

Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, December 18, 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 the 50th anniversary of Yukon Sourdough Rendezvous

Hon. Mr. Nixon: It's my honour to rise on behalf of this Legislature to pay tribute to the 50th anniversary of Yukon Sourdough Rendezvous festival. For 50 years, Sourdough Rendezvous has been one of the Yukon's best cures for cabin fever and it never fails to lift the spirits of all who take part.

As well as curing the winter blues, Sourdough Rendezvous is also a mainstay of winter tourism in Yukon and is popular with Yukoners and visitors alike. The seeds of Sourdough Rendezvous were planted back in 1945, when the All Union Committee held Yukon Carnival Week featuring events such as a dog team derby and an international hockey game. In 1946, it was renamed the Whitehorse winter carnival and it was taken over by the Kiwanis in 1948.

After a decade-long lull in the 1950s when there was no winter carnival, the event was revived in 1962 as the Yukon Sourdough Rendezvous festival. The Yukon Sourdough Rendezvous Society was incorporated in 1964 and now, in 2014, we are celebrating the festival's 50th anniversary.

Countless residents and visitors have taken part in the many Rendezvous events over the years. Participants have grown beards, chucked chainsaws, packed flour and eaten pancakes. Yukon Sourdough Rendezvous has evolved through the years and events come and go, but what remains the same is the festival's emphasis on fun, good times and community spirit.

The theme for Rendezvous 50th in 2014 is "Blast From the Past" and some festival traditions are being restored. For example, Rendezvous is being brought back to Main Street on Saturday, February 15, 2014, for a one-day street festival, featuring events such as a hockey tournament and dogsled rides.

In addition, while Sourdough Rendezvous has always provided good-natured fun and entertainment for so many Yukoners and visitors, the festival also contributes to the community through fundraising activities.

Whenever someone buys a raffle ticket from a Rendezvous Queen candidate or a beard button from a Keystone Kop, they are helping to support a number of

community groups. It takes an entire community to stage an event as big as Rendezvous, and the Government of Yukon is proud to be a supporter of this exceptional winter event. Queen candidates, Keystone Kops, Sourdough Sams, Snow Shoe Shufflers, can-can dancers, Rendezvous board chairs and so many others dedicate their time to making Sourdough Rendezvous a success every year.

The festival is a great example of what dedicated staff, enthusiastic volunteers and a strong board can accomplish. There are also a number of community partners and sponsors that make it possible for the festival to support long-time traditions, such as the fiddle show, as well as more recent favourites, such as Superstar. It is my pleasure to pay tribute to the Yukon Sourdough Rendezvous 50th year and invite all Yukoners and visitors to be a part of the anniversary celebrations, February 14 to 23, 2014.

Mr. Speaker, joining us in the gallery today are Claire Beach, Miriam Smith, Darren Bartsch and Breanne Leschert. I'd ask all members to join me in welcoming them.

Applause

In recognition of the 50th anniversary of Yukon Outfitters Association

Mr. Hassard: It is my honour to rise today to pay tribute to the Yukon Outfitters Association, which is celebrating its 50th anniversary this year. That being said, Mr. Speaker, this is the 50th anniversary of the Yukon Outfitters Association and not outfitting.

As early as the 1900s, people have travelled to the Yukon on guided hunting trips, and today guiding and outfitting are still an important part of the Yukon's economy. Guiding, for many, is not only a profession, but it's also a lifestyle, and this lifestyle is being handed down from generation to generation, instilling respect for the land and for the wildlife.

Mr. Speaker, my family was in the outfitting business from the late 1960s until the mid-1980s, so, as you can imagine, I spent my youth — as Clay Martin would say — being a horse-turd detective. As an industry, outfitting supports and promotes investment in year-round businesses such as aviation and hospitality. They have a valued role in wildlife management and conservation, in the protection of Yukon's pristine wilderness and in Yukon's economic prosperity.

The Yukon Outfitters Association is a not-for-profit organization that represents Yukon's outfitting companies. There are 19 registered outfitter concessions in the Yukon, and each concession has exclusive rights to guide non-resident hunters pursuant to the *Wildlife Act*.

Members of the Yukon Outfitters Association provide employment and training and donate meat to the First Nation food program at the hospital, as well as funds to charities and sporting events.

As well, in most communities, outfitters donate meat to the community, which is shared among elders as well. The Yukon outfitters attend international conventions to build business relationships that explore ways to promote Yukon as a destination. At the same time, they share their values in

wildlife management and conservation, fostering stewardship of our environment.

Big game guiding and outfitting is a big business for the Yukon, injecting almost 15-million new dollars into the economy each year. The sector receives support from over 300 small Yukon businesses and generates \$3 million in Yukon tax dollars. In the past decade, \$2.5 million has been collected in hunting licence fees alone.

Yes, I know that outfitters are an independent lot.

It is to their credit that the Yukon Outfitters Association still plays an important part in their success, which in turn brings numerous benefits to our society and economy. Outfitters contribute to environmental stability by guiding others to act responsibly and respectfully in their interactions with the environment.

I would like to say congratulations again to the Yukon Outfitters Association on its 50th anniversary and to its members for ensuring its enduring success.

I would like to ask all members to join me in welcoming a few of the members of the outfitting family who have joined us here today: Mr. Clay Martin, Dave and Tina Dickson, and Tim Mervyn and his daughter Amanda.

Applause

In recognition of the 30th anniversary of Whitehorse Concerts

Hon. Mr. Nixon: It's my honour also today to rise on behalf of all members to pay tribute to Whitehorse Concerts celebrating their 30th anniversary this year. This wonderful organization brings musical entertainment to appreciative audiences of all ages. Operating as a not-for-profit, the organization's many volunteers, board members and supporters have given a wide variety of musical delights over the years. Throughout the season, Whitehorse Concerts presents chamber music, piano duos, classical music, jazz and other styles performed by musicians from Yukon and around the world. Support to new and aspiring musicians is as important as showcasing established artists.

Thirty years ago, Whitehorse Concerts began with performances in local high-school gymnasiums and, later, at a local church. In 1992, with the opening of the Yukon Arts Centre, the organization found a new home and a wonderful partnership has taken place since that time.

Whitehorse Concerts also proudly supports an artist outreach program. This program provides music students with opportunities to meet professional musicians for lessons, lectures and workshops during their visit to the territory.

Pre-concert interviews can be arranged where enthusiastic students ask questions and learn more about each performer prior to a concert getting underway. In the last 30 years, performances have taken place not only in Whitehorse, but in all Yukon communities, including school tour performances in Old Crow, Dawson City and Destruction Bay.

Mr. Speaker, almost two generations of students have had opportunities to listen, learn and engage in music appreciation through the support of Whitehorse Concerts. We know that music is a universal language found in all cultures and across

all continents. Music has been a part of the human experience since the beginning, bringing joy into people's lives.

Yukon government is proud to support Whitehorse Concerts through the Arts Operating Funds with an annual operating award each year. Congratulations to Whitehorse Concerts on their 30th anniversary and we look forward to many more inspirational performances in the years to come.

Joining us in the gallery this afternoon are Steve Gedrose, Edith Healey, Stephanie Campbell and Jean Johnson. I'd also like to make mention of Henry and Joyce Klassen, who are not present in the gallery today, but were key in getting the organization started and have been very involved over the years. I'd ask all members to join me in welcoming them.

Speaker: Introductions of visitors.

Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Graham: I have for tabling today the following documents: (1) the Yukon Hospital Corporation annual report; (2) the Yukon government's consultation on the regulation of midwifery in the territory; (3) the Yukon Health and Social Services Council annual report; (4) the Yukon health care insurance statement; (5) the Yukon Child Care Board annual report; (6) the Yukon health status annual reports containing health and health-related behaviours among young people and also examining the relationships among contextual factors; and (7) the needs assessment for Watson Lake and Dawson City, compiled by the Health Services unit.

Hon. Mr. Nixon: I have for tabling today the Yukon Police Council annual report, April 1, 2012 to March 31, 2013.

Speaker: Are there any other 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. McLeod: I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to work collaboratively with the Carcross-Tagish First Nation through the expression of interest process on the Millhaven Bay wilderness tourism development project.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to work with the Carcross-Tagish First Nation to formalize a workplan and construction process for campground development at the Conrad site.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to acknowledge the role of the Yukon small business investment tax credit program in promoting economic growth and investment in Yukon's private sector, with companies such as Air North.

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

THAT this House urges the Government of Yukon to continue to support entrepreneurship training at Yukon College.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to work with the Carcross-Tagish First Nation to develop remote recreational lots in the traditional territory of the Carcross-Tagish First Nation.

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

THAT this House urges the Government of Yukon to ensure there is help for individual homeless Yukoners navigating various government and non-government agencies in order to establish both secure permanent housing and access to the services they are eligible for and need.

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

THAT this House urges the Government of Yukon to ensure it makes timely appointments to the Dawson Regional Planning Commission in order to allow the commission to complete its work without delay.

Speaker: Is there a statement by a minister?
This brings us to Question Period.

QUESTION PERIOD

Question re: Whistle-blower legislation

Ms. Hanson: We owe a debt of gratitude to whistle-blowers, past and future. No group of individuals has done more to make our governments, our institutions and our companies more open and accountable to us, the public.

People don't choose to become whistle-blowers; the role is thrust upon them by the decisions of others who engage in wrongdoing that harms us all. Successive Yukon Party governments have promised legislation to protect public servants who blow the whistle on practices that are corrupt, illegal or threaten public health and safety. Protecting whistle-blowers from those who try to silence or punish them is our best chance to combat the culture of control and concealment that allows these abuses to continue unchecked.

Mr. Speaker, does the minister agree that strong, clear measures are needed to protect whistle-blowers from all forms of reprisal, and will the minister commit to including these measures in whistle-blower protection legislation promised for 2014?

Hon. Mr. Dixon: Mr. Speaker, as members of this House will be aware, this Legislature has had a select committee take a look at the need and structure of potential whistle-blower legislation.

The Yukon government appreciates the hard work and recommendations of this Assembly's Select Committee on Whistle-blower Protection. We believe it's in the public interest to establish a process for disclosing serious wrongdoing within the public service and to legally protect those who do make such disclosures. As I've indicated in the House previously, we'll be responding to the recommendations provided by the select committee and look forward to bringing forward legislation within this government's term.

Ms. Hanson: The second Select Committee on Whistle-blower Protection submitted their report in December 2012. The committee's first recommendation is that all Yukon government departments and Yukon government corporations should be covered by whistle-blower protection legislation. This means that in addition to government departments, whistle-blower legislation must also provide protection to employees of, for example, Yukon Hospital Corporation, Yukon Housing Corporation, Yukon Liquor Corporation, Yukon Development Corporation and Yukon Energy Corporation. There are many more.

They key point is this: will the minister confirm that whistle-blower legislation, promised by this government for 2014, will apply to all Yukon government departments and corporations?

Hon. Mr. Dixon: The members know that the recommendations that have been provided by the Select Committee on Whistle-blower Protection are being taken into consideration. We will respond to those recommendations individually — or each respectively. The recommendations were agreed to by the committee that involved all three parties in this Legislature and were supported by all of those members — or all of those members of that committee. The recommendation that the member opposite did reference is one of the recommendations that we will be taking under consideration. I look forward to tabling legislation within this government's term on this very important issue.

Ms. Hanson: The Yukon Party has a history of picking and choosing the recommendations from select committees. That's why we're asking for confirmation.

Whistle-blowers are often subjected to reprisals that can have serious health, financial, career and relationship consequences. Reprisals against whistle-blowers can take many forms. They might take the form of a demotion or termination of employment, or they might take the form of threats against an employee. This is what perpetuates a climate of fear that allows abuses to continue.

Whistle-blower legislation must protect whistle-blowers from all forms of reprisal. Without this guarantee, people will not risk reporting unsafe or illegal actions, and abuses will continue unchecked. People need to know there is a safe place where they can go if they decide to come forward.

Will the minister outline the process and timelines for developing whistle-blower legislation and regulations, promised for 2014, and confirm the entire process will be, as his predecessor promised, open to full public scrutiny?

Hon. Mr. Dixon: As I indicated, the select committee provided a number of recommendations to the government on this particular issue, and I look forward to responding to each of those recommendations respectively.

I would note, Mr. Speaker, that it's interesting that the NDP would like us to move forward right away with this legislation but then, at the same time, call for us to do a full public consultation. It's a bit confusing to understand what exactly the NDP's position is on this. If they want us to do it immediately, that means we will have to do it immediately. If they want us to do public consultation, that will take some time.

What I can commit to is that we do want to hear from the public on this, and we will bring forward responses to the recommendations and table legislation in this House within this government's term.

I am committed to bringing forward this legislation and I know it's a matter of great interest to many Yukoners, especially those in the public service.

I appreciate the work done by the select committee in coming up with the recommendations that they provided. I look forward to responding to them respectively in due course. This process will involve some public consultation, although I don't have the details on what that consultation will entail. I look forward to bringing it forward very soon.

Question re: Rural infrastructure

Mr. Tredger: As it appears the government will not call Highways and Public Works for debate this sitting, I have a series of questions about rural infrastructure, especially in the Mayo-Tatchun riding. Once again we are in the dark of winter. My constituents are telling me that highway lighting and signage in Carmacks, Faro, Ross River, Pelly Crossing, Stewart Crossing and the site C entrance at Mayo need to be improved for safety reasons.

I have written the minister and I have raised the issue in Question Period and debate. The minister agreed that I am raising an important safety issue. He has said that he had — and I quote: “tasked the department to come forward”.

Yukoners have brought this issue forward. What does the minister have to say to them?

Can the Minister of Highways and Public Works inform the residents along the north Klondike Highway, when will the signage and lighting be made safer along the highway where it runs through people's communities?

Hon. Mr. Istchenko: I would like to take this opportunity to wish the members of the Kluane riding a merry Christmas.

As you know, in among the Department of Highways and Public Works we have over 4,819 kilometres of roads. There are 351 kilometres paved, 1,907 kilometres are BST, 2,561 kilometres are gravel and we have over eight kilometres of bridge and ferry crossings. That's pretty incredible.

I've answered the question asked by the member opposite in this House before, and I have to ask the department about that.

We might get into Highways and Public Works with better management of time.

Mr. Tredger: There are fewer than 20 communities in the Yukon that have highways passing through them. The Pelly Crossing bridge pedestrian walkway has been the subject of considerable discussion and problem-solving in the past.

Right now, the reality in the community of Pelly Crossing is that the pedestrian walkway is not user-friendly. It is not kept clear of snow and it is not a preferred option for people to use. Highway traffic often encounters pedestrians and animals upon the bridge. Very good lighting as well as flashing warning signs to alert drivers to really slow down and watch for pedestrians on the bridge are essential, both for the safety of drivers and pedestrians in the dark of winter.

Will the minister commit to ensuring the pedestrian walkway is cleared and accessible and that there is adequate lighting and warning signs to improve the safety on the bridge in Pelly Crossing?

Hon. Mr. Istchenko: Just to update the member opposite — I thank him again for the question — I have said before that I have tasked the department out on this. I don't know if the members opposite have been down Second Avenue and seen the crosswalk by McDonald's and the Yukon Inn.

The department is looking at new subdivisions for lighting. They're coming back to me with that, but also I've tasked them out to look at different signage. Pelly Crossing — I've been asked by the residents of Haines Junction for a crossing for the school kids. I've been asked in Destruction Bay, and I've also been asked by the Member for Mount Lorne-Southern Lakes in Carcross. I am committed to having it safer.

I'm very confident in the men and women of the Department of Highways and Public Works who have devoted their careers to keeping our highways and roads clear and safe. We're working on this file and I look forward to progress in the future.

Mr. Tredger: And another winter passes.

Another issue I have raised numerous times is the condition of the Pelly airfield. The Pelly airfield is unusable for medical flights. It needs to be upgraded. Again, the minister has acknowledged the importance of this concern. Currently, a patient who needs serious medical attention is taken by the Pelly ambulance to Stewart Crossing where they are transferred to the Mayo ambulance, which then takes them to the Mayo hospital where they are transferred to a medical flight to Whitehorse.

Aside from serious time delays, Mr. Speaker, this takes two ambulances out of service in their communities. That this still continues is shocking. It is unacceptable. The residents of Pelly Crossing have waited long enough.

When will the residents of Pelly Crossing see their local airfield upgraded so that medical evacuation flights can use it?

Hon. Mr. Istchenko: I'd remind the member opposite — I believe I have spoken this year to this — that the \$8,150,000 that has been set aside for capital improvements to airports. That's nearly \$28 per passenger journey over the \$250 per Yukon resident.

The Department of Highways and Public Works protects those who live, visit and work in the territory, and we take that responsibility very seriously when it comes to airports and aerodromes. Our staff works hard to meet the safety standards set by Transport Canada. This government — as I spoke to this \$8,150,000 — invests to improve airport facilities for everyone.

