost for one gigabyte of Internet bandwidth, but at times Northwestel resells to customers for about \$10 per gigabyte in some services. Customers in the Yukon also have little choice about their Internet provider.

What will the government do to ensure that youth across the entire Yukon have reasonable Internet prices, better access and more options to satisfy their Internet needs?

Hon. Mr. Dixon: The member opposite and the youth who have provided this question are quite right that people in the Yukon experience a lower degree of service and a higher degree of cost than our neighbours in southern Canada. There are basically three particular issues that challenge us with regard to telecommunications: a lack of capacity, a lack of redundancy and a lack of affordability. We are taking actions across these three challenges to ensure that we address them.

First of all, we are looking at the opportunity for the development of an alternate fibre optic cable link to the south. As members and the public may be aware, we have a single fibre line to the south, which is prone to interruption for various reasons, so we're investigating the possibility of developing a second alternate fibre link to the south. As well, the telecommunications are regulated by the Canadian federal regulator, the CRTC, which is currently taking a holistic review of Northwestel and their operations, including their modernization plan. We have engaged with the CRTC, as well, to review that. I don't have time to explain it all, Mr. Speaker, but I will explain very shortly our position with regard to the CRTC, which is that we want to see Yukoners have access to the level and quality of services available to those in the south and we want to see those services at rates and prices that are comparable to those in the south as well. That's the input we provided to the CRTC and the —

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

Mr. Silver: Mr. Speaker, another issue that concerns youth in the Yukon — and in the gallery, specifically — is the reconstruction of F.H. Collins school. A letter written by the Minister of Education on March 19, 2013 claims, and I quote: "All of the core functions of a school will be located under one roof."

The trades wing is important to teens at F.H. Collins to learn the skills that they will use in their future, but the trades wing will not be included under the same roof as the rest of

the core functions at F.H. Collins. Therefore, does this government think that the educational value of trades for youth is insignificant and not considered a core function?

Hon. Ms. Taylor: Unequivocally, no. The Government of Yukon places great importance upon trades and technology and is one of the reasons why the government continues to invest in key Yukon apprenticeship and trades qualification programs throughout the territory, including financial assistance for student training allowances and student grants for them to carry on their education and for them to be able to contribute to Yukon's future today and tomorrow.

To replace what we already have in terms of the actual facility that the member opposite referred to would have cost millions. We value this specific trades wing. It is incorporated as the overall plan going forward. We certainly view it as in great condition and we are going to take advantage of that with upgrades to the current facility.

We would rather put much-needed dollars into programming and extending programming, such as the dual credit program that we have launched with Yukon College. Back in 2011, the dual credit pilot programs which enable qualified high school students to take college courses for secondary and post-secondary credit.

We value the trades and we continue —

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

Question re: Dawson City and Watson Lake hospitals

Ms. Stick: The Yukon Party approach to health care is far from fiscally responsible. Under their watch, health care costs rose almost 50 percent over five years. That was before the new hospitals were completed and opened. Far from making our health care system more sustainable, this government's decisions are doing the opposite.

A few weeks ago, I asked the minister responsible for that rise in cost trajectory — if he could tell Yukoners the current running total of cost overruns on each new hospital. His reply was, and I quote: "I have no idea."

I'm hoping the minister can provide an answer today.

With Dawson City hospital about to open, can the minister now tell Yukon taxpayers what will be the final cost overruns on the Watson Lake and Dawson City hospitals?

Hon. Mr. Graham: As I mentioned a few short weeks ago, no, we can't. What the member opposite seems to misunderstand, once again, is that the hospital construction phase has been completed, all outstanding bills and invoices have been paid and the full accounting has been done — it has not yet been done. As soon as it has been completed and the information has been given to me, I'll be happy to bring it forward.

Ms. Stick: Yukon Party decisions are making our health care system less sustainable. The Auditor General pointed out that the Yukon Hospital Corporation was unable to "...demonstrate that the hospitals, as designed, are the most

cost-effective option for meeting the communities' health care needs."

The capital cost overruns from building the hospitals are just the beginning. Annual operating costs for the Dawson City hospital were estimated to be more than triple the health centre's costs, while the annual budget for the new Watson Lake hospital was estimated to be almost triple what it was before.

Now that both hospitals are about to be open or are running, can the minister tell Yukoners what he expects the annual operating costs of each hospital to be?

Hon. Mr. Graham: Of course I don't have those numbers at my fingertips immediately, but it is very safe to say that part of the upward trajectory in health care costs is due to the fact that services have increased, especially in rural Yukon. Services such as the Referred Care Clinic and things like that are also part of the service increase and they cost more money, at least initially.

Once these services have been in place for awhile, we expect to see usage of some of our high-cost centres, such as the emergency room decrease, therefore controlling — or not so much controlling as levelling off health care expenses well into the future.

To stand up in Question Period and ask for a bunch of numbers without any previous warning is unreasonable. If the numbers were truly what the member opposite wanted, she would have given me some notice and I would have provided those numbers. We don't have anything to hide. The numbers will come out during the budget debate as well, and I'll look forward to that.

Ms. Stick: The Yukon Party decision to build acute care hospitals in Watson Lake and Dawson City was not based on either a needs assessment or on an options analysis. The cost overruns will take years to be completely paid off. Yukoners do not want to see this mismanagement on the operation side, as well. Far from ensuring the sustainability of our health care system, the Yukon Party's insistence on building more of the most expensive forms of health care delivery will increase annual operating costs, all without evidence that this will improve actual health care outcomes.

Does this government have a plan to ensure that our health care system is sustainable and that operating costs of these new hospitals don't rise out of control?

Hon. Mr. Graham: Yes, we do. We've even started to implement some of it. I remember just last week the member opposite castigated me severely for the lack of progress in collaborative care.

An announcement was made — she has heard recently from a member of the medical community in Whitehorse how the process is working — but these things do take time.

Mr. Speaker, I've been Minister of Health and Social Services for approximately two years. Unfortunately, I haven't been able to move heaven and earth during that two years, but we've made incremental changes, in spite of what members opposite say and believe. We've made incremental changes — we continue to consult with the medical community, with medical professionals throughout the

territory, to make larger changes well into the future that will make our system not only sustainable, but will make it highly effective and very good for people in this territory.

Question re: *Donation of Food Act*

Ms. White: In November of last year, this House unanimously passed the *Donation of Food Act*. It received royal assent and came into effect immediately. With this law, rather than being wasted, safe, edible food can be redistributed through shelters and other organizations to people who struggle to get enough food. This is one of those win-win ideas everyone can get behind. We want to be sure that the full potential of this law is being fulfilled and that perfectly good food is not being wasted and sent to the landfill.

Mr. Speaker, can the minister responsible update this House on what public education has been done about the *Donation of Food Act*, so that groups with food to distribute know that they can share their safe and edible leftovers, rather than discarding them into the landfill?

Hon. Mr. Graham: I thank the member opposite for the question. I'm sorry, I don't have those facts at my fingertips, but I will get back to her.

Ms. White: I thank the minister. My hope is that, by raising these questions, we can start an education campaign.

It's open-house season, Mr. Speaker. The *Donation of Food Act* represents yet another way to embrace the spirit of the season by sharing excess food more broadly rather than throwing it out. We want to be sure that all hotels, caterers and other hosts of events where a lot of food is being offered know what options they have with respect to their safe and edible leftovers. We want to be sure that sharing food is easy and accessible to all members of our community.

Will the minister responsible commit to ensuring that all hotels, caterers and other hosts of events where a lot of food is offered know in plain language both what the law allows for toward the redistribution of safe and edible foods and how they can go about that in our community?

Hon. Mr. Cathers: I'd like to thank the member for raising this issue. Certainly we would encourage people to take advantage of this. I would also point out to the member, when she talks about raising public awareness, I agree with her bringing the question up today as a good example of doing that. I would encourage the media to make people aware of this, as well. I would also note that, as far as launching an educational campaign, it's also an area where to spend large amounts of money on public advertising would not be a very cost-effective way of doing this. I would encourage the member to make people she talks to aware of it. I encourage all members, in fact, to speak to community groups, to hotels and others and make them aware of the legislation that was passed last year, and spread the word and help make them aware of that opportunity.

Ms. White: I appreciate the answer from the minister, but I would go as far as suggesting that it would not be a waste of money to redistribute the food that is going to the landfill now. I'm not asking for an expensive campaign — I'm merely asking for an information campaign, whether it's

through easy-to-follow posters, through emails or some way to contact.

Every time I go to a function and I see the amount of food left over at the end, it's disheartening to know that the hotels don't understand that they're able to redistribute that food.

It can get packed into to-go containers and it can get taken to any of our shelters or any place, really.

What I'm asking for is a commitment that the government will make some of kind of effort — other than saying that it starts with the public to pass on the information — to let everyone in the community know that this is an option for the holiday season.

Hon. Mr. Cathers: I would note, as I did before, that from a cost-effective perspective, it's not something that we would be looking at a large educational campaign on, but I do appreciate the importance of spreading the word and making people aware of the legislation that was passed. I would encourage all members to make people — within their circle of friends and the business community and volunteer organizations — aware of the opportunity for donating food.

As we do educational campaigns and advertising related to waste diversion and encouraging people to reduce, recycle, reuse and avoid things, including food, unnecessarily ending up in our landfills — I'm certainly happy to commit to considering where, as part of those advertising campaigns and as part of our engagement with the municipalities on these issues, we can find the opportunity to mention food-donation opportunities as part of those educational campaigns.

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

ORDERS OF THE DAY

Speaker: Order please. We are now prepared to receive the Administrator of Yukon to grant assent to bills that have passed this House.

Administrator Cameron enters the Chamber, announced by the Deputy Sergeant-at-Arms

ASSENT TO BILLS

Administrator: Please be seated.

Speaker: Mr. Administrator, the Assembly has, at its present session, passed certain bills to which, in the name and on behalf of the Assembly, I respectfully request your assent.

Clerk: *Act to Amend the Territorial Lands (Yukon) Act; Act to Amend the Corrections Act, 2009.*

Administrator: I hereby assent to the bills as enumerated by the Clerk.

Administrator leaves the Chamber

Speaker: I will now call the House to order.

GOVERNMENT BILLS

Bill No. 63: *Court and Regulatory Statutes Amendment Act* — Third Reading

Clerk: Third reading, Bill No. 63, standing in the name of the Hon. Mr. Nixon.

Hon. Mr. Nixon: I move that Bill No. 63, entitled *Court and Regulatory Statutes Amendment Act*, be now read a third time and do pass.

Speaker: It has been moved by the Minister of Justice that Bill No. 63, entitled *Court and Regulatory Statutes Amendment Act*, be now read a third time and do pass.

Hon. Mr. Nixon: I will keep my comments relatively brief here, as I've already spoken to the bill at second reading and during Committee.

The bill before us today proposes efficiencies through 11 minor amendments to court operations and three minor amendments to regulatory procedures. To summarize the amendments before us, the *Court Jurisdiction and Proceedings Transfer Act* updates references to other statutes before the act is proclaimed. The *Human Rights Act* changes will see the Legislature designate a deputy chief adjudicator, who would be empowered to act in place of the chief adjudicator until such time as the chief adjudicator becomes able to act again or the Legislature appoints a new chief adjudicator.

The *Interprovincial Subpoena Act* will allow travel expense rates for extraterritorial witnesses to be set by regulation. This amendment deals with how travel expense rates are set for witnesses who live outside Yukon and are subpoenaed to attend court in our territory. Currently, travel expense rates are addressed directly in the *Interprovincial Subpoena Act*. The amendment will allow the rates to be set again by regulation, instead of within the statute.

The *Judicature Act* gives effect to the government's commitment to the *Agreement on Internal Trade* revisions, allowing person-to-government disputes by allowing cost orders against persons to be enforced. The *Agreement on Internal Trade* was recently amended to allow persons to be involved as parties in disputes that were previously restricted to government parties only. The recent amendment to the agreement requires the act to consider that persons may now be the subject of trade orders and required to pay costs. The bill achieves this.

The *Jury Act* broadens the pool of eligible jurors and correctly identifies those who do not qualify. It allows the court to determine how prospective jurors should be summoned, which we think will save both postage and staff time. It increases the maximum fine for those who fail to attend jury selection.

The first four amendments address improvements to the empanelling of a jury under the *Jury Act*. The bill exempts from jury service anyone who is involved in the prosecution of criminal offences or enforcement of sentences.

The second amendment addresses the disqualification of people from jury service on the basis of having being

previously convicted of an offence. This means that people are disqualified from jury service only when that conviction resulted in a sentence of imprisonment that actually exceeded 12 months.

The next amendment removes the requirement for jury duty summonses to be sent via registered mail. Thus it is still open to the judge to use registered mail where appropriate, but it is no longer mandatory.

The maximum fine for not responding to a jury summons was established when the jury act was passed roughly 60 years ago in 1954. This amendment brings Yukon's legislation in line with the rest of Canada by allowing a maximum fine of up to \$1,000.

The *Notaries Act* makes it easier to identify notaries before whom documents have been sworn. This amendment requires notaries to print or stamp their first and last name and the date their commission expires beside their signature.

The *Regulations Act* and *Interpretation Act* will clarify that members of the Legislature may be given electronic notice of filing of regulations and electronic copies of the regulations. The current requirement is for all regulations to be laid before the Legislature as soon as it is convenient. The amendment provides for the registrar to distribute regulations by electronic mail or other available means as soon as possible after filing. This allows the registrar to take advantage of modern communication technology and it promotes expediency.

