



Yukon Legislative Assembly

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HANSARD

Wednesday, November 12, 2014 — 1:00 p.m.

Speaker: The Honourable David Laxton

YUKON LEGISLATIVE ASSEMBLY

SPEAKER — Hon. David Laxton, MLA, Porter Creek Centre

DEPUTY SPEAKER — Patti McLeod, MLA, Watson Lake

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Hon. Elaine Taylor	Whitehorse West	Deputy Premier Minister responsible for Education; Women's Directorate; French Language Services Directorate
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Kate White	Takhini-Kopper King

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Sandy Silver	Leader of the Third Party Klondike
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**Yukon Legislative Assembly
Whitehorse, Yukon**

Wednesday, November 12, 2014 — 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 with the Order Paper. Tributes.

TRIBUTES

In remembrance of Tim Twardochleb

Hon. Mr. Nixon: I rise today to pay tribute to Tim Twardochleb, one of our community's contributors to community safety and crime prevention. Tim was the executive director of Crime Prevention Yukon from 1999 to 2004. He took on this role after a long and distinguished career in recreation in both Yukon and Saskatchewan.

He had a passion for developing skills in young people and knew that helping youth find belonging in society would create healthier and safer communities. Tim led the administration and delivery of a number of projects that had an immense impact on youth, such as the Youth Leadership project, the Skills Link youth project, and the Under 12 project.

Skills Link project specifically provided unemployed youth with life and job skills through training, education, culture, recreation and volunteerism. Tim oversaw six Skills Link projects, which impacted at least 70 youth and project reports indicate that over 50 percent of the participants who completed the project subsequently enrolled in school or found work. Tim also organized annual community events for Crime Prevention Week. One of those events was the promotion of neighbourhood barbecues, which supported the concept that strong and connected neighbourhoods created safe communities.

Tim was also instrumental in the establishment of Yukon's chapter of Mothers Against Drunk Driving, or MADD, in 2003. As a founding member, Tim believed strongly in MADD's message and was a long-standing volunteer well into his retirement. Tim's work in both the crime prevention and recreational fields here in Yukon have and will continue to have a long-lasting impact. On behalf of the government and people of the Yukon, I wish to pay tribute to Tim Twardochleb.

At this time, I would also like to introduce a few family members who have joined us. We have in the gallery Audrey Twardochleb, Trevor Twardochleb, Lareina Twardochleb, Tracy Bilsky and Jason Bilsky. From the Department of Justice, joining the family, is the Deputy Minister Tom Ullyett. Welcome.

Applause

In recognition of Dawson City arts community and filmmaker Suzanne Crocker

Mr. Silver: I rise on behalf of the Yukon Liberal Party and all of my colleagues to acknowledge the Dawson Film Community. Dawson has become world-renowned with its thriving arts community, due to the support of the community as a whole, but also as the whole of Yukon arts community. We owe very, very much to many artists, both past and present, whose vision and passion for their craft has left a resounding impact on the Klondike.

Dawson has produced accomplished filmmakers. Two in particular I would like to mention are Lulu Keating and Dan Sokolowski, who are often cited by young filmmakers in the community as very strong mentors.

They say that it takes a community to raise a child, but in some cases, it also takes a community to raise a filmmaker. Dawson offers some incredible opportunities for young artists with its vibrant art community — KIAC, DCAS, the Dawson City Short Film Festival — that really help foster creativity. Even yours truly, Mr. Speaker, has produced a film at Dawson's 24-hour film festival. I would understand why you didn't hear about it.

Yukon as a whole creates an environment for filmmakers to learn from each other — within the Yukon and those from Outside who come up to the Dawson City film festival and to the Yukon Film Society and YFSC. Let's be honest, there is no shortage of breathtaking inspiration in the Yukon.

One project in particular that I would like to acknowledge is *All the Time in the World* by Dr. Suzanne Crocker. At its first ever public screening — the Vancouver International Film Festival — this film won the audience award for most popular Canadian documentary. This is no small feat, as the Vancouver International Film Festival is among the five largest film festivals in North America and one of the world's largest public exhibitions of new Canadian films. *All the Time in the World* was created with the support from Telefilm Canada, the Yukon Film Society and the Yukon Film and Sound Commission.

Suzanne Crocker is not new to success. In 2010, her animated short film, *Time Lines*, won the MITY Award for the best Yukon-made professional short film at the 2010 Dawson City International Short Film Festival and then went on from there to screen other film festivals in North America and in Europe.

All the Time in the World highlights some of the reasons that we choose to make Yukon our home, our ability to get out on the land and our desire to find an alternative to the hectic pace of life in southern Canada. Thank you very much to the film community and thank you very much to Suzanne Crocker for her beautiful documentary.

Speaker: Introduction of visitors.

INTRODUCTION OF VISITORS

Mr. Barr: I would ask the House to welcome a constituent of mine, Mr. Peter Percival, chair of the hamlet council and a great volunteer in the community out there.

Applause

Speaker: Are there any returns or documents for tabling?

- Are there any reports of committees?
- Are there any petitions to be presented?
- Are there any bills to be introduced?
- Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to:

- (1) acknowledge that without regulations in place, the *Residential Landlord and Tenant Act* that was assented to in 2012 cannot come into force;
- (2) recognize that without the act or its regulations in place, landlords and tenants lack formal terms of reference on which to base their relationship, including the dispute resolution processes; and
- (3) table the regulations and minimal rental standards that are required for the new act to come into force before the end of the current legislative session.

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

THAT this House urges the Government of Yukon to acknowledge that there are no Liberal senators in the Canadian Senate, and that there have not been since January 29, 2014.

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

QUESTION PERIOD

Question re: Hospital bed shortage

Ms. Stick: Last week, I asked the Minister of Health and Social Services about cancelled surgeries at Whitehorse General Hospital due to lack of beds. He replied — and I quote: “There are a number of other reasons that surgeries may have been cancelled, but the bed shortage should not be impacting on surgeries.” Mr. Speaker, I agree. The bed shortage should not be impacting on surgeries, but it is.

This morning, Dr. Storey, a long-time Yukon surgeon, said there have been numerous occasions where surgeries have had to be cancelled at the last minute due to lack of bed space.

Will the minister now correct the record and tell Yukoners how many surgeries have been cancelled due to a lack of available beds at the Whitehorse General Hospital?

Hon. Mr. Graham: I appreciate the question. Over the past year, only four surgeries were cancelled at Whitehorse General Hospital. Three of those four cancellations were for patient-related reasons and not because a bed was not available. So I believe that the response I made last time this question was asked was quite accurate. There are virtually none; in fact, there was one. So I apologize if I misdirected anybody. There was one cancellation that we’re aware of.

Ms. Stick: That’s certainly not the information that Dr. Storey gave to the news this morning. Dr. Storey, renowned surgeon at Whitehorse General, said that out of the 16 beds set aside for surgery and recovery, only about two are regularly available to over 35,000 people in the Yukon. He says the other 14 beds are usually filled with chronic illness patients or those waiting for long-term care.

The Thomson Centre opened in 1991 with 46 beds. It reopened after repairs in 2011. Currently there are 23 patient beds there — half the original number. The other half of the centre has been converted to office space. Why has the minister allowed long-term care beds in the Thomson Centre to be converted into office space while surgeries are being cancelled — according to the surgeon — due to a lack of surgical recovery beds?

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

Hon. Mr. Graham: I guess what the member doesn’t seem to understand is that the bed shortage at Whitehorse General Hospital is something that is in constant flux. One day there might be only two beds available in the surgical recovery room and the next day, there might be seven or eight.

We have taken a number of steps in cooperation with the Whitehorse General Hospital to monitor bed availability. We have taken steps to improve discharge planning to ensure that supports are in place. We have also just begun now to look at temporary facilities that may be available throughout the city in which we can house long-term care patients without disrupting the hospital. But I have to reiterate that, in the last year, four surgeries were cancelled. Only one of those surgeries was due to a bed shortage at the Whitehorse General Hospital.

Ms. Stick: Last week, the minister responsible said — and I quote: “...we’re making the best use of the facilities we have in the territory.” I wonder if the minister has a different definition of “best use.” Dr. Storey recommended that the Thomson Centre be mobilized now to free up more beds at the hospital, adding that more care should be provided for Yukoners with chronic and long-term care elsewhere, not in the hospital. The consequence of this inaction is that surgeries are being cancelled. I don’t doubt this surgeon’s word. If the minister will not consider reconfiguring the Thomson Centre to its original purpose, can he tell this House what immediate action he will take to resolve the lack of surgical patient recovery beds at Whitehorse General Hospital?

Hon. Mr. Graham: One of the very first things this government did when we took office was expand the number of beds that were available in the Thomson Centre for long-term care. Unfortunately, it is a very costly undertaking and we have to consider that in relation to the long-term care needs and the long-term care plans of this government.

That’s one of the reasons we began immediately planning for additional long-term care in the Yukon. We are working together with a private operator. We are working together with a number of people in the non-profit sector, all of whom have different ideas that can be used for long-term care in the Yukon.

So we haven't been standing still. We've been doing this planning and it's one of the things that we will continue to do. We know it's not cost-effective to leave people with long-term care in the hospital and we're doing everything we possibly can to make sure that the situation is resolved as quickly as possible. As I've said, we are looking at a couple of other options within the City of Whitehorse and as soon as those options are more carefully planned out, we will be happy to make that announcement.

Question re: Emergency 911 coverage

Mr. Barr: Access to emergency services by dialling 911 is a vital component of public safety and emergency preparedness. All Yukoners must be able to quickly reach emergency services regardless of where they live or the technology used to place their 911 call.

We know there is an application before the CRTC to create a temporary solution to Yukon's 911 services, but until then, the safety of many Yukoners continues to be at risk. History repeated itself last weekend when the Dawson City fire chief had to take an emergency call on his personal phone because the emergency dispatch service wasn't working.

When will the government hear back from the CRTC and what has been done to remedy the problem with the emergency dispatch service experienced in Dawson last weekend?

Hon. Mr. Cathers: I thank the member for the question. As I've noted in the House before, in fact the interim system that we are currently seeking CRTC approval to use was tested in March of this year, and were it not for the fact that we were unequivocally informed by CRTC that we and Northwestel needed their permission before we could operate the system that would currently be in place. The member's question just underlines the importance of it.

I hope the CRTC recognizes the fact that approving this interim solution, which would allow people to press 1, 2 or 3 for police, fire or ambulance in Yukon communities, would significantly improve the status quo while we are doing the work with all of our partners to the full expansion of 911 services.

As far as when the CRTC will render their decision, I don't have a clear indication of that. I am hoping it will be very soon.

Mr. Barr: Has the dispatch service problem we experienced last weekend been remedied?

The CRTC application seeks approval for a 911 auto-select solution, which means that callers in communities can first dial 911, then press 1 for police, 2 for an ambulance, and then 3 for a fire department. When someone is in a stressful situation, they are not expecting to get a phone tree to get the emergency services they need.

Children doing their best to help an adult might be confused by the set-up. We know that 911 saves lives, but 911, listen to a message, then press 2 and then wait might not be enough to save a life. Why isn't the government simply doing what needs to be done to implement a fully functional territory-wide, basic 911 system that will serve all Yukoners?

Hon. Mr. Cathers: We are doing just that, but the work that is required to upgrade the system — not to mention the community consultations, which the member apparently does not realize are an important part of the work toward implementing a basic 911 with a centralized dispatch. I would remind the member that we've heard specific concerns from Yukon municipalities that moving to a centralized dispatch might lose local knowledge and might result in fact in delays in service. While I firmly believe that all of those matters are resolvable, we have to respect what we've heard from municipalities and what we've heard directly from the Association of Yukon Communities on behalf of their members. We've committed to working with them. Again, implementation of full basic 911 services is estimated at 16 to 24 months as of July, when we made the application to the CRTC. That is why we're moving toward asking CRTC's permission for the interim system, which could have been operational in March were it not for the fact that we had to get CRTC approval.

Question re: Economic outlook

Mr. Silver: I have a question for the Minister of Economic Development. Last Wednesday Statistics Canada confirmed that Yukon has the worst economic growth of any jurisdiction in Canada for 2013. Our economy shrunk by almost one percent. The report also gave some insight as to why this government's forecast on GDP numbers for 2014 have been drastically rolled back. After initially saying that our economy would grow by 8.8 percent in 2014, the latest forecast is only 1.7 percent — again one of the lowest in the country.

One of the reasons our economy slowed for 2013 was that a number of mining projects delayed decisions on construction and production. One of the projects the government was relying on in their forecast was the reprocessing of old tailings at the former Whitehorse Copper Mine site. However, on September 22, the company behind the project said that the project was not looking good. Does the minister expect this project to proceed for 2015?

Hon. Mr. Dixon: Mr. Speaker, I have no idea what that company plans to do with that particular project. My understanding is that with the downturn in magnetite prices, the project was looking less optimistic than it may have previously. What I do know is that the company has remained engaged with the Department of Energy, Mines and Resources on the regulatory side and with the Department of Economic Development on providing data, but I have no idea what that company plans to do with that particular project.

Mr. Silver: The Yukon Party believes that it is growing the private sector; however, from September of 2012 to September of 2014 the number of private sector jobs in the Yukon dropped by 300.

The minister mentioned Keynesian economics in last week's response where government spending is used to stimulate the economy, yet we had the lowest growth in Canada for 2013. We are near the bottom again for 2014. However, the government's projecting 4.5-percent growth in

2015. Now that projection is based on, in part, the government's belief that there will be a resumption of production at another mining project, the Keno Hill district. I hope that this does happen, yet with silver prices where they are, it is less likely.

How much of the minister's forecast is based on this project proceeding in 2015?

Hon. Mr. Dixon: Mr. Speaker, one of the things I should note is that what Stats Canada told us in their recent set of data was that the decline that we faced in 2013 was driven primarily by the decline and decrease in the construction industry. That industry fell by a considerable margin, especially compared to the mining industry. While the mining industry is important and it is important that we continue to take measures to improve the viability of the mining industry in Yukon, it's also important that we recognize the value of the construction industry. That is why, earlier this year, we brought forward the largest capital budget in the history of Yukon. We have increased our overall spending considerably and the evidence is all around us when you look around Whitehorse.

You see the construction going on at F.H. Collins; you see the construction going on at the Whitehorse Rapids dam facility for the backup generators; and you see all the construction going up at the Whitehorse waterfront with regard to seniors housing being constructed there. These are all projects that provide considerable economic benefits to Yukoners and they also are all projects that the member opposite voted against.

Mr. Silver: Mr. Speaker, it is the forecasts that are troubling for Yukoners. A year ago, the minister said that, in 2013, Yukoners continue to enjoy a growing economy. The minister, as we now know, was wrong. The economy shrunk in 2013. Growth is mostly flat for 2014 and the government is projecting growth of 4.5 percent for 2015. The problem is that many of the projects that the government relied on for those projections are sadly falling off the table.

The minister's last forecast quoted an expectation of activity within the Eagle Gold mine as a key driver of their growth forecast for 2015. For the record, I am extremely hopeful for all of these projects and, despite the Yukon Party's best efforts to try to convince Yukoners otherwise, I am absolutely in favour of responsible mining in the Yukon.

I have a very simple question for the minister: Does the minister see this project beginning construction in 2015?

Hon. Mr. Dixon: Whether or not a project goes forward is a business decision that the company that owns the project has to take. I can't make those kinds of predictions. What the Department of Economic Development does though is make forecasts for the coming years based on the best available data that the department has at a given time. We are not qualifying whether or not we think these projects go forward — we are not betting on them. We are simply saying that, based on the data available to us from these publicly traded companies, this is what the forecast looks like. It is not the Yukon government looking into a crystal ball. It is not us

picking winners and losers. It is us making a forecast based on the best available data at the time of presentation.

I know that both parties have criticized the department for making these forecasts. They don't seem to like the fact that the economists do this and try to make this data available to Yukoners, and have criticized those economists in the Department of Economic Development numerous times. But what I will continue to do is to stand up for those folks in the Department of Economic Development who do this work on behalf of Yukoners and continue to turn the criticisms of the department from the opposition back toward the opposition parties.

Question re: Economic outlook

Ms. Hanson: It is unfortunate when a minister doesn't understand ministerial responsibility and accountability. It's not the officials; it's the minister.

Small businesses are the key —

Some Hon. Member: (inaudible)

Point of order

Speaker: The Government House Leader, on a point of order.

Hon. Mr. Cathers: I believe it is out of order for a member to comment on a previous question, as the Leader of the NDP just did.

Speaker: Sure, I'll listen — Member for Riverdale South, on the point of order.

Ms. Stick: This is actually related to the member's next question, and she was just doing her opening for it.

Speaker's ruling

Speaker: I don't believe there is a point of order at this time, because I don't know what the Leader of the Official Opposition's question is going to be. Until she finishes the entire question, I would not be able to rule.

Leader of the Official Opposition, please.

Ms. Hanson: Thank you, Mr. Speaker. As I was saying, small businesses are the backbone of and the key to a strong Yukon economy. The Official Opposition knows this. That is why an NDP government established Yukon's small business investment tax credit. We have heard from this government telling us that this government supports private business and industry, but the performance suggests otherwise. The City of Whitehorse annual report reveals the number of business licences dropped from 2,864 in 2012 to 2,080 in 2013. That's a drop of nearly 800. Can the Premier explain to Yukoners what the loss of nearly 800 business licences last year in Whitehorse alone means for Yukon's economy?

Hon. Mr. Dixon: I'm not familiar with the statistics the member is referencing today, but what I said earlier was that we do know that 2013 was a difficult year for Yukon's economy. We saw a decrease in our real GDP to the tune of between 0.7 and 0.9 percent. That occurred for a number of reasons including those I have mentioned today — meaning,

challenges to the mining industry and challenges to the construction industry. That is why we brought forward the largest capital budget in Yukon's history and increased capital spending considerably on a number of projects throughout the City of Whitehorse and throughout the entire territory. That is why we are optimistic that, going forward, our economy will be stronger and that what we saw in 2013 won't be replicated in 2014 or 2015. We're optimistic that the increases that we have made in capital spending and economic activity in the territory will result in increased activity this year and going forward.

