



# Yukon Legislative Assembly

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33rd Legislature

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## HANSARD

Wednesday, December 3, 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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<b>Hon. Elaine Taylor</b>	Whitehorse West	Deputy Premier Minister responsible for Education; Women's Directorate; French Language Services Directorate
<b>Hon. Brad Cathers</b>	Lake Laberge	Minister responsible for Community Services; Yukon Housing Corporation; Yukon Liquor Corporation; Yukon Lottery Commission Government House Leader
<b>Hon. Doug Graham</b>	Porter Creek North	Minister responsible for Health and Social Services; Yukon Workers' Compensation Health and Safety Board
<b>Hon. Scott Kent</b>	Riverdale North	Minister responsible for Energy, Mines and Resources; Yukon Energy Corporation; Yukon Development Corporation
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<b>Patti McLeod</b>	Watson Lake

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<b>Jan Stick</b>	Official Opposition House Leader Riverdale South
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<b>Lois Moorcroft</b>	Copperbelt South
<b>Jim Tredger</b>	Mayo-Tatchun
<b>Kate White</b>	Takhini-Kopper King

### Liberal Party

<b>Sandy Silver</b>	Leader of the Third Party Klondike
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**Yukon Legislative Assembly****Whitehorse, Yukon****Wednesday, December 3, 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 Alex Van Bibber**

**Hon. Mr. Istchenko:** It is a pleasure for me today to rise again in this House, a little disappointed, like I said last week, that I can't have my cowboy hat on. I wish I could, but I believe there are procedures. I do have my belt buckle and something red with a Canadian maple leaf on it.

Mr. Speaker, I do rise today on behalf of this House to pay tribute to a Yukon legend, a member of the Champagne and Aishihik First Nations, Alex Van Bibber. Alexander Van Bibber was born on April 4, 1916 in Pelly Crossing. He was a child of the gold rush, one of 14 children born to Eliza and Ira Van Bibber. For 98 years, Alex lived a full and active life and was an integral part of the Yukon's history and helped shape our future.

Alex is best known for his skills on the land as a trapper, hunter, guide and outfitter. A feature story in the *National Post* on November 28 was entitled "Alex Van Bibber, an incredible Yukon trapper, just may have been the toughest man in Canada."

Alex worked eight summers on the gold dredges in the Klondike and in 1942. He went to Whitehorse to take a job with the American railway survey, connecting northern British Columbia to Fairbanks, Alaska. The Canol pipeline from Norman Wells, Northwest Territories to Whitehorse was being built, as well as the construction of the Alaska Highway from Dawson Creek to Fairbanks.

Alex was put in charge of a survey crew heading north to Mayo and then off to Norman Wells. He recalls snowshoeing, trail-breaking for three dog teams for a distance of 560 miles — that's "miles", Mr. Speaker.

Alex received his first call to join the army in 1943; however, as he was still in the field with the U.S. Army working on the Canol pipeline, he was given a one-year extension before being sent to boot camp.

In 1944, he enlisted in Vancouver and was sent to Wetaskiwin, Alberta for two months of basic training and then on to Currie Barracks for advance training as a gunner. In 1945, he travelled by train across Canada to Diebert, Nova Scotia, where he was to embark overseas to Europe. However, the mumps broke out in his company and the unit was put into quarantine at Halifax for six months. Alex was then given the choice to stay in Canada at home, defence, or go overseas. He chose to join the Seaforth Highlanders in Vancouver. His

company volunteered to go overseas, but once again, mumps broke out and his company, too, went into quarantine.

Alex was sent to Camp Shilo, Manitoba for weapons training and then on May 8, 1946, Alex was sent home to the Yukon with \$100 to purchase some civilian clothes and another \$75 to buy a new chesterfield.

Alex was one of the Yukon's last serving aboriginal veterans and was an active member of the Canadian Rangers from 1947 to the present. He was a founding member of the Assembly of First Nations Veterans Round Table.

Alex's service to his country was recognized in 1992, when he was awarded the Order of Canada. He was also awarded with the Queen's Jubilee medals — both gold and silver.

Over a lifetime of trapping and guiding, Alex shared his skills with countless students and trappers through his work as a trapping instructor for the Yukon government for 37 years. Alex and his wife, Sue, managed outfitting operations for decades and were founding members of the Yukon Outfitters Association and the Yukon Fish and Game Association.

One of his most cherished awards was the Clay Pugh Memorial Award for Sportsman of the Year from the Yukon Fish and Game Association in recognition of his work with youth.

Alex met many celebrities over the course of his life. You just have to go to his house and wander around and look at the pictures on his wall.

When U.S. Senator Robert F. Kennedy came north to climb a Yukon mountain named for his brother, President John Kennedy, Alex was hired as one of the expedition guides. In 1963, when plane crash survivors Helen Klaben and Ralph Flores were rescued after spending 47 days in the Yukon wilderness, it was Alex Van Bibber who was sent to the crash site to verify their story. Alex crossed paths with many other well-known figures, such as U.S. Secretary of State Hillary Clinton and our Prime Minister, Mr. Stephen Harper.

Alex was also featured in several movies: *Yukon Safari* in 1954, *Arrow for a Grizzly Bear* in 1956, *Challenge to be Free* in 1975 — I've seen that one; that's a good one — and *The Last Trapper*, which is also a good one, in 2004.

Alex's large family with his late wife Sue Van Bibber is his greatest legacy. Alex and Sue celebrated their 65<sup>th</sup> wedding anniversary before she passed away at the age of 99 in 2011. Alex is survived by his brother Pat Van Bibber, his sisters Lynch Curry, Kathleen Thorpe, Lucy Fulton, daughter Kathleen Van Bibber and more than 150 grandchildren, great-grandchildren and great-great-grandchildren.

Alex Van Bibber was a true Yukoner and a great Canadian. The accolades are continuing to come in. Our Member of Parliament said something to me early this morning — "Wade, listen, the phrase 'Been there done that' was made for Alex."

He lived through the defining moments in our times and indeed shaped many of those moments. Until his dying day, he was a living history, sharing his stories and his experiences for our collective benefit. Alex will be deeply missed but

fondly remembered, entrenched as a great Yukoner and a remarkable Canadian.

Northern historian Kenneth Coates stated that: “Alex Van Bibber is one of the threads that ties together almost a century of Yukon history.”

Our Premier had said: “I had known Mr. Van Bibber for a very long time — a true Yukon legend. Alex was not only an integral part of Yukon’s history, but he helped shape our future through his work with youth. I am grateful for him sharing for sharing his skill with so many children, including my own, at his outdoor education camps over the years.”

Northwest Territories’ Premier, Bob McLeod, called Alex Van Bibber a symbol of “what the north once was and what we hope it will continue to be”. Alex’s good friend Harvey Jessop noted that: “Alex comes from a generation the likes of which we are likely never going to see again.”

Our condolences go out to the family. Alex’s daughter, Kathleen, who is here today, showed me a quote written in one of his journals, and it said: “Pictures of ram — gone to the happy hunting grounds.”

So always, Mr. Speaker, before I end, if you have the opportunity to be at the funeral this weekend, there is always a program at the funeral and that is where — the family tree is always put in the back of it. I know from the family here today that it won’t be tree; it will be a complete forest. I just want everybody to give a big round of applause and thank everybody for coming today.

*Applause*

### **In recognition of the park officer program**

**Hon. Mr. Dixon:** A tough act to follow. I rise today to pay tribute to the park officer program, which is marking its 10<sup>th</sup> anniversary this year. This program serves the Yukon residents and visitors who stay in our government campgrounds. In 2013 alone, that was over 33,000 registered users. Its primary purpose is to enhance the enjoyment of campground users, typically by engaging with campers and ensuring compliance with campground rules. Ten years ago, this seasonal program had just two staff but, over the years, it has grown to six park officers and one park officer supervisor.

As well, the program has successfully employed summer students through the government’s student training and employment program, STEP, and has had several dedicated volunteer park officers, several of whom return year after year.

The season starts in May — or earlier in May now, as a result of an announcement made earlier this year for some campgrounds. In advance of each season, staff undertake training or recertification in a range of skills, including wilderness first aid, field operations, safety, patrol procedures, bear awareness and the safe use of bear traps, acts and regulations, as well as firearms certifications.

The government, this year, extended the park officer presence in campgrounds to meet needs arising from a longer camping season, with the extension of full services to 10 key campgrounds until September 30.

A park officer encounters many challenges over the course of a season, from the mundane to the somewhat ridiculous. For example, there is the satisfaction of returning items left behind to grateful campers, including, in some cases, pets. Then, of course, there are more intense activities that the officers have to deal with. Every summer, there is at least one rescue of an animal that has fallen into an outhouse tank. This is usually a gopher or a marmot, and the consequences are usually very unfortunate for the officer’s uniforms.

This past summer, a seven-year-old girl was so impressed with talking to a park officer that she gave him her pet rock. It’s well-established, I think, that these are important members of the community in Yukon.

But just as important as their community liaison role is the role that park officers have assumed over the years as peace officers and first responders. They regularly assist with searches for missing people and assist RCMP, conservation officers and others in responding to accidents and human-wildlife conflict incidents. In turn, the other enforcement agencies are great partners and provide assistance at their request as well with other incidents.

Given the remote nature of many of our campgrounds, park officers are often the closest resource when issues arise for campers and travellers. Over the past 10 years of operation, the park officer program has been markedly successful in reducing and controlling unacceptable behaviour in Yukon campgrounds. With six park officers attending to 41 campgrounds and 12 recreation sites throughout the territory, this is a significant accomplishment. It’s also one that makes a very positive difference for campground users, whether they are Yukoners or visitors to our territory.

In the future, we will likely see some minor changes to better support evaluation of the program as well as its overall operations. In any event, we will always continue to work with our Tourism colleagues to promote Yukon as an exceptional camping destination.

To conclude my remarks, we would like to comment the park officers, both past and present, for the great work that they do for Yukoners and our visitors and wish them and the park officer program itself every success for the next 10 years.

Mr. Speaker, joining us in the gallery today are five staff members from the Parks branch: Eric Bonnett, Harvey Rafter, Ken Putnam, Jason Hudson and Pamela Brown.

Members can join me in welcoming them to the gallery, thanking them for their excellent work over the past 10 years and wishing them the best for the next 10 to come.

*Applause*

### **In recognition of National Safe Driving Week**

**Hon. Mr. Nixon:** I am pleased to rise on behalf of the Legislative Assembly to recognize National Safe Driving Week. National Safe Driving Week takes place from December 1 to 7 each year and allows us to draw attention to some national driving concerns that are also a serious issue here in the territory.

Impaired driving is a major issue in Canada and in Yukon. The Department of Highways and Public Works, the Department of Justice and the Yukon Liquor Corporation continue to work with MADD, the RCMP and other stakeholders to reduce the number of impaired drivers on our roadways. We urge drivers to do the right thing and drink responsibly. If you know you are going to be drinking while you are at special functions, please make other plans for a safe ride home. Don't put yourself, your loved ones or your neighbours at risk. We would also like to remind families and friends to look out for each other. Don't let your friends or your loved ones drive impaired.

I will also note that impaired driving is not just about being impaired by alcohol or drugs, but by other distractions as well. Distracted driving is impaired driving and the use of electronic devices while driving continues to be a serious problem in Yukon. This behaviour is disturbing, and we all need to understand that talking on the phone or texting while driving is as dangerous as drinking and driving. The average text takes approximately six seconds to read when you take your eyes off the road. At 80 kilometres per hour, you will travel the length of a football field in that time span. You would never close your eyes and attempt to drive that same length, so why would you look down at the phone and expect to be safe and in control? I cannot stress enough how serious this issue is and how serious the consequences are that accompany it.

Please drive safely and pull over if you absolutely must use your phone or electronic device. In Yukon, we continue to strive for the safest roads in the world and we work to decrease the number of impaired drivers on our roads through enforcement, education, awareness and technology.

Lastly, as we prepare for the holiday season, I would like to remind everyone to slow down and drive to road conditions. Give yourself extra time to get where you need to go, be aware of changing weather that can affect the roads and leave more space between the vehicle and the car in front of you. One of the simplest things that all of us can do to promote safe driving is to always come to a full stop at a stop sign.

Taking these steps that I have outlined today will make our streets and highways safer for everyone. Driving safer is a personal responsibility that we all need to take upon ourselves.

### **In recognition of International Day of Persons with Disabilities and Disability Awareness Week**

**Hon. Mr. Graham:** I rise today on behalf of the Yukon Party to ask my colleagues to join me in acknowledging International Day of Persons with Disabilities. The commemoration of this year's International Day of Persons with Disabilities is an opportunity to further raise awareness of disabilities in our population. This year's theme is "Sustainable Development: The Promise of Technology".

More than one billion people, or approximately 15 percent of the world's population, live with some form of disability.

Many persons with disabilities face not only physical difficulties, but also social, economic and attitudinal barriers that exclude them from participating fully and effectively as equal members of society. They are disproportionately represented among the world's poorest and many lack equal access to basic resources, such as education, employment, health care and social and legal support systems. As well, they have a higher rate of mortality at a much younger age.

In spite of this situation, disability remains largely invisible in the mainstream development agenda and its processes. This year's theme, "Sustainable Development: The Promise of Technology", supports harnessing the power of technology to promote inclusion and accessibility and help realize the full and equal participation of persons with disabilities in our societies.

In Yukon, we have a large number of groups and associations that work tirelessly — and effectively, I might add — to support Yukoners with physical and cognitive disabilities. I am pleased to name a few of the huge number who work here in the territory: the Yukon Council on DisABILITY, Options for Independence, Yukon Association for Community Living, Teegatha'oh Zheh, Challenge Community Vocational Alternatives, Autism Yukon Society and the CNIB. These groups, among others, work very hard to support the individuals and their families and to improve health outcomes among this population.

While all Yukoners have the legal right to make decisions about their own lives, Yukon has some specific legislation in place for added protection for these folks. The *Care Consent Act*, the *Adult Protection and Decision Making Act*, and the *Public Guardian and Trustee Act*, among others, put in place protection for our most vulnerable population.

This week, the disability rights summit is taking place here in Whitehorse. The Yukon Council on DisABILITY and the Yukon Human Rights Commission have brought together participants to learn, share and network on the issue of disability rights here in the territory. This is a very important gathering, not only to those Yukoners who live with some kind of disability, but to their families, friends and co-workers. In short, Mr. Speaker, it is important to all Yukoners.

We wish the summit participants a productive and enlightening meeting and we wish the best for all.

**Ms. Stick:** I rise on behalf of the Yukon New Democratic Official Opposition to pay tribute to Disability Awareness Week and the U.N. International Day of Persons with Disabilities. This day, December 3, aims to promote an understanding of people with disabilities and encourage support for their dignity, rights and well-being.

Canada signed, in 2007, and ratified in 2010, the *Convention on the Rights of Persons with Disabilities*. These rights and obligations involved making sure persons with disabilities: (1) can access their environment, transportation, public facilities and services, information and communications, and related technologies without barrier; (2) have equal protection without discrimination under the law and have legal capacity to make important life decisions and

control their own affairs, with supports if needed; (3) are not deprived of their liberty and are free from cruel, inhuman or degrading treatment, exploitation and abuse; (4) are able to live independently in the community with supports, if necessary, including for their families with disabilities; (5) have equal access to an adequate standard of living, education, health, work and rehabilitation services; (6) can vote, run for election, hold office and otherwise be involved in political and public life; and (7) are able to participate in cultural life, recreation, leisure and sports.

The disability rights summit, hosted by the Yukon Council on DisABILITY and Yukon Human Rights Commission, are hosting the summit this week, and the theme echoes those rights: “Keeping track of our rights” and “Nothing about us without us”.

Yukoners with disabilities and many service providers are gathering to map the future of disability rights in the Yukon. This is something that we should all concern ourselves with. Persons with disabilities, all levels of governments, service providers and citizens need to be aware and participate in tracking where we are now, where we are going and participate in creating a clear plan to reach the rights and obligations described above.

Our hats are off to the organizers and participants in this week’s summit. I look forward to spending part of tomorrow listening to what is being said and helping to champion those goals.

**Mr. Silver:** I rise today on behalf of the Liberal caucus to pay tribute to the International Day of Persons with Disabilities. December 3 of each year since 1992 has been marked as the United Nations International Day of Persons with Disabilities. It is expected — as the Minister of Health and Social Services pointed out — that 10 to 15 percent of the world’s population lives with some form of visible or invisible disability. In the world’s poorest countries, that number rises to 20 percent. Unfortunately, the cycle of poverty won’t be broken any time soon as the majority of children with disabilities in developing nations do not attend school.

The United Nations *Convention on the Rights of Persons with Disabilities* was set up to: “...promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities, and to promote respect for their inherent dignity.” Canada was a signatory in 2007 and later ratified the agreement in 2010. The CRPD outlines the rights of persons with disabilities and what these countries are expected to do to ensure equality and inclusion.

The 2014 theme is “Sustainable Development: The Promise of Technology” and looks at ways technology can make life easier for those with disabilities. Canada is a country that prides itself on being a fair and just society but we still have some work to do for our disabled community, specifically in the workforce and in the education system.

Income for disabled men aged 15 to 64 averages out to be \$9,557 less than adult men in the same age group who do not have disabilities. Similarly, women between the ages of 15

and 64 earn \$8,853 less than their counterparts without disabilities.