We take pride in providing a safe environment for aircraft pilots and passengers alike. We work in partnership with local, national and international airlines and Nav Canada. This government — I said before — has invested millions in Yukon's airports and aerodromes. We're going to continue to invest to upgrade and repair our facilities, maintain our excellent — I might say again, excellent — safety record and develop the infrastructure that is required to realize Yukon's full economic — and the future of our aerodromes.

Question re: *Act to Amend the Placer Mining Act and Quartz Mining Act*

Mr. Silver: Earlier in this sitting, I asked the minister why Bill No. 66 goes beyond implementing the Ross River court decision. The minister responded at that time — and I quote: "The amendments to each of the acts that are before the House right now are designed to meet the declarations of the Yukon Court of Appeal."

The Premier has said the same thing and has insisted that the changes only address the court case. Yet yesterday the minister admitted that — and I quote: "The special operating areas that are contemplated, as well as the special operating conditions, again aren't in response to the court of appeal decision, but they do give us that added tool when we are looking at managing the land."

Why has the government insisted that the changes only address the Ross River court decision when, in fact, they go well beyond that into addressing land use planning issues?

Hon. Mr. Kent: Again, I was pleased that we did spend a couple of hours yesterday in Committee of the Whole on Bill No. 66 and had an opportunity for the Member for Mayo-Tatchun, as well as the Member for Klondike, to ask some questions of me. I felt it was a very productive and robust debate that occurred on a number of issues that are important to the mining industry, as well as First Nations, when it comes to working toward that December 27 deadline with respect to Bill No. 66.

The main reasons that we brought forward these amendments and the subsequent regulations that will be introduced are to work toward the December 27 deadline that the Yukon Court of Appeal instituted.

Yesterday during the questions raised by the Member for Klondike with respect to the special operating areas and the special operating conditions, I mentioned that there was a policy decision made that would give us an extra tool to assist

us with managing the land throughout the territory. That is what this does, and the main thrust of the amendments is to address the court-ordered issues. This is one issue that is outside of that, but it was an opportunity for us to put a tool in place to help us manage the land.

Mr. Silver: I do appreciate the answer, but the introduction of these special operating areas seems to be coming out of the blue. The minister and Premier have maintained that the amendments are minor and only address the Ross River decision. Yesterday the minister admitted that some of the amendments have nothing to do with this court case and this court decision.

Mr. Speaker, the discussion paper released in June said that these new regulations 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, perhaps for the Peel planning area, for example.

It is an entirely new set of rules that are being inserted into the act and they don't result in security of tender when you stake a claim. It opens the door for discretion that nobody wants, Mr. Speaker.

Why are these included in the bill that the minister originally said were only to address the Ross River court decision?

Hon. Mr. Kent: I thank the member opposite for the question and in mentioning in that question that this was included in the discussion paper that went out for consultation for 60 days. Of course, we received feedback from a number of industry NGOs, as well as 10 of 14 First Nations.

Again, that consultation with respect to the amendments and the subsequent regulations continued beyond the end of July into October and November, with the final deadline for submission on the regulations being December 2. What these special operating areas and special operating conditions do provide us with is an opportunity to introduce another tool to assist us with managing the land. That's exactly what that amendment speaks to, when it comes to Bill No. 66. The main thrust of the bill and the amendments we're proposing — and the subsequent regulations — was to address the *Ross River Dena Council v Government of Yukon* Court of Appeal decision with respect to the Ross River and Yukon case.

Mr. Silver: I do appreciate the answers and I do appreciate that this is near and dear to the minister's heart. Let's talk about those regulations for a second here. Those regulations do come into force — they will be law — as of December 27 of this year and that's only nine days away.

Yesterday, the minister admitted that drafts of those regulations have not been shared with either the First Nations or industry. Does the government think that passing regulations without anyone having seen them is a good way of doing business?

Hon. Mr. Kent: With respect to the regulations, of course we put out a discussion paper on those regulations in November and had the consultation period that closed December 2. The development of the regulations was based on the feedback that we received during that consultation period. These regulations need to be enacted by December 27

so we can meet the Yukon Court of Appeal deadline with respect to the notification on class 1 activities in the Ross River area. That's what we plan on doing.

The amendments to the act are enabling amendments. They need the regulations to be put in place so that we can meet that December 27 deadline that the Yukon Court of Appeal has made for us.

Question re: Winter highway maintenance

Mr. Barr: Mr. Speaker, the Yukon has thousands of kilometres of highways and roads. When we have a major snowfall like we did last week, Yukoners see the highway crews out there at all hours, plowing and sanding to ensure that our highways are safe.

Everyone recognizes that the priorities are our highways and then the secondary and tertiary roads. Everyone recognizes that getting to those other roads can take some time, despite the best efforts of our highway crews. Unfortunately, it can take days to get these rural secondary and tertiary roads caught up.

Would the government consider setting up a local process whereby local residents can be contracted to plow important sections of rural secondary roads in a timely manner during exceptional snowstorms?

Hon. Mr. Istchenko: I would just like to reiterate and thank the member opposite for the question and for the good comments to the Department of Highways and Public Works. If it had been 12 hours and not 14 hours, we would have set a record in snowfall in that time period.

I might also add that I'm very pleased — and I'm sure rural Yukoners are very pleased when they drive home. It's still better than when I drive to my apartment in the city here in Whitehorse.

I would encourage the member opposite with his question to draft a letter to myself, the Minister of Highways and Public Works, with pros and cons, maybe, and some reasons and I would be open to looking at that and getting back to the member opposite.

Mr. Barr: Thank you to the minister for his comments there. This is not just a matter of convenience for drivers; it is about school bus access and access to community water wells. It is also a matter of safety. For example, last Friday I saw two vehicles stuck in several feet of snow, blocking access to the Golden Horn volunteer fire department. Highway crews, despite best efforts, were not able to get to that road until late afternoon, due to resources and other priorities. I will send the letter that the minister speaks of but, just for the House, I'm not suggesting that every snowfall would trigger such a program. However, when the snowfall is extreme and highway crews are hard-pressed, it would make sense to ensure that access to emergency services and school routes can be facilitated through a system allowing contracted local residents to assist.

Hon. Mr. Istchenko: As you know, when it comes to snow removal, if you are applying for the rural roads maintenance program, we look at stuff like the member opposite's school buses, ambulances and fire trucks. Within

the Department of Highways and Public Works, we have a lot of large equipment that can get out there and move a lot of snow. We have also looked at — you will see in our fleet — some smaller vehicles with smaller plows on them now that can get to some of those rural roads a little quicker and allow some of our larger equipment to stay on the main arteries. I know just from my conversations with the department today that we had to call in extra people to go out there, so I am confident in the Department of Highways and Public Works and the good work that they do out there. We did have an exceptional snowfall, but I do look forward to more conversation on this with a letter from the member opposite.

Question re: Ministerial rezoning regulation

Mr. Tredger: On November 4, the Yukon government issued Order-in-Council No. 2013/198 entitled *Ministerial Rezoning Regulation*. This regulation allows — and I quote: “the making of certain decisions by the Minister in respect of the zoning of properties in development areas.”

The minister can now rezone a property from rural residential to commercial through an order, as opposed to a Cabinet regulation. The multitude and locations of the areas listed in the regulation suggest the purpose of the regulation is to provide the minister with broad powers to change the use and zoning of land in rural communities.

Will the minister explain the purpose for the *Ministerial Rezoning Regulation* and why now?

Hon. Mr. Kent: This gives me the opportunity to thank my Cabinet colleagues for approving this OIC. What it really speaks to is the fact that we're able to make more timely decisions with respect to rezoning, and it's also part of becoming a better and more responsive government to the citizens of the Yukon. This is exactly what that accomplishes for us. We're proud of being able to expedite those decisions by adjusting our process, which is what we've done with respect to this OIC.

Mr. Tredger: Many of the rural development areas this new regulation applies to are a result of joint planning between Yukon First Nation governments, the Yukon government and rural communities. Local area planning, a requirement under final agreements and self-government agreements, is the basis for many area development regulations that establish the zoning and use of land in rural communities. It is also interesting to note that this regulation speaks to facilitating the disposition of lease — or lease of First Nation settlement land. Local area planning is a collaborative process with equal representation from First Nation governments and from the Yukon government.

Given the very collaborative nature of local area planning, would the minister explain what consultation, if any, on this regulation occurred with First Nation governments and, if not, why did it not happen?

Hon. Mr. Kent: With respect to the local area planning, this does not change the process. There are a number of local area plans that this government has completed, or is engaged in. The Carcross local area plan, the Fox Lake local area plan, Marsh Lake local area plan, M'Clintock Place development

area, the Mount Lorne plan, the West Dawson and Sunnydale local area plan — those are still very much collaborative processes that take place with communities and First Nations involved.

I think to the Carcross local area plan, which hasn't been finalized yet, but we anticipate that being finalized soon. It was done in consultation with local residents, as well as the Carcross-Tagish First Nation.

What this OIC accomplishes, Mr. Speaker, is taking the average amount of time that a rezoning would take — from 17 months — and now 95 percent of rezoning can take only four months. This is about reducing red tape. It is about being responsive to our citizens. It is about providing good government for Yukoners.

Mr. Tredger: I thank the minister for that.

Local advisory councils allow Yukoners living in rural communities to have a form of local government and a voice in local issues. Local advisory councils can also make recommendations about the development of regulations affecting their zoning in their community. Local advisory councils may also be given one of Yukon government's seats in a local area planning process. Local area plans become the basis of area development regulations that establish land use and zoning in rural communities.

From conversations with several local advisory councils, it would appear that they were not consulted about these changes in regulation. Why did the government not consult with local advisory councils — councils that are the public face of rural Yukon?

Hon. Mr. Kent: Energy, Mines and Resources Land Planning branch regularly assists communities in developing local area plans and zoning regulations to ensure orderly development. Planning initiatives resolve competing land uses by providing area residents and First Nation governments with the opportunity to participate in developing balanced land use policies to create certainty over future land use.

This OIC and these changes do not affect that process at all. As I mentioned in my previous answer, this will take the average amount of time from 17 months down to four months. It's about providing good governance. It's about reducing red tape. It certainly does not avoid what we do, as far as consultations and working with First Nations and local communities when it comes to local area planning. It gives us an opportunity to be more responsive, to provide better government and to be a good government for Yukoners.

Question re: Homelessness

Ms. White: We've been asking the minister responsible for Yukon Housing about the number of homeless in the Yukon. We are concerned this government has an inability or an aversion to recognize a certain population of Yukoners. This is the opposite of inclusion — this is exclusion.

The theme of this year's Homeless Action Week was, 'Can you see me?' The minister's inability or his refusal to answer our straightforward questions about part of our community makes it look like the minister is, in fact, only seeing what he wants to see. To help the minister identify the

part of our community we are talking about, I will ask the minister responsible for housing, what does the minister call a person who has no home?

Hon. Mr. Cathers: I know the NDP desperately tries to make hay out of anything they can. We heard earlier the Member for Mayo-Tatchun criticizing government cutting red tape and improving processes. We hear the member continually standing up and failing to acknowledge the significant investments that this government has made in housing, including increasing social housing and increasing affordable housing, and we will continue to build on those investments. In fact, the housing action plan that we're currently engaged in with NGOs and other stakeholders is aimed at doing exactly that — at gaining that input from stakeholders in determining what priorities government and others should be working on to improve access to housing, including determining where there's a need for additional types of housing or housing supports.

Again, we have put in investments far beyond what the NDP did, despite their frequent preachy rhetoric on the subject, in terms of supporting those who have shortage of access to housing or appropriate housing for their needs. We will continue to engage with those stakeholders to determine where additional action and additional investments are needed.

Ms. White: In all of my questions about homelessness, the minister has never uttered the word "homeless" in response. If the minister cannot acknowledge the existence of a homeless population in the Yukon, there is little chance that government will have an effective response.

A year ago, the territory unveiled its social inclusion strategy, and the final report explained what leads to Yukoners becoming socially excluded: being poor; having physical or mental disabilities or health problems; dealing with chronic addiction; having low levels of education; being institutionalized; or being homeless. All of these human experiences lead to social exclusion.

Yukon's population of socially excluded people is less likely to ever purchase a house, let alone earn a living wage in Yukon. There is a homeless population in the Yukon, and this government's approach to housing is leaving them out in the cold, winter after winter.

Does the minister recognize that restoring mobility in the housing market will not end homelessness, and will he agree to consider other options?

Speaker: The member's time has elapsed.

Hon. Mr. Graham: I appreciate the opportunity to answer the question from perhaps a little bit different point of view. Recently the Salvation Army and the Government of Yukon — among other stakeholders — completed a functional/facility program for a new and rebuilt Salvation Army institution — or building — here in the City of Whitehorse.

As part of that facility program, we undertook to determine exactly what the needs were here in the territory. Some of the things that we discovered during this facility program were quite surprising to us, but it has given us a

better handle on the population served by the Salvation Army shelter and what future needs are. What it has also done is given us the ability to take a look at where we think we'll be in five years or 10 years down the road.

We agree with the member opposite that a certain portion of our population is homeless. That's one of the reasons that we established the Skookum Jim Friendship Centre for young people. It's one of the reasons that we provided some additional funding to the Salvation Army shelter, but some of the things that we found out during this facility discussion were very surprising and very enlightening to us.

Ms. White: I thank the minister for using the word homeless. The government's inability to see homelessness has the non-profit sector stepping in to do the work of the government, even though they rarely have core, multi-year funding.

We salute the non-government organizations of Yukon who often step into the cracks that people fall through — the government's gaps in services.

Behind the number of homeless people in the Yukon are human beings, not stereotypes — actual people with stories. Among those stories are a whole bunch of valid and sometimes tragic reasons why people are homeless. If those reasons are not acknowledged, the minister will never be able to fulfill the responsibility of the position he holds. One can tell the strength of a community by how the most vulnerable are treated.

I am hoping the minister will tone down his thoughts about listing housing and actually hear me.

Will any of the ministers come with me to Salvation Army to meet with some of the people behind these numbers and to hear their stories?

Hon. Mr. Graham: The member opposite is talking about two different things here. What we are talking about during the housing action plan is ensuring that housing is provided for that great mass of people in this territory.

As the member previously said, we provide mortgage assistance for new people and we provide seniors housing, so there are number of things we are doing. There is a small group of people who, through one reason or another, are incapable perhaps of taking advantage of many of these programs.

To say that we are not working with the NGO community is completely inaccurate. Recently we have undertaken negotiations or discussions with the Options for Independence as well, with respect to their clientele.

We are moving in a number of different areas. We are moving forward with the Salvation Army for a new facility that will include not only a new shelter, but it will include a drop-in centre and transitional housing. So those negotiations are taking place.

We are very aware that there is a very small portion of the Yukon population needing extra assistance, and we are working to provide that assistance.

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

ORDERS OF THE DAY

OPPOSITION PRIVATE MEMBERS' BUSINESS MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 496

Clerk: Motion No. 496, standing in the name of Ms. Hanson.

Speaker: It is moved by the Leader of the Official Opposition:

THAT this House urges the Government of Yukon to work with other Canadian jurisdictions within the established constitutional framework to abolish the unelected and democratically unaccountable Senate of Canada.

Ms. Hanson: Mr. Speaker, I am pleased to speak to this motion today. This is not a motion that is intended to address the current scandals or issues that — at least until the recent Toronto mayoralty fiasco — have really transfixed Canadians over the intrigue and corruption emanating from the Red Chamber.

No, the intent of bringing forward a motion on the abolition of the unelected and democratically unaccountable Senate of Canada is brought to this Legislative Assembly to provide an opportunity for all members of this Assembly — save yourself, Mr. Speaker — to speak on an issue that has become a symbol of the need for democratic reform in Canada.

The federal Government of Canada recently made what is known as a “reference to the Supreme Court of Canada” on Senate reform. I thought it useful just to say for the record what a “reference to the Supreme Court of Canada” is.

What it is, Mr. Speaker, according to the Government of Canada's website on democratic reform — it's great to know we have one of those — that it allows the Governor-in-Council, the government, to refer to the Supreme Court for its opinion on important questions of law or fact concerning the interpretation of the Constitution and the constitutionality, or interpretation, of any proposed federal or provincial legislation.

What happens then, with the reference to the Supreme Court, is that the court provides an opportunity for interested parties to make written and oral arguments. The court then considers those and renders an opinion. So we're at that stage.

In this reference, the Supreme Court of Canada was asked a number of what they call “reference questions”. The Government of Canada referred the following questions to the Supreme Court of Canada. They talked about — and asked the Supreme Court to rule on the issue of Senate term limits, should they be for various — and there's a whole range of fixed or renewable terms suggested. I'm not going to go into the details of each of the subsets of the questions, but this is just to give people a gist of the kind of issues that were put forward to the Supreme Court.

They talked about what the process is — and they are asking the Supreme Court for their views on the process — for appointments to the Senate and whether there could be a law, a national procedure that's set out, or if the provincial

processes that have been followed in certain provinces would be useful to follow.