The *Territorial Court Act* increases the retirement age of judges from 65 to 70. This amendment has been requested by the judiciary and brings Yukon in line with other Canadian jurisdictions. The changes to the *Court of Appeal Act*, *Small Claims Court Act*, *Supreme Court Act* and *Territorial Court Act* codifies each court's existing capacity to impose restrictions on vexatious litigants who abuse court time and resources and clarifies procedures for appealing these restrictions.

The bill addresses litigants who abuse the court process by persistently starting vexatious court proceedings. The courts already possess this power through their inherent jurisdiction to control their procedures. Although very rare, when a vexatious matter is filed, it consumes an inordinate amount of resources. However, since the inherent jurisdiction of the courts is not codified, it is more difficult for a layperson to understand the law.

Mr. Speaker, the bill improves efficiency in how Court Services arrange the services of justices of the peace for routine, non-discretionary matters. The bill amends the *Territorial Court Act* to provide for staff justices of the peace. These JPs would be a small subset of the regular Court Registry staff, who would be empowered to carry out JP functions that do not involve discretion, such as reading the conditions of a release to an accused.

The bill before us increases the efficiency of how minor corrections to existing regulations are made. Currently, making minor corrections to a regulation — such as fixing grammar or references or repealing obsolete provisions — requires an amending regulation for each regulation that needs

correcting. To improve the efficiency of Cabinet, the bill enables minor corrections of more than one regulation to be made in a single miscellaneous amendments regulation.

In conclusion, this bill supports our government's commitment to ensure good governance.

Ms. Hanson: I am happy to rise on the third reading of this bill to reiterate that the Official Opposition will be supporting this legislation. However, I do wish to put on the record — as we've stated before — some concern that was not fully elaborated or explained during the process and which we will have to come back on at a future date. It has to do with section 34, the amendment to the *Judicature Act*. As the minister explained in second reading debate, this is an amendment to legislation in the territory that really comes about as a result of amendments to the *Agreement on Internal Trade*. The issue here is that the current *Agreement on Internal Trade* requires governments to allow trade orders rising from disputes to be treated as court orders, so that they are enforceable against the parties.

The difference that's coming about as a result of this amendment is that these amendments that have been made at a national level require us now to see that persons may now be the subject of trade orders and required to pay costs. So I think it's worthy of note that these amendments do happen from time-to-time. We would respectfully suggest that these are matters of some concern and some import to us all as the scope of trade agreements expands at the national level — the subnational and subregional implications particularly — as they begin to apply. It's one thing to suggest that governments are subject to costs arising from disputes — it's when we start seeing the implications for persons — which could be read also not just as individuals, but as businesses.

We would certainly welcome further discussion with the minister and other ministers who are engaged on behalf of the Government of Yukon and all citizens with the variety of trade agreements that Canada as the national government enters into, but then have a cascading impact for all of us as governments — subregional governments, municipal governments, First Nation governments — and now, as we see through the amendment to this legislation, to persons. So there are financial costs and consequences of these amendments. I don't think they have been fully explored nor fully explained. Notwithstanding that, Mr. Speaker, we understand the nature of the amendment and we'll continue to explore options for further discussion on it as we support this legislation going forward.

Speaker: Are you prepared for the question?

Some Hon. Members: 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.
Mr. Elias: Agree.
Ms. Hanson: Agree.
Ms. Stick: Agree.
Ms. White: Agree.
Mr. Tredger: Agree.
Mr. Barr: Agree.
Mr. Silver: Agree.

Clerk: Mr. Speaker, the results are 17 yeas, nil nays.

Speaker: I believe the yeas have it.

Motion for third reading of Bill No. 63 agreed to

Speaker: I declare the motion carried and that Bill No. 63 has passed this House.

Bill No. 65: Insured Health Services Statutes Amendment Act — Second Reading — continued

Clerk: Second reading, Bill No. 65, standing in the name of the Hon. Mr. Graham; adjourned debate, Ms. Stick.

Speaker: The Member for Riverdale South had just started when we finished for the day. I believe you just finished your first paragraph, if memory serves. You have unlimited time.

Ms. Stick: Thank you, Mr. Speaker. I will not use unlimited time, but will try to keep this short.

I just wanted to thank department officials for bringing forward this legislation and for the briefing that we received. It was very helpful. I just would note that in the minister's opening comments he spoke about how it's his job to address and direct the department on specific details that need to be interpreted and implement the policy direction and hoped that we wouldn't digress into a detailed operation on specifics.

I just wanted to start off by saying that when we do come to Committee of the Whole, I will have many questions to ask about this legislation. It's my job as the opposition to ask them and I have citizens asking me these questions. This is my opportunity, when the minister has staff here to help him with these questions. So I will be asking specific questions with respect to the legislation.

I started off by saying I was glad to see this. Currently in our legislation and regulations, it's very open to interpretation. Some of the regulations are vague and leave citizens unaware or unsure of what their rights and responsibilities are, but also what they are entitled to in terms of health care and health care provision in the Yukon. We are fortunate to have a wonderful system here. I think many of us take it for granted and don't consider the consequences of leaving the territory

for an extended period of time, or when we may put our own health care coverage into jeopardy.

Clarification of these things will certainly help Yukon citizens, and I look forward to a public awareness campaign that will inform all Yukoners of what they are entitled to, as well as what their rights and responsibilities are to obtain good health care service in the Yukon.

As I mentioned, the devil is in the details and there are many details that have yet to be determined. We understand that there will be regulations coming out with regard to this. I'm hoping we're not going to be waiting long — that there will be a quick transition into this new act and into new regulations that people understand.

I will be looking to discuss details about one of the areas that concerns me, which was the lack of appeal mechanisms for individuals and how much of the decisions are at the director's level — that they have the final say. It is suggested in the legislation that people can go through the court system. I think that too often we jump to that as the answer for individuals — if you're not happy with this, go to court. I think there should be steps in between, such as an appeal process or a mediation process that would not tie up time in the courts or individuals' finances — it's costly to go to court.

I find the *Maintaining Eligibility for Publicly Funded Yukon Health Care — Public Consultation Summary Report* a very helpful and very interesting read. I would encourage all Yukoners to see what we had to say about health care. People were very clear on some things; others were things more divided. In terms of that, the minister spoke to 79 percent agreeing that, in any 12-month period, 183 days should be the maximum you're allowed to be out of the Yukon. When you go further into the summary report, you find — as has been addressed in this legislation — people also recognize that people go away as volunteers or for missionary work and can be away for longer than the 183 days. This legislation has made exceptions for those.

It will be great to hear more on the students and what they will be allowed to do. As the minister pointed out, often it's hard for students to come back from university and find work that might follow their studies or is appropriate to their training here in the Yukon, and they should be able to look for work in other places.

Areas of concern that have been raised for me and individuals coming to see me, who have looked at this, are families where there may be a divorce, but there is shared custody of children and they spend half their time in one province and half the time in the other, and how that can be confusing at times for families as to who has the coverage or who should have the coverage.

The other one was for workers who go out of the territory, possibly to Fort McMurray, for a good portion of the year to work but do not have a permanent residence because they are working, living or residing in a camp. Their home may be here, but the 183 days can be an iffy thing, so it would be good to have some more questions answered. I have questions and hope to find answers on that.

The other question I will have for the minister and his staff in Committee of the Whole is around proof of residency. I do believe we need to be clear, but we need to be fair. I think of individuals who are homeless and are being asked to provide a rent receipt or a pay stub or a utility bill in their name. I have had someone come to me who was told that they could not use their rent receipt because it was from a family member. I think in this day and age, when we have adult children coming home or we rent space to another family member, this could be a problem.

It seems to be more the reality today that we are going to have family members living or renting from us. I know of many individuals who have a second home that they rent out to their adult children. These are just concerns that I've had brought to me by citizens. I look forward to answers and discussion on this in Committee of the Whole.

Mr. Silver: I'm going to very brief here. I'd like to thank the department officials for their time and efforts that went into the drafting of this bill. I am concerned by the potential for this bill to limit Yukoners' access to health care services. Access to health care is a defining Canadian value — absolutely — and we need to be very careful any time that we modify access to care. This could be a particular problem in my riding, where residents are transients — there are a lot of transients who reside in Dawson and live in or out of the community, depending upon the season.

Given the importance of this service, the government must ensure to closely monitor the implementation of this bill and be ready to respond to any situation where a legitimate Yukon resident may be deemed not eligible for health care.

That's pretty much the only thing I wanted to say to the opening comments here for second reading, and I do have some specific questions for Committee of the Whole. I'll wait for that time to ask them.

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

Hon. Mr. Graham: As I mentioned in my opening address, we have one of the finest publicly funded health care systems in Canada here in the Yukon. We hope to continue that, but as the Member for Riverdale South was just talking about today — the sustainability of the health care system — for every one percent, approximately 350 people had inappropriate access to insured health benefits in the Yukon. It means an extra \$2 million per year, so we have to be sure that people who are accessing the system are actually entitled to access the system.

As I said, making sure or correcting the system is a two-step process, the first of which is here today. That is to amend the legislation to create the appropriate legal framework and authorities needed to address the details that will be brought out later in regulation. I've already stated once before or twice before that we will be consulting on these regulations as well, and I've also stated our policy in a number of different areas.

Some of the questions asked by the member opposite were answered, or at least answered in part, during the second

reading address — and that was dealing with post-secondary students who will maintain eligibility for health care even if they're away both during and between school terms. There are a number of ways that we thought we could do this.

One, of course, was through the Education department's financial assistance. However, not all legitimate Yukon residents are on financial assistance.

We've considered a number of different alternatives, but those alternatives will be in the regulations and we will consult before those regulations are passed.

There was mention of workers who are away for either employment or business activity. There was an exception that I stated in my second reading address that we felt that 12 months was an acceptable allowable absence, with the ability to extend that absence given certain exceptions. We will outline those exceptions in regulation, but we believe that if you've been away — for instance, in Fort McMurray — working, then probably you're going to establish a residence in Fort McMurray and be eligible for health care there during the time that you're working there. I base that on the simple fact that I had two brothers who worked there for seven years and eight years, I believe. At some point — even though they owned homes in the Yukon — they established residences in Alberta and were eligible for health care there. Once they returned to the Yukon, of course, their residency was re-established here in the territory.

As I mentioned earlier, we did fairly extensive public consultation, and it was quite interesting to me. When we look at the fact that nearly 80 percent — 79 percent, I believe — of respondents agreed with the general requirement of 183 days. It would lead one to believe that the other 20 percent believed that it should be longer. In fact, Mr. Speaker, that wasn't the case. Some of those 20 percent felt that six months was much too long. To me, it clearly indicates that with the 183-day residency period set — or it will be set in regulation — we will satisfy the vast majority — not only the 79 percent who said yes, but a number of others as well.

We also dealt with charity and mission work or volunteer work outside of the territory because we know that Yukoners are a particularly wonderful group of volunteers and volunteer in many instances outside of the territory and, in fact, outside of the country. For that reason, we believe that up to a two-year period would be eligible under the regulations. With exceptions, again, tightly controlled by regulation, some additional time could be given.

I think the most contentious single issue was vacations. "Vacation" is an interesting term because I'm not sure it can be considered a vacation if you own or operate a home in another part of the country or in another country and you leave for a period of time. We had a great discussion over that.

One of the things that I found when I took this discussion to a seniors group outside of government, they were very concerned about the contribution to Yukon society. That concerned them more than the fact that people were vacationing and health care was an issue. They were concerned because they felt that we need to keep people here, especially in our smaller communities, during the winter

months as well. It's vital for the health and safety of these communities — or the health and growth and continued existence in small communities — to have people stay there to contribute — not only financially by buying their groceries in the local store and utilizing services there, but also to be involved in the life of the community itself. That was an interesting commentary from rural members that we hadn't really looked at as closely, being from Whitehorse and not noticing it perhaps as much as people in the smaller communities do.

I look forward to discussing further issues during Committee of the Whole, but the changes in both the *Health Care Insurance Plan Act* and *Hospital Insurance Services Act*, as we will hopefully be going through here today in Committee of the Whole, are not that big. The real changes, the real meat, will be in regulations and we have made a commitment to consult fully on those regulations and to ensure that everybody has had a chance to make their feelings known before we enact the regulations and bring the act into force.

Having said that, I guess I look forward to the Committee of the Whole discussions, and with that I commend this bill to the House.

Motion for second reading of Bill No. 65 agreed to

Hon. Mr. Dixon: 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 Acting 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 Bill No. 65, entitled *Insured Health Services Statutes Amendment Act*. Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 65: *Insured Health Services Statutes Amendment Act*

Chair: The matter before the Committee is Bill No. 65, entitled *Insured Health Services Statutes Amendment Act*. We're going to begin with general debate.

Hon. Mr. Graham: I'm pleased to have the opportunity to explain the content of part 1, entitled *Health Care Insurance Plan Act* Amendments, of Bill No. 65. Part 2 is entitled *Hospital Insurance Services Act* Amendments, and it will come later. The key to the amendments proposed in this bill is the increase in clarity and fairness for how individuals establish and maintain their entitlement for publicly funded health care services.