Only 69 percent of small businesses have ever hired a person with disabilities despite studies that show that they tend to be loyal and hardworking employees. A substantial education gap also exists, as the percentage of people with disabilities who get degrees is roughly half of their non-disabled counterparts.

Mr. Speaker, we will take a moment to recognize the International Day for Persons with Disabilities and I urge the House to join me in committing to make Yukon a more accessible place for everyone who lives here.

### **In recognition of the Harlem Ambassadors basketball team**

**Hon. Mr. Nixon:** I rise on behalf of the Yukon government caucus to pay tribute to the Harlem Ambassadors, a celebrity basketball team that was in Whitehorse last night at Porter Creek Secondary School. I was lucky enough to be in the audience for last night’s exciting game.

The Harlem Ambassadors were brought to Yukon by the Canadian Filipino Association of Yukon. This team is known for entertaining audiences of all ages. They are also excellent role models for youth by promoting their “Stay in School, Stay off Drug, Don’t Be a Bully” message. Their positive outlook is a good example for youth and encourages them to live a healthy and fulfilling life, while respecting themselves and others.

With the challenges youth face today in school and generally in their increasingly busy lives, it is important to have people who they can look up to in order to achieve their academic and their personal goals. I congratulate the Canadian Filipino Association of Yukon and its president, Mike Buensuceso, for coordinating this event for Whitehorse students and their families. With the cold weather and shorter days, this event was a welcome break that brought community members together.

Mr. Speaker, I continue to be impressed by so many volunteers from non-profit organizations in Yukon who coordinate special events for the community. We are lucky to live in a warm and tight-knit community in Yukon where there are many opportunities for cultural events. I am also pleased that the Department of Tourism and Culture has played a role in this by establishing the new Canadian event fund. This fund supports Yukon organizations in hosting festivals and other events that celebrate Yukon’s multiculturalism and promote diversity — something that the Harlem Ambassadors also try to achieve through their charity basketball games.

Since 1998, the Harlem Ambassadors have partnered with hundreds of non-profit organizations in North America and internationally to bring family friendly entertainment to communities. Thank you again to the Harlem Ambassadors for visiting Yukon, especially in the winter, and congratulations to the Filipino Association on a great event.

**Mr. Barr:** I rise on behalf of the Yukon NDP Official Opposition to pay tribute to the Harlem Ambassadors team that came here last night and also to give thanks to Mike Buensuceso, who is the president of the Canadian Filipino Association of Yukon.

I was at the game last night and the whole evening was so entertaining. In the dressing room — I was playing on the team. I was shooting the balls and stuff, along with the Member for Klondike, who was the referee. The mayor and council and some folks were also on the team. We were in the dressing room and that's when they explained to us basically what the Harlem Ambassadors are about. Every team member must have at least one degree and be drug-free, and their goal is to be role models.

Last night it was so awesome to see the family entertainment and also the honouring of honorary ambassadors near the end of the evening who go to high school, who that made the pledge to be drug-free, to get a college degree or university degree and move forward in their lives that way.

I really appreciate the team coming here and also the fact that throughout the evening there were cultural events by the Canadian Filipino Association — traditional dance, hip-hop dance, live music, bands. It was a great night and if we ever get a chance to have them here again, I encourage everybody to come — and you will see the Member for Klondike busting a move on the floor. He was just shaking it up there. It was just a lot of fun so it was great to be a part of it and great to see. It was a packed house, so thanks very much.

**Mr. Silver:** I also rise on behalf of the Liberal Caucus to acknowledge and pay tribute to the Yukon Pinoy Basketball League. I was going to call the Member for Mount Lorne-Southern Lakes on a point of order for mentioning that I'm a horrible dancer but we're just going to leave that.

Last night I did have the pleasure of refereeing at the game hosted by the Yukon Pinoy Basketball League between the Whitehorse select team and the Harlem Ambassadors, an event designed to promote clean and healthy living. "Drug-free with a college degree" was their shout out and it was very well received by local youth in attendance who took that very pledge.

The Yukon Pinoy Basketball League started in 2007 and operates under the umbrella of the Canadian Filipino Association of Yukon. From very humble beginnings, the league now boasts 150 players and several teams.

Since its inception a century ago, basketball has become one of the most popular sports in the Philippines, paralleling hockey in Canada in the country's national consciousness. Since the Second World War the Philippines has been a dominant basketball powerhouse in Asia and their professional leagues are followed intensely.

For the close to 2,500 Filipinos who call Whitehorse home, the love of basketball has moved here with them and the league provides a link to home for many young Filipinos. The game provides a sense of community and on Saturday nights they turn the quiet Porter Creek Secondary School gym

into a boisterous cultural event where the young pursue their passion for the sport and new residents of the territory can find connections to home.

For any member who has ever taken in a league game, the teams play regularly on Saturday nights often to a packed house. Of course, their tournament is on this week and into the weekend.

I would like to thank the Yukon Pinoy Basketball League for inviting me to participate in last night's great event and I would also like to thank all the other politicians who participated: Mayor Dan Curtis, Councillor Mike Gladish, Councillor John Streicker, and of course, the Member for Mount Lorne-Southern Lakes. We all had a great time and it felt good to have a laugh, to volunteer for a great community at a great event and also to take a chance and an opportunity to not take ourselves so seriously for a while.

**Speaker:** Introduction of visitors.

## INTRODUCTION OF VISITORS

**Hon. Mr. Cathers:** I would like to ask all members to join me this afternoon in welcoming three members of the Yukon Lottery Commission who are here for the tabling of the 2013-14 annual report. I would like to ask members to join me in welcoming them as well as thanking them for their work on behalf of Yukoners. They are Frank Curlew, Bunne Palamar and Line Gagnon. Please welcome them here this afternoon.

*Applause*

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

## TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Cathers:** I have here for tabling this afternoon the Yukon Lottery Commission 2013-14 annual report.

**Hon. Mr. Istchenko:** I have for tabling today the Fleet Vehicle Agency 2013-14 annual report.

**Hon. Mr. Dixon:** I have for tabling another wonderful document produced by the Department of Environment, entitled *Yukon Thinhorn Sheep: Horn Growth, Genetics and Climate Change*.

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

Are there any reports of committees?

Petitions.

## PETITIONS

### Petition No. 19 — received

**Clerk:** Mr. Speaker and honourable members of the Assembly: I have had the honour to review a petition, being Petition No. 19 of the First Session of the 33<sup>rd</sup> Legislative Assembly, as presented by the Member for Takhini-Kopper King on December 2, 2014. Petition No. 19 meets the

requirements as to form of the Standing Orders of the Yukon Legislative Assembly.

**Speaker:** Accordingly, I declare Petition No. 19 to be read and received. Pursuant to Standing Order 67, the Executive Council shall provide a response to a petition that has been read and received within eight sitting days of its presentation. Therefore, the Executive Council response to Petition No. 19 shall be provided on or before Tuesday, December 16, 2014.

**Speaker:** Are there any petitions to be presented?  
Are there any bills to be introduced?  
Are there any notices of motions?

### NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to relocate Takhini Haven from the Whitehorse Correctional Centre grounds to a community neighbourhood, in keeping with the United Nations *Convention on the Rights of Persons with Disabilities*.

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

THAT this House urges the Government of Yukon to release the December 2012 letter and attachment it sent to the Canadian Minister of Aboriginal Affairs requesting controversial amendments to YESAA.

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

### QUESTION PERIOD

#### Question re: First Nations/government relations

**Mr. Tredger:** This morning, Yukon First Nation chiefs held a press conference in Ottawa, describing their meetings with the federal government on Bill S-6. They were told by the federal Minister of Aboriginal Affairs and Northern Development Canada that they were not real governments and that, therefore, Canada was not required to make them active participants in the legislative process.

This arrogant mindset does not reflect the legal reality of the final agreements, nor does it reflect the morality of Yukoners who recognize that First Nation governments must be treated as equals.

Does the Premier agree with the federal minister's statement? If not, will he stand in this House and denounce his statement?

**Hon. Mr. Pasloski:** The answer to that question is of course not.

**Mr. Tredger:** The Premier has gone on record in this House on countless occasions and told Yukoners that Bill S-6 would create certainty in Yukon. Yesterday, I tabled a letter from the president of the Casino Mining Corporation. The letter said — and I quote: "...I am putting forward our company's concerns regarding the fragility of

intergovernmental relations in Yukon surrounding Bill S-6 and the negative impact it is having on the territory's mineral industry." Casino believes that, if the YESAA has full support of all levels of government, it will provide greater certainty for the mineral industry.

The president of Kaminak also sent a similar letter echoing what the Official Opposition has said for months.

Does the Premier think that he knows better than the presidents of Casino Mining and Kaminak Gold when it comes to uncertainty that Bill S-6 will create?

**Hon. Mr. Pasloski:** On this side of the House, we believe in genuine dialogue with First Nations. We do not — like the members opposite — engage in political stunts and grandstanding about taking trips to Ottawa, or backing out of trips that they committed to. That is why, Mr. Speaker, I was very pleased after meeting with leadership, to talk to Minister Valcourt to invite him and speak with First Nations face to face.

**Some Hon. Member:** (inaudible)

#### Point of order

**Mr. Silver:** I go to 19 — false intention, false motives. On this supposed trip to Ottawa, the intent was for all three of us to go, and that is why we didn't go. The minister is imputing false intention and false motives. This is simply not true.

#### Speaker's ruling

**Speaker:** There is no point of order. This is clearly a dispute between members.

Hon. Premier, you have about 20 seconds left in your response.

**Hon. Mr. Pasloski:** That is why I did speak to Minister Valcourt, after meeting with leadership and I was pleased to see that he had the opportunity and met with First Nations.

On this side of the House, this party, we choose ongoing good-faith dialogue and that is why I was pleased to not only speak to leadership, but continue to speak to First Nation leaders on a one-on-one basis on this and many other issues.

**Mr. Tredger:** A late memo stating unilateral amendments is not adequate consultation. The courts have already told the Premier that. When this Yukon Party government released their unilateral plan on the Peel, they put the Yukon on a long path of confrontation and litigation.

The Premier is now dragging the Yukon down the exact same path of court cases and confrontation with Bill S-6. The decision handed down yesterday said that Yukon had an obligation to act with honour in its dealings with First Nations, and this is exactly what First Nations assert that Yukon and Canada governments did not do with Bill S-6. Confrontation does not work and Yukoners have had enough of it.

Why is the Premier taking Yukon down the same path of legal fights on Bill S-6 as he did on the Peel?

**Hon. Mr. Pasloski:** Mr. Speaker, when Canada notified the Yukon government and Yukon First Nations



about their action plan to improve northern regulatory regimes, they asked this government and they asked First Nation governments to provide comments and recommendations. Did the Yukon government provide comments and recommendations? Yes, we did. Did First Nations provide comments and recommendations? Yes, they did.

What did we ask for? We asked for amendments that would ensure that our assessment process would be consistent with other jurisdictions' assessment processes, which creates an opportunity for us to be competitive, because that has a greater chance of creating investment in this territory which creates jobs for Yukon families.

**Question re: Peel watershed land use plan**

**Ms. Moorcroft:** Mr. Speaker, yesterday I asked the Minister of Justice three questions about the costs of legal counsel to the Yukon government to lose the Peel court case. Not only did I receive three complete non-answers from the government, the Justice minister's colleagues would not even allow him to stand up and be responsible for his department. The unwillingness of the government to answer this question either means that they think it would be too controversial to reveal them, or they simply have no idea what the legal costs are. It's one or the other.

Either the minister doesn't know how much Yukoners have been billed for the Peel court costs, or he is not willing to tell Yukoners what the true costs are. Which one is it?

**Hon. Mr. Nixon:** Mr. Speaker, I can tell the member opposite that if she had been paying attention in Justice debate just last week, I provided the comments on the floor of this Legislature. I can quote for the member again: "...outside legal costs for John Hunter. The outside counsel billings for 2014-15 were 44,288.13 — that was as of November 5."

The member opposite clearly needs to pay attention during budget debate. Those answers were provided to her. But as both the Minister of Energy, Mines and Resources and the Minister of Environment have indicated, we will be carefully reviewing the decision that was made yesterday prior to taking our next steps.

**Ms. Moorcroft:** I have also asked this minister to tell the House what the costs are for the internal costs within the Department of Justice on the Peel court case. I would like a full accounting of that.

The government did let their Minister of Highways and Public Works share his thoughts on the Peel decision on social media. He said — and I quote: "Let's save everything until there is nothing left to save.....then let's figure out with no opportunity to create an economy because we saved it all how we will provide for our families."

It's a shame that the minister's understanding of the economics of this issue is so limited. Mr. Speaker, does the Premier share the narrow vision of his Highways and Public Works' minister when it comes to Yukon's economy?

**Hon. Mr. Nixon:** Mr. Speaker, I need to take this opportunity to really thank all government employees and lawyers who work in the department on an ongoing basis.

They look at reviewing legislation and drafting legislation and regulations and they certainly do a tremendous job.

For the member opposite, I did give a breakdown in the budget debate just last week. Again, she clearly was not listening, but I can reiterate that the costs for John Hunter were \$44,288.13 and the outside legal cost for the Department of Justice for 2014-15 was \$40,000 — that's total — and for 2013-14, it was \$73,000 total.

**Ms. Moorcroft:** Today, more than 71 percent of the Peel is still open to staking, based on this government's misguided and unilateral plan for the Peel watershed, which was thrown out by the courts yesterday. When the Peel planning commission was doing its work, the government agreed to ban mineral staking in the watershed to prevent speculative staking from taking place while the area's future was unclear.

The only thing this government has said so far about the Peel judgment is that it has no clue what to do next. Will this government prevent speculative staking by immediately reinstating the interim staking withdrawal until they have made up their mind how they are going to proceed?

**Hon. Mr. Pasloski:** Truly the record does show that, when it comes to the economy, the NDP-Liberal coalition has no clue. Their record continues to show that, as they continue to oppose and to obstruct any initiative that is taken to promote the Yukon.

As a government that represents all Yukoners and is committed to having a strong economy in Yukon, we are the example — and the record has shown for over a decade the strong growth that has come. The members opposite talk about supporting the economy but they take every step, every possible attempt, to oppose and obstruct anything to encourage economic growth and, as I stated, the record clearly shows that in the evidence of how they vote.

**Question re: Oil and gas development**

**Mr. Silver:** In August 2013, a set of interim guides were issued by the Yukon Water Board for oil and gas. These new guidelines increase the jurisdiction the Water Board has over the oil and gas industry. These new guidelines treat all methods of oil and gas extraction the same — as being water intensive. Conventional oil drilling uses far less water than hydraulic fracturing but the water permits under the new guidelines do not differentiate.

According to the Water Board's internal directive, signed on August 8, 2014, the Department of Energy, Mines and Resources and the Department of Environment signed a memorandum of agreement on these interim guides. My question is to the Minister of Energy, Mines and Resources: Why have these changes been made?

**Hon. Mr. Pasloski:** The Yukon government recognizes that a modern, timely and predictable regulatory regime is required for the resource sector to realize its potential. We are working to improve the regulatory system and the licensing processes in order to reduce uncertainty and maintain environmental and socially sustainable industries.

As I just spoke about, the Yukon Party, by record, is a party that has supported industry and has supported growth and economic diversification through growth in our primary extraction industries. Sadly, the NDP and the Liberals continue to vote against all of those initiatives.

**Mr. Silver:** The thing I'm voting against is the leadership style that I cannot, in good conscience, back up.

These changes do not just impact active wells, but also the effective exploration phase as well. Previously, the Water Board was not heavily regulated for companies doing test drilling. Now, in hardrock mining, we only see this level of oversight when a company actually moves into the active production phase. Creating barriers for oil and gas exploration could very well prevent the oil and gas industry from taking root in the Yukon.

Is the Minister of Energy, Mines and Resources concerned that these changes will actually impede development of oil and gas industry in the Yukon?

**Hon. Mr. Kent:** On a number of occasions, I have met with the proponent that the member opposite is referring to with respect to this particular initiative. Certainly we were concerned as a government that the changes came in part way through the assessment phase that the company was undertaking. We felt that there were some issues with procedural fairness. I met, along with the Deputy Minister of Executive Council Office, with the chair of the Water Board and was able to convey our concerns to the Water Board. We have not heard back officially from the Water Board following up on a letter that was sent to the chair of the Water Board. As members know of course, the Yukon Water Board is a quasi-judicial board and of course we respect their rights to make determinations on what requires water licencing activities, but I can assure members opposite that they were certainly concerned about the oil and gas industry and the ability for it to proceed and become a major contributor to the Yukon economy, building on what's already taken place in the Yukon over the past 50 to 60 years.

**Mr. Silver:** I appreciate the minister's response.

Setting up a regulatory framework is absolutely a balancing act. We do need to protect our environmental interests while also ensuring that the process does not prevent resource development and the high-quality paying jobs that come with this.

With the Carmacks Copper project, we saw a situation where YESAB approved the project and then the Water Board denied it. These new regulations from the Water Board threaten to do the same in our oil and gas projects. In setting up these new guidelines, is the minister taking proactive steps toward getting Yukon ready for an oil and gas industry or trying to replicate the red tape that is plaguing the mining industry?