As I said earlier, the evidence of that, both anecdotally and statistically, is all around us. When you look outside throughout the capital city, you see a number of large construction projects that are providing economic benefits for Yukon businesses. Whether or not those businesses are directly related to the construction industry isn't as relevant because of the size of our economy. It's important that these large construction projects benefit a number of companies that aren't just receiving direct benefits but indirect benefits as well.

Ms. Hanson: You know, Mr. Speaker, the facts contradict what I'm hearing about all of this evidence. This government's statistics also reveal that retail and wholesale sales actually decreased in 2013 by 2.6 percent and 3.8 percent respectively, so where is all of this trickling down to? Is it in the territory?

Small businesses play an important role in our local economy and they depend largely on retail or wholesale sales to survive and thrive. When sales fall, small Yukon businesses suffer. Our economy suffers along with them. What action is this government taking to support small businesses during this time of negative economic growth?

Hon. Mr. Dixon: When the member opposite asks for statistics or for evidence, I suggest she go walk around her community. Look at the large construction projects that are going on in the territory and that are going on in the community of Whitehorse and she can see for herself that what is happening this year is much different from what happened last year.

It's not just me saying that based on the anecdotal evidence. The statistics available through Stats Canada bear that out as well. What we see is that the building permit distribution — the number of building permits pulled for this year — is up over 100 percent for non-residential construction in the territory from 2013. In residential construction, the level is up by over 120 percent.

What we see is yes, 2013 was a difficult year and that 2013 was a challenging time for Yukon's economy, but what we see now is a turnaround in that as a result in part of Yukon government's considerable capital spending and considerable activity in the economy. We see residential and non-residential construction up considerably, both in terms of the anecdotal evidence all around us and the statistical evidence of course.

Building permit values don't necessarily mean that the expenditure will occur, but it is simply an indication — it's a

very positive indication. When held alongside the anecdotal evidence we see all around us, we're confident that 2014 will be much stronger than 2013 and that our economy will continue to grow in the years to come.

Ms. Hanson: Both the evidence and the lived experience of small business owners in this territory contradict what the minister said.

Building a strong, sustainable and inclusive economy means making sure that people have the right tools for the job. We know that investing in leadership and management training helps support productive, competitive and resilient businesses during these challenging economic times. Small businesses in particular have fewer resources available to invest in training and skills development, yet as of July 1 this year, this government cancelled the business training fund, offered locally through the Whitehorse Chamber of Commerce, in favour of the Canada job grant that cost employers three times as much.

So what action is this government taking to support leadership and management training for local Yukon businesses, including employee skills development and training?

Hon. Ms. Taylor: Well, I hate to say it, but the member opposite is wrong again. This government did not cancel the business training fund. That in fact was a program that was being delivered by CanNor funding. That came to an end at the end of June, as I seem to recall.

What this government has done though, like every other province and every other territory in this country, is we have come together and we worked out to have the best deal possible for all Canadians with the rollout of the Canada job fund. In fact, by banding together with the two other territories, we were able to negotiate an additional \$500,000 for a total of \$1 million in funding.

In addition to that, we also deliver student financial assistance, of course, to the tune of almost \$5.5 million. We also deliver \$3.5 million in program support under the labour market development agreement; an additional \$1.25 million for labour market agreements for persons with disabilities; and employment support services, to the tune of almost \$1 million this year alone to assist those who are actually seeking work in this territory.

In addition to that, we are also rolling out \$1.4 million in community training funds. That does not even include the over \$26 million in support of the Yukon College.

Question re: F.H. Collins Secondary School reconstruction

Ms. White: This government has tried to cover up their continued mismanagement of the F.H. Collins replacement project by telling Yukoners that the construction company they hired from Outside would create many Yukon jobs and boost the local economy. Yukoners know full well that this government's decision to award the project to an outside company greatly lessened the local economic benefits of this project.

Apprenticeships and the training of local Yukoners could be a positive outcome of any large-scale capital spending that governments undertake. The skills learned by apprentices on these projects have a lasting impact in the community.

Can the minister tell this House how many Yukon apprentices are working on the new F.H. Collins construction project?

Hon. Mr. Istchenko: This government of course is committed to providing jobs and opportunities for Yukoners and Yukon families. We work to ensure that Yukoners have every opportunity to benefit from our infrastructure projects. Just this one alone is one of the reasons that this year's capital budget is the largest in Yukon history. My fellow colleagues spoke about this earlier.

Regarding F.H. Collins, things are coming along great. I don't know if the members opposite have gone over there and seen the Yukoners who are working there, but it is an affordable design for a modern facility that meets our LEED silver standard and our efficiency standards. Construction started earlier this year and is well-underway. The project is on budget and on track for completion of the fall 2015.

The member opposite asked about jobs. We know that over 80 percent of the workers currently on that site are Yukoners. A high portion of the subcontracts are also based locally in the Yukon. The member talked about apprenticeships. Many of the subcontractors here have apprentices and do apprenticeships through different programs. I am not sure what the number is on F.H. Collins, but I know a young fellow from my community just finished his trades training and he did it through a local company here.

Ms. White: I look forward to the minister having an answer about how many apprentices are working on that project.

This government has demonstrated time and again that it lacks foresight. Large-scale capital projects have the potential to leave a very strong legacy, not only in the final product but also in the experience gained by local apprentices and professionals. A partnership between the Carcross-Tagish First Nation and the carpenters union managed to give training opportunities to 14 apprentices while building three tiny houses, yet this government can't find a way to support Yukon apprentices when building the territory's largest school.

Can the minister explain to this House how the largest current capital project in the Yukon is not employing a single Yukon carpentry apprentice?

Hon. Mr. Istchenko: It is disappointing to hear the numbers from the member opposite. I have said before that the majority of people on the project are Yukoners. There are Yukoners working there. Our focus is to manage our capital projects responsibly, plan government space efficiently and maintain our buildings adequately. Managing and maintaining our buildings and budgets are priorities for this government. It is a balancing act, and we are responsible for making sure that we use available funds in the most effective way and responsible way as possible. Sometimes this means making difficult decisions.

I know the members opposite aren't happy with the direction this government is going. We have over 12 capital projects underway in various stages of completion here in the Yukon. Right now we have successfully promoted economic activity here, we have kept our local suppliers and our contractor is busy and has created local jobs.

We have much to be proud of for our capital project tendering. This government continues to make the Yukon, through creating jobs, the best place in Canada to live, work, play and raise a family. I am pretty proud of that, Mr. Speaker.

Ms. White: Without apprenticeship hours, apprentices are unable to gain the hours required for the journeymen tickets. The Official Opposition has asked this government about their commitment to apprenticeships before. They were however unable to provide an answer. The Yukon government has positions within their ranks that require journeyman certifications, which in turn require apprenticeship hours. This puts the government in an excellent position to support Yukon apprentices.

How many apprentices is this government currently employing throughout their own public service?

Hon. Mr. Istchenko: I'm going to share a list of the companies that have been retained to act as subcontractors on this project: Arcrite Northern Ltd., J&L Concrete, Castle Rock Enterprises, Tetra Tech EBA, Underhill Geomatics Ltd., Northwestel, Super Save Propane and Summit Waterproofing Ltd. These companies represent multiple local Yukon employees providing for their families.

This project is providing direct benefits to the Yukon companies and their workers. It will provide long-term benefits to all Yukoners. This government knows that this project will provide an affordable modern facility for Yukon.

We're proud of this project. The government is proud of the work we do — the work that our departments do — and the benefits for all Yukoners.

Question re: Ross River waste management

Mr. Barr: The news that open pit burning has been taking place at the Ross River waste management facility is another sad chapter in the territory's waste diversion saga. First, we heard that dozens of trucks were diverted to Ross River from Carmacks. Then we found out there is a pile of chemically hazardous soil sitting in the facility loosely covered in plastic sheeting. Yukoners heard more about this disgrace in today's morning news when a local resident called it a free-for-all. Can the minister tell this House what steps his department is taking to put out the open pit fire at the Ross River waste management facility and make sure this doesn't happen again?

Hon. Mr. Cathers: It's unfortunate to hear the continuing reflections from the Member for Mount Lorne-Southern Lakes. His script, of course, takes a tone that does not reflect the facts. As I have reminded the member, in fact, it is this government that took action to make it illegal to do open burning at solid-waste facilities.

I remind the members that under the NDP watch, including three terms in recent history, they did nothing to end

the open burning of solid waste at Yukon landfills. We took action. We ended that and it is no longer legal to do that. Again, any burning taking place at Ross River is unauthorized and is out of compliance with the permit. It is not being initiated by government staff because that would not be in compliance with the permit.

As far as the specific steps to handle the waste now that it is burning, I don't have information on that at this point in time, but I do have confidence that our staff and the Ross River volunteer fire department will make an appropriate determination and take any action that is necessary.

Mr. Barr: Mr. Speaker, if the minister is disappointed in the long saga, it is his inaction that is causing this, or we wouldn't have to keep bringing it up.

The last thing Yukoners need is a repeat of a month-long Iqaluit dump fire in Ross River. The Minister of Community Services has known about the open-pit burning in Ross River long enough to have a clear plan of action. Instead, he refuses to give Yukoners a concrete plan to douse the flames. Meanwhile, a mound of contaminated soil has been sitting alongside the pit since late July. Contrary to the minister's reports, it is barely covered in a sheet of plastic.

Last week, the minister said there was a plan in place to remove that waste. What assurances can the minister give this House that no chemicals from this contaminated waste have leached into the soil?

Hon. Mr. Cathers: I am sure that the House will understand that I have more confidence in the staff of Community Services and our contractors than I do in the assertions of the Member for Mount Lorne-Southern Lakes. I would point out and remind the member that, in fact, it is this government that ended using burning landfills as a tool for reducing the garbage challenge. That's what the NDP did; that's what the Liberals did. We ended the open burning of solid waste by Yukon government staff and contractors.

We are taking steps across the territory to determine what next actions are necessary in terms of solid-waste management. We've already significantly increased the budget over the past number of years as a result of ending open-pit burning. In fact, we are looking at options, including the possibility of converting additional facilities to transfer stations and improving the management of facilities through gating them and adding attendants. Of course, that does come at a cost and that has to be assessed and considered.

But I would remind the member and reiterate that, in fact, contrary to his assertions, staff assure me that the contaminated soil is properly contained and is going to be dealt with appropriately and shipped to a facility that can handle it and treat it. I would remind the member again that he should check his facts before bringing forward his assertions to this House.

Mr. Barr: How can the minister say they've ending burning when it's been burning for two months? It doesn't compute. We shouldn't even be storing mounds of contaminated waste or burning garbage in open air in the first place.

Ross River has spoken out loud and clear. They want these chronic problems at the waste facility solved. It's unfortunate to hear the minister ignoring the concerns of the residents of Ross River.

Over the course of the summer, the government tried and failed to hire a manager to staff the Ross River waste-management facility. The site is unstaffed. Having a manager on-site would go a long way to preventing the ongoing free-for-all. This is the only one that's unstaffed in the territory. When can we expect the government to finally hire someone to put the house in order at the Ross River solid-waste management facility?

Hon. Mr. Cathers: Again, unfortunately, we see when the Member for Mount Lorne-Southern Lakes comes into this House and reads from the script someone has prepared for him that he's neither as reasonable nor as accurate as he is when he talks off-the-cuff. I would remind the member that —

Some Hon. Member: (inaudible)

Point of order

Speaker: Member for Takhini- Kopper King, on a point of order.

Ms. White: Standing Order 19(i): uses abusive, insulting language in this House.

Speaker: Government House Leader, on the point of order.

Hon. Mr. Cathers: On the point of order, I was criticizing the member's facts and I don't believe it's a point of order.

Speaker's ruling

Speaker: Insulting language comes from both sides from time to time. You're taking shots at each other, which is quite normal. It's hard to determine at what level somebody is going to consider it to be insulting and what level they're not going to consider it to be insulting. I would caution all members to watch what they say because what they say will — as we've experienced — come back to them. So I'm going to caution the minister and ask him to refrain from that kind of language and caution everybody else in the House at the same time.

Minister, please finish.

Hon. Mr. Cathers: Thank you, Mr. Speaker. Again, what I would simply note in conclusion is I remind the member, as I said to him in the letter dated September 29, that in fact staff did put out a contract this summer for operation of the facility. No qualified bids were received. As a result, staff have continued to work to manage it and the options open include transferring management of the facility to the Ross River Dena Council, as has been offered and suggested — similar to what we did with Vuntut Gwitchin First Nation recently in transferring to them site management of the facility in their community. The other option, of course, is coming up and attempting to get a qualified contractor to manage the facility. Contrary to the member's assertion, there are in fact many facilities throughout the territory that do not have an

attendant at the gate. That is one of the things we are considering as potential next step in improving management of solid waste, but that does come at a cost.

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

ORDERS OF THE DAY

GOVERNMENT PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Clerk: Motion No. 756, standing in the name of Ms. McLeod.

Speaker: It is moved by the Member for Watson Lake:

THAT this House urges the Government of Yukon to ensure that Yukon's regulatory regimes are clear, consistent and competitive with other jurisdictions, while also providing for sustainable and environmentally responsible development of Yukon's resources.

Ms. McLeod: I am honoured to rise today in support of Motion No. 756.

In the Yukon, we have an inclusive assessment process that allows all Yukoners and business to have access to a thorough analysis and provide input into what is unfolding in our territory. We must be clear that there is a variety of processes in Yukon's regulatory regime. We must ensure that we maintain a consistent process, both within our own territory and when it comes to the way other jurisdictions proceed.

Private investment in our territory is a key pillar to maintaining and growing a strong economy. In order to attract private investment, our assessment regime must be consistent with other jurisdictions. This ensures that we remain competitive in the marketplace and continue to have jobs for Yukoners.

Yukoners, industry and developers don't just require consistency across jurisdictions. They require it within a jurisdiction. Region by region, we must ensure that assessments and regulatory work is handled and managed the same across the Yukon. Failing to provide this consistency will lead to uncertainty in a private sector. It is very important in Yukon that we provide certainty for everyone regarding our assessment regimes.

Mr. Speaker, I spent some years as a regulator of Yukon resources and I know from first-hand experience how important it is to have consistent regulatory practices across the jurisdiction. From Yukoners clearing lots to build new houses, to a prospector exploring for new minerals, to an environmental clean-up crew wanting to drill, or to a new mine looking to go into development, everyone benefits from having consistency from office to office and from jurisdiction to jurisdiction.

Mr. Speaker, everyone should remember that most boards in Yukon have representatives appointed by Yukon government and Yukon First Nations. These individuals are

regular Yukoners and they are entrusted to make judgements to the very best of their abilities. Yukoners will continue to have an opportunity to be heard and to be involved in our regulatory processes in the territory.

I have heard discussions among Yukoners and businesses here in the territory and a common theme is that we have a good regime, but it can and needs to be better. Better does not mean harder, it does not mean stricter, it does not mean increasing complexity and it certainly doesn't mean additional laws. The uncertainty some of our processes cause are making it difficult for some of our traditional private sector industries to operate. Just the other day, I had a prospector tell me that the difficulties around assessment regimes are driving the traditional Yukon prospector out of business. The process takes too long and costs too much for that group to operate. These small family businesses are one of the oldest industries in the Yukon and have minimal impact on the environment. But the current regime is stifling their ability to do business and we just can't let that happen.

We can't move forward as a jurisdiction and choose to cut businesses that have helped to build this territory. I believe we can modernize our regimes and maintain that traditional industry and business. They're willing to change to meet our needs, but they need us to allow them to operate, to profit and to make jobs for Yukoners. It is part of our work as legislators to provide that leadership and stand up for our traditional industries.

The second part of the motion refers to sustainable and responsible development in the territory. I think we all want to see that happen in the Yukon. We can all be proud that devolution and having Yukoners making decisions on Yukon projects has helped enormously. No one in the Yukon wants to lose that close connection to the land, but we have to remember that the historic projects that we all look back on as examples of irresponsible mining in the territory were permitted and given the go-ahead by federal bureaucrats making decisions for the Yukon. As the former regional director, the Leader of the NDP will be quite familiar with the fact that federal government was making all those decisions.

We have the authority and the power to say no to another Faro. No one wants another Faro. It's important to note that whatever changes are contemplated on any of the assessment regimes in the Yukon, the decision body and the regulator will remain as they currently are.

Yukon government will continue to consult with First Nations and will continue to determine which projects may or may not be permitted. Our regime is good, but it must get better. I thank you all for the opportunity to speak to this issue today. I hope to hear from all members and I hope perhaps we have some good discussions on this. We need to ensure that Yukoners can continue to work in the Yukon and have jobs to provide for their families.

Ms. Hanson: I thank the Member for Watson Lake for bringing forward this motion for debate this afternoon. I do believe that it will in fact generate a robust debate. I would like to speak this afternoon, at this moment, to the general

elements outlined in the motion and to the more specific matters that are included implicitly, but are not specifically referenced in the motion put forward by the Member for Watson Lake.

I just want to comment on the comment made by the Member for Watson Lake, that in fact — and I love it when the government members like to try to diminish the opinions of the Leader of the Official Opposition because she had a senior position within the federal government. I would point out that in fact when I retired, I was the director general of Indian and Northern Affairs Canada. I was in that role post-devolution, so I can speak very clearly to the work that was done with respect to creating a post-devolution, post-land claims federal entity in the Yukon.

Prior to that, Mr. Speaker — and I know the Member for Watson Lake isn't really interested in listening to this — I was director of land claims and self-government negotiations for many years. In fact, the land claims and negotiations function for the Government of Canada was housed within Indian and Northern Affairs and I know that the member opposite will be pleased to know that, in fact, those people who were involved in the negotiations of land claims on behalf of Canada were seen by those people who worked for Northern Affairs — as well as Indian Affairs, Department of Justice and Department of Heritage — as some other entity, even though we were housed there. Our job was to negotiate on behalf of Canada — to ensure that Canada represented most effectively what the interests were as we moved the agreements forward.