The *Canada Health Act*, which underpins health care in all the provinces and territories, as I have stated previously, says that a "resident" means "a person lawfully entitled to be or to remain in Canada who makes their home and is ordinarily present in the province or territory, but does not include a tourist, a transient, or a visitor to the province or territory." From this definition, it is then up to the province or territory to specify how or when someone makes their home and is ordinarily present in that jurisdiction.

Most provinces and territories specify the amount of time a person is to be physically present in order to be considered ordinarily present and thus qualify for health care coverage, but many do not provide details. The Yukon's current act doesn't provide these details. This generates challenges for those tasked with administering the act and for the public to understand exactly who does and who does not qualify for Yukon health care. As I've stated previously, this for taxpayers also translates into direct and unnecessary costs to Yukoners for health care.

The Legislative amendments that we have here today are a reflection of what Yukoners identified as measures they believe to be important to ensure fair access to publicly funded health care coverage.

As we stated previously, we sent out a questionnaire to all Yukon households last summer and we had a very good representation of Yukoners respond — almost 1,600 residents responded.

The foundation of the legislative amendment is rooted in that public response that approximately 79 percent — 80 percent, almost — believe that six months, or 183 days, is a fair period. As I described in the second reading speech, these proposed amendments to the act are just the first step in what is required to strengthen and clarify — to signify — who is entitled to publicly funded health care. The amendments will be followed by the second step, which will enhance the supporting regulations so that they provide detail and clear guidance for specific matters.

While I speak to the legislative amendments proposed in this bill, I'm really speaking about the policy direction that we have given. The operational details that will be needed to implement the policy decision, we will provide in the Legislature. They will be developed by the department to reflect the policy decisions, or direction, that we provide.

Part 1 of the bill pertains to amendments for the *Health Care Insurance Plan Act*, the first of which is to define the details of "resident" and "insured person" within regulation. The regulations will use the *Canada Health Act* definitions as the base and then we'll add further details for how that will be applied in Yukon.

Taking into consideration our consultation, we are planning to establish in regulation a basic requirement for insured persons to normally be present in the Yukon for 183 days in a 12-month period. That will be the base definition. It's important to note that we're proposing that there will be regulations that allow some exceptions to this general rule that require people to be physically present. That's similar — as I understand — to what occurs in most of Canada.

Specifically, the exceptions to the rule will be to allow a temporary absence of longer than 183 days for the following kinds of situations: indefinite leave for students attending full-time studies at a post-secondary institution during and between school terms; indefinite leave under specific conditions for apprentices, co-op students and mobile workers; a 12-month leave for employment or business-related activities — again, with the potential for extension — and, as I said earlier today, a two-year leave for charity, missionary or volunteer work.

In general, for the six-month vacation provision, an exception will be that a person who has lived in the Yukon for two years or longer may apply for an extended vacation for up to 24 months once every five years. So that's the big, single exception to vacation. We anticipate also that absences from the territory of less than 21 days, or three weeks, would not be included as part of the individual's vacation time away from the Yukon.

I know some of the questions are going to be, how are we going to control some of these things, especially for things like students, and what will we be doing with students? I think this is something that we'll set out very carefully in all our communication that we do with students and with temporary workers, with people going off on volunteer work, as well. With a student, in particular, they'll have to provide us with confirmation of attendance at a post-secondary or other institution outside of the territory, and they'll have to complete a temporary absence form. So we will have such a form available that will be completed by anybody looking for a temporary absence of longer than 183 days out of the territory.

The legislative amendments will also clarify that it's the director of insured health and hearing services who will be authorized to determine, in accordance with the act and the regulations, whether somebody is a resident for purposes of this act and, from there, whether someone is an insured person. This amendment and subsequent regulations will more clearly define what the director can and cannot authorize, and that will ultimately lead to better administration of programs.

We've also considered, interestingly enough, an appeal provision. We haven't decided what that will look like now, but in discussions with the director of insured services, we already do things like give a person advance notice of what the decision may be in relation to a specific request for temporary absence. Similar documents say that this is based on the information given us to date and this is what the ruling would be. It asks if you have any further information or documentation that we should be aware of prior to making this decision. That's already available to the people. We will

continue that. We have looked at an independent appeal process. At this time, I believe that one outside of government itself is not in the cards, but it is something that we are looking at. We'll look at all of the arguments for and against before we make a final decision.

The proposed amendment will also identify that it's the responsibility of the individual to demonstrate that they are entitled or continue to be entitled to be an insured person. That's why I said that this is the information we have. Do you have any information that we should be aware of that we don't have in our possession? So it will be up to the individual to provide any additional information if they do have some.

The amendment will also allow us to specify in regulations the documentation required from people to establish and maintain their entitlement for insured health care services. What this will mean in practice is a process similar to that of a driver's licence renewal. I know how much fuss that created when a new driver's licence came out.

However, we are talking about an insured service here, so an individual will be required to provide defined documentation to prove they meet the requirements to be an insured person. Similar to most other territories and provinces, this will apply for first-time registrations as well as periodically for individuals registered as insured persons. In other words, within these regulations, we will give the director of insured health services the ability to periodically request from people to provide certain documentation in order to be considered or to continue being registered as an insured person.

I'd also like to note that we also intend to include in regulation a provision to ensure Yukon residents who extend their time outside of the Yukon for longer than the designated coverage periods will not be required the normal three-month wait period for coverage on their return. Instead, upon physical presentation to insured health, with the required supporting documentation, the individual would regain immediate coverage on their return to the territory.

Finally, the amendments to the act will specifically authorize the waiting period permitted under that *Canada Health Act* and implemented in the Yukon and all other jurisdictions. This addresses the three-month waiting period all jurisdictions must adhere to for residents moving to or from a territory or province. While the current act allows for this to happen under its general provisions, we wanted to specifically state this provision so that it's clear for anyone reading the act, because there has been some discussion in the past.

By making the amendments described, Yukoners receive — we believe — increased clarity and certainty on entitlement criteria for insured health services. This improves both accountability and transparency and provides our territory with a more responsive method to collectively promote a fair and comprehensive health system.

As soon as the regulations are completed — and we expect that to be early in the new fiscal year, so after April 1 — we will begin a fairly extensive householder and public awareness campaign to make sure that all people are aware of

this. It's probably best to do it during the summer months, because that is when the snowbirds will be home and hopefully we'll hit the greatest number of Yukon residents during the summer period.

Part 2 of Bill No. 65 is relatively minor. The key change is to refer to the *Health Care Insurance Plan Act* for the definition of "insured person" instead of re-stating that definition in the *Hospital Insurance Services Act*. This will allow for definitions to be consolidated in one place.

The other amendments make small adjustments in order to clean up and update various provisions. While these acts are before the Legislature, we also wish to address two additional administrative issues. I brought up both of these in my second reading speech.

The first is the 2000 memorandum of understanding between the Government of Yukon and the Yukon Medical Association, which includes a provision that permits our government the ability to charge physicians a fee for submitting a paper claim rather than an electronic claim.

Agreement on this measure was in response to the Auditor General's report to more effectively track Yukon's health issues, which, in turn, will help inform good health system planning. We do need those specific legislative authorities to implement this fee.

Finally, the amendment allows the administrator, who is the director of insured health and hearing services, to determine the terms and conditions under which the administrator may pay for insured hospital services provided to insured Yukoners rather than requiring those terms and conditions to be set in regulation. By doing this, it will provide more flexibility to adapt to changing situations.

The main focus of the proposed amendments is to create the legal base for providing clear entitlement criteria that must be met to access our publicly funded health care system. I look forward to hearing everybody's questions and comments. I anticipate that we will all agree that the approach will provide a clear and comprehensive system. As they say, though, Madam Chair, the devil is in the details. So I look forward to further conversations on the bill.

Ms. Stick: I thank the minister and his staff for being here today. I've listened carefully. I may repeat a question that I've asked earlier or that the minister has commented on in his last speech there. I apologize if I repeat something that has already been said or ask for more clarification of that. But I just want to have a good understanding of this. I do think this is important legislation. I think clarification for all Yukoners who are eligible for health care is important.

In reading the public consultation report and what happened there, it was incredible how many different situations people came up with where they said, well, what about this or what about that.

I was out of the Yukon for eight months with my husband when he was sick, and never once did it occur to me that I might not have had health care coverage or that I should have notified someone of that. You just assume you're a Yukoner and you go. It's the same for many of us who have aging parents in other provinces or territories, and there might be a

time — there probably is for many of us — when we have to leave the territory and go care for an aging parent or an ill parent. I really do think that public information is going to be critical. It's not a one-time thing, but even something that might have to occur once a year — just a reminder to us, whether it's a flyer in the mail or something that comes with our health care paper that we glue onto our last one. It might just be something saying, "Don't forget. Contact us if..." and a list of examples.

I'm pleased to see that, because I really do think that people just assume, "I live here. I'm a Yukoner. I have coverage. End of story." I know that even for people who travel, it doesn't occur to them that travel coverage or travel insurance would be a good addendum to their already current Yukon health care.

So I'm pleased with those things. I think they really are important, and I look forward to seeing the public consultation and what comes out of that.

The comments I am going to have or questions I ask are going to be things that have been raised with me by individuals saying, "I couldn't get this" or "I did get this," and it might be something that could be used in further consultation. When I bring those up, it's as a suggestion or just another thought or consideration when looking at public consultation.

I want to go back to one of the comments the minister made, and it was very clear. He talked about, if one percent of the population were inappropriately accessing our funds, it would cost up to \$2 million.

Over the years, there has been talk about, "Well, this is our population but there are our health care numbers." Usually our health care numbers are bigger than our population. Does the minister have a handle on that right now, in terms of what our current population according to statistics is — or what we think it is — as opposed to the number of health care numbers and cards out there?

Hon. Mr. Graham: The number of people covered by insured health services is currently larger than our estimated population. The number is quite small right now; it's about 300. Under the current legislation, we don't have any ability. That's why I did mention in here that we will have the ability — or the director of Health Services will have the ability — to require people to produce certain documentation that will show that they are qualified eligible recipients for Yukon health care. That will also be part of the regulation package that isn't currently available.

Ms. Stick: I appreciate that answer, because it seems to me, in past years, the number was much larger — like 1,000 or more — that we were unsure of. So it's good to hear that number is coming down.

In terms of the exceptions to the proposed rules for insured residents, I'm going to go through a number of different examples, one at a time. We'll ask for just some clarification, and some of it might just be to give information also.

One that was of concern for a constituent who came to us was someone who had to be outside of the territory for

medical treatment that was not available here. They were not in the hospital to receive that treatment but, at one time, they were told that their coverage was going to be — that they needed to apply in the other province for coverage because they were going to be gone for more than six months. They were residing in that province to receive a treatment they could not receive here. I just wonder if one of the considerations has been medical treatment not available here that requires a person to be away longer than six months.

Hon. Mr. Graham: As long as the Yukon remains a person's primary residence, the coverage for people — Yukoners — residing or accessing hospital or other long-term health care needs outside of the territory, is still insured. In certain cases or in some cases, if an individual may choose to move to another province in order to physically continue that on a longer-term care basis, they would be required to apply for health care in that jurisdiction. We would still cover them for three months, until the health care kicked in, in the province that they elected to move to.

Ms. Stick: I understand that about a person choosing to move and actually physically change residence. Of course one of the first things anybody should do when they move is apply for coverage from the province they are going to be staying in.

I was interested in the minister talking about the routine, periodic review of coverage. The minister likened it to applying for your driver's licence.

I understand regulations, but can the minister tell us, will it be having to show up at an office with certain pieces of identification or requirements? As I mentioned earlier in the House, an example is, I have family who live with me and all the bills are in my name. I don't give them rent receipts. Luckily they work so they do have a pay stub, but if they didn't have that — according to a letter a constituent received — those were her three options: a pay stub, a utility bill in their name or a rent receipt that was not from a family member. In this particular instance, this woman could not produce those three things. She did rent from family, but she was ill and unable to work and did not have any utilities.

I'm just wondering, what is the minister or the department looking at in terms of a process of reapplying for health care? Is it a yearly thing or every five years?

Hon. Mr. Graham: I'll try to go through them one at a time, so if I miss one, let me know.

We expect that a person will be required to be physically present for initial registration. So, the very first time that you apply — you've moved to the territory and you want to apply for health care — you will have to be physically present in whatever office in that community. You must show up. If it's in a small rural community, maybe it's the government agent. In Whitehorse, it could be any one of our health centres, but we expect to see someone physically there.

What we will also be doing is allowing registration on-line, so if we require a periodic registration, or to renew your registration, most of that will be able to be done on-line. Under the current system, where you are required to produce

certain documentation — even under the current situation — the director has discretion.

That's why I said, many times what happens is, based on this information, this is the decision: you wouldn't be eligible, perhaps because you couldn't produce a rent receipt or a fuel receipt or an electrical receipt. However, if you had alternate information that was acceptable to the director, the director has that capability to grant an exception.

I think, Madam Chair, I answered all three questions, but if I didn't — sorry — I'll get it later.

Ms. Stick: That clarifies some of the questions. I'm happy to hear about the registration on-line, because even for those of us who do have access to computers and can do it — renewing my tags for my car is a great way to do it, rather than standing in line somewhere. Too often in this building over here where the elevators sometimes refuse to move, it's a long climb up those four flights of stairs for people who need to go up to insured health. I think those are good options.

Again, I would mention that if we're sending out information to individuals, perhaps that's when you put in the little flyer that says, "Don't forget, if these things happen — if you move, if you change addresses — let us know."