**Hon. Mr. Kent:** Of course providing regulatory certainty is something that our government is very committed to. One only has to look at the changes that were introduced last year with respect to introducing timelines at the adequacy phase for type A water licences for quartz mining projects. When it comes to the oil and gas industry — and I know the

member knows that it has had a long history here in the Yukon going back to the 1950s. That's when the first well was drilled in the territory. There are between 70 and 80 wells that have been drilled in the territory over the years and two producing wells and two very strong producing wells in the Southeast Yukon that I know we have spoken about on a number of occasions, which have contributed over \$45 million in royalties to the Yukon government coffers that all governments have used over the years to support spending initiatives, such as hiring teachers or doctors or nurses, important things for Yukoners that I know that Yukoners appreciate.

We certainly value the oil and gas industry. We would like to see a strong oil and gas industry established here in the Yukon. We'll continue to work on regulatory initiatives and improvements to ensure that we eliminate duplication when it comes to licencing and so that people can be treated in a fair and consistent manner.

#### **Question re: Employment equity policy**

**Mr. Barr:** In May 2013, this government awarded a five-year contract for school bus services in the territory. The general conditions in the tendered documents for the school bus services require the contractor to comply with the fair wage schedule of the *Employment Standards Act*. The 2014 fair wage schedule specifies hourly rates to be paid to a float driver and truck drivers but does not include a fair wage for school bus drivers.

Can the minister tell us why the tender documents included terms that weren't applicable to the services being sought and why school bus drivers are not included in the fair wage schedule?

**Hon. Mr. Cathers:** As the minister responsible for the Employment Standards office, this is a matter that I will have to look into. I have not personally reviewed the details of the contract that the member is referring to. Those matters are handled by officials of Education as the department initiating the contract, with the involvement of Highways and Public Works procurement office, to the best of my understanding. We will have to look into the specific details, as provisions of the contract are not something that I have information on at this point in time.

**Mr. Barr:** I will look forward to the information ASAP.

The tender documents included numerous other requirements, including items intended to ensure schoolchildren are safely transported to and from school. For instance, school bus drivers must pass RCMP security checks, have valid first-aid certificates, complete a government-approved defensive driving course and provide drivers' abstracts each year. Last month, drivers informed us that the company has not arranged for many of those important safety aspects.

What steps is the minister taking to ensure that terms of the school busing services contract are being met?

**Hon. Mr. Istchenko:** I am not familiar with the actual contract as it was set. We have over 6,500 contracts yearly

that go out. I think the Minister of Community Services, who is responsible, said he that he would look into it for the member opposite.

**Mr. Barr:** We are talking about the safety of our children who are being transported and I am sure families will be happy to hear much sooner than later what is going on here.

The tender documents also require the contractor to obtain COR certification within 12 months of the contract starting on July 1, 2013. The contractor had been operating under a temporary letter of certification that expired yesterday. Typically, these letters are a temporary measure to give a contractor time to implement a safety program and comply with Occupational Health and Safety requirements. I will repeat: this contract has been in place for 18 months and the contractor still is not COR certified.

What steps will the minister be taking to ensure the contractor is complying with all requirements, including COR certification?

**Hon. Mr. Istchenko:** Of course the safety of our children is of the utmost importance and I will commit to the member opposite that I will look into this. This file is new to me. Like I said, we have over 6,500 contracts annually, and this contract is money that goes directly into the economy of the Yukon, but I will definitely look into this for the member opposite and get back in a timely manner.

#### **Question re: Midwifery regulations**

**Ms. Stick:** The Yukon remains one of the last jurisdictions in Canada to recognize and regulate midwives. Yet again, we are lagging behind when it comes to best practices in collaborative and patient-centred care. We know what the research says: mothers and babies in the care of midwives have better birth and health outcomes. We also know what Yukoners say. In 2010, a Yukon government-led consultation heard from 88 percent of respondents favouring government regulations for midwifery.

It's time for Yukon women and families to have the same health options as other Canadians. For many, that would be a birth at home or in a hospital with the midwife. When will the minister heed the call to regulate midwifery and improve patient-centred maternity care?

**Hon. Mr. Graham:** The management of health professions in the Yukon is a very important subject that we are constantly working on, as is evidenced by the fact that one of the first things we did upon taking government here was to pass the legislation concerning nurse practitioners.

We are in the process, at the present time, of upgrading the pharmaceutical act and the *Pharmacists Act*. We passed amendments to the *Registered Nurses Profession Act* and we are constantly looking at other acts that can be either updated or renewed. As part of this process, we have looked at midwifery. It has been on our legislative agenda for some time. It's not a huge priority at this time, as I've said in the past in this Legislature. We have tentatively scheduled the consultations to begin in late 2015 or early 2016 on midwifery legislation; however, I can't give a definite date, because other

things do happen. But at this time, tentatively that's where we've put the midwifery legislation.

**Ms. Stick:** Consultations have happened. We have health report studies, we have a clinical service plan — there are lots of studies, there's consultation that has been going on. Right now, over 400 babies a year are born in Whitehorse General Hospital. With midwives, some of those could be born outside of the hospital. Four hundred babies — that is usually the largest number, when looking at hospital stats for hospital admissions. This would be creative; it would be collaborative; it would be cost-effective if we were to move ahead on this.

I have asked this question every year that we've had a sitting: When are we going to see midwifery? Midwives have been asking for it; families have been asking for it; women have been asking for it. Will the minister commit to begin discussions with Yukon midwives before 2015 and start looking at —

**Speaker:** Order. The member's time has elapsed. Minister of Health and Social Services, please.

**Hon. Mr. Graham:** It's interesting that the member opposite stated that she has asked this question every year, and I have answered in the exact same manner every year, except today. Today I said we actually have a deadline where we will begin at least the process. The member opposite seems to believe that consultation, once you've done it with 65 — I believe — or between 50 and 100 people — means it's all over. No, that's not the way it goes. We will need to initiate a further study, but I have said we will begin this process in late 2015 or early 2016. Until that time, the process will remain exactly the same as it is now, because there are other priorities that are much higher, in terms of the medical professions in the Yukon, than midwifery.

**Ms. Stick:** Now we're possibly up to 2016. Last time he answered, it was 2015. Now it's 2016.

**Some Hon. Member:** (inaudible)

**Ms. Stick:** I am listening, Mr. Speaker, to what the answers are.

I listened with interest last night to the many options that midwives make available to women across Canada, but that aren't available here. These qualified health care providers collaborate with physicians, hospitals and rural health centres to provide the best care possible for mothers and babies. Midwives offer home visits throughout the pregnancy and up to six weeks post-partum care. It is time for women to have the option to have their babies at home or in hospital with the assistance of a midwife. Yukon families want this option. The minister has heard in consultation about this. Midwives have been asking for this.

Again, can this minister commit to at least sit down with midwives now, not in late 2015, possibly 2016 —

**Speaker:** Order please. Minister of Health and Social Services, please.

**Hon. Mr. Graham:** Mr. Speaker, obviously the member didn't listen this time and has not listened in the past.

The simple fact is that midwives are available to Yukon women for their births if they so desire at the present time.

The only thing that we are talking about here is the regulation of the profession in the Yukon, and some midwives in this territory have even indicated that they are not in favour of regulation, because they are licensed in another jurisdiction and therefore they should be eligible to practise in the Yukon. Those are the kinds of consultations that we will need to begin.

The simple fact remains that midwives are available to Yukon mothers at the present time — or expectant mothers at the present time. They are just not regulated by Yukon regulations and they are not paid by health care.

**Question re: Alaska Highway corridor functional plan**

**Ms. Moorcroft:** It was disturbing to learn of yet another serious accident this week on the Alaska Highway between Two Mile Hill and the south access. The Alaska Highway corridor improvements must be given the utmost priority before more lives are lost or more families are affected by an accident. There isn't time for more delays. It is time to get on with the job of making the Alaska Highway safe for residents, tourists and industries.

When will the minister share the functional plan study with the recommendations for Alaska Highway improvements and get input from the Yukoners who drive this hazardous stretch every day?

**Hon. Mr. Istchenko:** Safety of our highways is of the utmost importance. You just have to look at the budget that we have and our supplementary budgets and the amount of time, effort and good work that the people who work for the Department of Highways and Public Works do.

By spending our tax dollars on improving our roads, the government is making sure, of course, that Yukoners can get to work each day, that the school buses can safely get kids to school and home again, and emergency personnel can access Yukoners when they are needed.

I have said this in the House before. I think I explained it to the member opposite last year and again in this session. We are looking at options moving forward. We are out to consultation, again, at a very high level. It will be in phases, of course. When we look at the individual phases, we will consult with individual stakeholders in those areas.

**Ms. Moorcroft:** They are certainly keeping it at a high level and away from the public, Mr. Speaker. In the past, the minister has told us that the public would be consulted to refine the plan after government has decided which construction will take place.

Some meetings with stakeholders have occurred to get input to the planned improvements, but nothing has been made public and the study has not been tabled in this House which this minister promised to do in April.

The original contract for the functional plan cost over \$437,000 and there are three separate amendments, totalling more than \$92,000. The contract was completed August 31 of this year. The minister must have something to show for it.

Why is the minister holding off on public consultation, despite spending half-a-million dollars on reports and when will he table that report?

**Hon. Mr. Istchenko:** Of course, the Whitehorse corridor of the Alaska Highway is one of the most important roads and most-used roads. It's almost everyone who lives and visits Whitehorse or the Yukon get to be there. Like I said at the very beginning, we met with the key stakeholders, the First Nations and the City of Whitehorse. Right now, we are out at a very high level consultation. We want to hear from some of the trucking industry and some of the proponents that use that road. Once we gather that information later this fall, then we can sit down and actually look at next steps moving forward. I look forward to that.

**Ms. Moorcroft:** Mr. Speaker, the minister still hasn't answered the questions. The Alaska Highway isn't the only major highway in Whitehorse that presents a problem. The north Klondike Highway also has numerous locations that present hazards to motorists, including its intersection with the Alaska Highway. The deceleration and acceleration lanes aren't adequate for the quantity and type of traffic using the north Klondike Highway corridor, especially in the summer months when there is more traffic congestion and tourists who are unfamiliar with the land configurations.

Can the minister tell us when the north Klondike Highway will be assessed to ensure it also is brought up to present-day standards and safe for the travelling public?

**Hon. Mr. Istchenko:** I do thank the member opposite for the question. It is great to highlight that we're actually in the process of doing functional planning on the Klondike Highway and that's where we can start moving forward. Like I have said in this House before, with a good government creating a good economy, Yukoners rely on these roads and bridges to safely get to where they need to go. As the traffic increases, we need to do upgrades, so we are doing functional planning on the Klondike Highway. When it comes forward, we'll look to putting out contracts for upgrades to that section of road as we do all of our other roads.

**Speaker:** The time for Question Period has now elapsed.

We will proceed to Orders of the Day.

## ORDERS OF THE DAY

### OPPOSITION PRIVATE MEMBERS' BUSINESS

#### MOTIONS OTHER THAN GOVERNMENT MOTIONS

##### Motion No. 812

**Clerk:** Motion No. 812, standing in the name of Mr. Tredger.

**Speaker:** It is moved by the Member for Mayo-Tatchun:

THAT this House condemns the Yukon government's request that the Minister of Aboriginal Affairs and Northern Development Canada include four amendments to YESAA opposed by Yukon First Nations in Bill S-6, *An Act to amend*

*the Yukon Environmental and Socio-economic Assessment Act and the Nunavut Waters and Nunavut Surface Rights Tribunal Act*, after the five-year review process was completed.

**Mr. Tredger:** I rise to speak to Motion No. 812 on behalf of the NDP Official Opposition. The motion states:

THAT this House condemns the Yukon government's request that the Minister of Aboriginal Affairs and Northern Development Canada include four amendments to YESAA opposed by Yukon First Nations in Bill S-6, *An Act to amend the Yukon Environmental and Socio-economic Assessment Act and the Nunavut Waters and Nunavut Surface Rights Tribunal Act*, after the five-year review process was completed.

I would like to begin by acknowledging that we are on the traditional territory of the Kwanlin Dun First Nation and the Ta'an Kwäch'än Council. I do this as a reminder that Yukon First Nations surrendered large areas of the Yukon, trusting in the spirit and intent of the final agreements — that they would be upheld and that these agreements would protect their values, traditions and provide opportunity and ensure the protection of the environment. Indeed, the courts have consistently supported them in their belief.

I acknowledge their traditional territory to respect the decisions made in good faith by the leaders of our First Nation, territorial and federal governments. I do this to emphasize that we are all treaty people and all Yukon people continue to benefit from the constitutionally enshrined final agreements and from the willingness of our leaders to sit down and work out treaties and agreements that allow the Yukon to move forward.

Just as an aside, Mr. Speaker, what a disappointment to those leaders the last 10 years of litigation would have been.

On Monday, the federal Minister of Aboriginal Affairs and Northern Development Canada pointed the finger at the Premier and indicated that this Yukon Party government was the one that was responsible for the four amendments that are opposed by the First Nations and are now creating controversy and uncertainty in the Yukon — something that the Premier had not told Yukoners up to this point.

I am concerned that these four unilateral amendments included in Bill S-6 undermine what is unique and wonderful about the Yukon. They were conceived in secret and are obviously out of touch with Yukon treaties, intergovernmental relationships and are disrespectful of Yukon history, culture and values.

This is not just a First Nation issue. This is of consequence to all Yukon people. We will all feel the pain and the uncertainty should Yukon become mired in confrontation and legal wrangling. Our relationships and our communities will be affected. Yukon is built on our relationships, one to another, in respect.

All Yukoners have been the beneficiaries of the First Nation leadership reaching out through the document *Together Today for Our Children Tomorrow*.

Leaders of all our governments — Yukon, First Nation and Canada — were inspired by *Together Today for our Children Tomorrow* and saw it as a new way forward.

Together and in cooperation, they worked toward the *Umbrella Final Agreement* and the self-government agreements. All Yukon people were included in the processes.

Mr. Speaker, a new and dynamic system developed. The result was the UFA and subsequent self-government final agreements — agreements built on respect, trust and understanding, and 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 to the benefit of all Yukon people now and in the future, and that we were willing to sit down to communicate and implement our agreements together.

I have said before that it was a marriage contract, not a divorce settlement. It was to recognize all voices, a template for building the future.

The Yukon Environmental and Socio-economic Assessment Board is established under YESAA and 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 large amounts of time, efforts and resources to the process, as interveners 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, YESAA 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. All Yukoners, all Yukon people, can be proud of the work being done on our behalf.

These four unilateral amendments included in Bill S-6, developed in secret and brought forward by an unelected Conservative senator and our Conservative MP, and requested by the Yukon conservative party Premier — and the bill includes these four unilateral amendments to YESAA that extend beyond the scope of the five-year review and were not part of the discussions during that five-year review. A late memo unilaterally making statements is not part of consultation. YESAA, as designed, has timelines already and they are working within those timelines. The process is in place and is working.

The basic premise is that YESAA is a dynamic document signed by three governments, and involving and for all Yukon. This isn't about development. Yukon people want development. Yukon people want development. First Nations want development, and they are involved working directly with industry and other levels of government, with elders, communities, citizens. Indeed, Yukon people have embraced development. Yukon First Nations have embraced development.

Yukon First Nations have worked to implement their final and self-government agreements. They have developed active and successful businesses. They have large investments and

development corporations. They are involved on the ground in our communities every day of the year. First Nations and the public want and continue to be involved. They trust the assessment system.

Industry as well wants a certainty that an independent, arm's-length YESAA brings, free from the vagaries of political influence and short-term thinking.

These four amendments to Bill S-6 put forward by the Premier are not the way to move forward. The Yukon Harper party says that changes to Bill S-6 are necessary to remain competitive. However, we have heard that it will have just the opposite effect. A flawed Bill S-6 will harm the economy by undermining an assessment process agreed to by Yukon First Nations in exchange for certainty by surrendering aboriginal rights and titles to large areas of the Yukon.

Make no mistake — if these amendments are included in the final product, Bill S-6 will be challenged, tying up our assessment process in protected litigation. I will repeat that because it is important. If these amendments are included in the final product, Bill S-6 will be challenged, tying up our assessment process in protracted litigation — how sad that we have come to this.

From the promise — the *Umbrella Final Agreement* and the self-government agreements — to where we flippantly say, “Take it to court” — how have we come to this? This is the greater uncertainty. Yukon's reputation as a good place to do business, as a good place to invest capital, is already going downhill as a result of current court cases.

This bill, these amendments to YESAA, will invite litigation over a period of many years. It will be Yukon's economy and Yukon people that will suffer, just at a time when we need it.

I've talked to businesses; I've talked to people in the communities; I've talked to people who are involved in mining. They are very concerned. Now is not the time for ideological stances, Mr. Speaker. Now is not the time; now is the time to work together so we can get on with the business of the Yukon.

The Teslin Tlingit Council said to the Senate committee that Canada's actions and the proposed amendments will quickly have the effect of undermining the very certainty Canada and Yukon bargained for, and will translate into a negative climate and decreased economic activity. Indeed, the Yukon conservative party has cast certainty and caution away blindly, in the name of competition and jobs. Let's let the courts decide, the Premier says. It's wrong-headed, Mr. Speaker. It's a rejection of the spirit and the intent of the final agreements, and a rejection of 40 years of progress and relationship-building. Why?

YESAA was made by Yukoners for Yukoners, as 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 are to work together. Violation of our treaties is not just a court case; it's not just a simple yes or no. That violation creates winners and losers. It's a violation of all Yukoners and undermines our treaties and the positive relationships that all of us are working hard to advance.