She is absolutely right. As the director general of Indian and Northern Affairs for those last four years, I had an overview of the whole of the issues that were facing both Yukon government and Canada, as we moved forward in those early days of devolution.

I don't shrink from that, Mr. Speaker, because as I have said before, I have a high respect for public servants and the roles and the responsibilities. I understand, as I said earlier to the Minister of Economic Development today, that the political direction comes from the politicians and it is the public servants' job to deliver on that policy and that direction, and I did so with pride.

It is with pride that I speak to the achievements that we as Yukoners have achieved in terms of working out the foundations of a new relationship that speaks to what I believe is implicit — although perhaps awkwardly phrased in the motion that is before us today because what we were talking about — and we go back to the very fundamentals of this new relationship. There's a throwing around of references about things and then people don't look at what the implications are. We're talking about economic certainty at the base of this motion, I believe.

If we go right back to *Together Today for Our Children Tomorrow* that was tabled in Ottawa by the Council of Yukon Indians — when they talked about economic development, you know, their language was a bit rough in those days — in 1973 — but it was very clear. First of all, when the First Nations spoke, they had a way of phrasing it. I thought it was kind of interesting and I think it sets the context for how

things have changed and how we, as non-First Nation Yukoners, are challenged to get out of the old way of thinking because what we're seeing in some of the attitudes and some of the language that we have heard expressed in this Legislative Assembly and in support by the Member for Watson Lake — the support of the amendments to YESAA that are implicit in her motion — is a reversion to, I think, what was being challenged by the Council for Yukon Indians.

When they introduced the notion of settlement — a settlement with, at that time, the federal government — the Yukon wasn't considered to be part of this. It was between them and the federal government. I thought it was kind of telling. One has often heard of the old Chinese custom of binding a baby's feet so they would not grow so big. We wonder if this is exactly what has happened to us, with the government refusing to give the Indian people enough freedom to grow and develop. We now demand the right to plan our future. This is the same right that the white people in the Yukon have had for the last 100 years.

Some Hon. Member: (inaudible)

INTRODUCTION OF VISITORS

Speaker: Honourable Premier, on a point of order.

Hon. Mr. Pasloski: I would just like to inform the House and acknowledge that the Grand Chief Ruth Massie has joined us in the gallery. I invite all members of the Legislature to welcome her today.

Applause

Ms. Hanson: As I was saying, in the language that was used to introduce the settlement of First Nation land claims, they said outright: "We have been accused of opposing the development of the north. If you are able to understand us, you will learn that we are strong supporters of development." I think this is really imperative, Mr. Speaker.

They also said under economic development in *Together Today for Our Children Tomorrow* that the Yukon Indian people must play an important part in the development of the Yukon. If we are to take a part in the social, economic and political life of this country, we must build a solid economic base. We must have a chance to help plan the future of this land if we're going to benefit from development.

What I want to speak about today is the importance of understanding the context within which we talk about economic certainty in this territory, because the old game and the old rules no longer apply. Actually, we have entered into a new arrangement — a new covenant — that dates back to 1993. That's so imperative that we understand that. It's not the old rules of the game.

So as I've mentioned, when I was referencing *Together Today for Our Children Tomorrow* — I mean, initially these negotiations were feds only and First Nations only. Gradually we saw this recognition and the inclusion of the Yukon government over time.

Some Hon. Member: (inaudible)

INTRODUCTION OF VISITORS

Speaker: The Member for Pelly-Nisutlin, on a point of order.

Mr. Hassard: If I could ask everyone to join me in welcoming a constituent of mine, Mr. Tom Cove. Thank you.

Applause

Ms. Hanson: Okay, so as I was saying, we have gradually recognized that we are all in this together — it's all of us together for our children and our children's children. That's what I see as the basic imperative.

The signing of the *Umbrella Final Agreement*, which then led to the negotiation and final conclusion of at least 11 agreements of the potential 14 in the Yukon, was instrumental. I will speak a little bit about some of the key elements that address the issues that are at play in the motion that was put forward by the Member for Watson Lake.

Leading up to devolution, as I was saying earlier, there was — and I don't think any member of this Legislative Assembly should be under any illusion that First Nation governments were wholeheartedly in support of devolution. I can tell you that during the course of negotiations, time and time again First Nation governments resisted the notion of devolution of provincial-like responsibilities to this territorial government or any territorial government because they saw what was going on in provinces across this country. Provincial governments have never fully endorsed or worked in an effective way with First Nation governments.

I can remember being in meetings where this was referred to, whatever the territorial government was going to be. Without having ensured that the basics of the land claims agreements — the *Umbrella Final Agreement* and ideally Yukon First Nation final agreements in whole — were completed, we would be dealing with a hostile government. It saddens me at times that I feel that that was prescient — that those words were prescient. It didn't have to be that way.

You know, it's not just me saying this. I went back and I looked at the testimony of the Council of Yukon First Nations on September 25 to the Standing Senate Committee on Energy, the Environment and Natural Resources. In the course of that, there were comments made with respect to the issue of devolution in this territory. The Council of Yukon First Nations' legal counsel was at pains to try to get across to the Senate committee that this whole issue with respect to where First Nations come from was not about politics.

It wasn't about whether or not they agreed, and I'm quoting here "...this is not about whether we agree or disagree with the current government of the Yukon or any other government. This is an important point for us on process. Council of Yukon First Nations supported devolution in 2003. There was a long period of negotiations. At the beginning of that period of negotiations in 1996, the Yukon government and the federal government maintained it was a bilateral process and First Nations were not involved except to be provided notice and to be consulted. We were not full parties. During the discussions of that process, eventually we became

parties and eventually signed on to that agreement, and the same thing with the YESAA process."

So the speaker, on behalf of the CYFN, said, "I don't think in any way First Nations are opposed to the concept of devolution and local decision making, local accountability. The point we are trying to raise very clearly is that if those decisions are going to be made, we need to be part of that decision."

It is exactly what the Council of Yukon Indians said in 1973 — 40 years earlier. "It cannot be a bilateral decision between the federal government and the territorial government. Those politics and processes are decades gone. We have a new relationship with governments, both in Ottawa and Whitehorse, based on our land claim agreements, evolving from those land claim agreements, and we need to be part of those discussions."

This is the key point, as I said earlier. "That's the nature of governance now in 2014 in Yukon. That's why", CYFN said, "we are here today..." — they were in Ottawa talking about the process around Bill S-6 and I will come to that in a while.

First Nations have been very clear about the importance of living up to commitments made by governments — with other levels of government. The devolution transfer agreement is a very good example of that. The member opposite talked about some of the regulatory regimes that exist throughout this territory. I point out to you, Mr. Speaker, that in the devolution transfer agreement — which I noted that First Nations had felt strong concerns about what would happen and what voice they would have if this remained solely a bilateral process between Canada and the federal government to the point that the Yukon government, in signing the devolution transfer agreement agreed in section 2.27 that they would — it identified an appendix to this agreement that "...contains an agreement between the YTG and First Nations...which sets out cooperative working arrangements in respect of the development of a workplan and preparation of successor territorial legislation pertaining to the administration and control of Public Land and the administration and control of rights in respect of waters." That is an incredibly important undertaking between the Yukon government and Yukon First Nations. Unfortunately, 11 years after devolution, it is largely unfulfilled.

There is only one piece of successor resource legislation that has come into effect pursuant to that provision — the forest resource management act. We have had little nibbles at the edges around quartz mining and placer, but nothing to talk about in terms of the real issue of revisiting and doing successor mining legislation that is cognizant of the provisions and the intent of First Nation final agreements and the devolution transfer agreement.

I don't want to belabour the point about the DTA, but I do want to remind members of this Legislative Assembly that this was an undertaking, that we do know that First Nation governments have made it clear over the last few years that they are not just waiting for — they have been enjoining the government. They have been asking the government clearly

through all sorts of means at the officials levels and at the ministerial level to fulfill the commitments set out in that agreement.

It is really important, I think, to recognize — as the leaders indicated when they put together *Together Today for Our Children Tomorrow*, as it was alluded to there — that Yukon First Nations took a leap of faith in signing the *Umbrella Final Agreement* and in agreeing to the devolution transfer agreement — the transfer of provincial-like responsibilities from the federal government to the territory. That leap of faith is really fundamental to understand that, with the settlement of all Yukon First Nation land claims, Yukon First Nations, under the agreements, would retain less than 10 percent of the total land mass in the Yukon.

When you do that in exchange for this difficult surrender, Yukon First Nations believed that the *Umbrella Final Agreement* would provide opportunities for involvement in decision-making. One of the key areas that First Nations believed, and I believe — and I believe that it's reflected in the agreements — was in that *Umbrella Final Agreement* that was signed 21 years ago, where the provisions in chapter 12 spoke about the creation of a development assessment process that we've come to call YESAA — *Yukon Environmental Socio-economic Assessment Act* process. It was a process that was put together with input from all parties, all stakeholders in the Yukon.

I think it's important to revisit what the objectives of that chapter were because we tend to lose sight of it. We have these glib throwaways about regulatory regimes needing to be this and needing to be that. We need to think about and we need to recall what it was we intended to have in place here — this made in Yukon process — and why it's so imperative that we not lose sight of that and that we hold true to what we negotiated.

What has to be understood is that we call them First Nation final agreements — we call it the *Umbrella Final Agreement* but it's not an agreement of First Nations with First Nations. It's the First Nations with Yukon government and with Canada. These are Yukoners' agreements. At the core of this, all of us have a stake in this. All of us have a stake in ensuring that the spirit and intent of these agreements is lived up to.

The objective of chapter 12 was to provide for a development assessment process. I'm just going to reiterate what those objectives were because I sometimes think that either we haven't read it or we have forgotten it.

So it was a development assessment process that would recognize and enhance, to the extent practicable — and that was an interesting word in those days — the traditional economy of Yukon Indian people and their special relationship to the wilderness environment; that provides for guaranteed participation by Yukon Indian people and utilizes the knowledge and experience of the Yukon Indian people in the development assessment process; that protects and promotes the well-being of Yukon Indian people, their communities and other Yukon residents, and the interest of other Canadian; that protects and maintains environmental

quality and that ensures that projects are undertaken consistent with the principle of sustainable development.

We've talked about the importance of sustainable development in other contexts with respect to the long-term vision that the First Nations and government negotiators had when they were talking about the future of this territory. Sustainable development, Mr. Speaker, as you'll recall, also underlies the whole important principle of land use planning in this territory — another sad piece that we have to, at some point, come back to.

The development assessment process is intended to protect and maintain heritage resources, to provide for a comprehensive and timely review of the environmental and socio-economic effects of any project before the approval of the project. They were thinking ahead, because another objective was to avoid duplication in the review process for projects and, to the greatest extent practicable, provide certainty to all affected parties and the project proponents with respect to procedures, information requirements, time requirements and costs.

The key that led to the language describing the legislation that eventually arose out of chapter 12, the development assessment process, was the objective requiring project proponents to consider the environmental and socio-economic effects of projects of projects and project alternatives and to incorporate appropriate mitigating measures in the design of projects.

The objectives of the *Umbrella Final Agreement* envisioned made-in-Yukon legislation that was created by Yukoners for Yukoners. This was not socio-economic assessment legislation that would be applicable in Manitoba, B.C. or Alberta. This was about the Yukon because it arose from the Yukon. It speaks to the Yukon. It speaks to the kind of certainty that we require in this territory for investment. I'll come back to that in a moment, Mr. Speaker.

So the *Umbrella Final Agreement* was signed in 1993. It took 10 years of collaboration between the parties to finally see the *Yukon Environmental and Socio-economic Assessment Act* finally passed into law in 2003. It was and is a benchmark piece of environmental legislation throughout Canada. This legislation has the support of Yukoners and it reflects Yukoners' values. Because YESAA was so advanced and it provided Yukoners with a say in how their own affairs would be assessed and regulated, it anticipated — because it was new legislation — a requirement to conduct a review after five years of operation.

That five-year review was more than five years in length.

Some Hon. Member: (inaudible)

Ms. Hanson: Well, it was at least that. I think the importance of the five-year review really does go at the base of the fact that this legislation was so different. It was so different from anything that Canada had done before. The notion of a socio-economic element to environmental assessment was unique.

I was looking at comments that were made in the written submission from the Teslin Tlingit Council to the Senate Committee. I will just quote a paragraph here because I think

it really does help to set the context for us. They said — and I quote: “There is little doubt that it was a bold decision to abandon established environmental and socio-economic assessment processes and legislation in favour of new assessment processes and a new law customized to be consistent with Yukon Final Agreements, Yukon Self Government Agreements, and First Nation laws. For that reason, the Parties to the Final Agreements wisely agreed that there would be a comprehensive review of the YESAA after five years of implementation. The purpose of the review was for the Parties to the Final Agreements to determine, in collaboration, whether the first iteration of this legislation fulfilled the promises set out in Chapter 12, and the Final Agreements generally. If appropriate, remediating legislative change would result.”

In Canada’s proposed amendments — and I’ll come to this in more detail, but to give you a sense of the concerns that are being raised, this logical and prudent purpose has been swept aside in favour of legislative change naively intended to facilitate industrial development across the Canadian north, as expressed in the action plan to improve northern regulatory regimes.

I go back again to the experience of us as Yukoners, and in particular to the experience of Yukon First Nations, as Yukoners, as northerners. The Teslin Tlingit Council, in their submission, has made the statement that echoes so clearly the language of *Together Today for Our Children Tomorrow*. Northerners have lots of experience with having our lives, businesses, natural resource development and economies manipulated from afar by past colonial governments in Ottawa.

The action plan to improve northern regulatory regimes is just the latest expression of Canada’s public policy intentions to stimulate economic development and growth across the north. It was exactly this kind of unilateral policy initiative that the parties to the final agreements intended to avoid when they agreed to create an arm’s-length, made-in-Yukon environment and socio-economic assessment process.

The five-year review was a collaborative process; it was a lengthy process. I can remember when it started. I thought, my goodness, this is incredibly detailed. It was. In the midst of that five-year review, the federal government commissioned a review of regulatory regimes across the north. Mr. McCrank put that report together at the behest of the federal government. It is interesting because it is supposed to be a review of the regulatory regimes of the north but there is one scant reference to the Yukon and it is essentially to say that in the Yukon they have the *Yukon Environmental and Socio-economic Assessment Act*. This legislation is working well. If you look at any of the submissions that Mr. McCrank did, they are all focused on Northwest Territories and Nunavut.

He acknowledged that the environmental assessment regime was sound. This was also recognized by the Yukon government as late as December 2012 in an article that was penned in *CGE Magazine*, volume 18, issue 9 — Devolution in Yukon, Pioneering Territorial Resource Management. This was an article that was published under the authorship of the

former Deputy Minister of Energy, Mines and Resources. In it, the Government of Yukon basically asserts — in acknowledging that the Yukon has settled 11 of 14 agreements — that this governance environment with Yukon First Nations fits well with the devolved regulatory regime.

“The Yukon Environmental and Socio-economic Assessment Act stems, he said, from the *Umbrella Final Agreement* and establishes an assessment board that invites input from First Nation governments, local residents and interested parties prior to the commencement of any project. In an era with increased expectations for public input on development projects, desire for certainty from proponents on regulatory procedures and demands for public access to information, YESAA serves as an excellent tool to manage development in Yukon. A single assessment process with set timelines provides certainty to proponents, a public registry provides transparency of all projects under assessment, and the open submission portion of the review provides all parties an opportunity for input into the process.

“Industry and proponents know that decisions are being made locally and this provides the basis for a maturing and sustainable economy in Yukon. The government has been able to work with industries and projects to explain our processes and assist them to navigate Yukon’s regulatory regime. This certainty and local access have created a successful environment for investment.”

Mr. Speaker, the senior official for the Yukon government in December of 2012 concluded by saying, “As devolution evolves in Canada’s North, Yukon will continue to be an example of the success that can be achieved when local governments are empowered to make decisions over their own resources.”

Mr. Speaker, what changed? When did the Yukon government change its mind about local control over local resources? When did the Yukon government decide that it wanted to take direction from the federal government and reverse devolution — reverse the spirit and intent of the agreements that we have all negotiated and that we all are party to as members of the Yukon community?

That five-year review process was an exhaustive one — and I’m sure for the participants it was exhausting — in which all of the parties collaborated to review YESAA and discuss how YESAA was achieving the objectives set out in the UFA.

I have heard reference by the members opposite and in other contexts — YESAA this, YESAA that, it works, it doesn’t work. It is interesting that if we were to actually look at some of the statistics and what YESAA does do, we might have a different perspective and move away from the rhetoric toward the actual reality that is reflected here.

Just as background for members of the Legislative Assembly, I have for tabling project statistics. Basically it is part of YESAA’s ongoing public and transparent information sharing about the number of projects and the areas, and how long it takes for recommendations to be made by YESAA by the various bodies. I thought that it would be helpful to be shared. I will table that, as well as the provisions in the YESAA about — I’ll come to that part in a second.

I would like to quote from the Yukon Environmental and Socio-economic Assessment Board's written submission to the Senate Committee on Energy, the Environment and Natural Resources with respect to Bill S-6.

You may not be aware, Mr. Speaker, but YESAB was uninvited to attend the Senate committee hearings. Unfortunate — it seems passing strange that the Senate committee wanted to hear from people who had very minimal knowledge — if you read the transcripts — of what the YESAA process was about, and declined to hear from the people who have actually worked it through and understand the implications and intent of the legislation from the operational point of view.

The YESA board said the assessment process created in the Yukon environmental assessment, socio-economic assessment process, is one of a kind in Canada. It establishes a single assessment process for Yukon, functionally replacing previous assessment regimes and effectively supplanting CEAA, *Canadian Environmental Assessment Act, 2012*.