I was trying to follow the one section about the electronic billing and paper billing for physicians, and that this was something that was negotiated with the Medical Association. I'm not in disagreement with this. I just want to clarify — is this part of the move toward electronic health records and trying to encourage doctors to get into that system, rather than paper billing, which requires filing, people handling it, and dating things and that type of thing?

Hon. Mr. Graham: That's correct. Also, paper billing requires the department then to do data input, which is avoided on a paper-billing basis, so it's part of the progression toward an e-health system — not that we're going to be in an e-health system next year. This system itself will take some time to develop as well, but it's all part of the transition to e-health.

Ms. Stick: I'm really happy to hear about allowing full-time students to remain away from the Yukon to be able to work in the summer. At some point — often it could be finances; it could be family matters — some students will find themselves in a position of having to be a part-time student and perhaps work to support themselves, unable to maintain their full-time student residency or student status.

Will there be some flexibility with this in that a person could apply to the director, saying, "Well, I can only do three-quarters and I'm not able to do the full-time." It could be health reasons — any number of them. I'm just wondering if the minister could comment on that, please.

Hon. Mr. Graham: Those kinds of exceptions will be available, again, on application. It's really important that we educate people to make sure that they understand that it's on application, because the director has the ability to create exceptions, but whoever is in that position must first of all be aware that the condition exists and that there is a reason for that condition. So it's really, really important that people out

there make sure that they're aware of the regulations and that they comply with them.

Ms. Stick: I was surprised by the "you could be away for two years' vacation," not volunteer or other works. I'm just curious. Is this in line with any other jurisdictions in Canada?

Hon. Mr. Graham: It's one year. So it's one full year that you'd be allowed to be away for vacation or, rather, two years every five years. Every five years, you are eligible to be away for two. That's a condition that's not unusual in other provinces. We won't say that every province or territory has it, but it's not unusual, and we thought we would include it in these regulations.

Ms. Stick: My colleague was just mentioning to me and was wondering how — if a person applies for the two-year vacation leave, are they still expected to provide any proof of paying taxes here in the Yukon, or is it just they apply ahead of time, have the two-year leave, and are covered?

Hon. Mr. Graham: We've had this discussion. I know my Friday-morning breakfast group maintains that the only requirement for health care coverage in the territory should be owning property and paying taxes in the territory. Unfortunately, that's not the way — we can't do that.

What has to be the primary understanding here is that this is your primary place of residence. That's the thing. I think that many people don't realize that even though Yukon health care may cover you while you are on vacation, if you're on vacation outside of Canada and you don't have additional medical coverage, you're still going to be on the hook for a huge bill should you become ill or be injured, because what we pay will not necessarily be what other jurisdictions charge you for medical care.

Ms. Stick: It was interesting to hear and look at the comments in the consultation with regard to the 183 days that people could be away. The minister did mention that other jurisdictions have gone to seven months. I was reading the Canadian Snowbird Association's magazine in the fall about how one province actually tried to cut back from six months and had to increase it to seven.

I just wanted to clarify — the minister did mention that a person might be gone for six months to Arizona or somewhere warmer like Mexico, but that they — just clarifying that I'm correct on this — could come back then for the summer and then perhaps go visit family in B.C. for three weeks, come back and those 21 days would not be put on top of the 183 days. I know that's certainly where B.C. and Manitoba have both gone in their legislation also. You could be away six months straight, but you also have an option in the summer to go somewhere else.

Hon. Mr. Graham: That's exactly what our intent is. Partially because of the fact that many people will go to Arizona or California or whatever for the winter months — the coldest months — and like you say, then visit family in other provinces, so we took that into consideration. It's one of the reasons that we said six months in any period you have to

be a resident, but up to 21 days absent during the rest of the time is not considered.

Ms. Stick: Just one more question on that. Is it only 21 days or could it be 21 days in May and then just before we head off we're going to go over to Atlin for another 21 days? I'm just trying to clarify that.

Hon. Mr. Graham: The exclusion would be any 21 days. As long as it is 21 days or less — 82 days and hold them hostage in the territory — that is not the intent. The intent is to ensure that they are normally a resident and they are a legitimate resident in the territory. To make their home and be ordinarily present in the jurisdiction — those are the qualifications.

Ms. Stick: I think my last question, again, will be around the requirements for a person to maintain or to prove eligibility. It's just in consideration of individuals who do not have a fixed address — people who are homeless and sometimes don't even carry ID with them. The fact is, for them, meeting the requirements — is there another way or can someone vouch for them and say, "Yes, they're here and this is where they belong"?

Hon. Mr. Graham: It is part of the overall director's discretion process, but even in current practice, Health Services works continually in collaboration with other service areas — primarily social services — to ensure that health care services are provided to marginalized people within the territory. Even those who have no fixed address are included — not only through discussions with Social Services, but you have Blood Ties Four Directions and a number of other organizations within the territory that have that knowledge of where people are and who they are. As long as the director is convinced that they are normally resident in the territory, they get health care coverage.

Ms. Stick: This will be my last question. It is with regard to the director. I am just seeing that more and more is being placed on that position, and that person has a lot of discretion in terms of looking at all these individual cases. It's not like it's a director of Social Services, who only sees a portion of the population. This, in fact, will be every Yukoner who is eligible for health care. We're talking over 35,000 people for whom this director then has discretion to decide — has the minister or the department thought about that in terms of what this person's workload, discretion or qualifications will be? Again, I'm not trying to imply that the person doesn't have it. I'm just concerned about how much more this individual is being given in terms of determining something that is a right of individuals who live here, which is appropriate health care coverage.

Hon. Mr. Graham: Madam Chair, this was an item of some debate. One of the suggestions was that any requests for exceptions should be given to a group within the director's department that would be able to look at these specific issues and provide advice. That's one way of doing it. She would not necessarily have to accept that advice, but at least she's getting advice from an external source.

One of the other things that I'm aware of — because we have had this discussion — is that the director never uses only

her own discretion. She requests advice from her ADM. She has a department that works in the field. She has a number of different areas from which she can get advice.

But the actual workload should not increase significantly because much of the discretion that we are giving her — again, in regulations just spelling it out — she already has. The workload does fluctuate from year to year — there is no doubt. I guess what we're trying to do with this one is set very clear guidelines so it will be based on factual evidence so that the director won't have to use her discretion as much, possibly, as she has in the past because, under this one, we have very clear direction. We're fencing in the exceptions so that maybe the discretion isn't quite as large as it was before because there will be more in regulation, or more direction given in regulation, than there was previously.

Ms. Stick: Just to follow up on that, I can see how you have tried to tighten things up so there aren't those exceptions, but my concern would be, certainly initially, that when the public is aware and becomes better educated about this, there will be an increase of people saying: "Okay, I'm going to be doing this, and can I have that exception? Is it allowed? Will the director agree to this?"

Hon. Mr. Graham: I guess that we've had this discussion. I just checked again, and we believe that when the new regulations are brought in, the number of requests will be minimal. Because each one has to be decided on its own facts, on the merits of its own situation, she will have the ability to make those decisions. She believes that she will have the time because the extra work will be minimal at the beginning.

Mr. Silver: I have two questions and I'll ask them at the same time. Thanks to the Official Opposition for their due diligence. You've knocked a lot of my questions off my list.

The first question would be: was there a problem with the existing system as far as people abusing the system, and did that have anything to do with the reasons for the amendments?

The second question is more of just a circumstance. There was a situation that involved a Dawsonite last year about residency and health care access, and we sent letters back and forth. I'm just wondering if the new changes would affect this person more or less.

You have a situation where someone was born and raised in the Yukon but has spent a lot of time down in Alberta. That person basically spent a couple of years down there, got their trade, came back up, is working as a placer miner and is building a house but doesn't necessarily have the residence. The person spends a very limited time in the Yukon right now, but this is their home and this is where they're trying to get back to. Does this help a person like that as far as being in the system?

It was kind of an issue back and forth as to whether or not, under the current regulations and the current system — he received a letter that said, we don't think that you're a resident any more, and he had to prove what he was doing. Could the minister speak to how these regulations would help a situation and a citizen in this particular situation?

Hon. Mr. Graham: I won't speak about specific instances, but what's very important to understand is that the

Yukon has to be their normal place of residence. They must be here, with certain exceptions, and normally a resident in the territory for 183 days a year. If they're normally a resident somewhere else for 183 days of the year, then I would think that they would be further ahead to use that province as their normal place of residence. If you are saying that the person will only be here for a very short period of time each year, then they should be getting their health care somewhere else.

It's very clear from these regulations — 183 days a year, normally resident in the territory. From there we'll make exceptions, but that's the base requirement and, if they don't meet that base requirement, then I think they'll have to decide on their own where they're going to apply for health care.

I have had a personal experience talking with a fellow who spends a lot more than 183 days a year in B.C. but works in the Yukon during the summer for two or three months and would love to consider the Yukon his home, because then he doesn't have to pay health care premiums in B.C. That's what we're trying to eliminate, because it has been a problem. There's no doubt about it — it has been a problem in the past. You've heard anecdotally that we've had as many as 1,000 people on health care who we didn't think were even residents of the Yukon. It was a problem in the past. We think this will create some clarity and hopefully get rid of some of the problems that we have experienced.

Mr. Silver: I appreciate the answer and that this is a complicated issue. With the six months, were the seasonal characteristics of our private sector taken into consideration when determining that it had to be 180 days? How did we come to that date particularly? It's not just one particular case that I can think of, as far as people who identify themselves as Klondikers, that if you're not in the placer mining, if you're not involved in the stripping and the preparation and you're just working heavy equipment, you might not be there for six months of the year, but you've probably come back every single year for 20 years in a row and, if you're not here working, you are not necessarily residing somewhere else — working somewhere else. You are — well, there are a whole bunch of different scenarios.

Was there any consideration as far as the six-month period? Could the minister talk a little more about the problems that they did have with these crazy numbers that people use in that system?

Hon. Mr. Graham: The six months normally resident within the jurisdiction was something that was present across most jurisdictions in the country. We realize a couple of provinces have now gone to allowing people to take seven months off for vacation, and I think that's a real important thing. It's for vacation, but your primary residence is still in the Yukon and you're absent — on vacation — for six or seven months of the year.

It was never anticipated that people who work for three or four months in the territory and then leave for the rest of the time, would be covered by Yukon health care. It was never anticipated and that is not a policy decision that we made. We said that that is simply a no-go.

We were more concerned about people who are leaving the territory to go south on vacation to avoid the cold winters, but are retired people. Let's face it; the vast majority of them are retired people. It was never anticipated that we would cover workers who come to the territory, work only in the summer months and leave. It was never anticipated and we won't do it.

Ms. Hanson: If the minister would indulge me, I'd like to go back just one moment to the questions that my colleague was raising with respect to the expanded scope and responsibilities of the position. I think it's really important. When I raise this question, I have no reference at all to any incumbent or individuals who may be doing a job. When I look at the expanded scope that flows from the legislation that we're speaking to today, I'm asking the question with respect to the expectations as the department moves forward. Has there been a look at the kind of qualifications that are expected of somebody holding the position of director with respect to whether or not they have any — I'm not saying they have to be practitioners in either field, but — experience and exposure to coursework or training in medicine and/or administrative law — particularly the administrative law piece, which speaks to the procedural and administrative fairness. We're setting up a process here for appeals, which is great. We're pleased to hear that — we'll be pleased to see it when it comes out in regulations, we hope.

Nothing — no reference at all — and I think when we're doing any change in an organization, it's always important to look at what are the implications, in terms of scope, going forward and what that means in terms of the expectations of the qualifications of whomever is being charged with carrying out the responsibilities that are put on that position — not the individual, but the position — in delivering on what is expected with respect to these changes.

Hon. Mr. Graham: The director in this position has access to a whole host of additional services should he or she decide to make use of them. I think the one important thing to understand is that in making these changes, in our discussions leading up to this point, the department — and that includes the current director of insured health services — believes that with these regulations in place, her workload will actually decrease because there won't be as much latitude allowed. The exceptions will have a fence around them that they didn't have before. She actually believes that the number and the difficulty making decisions about exceptions will be lower than it was prior to these regulations being in place. It doesn't mean they'll be any less difficult, but that the actual number and complexity will be somewhat less.

Chair: Is there any further general debate? We are going to move into clause-by-clause debate on Bill No. 65, part 1, clause 1.

On Clause 1

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Ms. Stick: I'm looking at (4), "Every person who has been registered as an insured person in the plan shall report to the director, within 30 days of its occurrence" — I just have two questions on that.

One is 30 days — well, the first question must be what information is the department looking for there and is there a consequence?

Hon. Mr. Graham: What this section means is that any person who is registered as an insured person who has a change in the information they provided at the time of registration in the health care insurance plan coverage only has 30 days to report that change in information, so that's the important part there. Only the change in information is required to be reported. The consequence is that their health care benefits may be in jeopardy if they don't report those changes.

Ms. Stick: Just to clarify, if a person had moved and forgotten to mention that or to get in touch with the department about that within the 30 days — and it could be a year later when they realize "Oh, my card hasn't come. It's my birthday, where is my new sticker?" If they were to go back in and say, "I didn't get my thing" and you find out — I'm assuming that their coverage would continue.