The Yukon conservative party government and the Harper Conservatives have gone behind closed doors and behind the backs of Yukoners and secretly conspired to change the law. Unelected senators have refused to come to Yukon to hear the views of Yukoners about Canada's changes to YESAA. Our unelected Senator Lang has refused to invite the committee to Yukon to hear from us. Our Conservative Member of Parliament, Ryan Leef, has refused to advocate for all Yukoners.

Our Yukon conservative party Premier has not stood up for Yukon, is undermining the *Umbrella Final Agreement* —

**Some Hon. Member:** (inaudible)

#### Point of order

**Speaker:** The Minister of Economic Development, on a point of order.

**Hon. Mr. Dixon:** We have exercised great latitude in listening to some of the things he has had to say, but Mr. Speaker, it is clear that the member is in violation of Standing Order 19(g) with some of his comments, and I would ask you to have him correct the record.

**Speaker:** Which comments?

**Hon. Mr. Dixon:** He has indicated that the Yukon government is undermining the *Umbrella Final Agreement*. He has indicated that the Yukon government is conspiring to change the laws, and he has referred to the conservative party of Yukon, which does not exist.

#### Speaker's ruling

**Speaker:** There is no point of order. It is a dispute between members. The reference to a political party — the names of the parties get used in different forms in different ways back and forth across the House.

I would caution all of the members here that this subject and others are quite impassioned. I expect you to be impassioned but at the same temperate in your comments because whatever you say will be used against you — it is not “may”, it is “will” be used against you — at some point or another. So take it for what it is. It is a reminder to all members.

**Mr. Tredger:** Mr. Speaker, I thank you for that.

These amendments to Bill S-6 are risking our environment, our economy and our relationships. They are compromising a made-for-Yukon act — YESAA — and our *Umbrella Final Agreement*. This morning, Yukon First Nation chiefs in Ottawa held a press conference to discuss their experiences meeting with the federal government. Chief Eric Fairclough said — and I quote: “The minister shut us down by telling us we are ‘not real governments’ and therefore he does not need to make us active participants in changing legislation that arises from our treaties.” That was the federal Minister of Aboriginal Affairs and Northern Development Canada who said that.

It is a sharp reminder that although we have come a long way, the close-minded, colonial approach to First Nations is still alive and well. One would think that there would be no

way that a territorial government could hold those same sentiments as the federal minister. This government has shown time and again its disrespect for First Nation governments and the rights that were afforded to them under the final agreements.

Yukoners know that the Yukon Party was never happy with the final agreements being signed, but it is time for them to accept them as a reality and stop undermining the treaties as we have seen in the Peel case and again with Bill S-6.

Yukoners will not be bullied by the Harper Conservatives or the Yukon Party and their narrow view of the Yukon. Stand up for Yukon people. Stand up for responsible resource development and stand up for our environment. Stand up for our treaties and our new way forward and, finally, stand up for this wonderful and diverse land.

To callously say, “Let the courts decide”, and to suggest that if you don’t like it, take us to court, is a rejection of the whole land claim process — a rejection of the promise of the UFA and a step backward to giving confrontation and unilateral ultimates, legal wrangling and federal politics control the Yukon. It hasn’t worked in the past and it won’t work in the future. This constant undermining of our treaties and final agreements comes at a tremendous cost to the Yukon — costs in dollars and, perhaps most importantly, costs of human resources by Yukon people as they confront their own government in attempts to ensure that the Yukon government live up to obligations outlined in our treaties and our final agreements.

Minister Valcourt can flippantly suggest courts as a remedy, but the Yukon government should know better the true costs of forcing First Nations and Yukon people to court to have our treaties respected. Mr. Speaker, it is not too late. Now is a time for our unelected senator, our Member of Parliament and our Premier to stand up for Yukon people and for Yukon treaties, and reject the amendments requested that are in Bill S-6. I implore all members of this House: don’t throw away 40 years of progress.

Last year I thought that Yukon had made a breakthrough when the Premier and Yukon Party members — and all parties in this House — spoke to the importance of *Together Today for Our Children Tomorrow* and of the final agreements in the Legislature on the occasion of the 40<sup>th</sup> anniversary. Unfortunately, the actions of the federal Conservative Party and the Yukon Party speak louder than those spoken words, words that sound very hollow now. Again, it is not too late.

It is not too late to take the dollars that we are spending in court and use them as the hope and the promise of the final agreements, to make our communities better places to live, to work on wellness programs, to overcome the disastrous legacy of residential schools, and to find ways that we can work in our environment safely for the good of everyone now and in the future.

I implore this government to step back from their extreme ideologies and listen to our partners. Take a deep breath and talk to our partners. Repair the relationship and build on our treaties for the good of all — most importantly, for our children tomorrow. Our treaties were signed as equal partners

in a spirit of trust and cooperation, with the understanding that the resources gained could be used to build healthy communities, to build infrastructure and to invest in Yukon’s future.

In Canada, we are governed by our Constitution. In the Yukon, we live within our constitutionally enshrined treaties and final agreements. It is time to set aside extreme ideologies and begin to govern for all Yukon people. If the Yukon Party can’t do it, then get out of the way, because the people are coming. Yukon citizens and businesses should not have to expend resources and time fighting their own government.

Let the businesses tend to their businesses. Let the Yukon people do what they do best: innovate, create and build strong, viable communities. Let the Yukon people support one another. Let all Yukon people work together as stewards of this very wonderful land. I urge this government to withdraw their four amendments, sit down with the respective Yukon First Nation governments and revisit Bill S-6 in the spirit of cooperation and respect.

#### *Interruption*

#### **Speaker’s statement**

**Speaker:** I’m glad you are leaving because otherwise I would have to ask the two of you to leave. I will remind you: you both know quite well that it is unparliamentary, unnecessary and unwelcome.

Does any other member wish to be heard?

**Hon. Mr. Pasloski:** As I rise to speak to this motion from the Member for Mayo-Tatchun, it’s difficult to know where to begin to address some of the issues that have been presented or articulated by the member opposite, other than to say that it’s just sad that the Member for Mayo-Tatchun essentially really has no clue of what he is talking about.

We continue to see the opposition attempting to politically grandstand on this issue. It’s quite evident from the debate and from the actions by members on the opposite side of this House that they continue to be opposed to development; continue to look to such ideals as consistency, which allows us to be competitive. I know that the member opposite talked about all these wonderful programs that we should all be focused on, but that, I guess, derives from the theory of the NDP money tree. The record shows that NDP governments here and across the country, when kicked out of power, leave massive debt because they don’t support nor understand enterprise and business. They do think that the money grows on a magical tree.

**Some Hon. Member:** (inaudible)

#### **Point of order**

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

**Ms. Stick:** I would point to 19(g), which imputes false or unavowed motives of another member.

**Speaker:** In what manner?

**Ms. Stick:** Just the language that the member is using and pointing out just what —

**Some Hon. Members:** (inaudible)

**Speaker:** I need to hear what — otherwise I can't rule. Please finish.

**Ms. Stick:** I'm finished.

### Speaker's ruling

**Speaker:** There is no point of order. I believe the member is only responding in the same fashion, with the same type of comments that the first speaker started this with. I warned everybody that this would, in fact, happen, and now it has.

**Hon. Mr. Pasloski:** I know that words like "conspiracy" and "secrecy" are a part of the approach of the members opposite but, as I was saying about the NDP money tree, they forget, they neglect to understand how it is that governments actually get money to pay for those programs and services that he thinks that we should focus on — that is, creating a healthy, vibrant and growing private sector economy that creates jobs, attracts more people to our jurisdiction who collectively pay taxes personally, businesses pay taxes creating revenues for governments to deliver those said programs and services that everybody wants and needs and expects from their government.

We are talking about YESAA and, as we have talked about, this government does support the comprehensive and objective assessment processes that are established under the *Yukon Environmental and Socio-economic Assessment Act*, or YESAA, and the opportunities that it provides for all Yukon citizens.

Yukon government is pleased that Canada is amending YESAA, and we support the amendments as the proposed Bill S-6 has now passed the Senate unanimously — including all those Senate Liberals — and is now in second reading in the House of Commons. We believe that the act changes align with Yukon's focus on cost-effectiveness, value and timeliness of process and ensuring the Yukon's assessment regime is competitive and responsive, because we believe that ensuring that we can be consistent creates opportunity for competitiveness and that allows us to see more opportunities occurring here in this territory.

Mr. Speaker, YESAA is federal legislation. Throughout this process, it has been up to Canada to determine how and when it communicates its plans for the act amendments and any potential changes to regulations. The matter of adequate consultation with Yukon First Nations on Bill S-6 is between First Nations in Canada and the Council of Yukon First Nations.

We have encouraged all parties to provide Canada with their input to ensure a robust, multi-party perspective. The amendments in Bill S-6 contain over — I think it is over 30 proposed amendments. Many are minor and housekeeping in nature. Of course, Bill S-6 incorporates most of the recommendations that have been provided through the five-year review.

Canada has indicated that the proposed changes reflect many of the agreed-upon findings of the YESAA five-year review, consistent with Canada's action plan to improve northern regulatory regimes and also their northern strategy. Canada provided opportunities for Yukon government, CYFN and individual First Nations, and the Yukon Environmental and Socio-economic Assessment Board, YESAB, to provide the input and review draft legislation during the development of the proposed amendments.

There were a number of organizations that did speak at the Senate hearings, and I will take the opportunity today to talk a little bit and maybe put some context around some of those questions and answers that were supplied at that time.

There is some debate about those amendments and, sadly, the member opposite, in spite of repeated answers to these questions, continues to make false assertions.

The Yukon government provided input to the Government of Canada since 2002. I guess I should maybe back up a bit and say, for the record, that the five-year review began in 2008 as a result — it was a legislated review — of the proclamation of YESAA in 2003. That consultation occurred until late 2012, when the Minister of Indian Affairs and Northern Development Canada wrote a letter to the Yukon government and Yukon First Nations that the five-year review as over. There were 76 recommendations, Mr. Speaker. Of those 76, there was consensus on 73. Nowhere in the legislation did it state that there had to be consensus on all recommendations, and to have consensus on 73 of 76 is very admirable and something that should be proud of.

Subsequent to the five-year review, Canada — as I just was mentioning — went forward with their action plan to improve northern regulatory regimes. This, as I stated, is consistent with their northern strategy. As I've also stated previously, it's consistent with the pan-territorial northern vision document as well. There is some debate now about the substantial amendments that do exist in Bill S-6.

Yukon government provided input to the Government of Canada in 2012 on possible amendments to YESAA via written submission that identified issues, looked at how these issues would affect Yukon and suggested potential amendments to improve the assessment process in Yukon. This input was based on the recommendations of the five-year review of YESAA and on the valuable experience that we gained while implementing the act in the years since it was first enacted.

Yukon government's submission was based on careful analysis of similar environmental assessment legislation that had been recently enacted by Canada in the other territories. This submission was shared with the Council of Yukon First Nations in December 2012. Our submission to Canada was shared with CYFN in December 2012. At that time, we encouraged First Nation governments, via correspondence with CYFN, to provide input to Canada.

In 2014, the Yukon government submitted its response to Canada's proposed amendments to YESAA. The submission was shared with CYFN and also with individual First Nations.



Again, in 2014, the Yukon government submitted its response to Canada's proposed amendments and that submission was shared with Yukon First Nations. It is important to note that this is federal legislation. Yukon government made several suggestions in response that were not accepted by Canada. I have said that many times.

Canada asked First Nations and Yukon government for comments and recommendations. Did we make some? Yes, we did. I've just articulated that. First Nations made them as well. Did we get everything that we asked for? No, we didn't. But the reality is that consultation doesn't mean that it's not adequate unless you get everything that you want.

Yukon government did directly suggest two amendments to Canada: delegation of authority and policy direction. Again, it did so after careful review of similar federal legislation that was enacted by Canada in the Northwest Territories and Nunavut. With regard to the renewal and the amendment clause, the Yukon government did request that Canada provide clarity on whether or not a new assessment is required every time an authorization is renewed or amended. Yukon government did not ask that the assessment timelines be included in the legislation. This amendment was proposed by Canada in 2012.

As I have in fact articulated just earlier today in Question Period, I did in fact meet with leadership at the offices of the Council of Yukon First Nations just over a week ago. I've also had many one-on-one conversations with chiefs in the past while over this, but subsequent to the meeting with leadership, I did tell the leadership that I would contact Minister Valcourt and I would encourage or invite him to speak with the chiefs when they come to Ottawa. I was pleased to see that in fact that meeting did occur and that they were able to spend some time together to discuss what those issues are.

We are talking about four specific amendments primarily today and I just thought I would spend a few minutes on those amendments.

When it comes to policy direction, in 2012, the Yukon government suggested a provision that would enable the federal minister to issue policy direction to YESAA. Policy direction provides the opportunity to ensure common understanding of the legislation between the government and the board. That helps to reduce uncertainty and delays. It is important to note that policy direction would not apply to pending proposals or assessments in progress.

This amendment is consistent with similar federal legislation that was enacted by Canada in Northwest Territories and in Nunavut. Any policy direction must be consistent with YESAA, it must be consistent with the UFA, it must be consistent with individual land claims and of course it must also be consistent with other Yukon legislation. As I've just mentioned, it is common in other jurisdictions.

Policy direction must pertain to the exercise or the performance of board powers, duties or functions. Policy direction cannot change the assessment process itself. Policy direction cannot expand or strip the powers of the board, and policy direction cannot interfere with active or completed reviews.

The next amendment was around delegation of authority, and that is the ability for the minister to delegate authorities under YESAA to the territorial minister. This is a permissive amendment. As has been stated by the federal minister and by me, there is no delegation contemplated at this time. I have also stated publicly and to First Nations that at some point in the future if in fact there was contemplation of delegation of authority, that we would of course first consult with Yukon First Nations.

If there was delegation in the future and there was consultation, the reality is that the delegation allows mostly for administrative efficiencies. The authorities are very limited, as I have also mentioned in the past — really the essence and meat of this lies within the regulations where we discuss things such as activity thresholds. The regulations cannot be delegated. That remains the responsibility of the Governor in Council. That remains the responsibility of the federal Cabinet. Only they can make those regulatory changes.

YESAA remains — and always will be — a co-managed process. First Nation participation is guaranteed because the board is made up of seven members. Three of these members are on the executive committee — one represented by a Yukon First Nation, one by the Yukon government and one by Government of Canada. Of the remaining four positions, two of them are representatives of First Nations, one by Yukon government and one by Canada. Doing that math, that means three out of seven of the positions are guaranteed to First Nations, so their participation going forward in this process is guaranteed.

The next ones that we will talk about are the renewal and amendment clauses — clarification that allows an amendment or renewal to an authorization does not in itself require an assessment. This act amendment clarifies that the decision body determines if a project requires a new assessment after having been considered whether there is significant change to the project and whether that change triggers an assessment under YESAA.

What has happened to this point is that simply having a renewal or an amendment would trigger another assessment. These assessments, as we know, are very time consuming and very costly. Yet, the assessment in itself — or the reassessment in itself — can also create a lot of uncertainty for the project or the employees and all of those businesses that directly or indirectly support that project. It is by determining that it was in fact a decision or by clarifying that it is in fact the decision body that will determine if the project requires an assessment only makes logical sense, because ultimately, in the end, recommendations by YESAB go to the decision body that ultimately has the authority to accept, modify or reject those recommendations.

In 2012, the Yukon government requested that YESAA be amended to clarify that a renewal or amendment to an authorization is not in and of itself a requirement of an assessment. Yukon suggested this clause because YESAB's practice has been to assess a project for the term of the authorization. For example, a solid waste facility has a three-year authorization, which meant that YESAB would only look

at the project's effects for three years. A facility such as a solid-waste facility usually does not change what it does. If that is the case, we could argue: Why would we have to put the assets of the YESAB employees and of the municipality to again go forward with another reassessment? We can focus our energies where there is change or on new projects.

How is that going to actually be determined? Quite honestly, that will be determined by the act and the regulations themselves, but the reality is that a renewal or an amendment in itself should not trigger a reassessment. That should be the decision of the decision body. So, on First Nation land, on settlement land, that would be the First Nation. On Crown land or in municipalities, that would be the territorial government. In some cases, such as Capstone Mining's Minto project, it is actually a dual decision body in that it is both Selkirk First Nation and Yukon government that are the decision bodies on that project.

On timelines, legislative time limits included: the adequacy stage designated office evaluations, nine months; executive committee screenings, 16 months and panel reviews, three months to develop terms of reference plus 15 months. There is no change in the timelines. What is happening is that those timelines are moving from the board rules to the legislation, which in itself provides certainty and clarity for projects by actually taking them out of the rules and putting them into the legislation.

What we do know is that all of those projects that have been assessed by YESAA — the number was articulated by the Member for Mayo-Tatchun — have all lived within these timelines. They have all been accomplished within those timelines. These timelines are not changing. They haven't gotten shorter. Of course, whenever the assessor requests more information from the proponent from the project, the clock stops until such time as that information is provided. Really, to see projects move forward in the most efficient manner, it is, of course, also the responsibility of the proponent to ensure that they are best prepared to go into the process and best prepared to respond in a timely basis to additional information requests so that they can help ensure that the project gets through as quickly as possible.

The Yukon government did not formally ask that assessment timelines be included in Bill S-6. When Canada proposed this in its 2013 draft legislation, we supported the recommendation and asked that the timelines for the adequacy stage also be included.