One of the reasons why industry and other proponents have liked this legislation is because it ensures a neutral process conducted at arm's length from governments, which applies to all projects throughout Yukon and to territorial, federal and First Nation governments. It guarantees, as the objectives set out, opportunities for participation by First Nations and ensures that their knowledge and experience is used in the assessment process. Finally, it ensures not only environmental, but social and economic, effects are considered in assessments. This is a really challenging aspect, and I know there are many from across the Yukon who realize that there is still work to be done on that aspect.

That's the beauty of having a five-year review, because when you look at what the multi-party group did in looking at those elements, they recognized there is still work to be done. But this is something that we are working on together as Yukoners. It is not a defeat that we haven't got that part completely worked out. It is part of the ongoing challenge of making this new relationship work.

It was established as an independent, neutral, arm's length body — this is what the YESA board is — and it is responsible for the administration of the assessment responsibilities under YESAA. It is charged with making rules with respect to the conduct of assessments. One set of rules relates to the timelines for each stage of the assessment process, whether it gets evaluated at the designated office level — and the designated offices are in Watson Lake, Teslin, Whitehorse, Haines Junction, Mayo and Dawson. Those office locations were established through the federal legislation. In some cases, there is an executive committee screening. The YESA board is comprised of a three-person executive committee. Unfortunately, the federal government has not seen fit to appoint a chair since the vacancy last spring, so that puts additional onus on the interim chair.

The designated offices — and I think it's important for us to understand how this works and why it is important — are responsible for conducting the majority of the assessments under YESAA. The executive committee to date conducts

fewer assessments, and that is mainly because the executive committee assessments are the big ones, so it's more of a rare activity.

The activities that are subject to assessment are set out in the regulations. They don't just make this up on a whim. There is no difference throughout the territory in terms of what regulations apply in the designated offices in Mayo or Watson Lake or Dawson. The regulations are the regulations. They have been worked out in collaboration over the years because the regulations were published at the same time as the legislation came into effect, after 10 years of working together.

This assessment process that is established under the legislation is an integral part of decision-making in the Yukon. Since this legislation came into force — it was passed in 2003 and came into force in 2005 — the YESA board has conducted approximately 1,840 assessments. Of those 1,840 assessments, approximately 1,650, or 90 percent of them, have been conducted by designated offices. These assessments have been completed on average within 80 days. That is the average. There are many less than that.

During the course of the 10 years that YESAB has been operating, there has been a collaborate process established — it's called the YESAA forum, which was created as a direct result of the five-year review. That has been to look at how you make changes that all parties — as you work it through, you realize there are changes that are necessary.

The submission to the Senate committee by YESAB said that the YESAA forum exemplifies the collaborative spirit that exists between the parties and YESAB to explore options for implementing recommendations flowing from the review and other opportunities for improving the assessment process. The importance of maintaining and strengthening these relationships and institutional arrangements is so vital to the performance of YESAA it's something that must be carefully considered when contemplating legislative change.

Yukon First Nations' governments delegated responsibility to a series of technical groups and teams to participate in the review process. As we've heard many times in this Legislative Assembly, there was agreement on many of the recommendations. However, there were several issues contained in the draft report that were important to First Nations that were not addressed or resolved. I would venture that, at the time this was done — March 2012 — they were important to the Yukon government before it had a change of heart, or whatever it was that changed.

First Nation governments, Mr. Speaker, were — although there were a number of matters that hadn't been agreed to — three of the 76 recommendations were not in that first go-around — the five- or seven-year process that sort of conveniently gets called "the five-year review".

It is my understanding that the federal government then prepared a reviewed draft report without the consent of the Yukon government and Yukon First Nation governments. Yukon First Nations made it clear that the revised draft report did not reflect the understanding that they had come to during the five year review process. The federal government ignored

the concerns of First Nations and tabled Bill S-6 in an unelected Senate — an unusual move in the first place. Bill S-6 contains amendments that were not discussed — essentially not agreed upon, is the key part — by Yukon First Nations.

We have seen in the past what happens when governments take — and this government takes — a “my way or the highway” approach to negotiating with partners. Ultimately, a unilateral approach has a serious negative effect on the whole of the Yukon. The federal government has obligations under the *Umbrella Final Agreement* to consult with their partners before making changes that were created as a result of them, and YESAA is no exception.

I heard across the floor today and I’ve heard it in numerous other discussions in this Legislative Assembly this fall — this notion that these changes that are proposed by the federal government through Bill S-6 will create certainty in Yukon’s investment climate when they will in fact do the opposite. At that Senate committee hearing, the senators were interested in what’s going on economically in the Yukon and one of the — Senator Lang, Yukon’s senator — unfortunately the senator who chose to introduce this bill — made some comments that I would like to — and the comment that was made in response — because it really goes at the heart of — it’s not economic uncertainty that is going to be created here it’s economic uncertainty.

His lead-in to his comments was — he was talking to the legal counsel for the CYFN — he said, “I refer to your comments about certainty” — and the senator said, the reality of it is that investors who are looking to come to the Yukon are viewing our permitting process in a very jaundiced way now in view of some of the experiences that they had. Perhaps you could comment on that.

The lawyer went on to say, well, I guess to be frank — I’m quoting, Mr. Speaker — we have had lots of discussion with lots of different companies — very high-level discussions. None of them expressed a frustration with the assessment process. They have expressed a frustration with the relationships between the First Nations and government, and the uncertainty that creates through, I guess, the litigation environment that seems to be percolating in the Yukon.

That’s the uncertainty that creates the issue. For us and for the companies that we have talked with, and other development corporations, it is the issue that’s at the back end of the process that seems to be of greater concern for the companies that we have experienced. To your point though, YESAA works well.

This is a person who is chair of the Yukon First Nations Chamber of Commerce, also with the Champagne and Aishihik Development Corporation.

I think that, for the suite of amendments that went through the seven-year review, on the face of them, there seems to be significant value. The issue that is before the committee — and before this Legislative Assembly in turn — that has been raised by the CYFN and First Nations, is primarily focused on what we believe are the unilateral

amendments that kind of went in parallel with our process, the process that First Nations were participating in.

He went on to say that the amendments that were presented are the ones — are what is creating the uncertainty. When pressed about sort of the economic contribution and the economic drivers in the territory, the legal counsel for Champagne and Aishihik said that he also participates in “one of the economic engines of our community, which is a development corporation.”

If I could — as an aside here — we have given scant thought and recognition in the legislative chamber to the significance of the economic impact that First Nations development corporations play, and can play, in the territory. They are incredibly strong economic engines for this territory. We are, by the actions of this government — by the actions of this federal government — thwarting that.

The legal counsel went on to say that we have observed — that they have spoken about stimulating the economy and he said — and I quote: “...I believe that the YESAA process is very much an economic engine for the Yukon. It’s functioning effectively and ensuring that the relationships between First Nations and the various other governments work effectively, and that is critical, in our view as a company, to the success of Yukon’s economy. We need to have that certainty as a company to protect the shareholder interests in the various investments that we have.”

He went on to give an example — and if you multiply this times the eleven First Nation development corporations — he said, “Our investment portfolio has grown to almost \$30 million in actual value. We have revenues of over \$65 million in everything from manufacturing, construction and paving, and very recently we have acquired a resource sector innovative technology company... We employ approximately 170 northerners as well...”

That is just one — just one — of Yukon First Nations’ development corporations, Mr. Speaker. So when we talk about certainty, I think we need to get a handle — to get a grasp on — what certainty is. It’s knowing what the rules are.

We know what the rules are. Yukon First Nations have made it clear that they believe that the amendments proposed to Bill S-6 will be inconsistent with the *Umbrella Final Agreement* and they have suggested that they may look toward legal action to protect their rights.

In fact, this government has encouraged First Nations to sue them if they believe that the legislation is inconsistent with the UFA. Imagine that: a government suggesting that, well, if you don’t like it and if you don’t think it is really what is consistent with the agreements that you and I entered into with open eyes and, we thought, open hearts — if you don’t think that that’s what it’s all about, then sue us. How does that translate in terms of reaching out and working in partnership? How does that reflect on a new relationship that was at the base of the cornerstone of the negotiated agreements with Yukon First Nations?

It’s true that the provisions of the amended YESAA legislation through Bill S-6 may be challenged directly once proclaimed. The greater likelihood is that decisions made by

this government, authorizing specific projects, will be targeted. They will be assessed individually by First Nation governments because they don't have the certainty that is created under this independent, neutral, arm's-length body.

This means that this government is inviting the possibility of litigation hanging over every single major project. It doesn't sound that responsible to me. Which project will be the first to draw the short straw? Which project will be the first to attract litigation?

I heard the Member for Watson Lake talk about the need for certainty. The Government of Yukon's blind support of Bill S-6 creates the uncertainty that no company — the only certainty will be that no company will know in advance if a Crown decision — a government decision — about their project is likely to be challenged or on what basis.

The ability to raise capital, to plan their work or to predict a return on investors' money will become completely unpredictable. The hard part of that — at the very core of that — is completely unnecessary. Yukon government, Yukon First Nation governments and Canada — up to a certain point — actually worked together. I have read the draft review report — the interim report of the five-year review. It is not a consensus report. I have read in detail all of the amendments proposed and all of the action plans that the people who were charged by our respective governments were asked to do over that period of time. The good will was there. Even when they agreed to disagree, they did it openly. Somewhere along the line in this last year, that was subverted — and for what end? To what end?

We've already seen that Yukon's reputation as a place to do business is already suffering due to this government's combative approach to First Nation relations. We have seen this government choose to use courts, rather than engage in a respectful government-to-government relationship. If we know anything — and we have heard it time and again in small settings with investors, in small settings with junior mining companies, with larger companies — investors are looking for a stable investment climate. When this government chooses to engage in a bulldozer approach to politics, it has led and is leading to large areas of the Yukon being tied up in court cases because the Premier actually invited — if you don't think it's there, then sue us. If that's the approach that's being taken, then we can be sure, as we've already seen, that investors will take one look and decide to invest their money elsewhere.

I have spoken to people who are involved with trying to seek investment in this territory. It's a hard reality that it's not about whether or not the Yukon government is correct about an issue; it's about the fact that the Yukon government has created this uncertainty, that there's an atmosphere of litigation. Where are you going to take your money? You're not going where the courts are. You're not going to go where you could potentially be sued or where the government's in litigation. Take your money elsewhere, where it's safer.

That is the opposite of the opportunity that was created through the land claims agreement and through the commitments made in the devolution transfer agreement.

Mr. Speaker, the amendments that were not spoken to directly by the Member for Watson Lake, but are implicit in the motion that she has put forward, will invite more litigation over a period of many years. That will continue until the harm that is done by these amendments — if they are passed by the federal government — until those amendments are reversed by changing the YESAA to what the parties jointly agree — until they reflect the intention — the spirit and the intent — of the *Umbrella Final Agreement*.

It is Yukon's economy; it is Yukoners who will suffer until we get this right. This government has somehow adopted the mantra — and I don't know where it is from — because it is not grounded in the facts or the reality in terms of the data about how YESAA operates or the timelines.

This government somehow has this other-world view and is suggesting that YESAA in its current legislative format is contrary to certainty. Well, in fact, the reality is that YESAA does provide certainty. I read into the record statements made by Government of Yukon senior officials — the most senior official you can get in EMR.

We know it creates certainty. With the huge boom that occurred over the last several years, up until the last two, in industrial activity in this territory, YESAA worked just fine during that boom. There were not major projects scrapped due to YESAA.

This government likes to suggest the opposite of what the facts are, and somehow the amendments that are being put forward — that there is somehow this huge problem with YESAA timelines. The irony is that the amendments that are being proposed in Bill S-6 achieve exactly the opposite of what the government wants to do. This government supports putting a 16-month timeline restriction for total YESAA assessment processes.

I just want to point out to you, Mr. Speaker, that the YESA board, when they were not allowed to present to the committee, pointed out — and this is in quotes: "YESAB does operate within set time limits now." The time limits that they adhere to are set out in rules made by the board, as opposed to ones set out in legislation. They have time limits for each stage of the assessment process, whether it is a designated office or an executive committee, and these time limits have seldom been exceeded.

The potential operational challenges imposed by the time limit amendments do not stem from the inclusion of time limits in the act. The challenges stem from the fact that the time limits do not take into account what YESAB faces on the ground day-to-day. In one case, the time limits in the amendments are much longer than any YESAB works underway at the present. In the other, the time limits are too short to conclude robust well-informed assessments on complex projects.

It is concerning that the government supports putting a 16-month-in-total timeline restriction. A major project comes forward and from the moment that project is suggested to the moment that project is supposed to be approved is 16 months. I think Yukoners would want to know how this government could be certain that these assessments would be adequate in

the event of a large project being considered. We are all familiar with what happened this summer at Mount Polley. It has certainly dominated the regulatory regime discussion in British Columbia. There are proposals for major development in the Yukon. In fact, there is a proposal that is currently before YESAB to build a mine with tailing ponds that is 10 times the size — 10 times the height — of the wall at the Mount Polley mine — the pond that broke and devastated the surrounding ecosystem. The Yukon government and the federal government are potentially asking Yukoners to be comfortable with limiting a project assessment of that scope to only 16 months for total review. It doesn't give me a lot of certainty.

The First Nations have been very clear in pointing out to us — and thank goodness that the First Nation governments took it upon themselves, because our government didn't — and speak to the issue of binding policy direction. I can't understand, as I've said before, why the territorial government would, after having achieved the devolution of provincial-like responsibilities from the federal government for the administration and management of our land and resources, invite a federal minister to override us and give binding policy direction to an independent, arm's-length body that's responsible for environmental and socio-economic assessments. It runs so contrary, not just to the notion of the Yukon and the potential of the Yukon, but for a government that actually understands its responsibility as government and not managing programs for another level of government.

This binding policy direction — again, not negotiated and foisted upon the parties at the last by the federal government, with the concurrence of the territorial government — undermines so significantly the gains made for Yukon to be recognized as a government, and not simply a manager of somebody else's resources.

The delegation of the authority to a territorial minister really flies in the face of the whole of the notion of the relationship — the tri-partite relationship that was created. The *Umbrella Final Agreement* is not a bilateral arrangement — the devolution transfer agreement. For the territorial government to say that, suddenly Yukon First Nations that are integral to the creation of the YESAA process are no longer part of it, essentially. You can have a board member, you can have members on the board, but we'll tell you what you're going to do on that board. If we decide — or the federal government decides — that we don't think that an environmental assessment is required for certain kinds of activities in this territory, well that's our binding policy direction. Go for it.

YESAA is our law. It was custom-made for the Yukon by Yukoners. It was designed on behalf of us all. The treaties — modern treaties, the land claims agreements — belong to all of us and give us all certainty about how we work together. Violating these land claims agreements and these treaties is a violation of all Yukoners and it undermines the positive relationships all of us are working so hard to advance. We don't need a step backwards.

Yukon and Canada have gone behind closed doors and behind the backs of Yukoners and have secretly conspired to change this law without our knowledge. They didn't ask Yukon citizens. They didn't say, "You know what, we think it's a good idea to have Canada tell us now how to run our affairs" — so much for the robust notion of "this is how we do it in the Yukon" that I heard from the Member for Watson Lake.

To add insult to injury, the Senate committee not only refused to come to the Yukon to hear from Yukoners, they gave scant time to the governments — the 11 Yukon self-governing First Nations and the CYFN. Their time for those governments combined was less than all the other interests for which time was made available. That's kind of sad.

It's a sad reflection that we see this continued opposition to the positive change brought about by the final agreements. I believe that the structure of the motion of the Member for Watson Lake would be good to reflect how much and how important this Legislative Assembly believes the YESAA to be. I would suggest that it's time for us to expand our understanding of the framework within which we operate and to reflect more accurately, as I said at the outset, that the ground upon which we stand is fundamentally Yukon ground, and we share that ground.

Amendment proposed

Ms. Hanson: With that, I move:

THAT Motion No. 756 be amended by adding the following after "consistent":

"with the spirit and intent of Yukon land claims agreements"; and

THAT Motion No. 756 be amended further by adding the following after "Yukon's resources":

"by urging the federal government to:

(1) reject the unilateral changes to YESAA contained in Bill S-6; and

(2) direct the federal Minister of Aboriginal Affairs and Northern Development Canada to collaborate with Yukon First Nations and Yukon government to revise YESAA in accordance with the mutually agreed upon provisions in the five-year review."

Speaker: Order please. The amendment is in order.

It is moved by the Leader of the Official Opposition:

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accordance with the mutually agreed upon provisions in the five-year review.”

Leader of the Official Opposition, you have 20 minutes on the amendment, if you would like.

Ms. Hanson: Mr. Speaker, I think rather than me sort of expounding on this, I will simply put on the record — because Yukon First Nation voices were not heard — nor was the public’s — but I think the chiefs of the various First Nations who did have an opportunity to appear before the Senate committee and the Council of Yukon First Nations really captured the importance.

I have spoken at length to the importance of starting with *Together Today for Our Children Tomorrow* and how that has evolved over those 41 years — the importance of not losing sight that everything we do in this Legislative Assembly and everything that we do in this territory is infused with the spirit and intent of Yukon land claim agreements.

So it’s important, I think, to be clear about the unilateral changes contained in Bill S-6. The best way to address that would be to read into the record the four specific amendments that Yukon First Nations have raised concerns about. There are three other ones that I can speak to briefly that deal with the matters that the federal government was not prepared to deal with as a result of the five-year review.

As I said earlier, on September 25, 2014 Chief Eric Fairclough of the Little Salmon Carmacks First Nation said — and I quote: “...we want to draw your attention to four specific amendments that are deeply concerning. The CYFN and Yukon First Nations maintain that the proposed amendments would undermine the independence and autonomy of the YESAA and adversely impact its effectiveness.”

The first was policy direction to the board. First Nations oppose “any amendments that provide authority to the federal minister to issue binding policy directions to the board with respect to any of the board’s powers, duties and functions.