They also asked the Supreme Court to rule on, in 2013, the notion of the property provisions that go back to the 1860s with respect to requiring every senator to be a property owner. You will probably know that the value of the property was established at that time at \$4,000, which was probably a lot of money then but isn't now. The concept was that you had to be a property owner, but we'll talk about that in a bit.

The fifth and sixth questions had to do with questions with respect to what means could be followed to abolish the Senate. So there are two distinct questions with respect to Senate abolition.

The key here is that the governments of Canada, Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Northwest Territories, Nova Scotia, Nunavut, Ontario, Quebec and Saskatchewan took the opportunity to express their views on these questions that the Supreme Court of Canada has been asked to answer in this reference case. The Yukon government did not.

The debate this afternoon is an opportunity to speak to questions five and six — that we're opposed to the Supreme Court of Canada with respect to Senate abolition. It is an opportunity for members of this Legislative Assembly to put on the record their views and, I would hope, to register their agreement with the notion that the Government of Yukon work with other Canadian governments to abolish the unelected and democratically unaccountable Senate.

Yukon and Yukoners have a right and a responsibility to have our voices heard in matters of national importance. How our institutions of government are structured to work on behalf of all Canadians in a democratic and open manner is of fundamental importance.

How did we get here? The issue of Senate abolition is not a new one. Perhaps it is a coalescing of forces.

It is clearly not simply a partisan issue. Political leaders from across the political spectrum have and do support abolishing the Senate. I'll come to that in a bit, Mr. Speaker.

First, let's look a little bit at the history. The Canadian Senate is modelled after the British House of Lords and, as such, it was designed to allow representatives of Canada's wealthy elite to veto legislation from the House of Commons — the ordinary folk elected democratically by ordinary people. As an example of the elite nature of the Senate, you can recall that the Constitution of Canada declares that persons may be appointed to the Senate and, for a very long time, "persons" was taken to mean "men". Emily Murphy was an early Canadian feminist who fought to have the definition of person overturned by the courts, which it did in 1929. The first woman senator was finally installed in 1930.

The original purpose was to provide an elite veto to legislation that was perceived to be potentially harmful to the interest of landowners and to the wealthy — legislation passed by the democratically elected members of the House of Commons. Since Canada didn't really have an aristocracy, our Senate became a place where friends of the Prime Minister and his or her allies could be placed, often as a reward for

loyal service. Although this has become ironically more apparent in the last few years, with a number of the unfortunate patronage appointments by the current Prime Minister, it is also important to point out that not all senators have seized the Senate appointment as a means of self-aggrandizement or entitlement.

There are many fine examples of senators who serve or have served diligently.

I have long had respect for the minority of senators who do take their work seriously. I have met a number of them and I cite, for example, our own Yukon senator, Ione Christensen, who carried her sense of community service with her when she was appointed to the Senate. I often saw and spoke with her as we flew back and forth to Ottawa during her tenure. Her work, for example, on the Kirby report on mental health issues was excellent. I imagine she, and others like Senator Hugh Segal, who has worked hard to address income inequality, or Senator Sharon Carstairs, who championed palliative care through two major Senate reviews, must seethe at the negative light being shone on the Red Chamber.

Perhaps it is that light that is finally allowing us to ask whether an institution comprised of 105 unelected people, earning base salaries of \$135,200 plus expenses — an institution that will cost Canadian taxpayers over \$92 million this year — is the best means of achieving a few well but expensively researched reports. As Jack Layton, when he was discussing the imperative to forget Senate reform in favour of a national referendum on abolishing the Senate, put it: We can, as government, always find interesting, skilled people to do interesting reports.

We have done it repeatedly throughout the history of the Confederation through royal commissions, and we do expect Parliament to respond to those royal commissions unlike the hundreds — and there are hundreds — of Senate tomes that, despite the best intentions, gather dust — or at best provide research material for grad students.

So how did we get here? In addition to the Upper Chamber at the federal level, some Canadian provinces once had upper houses, but they abolished them to adopt a unicameral or one legislative or parliamentary chamber. Newfoundland had a legislative council prior to joining Canada, as did Ontario when it was Upper Canada. Manitoba had one and abolished it in 1876. New Brunswick abolished theirs in 1892, PEI in 1893, Nova Scotia in 1928 and Quebec in 1968.

In that vein, our current Prime Minister said back in 2007 that the Upper Chamber must either change or like the old upper houses of our provinces, vanish. We are at that stage now; they must vanish.

The support for abolition of the Senate has been voiced at various times by the premiers of Ontario, British Columbia, Saskatchewan, Manitoba and Nova Scotia. This is a live and dynamic issue. It is also interesting to reflect that in the Yukon, we have only had senators since 1975. Our first, Senator Paul Lucier, was appointed in 1975. Paul was followed by Ione Christensen and then Dan Lang in 2008.

Most recently, two provincial legislatures passed motions to abolish the Canadian Senate. On November 6, Premier Brad Wall — Premier of Saskatchewan — proposed a motion in their Legislative Assembly, introducing the debate. The Saskatchewan Premier said that this is an important issue that we are about to debate. He said that it was important — not just for his provincial citizens, to whom he and the members of the Saskatchewan Legislature are responsible and, like us, for whom they work — but as well, he said, to the country. It was to let them know that the Province of Saskatchewan, after some considerable deliberation and not at all revolving around current affairs — though perhaps informed to some degree by them — have come to this view with respect to abolishing the Senate.

The proceedings of the Saskatchewan Legislature on November 6 make for interesting reading. I'm not going to quote them at length, but I do think it is interesting to note that, as the premier of that province talked about the numbers of issues and why he had come to this conclusion — this is a province, Mr. Speaker, where, as you'll recall, the premier — the Saskatchewan Party, which is like the Yukon Party, and is a former Conservative-in-name party and changed its name — had, in fact, campaigned on a Triple-E Senate basis and had gone through elections to have members from Saskatchewan identified through provincial elections on a Triple-E basis. He had stood in the Legislature this fall to repeal that legislation. He describes in the debate on November 6 of this year some of the reasons and the process that led the Government of Saskatchewan, the premier of that province, to acknowledge that the assumptions on which they had based their thinking about the Senate — time has changed those assumptions and they have actually come to recognize that what had been their point of view for many, many years in terms of retaining, or even the notion of reforming the Senate, no longer held water.

He said on November 6, and I'll quote — and the reason I'm talking about this part of it here, Mr. Speaker, is that he thought this was important for debate within the legislatures across the country. It started as a debate within his own caucus and then within his own party.

They balloted their members of the Saskatchewan Party in the late spring of this year, and they had 3,700 ballots returned with 87 percent of those voting in favor of abolition. He said, "And that's why we've changed our position." He said that it was important to go beyond just their own party's position and to make sure that they're representing the people of their province and not just be worried about what party members say. He said: "And one concern that I've noted that's a reasonable part of the debate is, but what happens in our country if there is a prime minister or a federal government that for whatever reason undertakes policies that are of particular harm, that have a deleterious effect on a region ...". This is a whole concern that the notion that even with a Triple-E Senate, those members who are appointed by a party because they run on a partisan basis and then become subject to the direction of the Prime Minister of the day.

The Premier of Saskatchewan said: "I used to believe that we ought to advocate always for a meaningfully reformed

Senate, specifically a Triple-E Senate ... I have come to the considered opinion that this is impossible, that any change is difficult ... but this is impossible."

There has been an argument historically that the Senate is supposed to provide representation and is sort of a balancing act between the various regions in the country. Historically, those regions were largely the Maritimes, Upper Canada and Lower Canada. What has seemed to happen is that we've seen the dynamics shifting — and the population and the demographics shifting. We're seeing the increasing growth and strength of the economies and the populations of western Canada.

The notion that was implicit in the historic formation of the Senate no longer holds. The irony that has been found for many people who supported the idea of a Triple-E Senate is that, in fact, they are reinforcing that imbalance by putting those people as elected senators because they haven't changed the distributive formula that was established at Confederation.

This notion that you are going to get other provinces — particularly those provinces representing populations centres like Ontario and Quebec — to agree to amending the formula or creating an elected Senate. This is not going to happen.

This is quoting Premier Wall. He said: "I have never heard a premier ... at the tables in formal discussions, at dinner or lunch, never heard a premier of one of the populous provinces — who you would need ... whatever you believe about the amending formula. What's going to be needed, whatever the Supreme Court's going to tell us, we're going to need the populous provinces to agree — I've never heard one of them say...that they support a Triple-E Senate."

So he says that even those provinces at their most generous with respect to the Senate during Meech Lake — and he credits Premier Petersen of the day from Ontario and Bourassa from Quebec — "... even then, when they were prepared to move on the Senate, they weren't prepared to move to a Triple-E. I don't blame them." He said, "How would you explain to your citizens, that you've given up one of the advantages you have in a major institution of parliament? So I've never heard any premiers express that support." He doesn't think it's possible.

So, as the premier was going through in Saskatchewan with the various options that might be available to the Province of Saskatchewan in terms of recommendations to the citizens and to the Government of Canada, he also talked about a marginally reformed Senate where we elect a few and maybe put term limits on it.

He said we've seen this and Prime Minister Harper sort of talked about this and attempted to put term limits in. He said that one of the big problems with that — and I think we acknowledge that in this Legislative Assembly, at least if you do the reading and you check with what's going on across the provinces — is that not all provinces are prepared to elect senators. In fact, hardly any of them are. We've seen Alberta and Saskatchewan. There is some suggestion, Mr. Speaker, that New Brunswick would have considered it.

So, what would we have if we had a partially elected and partially appointed Senate? Well, Mr. Wall suggested that you

would have a kind of a hybrid Senate with a tiny minority elected, giving some legitimacy, frankly, to an institution whose huge majority would be appointed in the same old way, by the party in power, by the PMO. The Prime Minister, whoever it is, will be beholden more to the party policy and caucus loyalty.

That is the crux of it — the challenge that we face with a system that has become more and more clearly undemocratic and unaccountable is that, by definition, they are lined more through party discipline to the dictates of their party and their Prime Minister's office than they are to the region of where they come.

There have been elections, one or two — Mr. Brown and one or two others — where people run under federal party banners and that really does make a point, doesn't it? You run for the office and now you are partisan within the Senate caucus. The other part of that, Mr. Speaker, is that you run for that and, unlike you or anyone else in this Legislative Assembly, you are in there for life. There was an interesting turn of phrase from the Premier of Saskatchewan when he said that as members of the Legislative Assembly, we face challenge of accountability, of going back to the voters and explaining what your position is on various matters — why you said this or why we didn't do that. He said just after thanksgiving that "its thanksgiving that focuses the mind of us turkeys, Mr. Speaker, and in this hybrid version ..." — of semi-elected and semi-appointed — "... it lacks thanksgiving. It lacks that moment of focus."

I think that's a fairly apt description of some of the challenges with all these various mixed approaches.

There have been a number of suggestions that we could abolish it with a view to starting over. I've read a number of articles about this. I think that it's clear that if you think like Ted Morton, a provincial politician from Alberta — he suggested or advocated that we adopt a two-step approach. I'll talk a little bit more about his article later. He said, "First, wipe the slate clean by abolishing the current Senate. Then start from scratch in designing a new model for an elected Senate that can be presented to Canadians." The first thing is, you have to agree to abolish it. Then, I think, the debate can perhaps go to what necessity there might be for a second chamber. As long as our Senate remains in place, there are really too many vested interests — territorial, provincial — for keeping and maintaining the status quo and we've seen the resistance.

Andrew Coyne, a *National Post* columnist, suggests that once it's torn down, it might be easier to come up with a reform plan that is satisfactory to all sides. He said that even if the attempt failed to come up with a reform plan, we should at least be rid of the Senate, as it is sparing the country the embarrassment of an appointed house well-known as a den of patronage even without its recent ethical lapses — substituting its wishes for those of the democratically elected commons. The status quo is really time and time being demonstrated as an anachronism.

The issue of abolition raises questions about whether or not there is enough accountability and whether or not the ability of having a single Chamber —

Speaker's statement

Speaker: Order please. Sir, this is not a dressing room. Please take it outside. If you are going to wear it, wear it in here. This is not a dressing room. Thank you. Sorry for the interruption.

Ms. Hanson: Thank you, Mr. Speaker. I was saying that whether or not having a unicameral or a single chamber provides the kind of government that Canadians want and deserve. In the debate in the Saskatchewan Legislature, their Premier was pretty clear that he believed that it can.

I think this is really interesting — talking about this from a western perspective. You can't get much farther west than we are in the Yukon. It's the importance — he believed that if the federation — if we have strong provincial and territorial "capitals that were committed to stand up for the interest of their provinces" — and I would say territories — "regardless of who was in Ottawa, that were prepared to be a clarion voice for their provincial" — territorial — "interests" — "it can work for Canada," he said. But we "need the resolve to move forward." This is quoting Mr. Wall: "We're going to need the resolve to move past the Senate ..." and he said he hoped that "... the Province of Saskatchewan sends a message to this country."

Mr. Speaker, he was very clear, as the Premier of that province, that the time was now, as he put it quite bluntly, to support "... the abolition of the Senate of Canada."

Our motion is not simply for the abolition of the Senate of Canada. We do speak to the importance of working with other Canadian jurisdictions and within the established constitutional framework — to work toward abolition. It would be naive to think that we could do this without the engagement of others.

There were a few other aspects, because not everybody in the Saskatchewan government was of the same mind as the Premier. But, you know, it was interesting to watch and to listen to the comments the Saskatchewan Party Government House Leader talked about. I'll quote from Mr. Harrison, who said that his arrival at the position of supporting the abolition of the Senate had been "similar to that of the Premier's."

So Mr. Harrison, the Government House Leader in Saskatchewan, had been a "long-time proponent of the triple-E Senate." He said "I think we've just got to the point where it isn't possible, Mr. Speaker." He didn't take the decision to support the motion to abolish the Senate "lightly". He said — and this really is the key to the analogy that he drew through the course of his comments — "The Senate has served as a foundation stone of our system since Confederation. Our nation's founders fashioned their Senate after its venerable forerunners in the British parliament ..." It was "... an undeniably important factor in bringing the colonies together in Confederation."

He said — this is why we are not talking about a rash action here — “We must not depart from the example provided by our founders without careful consideration.”

However Mr. Harrison went on to say “... it’s also important to address the challenges of our time. When a foundation stone begins to fail, it must be repaired or replaced regardless of its past service or the bedrock from which it was carved...” and he went on to say, “...our current situation is becoming increasingly urgent. A crack that starts in the foundation can spider and spread and make an entire structure unsound. We must act now regarding the situation in the Senate.” Mr. Harrison went on to say, “... the Senate is an institution without a mission. Elected members of parliament have a clear mandate to serve their constituents. Elections regularly reinforce this message.”

“Senators have no such clarity, and Canadians have no such mechanism of enforcement.”

He went on to say, “So, Mr. Speaker, what is to be done with the Senate?” Again, this is a member of a provincial government that had supported the notion of reform — had supported the notion of a Triple-E Senate. He said — this is Mr. Harrison, the Government House Leader speaking — “I, like many others, had hoped that the Senate could be reformed to serve a meaningful purpose in our democracy.” In his younger years, he had worked closely with Prime Minister Harper. He said that Harper had tried and been thwarted at every turn, primarily by senators themselves, including those whom he appointed and had committed to support reform when accepting their appointment. “How quickly they forgot,” said Mr. Harrison.

But he said all of these efforts — the result of all of these efforts — “... has brought into stark relief the Senate’s continuing failures. The foundation stone that is the Senate is too flawed to be repaired. Therefore it must be removed and replaced. It’s at this point that we find a ray of hope” — for democracy.

Going back to the comments I was making earlier about when the two houses were formed at Confederation — at that time, we were essentially a colony. Then the western parts of the country in particular — Upper and Lower Canada and the appendages at either end — were treated like colonies.

Times have changed and I would argue that this territory and provincial governments aren’t colonies.

We don’t require the supervision of a central Canadian government and they’re not — our interests should not be some sort of a reflection by one individual or some appointed members in a chamber. I think that we elect people as citizens of this territory to forcefully and effectively represent our interests in the national scene, and if they don’t then they’ll be subject to re-election or non-election at the next go around.

As citizens across the country, Mr. Speaker — and this territory is no different — as we empower our territorial government, our provincial governments to represent our interests and expect them to do so, then we are effectively eclipsing the Senate as having any notion, any sensibility as providing regional representation.

Mr. Speaker, the Government House Leader concluded by saying: “... let us resolve to remove the Senate as a foundation stone of Confederation. It has served its purpose, and its flaws are now beyond the point of repair.”

I just have one last comment, because you can imagine the debate in the provincial Legislature.

I do hope other members will speak here today because quite a number of them did speak in Saskatchewan. I liked the comments from the Member for Saskatoon Nutana. She said — and I quote: “... this isn’t a rushed decision, and it needs the impetus and the kick-start” — should become a kick-start — “to start a serious debate among legislatures to test the will of the country.”