Mr. Speaker, there is a little background again on those amendments and, for the record, clarifying that Yukon government did put two of those four recommendations forward. The third one was as a result of a clarification that we requested from Canada. The fourth one was brought forward by Canada.

What we asked for in our recommendations was to ensure that our process was consistent with other jurisdictions. That's what we requested. Of course, the First Nations were also encouraged, and I believe that they did provide recommendations through this process. As I have also stated, through this process the Yukon government provided

transparency by providing those comments and recommendations that we shared with Canada, and we shared them with Yukon First Nations as well.

A couple more comments on the renewal and amendment clause — I gave the example of the solid waste facility. When a solid waste facility has a three-year authorization, it meant that YESAB would only look at the project's effects for three years. This requirement — that the project be reassessed every three years. When Canada presented draft legislation that provided clarity on these issues, the Yukon government supported the intent of the proposed clause. We still support this amendment, as it does address the issues that we raised. As with all of the amendments, this doesn't stand alone. The act and its associated regulations must be applied in their entirety when determining whether or not a project requires reassessment.

Yukon Chamber of Mines wrote a letter to Minister Valcourt in March 2014 in support of the amendments to YESAA. Yukon Chamber of Mines specifically supported legislative timelines and the delegation clause. There were a number of witnesses who appeared before the Senate committee that time, such as the Yukon Chamber of Mines, which provided a letter and Senate testimony. They supported the specific amendments of policy direction.

**Some Hon. Member:** (inaudible)

**Hon. Mr. Pasloski:** It is good to see that the Leader of the NDP is continuing to provide background noise for her enjoyment and for the enjoyment of the House, I am sure. I know that it takes away from your concentration and takes away from those people who are actually trying to listen.

The Chamber of Mines supported the policy direction. They supported the clause that clarifies whether renewal or an amendment is, in and of itself, a requirement for an assessment and the legislated timelines, including the addition of adequacy review period.

The Klondike Placers Miners' Association supported the policy direction, the clause that clarifies whether renewal or an amendment in and of itself requires an assessment, legislated timelines. However, KPMA thinks that the proposed legislated timelines for the designated office projects are too long, and they supported delegation.

Alexco Resource Corporation supported policy direction in the clause that clarifies whether a renewal or an amendment is, in and of itself, a requirement for an assessment, and also the legislated timelines. Yukon Energy Corporation supported the policy direction and the legislated timelines.

Further to that, I would also like to say for the record that, in the 2013 annual report of the Yukon Minerals Advisory Board, among their recommendations was to adequacy review timelines for YESAA and the Water Board — short timelines for adequacy reviews must be set for YESAA and for the Water Board. These adequacy processes are not proxies to conduct pre-assessments or establish regulatory standards and must revert to their intended purpose and be brought back under the guidance of the acts and the regulations to ensure procedural and judicial fairness.

YMAB recognizes that, over the past two years, ECO, the Water Board Secretariat and EMR have been undertaking an extensive examination of possible water licensing improvements. The board appreciates recent announcements by the ECO about changes to the *Waters Act* regulations that will establish clear timelines for internal review measures of quartz mining applications.

Another recommendation was YESAA reassessment process clarity. The process to determine whether a YESAA reassessment is required when an authorization is renewed or amended needs to be clarified. A more transparent decision-making process is also needed, particularly with respect to how and when these determinations are made by decision bodies.

I would like to talk a little bit — or enter into the record some of the testimony that was made during the Senate committee by a number of the organizations that were represented at that time. I would like to begin with the Chamber of Mines, which was represented by Mr. Samson Hartland, and if I can, I'll take a little bit out of what he had to say.

“First and foremost are the definitive beginning-to-end timelines. That was probably the most important aspect of this bill to our membership. The definitive beginning-to-end timelines create certainty and allow for consistency from coast to coast for proponents, regardless of where they are doing business — in the Yukon or N.W.T. It is so important for proponents to have consistency and regularity when dealing with and preparing for their project activities.

“That said, adequacy review is something that fell into that. Adequacy review is an aspect of the timeline that in the past — in the current iteration of the YESAA — did not account for timelines. The clock would only start once an assessment started, not once an adequacy review started. So what we've seen in the last few years, certainly with the act being very much a hallmarked piece of legislation — very progressive when it was first introduced as part of the UFA — is a very punitive type of interpretation, especially when it comes to the adequacy review stage.”

It goes on to say, “One specific aspect of UFA that I think resonated the most or was the most respectful for non-beneficiaries is section 12.1.1.7 of Chapter 12. It calls for the creation of development assessment legislation that:

“...avoids duplication in the review process for Projects and, to the greatest extent practicable, provides certainty to all affected parties and Project proponents with respect to procedures, information requirements, time requirements and costs...”

“It is with this in mind that we certainly want to be able to provide some of the best practices and concepts to be incorporated as part of this review. Another one of those would be the triggers for reassessments. Proposed Section 49 is in respect to this.”

“...the policy direction of the proposed Section 121 is to be provided by the federal minister. If you were to talk to proponents, they would say that there is YESAA, the overarching body, the ex-com level. Then you have the

district offices throughout Yukon, various communities like Dawson City, Haines Junction and Mayo. A proponent might say, ‘We go to one designated office and get one decision, a particular type of analysis or timeline, then you go to another district office and there is a lack of consistency where it has been interpreted differently and timelines are affected as a result.’ As a result of that it affects the economics and the certainty about a project moving forward in the territory. We believe that a new Section 121 would help alleviate that — potentially.”

“We have always been under the understanding that YESAB — the board — has always had the ability and wherewithal to develop a policy in-house. We hope and we understand that proposed Section 121 is not necessarily something that would be abused or used with great regularity but in the hopes that it helps clarify the roles.”

“All this is to say that, overall, we are supportive of Bill S-6 for the reasons listed above, but also I think it provides for consistency when dealing with projects in different jurisdictions, as well as certainty for project proponents.”

Mr. Speaker, I was also remiss when I started. I mentioned the four amendments, but what I didn't mention was something that wasn't in S-6 that has also created some confusion and that is around the insinuation that we've heard that now these YESAA changes will supersede the *Umbrella Final Agreement* and the final agreements that First Nations have. That is just not the case. Within Section 4 of YESAA, it states — and I quote: “In the event of an inconsistency or conflict between a final agreement and this Act, the agreement prevails to the extent of the inconsistency or conflict.” This statement is not in Bill S-6 simply because it hasn't changed. Because it isn't in S-6 doesn't mean it's no longer in the act. Bill S-6 is a list of proposed amendments to YESAA. There is no change to this section of the act; therefore it is not in Bill S-6. This section clearly states that in the event of a conflict of an inconsistency between YESAA and the final agreement, the final agreement always prevails. That is very clear and quite honestly doesn't require further clarification.

I thought I would speak a bit to some of the testimony that was provided by Mr. Clynton Nauman from Alexco Resource Corporation who also spoke to the Senate.

“On project reassessment: The nature of many ore deposits is that during the mining process, new or extended ore bodies will be identified that require slight modifications to the operating approach. The current act requires us to undergo a complete reassessment of our production process, including previously assessed aspects each time this happens, even though there are generally no or few changes in the production stream.”

“For example, following re-establishment of commercial mining operations in 2011, Alexco proposed to add two new deposits to our production stream. These deposits have the same geology or would be delivered to an already licensed mill, and the potential environmental effects of the additional production would remain unchanged from prior operations. No material changes were required.”

“Regardless, development and production from these new deposits, as well as several elements of the already licensed project, were all reassessed. This process occupied 221 days of YESAA time and resources. Under Bill S-6, one would hope that a small change to our operations such as this could be dealt with as a simple licence amendment.”

“On the reclamation side of our business at Keno Hill, we have also been required to go back through the entire environmental assessment process simply to maintain a water licence to extend the operating period of water treatment facilities from five years to ten years. These facilities are in fact preventing environmental impacts from the historic mines in the district, but the simple extension of plant operating time required 134 days for YESAA to reassess the project. This is another clear example where a reasonable decision body could easily have determined that this is not a material change and should not require an additional assessment of the project.”

“Therefore, we support the need for section 49 in this bill, which would provide for a decision body to act to avoid reassessments where there is no significant change to a project.”

“Secondly, timelines: We support time limits for both the adequacy and assessment stages of the YESAA process. I can give a simple example of Alexco's experience. Over the past five years, Alexco has undergone the environmental assessment process — the YESAA process — four times, specifically for mine development and mine operations purposes.”

“My purpose here is not just to discuss the requirement for repeated assessments but also to point out that our experience during the most recent five-year time frame is that the adequacy review period of the YESAA process has increased four-fold, to 116 days in our latest application. Meanwhile, the overall time required to complete the YESAA process from beginning to end has systematically increased approximately two and a half times, to an estimated 291 days in our current application.”

“In fact, between the production and cleanup projects our company has undertaken in the last eight years at Keno Hill, over three years has been spent in some stage of the YESAA process. Clearly, the issue of timelines and both adequacy and assessment periods needs to be addressed to restore certainty to the assessment process.”

“The current uncertainty has had a negative impact on our ability to efficiently plan and operate our business, and by extension, it impairs the competitiveness of Yukon as a jurisdiction to assert certainty in the mine development and production process.”

“Thirdly, policy directions: We concur with the proposed amendment to give the federal minister the ability to issue binding policy direction to the YESAA board. In Yukon, once a mining project or undertaking has been assessed through YESAA, a mine requires two additional licences, a quartz mining licence and a water use licence. For the most part, projects on the reclamation side of the ledger also require similar authorizations.”

“Alexco's experience over the last eight years and ten environmental assessments” — 10 environmental assessments — “has shown that although the legislation has not changed, the interpretation of the YESA board's mandate has greatly changed. The scope of assessment undertaken by YESAB has gradually expanded over time and in some cases, moved in to water discharge criteria and standards which we view as a clear Water Board mandate.”

“The proposed amendment to set policy direction is an important amendment to the legislation, if only to ensure that the assessment in permitting bodies in the Yukon operate efficiently without overlap or duplication of the specific mandate of each organization.”

“Finally, Mr. Chair, if I could make some comments on the broader context of the mining community in Yukon, nearly all mining operations are developed in a series of phases. In general, the YESAA process is well-suited to the assessment of greenfield mines or development projects. YESAA, however, is not conducive to or aligned with the normal mine operating requirements of brownfield sites.”

“Simply stated, in Alexco's experience, it was much easier to assess and permit the initial development of mine operations at Keno Hill than it has been to sustain our operations. This has been due in part to the continual reassessing and re-permitting of routine changes to mine plans that do not alter the effects on the environment.”

“This permitting uncertainty, following establishment of mining activity, has, in my view, harmed the competitiveness of Yukon as a destination for mining capital. Passage of this bill will help restore confidence in the regulatory regime and hopefully sustain the economic growth path that Yukon has achieved since devolution.”

“... Mr. Chair, as a leader of a company engaged in responsible extraction of minerals in Yukon, I urge the expeditious passage of Bill S-6.”

I think at this point, I also would like to comment, because there appears to be some confusion around the whole issue of reassessment in that some people feel that once you go through an assessment process, that's it — individuals and First Nations have lost the ability to comment in the future on these projects — and that is just simply not the case. If there are no changes in an assessment — in a project as defined by the act and the legislation and by the decision body — what is important to remember is that the obligations and duties to consult with respect to the water licensing process and quartz mining permits does not change. I have talked to a number of people who have expressed concern or surprise when they have been told that there are no changes to their obligations and their opportunities to comment on water licence renewals and quartz mining licences. I think that's very important to note as well.

“I would like to comment or put on the record a bit of the testimony that was provided by Mr. David Morrison, president and CEO of Yukon Energy Corporation where he said, “I'm here to tell you today that as Yukon Energy, we have probably been through more YESAA screenings than anyone else, so we are the meat-and-potatoes guys here. We want to talk

about the practicalities of the process and the relationship that a lot of these amendments have to making the process better.”

“We have been through three executive committee screenings. I would guess that's two more than anybody else has ever been through. We have been through 33 designated office screenings; 39 screenings through the YESAA process.

“Timelines are imperative. In order to help the committee understand this, I want to talk for a minute about how projects work. Projects don't work on other people's timelines. Projects work within a fairly logical set of processes when you go forward to try to build things. First you do some planning; then you do some environmental baseline; you do some preliminary engineering and you start moving projects forward. Projects move forward not when every ‘I’ is dotted and ‘T’ is crossed and they're ready to go. They move forward about halfway through their life, and they move into these screening processes. Having screening processes that don't have defined timelines — and strictly defined timelines — makes it very difficult for people who are investing millions and hundreds of millions of dollars.

“In the last five years, we have spent over \$250 million advancing projects, more than anyone else has spent in the Yukon, outside of government. I think in some way you could say we are government; we are certainly a Crown corporation. As a Crown corporation, we are used to being regulated. We are regulated, regulated and regulated. We're used to regulation that has very clear, well-defined and well-prescribed operating frameworks. I would say that as much as YESAA has grown and improved over its life, it has some ways to go, and I think some of these amendments that you are talking about will really be helpful in that respect.

“Although I heard the debate around how and where the policy directive piece fits, I'd like to speak to you about why I think the policy directive piece is very important. You can't have an entity that doesn't have a parent, that can't be guided by someone. When you are trying to guide an organization or an entity, a regulator or an assessment body such as YESAA, you can't always have it going back to a legislature to get legislative change when you are talking about the practicalities of how an assessment process or regulatory process can be refined to make it work better.

“I would ascribe to Senator Patterson's view that regulation by someone closer to us is better than someone far away, but I would not throw the baby out with the bathwater on the policy directive piece. I think it's important that someone can guide an organization through its growth period, and someone has to be responsible and have the ability to set policy, guidance and framework in order to do that. It's imperative that organizations such as YESAA, which I'm grouping into this regulatory bundle of things, have consistency, fairness and transparency. That can be improved because organizations, economies, and provinces and territories grow and change over time, and somebody has to have that guiding hand.

“Without going on and on about it, my experience over the years — and I've been doing this a long time. This grey hair isn't only from stress; it's from age, as well, and

experience. We can fight about the intricacies of things or we can, in my view, look at the practicalities and look at building things and making them better.

“There are a couple of other points before I get into giving examples of where there are issues. Adequacy, in my opinion, is almost the most important thing that could be dealt with here in terms of how it's defined and the fact that it has to be defined and clear. As much as your timelines are welcome and as much as your timelines really define, from my perspective, the bigger issue of executive committee and designated office timelines being shrunk, I don't think they're shrunk enough, in my opinion, because they still allow a lot of time to go through a process. This process has all kinds of starts and stops over and above those 16 months. Yes, I understand why you have to have some leeway built into things, but right now that leeway is unfettered. It doesn't have any fences, and it needs fences. It needs to be clear for all parties what the definitions of those things are, because coming in and doing what you think is the right thing, and having somebody tell you it's not adequate, is esoteric; it doesn't give clarity to the process. When you are spending tens or hundreds of millions of dollars, you need to know the rules of the game and they need to be clear and consistent.

“Timelines are very important, as I have said, but the consistency of the process is very important. When I get down to timelines, I'd like to see some breakdowns within the process that give me an idea of how you get from one step to the next step, not just the strict 16-months on the executive committee or 9-months on the decision body.”

I know that the Leader of the NDP thinks that she totally understands all of this and that this is nonsensical. What I am reading into the record is actually individuals representing corporations who live in the real world and have to spend, who are gave testimony clearly defining why they support these amendments.

“To give you an example, from issuing a draft screening report to getting a final screening report should be a fairly straightforward and short process. You have done all the work. You have taken all the comments. You have had your consultants and experts look at it, and you have actually written a draft screening report.

“On our LNG projects, which we just had through the YESAA, it was 82 days to go from a draft screening report to a final screening report. I don't know; how do you take 82 days? Thirty days for public comment and 52 more days to write a report that you have already written. That is too long, and I don't know what happens in that period of time.

“Sixty-two days for Mayo B; 76 days for Carmacks-Stewart to get from the draft screening report to the final screening report. Seventy-six days for a project that is a transmission line. Not one pole in water anywhere, no issues, mostly following the highway.

“You have got to look at projects. I can see that some project that is large and has a huge environmental imprint might take 16 months, but I would like to see some consideration around smaller, less impactful projects. Maybe there's a more straightforward process in terms of timelines.”

I know that we've had to sit and endure hours from the Leader of the Official Opposition. I know she finds it difficult to sit in place and to listen to debate. I'm sure she'll bear with us.

**Some Hon. Member:** (inaudible)

**Hon. Mr. Pasloski:** I guess I'm wrong, Mr. Speaker.

One of the questions asked of Mr. Morrison was — "I would like to have you describe further how you would see that working. If you were the minister and were put in the position to say that for cumulative effects, I think there should be a policy and clearly describe what that policy is, within a general framework, so that a proponent would know how that is, how do you see putting that policy in effect?"

"Mr. Morrison: To me, there is a myriad of ways you could do that. It would be part of a consultative process. You would want to sit down with folks who could articulate that in a draft that might get circulated or you could sit around the table and get input, go away and come back with a draft and circulate it. But for a number of these items, what they need is a definition and clear boundaries so that everyone understands where they can go and where they can't, and what is to be considered."

"There are folks who can help do these things but it would then be, 'Okay, let's have a discussion around the table between the parties and develop this.' Not everybody is going to get everything they want, but at least you will be able to define it and perhaps it can be refined as it goes forward."