“Under this proposed amendment, there is no requirement for the federal minister to obtain the consent of First Nations before issuing policy direction to the board. Providing the federal minister with the authority to unilaterally issue policy direction undermines the independence of the board and designated offices when conducting assessments.

“Independence is a fundamental element of the YESAA that was discussed at length by the CYFN, Canada and Yukon during the development of the YESAA. Providing a single party with authority to direct the board is contrary to the spirit and intent of the YESAA and the provisions of the final agreements.

“Delegation of federal powers: The CYFN opposes any amendment that would allow the federal minister to delegate any or all of his or her powers, duties and functions under the YESAA to the territorial minister.

“The CYFN has several concerns relating to this proposed amendment. There is no requirement for the federal minister to obtain consent of Yukon First Nations before delegating any powers, duties and functions...

“The YESAA implements treaty rights. The provision would exclude Yukon First Nations from discussions and decisions about future redistribution of power, duties and functions under the YESAA.”

The proposed amendment “... would create a bilateral federal-territorial process that would be inconsistent with the intent of the final agreements.”

The third one is: “Exemption for renewals and amendments: The CYFN opposes any amendment that creates a broad exemption from the YESAA for renewals and amendments of permits or authorizations.

“This proposed amendment is unacceptable since it would directly contravene the agreements reached by the CYFN, Canada and Yukon about this issue as part of the five-year review. It is unnecessary because previously existing concerns about assessments of renewals and amendments have already been addressed by changes in board policies...” — in parentheses, Mr. Speaker, those changes in board policies were made in 2010 — “...as agreed during the five-year review. The proposed amendments will interfere with a process that is working effectively. During the development of the YESAA, the CYFN, Canada and Yukon agreed that the regulations would define which projects are subject to assessments. The proposed amendments would interfere with this approach.

“Time lines of the YESAA assessments: The CYFN opposes the proposed amendments that establish overall time lines for completion of assessments under the YESAA since time lines are already in place.

“The proposed time lines for screening by the executive committee and panel reviews do not provide adequate time to complete assessments of complex projects that will be subject to these assessments. This will affect the thoroughness of assessments and the opportunities for Yukon First Nations to complete comprehensive reviews of projects and to provide input.

“The proposed time lines for screening by the executive committee and panel reviews do not provide adequate time to complete assessments of complex projects that will be subject to these assessments. This will affect the thoroughness of assessments and the opportunities for Yukon First Nations to complete comprehensive reviews of projects and to provide input.

“While no panel reviews have been completed under the YESAA, the proposed time lines are not consistent with the duration required to complete panel assessments in other jurisdictions. Canada failed to raise these proposed amendments during the five-year review process, where they would have received detailed discussions and considerations.”

He went on to conclude by saying that these matters were never discussed during the five-year review.

Mr. Speaker, I think these changes coming as a result of a unilateral imposition by the federal government really do require us to go back and, as government and as legislators, live up to the challenge that we have, as representatives of Yukon citizens in this territory and Yukon citizens who expect

us to honour the agreements that we negotiated and that we signed, as Government of Yukon, with Yukon First Nations.

I have heard again and again that certainty is a key issue, but this issue affects all Yukoners. It's important to avoid suggesting that we want a disintegration of the relationship between the Yukon government and First Nation governments to the point where we are urging another level of government to take us to court. That is really what Canada is inviting and what the Yukon government is supporting — sue us if you think that we act improperly.

It is difficult to really convey how important this matter is — and the consequence it has for all Yukoners — and that it is not simply a First Nation issue. The issue is uncertainty; the amendments, as proposed, to the YESAA legislation represent a really, really incompetent economic policy. Incompetence invites litigation at a time when we need in this territory the certainty and stability of relationship that will invite investment — not fleeing. We don't need the flight of capital from this territory. We already have it. We have to find a way of creating an environment where people want to come back.

Fundamentally, as I said in my closing comments before I introduced the motion, this law — the *Yukon Environmental and Socio-economic Assessment Act*, belongs to all Yukoners and it is about our Yukon. It is not about the federal government's view of the Yukon, as seen from some photo op about the north. As legislators, we have a heck of a lot more — we should have a whole bunch more — invested in this territory and the uniqueness of it and the importance of us working on behalf of all Yukon citizens with other Yukon governments.

If we want to create an environment of certainty, then we work together — we honour the commitments we made; we honour the legislation that we developed together. We don't try to undermine it — and we stand up together, as Legislative Assembly members, together united, and say to the federal government that this is wrong, you're simply wrong. Don't assume that what's going on in the Northwest Territories and Nunavut applies here. The experience is not the same; don't try to paint us with the same brush. Nunavut does not have devolution; the Northwest Territories just got it. They have lots of issues to sort out. That's not the same situation here.

I challenge the government members to represent Yukoners, to stand up to the federal government and say, you know what, good try but it's wrong and we want and we are demanding that you withdraw Bill S-6, and we demand the federal minister responsible work effectively in collaboration with Yukon First Nation governments and the Yukon government. Go back to the table and do it right. Work on the mutually agreed-upon recommendations in the five-year review, try to sort out those remaining three — and I'll just quickly say what those remaining three were. They are important and I don't want to undermine them.

One of the things that the Yukon First Nations reiterated was that, first of all, the five-year review hasn't been completed because those three issues, as the Premier has repeatedly told me — there was not agreement on three issues. One was a future review. We know as responsible legislators

that a process like YESAA does need review, and so there may be adjustments over time. First Nations — and I would agree, I think all Yukoners would agree, it would be prudent for the parties to commit to undertaking a future review of the YESAA process sometime in the future. It doesn't have to be five years, but that commitment needs to be there. It's not there. That has been one of the missing pieces — one of the three of the 76.

A decision engagement with affected First Nations — CYFN proposed that a territorial or a federal decision body must engage with First Nations when considering recommendations from the executive committee or a designated office with respect to projects that affect aboriginal rights, titles and interests. Mr. Speaker, that is a significant issue when we have areas in the Yukon where we do not have settled land claim agreements.

The third one was the assurance of adequate funding for this process — 1,840 YESAA submissions over a period of five years. The pressures that are placed on local communities and local designated offices and First Nations to respond are huge. If the YESAA process is to operate effectively and efficiently, there must be the resources to fulfill their duties and obligations in the assessment of those projects in various traditional territories.

I believe that it is incumbent upon us as members of this Legislative Assembly to carry out what we were elected for — to do the responsible thing. The responsible thing in this case is — if we are serious about wanting to see responsible development in this territory, if we do want to create the certainty that the Member for Watson Lake spoke to in her motion — then we do that in the context of the world that we live in — which we're privileged to live in.

Think about it, Mr. Speaker. We have said — and I have heard it bandied about by the members opposite so many times — that the Yukon is unique, and we are. We are unique because we all took the risk of entering into a new relationship, and that means we have to sort it out as we go, but we have to do it based on respect. That respect comes from honouring the spirit and intent of the agreements that we negotiated. It comes from being willing to say, from time to time, that the more powerful government, the federal government, is wrong — simply wrong — and, when they are wrong, to stand up to them and say that we reject the notion that you can make unilateral changes that will fundamentally undermine something that we, as Yukoners, hold dear and something that we, as Yukoners, created together to provide that independent assessment, to provide the certainty that is necessary, and that what we are going forward on in terms of project developments not only meets the test of being sound economic investment, but also has sound environmental underpinning.

I urge the members of the Legislative Assembly to support this amendment. I think it makes the motion more robust and more adequate. Perhaps there are elements that could have been more strongly worded, but we felt that this would go some way toward reflecting the fact that we have a lot of work to do.

Mr. Silver: I would like to thank the Leader of the Official Opposition for bringing forth this amendment. I would like to have an opportunity to speak to it before it most likely gets voted down by the majority Yukon Party government. I can't imagine them ever supporting this, seeing as it would be directly contravening their partners in Ottawa with their Bill S-6.

I could absolutely support this amendment, because what it does is actually give teeth to an otherwise — let's just say it gives teeth to the motion on the floor today. I'm very grateful for the Leader of the Official Opposition reading into the record former Liberal MLA and current Chief Fairclough, chief of the Little Salmon Carmacks First Nation —

Some Hon. Member: (inaudible)

Mr. Silver: Absolutely. You can say those comments into the record, because they're very important. I do encourage members to comment on those particular words. I would encourage the Member for Vuntut Gwitchin, who was a former colleague of the chief, to weigh in on the chief's comments.

Basically, I think what this amendment to the motion does is it fills the void that could have been addressed through the Yukon Forum — a collaboration with First Nation governments. We could have presented a united front, a Yukon united front, to Ottawa, as opposed to hearing comments from the Premier on local media saying he's not sure about the negotiations between Ottawa and the First Nations and that you'll have to ask them.

Once again, the excellent opportunity was the Yukon Forum to address these issues before Ottawa was engaged in this conversation, and I think this amendment does a beautiful job of filling that void.

I will leave it to the rest of my colleagues, but I could definitely support this amendment.

Hon. Mr. Kent: We on the government side will not be supporting the amendment to the motion as presented by the Member for Watson Lake. Unlike the Leader of the Liberal Party, I believe the motion put forward by the MLA for Watson Lake does have some teeth. It does identify something that has been identified by a number of individuals and companies that I have spoken with over my time as Minister of Energy, Mines and Resources and prior to that in my other time in Cabinet and during my private life prior to the 2011 election in that, overall, the regulatory regime here in the territory needs to be clear, consistent and competitive with other jurisdictions, while also providing for sustainable and environmentally responsible development of Yukon resources.

Mr. Speaker, of course the Yukon government is committed to providing an attractive investment climate. We achieve this through that strong regulatory system, consistent and comprehensive mining regulatory framework and good access to markets.

When I was going to speak to the motion prior to the amendment put forward by the Leader of the Official Opposition, I was going to focus of course on the regulatory

regimes that we control here in the Yukon — the quartz mining licensing, the *Waters Act* — those types of things, but of course there was an awful lot of comment with respect to Bill S-6.

I would like to just spend a little bit of time speaking to Bill S-6, which is the *Yukon and Nunavut Regulatory Improvement Act*. Of course there are improvements to Nunavut's regulatory system that are also included in this bill, but for purposes here I'll speak specifically to the YESAA amendments.

When visiting the federal AANDC websites, you can see there what the proposed amendments to YESAA include. They have been discussed on the floor, but I will repeat them and read into the record what the proposed amendments according to the federal government are.

The first one is making time limits for environmental assessments by the Yukon Environmental and Socio-Economic Assessment Board consistent with other jurisdictions in the north. We recognize that there are differences between the Yukon, N.W.T., and Nunavut and where we are with respect to devolution, but we're still all looking for the same capital dollars that exist throughout the world for investment. If one of those jurisdictions has more responsive timelines than the Yukon, we're at a competitive disadvantage when it comes to attracting those investment dollars.

Obviously the Leader of the Official Opposition talked about the timelines, but I think it's important for Yukoners to understand as well that when the YESA board puts out an information request to a company those timelines stop. It's not going to be 14 months regardless of the quality of the application. The onus is still on the proponent to put forward an application that is of quality to be properly assessed.

When it comes to, as I've mentioned — at any stage, whether it's during the adequacy or the actual assessment phase, when an information request goes to the proponent, those timelines will stop. Essentially there is a pause. Again, this will ensure that the quality of the application is still strong.

Enabling the Government of Canada to develop regulations to recover from proponents' costs to undertake assessments — this is something that is in other jurisdictions and is consistent with what other Canadian jurisdictions do. Having companies pay for the assessments is something that exists elsewhere. At the opportunities north conference that was just held here in Whitehorse, I know the —

Some Hon. Member: (inaudible)

Point of order

Speaker: Official Opposition House Leader, on a point of order.

Ms. Stick: I would point to Standing Order 35(b) and ask that the member confine debate to the amendment as proposed as opposed to the motion.

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

Hon. Mr. Kent: I am speaking to the proposed YESAA amendments that are referenced specifically in the Leader of the Official Opposition's amendment, so I believe there is no point of order.

Speaker's ruling

Speaker: The amendments do directly address Bill S-6 and YESAA. The purpose of speaking to the amendment is generally to speak about how the amendment will influence, strengthen or detract from the main motion. If adopted, the member would have the opportunity to speak to the motion as amended. I would have to say right now that until the minister says what he is going to say I have no clear way of knowing what is going to be said and how it is going to be tied together.

I was pondering this when he said he wanted to speak to YESAA and felt at that time that he was in fact going to be speaking to the amendment, so I would ask the minister to tie in his comments to whether or not this strengthens or takes away from the main motion please.

Minister of Energy, Mines and Resources, please continue.

Hon. Mr. Kent: Again, walking through the proposed YESAA amendments, we have touched on two of them. The third is making YESAA the definitive environmental and socio-economic assessment process in the Yukon, meaning that CEAA would no longer apply in the Yukon. For the most part, YESAA is the definitive environmental assessment act that applies to most Yukon projects, but there are some exceptions and this removes those exceptions so that YESAA truly is the one-window approach to assessments here in the territory.

Of course, one amendment that has garnered a lot of attention is providing the Minister of Aboriginal Affairs and Northern Development with the authority to provide binding policy direction to the YESA board. I think it has been somewhat mischaracterized, particularly by the Leader of the Official Opposition, in that we have heard the Premier on a number of occasions say that this policy direction cannot contravene the *Umbrella Final Agreement* or any of the final agreements that First Nations have signed, contrary to what the Leader of the Official Opposition has asserted, both inside this House and outside of these legislative chambers.

I think that this is something that the Premier has articulated exists in other pieces of legislation. It is not something that is groundbreaking for the country or groundbreaking for the territory. He has referenced the Yukon *Waters Act* and the fact that the ability to provide policy direction exists in the Yukon *Waters Act* as well.

One of the other amendments is allowing for a board member's term to be extended for the purpose of completing a screening or review. I'm sure we can all agree that that's something that is a positive amendment, particularly when those appointments expire. I know from my time on the YESA board from 2004 to 2007, we were all pretty much appointed at the same time and all of the appointments needed

to be renewed at the same time, so that was a bit of a challenge for any projects that were underway.

Since then, I believe, they've staggered some of the appointments to ensure that there is some overlap between the various members, but that's something I believe all members can agree on, with respect to a positive amendment.

The final one is eliminating the requirement that a project undergo another assessment when a project authorization is to be renewed or amended unless, in the opinion of the decision body or decision bodies, there is a significant change to the project. I think the important part about this aspect is that we're not just talking about resource projects. There are a number of activities that are assessed by YESAA — everything from shore stabilization, if you have waterfront property, to docks and power poles and culverts. Obviously there are some resource projects that have undergone multiple assessments. One of the local mines, I believe — for every three months of production, they've been in permitting or assessment at some point for a month over the life of their mine. They've been through YESAA, I believe, eight or nine times.

Obviously, if there is significant change, that's something that needs to be reassessed, but I think allowing the decision body, or bodies, to make that determination — it's important to note, Mr. Speaker, that the decision body isn't just the Yukon government. Often First Nation governments are also decision bodies when it comes to projects that are occurring on any of their settlement land.

I know the Premier has spoken in the Legislature as well about the guaranteed participation of First Nations through YESAA, and has spoken specifically during Question Period to the number of appointments that the Council of Yukon First Nations makes — recommendations to sit on the board. Three of seven are based on CYFN recommendations, two Yukon government and two federal government appointments. That said, First Nation participation is much beyond that.

There is the inclusion of traditional and local knowledge in the assessment process, something that, when I was on the board, was very important to inform the recommendations that YESAB put forward. Of course, I did speak about the fact that First Nations are often decision bodies in these projects when they occur on their category A or category B settlement lands. There is guaranteed public participation. There is guaranteed notification for First Nations when a project occurs in their traditional territory. On higher level projects, before an application is deemed adequate, the proponent must demonstrate that they've consulted with the local First Nation whose traditional territory the project is on.

As you can see, there are a number of ways — and I've just touched on a few — that First Nations are involved in the assessment process.

Mr. Speaker, I guess I can speak a little bit more as to what I envision as far as bringing certainty and competitiveness to the assessment process when I have my opportunity to speak to the main motion. Again, I believe that the amendment proposed by the MLA for Whitehorse Centre — although you ruled that it is in order — takes away from

the spirit and intent of the motion put forward by the MLA for Watson Lake when she talks about ensuring that Yukon's regulatory regimes are clear, consistent and competitive with other jurisdictions.

I thank the Member for Watson Lake for putting forward the original motion and I am standing here to inform the House that the government will not be supporting the amendment that was proposed by the MLA for Whitehorse Centre.

Mr. Tredger: I hope that my words will express some of the frustration and the concerns with Bill S-6 and with the move away from the spirit and intent of land claims and the damage that Bill S-6 will cause in the Yukon — a frustration of my constituents, First Nation governments, businesses, industry and citizens. I hope I can reflect some of that.

I am concerned that Bill S-6 undermines what is unique and wonderful about the Yukon. It was conceived in secret and is obviously out of touch with Yukon treaties, intergovernmental relationships and is disrespectful of Yukon history, culture and values.

This is not a First Nation issue. Yukon has a unique and wonderful place in the world. It is an issue that affects all Yukoners.

The first Europeans were welcomed by First Nation hospitality, by their sharing of themselves, their resources and their land. I and my family have been beneficiaries of that. We found Pelly Crossing a great place to live, very hospitable, and a place to contribute and to grow a family. Yukon is built on our relationships, one to another in respect.

Over 40 years ago, First Nation leadership travelled to Ottawa and presented *Together Today for Our Children Tomorrow*. Just last year, all parties in this House spoke of the importance of this document. All Yukoners have been the beneficiaries of First Nation leadership reaching out through this document, for this document kick-started a process to determine how Yukon would move forward. Leaders of all our governments — Yukon, First Nations and Ottawa — recognized the value of that document built on respect and trust and a belief in one another. They were inspired and saw it as a new way forward.