In fact, the person who was speaking there said she would have liked to see the motion go a bit further and challenge other legislatures to have the same debate and put forward the view of the people, then take a snapshot of where we are right now in Canada in each provincial legislature. That’s what we are having the opportunity here today to do.

By having this debate, we are then able to say that we have offered some options. We have said to the Government of Canada that it is time now to move seriously toward abolishing the Senate.

I mentioned this before to you, I believe — and I think I actually mentioned it in the Legislative Assembly — that when the Legislature of Saskatchewan concluded their debate that afternoon — and they passed it with all-party support — they went on to have a motion that said that the Speaker was required, on behalf of the Assembly, to transmit copies of the motion and verbatim transcripts of the motion just passed to the Prime Minister of Canada and the leaders of the opposition parties in the House of Commons, as well as the premier of each Canadian province and territory.

No doubt, the Premier of the Yukon will have read with interest the debate that occurred in Saskatchewan on November 6 and will be able to offer his reflections on this.

Saskatchewan did kick-start the debate that we are having today. That November 6 legislative debate was followed on November 26 in Manitoba, which debated the following motion. That motion — they have a different way of doing their motions than us — is:

WHEREAS the Province of Manitoba abolished its Upper House in 1876; and

WHEREAS the preferred position of Manitoba is that the Senate of Canada be abolished; and

WHEREAS Manitoba’s all-party Special Committee on Senate Reform held public hearings throughout the province during which it heard overwhelming support from Manitobans for reforming or outright abolishing the Senate; and

WHEREAS some Senators have too often served partisan objectives rather than the public interest; and

WHEREAS issues which have arisen in the past year have shaken any confidence Manitobans may have had towards the Senate and shown it to be fundamentally flawed.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Federal Government to

immediately begin negotiations with the provinces with the aim of abolishing Canada's Senate.

That motion was passed by the Manitoba Legislative Assembly. The Attorney General for Manitoba, Andrew Swan, said essentially that the motion called on the federal government to begin consulting with provinces on abolition. The Manitoban government said that public hearings in 2009 heard overwhelming support from Manitobans for outright Senate abolition or reform. He went on to say that it's a real political opportunity to step up and do away with an institution that's costing Canadians \$92.5 million a year.

It is clear that across the country and across the political spectrum, more and more people are coming to the same conclusion. Earlier I quoted an excerpt from an article by Ted Morton — an excerpt that was quoted in the Saskatchewan debate. Mr. Morton is a well-known Conservative and has been an ardent advocate of Senate reform. In a July 2013 article in the *National Post*, Mr. Morton said, "As a committed advocate of Senate reform, I once viewed the abolition of the Senate as the opposite of reform. Now, I see abolition as a better path to true reform ... But it is no longer clear to me that the best path to that outcome is trying to reform the existing system with sporadic, piecemeal provincial elections." This is with reference to the Triple-E Senate.

This is where he went on to explain a bit more about the two-step approach that I had mentioned before. "First, wipe the slate clean by abolishing the current Senate." Then he suggested starting from scratch in designing a new model that could be presented to Canadians. But the key here is that you have to get rid of the rot before you can move forward with the new. He said, "The problem with the approach the Conservative party is pursuing now is that it simply is not working. After 25 years, we've still got the same embarrassing patronage pen. It props up and prolongs the status quo — which almost no one supports anymore. I admire persistence. But persisting in a failed strategy eventually begins to look like sheer stubbornness."

Mr. Morton is a well-known Conservative Albertan, and his views are very much informed by the Reform perspective. This is where the Triple-E Senate idea had really come in — the West wanting in, being recognized, and recognizing that the formula for Senate allocation did not work anymore given, as I said earlier, the change in demographics and the rise of the West.

He said, the "risks to the West in the Conservative party's current approach of piecemeal provincial election" — there are risks to the west. "If all the provinces were to accept Harper's offer, we would then have democratically elected, effective and constitutionally entrenched Senate."

He then goes on to say — and this is where it gets kind of interesting — that: "As Justin Trudeau did us the recent favour of pointing out, Quebec has the same number of senators as the four Western provinces combined, despite being smaller both demographically and economically. Ditto in spades for the four Atlantic provinces. And even with a Triple-E Senate, the same four Atlantic Provinces — with 10

percent of the population — would then have close to 40% of Senate seats. Many Conservative party supporters never bought into the Triple-E Senate concept for precisely this reason. After 25 years of virtually no progress, that number is growing." So why keep pounding that one?

It is interesting to see how people's thinking evolves here. People thought there was a solution that was simple — it would just work and you keep going at it, and then, as you start moving and working it out, you realize that what you were so passionate about may not be so effective or equal.

It causes some angst and I certainly read this in the article from Mr. Morton. He said, in the past, he opposed abolishing the Senate because we would never arrive at a sufficiently strong national consensus to adopt a new, redesigned version of a Triple-E Senate. He said he was concerned about the risks there would be, doing this based on regional equality rather than equality of the provinces. He said if we were to abolish the existing Senate, that remains a very real risk, but that risk has to be balanced against the status quo which, despite 25 years of the Western-based Senate-reform movement, remains firmly entrenched.

The status quo is the status quo. Nobody has changed their views in the Senate. There is no reason to believe that this is going to change in the next 25 years. It goes on to say: "Abolition now — with a chance of a new redesigned Senate somewhere down the road — is a better option."

This is hugely significant. For somebody who has been so committed to try to think you could tinker around the edges — reforming the edges of the Senate — and you would get somewhere, the status quo hasn't worked, the status quo will not work and, as Mr. Morton, of all people, is saying, abolition now is a better option. He points out that abolishing the Senate may be just as impossible as reforming it because of the issues that are identified in the questions that have been put before the Supreme Court.

It may be difficult, but that doesn't mean — as was echoed by the Premier of Saskatchewan — it's impossible. Mr. Morton closed his article off by saying that the only way to save the Senate is to abolish it.

I'm well aware that the Yukon Party will amend this motion to simply call for reform of the Senate. I think I've talked about some of the reasons why, and I think that some of the information and the views that I have put before the Assembly today clearly demonstrate why that approach is, and will be, ineffective. It may sound like a safe, middle-of-the-road and, in their minds, a likely-to-offend-no-one approach, but I think if they do that, it will demonstrate that they have misread what the citizens of this territory and of Canada really think about the importance of a fully functioning and vibrant democracy and how deep the sentiments across this land run against the continuation of a Senate that is described in 1933 by members of the Cooperative Commonwealth Federation as — and I quote: "... one of the most reactionary assemblies in the civilized world. It is a standing obstacle to all progressive legislation, and the only permanently satisfactory method of dealing with the constitutional difficulties it creates is to abolish it."

That was 80 years ago. Resistance to truth is often sustained, and at times ferocious. As legislators, we are obliged to give life to truth. We can do that today by unanimously agreeing to the motion that we put forward today, Mr. Speaker.

I would urge all members to support the motion that the Government of Yukon work with other Canadian jurisdictions within the established constitutional framework to abolish the unelected and democratically unaccountable Senate of Canada.

Mr. Silver: I am very pleased to stand and speak on this very important debate that is not only happening here in the Legislative Assembly today during private members' day, but also across Canada.

I appreciate the words from the Leader of the NDP, but I respectfully disagree and I will not be supporting this motion, Mr. Speaker. I am not a constitutional expert, but I am not even sure there is a way — to quote that the motion — “to work with other Canadian jurisdictions within the established constitutional framework” — to abolish the Senate. Even constitutional experts don't agree on whether or not this is actually possible.

The current Prime Minister has his own plans as far as reforming the Senate. The Supreme Court of Canada recently heard arguments about a complicated set of questions concerning Senate reform. The federal government has asked the court whether Parliament is free to amend the Constitution to introduce changes, like implementing term limits or consultative elections for appointments of new senators, or whether the constitutional amending formula requires substantial provincial consent.

The other major issue the court will decide is whether abolishing the Senate entirely requires unanimous consent of the provinces. Constitutional experts, but probably not a majority of Canadians, now await that court's decision.

Emmet Macfarlane, an assistant professor of political science at the University of Waterloo, was recently quoted in *Maclean's* magazine. I quote here, “Unless the court is prepared to divorce its reasoning completely from the constitutional text, it will declare, as the Quebec Court of Appeal did, that unanimity is required to abolish the Senate. This will likely take Senate abolition off the table, as the likelihood of all provinces agreeing to abolish is low.” So it sounds like that is possible, but at the same time very unlikely.

Setting aside the question of whether or not it's possible for a moment, there is also a question of whether abolishing the Senate is a good idea. I personally don't believe that it is. It desperately, desperately needs to be reformed, but I do not support abolishing it. The basic concept of the Senate is still sound. It is a chamber of sober second thought.

There are so many issues our federal government has on its plate. I don't believe the time and energy invested into a plan to abolish the Senate is worth it. National defence, health care, climate change, our national economy — all ranking higher in terms of priority in my books. Even reforming the Senate can take up a lot of oxygen in the capital city, as

former Alberta premier, Peter Lougheed, Reform Party-founder, Preston Manning, and the former Prime Minister, Brian Mulroney, all found out.

Mr. Speaker, I recognize that many Canadians and Yukoners are not happy with the way that the Senate and the senators have been behaving. There is plenty of blame to go around for why Canadians feel that way. There have been senators from both sides who have been behaving badly in recent years and, unfortunately, that isn't something new. I still believe, though, that the Chamber itself can be effective and we should not be throwing the baby out with the bathwater, no matter how dirty that water may be.

The NDP have long been proponents of abolishing the Senate, and I've always suspected that it might have something to do with the fact that there are no New Democrats in the Senate. Added to that statement, I believe there should be representatives from all parties in the Senate.

On the other hand, Premier Brad Wall, a staunch Conservative, has also said that the Senate should be abolished. The sentiment cuts across the political spectrum.

The system is broken and there is no doubt about that. But, in the age of omnibus bills, Canadians need a sober second thought. Fix the Senate, Mr. Speaker. Don't abolish it.

Again, Mr. Speaker, thank you. I will not be supporting this motion.

Hon. Mr. Pasloski: I rise today to speak to the motion from the Leader of the New Democratic Party on the abolishment of the Senate.

I would have to say I am a bit confused in terms of the timing of this motion.

We just listened to over 45 minutes of the Leader of the NDP talking about the abolishment of the Senate. We've also heard in the last few days a lot of noise from both opposition parties in terms of the need for more time to continue the important work that they say — and we agree — needs full debate in this Assembly on things that are priorities for Yukoners. We've heard them talk about this quite extensively in the media. We've heard them talk about it quite extensively in social media as well.

I do think that, unlike the comments made by the leader of the New Democratic Party, what we have been hearing is amusement and disappointment by many people across this country on the actions of a minority of senators, Mr. Speaker, not a majority of senators.

What I will say is that we have come on the record with a government motion tabled by the Minister of Environment and of Economic Development that this House urges the Government of Canada, after receiving legal clarity from the Supreme Court of Canada, to consult with all provinces and territories on options for reforming the Senate of Canada.

While we wait for the Supreme Court of Canada, there are issues that we believe are important to all Yukoners, such as the economy, health care, education — things that I believe the citizens of Yukon Territory want and expect us to continue to do our diligence on and debate in our Assembly.

Our position on this is on the record. We did not participate in the submission to the Supreme Court of Canada. As you are aware, the territories are not part of the amending formula. Therefore, we don't have a constitutional — a legal — opinion to be able to be provided to the Supreme Court of Canada.

When we were instructed that for us to be able to put a position forward, which, as I have just articulated, has no bearing based on the amending formula, the cost to this territory was probably going to be \$50,000 to \$100,000 in fiscal cost, but then there's also the human resource cost of people working on that, both here and travelling to Ottawa as well. Being responsible with the Yukon's purse, at that time we did not feel that was a financially responsible decision to make.

Would we like to have a say in this part of a debate that has gone on and will continue to go on? Would we like to have a say? Absolutely we would like to have a say. I am confident that Canada will consider the territory's input on this. If it's not for a legal reason, it will certainly be because of a democratic obligation that they would have to hear, to listen to, and to consider the opinions of the three territories as well.

So because of our position on this topic — and that is the Senate — that after the Government of Canada receives legal clarity from the Supreme Court of Canada, they should consult with the provinces and the territories on options for reforming the Senate of Canada — the Supreme Court of Canada has not yet come back with those decisions — with that guidance — for the Government of Canada.

Motion to adjourn debate

Hon. Mr. Pasloski: With that in mind, I move that debate be now adjourned.

Speaker: It has been moved by the Hon. Premier that debate be now adjourned.

Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Madam Deputy 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: Disagree.

Ms. Stick: Disagree.

Ms. White: Disagree.

Mr. Tredger: Disagree.

Mr. Barr: Disagree.

Mr. Silver: Disagree.

Deputy Clerk: Mr. Speaker, the results are 11 yeas, six nays.

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

Motion to adjourn debate on Motion No. 496 agreed to

Motion No. 332, as amended — adjourned debate

Deputy Clerk: Motion No. 332, as amended, standing in the name of Mr. Silver — adjourned debate, the Hon. Mr. Nixon.

Speaker: Minister of Justice, you have 10 minutes and two seconds remaining, sir.

Hon. Mr. Nixon: Thanks very much, Mr. Speaker. We already have had fairly significant debate on this motion. Just to recap some of what I talked about earlier — we talked a bit about our relationship with First Nations pertaining to things like the visitor information centre in Carcross, items such as support for Air North, Yukon's Airline, and the relationship that this government has had with Air North, as well as the Vuntut Gwitchin. We talked about the European trade mission that the Premier led to Germany and the U.K. and the involvement of the First Nations Tourism Association and the benefit of having them along on that journey with us.

We talked about the relationship that we built through the Department of Tourism and Culture with NGOs, such as the Northern Cultural Expressions Society. When we were debating this on December 4 — I believe it was — I also talked about the collaboration by our Premier and by each of the other ministers in this government with respect to those relationships with both First Nations and with stakeholders in Yukon and, really, around the world.

Pertaining to the tourism trade mission, I talked about the statements from the interim Liberal leader about the missed opportunity that he believed it was — he also believed that it was a disappointment. Mr. Speaker, at that time I had indicated that I don't believe that the NGOs that went along with us or the stakeholders that went along with us, such as Air North and the First Nations Tourism Association — I don't believe that they think that was a missed opportunity.

I had also talked about a time in September of 2012 where the interim Liberal leader had indicated that our government was being too narrow in its marketing focus, saying that the Yukon Party has focused too much on China and not enough on potential markets in the USA and Europe. I had talked about our plan to market a trip to Europe, including the First Nations and empowering all of the 16 individuals who came with us. Now we see the member opposite saying that it was a missed opportunity. So there is some confusion around that.

I also talked about our relationship with Yukon First Nations and the creation of the Yukon Police Council and having to correct the record for the Member for Klondike. In appointing the council members, very carefully considered were a number of factors — and in particular the recommendation of both CYFN and nominations forwarded by non-CYFN First Nation members. Pertaining to that police council, I don't believe that I could have chosen a better council.

I also spoke on the Justice front that we have entered into contracts with Council of Yukon First Nations to provide a reintegration worker to carry out the duties associated with that work.

I also talked about our Premier, who continues to meet with First Nation leadership, whether it be formally, through the Yukon Forum, or informally, as he has been doing since we were elected.

I also talked about our knowledge about the many visitors who come to Yukon for the cultural aspect of our territory. They are here for our rich mining history. They are here to experience our First Nation culture, something that is very important to this government.

Mr. Speaker, I'm surprised, I suppose, that the interim Liberal Leader, the Member for Klondike, has brought this motion back for debate. It is my understanding, through listening to the interim Liberal Leader on the radio and reading social media, that his priority was Bill No. 66. This kind of reminds me about the priority that he set for Parks Canada just last year.

Being that the interim Liberal Leader's priority is in fact Bill No. 66, I would have thought that he might have stood down on a motion debate today, so that we could continue with the important business of this House. Rather than standing down on a motion that has already been moved and passed, and passed an amendment — and this motion has already had significant debate, yet it has been brought back for more debate. This is another example of the Member for Klondike, the interim Liberal Leader, saying one thing and doing the exact opposite, Mr. Speaker.

The government would prefer to get into debate on the departments and on important bills. Therefore, we won't be engaging in any further debate on this motion as we feel there has been substantial debate already.

Ms. Stick: Thank you, Mr. Speaker. Correct me if I'm wrong, but I do believe this is private members' day and that we do have an opportunity to bring forward motions for fulsome debate in the Legislature. Certainly the government has its share of Wednesdays when they bring forward what they feel is important and we debate it. We speak to it. We have opinions. We might not always agree, but a fair amount of motions have been passed in this House. That's what we're here for — to debate.

As for blaming this side for not achieving debate on every department, we're not the ones who set the agenda and we're not the ones who call the order of things.

The Member for Klondike has brought forward an important motion and the previous speaker may think that we've had enough debate, but not everyone has spoken to this and some people might have opinions that they would like to express — I, for one.