I think what we are hearing, as I have been using these examples, are practical solutions and comments from people who live and breathe this process on a daily basis. It is as a result of those sorts of comments that this government provided the recommendations that it did to the federal government through not only the five-year review, but also in part of Canada's action plan to improve the northern regulatory regimes.

Mr. Morrison goes on to say: "The YESAA office does not necessarily have expertise in that industry or that process, so if we come in with this LNG project, nobody in that office has been through it, doesn't know what a gas engine is, doesn't know what gasification equipment is, has no clue; fine. So they go out and get experts.

"Certainly in this case they got experts. We agreed around the table, as stakeholders, on the limits. One of the issues is the impact of the process if there's a spill or a dangerous situation. It was very clear that it is limited to the boundary of the property.

"Well, those were YESAA's experts. Then they decided, for some reason, they were going to get other experts who told them something else. But what they were doing was getting into the role of the regulator. They were crossing a boundary and talking about what are really regulatory issues and they were told that by the regulator, but they still wanted to go out and do that work.

"One of the difficult issues is that you have a lot of people giving you a lot of comments. How do you address them? At some point, they don't have the resources to do that, so they may need more resources.

"More importantly, it is the lack of understanding. We were going through a designated office screening on an air emissions permit for our diesels and we get questions: 'Tell us how you're going to operate the diesel, system-wide.' We're talking about one community at a designated office. 'Tell us how you're going to operate this system, system-wide. Why are you going to do it this way or that way?'" Those are operational issues that have nothing to do with the air emissions in that community.

"They tend to stray out of their area, which is why I talked earlier about needing to understand the adequacy, but you also have to understand the roles what you are really assessing. You are assessing what's in front of you. Whether you want to stray or people want to make comments about things, they tend to get dragged off, I would say.

"One of the things I really like about the YESAA, and I would be at fault for not saying this, is the ability to go in and talk to them, whereas you can't talk to most regulators. You can have a discussion with them. You don't always win, but at least you get an opportunity to state your case, and that's important. It is important in all this process to realize that you're going to win some and lose some. You are going to get regulated. You are going to have an environmental decision that doesn't have everything you want in it, but that's not the point. The point is to do the best job and as long as it is done fairly and transparently, I think we're all winners."

Mr. Speaker, I could go on and talk about this a little bit more, much to the chagrin of the Leader of the New Democratic Party, but I think that, through this debate, I have articulated clearly the position of Yukon government that we were asked to provide comments and recommendations. We did. Those comments and recommendations essentially revolved around our request to ensure that our assessment process was consistent with other jurisdictions. We shared those comments with First Nations when we provided them to Canada, so there was full disclosure to First Nations. I know that Yukon First Nations were invited to — and, in fact, the Yukon government also encouraged Yukon First Nations to provide comments and recommendations through Canada's action plan to improve northern regulatory regimes. This government continues to believe that having a consistent process allows the opportunity to be competitive with other jurisdictions because the extraction industry is a global industry and people factor in everything before they make their decision as to where they're going to explore, where they're going to mine or where they're going to invest. We feel that having an assessment process that is consistent with other jurisdictions allows us that opportunity.

Another checkmark on the good side is perhaps seeing money flow into this territory — money that then flows throughout this community. It creates jobs through that project, but it also creates jobs right across our economy. As our economy grows, as it has — of course we give credit where it's due — within tourism, but our primary economy has been the resource extraction economy. As that sector has grown in the past decade, we have seen an over 20-percent increase in our population as a result. We have seen

diversification in our economy as a result of the increase in population. We continue to focus on diversifying that economy through the good work of many of the ministers on this side of the government, to help us ensure that, when mining goes in one of its downward turns, as we have been experiencing in the last couple of years, we continue to be in a better position to lessen the dips in the mining cyclical economy.

Thank you for the opportunity to talk today to this motion. Of course, the government will not support the motion.

**Ms. Hanson:** I appreciate the opportunity to stand here to speak to this motion.

I'm reminded of some words I heard earlier this week that, when the Premier speaks — and it was with respect to the very lines and to the message we heard again this after. He has really repeated these lines so often that it appears that he believes them, which must be comforting because it's becoming increasingly apparent that he's becoming more isolated in those beliefs.

There are a number of areas I wanted to speak to — why we're here again. We are, for the third time in this Legislative Assembly, debating a motion with respect to how this government has — and I'll use the word “incredibly” because it is incredible that they have mismanaged this file so badly.

There are a couple things I would like to touch on. I will talk about — unlike the selective words that the Premier chose when he talked about what was the position of the federal government and the territorial government — I'll put on the record what exactly the federal minister and the Member of Parliament did say in Parliament on Monday. I was there; I listened intently.

I'll speak a little bit about what First Nations leadership said when they met with the federal Leader of the Official Opposition, Thomas Mulcair — what I heard there — and then I would like to speak a little bit about how we as legislators get out of the mess that has been created by this government, because ultimately that's what we have to do. The territory requires it. Yukoners require us to do the right thing and so far that hasn't happened.

I have said in this House not too many days ago a quote from a former President of the United States who unfortunately — he learned the hard way, the words that he said — but he said, “The truth shall set you free, but first it will make you miserable.” You know, I have no qualms about the individual misery the Yukon Party Government has brought up on itself, but I do have a deep concern that their actions and their manipulation of the facts and the mischaracterization and the false assertions that they have made —

**Some Hon. Member:** (inaudible)

### Point of order

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

**Hon. Mr. Cathers:** For the member to do as the Leader of the Official Opposition did and accuse another member of manipulating the facts and mischaracterizing — and she just used the word “false” in her last phrase — is, it would appear to me, to be clearly contrary to Standing Order 19(h), which is to charge “another member with uttering a deliberate falsehood. In past Speaker's rulings, my recollection is that type of language has been ruled unparliamentary.

**Ms. Stick:** I did not hear the member, my colleague, use or utter a “deliberate falsehood” or insist or insinuate such and I would suggest that this is a dispute between members. We've heard the same language coming from the other side earlier today and I see no difference.

### Speaker's ruling

**Speaker:** I'm going to have a look at the Blues to ensure the proper — the context that all the words were used in. As I mentioned earlier, this is a very contentious debate that is going on and both sides are very impassioned. I would caution again, be careful of your words. They will come back at you.

**Ms. Hanson:** Thank you, Mr. Speaker. In fact, I was just quoting the Premier.

**Some Hon. Member:** (inaudible)

**Speaker:** Please move on.

**Ms. Hanson:** This is a very serious situation that is facing Yukon as a result of the imposition of Bill S-6. Yes, it is federal legislation, but it has been put forward with the full and slavish support of what passes for what I would call the Yukon Party government caucus.

This past week, I was taken aback. I had not necessarily believed — and in my comments in this Legislative Assembly, I had assumed that the territorial government was merely going along with direction that was coming from the federal government. You can imagine my surprise as I sat in the parliamentary gallery and listened to Bernard Valcourt, the Minister for Aboriginal Affairs and Northern Development — or AANDC, or whatever they call it these days. He said, on Monday: “The Yukon government wrote to my predecessor requesting...” — and you will note, Mr. Speaker, that it is not a portion of the four, it is all four, unlike what the Premier said — “...additional amendments to YESAA to ensure consistency across regimes. That was to include beginning-to-end timelines, ability to give policy direction to the board, cost-recovery regulations and the delegation of authority.” It would appear to me that the minister is going to have to get his message box coordinated with Minister Valcourt.

The Premier made a great production last week and again today about his role in setting up a meeting with Minister Valcourt. In fact, it is a continuation of the patronizing attitude that has been exemplified by this government toward First Nations. First Nations have very capably and ably been arranging the meetings in advance of their trip to Ottawa. They had already confirmed a meeting with the minister. It was the timing. For the Premier to suggest that it was some

special touch he had that created that — what it does do is reinforce the attitudes that exist within this government and that exist within the federal government toward First Nations and toward self-governing First Nations.

When I sat in that parliamentary gallery and looked down, it was a bit of a shock because I recognized faces in that room and I heard words that came out of the minister's mouth that could have been spoken 20 years ago — and in fact were spoken 20 years ago, when the federal legislation to give effect to First Nations final and self-government agreements was being passed. Some of those very same ministers and members of Parliament, former ministers of Aboriginal Affairs, who, at that time — every single one of them — every single one of those Reform and Conservative Party members — voted against Yukon First Nation final and self-government agreements. You know, Mr. Speaker, it appears to me that they just haven't given up.

Today, the minister for aboriginal affairs was asked by the Official Opposition critic a question with respect to statements that First Nations had said that the minister had made in their meeting with them, where he had indicated that there wasn't any need to really consult with First Nations because they weren't really a government. In response to a question asking for clarification from Jean Crowder, the NDP MP for Nanaimo-Cowichan, he said, "What course? It's because the UFA says specifically that they are not First Nations and they aren't self-governing." If the Minister of Indian and Northern Affairs is that ill-informed and this government is taking its direction from them, we're in deep problems.

I was taken aback by the comments, first of all, of the federal minister, that these four amendments that have been so contentious actually came from this government — what an awful thing to have happen.

In addition, the MP for Yukon asserted that again later on in the debate, when he said — again, this is along the timelines of both of them referring to the conclusion of the five-year review, after he said — and both the minister and both the MP had the same speaking points on this in December 2012, after the completion of the five-year review and the passage of amendments to CEAA, and following their announcements of their action plan to improve northern regulatory regimes, it was after those that the Yukon government — this is now the MP saying the Yukon government requested additional amendments to YESAA to ensure consistency across all regimes, including policy direction and the authority to delegate powers to the territorial minister.

The Premier can try to paint it in as many different ways as he wants, but what he has put on the record today, and repeated again and again, reinforces the notion that this government does not get that we have entered into a new era. This is not 1974 or 1975; this is 2014.

They may be taking their lead from the senator who, when he was Minister of Education in 1975, threatened to tear this territory apart if land claims went ahead. I had thought we had gotten beyond this, but this is what we're doing,

Mr. Speaker — we're going back to the future, and it's really sad. It's sad to think that we would allow the attitudes of the past — the fundamentally racist attitudes of the past — that thought they could ignore First Nations and First Nation people, who thought there would never be a just land claims settlement, because they could stand in the way of it. But First Nations and Yukon governments and the federal government of the day eventually saw the wisdom, and we entered into a covenant, an agreement, that we would change for the future.

We're not doing that; we're attempting, through every action of this government — and I said this before. It's like there are 26 chapters in the UFA, and if they're going to try to go through each of those chapters and try to find a way to undermine them, we are in for deep trouble in this territory. If the economic uncertainty that the Premier alluded to earlier — and if he thinks he has a problem now, keep at it — but he won't be at it long enough, because there is a change coming.

When the First Nations met with the Leader of the Official Opposition, they said that they were — and I'll quote from my notes from that meeting — they were so taken aback that the minister does not acknowledge the importance of final agreements and First Nation self-government agreements. They had hoped that the minister would pay attention and they said that the issue has gotten bigger than this bill. The fact that the minister has publicly stated that they're not self-governing in his mind — one of the chiefs says — will aggravate tensions. As the relationship deteriorates, the negative economic spiral will continue. He said that is no way to give certainty.

You know, Mr. Speaker, the most amazing thing that that chief then said was that we need to find a way for reconciliation, because this approach where people think they can bully us — they think they can just tell us what to do — is not going to work. That is so far in the past. They used the word "reconciliation". We should be listening.

The Premier spoke a fair amount about the need to get our regulatory regimes — and, you know, everybody is going to be all streamlined across the country. One of the things he has not mentioned — and I think it's absolutely vital — and this was a conversation that occurred with the chiefs and Tom Mulcair, the Leader of the Official Opposition. When they talked about — and they went into a fair amount of detail with respect to the concerns that they have — but one of the things that I heard the Leader of the Official Opposition say was that — I'm paraphrasing what he said — we have a government that was of the impression that they were doing what a lot of business communities wanted and what industry wanted, which was to move to a streamlined approvals process. We saw that, Mr. Speaker, through the various omnibus bills — the gutting of the *Navigable Waters Protection Act*, the *Fisheries Act*, the changes to CEAA that reduced the scope of federal assessments — or in some cases, exempt of the requirement for environmental assessments altogether — the changes to the notion of the one-project-one-review process. We saw what the implications of that were, for example, in Fish Lake in British Columbia. The reality is that — there was a fair amount of conversation on Monday about this — if you



don't have social licence at the same time as you're getting the regulatory licence, nothing gets built. You know, Mr. Speaker, that seems to be resonating across this country. If you do not have social licence at the same time as you're getting the regulatory licence, nothing gets built.

What was seen at the beginning as being of a bit of a gift — the Premier keeps trying to describe this as a gift to industry and that this is what will make things hum; this will make it work. You know what? It has actually turned into a bit of a poisoned chalice. Is that what you give to your friend?

The Premier made some selective comments and I think what we saw and heard — because I read all of those submissions to the Senate committee as well — but what we are beginning to see is that industry is realizing that they have been handed a poisoned chalice. We saw this week both Casino and Kaminak sending letters saying how important it is. In the Casino letter they said — I'm quoting: "It is imperative for Casino that the *Yukon Environmental and Socio-economic Assessment Act* has the broad support of all governments in order to ensure the confidence of both project proponents and Yukon residents..." Social licence, Mr. Speaker.

"Casino believes that if the YESAA has the full support of all levels of government, it will provide greater certainty for the mineral industry. To this end, we encourage Canada, Yukon and First Nation governments to engage, work collaboratively and find a solution..."

In Eira Thomas' letter from Kaminak, she said: "The First Nations are asking the federal government to come back to the table to discuss these amendments. Kaminak fully supports the First Nations in this request, and urges the federal government to resume discussions with the First Nations toward reaching consensus on all the proposed amendments to YESAA proposed by Bill S-6."

We have an opportunity here to do the right thing. What we need to be doing is finding a way for reconciliation, to restore the friendly relationships. Reconciliation is about forging and maintaining respectful relationships and there are no shortcuts. It is time for this government to actually listen and to work with people and not try the bully-boy tactics, because they are not working and the Yukon economy and Yukon citizens cannot tolerate this any longer. It is time to do the right thing. Let us try to find a way to take some action to restore the belief in one level of government in another level of government — what people say to each other, they actually believe. It is not just rhetoric.

I believe that the message that we have today is that the territorial government has chosen one path. They have an opportunity — and there is willingness within this community and within First Nations' communities to step back and to work together. But if they continue on the path that they are on, we will see more confrontation, and we will see more unnecessary litigation — litigation that nobody can afford and would do irreparable damage, not just to the relationships within this territory, but the relationship of Yukon with the external world.

In terms of the effect that this government says it is doing this for people, on the industrial side, they will be doing irreparable damage to them because they will not be able to find the investors to do the work that they want to do — that we need them to do — to build a sustainable economy in this territory.

It is time to remove the poisoned chalice. It is time to work with all Yukoners to create the Yukon that we know is possible.

**Mr. Silver:** Thank you to the Member for Mayo-Tatchun for this motion today.

The Yukon Party and its federal colleagues are pushing unilateral changes that do not have the support of Yukon First Nations. As we learned Monday, the controversial changes to Bill S-6 were requested by the Premier.

In his second reading remarks in the House of Commons, the Minister of Aboriginal Affairs and Northern Development had this to say — and I quote: "In December 2012, after the completion of the five-year review and the passage of amendments to the Canadian Environmental Assessment Act, and following our government's announcement of the action plan to improve northern regulatory regimes in Nunavut and the Northwest Territories, the Yukon government wrote to my predecessor to request additional amendments to YESAA to ensure consistency across regimes. That was to include beginning-to-end timelines, ability to give policy directions to the board, cost-recovery regulations, and the delegation of authority."

These last minute changes, slipped in without consultation, have Yukon First Nations preparing to go to court yet again. The court ruling was very critical on how this government treats Yukon First Nations — for the Peel, obviously — regarding consultation. The judge rejected the unilateral and polarizing Peel plan brought forth by this government. Unfortunately the same situation is going to play out with Bill S-6.

This government needs to understand that its unilateral approach is creating the economic uncertainty we're seeing. This government is failing to forge working relationships with Yukon First Nation governments. The changes in S-6 are the most recent examples of this short-sighted approach.

In January, I issued a news release calling on the Premier to go public with his secret negotiations he was conducting with the Government of Canada on changes to YESAA. He ignored my suggestion then and when I raised it during the spring session of the Legislative Assembly, he ignored it as well. On April 1, I predicted that this government's divisive approach would once again strain relationships between the public and the First Nation governments. Little did we know over that last year that it was the Yukon government — not Ottawa — that was making the recommendations.

We as taxpayers are on the hook for hundreds of thousands of dollars in legal fees. Yesterday the Yukon Supreme Court rejected the government's unilateral approach to developing a land use plan in the Peel watershed. This follows on the heels of a 2012 court decision that the Yukon

government lost to the Ross River Dena Council. Now that's two major legal strikes against this government in just three years.

The government is currently championing Bill S-6, which makes major changes to YESAA. Yukon First Nations have said that they will go to court if this bill becomes a law. This government is not doing well when it comes to court cases. Yet, it looks like YESAA amendments, as requested by the Premier, will take us back to the courts.

I have spoken out about how I am in favour of clear and consistent regulatory regime and that there are areas where things can be streamlined to make permitting more effective. I do agree with some of the comments here earlier about designated offices and the timelines and how there is not consistency between timelines. Absolutely there are issues that we need to address. But I've also said that the approach by this government is going to create uncertainty for the mining industry.