Hon. Mr. Graham: The department makes every effort to obtain new or changed addresses on an annual basis. But I guess the thing that would trigger the change is either that they didn't get their new health care card and that would concern them, or if they went to the hospital and found out that their card had expired, so that would also trigger it. We're not trying to force people to do things — if they forget, they forget. I don't think we're going to refuse anyone medical coverage because they forgot to give us an address change.

Chair: Does clause 3 carry?

Hon. Mr. Graham: Sorry, Madam Chair, I would just like to add one thing. This is where the education part of our campaign will be so important. It's very critical that people understand how these things affect not only their health care coverage, but the system in general.

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Ms. Stick: I just wanted to go into paragraph (g) where it says "respecting conditions and requirements for entitlement or continuing entitlement of persons or classes of persons to insured health services or payment in respect of insured health services, including but not limited to conditions and requirements related to registration ..." That line — I wasn't quite clear on what that meant and would ask for a clearer explanation, please.

Hon. Mr. Graham: What it basically means is that regulations may be made, setting conditions or requirements for entitlement to insured health services, including conditions or requirements related to registration, waiting periods, residency and the provision of information to the director of

insured services. So basically, we'll set out in regulation what you need to do in order to be considered for insured health services.

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Clause 9

Ms. Stick: I'm looking at paragraph — sorry, Madam Chair, section 9, clause 9 — I've lost myself. Sorry, Madam Chair.

Chair: Clause 9 on page 4 begins right after "Section 2 amended".

Clause 9 agreed to

On Clause 10

Clause 10 agreed to

On Clause 11

Clause 11 agreed to

On Clause 12

Clause 12 agreed to

On Clause 13

Clause 13 agreed to

On Clause 14

Clause 14 agreed to

On Clause 15

Clause 15 agreed to

On Clause 16

Clause 16 agreed to

On Title

Title agreed to

Hon. Mr. Graham: Madam Chair, I move that Bill No. 65, entitled *Insured Health Services Statutes Amendment Act*, be reported without amendment.

Chair: It has been moved by Mr. Graham that Bill No. 65, entitled *Insured Health Services Statutes Amendment Act*, be reported without amendment.

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: Mr. Speaker, Committee of the Whole has considered Bill No. 65, entitled *Insured Health Services Statutes Amendment Act*, and directed me to report the bill without amendment.

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.

GOVERNMENT BILLS

Bill No. 66: *Act to Amend the Placer Mining Act and the Quartz Mining Act — Second Reading*

Clerk: Second reading, Bill No. 66, standing in the name of the Hon. Mr. Kent.

Hon. Mr. Kent: Mr. Speaker, I move that Bill No. 66, entitled *Act to Amend the Placer Mining Act and the Quartz Mining Act*, be now read a second time.

Speaker: It has been moved by the Minister of Energy, Mines and Resources that Bill No. 66, entitled *Act to Amend the Placer Mining Act and the Quartz Mining Act*, be now read a second time.

Hon. Mr. Kent: I thank members of the House for listening to my second reading speech. I'll thank them in advance, I guess.

It is indeed a pleasure to introduce Bill No. 66, which is an *Act to Amend the Placer Mining Act and the Quartz Mining Act* for the consideration of this Legislative Assembly.

I think it's important to note that this is a result of the Yukon Court of Appeal decision from last December where the Judge of the Court of Appeal had two declarations. One was with respect to class 1 notification in the Ross River area, and what these amendments are designed to do is to comply with that declaration that was made by the Yukon Court of Appeal.

When it comes to certainty and improved relationships, those are key to maintaining Yukon as a place where the mining industry can succeed and provide tangible opportunities for all Yukoners. We know that the mining industry relies heavily on investment from outside of our borders. We need to ensure that we maintain that healthy regulatory environment, continue to make those strategic investments that we're making in energy infrastructure, and highways, bridges and other related infrastructure, investing in the education and training for a skilled work force so that we can draw on as many local people to provide the labour market for the industry as well.

Again, that regulatory certainty — ensuring that we have a competitive legislative package and a competitive regulatory package that those investing in the mining industry and those engaged in the mining and exploration industry are comfortable with and certainly understand.

During this last year — although I did outline it yesterday during debate on private members' day — I think it's important to outline the timelines on how we arrived at where we are today. The government did take some time to consider both the declarations made by the Court of Appeal and chose to appeal one of them to the Supreme Court of Canada, which everyone in the Legislature knows was denied in September of this year. This other declaration is one that we chose to accept, and we did send that notification to First Nations in

March — that we had determined that we would be accepting this declaration of the Yukon Court of Appeal.

There are internal processes that we need to go through and those were completed in May of this year with the targeted consultation to First Nations and industry stakeholders as well as the opportunity for the public to comment. That began in June and concluded at the end of July, so a 60-day public-targeted consultation piece with respect to this legislation concluding at the end of July. Members will know that early in August there was a Cabinet shuffle and I took responsibility at that time for Energy, Mines and Resources. In the meantime, though, the officials began working on the legislative amendments as well as the regulatory package for this legislation and, of course, moving toward that December 27 court-ordered deadline that we have to comply with as far as introducing these amendments and the regulatory package.

As I mentioned, we did hear from many people, organizations, as well as First Nation governments, on how we should proceed with these amendments and, needless to say, there were a number of diverse views that we needed to take into consideration.

What we brought forward during this sitting and what is before the House now is a responsible way forward — a way to update our mining legislation to meet legal requirements and improve the mining regime overall.

With respect to the Court of Appeal decision on the declarations, the first declaration said that the Government of Yukon has a duty to consult with the Ross River Dena Council in determining whether mineral rights in the Ross River area are to be made available to prospectors under the *Quartz Mining Act*. As I've mentioned a number of times on that front, there have been and continue to be positive and constructive meetings with the leadership of the Ross River Dena Council. Of course, work on that declaration is being led by the Executive Council Office. A team from the Aboriginal Relations branch of that department is engaged in discussions to identify those lands in the Ross River area that will not be made available for staking. As I've said a number of times, I don't believe it's in the best interests of those negotiations to discuss them in any detail on the floor of this Legislature and with the media, other than to say that it is my understanding that the meetings have been positive, constructive and progress is being made.

The second declaration mentioned that the government has a duty to notify and, where appropriate, consult with and accommodate the Ross River Dena Council before allowing any mining exploration activities. That is with respect to the class 1 activities. There is a need to improve the information sharing about low-level class 1 exploration activities, in order to minimize the conflicts on the land, improve compliance with government regulations and enhance our environmental management. Class 1 exploration consists of grassroots activities and generally has low potential to cause adverse environmental effects.

Currently, prospectors undertaking class 1 activities are not required to inform government of their work.

These amendments will enable the Yukon government to establish additional operating conditions in areas with identified special environmental or socio-economic concerns. This will allow us to better manage lands that require a higher level of care and these special areas can include certain settlement lands and designated areas identified in land use planning as well. In addition, these measures will allow for more effective monitoring and compliance through notification or approval of class 1 activities.

Any changes to Yukon government's mining legislation needs to be efficient and effective. We believe these changes are an example of building upon a strong regulatory regime that supports business. These amendments before the Legislature are just the most recent of many improvements that we have made to our mining legislation over the years. The courts and placer mining acts have been updated many times since their origin and I'd like to provide members with some information on a few of the recent amendments our government has undertaken.

In 2005, amendments were made to the mining land use regulations to incorporate the environmental assessment reviews under the *Yukon Environment and Socio-economic Assessment Act*. We developed the mine reclamation closure policy and accompanying security regulations for hardrock mines in 2006. In 2010, we made amendments to the *Quartz Mining Act* to modernize claim staking administration and created new royalty regulations.

The *Quartz Mining Act* and the *Placer Mining Act*, as I've mentioned on a number of occasions in this Legislature, are long-standing statutes that provide a well-understood framework for mineral exploration, development and production in the territory. The *Umbrella Final Agreement* and the First Nation final agreements recognize and were designed around Yukon's public statutes, including the *Quartz Mining Act* and the *Placer Mining Act*. This is apparent in the definitions of category A and category B lands, access provisions, royalty sharing provisions and other aspects.

Yukon's operating mines have benefit agreements with First Nations and are employing many First Nation people. Many Yukon mineral exploration projects also have benefit agreements with First Nations. Of course, I've mentioned that royalties from the Minto mine, owned by Capstone and paid to the Selkirk First Nation, have been in excess of \$13.3 million. The reason that those royalties are transferred from the company to the Government of Yukon and then to the Selkirk First Nation is because that mine is on category A settlement land, where the Selkirk First Nation owns surface and subsurface rights. Those royalties, plus a number of other agreements and contributions that Capstone has made to the Selkirk First Nation, have certainly improved the quality of life for individuals in that First Nation.

Unlike many jurisdictions in Canada and abroad, Yukon's economy continued to perform well and post growth during the economic downturns of 2008 and 2009. With the softening in the metal markets and some of the uncertainty that we've seen in the investment market over the past while, it has led to some investors taking measures to cut costs, including some

delays in projects, reduction in production and some reduced labour force.

Our government recognizes the challenges that junior mining companies face with respect to the equity markets and understands that growth of Yukon's mining industry is influenced by commodity prices, world capital markets and their fluctuation.

Mineral exploration is still widely occurring in the Yukon. Companies are evaluating and consolidating their projects and their properties. I know that one of the programs that we agree with — I believe there is consensus in this Legislature that it is a good program — is the Yukon mining incentive program, which we enhanced this past year for a total investment of \$1.17 million. Those dollars are typically leveraged by investors at a 4:1 ratio.

Those types of programs are extremely important to the industry moving forward. There are a number of things that we are doing to support the industry. We need to emerge from the softening markets and the softening global metal prices in better shape than when we went in. That includes looking at our regulatory regime.

Of course we have to comply with the court order and make these changes to the *Quartz Mining Act* and the *Placer Mining Act* that are before the House right now. That's exactly what we're doing.

There are some licensing improvement initiatives that are underway. There are additional investments, as I mentioned, in mine training through the Centre for Northern Innovation in Mining, our close to \$11-million commitment as well as a \$5.5-million commitment from the federal government to invest in training individuals to be ready to take advantage of the jobs and opportunities that exist within our mining sector.

The amendments that we have before the House right now — we are moving toward that court-ordered deadline of December 27. We also need to develop regulations and they need to go through our approval process before they're announced, but we're confident. I believe it was mentioned to members at the departmental briefing on this bill that we will be able to meet the December 27 deadline with respect to the class 1 notification. I guess ultimately this court decision has clarified government's responsibility to engage First Nation partners as expectations and responsibilities have evolved over time.

I know that this has certainly been the subject of conversation on the floor of this House mainly during Question Period over the past while, but I think there are a few things that I'm hoping I can get some clarification from members opposite on while they're engaged in their second reading speeches here this afternoon. I'm sure the Official Opposition will bring up the successor resource legislation and the calls for that.

I did mention a number of amendments that have been made to the regulations and the acts and we didn't believe that those triggered the need for successor resource legislation. We don't believe that the proposed amendments triggered the provision of the devolution agreement either. We don't agree

that this work requires formalization through the successor resource legislation working group.

Although, with respect to all of the letters that we've received — whether they are addressed to officials or myself or the Premier — we intend to respond to those letters. As I have mentioned on the floor of the House, there was a letter sent by the Premier to First Nation chiefs, I believe, in September that did invite discussion of the reconstituting of the successor resource legislation working group.

I have been clear and our government has been clear that we don't believe that the quartz and placer mining acts are legislative pieces that require an extensive overhaul. I know that we agree to disagree with the Official Opposition on that. It did come up again in Question Period today and I believe I stated our position with respect to those pieces of legislation.

As I mentioned earlier, we are in a global competitive environment when it comes to investor dollars in the mining sector. We need to ensure that we continue to make ourselves the most competitive we can be when we're looking to attract those dollars. I know the Minister of Economic Development has travelled with the Yukon Gold Mining Alliance to centres in Europe as well as the United States and Canada.

There have been trips to Asia, as well, to identify investor opportunities. We've had many companies and individuals come here and speak to us with respect to the competitiveness of the Yukon. We have a number of things we don't control but, as the past president of the Yukon Chamber of Mines mentioned at the investor forum hosted by the YGMA just ahead of the Geoscience Forum, on those things, we're in pretty good shape. It's the mineral endowment, the geology of the Yukon — those types of things that aren't in our control — where we're in very good shape.

We're relatively underexplored. We have decent infrastructure for a northern jurisdiction. I would say it's far and away better than what they have in the Northwest Territories and Nunavut, as well as many of the other international jurisdictions that are north of 60. But again, we need to be diligent in our work on our licensing, our permitting, and our regulatory and legislative framework.

With respect to these amendments that are before us, the position of the Official Opposition has been pretty well-articulated by the leader and others. We go back to their platform and many of the commitments they made in 2011, when they, along with others, were seeking to be elected by Yukoners.

Again, I certainly don't need to go through them. They've been well-documented and well-stated as far as how the NDP feels about the mining industry and what they would like to do.

I'm hoping that the Member for Klondike can provide a couple of clarifications, because I know earlier on in the sitting when questions were asked, he did state at that time that he wouldn't be supporting this legislation, but he did make that commitment prior to receiving the briefing by officials. I'm just wondering if that is still his position with respect to this legislation after making that commitment

earlier and then receiving the briefing from officials on some of the aspects that perhaps he had some questions about.