I've listened to other speakers talk about the great relationship with First Nations, but that's not what we're listening to on the radio, that's not what we're reading in the newspapers, and that's not how our discussions are going with First Nation leaders around this territory. They are not happy. They do not feel they are being listened to; they do not feel that they have been given the due respect that was laid out in this *Cooperation in Governance Act*. This is legislation passed by this government. It was passed and it lays out the purpose of the forum — for the members to discuss issues of common concern and identify opportunities and common priorities.

How about mining? How about mining legislation? How about health? How about land use planning? All of these things First Nations have been asking to talk about and to be able to discuss.

This isn't just about First Nations and this government. This is about all Yukoners. This impacts all Yukoners. To ignore it is a disservice. I don't even know what the legal — by not following our own legislation — I don't know what that means. Yes, this is legislation passed by this government that set up an opportunity of coming together with leadership from across this territory to discuss the concerns, opportunities and priorities of individuals, of First Nations and of all Yukoners. This is our opportunity, and it has been ignored. That is disrespectful.

If you listen to the radio — even today we heard from the Grand Chief about the absence of the government at the table to discuss important priorities to the First Nations. We talk to these people. We ask them about their opinion. We ask them if they are being listened to. What do they want? It's clear. We saw it in the debate on Bill No. 66, when into the record was read many letters from First Nations about lack of consultation, poor timing and short notice.

We heard from the chiefs from across the territory their opinion on what was happening. We can sit here and listen to long lists of what else is going on, but when there's still that dissatisfaction, it needs to be addressed. The forum is the place for that. It's important.

I thank the Member for Klondike for bringing it forward, because he, too, is obviously hearing something from First Nations, otherwise he wouldn't bring it forward. To suggest that we've had enough debate, let's move on, without allowing people to have their say I believe is disrespectful.

Mr. Barr: I would like to also thank the Member for Klondike for bring forward this motion, that this House urges the Government of Yukon to work with Yukon First Nation governments to establish the date for the next Yukon Forum.

It's very clear to me that from listening to the past debate that there are things that are happening with First Nations. These things that — the list and the time of all of that was rhymed off — are important things that happen; important

things that we are committed to doing, which is to work with each other.

If we weren't doing that, we wouldn't have what we have in place — the long list that we were, I would say, subjected to. However, that doesn't mean that there is not a lot to do. If it was accomplished — as this Yukon Party thinks that they have done their due diligence by doing what it's supposed to do anyway — it makes no sense.

The forum is another time set to do another list, if you will. It's a time set for all parties to sit down and discuss real issues together. It seems to me that this government has this approach of divide and conquer. If I can sit down with this one, this one, this one and this one, then I don't have to sit in a room where everybody can sit and share at the same time. It seems to me that we just experienced this by the adjournment of the last motion. This isn't about a one-sided conversation. This is about an opportunity to discuss, to debate and to share our ideas. That's what the forum means to me.

When I was listening to the radio — to other First Nation chiefs who drove all the way to get here through snow storms or the tarring — they had family commitments and they had other things that they were doing.

To be told at the end of the day, "Oh, it's off today" — that to me is just disrespectful. We're supposed to be respectful to one another.

So the Yukon Forum is a place, not for photo ops — it seems to me that the Yukon Party has a lack of understanding about what the forum is even about. My understanding is that there's a segment of society that thinks that a forum is a place where you've already discussed all the issues and you show up to the forum for your photo ops and sign the dotted line. To Yukon First Nations, it's my understanding that this is not their understanding of the forum.

The forum is a time when all the parties can sit down together and talk about real issues that are not on the long list that we heard the other day. That is stuff that you're supposed to do anyway as we're trying to forge together to create a Yukon with certainty, with mutual respect and with understanding. If we were doing that, we wouldn't be hearing what we're hearing from the Grand Chief. We wouldn't be hearing what was spoken by the Member for Riverdale South — from the members from this side — that there is frustration among First Nations.

Yes, there are some things that are going forward — there has to be. But this is about the real issues of land use planning. If this was done, why would I then be sitting with First Nations saying, "When are we finally going to get to land use planning? When are we finally going to get to housing in rural communities? When are we finally going to get to capacity building among all of us and look at that together?"

I mean, wasn't there a saying that more than one mind creates great ideas? I know that if I go to one person and then go to the other person about ideas that we should all be sitting and talking about together, we're wasting a lot of time and energy, and we're not getting the full picture. What these forums are supposed to do is get a full picture with everybody at the table, listen to one another, have a plan to go away with

so that you come back with action. That's not what's happening.

If I set up an appointment with you and I make an agreement of what these are, and then I don't show up, and then I don't make the next one and I don't make the next one and I don't make the next one — if I did that to the member opposite who is looking at me in the eyeballs, he'd give up on me. That's just the way it is.

This is about relationships. This is what this is about — building relationships.

By not fulfilling this forum — the responsibility to meet — it's not building relationships. It's as simple as that.

I would hope that these dates — this commitment by this government to meet with people who showed up — would resume. Then if you show up and say, "We're done today and we've had a good talk" — then you've accomplished something. By not being there, you're not accomplishing that. You're not accomplishing that good faith.

I would like to hear more people talk about this.

Ms. White: I find myself at nearly a loss for words that, at this point in the day, we're discussing the Yukon Forum. I'm disappointed that debate was adjourned on the Senate motion and I'm disappointed that it sounds like no members from the government caucus wish to speak toward the importance of the Yukon Forum.

It's interesting to know that the Yukon Forum was created in 2005 with the signing of a memorandum of understanding involving the Council of Yukon First Nations, the Yukon government and self-governing Yukon First Nations. I think it's even more surprising to know that with the intent of having four meetings a year since then, we have not successfully done that yet. The last meeting was held in 2009, and there was hope that there would be one held in 2012.

It was a surprising thing to learn that, when all the chiefs came to town, they came for the meeting and there was only one player who didn't come, and that was the Premier himself. I'm just trying to refresh my memory about that, because it was such a surprise when it happened. I was reading the newspaper article that came out after we started discussing this on December 6. The article was written by Jacqueline Ronson and she helped me remember. She says, "Chiefs gathered in Whitehorse in December of 2012 under the expectation that a Yukon Forum would take place. None did."

"The premier later said that no formal notification of a forum had been given, and the chiefs had gathered independently for a separate meeting."

Mr. Speaker, I remember having phone calls come into the office on that day, when the chiefs were at a loss as to what would happen. They came in for a Yukon Forum. It's one of those things where, the more opportunities I have to meet different First Nation elders and chiefs around the territory, the more and more I'm reminded that we're so lucky that there is leadership in governments that are so patient and so forgiving. It doesn't seem to matter how often the Yukon

government shows disrespect, First Nation governments are always willing to come back to the table.

I worry that we'll get to a point one time when they're not. We know that there are plenty of priorities for First Nation governments that they would like to discuss with government — that the idea of the forum, even as laid out in the legislation, is that it's finding joint priorities to move forward together.

By the level of disrespect that I feel in this House, I really hope that First Nation leadership does not feel the same way when they have the expectation of meetings to be called and they aren't, because that level of disrespect is not an easy thing to shake.

When we talk about setting out — when we look at the legislation and it talks about what the *Cooperation in Governance Act* was designed for, it's not about going to a meeting and being told that this is the priority and this is how we're going to get there. The idea was that together, First Nation leadership, First Nation communities and the Yukon government could set out those priorities together, that First Nations could bring forward their concerns and their ideas for what they wanted to see in their communities and within their governments.

I had the good fortune this fall of travelling down the highway toward Beaver Creek and was incredibly fortunate to stop and speak to the chief and some council members from the Champagne and Aishihik First Nations, from the Kluane First Nation and from the White River First Nation. With all those three meetings and all those opportunities to listen — because that's really what it's about. It's not about talking; it's about listening — I was reminded that we're so very lucky to have these different levels of government within the territory, because they are far, far ahead of the Yukon government in almost all ways.

The Champagne and Aishihik First Nations is addressing housing in a way that the Yukon government probably will never get to. They've identified the need and they are looking at homegrown solutions as to how to deal with their own housing crisis within the Champagne and Aishihik community, and they're doing incredible things. Along with that recognition of their own housing crisis, they're coming up with really creative solutions. Through them, we have the development of the triplex from Habitat for Humanity out at the Takhini River subdivision. They're looking toward building tiny houses, because they understand that not everyone needs a vast amount of space, but they need space to call their own.

If we go up the highway and we go toward the Kluane First Nation — the stuff that they're doing at Burwash Landing is incredible — it's incredible. The leadership in the Kluane First Nation is spectacular. We talked a lot about schooling, we talked about policing and we talked about renewable energy. I didn't know a lot about the Kluane First Nation before I got there, so it was an education for me. I learned that, at one point in time, they had a community within their school — and it was a small house and now it's

the council chamber. This room has windows and it faces the lake. You have this really inspiring view.

To understand the scholars who came out of the Kluane First Nation through that school — we have people with master's degrees and PhDs. They came from a community where the population is less than 400 people. That self-schooling — that school that they had — set them up for those successes. We know, based on our conversations when we were there, the Kluane First Nation would like nothing more than to have a school within their own community, so that their children no longer have to get on a bus and go to Destruction Bay.

In that same community, we saw advancements in renewable energy that we haven't yet seen embraced by the Yukon Party government. The Kluane First Nation, at great expense to themselves, are going forward with a three-windmill project. They have the deepest geothermal well drilled in the territory, at 1,200 feet. They have just built a four-plex of housing that has the highest energy rating that there is possible. It was built by members of their First Nation within their settlement land. It's all wired for solar panels, because they know what they need to do to move forward is to embrace renewable energy — because currently they are a fossil fuel community.

The fact that the leadership in the Kluane First Nation has identified that renewable energy is something that they should invest time and money in is inspiring. They have four solar panels up on one of the storage sheds, and they were really proud to talk about the amount of energy that it was generating. They have plans to put in a district heating system with their geothermal well. They have plans of having greenhouses that will operate for 12 months of the year.

These are all ideas that could be brought forward in a Yukon Forum situation, where it could be discussed and embraced by other First Nations in a round-table discussion and it could be supported by government. But we are not having that right now, because we don't have meetings set.

So then we go up the highway and we can go out to the White River First Nation and hear their struggles as they try to find their place in the world — knowing the value for them to also have the forum called so they can discuss their concerns and the struggles with others — but we still we don't have that meeting called. Mr. Speaker, I am not even sure of the words.

It is surprising to me — I feel, as an elected person, that respect that should be given to First Nation leadership is not shown by not showing up at the meeting in December of 2012 and by not having set meetings that First Nation leadership could look forward to or plan around or have goals to bring forward for that point, which is essentially telling the leadership that their opinions don't actually matter. Their wants, their needs and their aspirations don't actually matter. I find that hard to stomach.

I've had the good fortune of meeting both the chiefs of the Tr'ondëk Hwëch'in and the Na Cho Nyäk Dun on multiple occasions. I know that they have grave concerns around the *Peel Watershed Regional Land Use Plan*. They had hoped to

bring those concerns forward at the forum that was supposed to happen in the December of 2012 — and it didn't.

I know that the leadership from the Na Cho Nyäk Dun have a grand plan set forward for community wellness. They are moving forward in a direction that they've never gone before toward community wellness — toward addiction treatment, toward counselling, toward dealing with the effects of residential schools. Wouldn't that benefit every other First Nation in the territory if those conversations could be had around a round table? They could be supported by the other First Nations and the other First Nations could take strength and take it back to their own communities and use that as a go-forward point. But we don't have forum dates set.

Even with the change of wording to the motion — the Member for Klondike originally asked that a date be set. Then the government came forward to change it to say that it needed to be established with the Yukon First Nations to have the date set. It's a valid change, but today we see — and we have seen previously — that it doesn't seem to be a priority. We have the *Peel Watershed Regional Land Use Plan* that has been in limbo for nine years.

That affects land use planning in the rest of the territory. We have a staking moratorium that ends on December 31 and there has been no mention as to whether or not in good faith the government will extend that. That is something that could have been discussed at a forum. Were the government's justification for or not — against — could have been explained, so First Nation leadership would understand where they stood. But still we have no forum date.

I thank the Member for Klondike for this incredibly valuable and incredibly important motion. I acknowledge that I feel that we as a collective here are doing ourselves a great disservice by not respecting the intent of the Yukon Forum by not respecting what the original design was. It wasn't for the Yukon Party government to tell First Nations that these were the priorities and this is where we were going to go. It was set up to be a collaborative affair, where everyone's mutual wants and goals could be discussed and then could be decided upon so a map could be drawn for the future.

I think that's all I've got. Thank you very much for the time.

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

Mr. Silver: I would like to thank everybody for voicing their opinions on the amendment to the motion and to the original motion. I really believe we don't necessarily all agree a lot of times, but I think what we've seen here in today's deliberations and also the deliberations from a couple of weeks ago is that everybody here is very passionate about this issue.

Sometimes those things boil over. I'd like to thank you, Mr. Speaker, for your grace in dealing with us sometimes.

I am happy to close debate on this important motion on the Yukon Forum. The Legislature began debating this motion a couple of weeks ago and it was interesting to see the

response to our discussions from the Grand Chief of CYFN — Grand Chief Massie. She spoke with the *Whitehorse Star* and had some comments on our discussion.

I'll just read from that December 6 story.

"According to Ruth Massie, the Grand Chief of the Council of Yukon First Nations, it is the government that is unilaterally stalling the process."

"The parties have attempted several times to schedule a meeting, Massie told the *Star* Thursday afternoon. However, the forum hasn't happened because they can't agree on the topics to be discussed nor the purpose for the undertaking." To quote, "They want a rubber stamp process, we want a dialogue process," Massie said. Massie says, "Our chiefs want a face-to-face meeting to actually discuss the details of the issues and concerns. Each party, every time they go to meet, they pick their subject matter."

"Well, the Yukon government ... they prefer to have issues discussed at the bureaucratic level, and the Yukon Forum would be the final result of the work that's been done by technicians, and we said no."

Continuing Massie's quote: "It's all about consultation and accommodation. When is the Yukon government going to accommodate self-governing First Nations and respect their status as governments?" she asked.

Mr. Speaker, I hope that the comments from the Grand Chief will have an impact on the government and, in closing debate, I just want to say that First Nations are willing to meet and it is up to the Premier to make this happen.

Speaker: Are you prepared for the question on the motion, as amended?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Madam Deputy 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.

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

Speaker: The yeas have it. I declare the motion, as amended, carried.

Motion No. 332, as amended, agreed to

Motion No. 516

Deputy Clerk: Motion No. 516, standing in the name of Ms. White.

Speaker: It is moved by the Member for Takhini-Kopper King

THAT this House urges the Government of Yukon to support, and implement, the water quality standards agreed to by over 70 First Nations of the Yukon River basin, as written in the Yukon River Inter-Tribal Watershed Council Watershed Plan of August 2013, in order to allow for and protect productive populations of fish, wildlife and plants, and to prevent harm to salmonids and other aquatic fish from toxic substances.

Ms. White: It gives me great honour to speak to Motion No. 516. I had the great fortune and distinct pleasure to attend the Yukon River Inter-Tribal Watershed Council summit this summer in Mayo on August 2, 3 and 4. I didn't know what I was getting into when I went, and I have to say it was an eye-opening experience.

There were delegates from all of the 70 First Nations and tribes along the Yukon River watershed, and what I was able to witness there is something that I have heard spoken about but have never actually seen work, and that is called consensus. It was an incredibly eye-opening meeting because of the way it was run. The speaking delegates sat at the table and the rest of the tent was filled with people who were watching.

The really incredible thing is that everyone was allowed to voice their opinion, whether it was something that others agreed with or not. But it was done in such a respectful fashion that even if one person said one opinion and the next person said the exact opposite, both were listened to with the same degree and level of respect.

There are many amazing things that happened there. The first was watching what a consensus vote actually looks like. It's interesting to know that it wasn't easy. It's not that the plan was written and they agreed to it within the same year. It was a hard-fought, hard-won final decision. I think in order to understand a bit more about what the goals and directions were is to understand the Yukon River Inter-Tribal Watershed Council and what it is: "The Watershed council is an Indigenous grassroots organization, consisting of 70 First Nations and Tribes, dedicated to the protection and preservation of the Yukon River Watershed. The YRITWC accomplishes this by providing Yukon First Nations and Alaska Tribes in the Yukon Watershed with technical assistance, such as facilitating the development and exchange of information, coordinating efforts between First Nations and Tribes, undertaking research, and providing training,

education and awareness programs to promote the health of the Watershed and its Indigenous peoples."

It's a phenomenal thing because it's a cross-border organization that has many different views, and it was interesting to sit around and hear what those views were. The original plan that they came up with — they started in 2009 and the one that they finally approved is a phenomenal document. The purpose of their watershed plan is to protect and improve the water quality in the Yukon River from the headwaters to the mouth.

The First Nation and tribal governments of the Yukon River, working together through the Yukon River Inter-Tribal Watershed Council, have developed this plan to ensure that the Yukon River will continue to sustain the coming generations for all of the people, fish, wildlife and plants of the Yukon. The plan combines the best of modern science and policy and the traditional environmental knowledge of the indigenous governments and people of the Yukon River, and it includes enforceable standards to protect the quality and flow of the water of the river.