This week my warnings to the Yukon Party were proven true when one of the largest mining companies in the Yukon also spoke out against this government's approach saying that it is having — and I quote: “a negative impact... on the territory's mineral industry.” Before we end up in court again, this government should back down.

Yukon's mineral industry has seen decline in the last year, resulting in our GDP drop. Private sector investment was drying up, forcing the minister to inject more government money into exploration. Now, mining incentive money is great, but it will mean very little when projects get locked up in lengthy legal battles, which is what will happen when this government's approach to the changes of YESAA take tack.

We have heard from Yukon First Nations that they will take the government to court over it. In speaking to several First Nation chiefs about the change, I know that they are not opposed to mining in the territory and they believe it could be a very strong economic driver for many in the rural communities, and many in their aboriginal communities as well.

They also have no problem with over 70 of the amendments that they did have a chance to debate, but First Nations are not going to allow the federal government to make amendments, changes, that so blatantly fly in the face of the *Umbrella Final Agreement* — amendments that they were not consulted on.

Mr. Speaker, further eroding the relationship between Yukon First Nations and the Yukon government is not a solution to what is ailing the mining industry. Yukon's mining industry will never succeed in an environment where we pit it against First Nations' interests and their legal rights under the *Umbrella Final Agreement*. The Yukon Party spent seven years consulting with Yukoners but ultimately ignored their own process. The mining industry needs market certainty, and Bill S-6 will not create that. Changes to YESAA may address some of the problems that the mining industry has been having, getting projects off the ground, but the way that the Yukon Party government has approached these changes will

lead to even bigger issues for the mining industry in the long run.

It is disappointing to watch the government blindly defend Ottawa, and I am sure the Premier is equally disappointed that Ottawa chose not to defend him.

Bill S-6 should be withdrawn until proper consultation is done with Yukoners or, at the very least, the proposed changes should be removed to allow for consultation. It is abundantly clear that Yukon First Nations are opposed to these changes and that they will have to defend their rights on this matter by legal means.

Vocal and legally binding opposition to these changes will not help to streamline mining processes, but will create uncertainty for the industry and drive away investors. Yukoners also have a right to comment on Bill S-6 and should be allowed that opportunity. The government is currently championing Bill S-6, which makes major changes to YESAA. Yukon First Nations have said that they will go to court if this bill becomes law. At the same time, the president of Casino Mining Corporation says S-6 is having a negative effect on the territory's mineral industry because it has no support from the First Nations. I think this particular mining company should be credited for their ability to consult with First Nations.

This government is not doing well when it goes to court, so maybe it's time for a different approach.

The losses in the court are piling up. This government lost a major court decision, a major battle, at the end of 2012 with the Ross River Dena Council and it lost an even bigger one this week. The Premier's requested changes have once again put the Yukon government in a position where money will be wasted on a likely losing battle with Yukon First Nations. There is no doubt that this is going to spur more economic uncertainty in the territory.

That is pretty much all I have to say on this one today, Mr. Speaker.

**Ms. Moorcroft:** I rise to speak in support of the motion brought to the House by my colleague, the Member for Mayo-Tatchun. I urge members to support the motion: “THAT that this House condemns the Yukon government's request that the Minister of Aboriginal Affairs and Northern Development Canada include four amendments to YESAA opposed by Yukon First Nations in Bill S-6, *An Act to amend the Yukon Environmental and Socio-economic Assessment Act and the Nunavut Waters and Nunavut Surface Rights Tribunal Act*, after the five-year review process was completed.”

I want to begin by pointing out that, as legislators, we should be seeing a difference today in the relationship between First Nations and non-First Nations in the Yukon than we have seen in the past. That history of relations between aboriginal and non-aboriginal people is an interesting study. The recognition of indigenous peoples' rights to the land and the fact that Turtle Island, as North America is called by some aboriginal peoples, was in fact occupied before settlement by First Nation people who had economies and governments and was never acknowledged by the settler

society. The term “terra nullius,” or empty land, is what the ancient maps deemed Turtle Island, but it wasn’t empty.

So, Mr. Speaker, it’s not surprising that, when the Klondike Gold Rush resulted in an influx of thousands of people seeking their fortune in the north, there was no recognition of the Tr’ondëk Hwëch’in rights or the existence of its government. But, at the tail end of the gold rush, Chief Jim Boss of the Laberge peoples asked the Indian agent to tell the king that we wanted a treaty. He said, “They’ve taken our land and our game.”

It’s not surprising that, when the United States Army Corps of Engineers rolled in to begin construction of a pioneer road from Dawson Creek to Fairbanks, Alaska, which is now the Alaska Highway, there was no recognition of the sovereign First Nation governments that inhabited this territory, and there was no thought of a treaty or a land claim. The settler community basically helped itself to the land and the resources.

The federal government adopted a policy of assimilation “to take the Indian out of the child”, as Duncan Campbell Scott, the federal minister, said, so, for many years, the *Indian Act* made it illegal for a lawyer to represent a First Nation to seek title to the land.

I do hope the Yukon Party government today doesn’t think that we should revert to that day, but its track record on forcing First Nation governments to court is deplorable.

I mention this history as relevant background to the changes that came about through the negotiation of Yukon land claim agreements. Yukon First Nations always resisted colonization and they always worked to maintain their culture. Chief Elijah Smith took *Together Today for Our Children Tomorrow*, as a land claim, to Ottawa in 1973. We recognized the 40<sup>th</sup> anniversary of that here in this Legislature.

One of the reasons it took 40 years of negotiation was, in part, because of staunch opposition from — today, the Yukon Party; at times during the past, the Yukon Progressive Conservative Party. But those negotiations were completed and Yukon’s modern-day treaties are enshrined in the Constitution of Canada. The Yukon Party government doesn’t seem to get that.

I want to draw a parallel to the Peel court decision yesterday and the attempt now — in fact, looking successful — for the Bill S-6 to go forward and to be passed in the Parliament of Canada.

Looking at a media summary related to the Peel decision that was released yesterday, it points out that as treaties, the final agreements are to be given a large and liberal interpretation, consistent with the objectives of the treaty and in a manner that upholds the honour of the Crown. The final agreements give Yukon First Nations certain rights in their traditional territories in exchange for the release of their claims to it. This includes a right to participate in the management of public resources.

Chapter 11 of the *Umbrella Final Agreement* sets out the approach to land use planning, which is consultative and collaborative and relies on an independent and objective land use planning commission. The Government of Yukon is

required to consult as that term is defined by the final agreements.

Similarly, chapter 12 of the final agreements sets out the *Yukon Environmental and Socio-economic Assessment Act* and its responsibilities. The amendments that are before Parliament and the changes to the *Yukon Environmental and Socio-economic Assessment Act* do not reflect the final agreements.

So I found it really disturbing today when the Premier said that his government engages in — quote: “ongoing good-faith dialogue with Yukon First Nations.” We do have an opportunity for ongoing good-faith dialogue with Yukon First Nations and that’s what the Government of Yukon should be doing for all Yukon people — for non-aboriginal people and for all segments of society as well as for First Nations.

When we look closer to home at the arrogance with which the Yukon Party government — Yukoners wonder if they have gotten their speaking points about Bill S-6 directly from the Prime Minister’s Office. Today in Ottawa, the Yukon Council of Yukon First Nations held a press conference and it appears that the federal government doesn’t understand the true weight and importance of treaty rights. The Leader of the Official Opposition just spoke to what she heard the federal minister saying when she was in Parliament earlier this week.

The media release from the Council of Yukon First Nations quotes the Little Salmon Carmacks First Nation chief saying, “The minister shut us down by telling us we were ‘not real governments’, and therefore he does not need to make us active participants in changing legislation that arises from our treaties.” This “flies in the face of recent court decisions that have affirmed the duty to consult First Nations. It is an insult and a signal to First Nations everywhere that our views don’t count.”

Mr. Speaker, I would like to table a copy of the media release that was put out by Yukon First Nations earlier today, as well as a summary of the consultation record on Bill S-6, which lays out a record that is unfortunate. It lays out a record that shows this government doesn’t truly honour the principles that we find in our land claims agreements.

One of the lines from the Supreme Court ruling that struck a chord with me is — I want to quote it: “The plain reading interpretation endorsed by the government does not enhance the goal of reconciliation and is inconsistent with the honour and integrity of the Crown.”

The honour and the integrity of the Crown are so important for the government to consider. It means that the Crown must be honest and forthright in its dealings. Government cannot lie in the weeds and play “gotcha” and it cannot rely on legal technicalities, or as the judge said, then engage in sharp practice.

So the judge made reference to the Supreme Court of Canada and they’ve said that government must act with honour in its dealing with First Nations. We haven’t seen a lot of honourable dealings in the Yukon government’s approach to First Nations in recent years. The Ross River Dena Council had to go to court to win over their right to be consulted about

development on their traditional territories. The White River First Nation is in court and just yesterday, the Na Cho Nyäk Dun and the Tr'ondëk Hwëch'in challenge to the land use plan that this government unilaterally imposed was a victory for the First Nations and the environmental groups who challenged this government. The judge said that you have to honour the agreements.

So the changes to the *Yukon Environmental and Socio-economic Assessment Act* are of deep concern. They are of deep concern because they will have a negative effect on economic certainty within the Yukon. We've heard First Nations putting forward their concerns. The Premier says that the binding policy direction proposed in Bill S-6 to give Canada the power to give binding policy direction to the Yukon Environmental and Socio-economic Assessment Board is something that helps reduce uncertainty, because it is consistent with legislation in Northwest Territories and Nunavut — once again, ignoring our own Yukon laws and the final agreements that we have that are renowned across the country — that other jurisdictions would like to have.

The Premier is saying that the maximum timelines for assessments are not a concern and anyway, it was proposed by Canada. But the Premier supported it and it also contradicts what the federal minister has said.

Again, the proposal to provide that there will be no assessments for a renewal of projects may result in negative impacts to the environment, to our economy and to our communities. The Premier says, oh, well that's consistent with the Northwest Territories and Nunavut. Well, it's not consistent with our land claims agreements.

I believe this is a watershed moment. The Peel court decision gives this government some time to pause and to reflect on where it needs to go. It's time for a responsible approach.

I would say to the government, stop and listen. Listen to what the community members are saying. Listen to what the mining industry is saying about creating certainty by respecting final agreements. Listen to what First Nations are saying and stop and read. Read *Together Today for Our Children Tomorrow* — which many sections of, you will find, have not been fully addressed yet today. That's from the 1970s. Read the *Umbrella Final Agreement* from the 1980s. Read the First Nations final agreements and self-government agreements that followed over the following 20 years. Stop and reflect.

We can do better than going to court against First Nations. We can do better than denying the legitimacy of our final agreements which so many of us are proud of because it sets out the possibility of a new relationship and of a constructive relationship.

I would implore the government to make an adult and a responsible approach. I would ask the government to speak to the federal minister to seek to withdraw Bill S-6. I did want to mention before I concluded that I was very disappointed by the fact that Bill S-6 was introduced in the Senate, which is unelected. I find that deeply offensive to principles of democracy. Senator Lang was a staunch opponent of the land

claims agreements throughout the time they were being negotiated in the Yukon when he was a leader in territorial politics. The public record will show that. So it's not surprising that that senator introduced Bill S-6. But it is extremely unfortunate and, I repeat, it's profoundly undemocratic.

In closing I would urge members to support this motion and thank the Member for Mayo-Tatchun for bringing it forward for debate today.

**Ms. White:** I think there have been some interesting comments made on both sides of the floor today, including the Premier talking at great length in reflection of presentations made by industry at the Senate committee hearing. I think it's an interesting thing to know that all 14 of Yukon's First Nations were given a one-hour slot — so 14 First Nations in the territory were given a one-hour slot. It is interesting.

I am going to read a list of the people who presented because I think it is valuable in this context. We know that the Premier spoke. We know that, from the Government of Nunavut — there were presentations by them. There was a presentation from the Department of Justice. There was a presentation from the Yukon Chamber of Mines. The Yukon Chamber of Mines had the same one-hour slot as all 14 First Nations had. We had the Klondike Placer Miners' Association that also had the one-hour slot. We had Alexco Resource Corp. We had the Nunavut Water Board. We had the Northwest Territories and Nunavut chambers of mines. We had the Canadian Association of Petroleum Producers. They also got to present to the Senate committee at the hearing on the changes to YESAA. We had people speak from Aboriginal Affairs and Northern Development Canada. Then, of course, we had the Council of Yukon First Nations and, within that spot, it was to represent all 14 First Nations. The Council of Yukon First Nations represents a number of them, but not all. To know that all 14 First Nations were given the same one-hour slot is a bit surprising for me. It seems that is disproportionate. Also, it is interesting to know that David Morrison, the past president and CEO of Yukon Energy Corporation, spoke also for that one-hour slot.

The Premier said at length many, many times in the House that 73 out of 76 amendments were unanimously agreed on, but he never focuses on the three that were put forward by First Nation governments that never even got discussed at the table. First Nation governments flagged their concern that they just don't have the means to fully participate in YESAA processes.

When we were going through the boom and the YESAA offices were having a hard time keeping up — well, they are federally mandated and they get federal funding to help that and to go through the processes. First Nation governments don't have that same access to resources. One of the amendments put on the table was First Nation governments asking for financial help in meeting their requirements to respond to YESAA applications.

It just seems that, in this entire process, the voices that we should maybe be listening to the most have been the ones that

have been the most marginalized. To know that the 14 First Nations in the territory were given the one slot is really hard to stomach.

I think there is great value in talking about the Teslin Tlingit Council's response that they sent in September of this year. Even the title kind of gives you an idea of where they are coming from. It is called *Paddling Off in the Wrong Direction*. It lays it out right there. That is how the Teslin Tlingit Council feels. It is a very lovely document, and it is incredibly well-written. There are certain paragraphs that I would like to read: "One of the unique promises of the Teslin Tlingit Council and other Yukon First Nation Final Agreements was that a 'made in the Yukon' environmental and socio-economic assessment process would be established to link assessments in ways that were consistent with, and that would support the proper implementation and continuance of, other Final Agreement rights. 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 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 determine, in collaboration, whether the first iteration of this legislation fulfilled the promises set out in Chapter 12, and the Final Agreements generally."

That is laying out where they're coming from.

They go on to say: "Amendments included in Bill S-6 go beyond the scope of the Five Year Review, which was about improving the YESAA regime to better meet the objectives of Chapter 12 of the Final Agreements, and are not being introduced to achieve valid legislative objectives. This will result in infringements that cannot be legally justified under section 35 of the Constitution.

"Specific concerns of the Teslin Tlingit Council include the following:

"1. The amendments fail to meaningfully address the most important recommendations made by First Nations during the Five Year Review.

"2. The amendments demonstrate steps by Canada to significantly limit its role and responsibilities under the YESAA in ways that do not accord with the relationship established under the Final Agreement.

"3. The amendments give Canada the power to unilaterally impose enforceable and binding policies on the Board, effectively altering the balance of power between governments promised in the Final Agreement, and compromising the independence of the Board.

"4. The amendments do not provide appropriate guidance to considerations respecting the potential infringement of Final Agreement and Aboriginal rights.

"5. The amendments allow for the repeated submission of projects where the proponent fails to provide adequate information.

"6. The amendments create a broad exemption from assessments for renewals and amendments of permits or authorizations.

"7. The amendments fail to provide appropriate guidance to proponents to consider impacts on Final Agreement rights in order to plan their projects accordingly.

"8. The amendments include a number of ill-considered new timelines that are being introduced into the legislation rather than through appropriate, jointly-developed regulation or Board policy.

"9. The amendments fail to appropriately address on-going issues around land use planning and may result in serious infringements as a result.

"10. The amendments provide broad powers to the Board to access a First Nation's sensitive, confidential Traditional Use information.

"11. The amendments regarding cumulative effects do not sufficiently provide surety about the information required to consider cumulative effects at the landscape level."

Those are from the Teslin Tlingit Council, and they are far-reaching and they really flag what they're concerned about.

This paragraph, I think, kind of wraps up their feelings. "The unilateral amendments provided for in the Bill, and the process of their implementation, are the antithesis of the shared governance approach that was promised in the Final Agreements. They ignore the specificity of the Yukon context and the binding Final Agreements of the Nations who were convinced that these Agreements would bring about a better future. Yukon First Nations entered into these treaties with the assurance of appropriate, objective, and comprehensive assessments to protect the sustainable future of their Traditional Territories. This disregard for First Nation concerns is emblematic of a continued lack of understanding of the North, and the intentions of the modern land claim agreement meant to chart our way forward, together. We urge the Committee and the Senate to rethink this approach; it is time to recognize the economic potential and power of the North while respecting cultural values of the people who live here. The way to do so is through the fulsome, honourable, and generous enabling of the Final Agreements."

Mr. Speaker, the Teslin Tlingit Council — it's a 23-page document — they elaborate on all those points that I just read out. They elaborate on how they feel that these amendments are going to adversely affect their final agreement.

The Champagne and Aishihik First Nations had, obviously, a very short amount of time to present at the Senate hearing, because everybody had to speak within that one-hour slot, so they sent a follow-up letter.

"This letter is provided as a follow up to our presentation to the *Standing Senate Committee on Energy, the Environment and Natural Resources*, September 25<sup>th</sup>, 2014. I would like to thank you for providing representatives of Champagne and Aishihik First Nations (CAFN) the opportunity to briefly present as part of the Council of Yukon First Nations allotment of time. This letter is intended to reaffirm and provide further explanation of our concerns with certain

proposed amendments to the YESAA under Bill S-6. I trust you will give full and fair consideration to CAFN's comments and issues before concluding the Committee's report back to the Senate."