I'm also curious, I know we talked a while ago about some industry and First Nation negotiations that he had stated were going on with respect to coming up to a solution on this. As I mentioned in the Legislature at the time — I know he brought it up, I believe, during Question Period — during Geoscience and that evening I did speak to a number of individuals, including representatives at Yukon Chamber of Mines, and that was certainly news to that organization. It was news to the president of the Prospectors' Association whom I spoke to, and it was certainly news to me. I'm hoping he can provide some clarification on that as well — who was conducting these negotiations and what mandate they were conducting them under. I'd be curious to know who he was speaking to about that and what table these discussions were occurring at.

I didn't, obviously, get the opportunity to talk to anybody from the Ross River Dena Council about that, but I'm sure that perhaps they heard, or the Member for Pelly-Nisutlin maybe had spoken to some of them with respect to this. It wasn't anything that came up when the Premier and I met with the Chief of the Ross River Dena Council and one of their councillors. So again, hopefully the Member for Klondike can provide a little bit more clarification around that statement that he made on the floor of this House earlier on in this sitting.

I'm pretty much drawing to a close on my second reading speech with respect to this act. I know that we are actually moving relatively quickly through a number of the departments and the legislation. I know that after today we only have eight days left. A couple of those days, of course, are reserved for private members' business and we will be bringing in the Yukon Development Corporation and the Yukon Energy Corporation. But I am anxious to get back into this in Committee with officials' presence and get into some of the detailed concerns that members opposite have with respect to this legislation.

We are under court order to have this complete by December 27. Officials and government — we're confident that we can meet that December 27 deadline with respect to this declaration that Energy, Mines and Resources is working on. Of course, it starts with the passing of this legislation here in the House as well as the introduction of the accompanying regulatory amendments that we need to introduce as well.

With that, Mr. Speaker, I'll turn it over to members opposite for their comments, and I'll look forward to providing closing comments at the end of second reading.

Mr. Tredger: I thank the member opposite for his introduction to Bill No. 66. I rise to speak on behalf of the New Democratic Party to the *Act to Amend the Placer Mining Act and the Quartz Mining Act*.

The court decision with the Ross River Dena Council provided us with an opportunity. It also presented us with a challenge. Where we go and how this government responds to that will determine where we are headed over the next while.

It will determine the viability of our industry. It will determine our relationships with First Nations.

After the Yukon Court of Appeal's Ross River decision, the government had an opportunity to work with First Nations and industry to come up with new, forward-looking legislation to replace the *Quartz Mining Act* and the *Placer Mining Act*.

Together Today for Our Children Tomorrow and the subsequent final agreements fundamentally changed the relationship between Yukon First Nations and the Yukon government.

This government seems to be in a long-lasting state of denial. This is reflected in how these amendments came about, in the strategy they represent on the part of the government and also in the way the regulation issue is being pursued by this government. The government made a clear choice when it rejected the Ross River decision and appealed the court decision. Instead of starting Yukon on a new path to a modernized mining regime for the territory, the government chose what it mistakenly thought would be the easier route by bringing in these amendments to the *Quartz Mining Act* and the *Placer Mining Act*. It didn't have to be so.

Following the December 2012 appeals court decision with respect to the Ross River Dena Council, Yukon First Nations offered to work with the Yukon government to use the decision as an opportunity to modernize Yukon's mining regime. These amendments represent an attempt to continue with business as usual, but this will only extend the period of uncertainty this government has already taken us into.

These amendments were triggered by the requirements set by the Yukon Court of Appeal on December 27, 2012 regarding the duty to notify and, where appropriate, consult with and accommodate the Ross River Dena Council before allowing any mining exploration activities to take place in the Ross River area.

When the Supreme Court of Canada rejected the Yukon government's request to appeal the Ross River ruling in September, it affirmed that the Yukon government has a duty to consult with First Nations when recording mineral claims in the Ross River Dena Council's traditional territory.

It took almost two months before the government provided the affected First Nation governments with a draft of the regulations on November 13. They said they expected a response by December 2. We are now deliberating the passage of Bill No. 66. How can this government claim that this process is meaningful consultation?

In a letter to the Premier, Chief James Allen states, "We find the consultation process to date flawed and entirely inadequate. There has not been sufficient time or enough information or opportunities to discuss issues and exchange ideas to provide a fully informed and considered opinion."

This government needs to reconsider its present strategy of pushing through rushed amendments and immediately begin to engage in genuine, collaborative arrangements with Yukon First Nations to develop new mining legislation for the Yukon. Yukon First Nation governments have made it clear for a number of years that Yukon mining legislation is inconsistent with the final agreements. The courts have clearly

indicated the need to have consultation before a prospector or mining company stakes a property.

The Ross River decision is an important recognition that claims staking is not free of impacts to aboriginal title, as it establishes an interest by a third party that can impact future decisions about the land.

It seems that this government has created these amendments to the act and is now working on regulations without adequate First Nation input to determine what activities are to be included, and little visibility as to how they are to be determined. We have an opportunity now. We are in a lull in mining activity. There is a worldwide slowdown. We are in a good place to get ready for the next mining boom when the competing pressures are much more difficult to sort out.

The government has an obligation to work with First Nations to develop new mining legislation according to the devolution transfer agreement that gave Yukon province-like responsibilities to manage and administer land resources. The staking rush we saw in 2011 made it clear that the Yukon needs to overhaul its mining regime and coordinate these efforts with regional land use planning and resource planning, which would give First Nations and all Yukon citizens assurances that they will be respected.

These amendments don't do anything to deal with the inconsistency between present Yukon government policies and legislation and the Yukon First Nation final agreements. This inconsistency is why the devolution transfer agreement obligates the Yukon government to work with Yukon First Nations to create new mining laws, which are referred to in the agreement as successor legislation.

Currently the successor resource legislation working group is inactive. This is telling. According to the devolution transfer agreement, the working group shall serve as a cooperative working arrangement between YTG and First Nations in respect of the development of successor resource legislation, and its overall role shall be to make recommendations to the YTG and to Yukon First Nations in respect of such legislation.

Mr. Speaker, this is an opportunity lost. This would be an ideal time for the Premier to approach Yukon First Nations, to approach the successor resource working group, to find a way to create certainty in our mining regime. It is clear that how these new court-ordered changes to mining legislation actually look like on the ground depends as much on the ensuing regulations as it does on the legislation.

This government expects to conclude consultations with the Ross River Dena Council, industry and other affected First Nations by December 27. But, Mr. Speaker, the affected First Nations only received a copy of the draft regulations three weeks ago, on November 13. They were given until December 2 to respond.

We are now deliberating the passage of Bill No. 66. How can this government say that this process is fair and meaningful consultation?

The minister said that the Yukon government is — and I quote — trying “to meet that court-ordered declaration with a

deadline of December 27 of this year”. But this process has been mismanaged from the beginning and it is now a rushed process that seems designed to prevent respectful and meaningful engagement of Yukon First Nation governments.

It is always interesting to see what good negotiators understand — that you must ensure that the parties at the table feel that they are being respected and taken seriously. This isn't about doing the minimum to follow the letter of the law; it is about understanding that respect goes a long way to encourage people to come to the table with an open mind.

If you are asked to come to a table a few weeks before a deadline and are asked to agree to regulations you had no part in creating, you are not likely to feel that you are being respected.

Chief Carl Sidney said, “Our citizens and elders entered into the final agreement with an optimistic view that we were engaged in outlining an ongoing relationship of mutual respect and understanding. We believed and were assured that our rights would be respected and protected and that a true government-to-government relationship would be developed as laid out in the roadmap of our final agreement and self-government agreement. Sadly, this has not been the case and instead we are treated as an after-thought, a hurdle to jump over, rather than a respected participant in the governance of the territories and the lands that we share.”

Considering that there are only a few weeks remaining before a court-ordered deadline, what is the minister's plan B if new, agreed-upon regulations are not in place by December 27? Where is the visibility, the clear direction?

Mining techniques are rapidly evolving, and techniques that weren't available even a few years ago are beginning to be used extensively for exploration and mining operations. Technological advances allow us to consider mining activity in lands that were once too remote. We need to ensure that we continue to promote sustainable mineral resource stewardship for the benefit of all Yukoners. That is why Yukon citizens and First Nation governments are calling for more land use planning that recognizes all uses of the land. They want to work with government to develop a working relationship, to be more proactive and to create a better climate for responsible development of our shared resources.

In the Yukon Court of Appeal decision, the judge stated that: “The duty to consult exists to ensure that the Crown does not manage its resources in a manner that ignores Aboriginal claims. It is a mechanism by which the claims of First Nations can be reconciled with the Crown's right to manage resources. Statutory regimes that do not allow for consultation and fail to provide any other equally effective means to acknowledge and accommodate Aboriginal claims are defective and cannot be allowed to subsist.”

The government seems to believe that any call to modernize our mining regime has a negative impact on the Yukon's reputation as a place to invest in mineral exploration and will make it tougher for prospectors. This ignores the fact that persistent conflict and lack of clarity about the process for reconciling aboriginal rights and title are eroding the government's ability to bring together different social,

economic and cultural perspectives, values and interests, which is increasingly perceived as risk for the very investors we are trying to attract. Investors are looking to invest their money and get a return on their investment. They do business in jurisdictions with very different mining regimes, including many that have been modernized. They will be investing in places with modernized mining regimes more and more.

The jurisdictions that have been able to create a better climate of certainty will be in a better position to attract investors. Those who are stuck in endless court battles are at a disadvantage. Citizens and First Nation governments have indicated a desire for responsible resource development. The Yukon mining industry and Ross River Dena Council want to continue working together to develop the mining potential and other economic opportunities for the Ross River area.

Industry and the Ross River Dena Council are asking government for certainty. They would like this government to sit at the table and work out a fair and productive solution that will benefit all Yukoners.

The Yukon government has clear obligations and opportunities set out in the First Nation final and self-government agreements, along with the devolution transfer agreement to work in partnership with First Nations on resource mining legislation.

The UN Committee on the Elimination of Racial Discrimination's 2012 report on Canada, expressed a concern that — and I quote: "...Aboriginal peoples incur heavy financial expenditures in litigation to resolve land disputes with the State party owing to rigidly adversarial positions taken by the State party in such disputes."

Establishing clear rules and co-managing regimes to address the conflicting interests would bring a level of certainty that would benefit the mining industry. Mr. Speaker, having sought and incorporated the views of all Yukoners, including First Nation governments, municipalities, economic sectors such as tourism, mining, agriculture and citizens would provide the social licence necessary for Yukon's mining industry to thrive for decades to come.

While the Supreme Court confirmed that modernizing our mineral staking system is needed to honour our relationship with First Nations,, it is also a smart economic decision. A modern mining resource development system that minimizes conflicts and provides certainty would create a sustainable business environment for mining in the Yukon.

Over the past few years, the Ross River Dena Council has been carrying out resource planning exercises. It's doing its part to develop detailed data on traditional knowledge in its traditional territories in order to inform resource planning. Yet again, the process has stalled, as has land use planning in other parts of the Yukon.

We're looking at what upholds the essential socio-economic and environmental values of the Yukon and respects aboriginal and treaty rights referred to in section 35 of the *Constitution Act* of 1982. How does this bill respect this purpose? Where is the process to flesh out regulations? We have a definite place we need to be with these regulations by December 27. How does the minister propose to get there?

This seems to be a case of the left hand being instructed not to speak with the right hand. Aboriginal Relations is meeting with First Nation governments. Energy, Mines and Resources is meeting with First Nation governments. But the leadership is absent. They separated two very unified processes. The problem is that it is precisely now that we need leadership to find a solution.

When I look through the amendments, there are no regulations designating special operating areas or designated areas. There is no transparency or indication as to how these areas will be determined. I know the First Nations are very concerned about how that will be arrived at.

One of the aspects of Bill No. 66 that First Nations have expressed concern to me about is the chief mining officer's ability to make unilateral decisions regarding the designation of special operating areas. Bill No. 66 contemplates reclassification of activities by order of the Executive Council without full consultation with Yukon First Nations.

In the bill, it contemplates EMR planning traditional areas for the purpose of mineral exploration not, as outlined in our agreements, bilaterally with First Nation governments, but unilaterally through Cabinet decisions. In handing down its decision in the Ross River case, the Yukon Supreme Court acknowledged the historic importance and economic value of the free-entry system to the Yukon. However, the court was also very clear in saying that the free-entry system does not allow the Crown to act in accordance with its constitutional duties.

The government seems to think that any attempt to modernize our mining laws and regulations is anti-mining, but in fact, the opposite is true. Thirty years ago, many people argued that environmental regulatory efforts would lead to an end to industry, but industry has proven that it can thrive when good regulatory structures are put in place by government and that these have the effect of creating incentives for industry to innovate.

The amendments to the *Quartz Mining Act* and the *Placer Mining Act* tabled in this House are the result of this government's inability to realize the fact that the status quo for mining is passing. As anyone in the industry will tell you, new technology and new ways of mining are quickly evolving. The mining industry will adapt, just as they have adapted to the development and enforcement of environmental stewardship laws in the past several decades.

The minister said this week that the government believes that court action was between the Ross River Dena Council and the Yukon government, not between all Yukon First Nations and the Yukon government. This is a very telling comment, because it demonstrates clearly how this government uses the courts to guide its decisions and actions. Instead of taking a proactive approach, it continues to do the bare minimum required by courts when it comes to consulting with First Nations in amending mining laws.