The Yukon River watershed plan is organized around a framework that begins by describing the tribes' and First Nations' long-term vision and objectives. Their mission is: "We, the Indigenous Tribes/ First Nations from the headwaters to the mouth of the Yukon River, having been placed here by our Creator, do hereby agree to initiate and continue the clean up and preservation of the Yukon River for the protection of our own and future generations of our Tribes/First Nations and for the continuation of our traditional Native way of life ... Our vision, put simply, is 'to be able to drink water directly from the Yukon River'."

The intent there is quite beautiful — the end goal — and we talk about it as seven generations. The hope of the council is that, seven generations from now, you will be able to drink water freely from the river without worrying about pollutants or contaminants.

The plan described the conditions of the river necessary to realize the plan's vision, and the objectives are qualitative in nature — not specific or numerical.

The first one is that the Yukon River will be of such quality as to support and sustain the traditional and subsistence uses of the people of the First Nations and tribes of the Yukon, including customary commercial uses. The second is that the Yukon River will be substantially unaltered from natural conditions in terms of quantity, quality and rate of flow, including seasonal and daily rates of flow and flow patterns within normal environmental variation over time. Third is that the quality of the Yukon River will be consistent with, and support and sustain over time, the habitat characteristics and ecological functions necessary for abundant, productive and diverse populations of fish, wildlife and plants important to the tribes and First Nations of the Yukon. Fourth is that the quality of the Yukon River will be consistent with, and support and sustain over time, the health of all the people, communities and nations who drink or come into contact with the waters of the Yukon River.

This document, which was approved this summer in Mayo with consensus, is quite lovely in its final goal. The very fact — if you can imagine — that 70 different First Nations and tribes along the Yukon River watershed were able to agree to the final terms is incredible.

We know that, on the Yukon side, First Nations have decided that they will not do a subsistence fish because they are concerned that there are not enough salmon getting to their spawning areas. We know that there are challenges on the Alaskan side by the commercial fisheries. We know that there are challenges, even for the communities that are close to the mouth, as far as being able to get enough fish to live. We know that in the Yukon — for example, the Ta'an Kwäch'än — they are now bringing fish in from the Taku River Tlingit in Atlin because, in order to continue on with the traditions of their traditional lifestyle, they need fish to be able to teach their youth, and because there is a self-ban on fishing right now, they need to get those fish from elsewhere.

We know that this is a grave concern and an important item to many First Nations and tribal people. The intent of my motion is that we respect, understand and support what their goal is in any way that the Yukon government can.

With that, I look forward to other comments.

Ms. Hanson: I rise to speak in support of this motion that the Member for Takhini-Kopper King has brought forward. I hadn't actually anticipated speaking, so I hope you'll bear with me because I need to collect my thoughts about the events that occurred when we, as the Official Opposition, participated in the inter-tribal watershed forum meeting in Mayo in August. We had, as the Member for Takhini-Kopper King indicated, no real comprehension, and I would imagine that many members of the government side would also not have much comprehension of the significance of this gathering. Perhaps that was most evident in the fact that none of them chose to attend it — including the Minister of Environment. Given the importance of the issue of water and what we've heard many times in this Legislative Assembly about the development of a water strategy, that was fairly unfortunate.

The Yukon River Inter-Tribal Watershed Council is a unique organization, as the Member for Takhini-Kopper King has already referenced. It's also really fascinating to see that the — when you think about this amalgamation of First Nations strung along the whole of the watershed of the Yukon River, if you look at the map of the northern reaches of this continent, you would see how vast that really is. That was reinforced for us.

So imagine the challenge that there is, in terms of working with and coordinating all those disparate communities that cross so many cultural and linguistic groups — historically, very different — and their interpretation or their relationship with what ultimately becomes the Yukon River, through that watershed, is also historically diverse.

Perhaps because of the challenges that are associated with working with that kind of diversity, it's interesting to note that in May of this year, the Yukon River Inter-Tribal Watershed

Council was named as one of the top 25 innovations in government by the Harvard University Ash Center for Democratic Governance and Innovation at the John F. Kennedy School of Government. So, one of the top 25 in the United States — a significant number of the communities that are in this watershed are in Alaska.

So these top 25 innovations in government offer real, tangible ways to protect our most disadvantaged citizens, educate the next generation and utilize data analytics to enhance government performance. One of the things that was so evident throughout the course of the discussions — of the deliberations — of the people who were part of the inter-tribal watershed meetings in August was the quality of the data and the research that has been done by members of this council over the last number of years — in particular, over the last few years. Because as they've been working — I think it's over the last 18 years — to develop this to do their work, they've been able to build on the data and the information, and it has led them to have the confidence to go forward with the kind of motion and direction that the Member for Takhini-Kopper King spoke to.

As the citation for the top 25 innovation award that the Council won, despite diminishing resources, these programs have developed model innovations that should be inspiration for others, including government. The Yukon River Inter-Tribal Watershed Council was recognized for its work toward environmental revitalization and its international governance model to protect the Yukon River and ensure its water is drinkable for generations to come.

Jon Waterhouse, who is a First Nation person and Executive Director of the Yukon River Inter-Tribal Watershed Council, was honoured as a 2012 Ecotrust Indigenous Leadership Award finalist for his tireless dedication to the restoration and preservation of the Yukon River watershed. We saw that in evidence. His work serves as a model for indigenous peoples around the world as they attempt to restore, protect and preserve their watersheds using traditional knowledge as a foundation for achieving their goals.

This summer, there was additional work that was done with the Yukon River Inter-Tribal Watershed Council to support their water policy, which was extensively discussed and ratified at this meeting in the summer.

It's like profits in their own lands, they are often not recognized. I can say that for many years the work of the Yukon River Inter-Tribal Watershed Council has been below the surface, not often recognized by the mainstream for its importance.

I know that over the years as I have met with Chief Carl Sidney, who has been one of the champions in the Yukon with respect to the work and the efforts of the Yukon River Inter-Tribal Watershed Council, I could sense his frustration that government was not getting it. I think that is equally true today — government is not getting it.

What we heard very clearly during those meetings in August and over the course of those conversations — some of them in the formal setting where there were presentations under the big tent along the river there, others were in more

informal settings, where people just talked about some of the data and data sets that they had developed, because the forum also provided a pretty good overview of the various research projects that have been ongoing.

That was the other thing — people take pride in the work that they have done because they believe in the importance of the objectives of the water policy in determination of standards for the water.

This is not because it's a vague or isolated or sort of remote directive coming from a government, but because they live and they depend on the water. They have done that for generations and they believe that, for generations to come, water needs to be sustainable and the quality of that water needs to be sustainable.

In fact, the language that we heard this summer at the Yukon River Inter-Tribal Watershed Council meetings very much reflected the language that we see reflected in First Nation final agreements with the expressed intent with respect to water and water quality for the future. So I found it was interesting to look at how using what might be termed as an organic approach to developing a policy and a basin-wide plan, they were actually able to achieve it.

How they did it was interesting. Under the direction of the leadership of the 70 communities, the watershed council developed, as my colleague said, a basin-wide watershed plan for the Yukon River — a plan that includes specific water quality standards designed to protect the quality and flow of the water in the Yukon River. This was done by having the watershed council staff produce a draft of the watershed basin plan that had water quality standards, which they took around to the communities and actually engaged with communities to review and discuss it, and asked for their input on how to shape and improve the plan.

The purpose of the plan is to improve and protect the quality of the Yukon River water over the long run, as my colleague pointed out. This is not something that is for the next hydro project or the next industrial project and how you mitigate it. It's to ensure that over the long run that we — because if they are successful in implementing this plan, that means that we, together, have to work because it's not something that can be done by one side only. This is not something that the 70 First Nation communities should be doing on their own.

The challenge that they're putting out to us is how we engage to make sure that the purpose of the plan is to improve and protect the quality of the Yukon River water over the long run to sustain the health of our communities and to have healthy productive habitats for fish, animals and plants of the watershed.

They worked over the last couple of years to bring to their biennial summit, which was held in Mayo in August, and they brought to that summit for consideration and approval that draft basin wide water quality plan, including — this is where the work and the crux of the plan was — a set of measurable water quality standards for the basin as a whole.

They also worked and considered — we saw the discussion where they had developed, in consultation with the

member communities, a series of sort of bylaws — I guess you'd call them ordinances — that the various tribes and First Nations could use to adopt the watershed plan and water quality standards.

Now that the Yukon River Inter-Tribal Watershed Council has approved this plan at their summit, it sets in motion a way to identify a series of activities that will occur locally in the watershed basin and that we'll be looking at and working with communities as they identify activities that might degrade or threaten to degrade the water quality of the Yukon River in violation of the standards that the Yukon River Inter-Tribal Watershed Council has set. They are going to be looking at actions that can address those threats.

First Nations recognize that the work that was necessary over the last few years to actually pull this together, which is enormous — I mean, we seem to have a challenge in this territory working on consultation with 14 First Nations. We are talking 70, Mr. Speaker.

I can say without doubt that the sentiment at the Yukon River Inter-Tribal Watershed meeting in August — the people there who represented those communities throughout the Yukon, throughout Alaska and into Northwest Territories — felt that their voices had been heard. They felt that the people who had done the work had shown the leadership necessary to work with the individual governments and communities to get the input to allow the necessary review of the draft plan, and they recognize that they are just beginning. Having this plan in place is just the beginning.

This was, and is, the next logical step in the overall mission of the watershed council. The watershed council and its member nations have been working for 15 years or more — 18 years, I think — to increase their capacity to work together, to monitor water quality and to develop first-class science with a collective body of water quality information about the Yukon River that really no one else has and to address contamination sources through a variety of programs.

What I heard at that meeting was an assertion by the members of the council and the member communities, and they talked about a meeting that had occurred in Ruby, Alaska — so it would have been the last biannual meeting. At that meeting, the First Nations and tribes of the watershed council determined that it was time now to become more assertive in bringing the capacity and knowledge and action that they have developed over the last number of years into a collective, inter-tribal water plan.

This plan does match the vision of the watershed council founders, of a river clean enough to drink from and to sustain the coming generations.

It's really important that as we look at the science, the water quality information and the scientific knowledge of the council's scientific staff — and they are among the best — and the natural resources staff along with the traditional environmental knowledge of the governments and communities and people of the river. It's at this point that we begin to look at proposing the set of water quality standards that describes, in measurable terms, the quality of the water necessary to match that vision that the First Nations have, and

to ensure the vision of a Yukon River substantially unaltered from natural conditions in terms of quality and quantity and flow.

The proposed water quality standards are derived from the information on water quality that the council has and represent the most stringent water quality standards developed by other tribes and states in the Pacific Northwest to protect human life and aquatic life.

I will acknowledge that there was a sole representative from the Department of Environment, and it was good to see her there to engage in some of the discussions. There were discussions about the approach that the Government of Yukon has put forward in developing a water strategy versus the approach that the Government of the Northwest Territories has taken with respect to development of a water strategy.

I would leave it to the minister to seek a briefing, perhaps, on the two approaches because they are considerably different and do reflect, ultimately, a qualitative difference in terms of outcome. I would urge the minister to seek more information about the approaches that have been taken in the Northwest Territories.

I mentioned earlier that the language that we see and we heard being expressed at the inter-tribal watershed meeting was reminiscent and certainly reminded me of the language that we see in the final agreements with respect to water. The drafters of the watershed plan made sure that they designed it with the intent to be consistent with and as an expression of water rights and other rights that are held by Yukon First Nations and Alaskan tribes. This includes the right and expectation to have the flow of the Yukon River remain substantially unaltered as to quantity, quality and rate of flow through or adjacent to First Nation land — a right, as I've mentioned, that's described first in the *Umbrella Final Agreement* and then in the First Nation final agreements that flow from that — and consistent with the inherent rights of the Alaskan tribes expressed at this point in time and reserve water rights held by the U.S. government.

They have also made efforts to make sure the plan was designed to build on the existing relationships with national, provincial and state governments. They are really clear on this one — they spoke to this quite a lot. It was designed to help improve substantially on those governance relationships over time. First Nations recognize that, despite the fact that they have been working on this issue for over 15 years, other governments have been slow to come to this issue.

Now that the work has been done in terms of getting to the point of developing the draft, working with communities along the watershed and within it, and having the watershed plan for the Yukon River approved — this is where the dynamic shifts from being an internal exercise with the First Nations and tribes in the Yukon River watershed to now working to the issues of implementation, and this is where the opportunity exists for the Yukon government.

First Nations and the watershed council will be expecting this, and I would be interested to hear from the minister the extent to which they have already engaged in this way, in terms of entering into government-to-government discussions

— federal governments, territorial and provincial governments, state governments — about means and ways of implementing the water quality standards and the other elements of the watershed plan and to developing a shared governance approach to the river.

I know that the minister opposite is aware of this because, in 2012, the watershed council sent the governments in the summertime a notice alerting the governments to the fact that the watershed council was working on this watershed plan and setting out their expectations — that when they had this approval and they completed the watershed plan and had proved the water quality standards that the Yukon River Inter-Tribal Watershed Council expects to be maintained along the Yukon River watershed, then they will need the concurrence and the willingness of governments — within whose jurisdiction the river flows and within whose jurisdiction the watershed exists — to work with them. There is another opportunity for the Yukon government, in terms of making real the shared governance model that flows from the First Nation final agreements.

We can expect that what's contained in this plan will provide opportunities for the First Nations of Yukon, in particular, and then along the watershed elsewhere. We are mostly constrained by our jurisdiction here in the territory, so I speak primarily to the opportunities that exist in working with the Yukon First Nations to look at how we can together take the watershed plan and build on the opportunity that it provides over the long run and make real the opportunity that it says to us about an aspect of governance. It is really as much about governance as it is about water quality — about what it means to recognize the assertion of a role for First Nations in the governance of the Yukon River to protect the water for all people of the basin.

My colleague for Takhini-Kopper King talked earlier about one of the most evident qualities that we've seen demonstrated by First Nations and First Nation governments, and that's patience. They spoke about that too. They recognize that patience is essential — will be essential. This is a project that's not going to happen overnight. There is no magic to this. It will, for many years, take collaboration if we are going to protect in law the quality of the Yukon River, if we are going to work together to respect the role of First Nations in the governance of the river.

I'm really proud that the Member for Takhini-Kopper King has brought forward this motion. It reflects — I think — the fact that, when you have an openness and a willingness to listen, to hear what people are saying — as she did, along with her colleagues, me and others included — to listen to something we probably knew nothing about before we went to that meeting in Mayo. When we have the openness to hear and to listen and then to reflect, you see that there are opportunities that perhaps we didn't realize were there before.

I'm hoping that, as the Government of Yukon, as we move toward and as we roll out the work that is necessary to fulfill the commitment around the development of the water strategy for Yukon, that we will ensure — the Government of Yukon will ensure — that it does so in a way that supports

and implements the water quality standards agreed to by over 70 First Nations of the Yukon River Basin, as written and set out in the Yukon River Inter-Tribal Watershed Council watershed plan of August 2013.

I'll just leave it at that. I think it's very important that we take this opportunity and that we respond, as the Legislative Assembly, in a positive way to a very positive initiative having been taken by a collectivity of First Nation communities, backed by rigorous science and expressed in this plan that was reached by consensus.

It's a great model, Mr. Speaker, in terms of governance. It was a great model and a great experience, in terms of seeing the respect with which people actually listened to each other, engaged in discussion — didn't shut each other down, actually talked about issues — and exchanged views — coming from very different political points of view, because they represent all of the potential that is along this vast geographic region of the north.

I would urge other members as they reflect on this motion to ultimately find it in themselves to support it and thank you for your time, Mr. Speaker.

Mr. Tredger: Thank you for the opportunity to speak to this very important motion. I would like to thank the Member for Takhini-Kopper King for bringing forth the motion, that this House urges the Government of Yukon to support and implement the water quality standards agreed to by over 70 First Nations of the Yukon River Basin, as written in the Yukon River Inter-Tribal Watershed Council watershed plan of August 2013, in order to allow for and protect productive populations of fish, wildlife and plants and to prevent harm to salmonoids and other aquatic fish from toxic substances.

I would like to begin my portion of this debate by congratulating the people of Mayo-Tatchun who hosted the Yukon River Inter-Tribal Watershed Council this summer in Mayo. The Na Cho Nyäk Dun set a very, very high standard. We have much to learn from their hospitality.

I had the good fortune to be invited. I was honoured to be there. I was pleased to be accompanied by the Member for Whitehorse Centre, the Leader of the Official Opposition and the Member for Takhini-Kopper King, as well as some friends from our staff.

To say it was an eye-opening experience was the least; it was an honour to gather on the shores of the Mayo River in the Yukon River drainage basin — the Stewart River and Mayo River. I was camped by the Mayo River.