Together and in cooperation they worked toward the UFA and self-government agreements. All along, Yukon people were included in the process. Together we worked in our governments, on the land, in our communities, in our offices, in our schools. We built relationships — relationships built on trust, caring and respect — and began to implement a brave new way of working together for the good of the Yukon.

This document and the subsequent implementation and documents recognized the value of our land. We discussed shared experiences and lived to understand what the First Nation elders were telling us when they said we are part of the land and part of the water — a world view that recognized the connectedness and the integral relationship of the land to those of us fortunate enough to live in Yukon and becoming stewards of our land.

The UFA recognized a need to carefully develop the land to sustain a living and to share our resources. Leaders and citizens came together for us today and for our children tomorrow. The spirit of that document was recognized by the people of the Yukon and by Canada, and the governments worked together to point to a way forward.

Two cultures learning and working together to develop a brave new way forward, sharing the stewardship of the land, hand-in-hand — a new and dynamic — and I will repeat that — a dynamic system developed. The UFA was signed, implementation was begun, a framework that would look after our environment, share our resources in a sustainable way that allowed for all Yukon people the opportunity to make a living and contribute to the good of us all. This relationship was built on trust and understanding, on the belief that all voices counted, that the well-being of our air, land and water was paramount and that, in this spirit, we would go forward together for the benefit of all Yukon people.

It was a marriage contract, not a divorce settlement. It was to recognize all voices, a template for building the future. To callously imply “let the courts decide”, to suggest that “if you don't like it, take us to court” is a rejection of the land claims process, a rejection of the promise of the UFA and a step backward, giving confrontation and unilateral ultimatums, with legal wrangling and federal politics controlling the Yukon.

“If you don't like it, sue.” This is of consequence to all Yukon people. It is not simply a First Nation issue. We will all feel the pain and the uncertainty, should Yukon become mired in confrontation and legal wrangling. The UFA was a way forward, a way to work together to create a robust economy. The beauty of an arm's-length, independent body allows us to get on with the business of the day without political ideologies interfering.

The Yukon Environmental and Socio-economic Assessment Board is established under YESAA and is consistent with the UFA as an independent, neutral, arm's-length body responsible for the administration of assessment responsibilities under YESAA. The YESAA process is trusted by Yukon people, many of whom devote time and effort and resources, contributing to the process, having their say in projects that have a direct impact on them and their environs. We may not always be in agreement, but each of us was respected and had the right to have our say in the assessment process.

Since the legislation came into effect in 2005, YESAB has conducted approximately 1,840 assessments. Designated offices conducted 90 percent of these assessments under YESAA, and these assessments have been completed, on average, within 80 days. The facts speak for themselves: YESAA is working in an effective and timely manner. YESAA is by Yukoners, for Yukoners and reflects our values. All Yukoners can be proud of the work being done on our behalf.

Bill S-6 is a unilateral act developed in secret, brought forward by an unelected Conservative senator, supported by our Conservative MP and supported by the Yukon Party

Premier. The bill includes several proposed changes to YESAA that extend beyond the scope of the five-year review and were not part of the discussions during that five-year review.

We're on the verge of having to make decisions to develop some larger projects in scope and footprint. We cannot afford another Faro or another Keno. There is a potential for massive development, and we need to consider possible consequences that may have a major effect on our environment and must be considered carefully. Casino is talking about a 30-year mine life and a project that will be maintained forever.

Now is not the time to unilaterally undermine YESAA and all it has accomplished. YESAA, as designed, has timelines already and they are working within those timelines. There are some requests and some raised concerns about YESAA, hence the five-year review, hence the need for the three governments to work together.

The process is in place for working together; the basic premise is that YESAA is a dynamic document, signed by three governments, involving and for all Yukon. Bill S-6 is not about development. Yukon people want development; First Nations want development.

In my area, the Na Cho Nyäk Dun, Selkirk First Nation and Little Salmon Carmacks First Nation have worked closely with industry to develop projects. They have been involved, working directly with industry and other levels of government, involving their elders, their communities and their citizens. They want development, but not at any price — not at the risk of leaving an awful legacy for our children and grandchildren.

As I mentioned, Bill S-6 is not about development. Bill S-6 is a blatant power grab. It is an undermining of our constitutionally enshrined treaties. This is about our treaties and our assessment process under the guise of development. First Nations and the Yukon public want to be involved and trust the system — industry as well wants the certainty that an independent, arm's length YESAA brings — free from the vagaries of political influence and short-term thinking. Bill S-6 is not the way to move forward.

The Harper Conservatives, echoed by the Yukon Party, say changes to Bill S-6 — or to YESAA — are necessary to remain competitive. These changes will have just the opposite effect. Bill S-6 may be challenged directly, tying up our assessment processes in protracted litigation. Individual projects may also be challenged, raising the spectre of potential litigation hanging over all major projects. Proponents will not know whether their project will be subject to litigation, affecting their ability to raise capital or even to predict a return on their investors' money. All will become unpredictable and beyond their control. That is the greater uncertainty.

Yukon's reputation as a good place to do business and invest capital is already going downhill as a result of current court cases. This bill, amendments to YESAA, will invite litigation over a period of many years. It will be Yukon's economy and Yukon people that will suffer.

It doesn't have to be that way. First Nation leadership, previous governments and the UFA pointed to a better alternative. YESAA was made by Yukoners for Yukoners and designated on behalf of all of us in the UFA and final agreements. These treaties belong to all of us and give certainty about how we will all work together. Violation of our treaties is a violation of all Yukoners and undermines the positive relationship all of us are working hard to advance.

The Yukon Party government and the Harper Conservatives have gone behind closed doors, behind the backs of Yukoners, and secretly conspired to change this law without our knowledge. Unelected senators have refused to come to Yukon to hear the views of Yukoners about Canada's changes to YESAA. Our unelected senator has refused to invite the committee to Yukon to hear from us. Our Member of Parliament, Conservative Ryan Leef, has refused to advocate for Yukoners and has refused to insist Bill S-6 be discussed in Yukon. Instead, he parrots the Harper Conservative line. Our Yukon Party Premier has not stood up for Yukon, is undermining the *Umbrella Final Agreement* and risking our environment, our economy and our relationships at the behest of the Harper Conservatives.

Bill S-6 compromises a made-for-Yukon act, YESAA, and our UFA. It is not too late. Now is the time to listen to our partners. Don't throw away 40 years of progress. Stand up for Yukon people. Repair our relationships and build on our treaties for the good of all and, most importantly, for our children tomorrow.

We will not be bullied by the Harper Conservatives and their narrow ideologies. Stand up for Yukon people, stand up for responsible resource development and our environment, stand up for our treaties and our new way forward. I implore you, stand up for this wonderful and diverse land.

I support the amendment from the Member for Whitehorse Centre and I urge all legislators to vote in favour of this amendment.

Speaker's statement

Speaker: Order please. Before the member takes his seat, I would like to ask him to tie his comments to the amendment and whether the amendment strengthens or takes away from the original motion. You were speaking to the amendment and I gave you a lot of latitude, but I would like you, in the end time, to bring it all together and indicate that you were speaking to the amendment and how it strengthens it please.

Mr. Tredger: As I mentioned, I urge all legislators to vote in favour of the amendment. The intention of the negotiators at the time the UFA was negotiated was to have the three parties cooperate on a comprehensive review of the first iteration of YESAA in order to see if the law needed to be improved in its ability to fulfill the promises set out in the UFA and final agreements. The amendment speaks to that and thereby strengthens the original motion from the Member for Watson Lake, and indeed reiterates the need to work with the

spirit and intent of the Yukon land claims agreement when considering our assessment processes.

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

Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Disagree.

Hon. Mr. Cathers: 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. Moorcroft: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

Clerk: Mr. Speaker, the results are seven yea, 10 nay.

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

Amendment to Motion No. 756 negatived

Speaker: Does any other member wish to speak to the main motion?

Hon. Mr. Pasloski: I would like to start by thanking the Member for Watson Lake for bringing forward this motion. While it was quite an open-based motion, speaking to regulatory processes, I will limit my comments mostly to what has been the discussion to this point and the point of the amendment by the New Democratic Party, and that was to talk a bit about YESAA.

As you know, Mr. Speaker, the government supports, really, the comprehensive and objective assessment processes and amendments that have been put forward by the Government of Canada.

We have spoken about this a few times, certainly both in this House and outside this House and we do believe that these proposed act changes align with Yukon's focus on cost-effectiveness, value and timeliness of processes and ensuring that our assessment regime is competitive and responsive.

I think that as we go through, what we need to really look at are the benefits that exist or that will come into play as a result of these potential amendments to benefit all people. As I

stand here today as a Premier and leader of the government, it is in fact our responsibility to represent all people of Yukon and we believe these changes — these proposed amendments — will be good for all Yukon people. It's very important, as I have mentioned on other occasions, to make sure that people realize that the YESAA process in itself is a Yukon process for assessing all development.

This isn't just about mining or oil and gas or other resource industries. This is about all aspects of development, whether it's a recreational centre, whether it's a water-treatment plant, a waste-water treatment plant, roads or new bridges. All of these things go through this assessment process where we look at the environment as well as the social and economic aspects of these projects. I would like to talk, as we go forward here, a little bit about the economic aspects of these assessments as well.

Bill S-6 contains over 30 proposed amendments to YESAA. Many of those are minor and housekeeping in nature. Canada has indicated that the proposed changes reflect many of the agreed-upon findings of the YESAA five-year review and are consistent with Canada's action plan to improve northern regulatory regimes and the northern strategy. I would also suggest that it is also consistent with the three northern territories' northern vision document as well that was just recently renewed in late summer of this year.

Canada provided opportunities for the Yukon government, for CYFN, for individual Yukon First Nations and of course, YESAB as well, to provide input and review draft legislation during the development of the proposed amendments. As we have spoken and we have heard, this process of coming forward with proposed amendments as described in Bill S-6 has been a process that started back in 2008. There has been nearly seven years of consultation that has gone on.

The Senate Standing Committee on Energy, the Environment and Natural Resources gathered information and views on Bill S-6 from various parties and studied the bill clause by clause. I know that, during September and October, the committee heard from various parties, including people at Aboriginal Affairs and Northern Development Canada. They heard from the Government of Yukon. I had the honour to go to Ottawa to speak to the standing committee, but they also heard from Yukon Energy Corporation. They heard from the Council of Yukon First Nations. They heard from Champagne and Aishihik First Nations. They heard from Little Salmon Carmacks First Nation. They heard from the Klondike Placer Miners' Association — KPMA. They heard from Yukon Chamber of Mines, they heard from Alexco Resource Corporation and they also heard from the YESA board as well. They did provide a written submission that was reviewed by the committee.

The Senate committee studying the bill reported back to the Senate and on October 21, 2014, the Senate passed the bill unanimously with no amendments. I know that the Member for Klondike was putting forward a motion today describing there were in fact no Liberals in the Senate, but I noticed even during my meeting with the committee — I clearly saw names

and the name Liberal behind their names as well, and I would like to say that certainly upon the review of all members of the Senate — the house of sober second thought — they have passed Bill S-6 unanimously by all members of the Senate and without amendment.

There are some key proposed act amendments that are occurring in this legislation. As I articulated, this has been a process that's been ongoing for almost seven years. Through the five-year review, there were 76 recommendations, 73 of which were unanimously supported by all parties. Literally thousands of hours of consultation occurred.

Just looking and commenting a bit on some of the key act amendments, the first one is on policy direction. As I have said in this House, policy direction ensures that there is a common understanding between the government and the board and this is to help reduce uncertainty and delays. Any policy direction provided to YESAB must be consistent with YESAA, with the UFA, with individual land claims and with other Yukon legislation.

I have also stated that policy direction is common in other jurisdictions as well. I have used the example that here within Yukon Territory, Yukon government has the ability to provide policy direction to the Water Board through the Yukon *Waters Act*. It is very important for people to realize that what kind of policy direction can and cannot happen from the minister. Any policy direction has to pertain to the exercise or performance of the board powers, duties and/or functions.

What policy direction cannot do is it can't change the assessment process itself. Policy direction cannot expand or restrict the powers of the board and policy direction cannot interfere with active or completed reviews.

I can tell you for example — I believe that in Northwest Territories, since 2003, this policy direction has only been used three times in the NWT where this ability to provide policy direction has existed.

The next key area of amendments is in the delegation of authority. This is really a permissive amendment. As we have stated, there is no delegation contemplated at this time. That was articulated by me to the committee. That was also articulated by the federal minister as well during his hearing with the standing committee. But really, the delegation of authority allows for administrative efficiencies. Those authorities are very limited. For example, YESAA regulations cannot be delegated. They cannot be delegated from the federal government to the territorial government. What that means is that YESAA will remain a co-managed process.

As I have spoken in this House, there are seven members of the board. Three of them are our executive committee, one is appointed by CYFN, one is appointed by the Yukon government and one is appointed by the federal government. Of the remaining four board positions, two of them are on the recommendation of Yukon First Nations, one by the Yukon government and one by Canada. Of the board of seven, three of the seven are representatives appointed by Council of Yukon First Nations, which really ensures the guaranteed participation in this process by First Nations and that it will remain a co-managed process.

I would like to mention that delegation and devolution are really both supported by our Northern Vision document and by the northern strategy and I believe that any time that you can bring decisions closer to home, the results will be better. I believe that evidence is there for reviewing — the evidence is there for all to view. Look at 10 years of economic growth and 10 years of population growth — they have all existed in part because of the ability to ensure that decisions are made here, as opposed to Ottawa, and that's why, in the Northwest Territories, they were so excited for the opportunity to continue down the path, as they did at the beginning of April, and sign their devolution — or as I like to coin it, from a territorial perspective, it's more of an evolutionary change than a devolutionary change.

Indeed this has worked for Yukon, and we feel strongly that going forward with these amendments will continue to allow us to create those opportunities for jobs, for families and, really, that's a pretty important thing. I think it doesn't matter who you talk to in this territory, the ability to feel confident that your job is secure, to know or be excited about the opportunity that there will be chances for our children to be able to get jobs here, is something that unites all Yukoners.

The next area that I would like to comment briefly on is on the renewal or amendment clause, with clarification that an amendment or renewal to an authorization does not in itself require an assessment. I think that is very important. The act amendment clarifies that the decision body determines if the project requires a new assessment after having considered whether there is significant change to the project and whether that change triggers an assessment under YESAA. Really, this is a clarification clause, and what it is just saying is that simply a renewal or an amendment in itself should not trigger another assessment.

When you're doing a project, whatever it may be, and you come to the end of the timeline, but things haven't changed, why should we go through an assessment again? That takes up a lot of time and a huge amount of money, not just for the government but, more importantly, for the proponent as well. That just does not make sense. Making this change allows us to ensure that people at the YESA board and their officials can focus their time in areas where there is a priority and it is to be able to deal with new projects or projects that have been determined by the decision body to have significant change.

Again, this is another amendment that is consistent with other jurisdictions. I also want to point out that the decision body determining if a project requires assessment was a recommendation from First Nations. That was one of their recommendations.

This is really allowing the elimination of this redundancy and what it really does is to create more certainty, because people are going forward and then they know all of a sudden that they have to go through this assessment process again — there is less certainty when that happens. Certainty is very important for projects, for suppliers, for indirect businesses that benefit from industry and the creation of wealth within a territory. It is important for investors as well, when they are

looking at projects and seeing what all the risks and the benefits are of investing in this project. Most importantly, it is important for families and employers to ensure that we have that certainty. Simply doing another assessment just because the time has run out doesn't make sense.

Another area where we have just heard some conversation is around timelines. The legislated time limits that include the adequacy stage are for designated office evaluations of nine months, executive committee screening of 16 months, and panel reviews of three months to develop terms of reference, plus the 15 months. What this does is provide certainty and, as we have heard from members opposite, YESAB has lived within those timelines to this point, and we all acknowledge that.

We find those timelines listed in the board's rules. Establishing them in the legislation provides more certainty for everybody, including investors and industry, to know upfront, in the legislation, that these are the timelines. As we've heard, YESAA has been able to live up to the timelines as described. This is simply instilling them in the legislation, which provides more certainty.

Of course, timelines don't include the proponents' time to answer information requests, so I think there is some confusion there as well. When there is a request by YESAB, the clock stops while the information is gathered. Once that information is provided to YESAB, the clock begins again. What I'm saying is, essentially, to see successful completion of assessments, it requires timely action not only by the assessors, but also by the proponents, to ensure they are as ready as possible, that their application is as complete as it can be going into that process and that, if there are additional requests for information, they are ready and prepared to provide that information on a timely basis.

There was the issue of CEAA and the removal of the application of the *Canadian Environmental Assessment Act* in Yukon. Really, this is a clarification and a housekeeping item. I also want to note that this is also requested by Yukon First Nations.

I cannot comment on the consultation that occurred between Canada and Yukon First Nations but I can say that consultation does not mean consent. It doesn't mean that you continue to say that the consultation is inadequate until you get your way. Certainly, Yukon government did not get everything that they asked for within our requests in terms of amendments to YESAA and I anticipate it was the same for Yukon First Nations.

Mr. Speaker, because you are saying I am out of time, I again want to thank the Member for Watson Lake and I want to again reiterate our support for jobs, our support for families and that the legislative amendments proposed are good for the territory.

Mr. Silver: Thanks to the Member for Watson Lake for her motion today and thanks to everybody else who spoke so far today. I will be as brief as possible. I won't take up my complete 20 minutes, but I do want to get on the record on this important issue.

The Yukon Liberal Party is in favour of a clear and consistent regulatory regime. It was stated in our 2011 platform — and I quote: “Clarifying the roles and jurisdictions of the Yukon Water Board and YESAB, while working with these organizations to harmonize their processes and investigate the concept of a process charter.” It was a clear and key part of our platform.

Mr. Speaker, we recognize that there are issues in terms of mining regulations here in the territory. Mining companies are experiencing extended timelines, the duplication of data collection and analysis, and a company has even had its permit rescinded because the Yukon Party government couldn't manage and maintain respectful functional working relationships with the First Nations. Many of these delays and added expenses have slowed, halted and, in one case, scared away responsible resource development.