I wonder why the government is pressing ahead with Bill No. 66 in light of all the issues that have been raised. It doesn't have to be so. I understand that the Ross River Dena Council court declarations come into effect December 27, but

this doesn't mean that the government has to have amended mining legislation in place by that day. There are other options. There are other ways to satisfy the declarations.

The Ross River Dena Council has requested the government to withdraw the mines and minerals within the Ross River Dena's traditional territory for a limited time in order to allow the necessary time to develop arrangements for the conduct of exploration activities in the Ross River Dena Council traditional territory. This seems to be a very reasonable suggestion, given that it is December and virtually no exploration will take place until April next year.

Additionally, this is an opportunity — a wake-up call, as it were. The government needs to reconsider its present strategy of pushing through rushed amendments and immediately begin to engage in a genuine collaborative arrangement with Yukon First Nations to develop new mining legislation for the Yukon.

This is an opportunity. This is an opportunity for this government. This is an opportunity for First Nations. This is an opportunity for business and industry. This is an opportunity to involve First Nations in a meaningful and genuine way. This is an opportunity to meet our legal obligations. This is an opportunity to create certainty and a framework for industry.

Mr. Speaker, will we work with our partners to develop a regime that satisfies our legal and moral obligations? Will we work to develop a regime that recognizes our responsibilities as stewards of the land? Will we work together to develop a framework that ensures certainty for a viable, robust and responsible industry, or will we slide toward litigation and divisiveness? Will we slide toward continuing uncertainty?

What kind of Yukon do we want? What kind of leadership will we see from this government? I know that the Yukon people I've talked to — the miners, First Nations, people who go out on the land — they want to see all Yukon people working together to develop a regime that allows us to move forward and to grow into our role as responsible stewards of the land.

Mr. Silver: I am pleased to speak at second reading on Bill No. 66. I would like to say that, even after attending the briefing with the officials from the Department of Energy, Mines and Resources, I am very skeptical. I have also heard from groups on both sides of this debate and neither one is very happy with how the government has handled the bill.

As far as who tells me what, the only thing I can say to that is, I didn't get where I am today by betraying the confidence of those who come forward with concerns and issues to me. I will also point out that the mining industry, as everybody knows around here, is a very tight-knit community. If the minister is denying there is a problem with the legislation within that industry, then that is truly unfortunate. If he believes that consultation with First Nations was adequate, that also is unfortunate. Both the minister and the Premier have heard these concerns.

The bill is a response to a court decision that was handed down last year. The bill before us covers off the second

declaration of the court, which dealt with the Government of Yukon's duty to notify and, where appropriate, consult with and accommodate the plaintiff before allowing any mining exploration activities to take place within the Ross River area, to the extent that those activities may prejudice aboriginal rights or claims by the plaintiff.

First, however, I would like to speak briefly to the other aspects of the court decision. The court did say this, and I quote: "...the Government of Yukon has a duty to consult with the plaintiff in determining whether mineral rights on Crown lands within lands compromising the Ross River Area are to be made available to third parties under the provisions of the Quartz Mining Act."

After this court decision was announced last December, the government was given 12 months to come up with a solution. Instead of getting to work figuring out what that map would look like, the government decided to appeal. This was well within their rights. They decided to appeal and waited until they were told "no" in September of this year before even talking to Ross River about what land would be set off limits.

That's nine out of 12 months lost, and now we are down to only four weeks to reach an agreement. A session at the recent Geoscience Forum on this very subject was cancelled at the last minute because there was no progress to report.

Given how little time is left on the clock until the December 27 deadline, many mining industry people are concerned that an agreement will not be reached in time. The cancellation of the planned discussion at the Geoscience Forum only added fuel to that fire.

People who I have spoken to in the industry have told me that a moratorium on staking in the Ross River traditional territory is being considered by the government as a possible option to meet the court ruling. It would be very unfortunate if it came to that; however, we haven't seen any real forward progression with First Nations and so there is much cause for concern. When I asked the minister this question recently, he refused to rule out in this House a moratorium and he said he was optimistic that he could reach a deal. Again, it is unfortunate that it has come to this, but the government's decision to appeal the ruling meant that there would be little time left to negotiate. The government gambled in the court and they lost that gamble and now the entire Ross River Dena Council traditional territory could be likely off-limits for at least six months or longer.

If the government is planning a moratorium on staking in the Ross River area, the bill before us is unnecessary at this point. As long as the Yukon Party's latest moratorium comes into place on December 27, the government will be meeting both aspects of the court decision. Delaying the bill would allow for more time to discuss it with other First Nations and industry. The minister has indicated that this is not something that the Ross River Dena Council wishes and I guess time will tell once we get to December 27 where we are going to be with that.

In a larger context, the government's unwillingness to engage with Ross River and other unsettled, unsigned First

Nations has brought us to this point. The only place the government meets these unsettled, unsigned First Nations is in front of a judge. Over a 10-year period, this pattern has repeated itself over and over again. During that time, the Yukon Party has failed to either finalize a land claim or come up with any interim agreements to address unsigned First Nations' concerns.

The result is economic uncertainty and lots and lots and lots of legal bills. There is a price to pay when you follow this approach and this government does — and we're seeing it play out before us.

I will now return to the other aspect of the court ruling in this decision that this legislation actually addresses. There are indeed many questions being asked by both First Nation leaders and by the mining industry. It is ironic to see the Yukon Party government, which does pride itself on the relationship with this mining community, subject to so much criticism from that very industry.

The industry has a number of valid concerns and I hope to get some more answers to these questions. These questions come directly from industry. Why were consultations held in June and July when the industry is at its busiest? Why were some of the industry groups not consulted at all before the decision paper was released in June? Why does the legislation go well beyond the issues raised by the Ross River court decision and into the creation of special operating areas that are being introduced to address this government's vision of land use planning? Why are mining companies being punished because of this government's lack of a working relationship with unsigned First Nations? Why are mining communities being punished because of this government's failure over a decade to reach any kind of final or interim agreements with unsettled First Nations? Why didn't any stakeholders see this legislation until it was tabled in this Legislature? Why were stakeholders only given 14 business days to review plain-language regulations that will accompany this act? Will anyone see the completed regulations before they are made into law?

There are many more questions, and I will save those for Committee of the Whole debate on this bill.

As far as consultation with First Nations, when I met this summer with the Chief of the Ross River Dena Council and the Chief of the Liard First Nation, they both said that there had been no government-to-government consultation on the changes to this act. Why did the Premier and the minister wait months before actually talking to the Ross River Dena Council?

Consultation on regulations — during a briefing, officials confirmed that the regulations to accompany this bill will be enacted. The regulations as well as the bill will be enacted on December 27 of this year.

A plain-language version of these regulations was forwarded to stakeholders on November 13, only six weeks before they become law. Stakeholders were given 14 business days to look at these regulations. To my knowledge, the actual regulations themselves have still not been provided to industry or First Nations. Is this adequate consultation on major

changes to rules of their game? The answer to that is obviously "no".

The bill goes well beyond implementing a single court-case decision when we are talking about special operating areas. It contains new provisions to address land use planning issues. The provisions are called "special operating areas" and they are of great concern to the mining industry. We know this because the government's own documents confirm that. The creation of special operating areas is meant to address, among other things, and I quote: "areas identified and approved through regional land use planning". Why is the government amending our mining legislation to address land use planning issues?

One mining person whom I spoke to said the introduction of these special operating areas came out of the blue. The changes to the act to include the special operating conditions don't really result in securitive tender when you stake a claim. It opens the door for discretion, which nobody wants. It is an unclear playing field. The minister has maintained that the amendments are minor and only address the Ross River decision. Documents from his own department don't back up that assertion.

The discussion paper released in June said that these new restrictions were being created to address areas identified and approved through land use planning. It looks like the government is using this act to set up rules for land use planning in areas like, for example, the Peel. Why on Earth are these included in a bill that the minister says is only to address the Ross River court case?

The executive director of the Chamber of Mines said that these changes were a big topic of conversation during the Geoscience Forum. Miners are not happy that this government is making major changes to the act that go well beyond the original Ross River court decision. These are changes that relate to land use planning, and the government is trying to pass them off as being part of implementing the Ross River court decision. They are two different things and they are only causing more uncertainty for an industry that just went through its worst exploration year in almost a decade.

The government has tried to defend the consultation process and the contents of the bill. Let's take a look at what some of the stakeholders had to say about both the process and the content of this bill — and this is from the post-consultation report, August 2013. I'm quoting from the Klondike Placer Miners' Association: "Concern that placer operations do not have the option to pay 'in lieu' as is the case with quartz programs. This means that any delays caused by consultation could result in the loss of a field season and the possibility of accruing the necessary assessment work to retain mineral tenure."

From the Prospectors and Developers Association of Canada: "Notification should be restricted to the traditional territory of the Ross River Dena Council only."

From the Klondike Placer Miners' Association: "The notifications should only apply to quartz exploration in the Ross River Dena Council traditional territory."

There are more here — concerns from the Yukon Prospectors' Association, the Yukon Chamber of Mines. From the Carmacks RRC and MiningWatch: "There should be no additional regulatory power for the Minister to define identified areas in the legislation. It should be established under Chapter 11 of the final agreements."

From the Selkirk First Nation, Tr'ondëk Hwëch'in, Liard First Nation, Kluane First Nation and others: "Notification does not constitute 'meaningful consultation'. Yukon still had 'duty to consult' on proposed changes."

The list goes on. From Champagne and Aishihik First Nations and Selkirk First Nation: "First Nations want to review and comment on draft legislation before it is brought forward to the fall legislative sitting."

We heard more criticism from First Nations this week. A letter from Tr'ondëk Hwëch'in to the Premier begins, and I quote: "We write this letter under the pressure of an unrealistic deadline imposed by the Yukon Government."

Here's what TH had to say about the consultation process: "Alongside other Yukon First Nations, we have cooperated with the Yukon's last-minute and irregular schedule as much as we could". The Teslin Tlingit Council has described the consultation process as, and I quote, "vague, confusing and contradictory". The mining industry had simply said back in June that the consultation period for amendment was way too short.

It's bad enough that government has allowed so little time for consultation to occur but it is even worse that the government has ignored almost all of what it did hear. Stakeholders didn't even see legislation until it was tabled in this House because it wasn't ready until then.

With regard to the regulations, stakeholders were given 14 business days to review it — only 14 days. Here's what Tr'ondëk Hwëch'in think of the bill, and I quote: "...we are astounded to discover that our efforts had borne virtually no fruit. Not only did most of our recommendations go unheeded, but the tabled bill is also inconsistent with the Discussion Paper." They went on to say, and I quote: "TH is troubled by Yukon's tabled amendments and regulation plans..."

I guess there is not much more to say, Mr. Speaker. I hope that we get some answers to these questions in Community of the Whole later. I understand the minister's frustrations. I really do. He has been the minister of this department for a few months. This is not a small change to the regulations. This is causing a major tide of questions. As far as issues this summer, my phone has not run off the hook like this before.

This is one of the biggest issues that we face right now. We're running out of time in the Legislative Assembly. We didn't receive a briefing on this until — well, we didn't receive the bill until the very last day possible. It was one of our last briefings. There are a lot of questions, and these questions aren't necessarily just questions from the Liberal Party. These questions are from the First Nation communities — settled First Nation communities and unsigned as well — and also from the mining industry.

We're hoping we're going to get respectful answers back to these questions. If we're off — if we're wrong and if there are answers to these questions then we would love to hear them today and we would also love to hear them during Committee of the Whole.

Ms. Hanson: I thank the speakers who have preceded me for raising a number of the very important and serious issues that are confronting us as members of the Legislative Assembly as we look at the amendments to the *Quartz Mining Act* and the *Placer Mining Act*.

The Official Opposition has also heard from many people over the last number of months. We had meetings this spring and summer, just after the discussion paper came out, with members of the mining sector who expressed their consternation at the timing of the consultation process — at the height of their busy season. Over the last number of months, there have been concerns raised by many First Nation governments, as my colleague, the Member for Mayo-Tatchun, has outlined very effectively.

I wanted to go back to a number of comments or assertions that have been made in the Legislative Assembly, just to make sure that we are talking about the same issues and the same opportunities.

The minister and the government have been quite clear in their views and the minister has said numerous times in this Legislative Assembly that the Yukon Court of Appeal did not question Yukon's free-entry system in its decision. He said this, I think, on November 20 and I think he said it again on December 3. In fact, these statements that the minister has made are really not consistent with what the Court of Appeal said. He may be referring to what Justice Veale said in his ruling, because Justice Veale considered — and I'm reading from the Yukon Court of Appeal decision, Mr. Speaker — sub-paragraph 42.

It is apparent that Judge Veale considered the free-entry aspects of the *Quartz Mining Act* to be essential to the mining industry, considering that any requirement of consultation, other than the mere furnishing of notice of claims, would be impractical. The Court of Appeal — the judge said in the next paragraph: "I am of the opinion that the judge erred in his analysis".

He further went on: "I fully understand that the open-entry system continued under the *Quartz Mining Act* has considerable value in maintaining a viable mining industry and encouraging prospecting. I also acknowledge that there is a long tradition of acquiring mineral claims by staking and that the system is important historically and economically to Yukon".

He went on to say: "It must, however, be modified in order for the Crown to act in accordance with its constitutional duties."