What was accomplished? First and foremost, I think, relationships were built. As Chief Carl Sidney said, relationships are what last, what builds our territory and what gives Yukon its strength — shared experiences and stories, whether around a campfire or around a meeting table. Working together to meet challenges, celebrate victories and to move forward, it was a building of community spirit. I was so proud of the Na Cho Nyäk Dun for the way they hosted and opened their land and their homes to people from up and

down the Yukon watershed as well as people from other watersheds who came to learn and participate.

It made me realize that while we all face challenges, when you can work together, when you can build together, when you can learn to trust and believe in each other and when you can share your experiences, that is what it is to be human — to meet those challenges as humans, one another.

I was impressed with the Yukon River Inter-Tribal Watershed Council — the quality and depth of their research, the thought that has gone into the processes that they are developing and their manner of governance.

At the 2013 summit, they brought together delegates from over 70 signatory tribes and First Nation governments, friends and supporters from across North America and abroad to take part in three full days of training, working sessions, speakers and entertainment. It was an opportunity to learn about the diverse watershed, to make important and challenging decisions about the watershed protection and ensure that many of our efforts to preserve and protect the Yukon River and its tributaries are continuing and strong.

This is an opportunity for the Yukon. It's a gift from the First Nations up and down the river watershed. We're at a time when our federal government has abandoned the environment and scientists, while our rivers are under siege. Protection is being curtailed. Scientists are being diminished and ignored. There are cuts to major programs. We're facing unprecedented challenges in terms of climate change and challenges to our watershed. This is an olive branch. This is a chance for Yukon government to say —

Some Hon. Member: (inaudible)

Mr. Tredger: It's not a laughing matter; it's a serious matter. I consider it worthy of debate. I consider that this House needs to honour the passion, the dedication, the scientific knowledge and the traditional knowledge that has been gathered with an effort to preserve our river.

My fear is we're going to leave it to others — the Department of Fisheries and Oceans — to manage our salmon fishery. We have seen how they managed the cod stocks off the coast of eastern Canada. We have seen what happened to one of the largest fisheries in the world off the coast of eastern Canada, to today, where they cannot fish at all. We have watched for 15 years, as year-by-year, the number of returning salmon dwindles. The Yukon River Inter-Tribal Watershed Council has an incredible resource to offer to us. We should be welcoming them; we should be setting up meetings. We should be finding out what they know and the studies they have done. We should be tapping into the traditional knowledge that they have gathered. We should be tapping into the scientific knowledge that they have gathered. We should be tapping into their stories, their ideas, and their vision that we can all drink the water from the Yukon River 50 years hence.

Wouldn't it be nice to be able to walk out my door on the Pelly River, go down to the river and drink the water? Wouldn't it be nice, to see once again, like 15 years ago, that First Nation fisheries are abundant. That is a goal worth striving for. That is a goal worth talking about, worth

dreaming about. We should be asking anyone and everyone to come together to protect our waters. Yukon elders talk about part of the land, part of the water. Water is not a commodity. Water is our life. That is the value of working with the Yukon Inter-Tribal Watershed Council.

Up and down the river there are people who are experiencing it — changes, fluctuations. Up and down the river there are people who are living off the river, with the river, on the river and by the river. These are our eyes and ears on what is changing and what is not changing. These are our early warning systems. These are the people who live there, conduct tests and experiments, do water samples and train our children to do the same, and who can involve our schools and our communities.

Some people might scoff at that. What is more important than our air, our water and our land? Here we have a gift. People who have spent over 15 years studying it, gathering stories, studying scientifically, bringing the best of modern science to bear, gathering traditional knowledge stories and bringing them together.

It's not an easy task. It's a huge task. Right now the Yukon is struggling to get baseline water data on various parts of the Yukon. The Department of Environment is excited that they have two new test sites. They are being offered samples from up and down the length of the Yukon River. Bring this into our database; work with the Yukon River Inter-Tribal Watershed Council for goodness' sake. We cannot afford to turn our backs on these opportunities.

I was impressed with the plan that they came forward with this summer. A lot of thought had gone into it. There was unanimous consent. The plan is organized in four principal sections: understanding, education, preservation, restoration and stewardship, as well as capacity building.

Understanding speaks to the need to understand the health of the Yukon River from a scientific point of view, from a traditional knowledge point of view. We need immediate feedback. People living up and down the river can give us that. We need transparent, open sharing up and down the river, up and down the drainage basin.

The Yukon is an amazing river. It begins within sight of the Pacific Ocean, flows 3,000 miles and pours into the Bering Sea. It traverses many people, many climates, and many situations. We need people living on the river. We need their information, we need to work with them, we need to help them, and they need to help us. This is such an opportunity.

The objectives of the plan — I'll just read a little bit so you get a sense of the thought that has gone into the making of this plan.

Collectively, the objectives promote and protect river flows and water quality for human health and fish and wildlife productivity consistent with the vision. These objectives are also consistent with the water rights of First Nations described in the *Umbrella Final Agreement* with the reserve water rights of the U.S. government under the *Alaska National Interest Lands Conservation Act* with the inherent water rights of the tribes and First Nations of the Yukon River, as sovereign governments within the U.S. and Canada and as recognized in

the United Nations Declaration on the Rights of Indigenous Peoples.

These objectives will be understood and expressed in different ways in the different legal jurisdictions within the watershed, but they will be respected, understood and expressed. They will be.

It's a plan to improve the water quality of the Yukon River from the headwaters to the mouth. It's a plan to involve residents up and down the river. It's a plan that is built on respect, trust, hope and a belief in human beings to manage our resources in a responsible stewardship manner.

It is a plan that provides baseline data and standards for the entire river and its tributaries. It is a plan that takes into account the people living up and down the river.

I'll finish where I began, with the relationships, because to me, the people I've met, the relationships that I developed, the commitments that they made to one another, the passion, the knowledge, the laughter, the frustrations, the hopes and the aspirations were shared around the conference table. They were shared around campfires, they were shared in music, they were shared in the voices of the elders and of the leaders and set an example that we can hope to emulate.

So I thank the member for Takhini-Kopper King for bringing forth this very important motion. I thank you, Mr. Speaker, for the opportunity to speak to it today. Those who listened, I thank you for that. Again, I would encourage everyone to vote to work with the Yukon River Inter-Tribal Watershed Council to work to make the Yukon River our river, to respect the life-giving qualities of it and the importance of it in each and every one of us and our lives and for our children — the children in our schools now — and for our children's children and for many generations to come. I long for the day when I can go to a fish camp where there is abundant fish and the culture of the Northern Tutchone people along the Pelly River can be relived, experienced, shared. They are vibrant and strong people with lots of power and enthusiasm.

I live for that day, because fish camps are very, very special and important places. I encourage all to vote in favour of this motion.

Hon. Mr. Dixon: Mr. Speaker, it's interesting to even be standing here debating this motion today, because of the fact that we've heard continuously throughout the week from the Opposition parties that they would like to be debating the business of the House. Today, earlier in Question Period, the Member for Mayo-Tatchun suggested that we should be debating the Highways and Public Works budget. We've heard from the other parties that we should be debating Bill No. 66. Yet when we're giving the opportunity for the Opposition to provide the time to debate those matters, they choose not to. They choose to call motions when they could very well — which would be consistent with what previous oppositions have done throughout the last several Legislatures, which would have been to forego their motions to debate the business of the House so that we can get through the important business that is before us that includes Bill No.

11; that includes Bill No. 66; and includes the other business that's before the government.

When the camera is on and when the media are here, the Opposition say they want to debate the Highways and Public Works budget and they want to debate Bill No. 66, but once that changes, of course, they want to give us platitudinous lectures about the hopes and dreams of fish camps or something like that.

It's a bit strange for me to even be debating this particular motion at this time, given the fact that they have so strongly expressed their desire to debate other matters, such as the business that is on the Order Paper that is yet to be debated. So I will be very brief. I would be happy to be very concise in my comments here and allow us to return to the business of the house, which includes Bill No. 66 and Bill No. 11, and perhaps then we can conclude the debates on that particular business.

I'll turn very briefly to this particular motion. We are aware of the plan that has been discussed at the Yukon River Inter-Tribal Watershed Council this year. We have a long history of working positively with the Yukon River Inter-Tribal Watershed Council.

In 2007, the Department of Environment collaborated with the water council for which the joint application to the northern strategy trust helped secure \$350,000 over three years. The project invested in community water stewardship by training local people in water sampling techniques. The data provided was utilized by the water council and the U.S. Geological Survey to improve their understanding of climate change impacts on the Yukon River.

In 2009, the Department of Environment sponsored a potlatch for the water council's biennial summit held at Lake Laberge. The Yukon Minister of Environment then, who is now the Minister of Education, spoke at the event. In September of that year, the department provided a letter of support to the water council for their grant to the Yukon community development fund to enhance and facilitate youth interest and involvement in environment and natural resource-based careers, including climate change and watershed science.

In 2011, Environment Yukon sent a representative to attend the biennial summit held in Ruby, Alaska and gave a short presentation highlighting water management in Yukon, current initiatives of the Yukon Water Resources branch, collaboration with Yukon First Nations and the watershed council — and current and future water issues in Yukon and possible next steps.

This year at the summit discussed today, of course we had Environment Yukon represented there by folks from the Water Resources branch and provided a draft water strategy presentation for them.

I think that the intention of this motion is sound and it's positive, but there are some notable flaws and omissions in it. The motion suggests that we should move forward to implement the strategy. I should note that in the summer of this year, the Yukon River Inter-Tribal Watershed Council wrote a letter to the Yukon government and I'll quote briefly

from it: "The YRITWC's water quality plan will combine the best of the YRITWC's extensive water quality monitoring information and other scientific capabilities with the traditional knowledge, rights and responsibilities of indigenous governments and people of the Yukon River. The centrepiece of the water quality plan will be a set of specific potentially enforceable standards to protect the quality and flow of the water and the river for these purposes."

Later in this letter from the executive director that was referenced earlier — and I quote again: "As we noted in our letter last July, we anticipate approval of major elements of the water quality plan later in 2013, including a baseline set of water quality standards following the YRITWC's Biennial Summit in August in Mayo. If so, at that point we will request government-to-government discussions with the Government of Yukon..." It goes on to talk about other sovereign governments as well within the Yukon and in the Yukon basin and about implementing the water quality plan.

While I certainly look forward to those discussions, they have not yet occurred and I think it would be premature for us to move ahead and commit to implementing those "water quality standards" before thorough and adequate discussions have been had with the watershed council, as they've requested.

I anticipate that they'll be requesting meetings in the new year, and I look forward to providing either me or department staff to attend those meetings and discuss whether or not and how to implement these water quality standards. But, given the fact that those discussions have not yet begun and we have not yet received an invitation from the watershed council to enter into those discussions, I think it would be premature to pass a motion urging the government to implement those standards.

As well, I should note, the Yukon Water Board is the current forum for setting the water quality standards. The Yukon's water licensing process is well-established and is recognized as an effective tool to provide stringent water quality standards and both Environment Yukon and the Yukon Water Board issue guidance documents for protecting water.

Water quality standards are not set in the *Waters Act*, but the act does make a reference that standards may be made in accordance with sections 12 and 31. Section 12(4)(c)(i) states that in the absence of prescribed water quality standards through regulation, the Yukon Water Board will consider other standards that they deem acceptable.

A regulation has not yet been made because the Yukon government follows the guidelines and standards set by the Canadian Council of Ministers of the Environment. The benefit and advantage of utilizing these national standards are that they are continuously updated and revised to reflect emerging science and knowledge.

So before we decide to depart from that practice of using the national standard as set out by the CCME and move to a different standard as perhaps proposed by this plan, that's something we need to give some thorough discussion and thorough consideration to with a number of levels of government in this territory.

Of course, the Yukon government is not the only player here who needs to be considered when we consider water management in the territory and the implementation of potential water standards. I would note that the motion is silent on the existence of the Water Board, which of course is the most important forum for the setting of water quality standards.

Given the fact that we have not yet had discussions, and have not yet been invited to discussions, with the Yukon River Inter-Tribal Watershed Council — and that those discussions will inform a decision about whether or not and how to implement these standards, and the fact that this motion doesn't include important bodies like the Water Board and other levels of government, I won't be supporting the motion today.

I look forward to quickly passing a vote on this particular motion and moving into the important business of the House, as requested continuously throughout the week in the sitting by the Liberals and by the NDP — to debate the budgets identified in Bill No. 11 and to debate the very important Bill No. 66, which we are in the midst of Committee debate on right now, or we will be hopefully soon.

So with that, Mr. Speaker, I look forward to dealing with this particular motion. I look forward to dealing with the Yukon River Inter-Tribal Watershed Council in the new year and deciding how to respond to their proposals. I hope that we can work collaboratively, as they suggested in their letter to me, and that we can make a decision at that point on whether or not and how to implement those standards that they have suggested.

I won't be supporting this particular motion and I look forward to debating the remaining business of the House.

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

Ms. White: I find it ironic that the Minister of Environment has treated this motion in such a fashion and has discussed getting back to the important business of the day of the supplementary budget and Bill No. 66.

INTRODUCTION OF VISITORS

Ms. White: I would like to ask the House to acknowledge and welcome three employees from the Yukon River Inter-Tribal Watershed Council who are here with us today. We have Jody Inkster, who is an environmental scientist. We have Brendan Mulligan, who is also an environmental scientist. We have my friend, Carmen Gustafson, who is the policy advisor. So please join me in welcoming them.

Applause

Ms. White: Mr. Speaker, despite the Minister of Environment's assertion that this is not an important motion to be debating today, I will disagree. I believe that this motion has lots of validity and is important, and I appreciate very much that members from the council are here to listen to it.

The minister mentioned things like the Water Board and that definitely is valid. I think there are concerns with the water strategy as it has been designed, and parts of those concerns were raised at that meeting in Mayo that the minister didn't attend. It was that both local and traditional knowledge were never included in the baseline data. So a key goal of the council is to link local and traditional knowledge along with science about the watershed. Since 1997, the council believes that First Nation people are the key to clean and free water for everyone. The council has been working toward its goal of a Yukon River clean enough to drink from the headwaters to the tributaries.

The council acknowledges that aboriginal water rights do exist in both Canada and the United States. While Yukon First Nations are blazing the trail with their final agreements and the establishment of the Yukon Water Board, there is still a lot of ambiguous language to wade through.

Before aboriginal groups can be assured that they have found solid ground to stand on when it comes to water, Yukon's *Umbrella Final Agreement* includes guarantees that water quantity, quality and flow won't substantially change, but the issue is what "substantially" means, and it's an ongoing conversation.

The Yukon River Inter-Tribal Watershed Council has 35 monitoring points along the —

Some Hon. Member: (inaudible)

Ms. White: Actually, I am. I am cutting and pasting right now, as I go. Thank you to the Member for Vuntut Gwitchin.

Speaker's statement

Speaker: Order please. If you want to have a discussion with the member, take it outside. In here, you talk through and to me. Member for Takhini-Kopper King, please continue.

Ms. White: Thank you, Mr. Speaker, for the reminder.

This is an important motion. The work done since 1997 by the Yukon River Inter-Tribal Watershed Council is important. The document that they brought forward is valid. It is based on traditional, local and scientific knowledge. I am disappointed to hear that the government won't be supporting it. My hope is that, instead of waiting for a contact from the Yukon River Inter-Tribal Watershed Council, maybe the government will reach out to have that conversation. I think that would be novel.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Madam Deputy Clerk, please poll the House.

Hon. Mr. Pasloski: Disagree.

Hon. Mr. Cathers: Disagree.

Hon. Ms. Taylor: Disagree.

Hon. Mr. Graham: Disagree.

Hon. Mr. Kent: Disagree.

Hon. Mr. Nixon: Disagree.

Ms. McLeod: Disagree.

Hon. Mr. Istchenko: Disagree.

Hon. Mr. Dixon: Disagree.

Mr. Hassard: Disagree.

Mr. Elias: Disagree.

Ms. Hanson: Agree.

Ms. Stick: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Deputy Chair: Mr. Speaker, the results are five yea, 11 nay.

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

Motion No. 516 negatived

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Ms. McLeod): Order. Committee of the Whole will now come to order.

The matter before the Committee is a continuation of debate on Bill No. 66, entitled *Act to Amend the Placer Mining Act and the Quartz Mining Act*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 66: Act to Amend the Placer Mining Act and the Quartz Mining Act — continued

Chair: The matter before the Committee is Bill No. 66, entitled *Act to Amend the Placer Mining Act and the Quartz Mining Act*. Mr. Kent, you have 18 minutes, 40 seconds remaining.

Hon. Mr. Kent: I'm pleased to again welcome back Ms. McIntyre from the Department of Energy, Mines and

Resources to provide support here during debate on Bill No. 66.