In 2011, the Yukon Minerals Advisory Board highlighted regulatory uncertainty as their number one issue in the mining sector. The report stated — and I quote: “Failure to ensure regulatory certainty will rapidly erode confidence and subsequently investment in the Yukon's mining and exploration industry as the investment community is highly sensitive to project delays and other permitting difficulties.”

Our economy has already seen the fallout of this with huge declines in exploration spending in the last few seasons and the announcement as well, of course, last week that our GDP is the worst in Canada. In March, we saw Yukon drop from the top-10 ranking in the Fraser Institute's worldwide mining jurisdictions. Yukon is now ranked 18th, after having been ranked eighth in previous years. As well, in Question Period today, I highlighted a number of projects that were supposed to be operational but now have had their status moved to being questionable.

There is no doubt that the mining industry in the Yukon is not necessarily booming currently. The Yukon regulatory regime does need to be streamlined to ensure that industry can thrive — absolutely — and that our economy can benefit from the resources that we are so fortunate to have.

The Yukon Party made promises in 2011 to continue to — and I'm quoting from the Premier's forum: “Work with the Government of Canada to resolve the issues pertaining to the problems with the Yukon Environmental and *Socio-Economic Assessment Act* and the *Yukon Waters Act*.”

I can agree with that statement. However, the way that this government has approached making changes to YESAA is not going to work. We know that — and the minister responsible for Energy, Mines and Resources will have a chance to rebut my comments when he has a chance to be on the floor — the changes to YESAA are at the federal level, but we have heard from Yukon First Nations that they will take the government to court over it. These are the things that we know, Mr. Speaker.

In speaking to several chiefs about changes, I know that they are not opposed to mining in the territory, but they are opposed to this government making changes that so blatantly fly in the face of the *Umbrella Final Agreement*. The same YMAB report I quoted earlier from 2011 stated — and I

quote: “YMAB recognizes that there is significant pressure on Yukon governments regarding their participation in the Yukon Environmental and Socio-economic Assessment Act (YESAA) ... First Nations in their requests for financial support from the federal government so that they may effectively participate in YESAA reviews.”

The Yukon Minerals Advisory Board recognizes that Yukon First Nations are an integral component of that process and that proper funding is required to ensure proper participation. The Yukon Party spent seven years consulting with Yukoners, but ultimately ignored their own process. Yukon’s mining industry will never succeed in an environment where we pit it against First Nation interests and their legal rights under the *Umbrella Final Agreement*.

In closing, I would just like to emphasize that I do think that regulatory regimes in Yukon do need to be streamlined so as to keep our territory competitive.

Often this government tries to paint all other parties as anti-mining and that is strictly not true. I am in favour of mining in the community — responsible mining in these communities. What I’m not in favour of is a unilateral approach that turns such an important economic driver of our territory into another economy-killing legal case. Changes to YESAA can only come with consultation and consensus.

Hon. Mr. Kent: It’s my pleasure to speak to the main motion that was put forward by the MLA for Watson Lake today with respect to the competitiveness and ensuring that we improve our regulatory framework here in the territory. I’ll respond to what the Leader of the Liberal Party had to say in his brief remarks a little bit later on, but there are a few things I want to touch on during my response to the amendment that was put forward by the MLA for Whitehorse Centre in stating that the government — that we wouldn’t support it. I was able to speak an awful lot to Bill S-6 and the changes that are being proposed to the Yukon and Nunavut regulatory acts, and the YESAA in particular as it affects the Yukon.

I want to speak a little bit about the Yukon *Quartz Mining Act* and the Yukon *Waters Act* and looking for ways to improve how those operate together and highlight some of the work that we’ve undertaken and accomplished in the past number of years with respect to enhancing the regulatory environment here in the territory.

Again, the Leader of the Third Party highlighted it. I believe he highlighted the 2011 YMAB report — again restated in the 2012 YMAB report that I have — that when it comes to certainty under the subcategory of harmonization, as was recommended — and again, this would add to what the member mentioned — in the YMAB in the 2010 annual report, the board is encouraged by the work of the major mine coordinating committee to provide strategic direction to the management and administration of active mine licences. In addition, the formation of a working group to better coordinate the YESAB and the Yukon Water Board — which was comprised of Energy, Mines and Resources, Environment, Water Board and Executive Council Office, the development assessment process branch — was positive, but

more processes were required with these organizations, however, to harmonize their activities and meet the increasing demand for project assessment and licensing.

Again, their recommendation at the time was that the Yukon government remain diligent in its work to address regulatory uncertainty by clarifying the roles and jurisdictions of YESAB, the Yukon Water Board and Energy, Mines and Resources through what is the quartz mine licensing portion.

Obviously this is something that is front and centre with industry, and it has been for a number of years. I don’t think anybody in this Legislature or in Ottawa is suggesting that the YESAA process or the act or the board is broken, but when it did come into effect — and again, as I mentioned earlier in my other response, I was one of the original board members along with some former members of this Legislature and others. We had the unique opportunity to set the policies and procedures and procurement and hiring and pretty much build that organization from the ground up.

At the time, of course, it was recognized as a leader in the country, so much so that many of the other jurisdictions in Canada copied things such as timelines with respect to assessments and included that in their environmental assessment processes. On some occasions, they have exceeded what YESAA is able to deliver. So what the federal government has put before the Parliament of Canada for consideration, I believe, is an opportunity to enhance the YESAA process here in the territory, bring it in line, and ensure it is consistent and competitive.

When we heard some of the testimony that was provided before the Senate of Canada in September and October of this year, one of the proponents spoke about the timelines and the need for consistency among the designated offices. One of the true and important aspects of YESAA is that many of those projects are assessed at the designated office level and there are six of those spread throughout the Yukon. Whitehorse, of course has a designated office — Haines Junction, Mayo, Dawson City, Watson Lake and Teslin. Truly those decisions are made at the local level and opportunity for local input to be given when it comes to those types of assessments.

One of the issues raised in Question Period on November 4, 2014, by the Leader of the Official Opposition during her question regarding the YESAA process to the Premier — she suggested that the Yukon government not be able to reject or vary YESAB recommendations, which is something that I am sure the First Nations in this territory would be very interested in reading — that new policy of the New Democratic Party — because essentially that would give the power for environmental assessments to the designated offices in many cases or to an unelected board when it comes to executive committee screenings. That’s a very large and significant departure from the spirit and intent of the YESAA legislation, so I’m surprised that the Leader of the Official Opposition has taken that tack and I’m sure First Nations will be concerned that the New Democratic Party is suggesting that, as decision bodies, they no longer have the ability to vary or reject recommendations.

There is a recent case with respect to a placer mine in one of the traditional territories — in fact on category B land, I believe — and the YESA board recommended that the project would be able to proceed and the First Nation rejected that. If this is the policy of the NDP, I'm sure First Nations will be quite concerned about that. With all things in this question that was asked on November 4, 2014, this appears to be what the Leader of the Official Opposition is going toward with respect to the policy of the New Democratic Party. I'm sure many who are involved in the environmental assessment process here in the territory will be quite interested to see that.

When it comes to the Yukon *Quartz Mining Act* and the Yukon *Waters Act* and how they authorize specific activities related to hard rock mining in general, the *Quartz Mining Act* authorizes terrestrial activities whereas the *Waters Act* authorizes water use and the deposit of waste. Licences under both acts have terms and conditions aimed to prevent adverse environmental effects and recently we ran into a situation where the Government of Yukon felt that one of the mining projects would have been able to carry out their stripping and waste rock removal under the existing water licence, subject to strict terms and conditions, and the Water Board was not of the same view.

The company decided that it would go through the process to get their water licence. The Water Board being a quasi-judicial body certainly have that ability to make that determination, but I think the people who were really affected by that inconsistency and interpretation by the two regulatory bodies are the 100 people who are no longer employed at that mine while they wait for this licensing issue to resolve itself. That company entered the YESAA process prior to the Cabinet shuffle that saw me come in as the Minister of Energy, Mines and Resources. They were in it for approximately nine months and then went into the Water Board process. Obviously, this is something that is of great concern to members on this side of the House in that it is affecting Yukoners and their ability to feed their families. These are the types of issues that I think we need to look at to improve the efficiencies and streamline the regulatory system to assist companies in advancing their projects.

We certainly don't want to compromise the environment in any way. The environment, obviously, has to be of central focus. I know that members opposite said today that we can't afford another Faro and of course, I certainly concur with that. I believe the Member for Watson Lake mentioned in her opening remarks that that was done at a time when the federal officials were in charge of mine licensing and permitting here in the territory and that is not the case anymore.

From devolution through to YESAA, Yukoners are able to make their own determinations on environmental assessment, and we are certainly in a different regulatory time frame now, where that type of situation cannot and will not occur again. It's important that Yukoners understand that we have come a long way since those projects that are legacy projects and the responsibility of the federal as far as their remediation. We are authorized here in the territory. We are in a much more advanced and sophisticated regulatory regime

that certainly protects the environment and ensures that we can continue to have a strong and robust economy here in the territory.

I mentioned during my earlier response that the changes to Bill S-6, I believe, are consistent and will help us to ensure that there is consistency of environmental assessment, no matter what designated office you find yourself in or no matter what area of the Yukon you find your project in. That is something we need to strive for — for procedural fairness, in that you get the same terms and conditions applied to similar projects no matter where you are in the Yukon. Perhaps that is simplifying things a little bit, but I think that, for the most part, Yukoners would understand that similar projects, no matter where they are, should have the same terms and conditions assigned to them.

I think that is something we need to strive for, and we need to ensure that there is no duplication of what we are trying to achieve between the different regulatory bodies and the assessor, so that proponents are only required to provide information with respect to certain aspects of their project once and that they are not asked multiple times by different organizations or agencies to provide the same information when that has already been provided through an earlier process.

I reference one of the individuals that provided testimony in front of this Senate committee and he referenced the consistency of the process being very important. In his experience of going through the YESAA process, he witnessed some mandate creep, which perhaps is the best way to describe it, in that YESAB requested something that was the responsibility of another board that we have here in the territory. These are important things that need to be done, so we have to distinguish and ensure that the boards and committees are committed to what their mandate is and that they take care of what they need to ensure the environmental and socio-economic integrity of the system here in the territory.

When it comes to some of the improvements that we made, one most recently was the amended water regulations, which prescribed timelines for water use licence applications. These changes to the regulations came into effect October 1 for Type A quartz water licences and they are aimed at providing greater certainty for project applications.

As noted, the YESAA process has timelines and the Water Board process did not, so these are important aspects to introduce when it comes to ensuring that companies have some certainty of process. There are a number of initiatives that we still need to look at when it comes to mine licence improvements. As minister, it's extremely important to me to ensure that we have that clear and consistent regulatory regime when it comes to the territory because of attracting those investment dollars. I know the Leader of the Third Party perhaps tried to simplify it, in that it's just one aspect, but it's a very complicated industry when it comes to the decrease in exploration spending.

It's not just about the licensing issue. There are capital decisions, there are commodity prices and there are a number

of things that I'm sure the Minister of Economic Development can highlight, as it is his responsibility to do that mineral investment promotion work. It's a very complex industry and we're competing against jurisdictions like the Northwest Territories and Nunavut for these capital dollars. Ensuring that we are as good as or better than them is something I think that is incredibly important when it comes to our licensing and permitting processes here in the Yukon.

We're in a down-cycle right now when it comes to the mining industry. I think as a government, we need to be diligent in ensuring that we emerge from this downward trend, when the markets come back and when the commodity prices come back, in better shape than we were going in.

Making investments in infrastructure is important, and we continue to do that. We need to continue to train our local workforce. That's something that the Minister of Education is doing through solid investments in the Centre for Northern Innovation in Mining and the mobile trades training that we've introduced to ensure that Yukoners have the opportunities when this industry rebounds to take advantage of those jobs. The regulatory and permitting environment — as part of that, it's something that Energy, Mines and Resources is responsible for — we need to ensure that we come out of this down cycle on top of the heap like we were when YESAA was first introduced and was seen as a cutting-edge piece of legislation — ground-breaking and able to respond to the needs to industry while protecting our environment and the socio-economic aspects of the territory.

The things that we don't control, we're in pretty good shape on. When it comes to the mineral endowment and the precious and base metals and other natural resources that we have here in the territory, I think we consistently rank very high in the Fraser Institute report, as far as that geological aspect. The work of the Yukon Geological Survey continues to be world renowned and I think we are in great shape when it comes to those types of aspects. Again, we need to emerge on licencing and permitting in particular but the infrastructure and training aspects in better shape out of this down cycle than we were going in.

I think we're on track to do just that thanks very much to the work of not only my colleagues on this side of the House but the officials in the Executive Council Office, Energy, Mines and Resources, Environment, Highways and Public Works and Education. It's something that transcends all departments in the Yukon government to ensure that, again, we can attract those investment dollars and bring those jobs and opportunities associated with mining to the territory, not at the expense of other industries and the continued investment that we make to diversify the economy, but recognizing the important role that mining and natural resource development has played, plays now and will play in the Yukon economy.

Ms. Moorcroft: I rise to speak to the motion put forward by the Member for Watson Lake. I want to start by saying that the Official Opposition supports a clear and consistent regulatory regime. Regulatory assessments are

critically important and they must be thorough and robust. They must respect the values of Yukon people, including Yukon First Nations, and our interests in ensuring that the air and the land and the water are clean for generations to come.

I think the language in the motion that speaks to that — there's a reference to providing for sustainable and environmentally responsible development of Yukon's resources.

But, Mr. Speaker, I'm very concerned by the fact that the government has rejected the amendment that was put forward by my colleague, the Member for Whitehorse Centre, that would add the words "with the spirit and intent of Yukon land claims agreements" to the motion. We believe that regulatory regimes should be consistent with the spirit and intent of Yukon land claims agreements.

Certainty is a key issue. Economic certainty will only be available here in the Yukon if we respect land claim agreements. Yukon First Nations, in 1973, took a delegation of chiefs with a claim called *Together Today for Our Children Tomorrow* to Ottawa. If we want to stand up for future industries, we have to avoid the trap of removing certainty from our regulatory regime by inviting legal challenges. *Together Today for Our Children Tomorrow* asserted that the Yukon Indian people play an important part in economic development.

What certainty means for members of the Official Opposition caucus is respect for Yukon First Nation land claims agreements, which is a better way of doing public business. What certainty means is respect for the *Yukon Environmental and Socio-economic Assessment Act* and its provisions. Certainty also means respect for the land and the water and respect for the rights of future generations to be able to drink water from our rivers, streams and lakes, knowing it's clean water today and that it will continue to be clean water for seven generations into the future.

The United Nations adopted the *United Nations Declaration on the Rights of Indigenous Peoples* in 2007. Canada was finally convinced to sign on to that in 2010. I want to refer to some of the values of that declaration because it's relevant to our debate today.

The declaration affirmed the fundamental importance of the right to self-determination of all peoples, that they should be able to freely pursue their economic, social and cultural development and freely determine their political status. The declaration was created in order to enhance harmonious and cooperative relations between the state and indigenous peoples based on principles of justice, democracy, respect for human rights, non-discrimination and good faith. The declaration provides, in section 2, that states shall provide effective mechanisms for the prevention of and redress for any action that has the aim or effect of dispossessing indigenous peoples of their lands, territories or resources.

Article 19 and article 10 both speak to not forcibly removing people from their land and territories, to consulting and cooperating in good faith, and ensuring there is free, prior and informed consent before adopting and implementing legislation or administrative measures that may affect them.

These values and principles that are found in the *United Nations Declaration on the Rights of Indigenous Peoples* are shared by human rights defenders. I would like to speak about respecting these human rights and those specific rights of indigenous peoples' provisions when it comes to the motion debate today on Yukon's regulatory regimes.

The Premier stood and he spoke in defence of Senate Bill S-6 and the federal government process, which would amend the *Yukon Environmental and Socio-economic Assessment Act*. The Premier spoke about all of the parties that had been there and he mentioned that YESAB had put in a written submission, but he didn't mention that the Senate refused the request from YESAB that their interim chair make a personal appearance and speak to the written submission.

The Premier didn't mention that the Senate only gave one hour for Yukon First Nations to make a presentation when there were 11 First Nations interested, including the Council of Yukon First Nations, and they refused to hold hearings here in the Yukon. This has resulted in First Nations putting out a news release about holding a public forum to invite Yukoners to hear what the Government of Canada did not allow Yukon people to hear or to comment on. It was a very unusual precedent for the Senate bill to be tabled in that unelected Senate to amend YESAA. Yukon First Nations' position is that certain amendments proposed by Bill S-6 undermine the spirit and intent of the act. Some amendments were never discussed during the five-year review and in some cases amendments go against agreements that were reached by CYFN, Canada and Yukon during that review.

Yukon First Nations oppose several amendments because they undermine the rights of their agreements, undermine the YESAA process and could permit political interference.

I want to start with the amendments that would give Canada binding policy direction powers, which it can then delegate to the Yukon government without the consent of Yukon First Nations. This undermines the independence of YESAA and the board and the designated offices. The Premier stood up and said, "Well, don't worry, we don't plan to do it," and that the delegation of power would only be used if it was needed for administrative efficiencies. He asserted that it would remain a co-managed process.

Well, Mr. Speaker, that defies the facts — that the delegation of authority from the federal to the territorial minister can be done without the consent of Yukon First Nations, which are a party to YESAA. This could change the distribution of powers and responsibilities in the Yukon and it has never been agreed to by the First Nations. It is completely inconsistent with the values of self-determination for Yukon governments and for Yukon First Nation governments. Frankly, I am completely taken aback and puzzled that the Yukon government would support moving backwards in time to having less responsibility for its affairs.

Another issue that has been of concern is the maximum timelines for assessments. These amendments impose timelines. Rushing complex assessments could put the environment, our land, our water, and our communities at

unnecessary risk and the timelines can be manipulated and abused.