For the minister and the government to suggest — you can't reconcile what he said with what they have said in their appeal or their seeking leave to appeal to the Supreme Court of Canada — because they acknowledged in their leave to appeal that the decisions of the court challenge — if the

decision of the Court of Appeal is allowed to stand, the current system of free-entry used in much of Canada is at risk. The court agreed with the Court of Appeal. So, de facto, what the minister has acknowledged and what the court has acknowledged is the free-entry staking system, as it has been in place since the 1840s, is at challenge here. That is what the First Nations and mining — to a large extent, I would say there has been some acknowledgement, more and more, by industry, but for sure First Nations have acknowledged this.

For the minister and for the government to suggest that there has been no suggestion or no requests by First Nations to deal with this until it became a crisis is incorrect. In fact, there is a history, going back to 2011 at the height of the peak of the mining boom, of attempted engagement by First Nation governments to ask this government to get on with successor legislation.

I'll point out to the minister that it's not only in the devolution transfer agreement that we see reference to the requirement to establish the successor resource legislation working group. In fact, the self-government agreements — and this is really important, because there has been an attempt by this government to solely focus on the Ross River area and the Ross River Dena Council in its response on this — but in fact there is a requirement under the self-government agreements — and I know it is cumbersome and difficult to actually have to pay attention to these agreements that we've negotiated — 1354 says that where Yukon reasonably foresees that a Yukon law of general application which it intends to enact may have an impact on a law enacted by X First Nation, the Yukon shall consult with that First Nation before introducing the legislation in the Legislative Assembly.

Not only do we have a requirement where we're introducing legislation — which the minister has tried to minimize, saying that it's not successor legislation. First Nations would disagree. I think industry is now beginning to realize that it is. They are ignoring the fact that where First Nations — and a number of First Nations have passed land and resource legislation — they have an obligation under the self-government agreements to consult. These are not minor omissions in terms of process. They are actually requirements.

My colleague from Mayo-Tatchun has been very clear in terms of the efforts and the comments and concerns that have been raised across the board, but I think we must be clear for the record that going back as far as May of 2011, there were letters to the Yukon government asking them to address concerns with class 1 activities.

There is correspondence to the Yukon government to try to get their engagement on the provisions of the self-government agreement when First Nations have their own land and resource legislation or regulations. We have the correspondence going back to January of this year from four First Nations saying that they believe — based on the negotiated self-government arrangements, the devolution transfer agreement and the final agreements, and quoting the provisions that the minister alluded to at the outset with respect to chapters 16, 18 — I can't remember the other chapter. This is an opportunity to not only recognize but to

move forward on the need for new — and I'm quoting from First Nations — new modern legislation that fulfills both the devolution transfer agreement promises on successor legislation, that respects final agreements, self-government agreements and includes First Nations in the discussions about development of that legislation.

First Nations have not been reluctant to participate. They were looking for more in terms of a positive commitment and then they got the begrudging letter — I'd say it's begrudging, at least the way I read it — from the Premier in September.

This is a time, as we've suggested before, that if the Government of Yukon takes the opportunity that is provided — sometimes in adversity there is opportunity, and perhaps that is what we're seeing here — and that the way out of this is actually to sit down and work with the affected parties, which are First Nation governments, industry and the Yukon government.

It's time for the Yukon government and the Premier to agree to work with First Nation leadership, to jointly instruct the successor legislation working group to take on the challenge and to develop resource legislation in this territory that's reflective of the modern realities of this territory and is not rooted in practices that started with the gold rush in California and moved up north.

An affirmative approach by the Government of Yukon and by the Premier would be a positive signal. Making positive suggestions to the leadership of First Nation governments and, at the same time, to industry would be a very positive sign that this government recognizes that failure to do so, failure to take a positive stance on this, sends really strong messages that will be construed as negative.

We hear and talk with those who are trying with due diligence to seek investment in mining development in this territory, and they need to have the climate of certainty that can exist in this territory with cooperation. They don't need to have a government that plunges them into even more uncertainty by taking a confrontational approach that ignores those who are most interested in coming to the table, who have indicated every willingness to do so to participate in a full manner.

These are challenging times. We are open to signs from the government that they have listened to the concerns, that they are actively engaging with members of this Legislative Assembly in the first instance — because we're the ones charged with dealing with the proposed amendments and also at the same time — because it created a situation where they're dealing with a multi-layered chess set, I'd say here, and they're having to play many plays at once. That's a challenge, but it's a challenge they created for themselves. We're prepared to help in a constructive way to help move this forward. We're not prepared to have the government just ram things through without full discussion and full consultation with all parties.

It's time for change. We're prepared to work with this government to help make that happen, so we look forward to the conversations, to the dialogue that goes forward as we debate this in more depth in Committee of the Whole and I

look forward to comments from other members in this Assembly.

Hon. Mr. Kent: I thank members from the opposite benches for their comments with respect to Bill No. 66, entitled *Act to Amend the Placer Mining Act and the Quartz Mining Act*.

I think one of the important things that I need to address with members is that there are a number of issues at play here. There have been some facts brought to the floor, particularly by the Member for Mayo-Tatchun, that I need to correct the record on.

There are two declarations in the Court of Appeal ruling of last December. The Yukon government chose to appeal one of them. That appeal was denied by the Supreme Court of Canada in September. Work on that began at that time. The Premier and I met shortly after that with the Chief of the Ross River Dena Council, as well as one of his councillors — that table to identify lands within the Ross River area that needed to be made unavailable for staking. That work is underway. That is the one declaration. That is what happened in September. The Member for Mayo-Tatchun was mixing up the declarations when he was speaking here earlier this afternoon.

The other declaration that the Yukon government chose not to appeal was with respect to the class 1 notification for the Ross River area. We sent a letter out — I've said this in the House before — out in March to First Nations letting them know that we were not going to appeal that declaration that was made by the Court of Appeal.

In May, after going through the government process of the legislative oversight committee and other processes that we have in place, we gave a mandate to the Department of Energy, Mines and Resources to start a targeted public consultation.

I know the Member for Klondike read back a number of the responses that we got from various organizations — industry organizations, environmental NGOs, First Nations and others. Obviously those comments were generated through the 60-day consultation process that we conducted in June and in July.

In early August, I assumed responsibility for the Department of Energy, Mines and Resources. Discussions at the officials' level with industry NGOs started at that time, throughout the fall and into what we are now approaching as the court-ordered deadline of December 27, 2013, to have these amendments in place with respect to class 1 notifications.

That work was underway and we felt — as I've articulated on the floor of the House — that these amendments do not trigger the successor resources legislation aspect. There is a successor resources legislation working group that has been put in place. This is the other issue that seems to be getting mixed up in the wash here with respect to Bill No. 66 — a broader consultative rewriting or modernizing — according to the NDP, a big rewrite of the *Quartz Mining Act* and the *Placer Mining Act*.

The Member for Mayo-Tatchun suggested that perhaps that could have been accomplished in a year. That certainly isn't something that we believe. Making changes to legislation, whether minor or major, takes time. Obviously we believe we've met the timelines necessary with respect to the legislation that's before the House right now, but a major rewrite of legislation that could throw our mining industry into chaos and ultimately accomplish the NDP's dream of driving mining out of the territory once and for all — that's certainly not something we're prepared to do over a 365-day period. That would take an awful lot of work. That's something that, again, the Premier sent a letter about to the chiefs in September, mentioning that he thought that officials from First Nations and Yukon could meet to discuss potential priorities for the development of new resource management legislation.

As I mentioned on the floor of this House, that is to be dealt with under a cooperative working arrangement between the Yukon government and First Nations in respect of the development of a workplan. A workplan was set up. Forestry and lands were the two that were identified as the legislation that needed to be looked at. Again, the offer is out to First Nations for officials to reconvene.

This is a cooperative arrangement, and I've mentioned that I don't believe that the time is right for a major rewrite of the *Quartz Mining Act* or the *Placer Mining Act*. Those two pieces of legislation have served us well for a number of years. They've been amended. There is no need, I don't believe, to make changes to that legislation and we have a responsibility.

Along with First Nation governments, we have roles and responsibilities that we're each tasked with. Our responsibility is with respect to legislative changes, managing public lands and ensuring that not only do we have a strong and healthy and vibrant mining sector, but it's able to continue to contribute those jobs and opportunities, that those companies that donate to local charities and sponsor local minor hockey teams have the opportunity to continue to do business in the territory and to continue to make a profit in the territory. We certainly want to ensure that the benefits from those opportunities flow to Yukon residents, and that's why we've done things like setting up the Centre for Northern Innovation in Mining at Yukon College to train Yukoners for those opportunities that exist in the mining industry.

The New Democrats would have us not comply, perhaps, with the court decision and the deadline that was established by the Yukon Court of Appeal — December 27. They would have us unilaterally seek extensions to that court declaration, citing comments from other First Nations but nothing from the Ross River First Nation. As I mentioned yesterday, the latest correspondence that we've had from the Chief of the Ross River Dena Council is that he's not interested in pursuing that, so we don't feel that going unilaterally to the courts to seek an extension is in the best interest. Obviously we want to ensure that we are working with our partners — the Ross River Dena Council, in this instance — to identify those lands that won't be made available and again, with respect to the legislation

and the other declaration, developing that legislative and regulatory framework that will allow for us to meet what the court required.

We hear from the Leader of the Official Opposition constant attacks on the free-entry system. I've said that I believe that is one of the keys to a healthy mining industry here in the territory. I've talked to a number of individuals in the mining industry, and what they have told me is that you're hard-pressed to find a jurisdiction anywhere in the world that has a healthy mining industry without the free-entry system. Those are words from a prospector I talked to.

I know the Leader of the Official Opposition continues to heckle and she gets very upset when there is criticism levelled at her, but I'm going to continue to criticize the policies of the NDP when it comes to the mining industry. Getting rid of the free-entry system is something that I know is not supported by our party. I don't believe it's supported by the Liberal Party, in reading their platform with respect to the last election. It is supported by the NDP. Let's get rid of the free-entry system — that's what the NDP wants to do. Let's remove large tracts of land from exploration. Let's increase royalties and tax the placer miners out of business. Let's rewrite the legislation, causing further uncertainty in a time when the global markets are not supportive of such a drastic change.

I know that the NDP wants to legislate, regulate and tax mining out of this territory and all you have to do is look at their policies. It's those words — it's those actions that they would take that would drive mining out of this territory — and I know that's their ultimate goal. I know they don't support resource development in the territory, but it's an important part of our fabric, as a society up here.

Mining has been a long-time contributor to the economy. I've mentioned the charitable contributions that those mining companies, as well as the service and supply companies, have made. They're engaged, they're involved with organizations like Special Olympics, the Yukon Hospital Foundation, minor hockey, minor soccer — the list goes on and on and on. I believe even the new soccer field in Dawson City — that awesome soccer field that is out by the Klondike River bridge — is Ryanwood Explorations — a long time prospector, a very well-respected individual in the industry, making contributions to that community.

Mr. Speaker, the NDP would have those businesses not be able to operate in this territory. They seek to drive them out; they seek to drive them away. It's the words that we hear from the NDP. The only thing that the NDP would have left when it comes to mining is the Yukon mining incentive program, but there wouldn't be any need for it. There would be no need for that program, because there would not be any exploration occurring in the territory under an NDP government.

When it comes to successor resource legislation, the Premier has offered to First Nations that officials can sit down — it's certainly not my priority at all to engage in massive rewrites of the quartz and placer mining acts at this time. Forestry has been dealt with. There are opportunities for lands.

The Leader of the NDP always has difficulty with criticism being levelled at her in this House, but I'm not going to stop. When it comes to the mining industry, the NDP does not support that industry, they never have and they never will. It's the words and the actions that they are taking that spell that out.

Mr. Speaker, when it comes to the Member for Mayo-Tatchun, placer mining is a huge part of what it takes for the economy of his riding. Outside of the Klondike gold fields, the majority of placer mining in this territory takes place in Kluane and it takes place in Mayo-Tatchun, in Mayo and near Carmacks. But, again, during the election campaign of 2011, we had — let's raise royalties and tax the placer miners out of business.

This is something that obviously incites a little bit of emotion in me. I've been a long-time supporter of the mining industry and responsible mining in this territory. I recognize what it contributes to our economy, what it contributes to our society and all the opportunities that are afforded Yukoners who work in that industry.

As a government, we have to look to find balance between the environment and the economy and a number of different aspects that are at play. We need to ensure that we represent all Yukoners. We need to represent my nephew, who is a diamond driller. I think he's pretty tired of travelling to northern Quebec and Labrador. He'd like to come home. He has a wife and a young child — he would like to come home.

So we need to represent individuals like him. We need to represent individuals like I referenced in Question Period today, who mentioned to me that there is no room in the NDP world for him to operate his business here in the territory. We need to represent those individuals who work in our labs and surveyors and diamond drillers and all those who are engaged in the environmental aspects and monitoring, when it comes to mining.

Respectfully, I totally disagree with the NDP on everything when it comes to resources, other than, perhaps, the Yukon mining incentive program. I want to ensure that it is able to operate in a jurisdiction where mining is allowed, not a jurisdiction that the NDP would envision, where mining is — the last guy to leave, please turn out the lights.

It's very tiresome for me. Again, I will close my comments with that. I do look forward to getting this into Committee of the Whole and addressing many more of the questions that were raised by members opposite with respect to a number of the issues brought forward by the Liberals as well as correcting a lot of the facts that were introduced by the Member for Mayo-Tatchun.

Motion for second reading of Bill No. 66 agreed to

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

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

Motion agreed to

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

The House adjourned at 5:24 p.m.