Just in the interest of time, I know we only have the balance of this afternoon and tomorrow to complete quite a lot of business for the Legislative Assembly in this fall sitting, including some of the bigger departments like Highways and Public Works. I know the Yukon Housing Corporation hasn't been debated yet. Energy, Mines and Resources and Education — a number of important issues that I think will require some amount of debate. This is the third time that we've talked about Bill No. 66, recognizing the first time was very abbreviated, as we were welcoming officials from the Development Corporation and the Energy Corporation. We spent approximately two hours yesterday in debate on this bill and I thought the exchange was very abbreviated. There was a good exchange between the Opposition and myself so, with that in mind, I believe that I did answer outstanding questions from the Member for Klondike. I know we were engaged in discussion on this bill when debate adjourned yesterday, so I will turn it back to him and he can perhaps let me know if there are some unanswered questions from yesterday at the end of day, or new questions that he has with respect to this bill.

Mr. Silver: Thank you to the minister for not taking up the complete time for his response. I too acknowledge that there was a good back and forth. I have questions on two specific areas here — regulations and also on the SOAs — but I would like to make a comment as well.

The minister did ask me where my quote from the Tr'ondëk Hwëch'in Chief, Eddy Taylor, came from on the question, and the answer to that question was from a letter, December 2, to the Premier from Chief Taylor.

So with that, Madam Chair, the government is currently out talking to Yukoners about regulations to accompany our new *Landlord and Tenant Act*. That consultation was announced last week and will be running for 90 days. The changes to the *Landlord and Tenant Act* will see a 90-day consultation; changes to the mining law — 14 business days.

Another example: this year, the Minister of Energy, Mines and Resources brought forth new regulations under the *Oil and Gas Act*, and the consultation period — I believe — for that was 60 days. A news release at that time said that the Yukon government is consulting on a draft regulation to oversee gas processing plants in the territory, that the government is seeking comments on the draft regulations from March 8 to May 8 — 60 days.

My question is, why does the government think that 14 days is sufficient for consultation on these regulations?

Hon. Mr. Kent: As the member opposite noted, there are differing days depending on consultation when it comes to legislation or regulations or other aspects of government business. Of course, the *Landlord and Tenant Act* and the *Yukon Oil and Gas Act* were 90 days and 60 days respectively. When we set the consultation time for these regulations, they weren't new regulations that we were bringing in. We weren't bringing in a suite or an entirely new package of regulations. These are consequential amendments

to the regulations, so that we can enact the legislation by the December 27, which is the deadline that we are up against.

Mr. Silver: The regulations — I'm still at odds with the minister as to whether or not the regulations are part of the court decision's mandated date of December 27. I still have reservations about passing regulations without anyone — shareholders, governments — having seen them and whether or not that is the way that we should be doing business.

Does the minister anticipate providing these regulations to the stakeholders, to the First Nation governments that are concerned and, if so, is there a timeline for that? Is there going to be time where these regulations can be scrutinized and recommendations made at that time?

Hon. Mr. Kent: Just to clarify for the member opposite — yes, they are a part of the act requirements. We need to bring these regulations into place in order to meet the December 27 deadline.

When we developed the regulations, there were plain language versions provided to those we consulted with — the First Nations, as well as the industry — and the regulations that we developed emerged from these briefings and the comments that we received from our government partners — the First Nation governments, as well as the industry stakeholders. Just to recap, they are a part of the act requirements and the requirements for the December 27 court-ordered deadline. That's why we require them to be in place as part of that.

Sorry, Madam Chair. Sorry to the member opposite. As I mentioned yesterday, the other regulations that I know are of particular interest to industry and First Nations are with respect to class criteria. Those are not required for the December 27 deadline and we will be engaging with First Nations and industry early in the new year on those class criteria discussions.

Mr. Silver: I was wondering if the minister can comment on Chief Taylor and other chiefs' concerns that their input has not been seen to date on the amendment to the *Placer Mining Act* or the *Quartz Mining Act*, and if he could speak to how the recommendations made by certain First Nation governments are being implemented into the regulations.

Hon. Mr. Kent: With the development of the act amendments, as well as the development of the regulations, we in the government have to do our best to incorporate the views, not only of the First Nation governments that are involved, but also industry's views. Of course, sometimes those are at odds and we have to make some tough decisions or look for some sort of balance between what those views are. I'll mention the class criteria aspects.

While not required for the December 27 deadline, we will be able to engage with First Nations and industry partners in the new year to look in advance of the substantive exploration season, which usually starts in the Ross River area in May or June — that time of year. So we'll be able to do that work with those individuals and our government partners at that time.

It's often a challenge to determine where that middle ground is between what industry would like as far as their operating conditions and what the First Nation governments or others are looking for as far as what they would like to see with respect to changes.

As I mentioned yesterday, we're not always going to agree on the best way to move forward, but as a government we need to find that middle ground, that balance that will address concerns for First Nations and still allow industry to operate in a competitive environment with a regulatory and permitting regime that is well-known, understood and can be compared to the other jurisdictions. That's where many of these individual miners — or the investment dollars that they so desperately depend on — would go if we were to put in something that was too cumbersome.

We're trying to ensure that, as a government, we represent all Yukoners and we're trying to find that balance so that we can continue to see the strong economic opportunities that exist with our mining industry here in the territory.

Mr. Silver: In regard to the middle ground, what we're hearing from industry is that the minister has been good at listening to the concerns of industry, and they believe that their input and their concerns from the bill, and the rushed nature of the bill coming through as amended — however, we're not hearing the same thing from the First Nation side.

So, when we're talking about middle ground, I will try again to ask the question.

That the middle ground would have to take into consideration both sides — can the minister elaborate on what parts of the First Nation governments were being listened to when they formulated their regulations, their middle ground?

Hon. Mr. Kent: I know that members opposite were copied on many of those letters that were sent by First Nations to me, the Premier or officials. Much of what was spoken to in there was with respect to successor resources legislation, and we feel that that is something that we're contemplating with respect to these amendments. The amendments that are before the House right now were the subject of a 60-day consultation period, and then again the work done into the fall and the regulatory work that was done, as well.

My understanding is that many of the comments that were submitted to officials from First Nations with respect to the regulations dealt with the class criteria. As I've mentioned, we're happy to re-engage with First Nations and industry in the new year as those regulations are not required as far as what we need to meet the court-ordered deadline of December 27.

Mr. Silver: The minister talks about classification conversations. We're hearing that there was debate at the Premier's office about a class zero classification. Can the minister expand on whether or not these conversations were being held previous to the amendment to the placer mining bill?

Hon. Mr. Kent: Just for clarification from the member opposite, is he referring to a submission made by the Yukon Prospectors' Association with respect to class criteria? I'm not

familiar with what he is referring to — if he could just clarify for me.

Mr. Silver: It is our understanding that a class zero was being contemplated with the Yukon Party government and we're just wondering if that was or was not being contemplated.

Hon. Mr. Kent: I think this forms part of that broader discussion with respect to the class criteria. Obviously class 1 has a range of different activities that can take place within it, from trenching and use of explosives down to use of hand tools and other aspects, even camping on certain aspects of traditional territory.

What we forwarded to begin the discussion with respect to the class criteria was a proposal that the Yukon Prospectors' Association made with respect to separating those classes. Those discussions have formed the basis of the class criteria discussion with the regulations and, as I've mentioned, further discussion on that particular aspect will continue in the new year.

Mr. Silver: Were these conversations forwarded to the First Nation governments that would be affected by their traditional territories or to CYFN?

Hon. Mr. Kent: The document that we based these discussions on was put together by the Yukon Prospectors' Association. That was the only submission, I believe, that we received with respect to the different class criteria, so that was where we decided to begin the discussions. It was something that the Prospector's Association put an awful lot of work into. Obviously they are the industry experts. They're the ones who are working on the land. Then, of course, the First Nations have the traditional uses of the land that they feel may be affected by the class 1 activities. That initial document was forwarded to the First Nations that were involved, as well as other industry partners, as far as the opportunity to start that conversation. That conversation is continuing and will continue in the new year when we determine the class criteria.

Mr. Silver: I have a couple more questions on regulations.

Which of the regulations are going to be done by December 27, and which aren't? When will the other ones be done?

The Yukon Party government has initially said that regulations would be done by the deadline, and now they're saying that not all regulations would be done by the deadline. When was the decision made to go beyond the deadline?

Hon. Mr. Kent: The regulations that are required for us to put the act amendments into place will be done by December 27.

When it became apparent that there was still a fairly wide divide or gap on the class criteria regulations, it was determined that the best course of action, since those weren't required to meet the December 27 court deadline — sorry, the Court of Appeal declaration — that is due by December 27. At that point, given the conversation that still needs to occur and understanding — I understand from listening to media reports this morning that the Council of Yukon First Nations has engaged with the Chamber of Mines on discussions

around certain topics. Obviously, I wasn't privy to the discussions that took place at that meeting. Hopefully that helps both sides to gain a better understanding of what their specific concerns are and what their requirements would be. That said, we'll be looking to engage with those individuals.

I should say as well that I know there was a workshop planned for the end of September, which would have brought together officials from the lands departments of the various First Nations as well as representatives of the industry associations, but unfortunately, we weren't able to get individuals from those organizations and First Nation governments to agree to come to the table. We'll be looking forward in the new year to re-engaging. As I said, I'm encouraged by the dialogue that is occurring between CYFN and industry. I certainly am familiar with the requirements for industry to operate, given my experience with the Chamber of Mines and the Placer Miners Association prior to being elected. I know they'll be anxious to advance those conversations. I should say as well that I know the Chamber of Mines, for a number of years, has been engaged in putting together publications and documents with the Vuntut Gwitchin First Nation as well as the First Nation of Na Cho Nyäk Dun, so that cooperation and those relationships have existed on the chamber with those two government levels.

I am pleased that the Grand Chief, speaking on the radio this morning, talked about engaging with the Chamber of Mines in some fashion. I look forward to hearing the outcomes of those discussions when those two parties — First Nation governments and the industry association — is ready to make that a bill.

Mr. Silver: It is commendable to both the CYFN and to the Chamber of Mines for these discussions. I am told that the next stage is that the discussions are going to go back to the board of directors of the Chamber of Mines and they are going to move forward from there. It would be hard to speculate as to whether or not the minister in his previous role as the president of the Chamber of Mines would have thought that 14 days for these regulations would have been enough, so I'm not going to go there.

I do have one more question. What I'm going to do is ask three questions based upon a quote that we had heard here from the minister responsible on December 17. I quote, "Again the special operating areas do provide us with another tool that we can use with respect to the decisions on Yukon lands and First Nations lands. While that isn't something that was contemplated in the court decision, it is a policy decision that we made in order to give us that added tool to use when we are looking at other aspects of using land." Can the minister explain the rationale for inserting this into the legislation?

What has the minister heard from the mining industry on this aspect of the legislation, and could he comment on whether or not this creates certainty for the industry?

Hon. Mr. Kent: The special operating areas and the special operating conditions — of course, we talked quite a bit about them yesterday when I was in debate with the Member for Klondike. Those special operating areas and the conditions

were the result of a policy decision — a policy direction. We talked yesterday that we included those in the act, as they did provide us with an additional tool when we are looking at managing the land.

Obviously, the member opposite has made a connection between this and land use planning, but special operating areas can occur in areas of the Yukon where there is not a land claims settlement in place. Members know that until there is a land claims settlement in place, there will not be any land use planning per se — the UFA version of land use planning — in any of those areas.

With respect to what the mining industry is saying, I'm hearing the same things that the member opposite is hearing. They just want some certainty. They just need to know what the rules are. I know that in early conversations with representatives from some of the industry associations, I know that they were looking to the Ross River Dena Council with that very simple question that I've brought up in this House before, which is, do you want mining in your traditional territory or the Ross River area or don't you?

That's the question that we get asked as a government — do you want mining in the Yukon, because these are the operating conditions that we need to be successful and to attract the investment dollars and the investment capital to ensure that those projects can go ahead.

Industry is looking for a level of certainty. They just need to know what the rules are. They certainly know when we're talking about parks and protected areas. They understand that those are no-go zones as far as additional staking — Kluane National Park or Fishing Branch or Tombstone come to mind as far as areas where mining companies know that they aren't able to go.

With respect to category A lands, we have a perfect example — the Selkirk First Nation category A lands are where the Minto mine is located. They are receiving substantial royalties. I believe over \$13 million of royalties have flowed to the Selkirk First Nation from the operations at the Minto mine.

When mining companies see category A or category B lands — well, category A for sure — the First Nation have the surface and subsurface rights to those lands. It's not necessarily a stop sign for them, but they certainly know what they have to do. They have to go and contact the First Nations before they do any work or spend money.

We talk about the free-entry system, but the one thing about the free-entry system is that is certainly isn't free. It costs money for these companies to go out and stake claims. They often have to hire helicopters and staking crews and set up a camp and all the expenses that come with the camp. So I guess the free-entry part of how it's described certainly doesn't address the dollar amount, because obviously it's quite costly, especially in some of the remote areas.

We're fortunate that in the Yukon we have an infrastructure system that I believe is certainly the envy of northern Canada, as far as being able to drive to jumping-off points where you're conducting exploration from. Whereas in the Northwest Territories or Nunavut, you may have to hire a

helicopter from the nearest airport or the end of the road, in the Yukon, you certainly don't have to do that. When we look at the exploration expenditures in a jurisdiction like Nunavut, they're often quite a bit higher than what we're seeing in the Yukon, but a lot of that is in helicopter time and mobilizing things out to some of these remote areas.

Just to get back to the question asked by the member opposite, we feel that these special operating areas will provide an additional level of certainty to industry. Of course, the special operating conditions that are set by the chief of mining land use will additionally inform industry of what can and cannot take place in these special operating areas.

Again, Madam Chair, when it comes to the industry, I recognize — and every time I hear from them, I certainly know what they're looking for. They're looking for certainty of access to lands. We know that many of the exploration targets — I think that's probably part of the fun for a lot of the folks who are engaged in the prospecting side of this, that soil sampling or drone work that Shawn Ryan and his team — Ground Truth Exploration from Dawson City — are engaged in. They don't know where the resources are and so many claims are staked. We all know that mining is very much like a pyramid where, at the base, you have all of the claims that are staked and there are so very few mines that that leads to.

Think of the thousands and thousands of claims that have been staked here in the Yukon, and the handful of mines that have been developed as a result of all of that work and all of that investment.

Mining companies are looking not only for certainty when it comes to access to the land and ensuring there's a land base available to them to explore, they're looking for regulatory certainty and they're looking for permitting certainty. The legislation — the *Quartz Mining Act* and the *Placer Mining Act* — I've heard some industry members call that their Magna Carta. Those pieces of legislation are so important to the industry, and they recognize that we do have to make minor amendments and amendments such as the court-ordered amendments that are before the Legislature right now.

We want to ensure that they have an environment here in the Yukon Territory where they can continue to thrive, continue to provide the jobs for individuals — and that is important to those individuals. The Member for Klondike will know the importance of a placer mining industry, because he lives in a community where that placer mining industry is so very important, not only to the individuals — the over 100 placer mines that exist throughout the Yukon — but also the businesses. One only has to drive through Dawson City, when it comes to seeing all of those signs that say, "This business supports placer mining." So that service and supply sector that really drives communities like Dawson City, Mayo, Carmacks and even Haines Junction, to a point.

I know the Leader of the Official Opposition is once again not very happy with how debate is going today but, that said, seeing the time, I move that we report progress on Bill No. 66, entitled *Act to Amend the Placer Mining Act and the Quartz Mining Act*.

Chair: It has been moved by Mr. Kent that the Chair report progress on Bill No. 66, entitled *Act to Amend the Placer Mining Act and the Quartz Mining Act*.

Motion agreed to

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

Chair: Order please. 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. 66, entitled *Act to Amend the Placer Mining Act and the Quartz Mining Act*, and directed me to report progress.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

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

Motion agreed to

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

The House adjourned at 5:27 p.m.

The following Sessional Papers were tabled December 18, 2013:

33-1-100

Yukon Hospital Corporation: A Year in Review 2012-2013 (Graham)

33-1-101

Yukon Health and Social Services Council 2012-2013 Annual Report (Graham)

33-1-102

Health Care Insurance Programs: Statement of Revenue and Expenditures for Fiscal Years 2001/02 to 2012/13 (Graham)

33-1-103

Yukon Child Care Board Annual Report April 1, 2012 – March 31, 2013 (Graham)

33-1-104

Health and Health-Related Behaviours Among Young People: Yukon, by John Freeman, Matthew King, Pamela Briand and Will Pickett (Graham)

33-1-105

Examining the Relationships among Contextual Factors, Student Risk Behaviours, Mental Health and Student Achievement: A Secondary Analysis of Health Behaviour in School-Aged Children (HBSC) 2009/2010 Yukon Data, by Shaljan Areepattamannil, John G. Freeman and Matt King, May 9, 2011 (Graham)

The following documents were filed December 18, 2013:

33-1-72

Consultation on the Regulation of Midwifery in Yukon, Yukon Health and Social Services (Graham)

33-1-73

Needs Assessments for Watson Lake and Dawson City, Department of Health and Social Services (Graham)

33-1-74

Yukon Police Council Annual Report April 1, 2012 – March 31, 2013 (Nixon)