There is certainly a possibility — we know some companies and developers have refused to provide information that has been requested by regulators. There was a story in the national news about that on Friday. It raises the question of whether an imposed timeline would mean the decisions would have to be made before receiving information that is essential to making an informed decision. The Premier says no, it wouldn't, but I don't have confidence in that. We know there are several cases before the courts now where Yukon First Nations have had to resort to the courts because the government won't work cooperatively with them to try to make agreements.

I want to refer to this submission that YESA board made to the Standing Senate Committee on Energy, the Environment and Natural Resources about the *Yukon Environmental and Socio-economic Assessment Act*. Specifically on timelines, they said that the challenges stem from the fact that the time limit amendments do not take into account what YESA board faces on the ground day to day. In one case the time limits in the amendments are much longer than we work under at present and in the other the time limits are too short to conduct robust, well-informed assessments of complex projects.

To illustrate, at the executive committee level, the proposed 16-month timeline is unlikely to provide the executive committee with the ability to effectively and efficiently assess more complex or controversial projects. The Yukon Environmental and Socio-economic Assessment Board also raises the concern that the proposed time limit will include the period of time referred to as the adequacy review.

The adequacy review is the period of time where the executive committee determines whether or not the proposal submitted contains enough detail and information to begin the screening process. The time limits were initially based on an understanding that they would begin after the adequacy review period was completed. If a proponent is unable or unwilling to bring forward the information needed in the screening process, the clock keeps on ticking and the decision could be forced before the relevant information is in. That is simply not acceptable.

Timelines can be manipulated and abused. The Premier has said that results are better if decision-making is brought closer to home. That is inconsistent with the position he has taken to support allowing the federal government to make binding policy direction. The federal government is in Ottawa — that is not local.

The next subject I want to turn to is the amendments that provide for no assessments being required for renewal of projects. That allows governments to approve renewals and/or amendments of permits and licences for projects without further information.

This can make the project assessments challenging because renewals would not likely have to go through an assessment. Renewals and amendments could have serious impacts on local communities, on regional economies and on

the environment. Reviews are part of a good assessment practice. At the initial application phase, you can't necessarily foresee all of the effects that will result from a project at the time of that initial review. This amendment fails to recognize the importance of changes that occur over time — changes such as climate change and wildlife populations. We know climate change is happening. We know too that we see climate change is happening in our northern environment particularly quickly and they're often particularly extreme.

Before I conclude, I want to just make another reference to the news release from the Council of Yukon First Nations and 10 other First Nations who are holding a public forum because they believe Yukoners have a right to voice their concerns on the proposed changes to YESAA. They make the point that the changes will affect all Yukoners and they express their concern that it could put the Yukon environment and economy at risk. We don't want to see uncertainty and that's why we have a concern that the government was unwilling to adopt the amendment that would have strengthened the motion that is before us.

The government has taken a combative approach to its relations with First Nations. We have seen that repeatedly. Investors want a stable investment climate and this government is not governing in a manner that provides certainty to all parties interested in sustainable and environmentally responsible development of Yukon's resources.

While court cases ultimately do provide certainty, they do not create an environment for investors that encourages them to look at investing in the Yukon. The government's approach of supporting unilateral changes to the *Yukon Environmental and Socio-economic Assessment Act*, which are opposed by Yukon First Nations, adds to the uncertainty for potential investors and developers.

YESAA was designed by the Government of Canada, the Yukon government and Yukon First Nation governments to work together and it is irresponsible for the Yukon Party government to move backward on Yukon governments' self-determination. It is irresponsible for this Yukon Party government to move backward on economic and regulatory certainty by supporting the unilateral federal Bill S-6, which is flawed.

It is irresponsible — in a climate where the Yukon public is standing up for the future, for the land and for the water — for the government to refuse to accept the amendments put forward by the Leader of the Official Opposition.

I want to urge this Yukon Party government to change its approach in its relations with Yukon First Nation governments and with the Yukon public at large. I want to encourage the Yukon government to consider a different approach — to be lawful, to think about its *Cooperation in Governance Act* and respect that and hold a Yukon Forum, to have regular meetings between the Yukon government, the Premier and ministers, with the Yukon First Nation chiefs.

This motion fails to uphold the principle of amendments to the regulatory regime, amendments to the *Yukon Environmental and Socio-economic Assessment Act* being

done in a manner that includes all parties — the Yukon government, First Nation governments and the Government of Canada. This government's actions are not consistent with the highest standards of responsible government and of inclusive governance.

Mr. Hassard: It's a pleasure to rise today to speak on behalf of Motion No. 756. I would like to begin by thanking the Member for Watson Lake for bringing forward this important motion.

As a lifetime business person, I understand the importance of ensuring that regulatory regimes are clear, consistent and competitive. I didn't have a career with a government; therefore, I didn't have guaranteed paycheques every two weeks. When you are on your own like that, a clear, consistent and competitive regulatory regime has quite a different meaning.

I chose the career path I did, Mr. Speaker, entirely on my own accord, and I have no complaints or regrets about the decisions that I made. My son has chosen much the same path on his own as well. My point is that it would be nice if our young people who have decided to follow career paths such as the one I did could follow those career paths and stay at home — if they could work in the Yukon instead of going to B.C. and Alberta for the winters. The Yukon has the resources and it has the people to extract the resources. We just need to ensure that government is in a position to let the Yukon thrive. We need to have the regulators in place and they need to have the tools that they need so that people can undertake the work in an environmentally responsible manner.

In the past, the Leader of the NDP has asked if we would like to see the Yukon become the next Fort St. John. Well, Mr. Speaker, I spent a few winters working in Fort St. John while my children were growing up, and I was pretty damn happy that Fort St. John was there. I wasn't happy to leave home, but I was happy to have a paycheque. I still have many friends and some family as well in Fort St. John, and I think it's a pretty good place.

I am not in favour of court cases and lawsuits, and I would like to see a Yukon where the entire territory will move forward together. Unfortunately, all people will not agree at all times, but we still have to try to figure out a way to forge ahead.

It's interesting to listen to the Leader of the NDP talk at length about the economy and investor uncertainty. It poses a certain amount of irony, as I remember very clearly the mass exodus that the Yukon saw the last time the NDP was in power. This government understands the importance of an economy. We want to see our young people working in the Yukon, buying houses in the Yukon and raising their families in the Yukon. Yes, it is a balancing act, but I believe that that balance can be found and that this government will do it.

This great territory we call home was founded on resource extraction and that cannot be forgotten. We tout tourism as being such an important part of our economy and it is. However, a large part of the tourism is a direct result of resource extraction. Dawson City, for example, would have a

lot less tourism had they not hosted the gold rush. It seems that a lot of people forget that if it wasn't for mineral extraction here in the Yukon, we would have a very different looking Yukon.

People love to drive up the Canol Road in the fall to shoot their moose. The Canol Road wouldn't have been there if it wasn't for the pipeline. Whitehorse residents love to walk their dogs on the Copper Haul Road. Once again, that road wouldn't have been there if it wasn't for a mine. The list goes on and on.

This government understands the importance of maintaining the integrity of the environment. I'm not saying that the way things were done in the early 1900s or even up into the 1970s was the right way, but we are righting the wrongs. We have regulatory regimes in place, such as YESAA, the Water Board and the Utilities Board, and these organizations work in conjunction with such outfits as the chambers of commerce or the Klondike Placer Miners' Association.

We listened to the NDP here today, but we just have to think back about the mess that the Yukon protected areas strategy was when this Yukon Party government took over in 2002. It's just another example of why we need to take extreme caution when considering what the NDP have to say in this regard.

I would like to see this motion come to a vote, so I'll just close by saying thank you to the Member for Watson Lake, and I'll take my seat.

Ms. Stick: I just have a few comments to make. It was interesting to listen to the Member for Pelly-Nisutlin about listening to Yukoners and what's best for them when his own First Nation in the Teslin Tlingit Council has been very vocal about this Bill S-6 and the consequences it's going to have. We need certainty; I agree with that. Certainly we need certainty in the Yukon, but this kind of action and this moving forward is not going to provide that — not for Yukoners, not for First Nations, not for investors and not for companies wanting to come here.

It's going to push us into a court system and prolonged cases that we don't need, that will be costly and that are grinding things to a halt.

It is so important that the First Nations have invited all Yukoners to come to a public discussion tomorrow night with regard to it. They are talking about having your voice heard, and they're inviting everyone — not just First Nations, not others, but all Yukoners — because they believe that everyone has a right to voice their concerns on the proposed changes, and that is something that has not happened. Without that, if this bill were to go forward, we will not have what this motion is asking for. It will not be clear, it will not be consistent and it will not be competitive.

Some of the Northwest Territories' regulatory regimes have gone to court and it's because of uncertainty. I'm not going to comment on what the NDP did 12 years ago, or 15 years ago or 20 years ago. We're talking about today. We're talking about a place in Yukon's history where we have land

claims, where we have First Nations that are very clear and very concerned about what's happening to something that we passed many years ago and that was supposed to be the way forward for all Yukoners, not just for First Nations, not just for those governments, but for every level of government, including the territorial and the federal.

By going ahead — it says here in this news release — it would create uncertainty for new investment and development in the Yukon. This means a huge step backward for the Yukon, and we believe all Yukoners should have a say if Canada chooses to redraft our made-in-the-Yukon assessment process.

Why are we allowing changes that take away — that allow others to come in and decide for us? It is not just one First Nation. It is not two. Even the Council of Yukon First Nations has come out opposed to this, because what we are looking at is regulatory regimes, according to others, that are going to cause it to be unclear, inconsistent and not competitive. We have heard that from industry. They are concerned with what's happening — not just with falling prices, but with the uncertainty here in the Yukon. It is not a place where people want to come and invest when they are looking at this.

I won't speak to the amendment, but it would have been clearer if those had been included. Unfortunately this is just not clear enough. It doesn't give this Legislature, or this government, a good direction that supports all Yukoners and not just one or two levels of government. We are dealing with three here, and they should all be included.

Ms. White: I am rising to speak to Motion No. 756. I listened with interest to the Member for Pelly-Nisutlin because I have worked in industry in the Yukon, in mining camps — quite a few mining camps, actually. That was an interesting experience. I saw both really environmentally responsible companies, and I worked for some less environmentally responsible companies. I was in a mining camp where it cost \$23 million a day to be in a holding pattern, but the mine was shut down because the water couldn't be treated adequately before it could go back into the environment. I also worked in mining camps where I saw a Cat fall into a creek and everything spill out and there no spill reported. What spill happened?

It's interesting. The Premier talked with great pride that Bill S-6 passed the Senate without amendment. It's interesting to note that it is the same Senate that is not elected — so the appointed members of the Senate, not the elected members of the Senate. It passed without amendment in front of people who were not elected by their peers to represent them. They were appointed politically by parties in power. Congratulations to a non-elected Senate for passing that bill without amendment. I guess that's something they could be proud of, but I am more concerned that it went first in front of a Senate committee and not in front of a parliamentary committee with parliamentarians who were elected to represent their jurisdictions.

We are obviously on different sides of the picture and we all feel strongly about our convictions. It has been an interesting thing to see play out right now, because First Nations have been picking up momentum toward their disagreement with the changes to Bill S-6. It started off with just kind of a murmuring underground to know that the 14 First Nations in the territory were welcome to speak in the Senate committee, but there was only an hour allotted for those. If every First Nation spoke, it would be about four and a half minutes per First Nation to say whether they were for or against the amendments, which alone is a disrespectful action toward governments that are involved in this tri-party agreement.

What we have seen in recent weeks is that First Nation governments have started to organize, so much so that they are having — as was mentioned by the Member for Riverdale South — an open house to discuss how Bill S-6 affects Yukon, how they're really clear that it is our land, our economy, our Yukon, and that it's not between First Nations and non-First Nations, but it's everyone who lives in the Yukon and how this will affect us.

One of the many things that YESAA does by working through the proposed projects is it really gives those projects social licence, because they are asked questions by the community and they answer them. There are open houses and there are all sorts of processes to go through so communities are more comfortable with them by the time they're approved, because they have had this process of getting to know the proponents, of getting to know what the project is and how they are going to mitigate their concerns.

Mr. Speaker, the last time we talked about differences, I pulled up legislation from Saskatchewan and B.C. I could have done the same thing but sometimes I wonder if it makes the most sense to rush to the bottom of the barrel so we can undermine our own environmental regulations, so we can become more attractive to maybe the wrong kind of development. We've seen some unreal things happen in recent years. We have Canadian mining companies that have faced charges by Guatemalan original peoples for, essentially, human rights violations — to know that those charges were laid in Canada on Canadian soil against those companies that did business on foreign soil.

One of the concerns I have is, if we're so intent on watering down our regulations and following other regulatory regimes and making them softer or easier to bypass, or with fewer checks and balances, what are we really advancing that for? What is our final goal? We want to have the least amount of environmental protection? The least number of checks and balances? Then what kind of companies will we attract? What kind of development will we attract?

Like I said, I've worked at a couple of different mining companies and seen the different way that people will interpret those things. The only thing that really effected change was the sound of the helicopter, because the mining inspectors come in helicopters and you can hear them coming. When you're in mountain valleys, you can hear them from quite far away. You would see changes. What could get swept

under the carpet in a short amount of time really would happen when you heard the helicopter coming. In the companies that followed the rules, there was less concern about the helicopter arrival and the mining inspectors.

It just makes me wonder why, in this day and age, we're talking about lessening, we're trying to match everybody else — and I don't necessarily think that's in the best interest of the territory. We are in a unique position here with the *Umbrella Final Agreement* and those signed final agreements, and we're in this incredible position to be in a jurisdiction in Canada where we still have so much that is left untouched and there is still so much value in that wilderness.

We've seen commodity prices drop and we've seen commodity prices rise, but the ultimate truth is that something that's finite, that will reach its end, will only continue to go up in value. So all this mineral wealth that we have and these possible oil and gas reserves that we have will just increase in value over time. I'm not sure that this is something right now that we need to rush forward to make it easier to access. It's a savings account for the future by making sure that we have those now and into the future.

It is what it is, and I definitely liked the amendment to the motion, which we are not talking about. I think that there are different companies and they behave in different ways and I lament the fact that we're looking at rushing to match everybody else.

Thank you for the time, Mr. Speaker.

Speaker: Does any other member wish to be heard?
Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: Agree.

Hon. 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. Moorcroft: Disagree.

Ms. White: Disagree.

Mr. Tredger: Disagree.

Mr. Barr: Disagree.

Mr. Silver: Disagree.

Clerk: Mr. Speaker, the results are 10 yea, seven nay.

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

Motion No. 756 agreed to

Motion No. 723 — adjourned debate

Clerk: Motion No. 723, standing in the name of Ms. McLeod; adjourned debate, Mr. Barr.

Mr. Barr: I rise again to speak on behalf of the Yukon New Democratic Party. As I stated before, we will be supporting Motion No. 723. I will briefly comment on some of the things that I have already, to put it all into context again.

I had spoken about the vision of Raven Recycling and their efforts over the past 25 years that they had the foresight to bring to the territory. I remembered in those comments that those efforts of those folks — one particular friend, Ray Massey, along with others — likely led to recycling in Alaska — and I remember those days when I would walk in the fairgrounds looking for a recycling bin and there was none. I'm happy to note that Alaska and many other places have joined in and do recycling.

I also think back to going to the Whitehorse landfill. Not only leaders such as Mount Lorne and Marsh Lake that had transfer stations and Dawson City and other places that have great free stores — not only are we able to take our refundables to have compensation exchanged for that but we are recycling in many different ways. Under the leadership of the city council, the water and waste service departments and the environmental sustainability team, the City of Whitehorse no longer has a dump. They now have a waste management facility. This operation is something to see and if you haven't been up there, you can request a tour. Garbage is no longer garbage. Waste is being dealt with in many different levels. I was up there not that long ago with a friend of mine and it is amazing what you can find. This young lad is interested in learning guitar and so this whole box of cables and things like that is there. He says to me, because I have a little bit of experience in musical stuff, "What's this? What's that?" I said, "That is \$20. That is a pedal — that's \$200." I said, "Your son is going to be so happy with these little things that you are able to take home to him." He was pretty happy to show me this \$200 German-made knife that was laying there in the bin that is now in his cupboard.

There is organic waste that no longer goes into the waste stream. It's separated out and we have beautiful compost. I was reflecting on this when I was thinking about compost and the efforts that rural landfills such as Carcross, for example, and Tagish — the plans for compost to be able to mature in those rural communities isn't happening. It's kind of sad, because I myself at home would really like to have a compost pile, but because many of us who live in the communities see the bear attraction that is caused by compost. It creates unsafe situations and we certainly have heard recently of a friend's wife who is no longer with us as a result of issues with bears coming into yards and such. I myself on Crag Lake know our neighbours just had a grizzly bear announcement. We keep

watch on each other. Just last week again, when you think they're denning and things like that, that's not happening.

Although we would like to have compost — and I would like to as many of my neighbours would — we don't for those particular reasons. I do know that it takes special people or people with commitment and passion, such as I did reflect on in Mount Lorne for their composting pile that they would administer.

I know that there is growing interest for a higher level of recycling and waste management in the communities, now that other people are becoming more educated. I would encourage this government to be aware of that. I do know that other folks have put together proposals for recycling and educating those in the classrooms — who are willing to go to communities — who don't have the knowledge but have the will. I know there was a proposal put out there, which I understand, from the Minister of Community Services — it's still waiting on whether we are going to hear or not that this would be something that would be funded. For people who would like to know more about recycling, they could have the benefit of the expertise, of the trial and error, of people who are very committed to recycling in the territory. I would encourage that, when any of these proposals come in, they are given the weight that would allow us to see a greener future in the territory.

I did want to also speak about that, from the successful curbside composting program, a new pilot project has sprung, targeting businesses and multi-family buildings.

Speaker: Order please. The time being 5:30 p.m., this House now stands adjourned until 1:00 p.m. tomorrow.

Debate on Motion No. 723 accordingly adjourned

The House adjourned at 5:30 p.m.