They go on in an 11-page document to highlight their concerns around the proposed amendments to Bill S-6. It's interesting in this. In the entire conversation — the Premier talks about the 73 of the 76 — he never once mentions the amendments that were put forward by First Nations. They were put forward by First Nations with the expectation that everyone would go back to the table and have a chance to discuss them, like they did with the other amendments, prior to the four that were put in after, but that never happened.

They went through their process with open hearts and with the right intent. They put forward their amendments, and those amendments never got the same ability to be discussed as the ones that had been done in the previous process.

It seems to me that the Senate committee made sure they listened to the Chambers of Mines; they listened to the Canadian Association of Petroleum Producers; and they listened to the past-president of Yukon Energy Corporation. If we think about the amount of time that would have been given to all First Nations, we're looking at three-and-a-half minutes apiece for each First Nation to say if they wanted to go ahead with it or not — you know, three-and-a-half minutes to say why they were unhappy with it — and that just doesn't seem fair to me.

The Senate committee would have had the ability to come to the Yukon to hear Yukoners and they chose not to, and now we're at the parliamentary level. The Council of Yukon First Nations and some chiefs went down, and I don't know that they're coming back feeling better about the process. What we're talking about are changes to federal legislation that affect territorial and First Nation responsibilities. First Nations have been really clear that they're unhappy with these proposed amendments. They do agree that the five-year consultation process was what it was, but what they have the big problem with are the four amendments that were put forward by this government in December of 2012. It's an interesting thing to look at that document, because it's 23 pages long and it's not super-clear to a layperson like myself how you would go through this to understand what the full ramifications were of this document.

I think it's only fair to say that Bill S-6 is not good for Yukon. The public meeting that the Council of Yukon First Nations held to talk about the changes to S-6 was standing-room only. The room was at maximum capacity and people had questions — and we're talking about Yukoners. Regardless of the colour of our skin, it was standing-room only, and that was really heartening for Grand Chief Massie, who was there. It was interesting to hear her talk about these and how it was making First Nations feel.

Just even the very idea to know that all 14 First Nations weren't given the opportunity to speak, or an equal opportunity to speak, as industry was, just begs into question the entire process.

I thank the Member for Mayo-Tatchun for bringing it forward and I thank the other members who have spoken about it. You know, S-6 does not appear to be good for Yukon, and it gives me great concerns to know that we have very little control about what happens with it.

**Ms. Stick:** I hadn't intended to speak, but I've been listening and thinking hard about this Bill S-6 over the last couple of weeks, listening to responses to questions, listening to First Nations and what they have laid out that is important to them, reading what's in the newspapers, listening to the media, listening to the chiefs and members of CYFN speak and, for me, I think it was most enlightening when the Council of Yukon First Nations invited the public — invited Yukoners — to come and hear about the changes to YESAA and how it — as the title says — threatens our land, our economy and our Yukon.

Along with the standing-room only crowd there of many people, many ages and backgrounds, I too was surprised to hear of what the First Nations felt had happened in the course of these negotiations, both with the Yukon government and with Canada, and how they felt that this was really putting at risk the whole relationship.

What impressed me also at that meeting was the number of people who got up and spoke, and spoke in favour of what the First Nations were saying — and talked about, this wasn't changes to YESAA that threatened First Nation land or the First Nation economy or the First Nation Yukon, but that this was going to impact all Yukoners and that we were in this together and that we were all signatories to the *Umbrella Final Agreement*. It wasn't just something for the First Nations — it was for all Yukoners.

So I've done more reading and I've been doing some listening, and listening to what particularly the First Nations have had to say. They travelled to Ottawa this week with the express purpose of speaking to the minister, expressing their concerns, asking for the withdrawal of this bill and their reasoning.

They weren't there to protest, they were there to talk, to consult, to put forward their opinion. Frankly, Mr. Speaker, reading their press release and reading what was said in Parliament is really surprising. My colleague for Whitehorse Centre talked about how she was taken aback to hear the minister for Canada speak to the First Nations — speak to Parliament, in fact — and talk about how they didn't need to be consulted, that the First Nations — the quote here is from Grand Chief Ruth Massie: "The minister shut us down by telling us we are 'not real governments' and therefore he does not need to make us active participants in changing legislation that arises from our treaties." I misspoke, Mr. Speaker. That was actually Little Salmon Carmacks First Nation's chief, Eric Fairclough.

I can't imagine how they felt — to be told that by the Minister of Aboriginal Affairs and Northern Development. What were these land claims all about, if in fact, the minister believes they are not real governments? That is not the way to move forward and it will — these First Nations are being

backed into a corner and being told to take it to court, and they have been. Previous members spoke about some of the decisions that have come down recently and what I see is, every time the First Nations win one of these suits that are in court, they are gaining strength. They are gaining strength by having the courts agree that, yes, they are governments and yes, they deserve and require deep assessment on all of these. This is important and it is not us that are gaining by this. We are losing. We are losing that relationship that we have — all Yukoners — by setting people and governments against each other.

We know that there was much consultation and it is on record. From the first moment that the Canadian government started looking at the five-year assessment of YESAA, the first thing — and I have a list here of what happened. On December 10, 2012, Canada invited First Nations to participate in an information session on December 13, 2012 about improvements to the northern regulatory regime — three days' notice. Middle of December, I know what my schedule looks like, and I know that lots of other people are busy — three days' notice to sit down and start to discuss this very important piece of assessment — but the First Nation stepped up and, on December 13, they did have an information session.

Three First Nations were able to attend, as well as CYFN. Canada was able to identify potential amendments to YESAA, but few that were mentioned at that time never ended up — never — were not ones that arose from the five-year review.

In January, CYFN responded back to Minister Duncan at that time, and told him there needed to be a more collaborative process for any amendments and that the amendments they were to discuss should be tied to the five-year review. They also were concerned, even at that time, January 2013 — just about two years ago, Mr. Speaker — and they expressed concern about bilateral discussions that were taking place between Canada and the Yukon. They were concerned that they were being left out. But Canada came back and responded and stated that they would establish a working group to guide the development of these amendments. CYFN responded and said, great, we're willing, we want to be participants in this working group. They also further stated that it's their expectation that the amendments would only include those arising from the five-year review. That they wrote to the minister.

In May 2013, Canada provided a draft of the proposed amendments. Canada identified these as a preliminary draft for consultation and proposed a further meeting in July. They wanted the meeting July 9 and they wanted the comments by July 26. They also offered funding for the First Nations so they would be able to participate in this review. CYFN wrote back immediately to the minister, to the director general, to advise and remind that Canada has an obligation for deep consultation with respect to the YESAA amendments. Canada convened a meeting where they got together to discuss those in July. CYFN met the deadline of July 26 and provided written comments and recommendations to the minister about the proposed amendments. They expressed their concern

about the inadequacy of consultation, given the potential effects on their treaty rights, and they requested that the amendments include a provision for future reviews so they could review these again, and also address outstanding First Nation issues.

They didn't get a response until September 23, 2013, with a new minister — Minister Valcourt — and he responded to CYFN promising to establish time and scope for a limited working group.

It also advised that it would be broadening the scope of the amendments being considered to not only consider the amendments rising from the five-year review, but others proposed by YG. One of the issues that the First Nations had raised about funding, the minister indicated he would not address.

In November 2013, just over a year ago, CYFN provided a report describing the proposed amendments to address the findings of the five-year review and responding to the Yukon government's 2012 proposed amendments. In that response, CYFN expressed strong opposition to the Yukon government's proposal for policy direction and delegation. It goes on — meetings convened by Canada and always the First Nations expressing concern about the proposals and the bilateral process of the meetings. They were feeling left out, unheard, not consulted.

In February 2013, Canada convened a meeting with Yukon government, First Nations, CYFN and YESAB. For the First Nations in the room, Canada provided copies of a draft bill and a letter from Minister Valcourt. Others attending at that time by phone were not given access to these documents. The bill included policy direction, delegation of ministerial powers, exemption for renewal or amendments, timelines much shorter than Canada proposed in 2012 and several amendments arising from the five-year review. This was the first formal notice of proposed exemptions for renewals and amendments.

Again, in April, Canada met with the Yukon government, First Nations, CYFN and YESAB and stated it would consider input from this meeting and any written submissions before finalizing the bill. They specifically asked for input. Again, the First Nations expressed strong concern about policy direction, delegation and exemption or amendments for amendments and renewals. Many CYFN and several First Nations provide written responses to those. They were very clear. They supported the changes arising from the five-year review, but not the other amendments.

In May 2014 another meeting convened where the First Nations, CYFN, YESAB and Yukon government were given the final bill. First Nations were asked to sign confidentiality agreements and were not allowed to keep a copy at the end of the meeting.

After that, several of the First Nations and CYFN again shared their concerns and received responses from the minister stating that Canada considered the comments provided and felt that they had met their consultation obligations. Then the bill was tabled — I wanted to say "launched", but that is not the correct word. I am running out

of words today, Mr. Speaker. The bill was presented in the unelected Senate.

First Nations are angry. They are upset but are still asking for reconciliation, still asking people to come back to the table and negotiate these as equal members at the table, as equal representatives of government. It is not happening and we are going to end up in court again — taxpayers' money for something that does not need to be. What has happened here is that, I think, people have gone down one road and don't feel that they can go back and start again. I would suggest it can happen. The bill could be withdrawn. People can go back to the table. They can renegotiate this. They can sit down and talk. Certainly the First Nations are willing to do that. They don't want to use their resources to go to court. It is expensive, time-consuming, and it creates winners and losers. By negotiating, sitting down, mediating and talking, everyone might not get what they want, but people can walk away from that, feeling they have a say, have been heard and made a contribution — not winners and losers.

I thank the Member for Mayo-Tatchun for bringing forward this motion and for speaking to it. I thank the other members for their comments also. It has been a real learning experience to go through all this information to understand what is happening. As legislators, I think we need to educate ourselves and make sure we understand the whole story from all sides.

I believe that what has happened here has not been open and accountable, and I feel that the First Nations are well within their rights to feel the anger they do, but I appreciate them asking for reconciliation at the end of all of this.

Again, I thank the Member for Mayo-Tatchun for bringing forward this motion, and I will be supporting it. Thank you.

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

**Mr. Tredger:** Thank you, Mr. Speaker, and I thank all those who contributed to the discussion today.

I think we are at a watershed moment in our history and in the implementation of those cutting-edge final agreements that we have signed and the treaties we have signed. It's interesting to note that many of them were signed in 1993. In the first 10 years, there were no legal challenges. It has been only in the last 10 years that we've seen increasing legal challenges.

I think people in the Yukon are becoming more and more aware of some of the challenges and some of our obligations that we have as a people, in signing those treaties.

The Member for Riverdale South mentioned how much she has learned in the last few weeks, as we pored over and spent time looking at the Peel River decision and Bill S-6 and its implications on the *Umbrella Final Agreement*. I share that sentiment, and I think all Yukoners are learning from this. It's helping to guide our thoughts and our ideas and our knowledge.

I mentioned the other day in debate on Education how important it is that our public service should have and receive training in our land claims agreements and in our self-government agreements, because we are governed by our treaties and our relationships should be governed by our treaties.

With that knowledge comes an understanding and a respect, and the beauty of our treaties is not necessarily in the letter of the law — although that is important. But the beauty of our treaties is they are based on a spirit of respect and trust, and a willingness to engage and to talk and to work things out, on a willingness to communicate and to build that relationship. That is the beauty of our treaties.

So I'm always amazed when I'm talking to First Nation elders or leaders, or people in the communities, with their patience and their willingness — even today, after First Nation leadership tried every means necessary and took the time to go to Ottawa to reach out to those who were bringing forward Bill S-6, and to be told that they weren't a real government, and to be told they didn't have to be listened to.

Despite the indignity of all of that, they still reached out and offered hope for reconciliation. I don't know that I would have the courage and the strength to do that. I don't know that I would be that patient, so my hat is off to those leaders and those chiefs who were there. Thank goodness that they're willing — that they're able to spend the time to try to work — to try to implement these treaties that all Yukoners benefit from, find real value in and are proud of, and that guide how we live and work.

If I can read just a little bit — because the First Nations aren't at the table here. I would like to take a moment to read from Champagne and Aishihik First Nations in their letter to the Senate. "Our comprehensive land claim agreement entrenched a relationship between Canada, the Yukon and CAFN. In consideration for the extinguishment of certain rights, titles and interests to significant portions of our territory, we agreed to the bundle of rights, titles and interests set out in our agreement. A significant consideration was the surrendering of Aboriginal title to more than 90% of our land in exchange that CAFN would be guaranteed a meaningful role in the management and decision-making throughout our territories. A critical piece of this bargain was the Development Assessment provisions of Chapter 12..." out of which grew YESAA.

Mr. Speaker, despite obviously being left out of this process, they are still willing to look for reconciliation. I think they have a deep understanding of what the true value of the Yukon is. We talk about extracting our resources. We talk about competition with other areas — other jurisdictions. We talk about exploiting our natural resources, but the First Nations talk about relationships, the First Nations talk about trust and respect. As Chief Carl Sidney told me one time, "We will be here long after the resource is extracted. What will our relationships be like? How will we go about doing our business?"

As I said, Mr. Speaker, this is a watershed moment. This is about our relationships and where we go from here. Do we



follow our treaties? Do we work with respect and trust? Do we work for future generations? Can we count on each other?

This isn't about development; this isn't about expediency. This is about a lasting relationship. All Yukon people know that we need to make a living. All Yukon people want to be responsible for their own well-being. We all want jobs for our children and for us, but we know — the First Nations know — that how we go about getting that — and the relationships we develop — is everything. That is what makes the Yukon special. That is what drives our relationship. That is what drove our elders and our leaders in the past to spend countless hours working, struggling to find a way to come up with land claims agreements, final agreements, to set a path for us.

Let's not drop that torch. Let's put our belief in the people of Yukon. Let's put our belief in a process that enables us to work together, that is developed in the Yukon, administered by Yukoners and is for Yukoners. But I also issue a word of caution. Make no mistake — while the First Nations today extended yet another olive branch — while they said, "we look for reconciliation," make no mistake — if these amendments are included in the final product, in Bill S-6, it will be challenged, and in doing so, will tie up our assessment process in protracted litigation. That is the uncertainty and that is what we're voting on today.

Yukon's reputation as a good place to do business and invest capital — we and the business community are already struggling. Our economy is slowing down. We hear from the Yukon Chamber of Commerce and Whitehorse Chamber of Commerce and businesses are hurting. I talk to people in Mayo and in Haines Junction — businesses are slowing down. They are very concerned about next summer. They are concerned that the exploration industry is drying up and that there won't be people out working. They're concerned that by pushing through Bill S-6 we will do further damage to our already struggling economy. We have had some good times, but there are cracks in the foundation and it's time for the Legislature to govern and for the government to show leadership.

The amendments to Bill S-6 are not good for the Yukon, they're not good for business, they're not good for the community and they're certainly not good for our relationships with everyone in the Yukon, especially government to government. As I said, it's not too late and I urge this government to withdraw their four amendments, sit down with the respective First Nation governments, look for a reconciliation, accept them — accept their olive branch — and revisit Bill S-6 in a spirit of cooperation and respect. I urge all in this Legislature to support my Motion No. 812. Thank you.

**Speaker:** Are you prepared for the question?

**Some Hon. Members:** Division.

### Division

**Speaker:** Division has been called.

### Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Pasloski:** 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. Elias:** Disagree.

**Ms. Hanson:** Agree.

**Ms. Stick:** Agree.

**Ms. Moorcroft:** Agree.

**Ms. White:** Agree.

**Mr. Tredger:** Agree.

**Mr. Silver:** Agree.

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

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

*Motion No. 812 negatived*

### Motion No. 808

**Clerk:** Motion No. 808, standing in the name of Ms. Stick.

**Speaker:** It is moved by the Member for Riverdale South:

THAT this House urges the Government of Yukon to improve rural access to services and take action to close the health and wellness gap between rural and non-rural Yukoners.

**Ms. Stick:** I brought this motion forward, having spent time over the last couple of years gathering health care stories from individuals across Yukon. It is something I have invited people to participate in by sharing their stories — the good ones, the unfortunate ones — so that I could get a better understanding of what's happening in Yukon. I appreciate what Yukoners have said to me and the stories they've shared — many of them very personal, many of them good stories, many of them not-so-good stories.

In particular, when travelling in the summer around in the territory, or having an opportunity to be in a different community, I have had people come speak to me — as the Health critic — with some of their concerns. I thought it was important to bring forward this motion in order to talk about some of the concerns that Yukoners have about access to health care, in particular from the communities.

For my speaking notes, I have taken a lot of information from the government's own reports, because a lot of reports have been done by the department and I find them to be thorough and good — clear recommendations. So I have taken a lot of the information from those reports to speak to today.

One of the things we discussed when we were in the supplementary budget was the end of the funding for the territorial health system sustainability initiative — or THSSI — and that funding ended this year. It was money that came from the federal government and covered a number of

programs in the department, programs where the funding was 100-percent recoverable from the federal government.

The purpose of THSSI was to help offset the challenges and higher per capita costs associated with delivering community health care in the north. But THSSI is done, and we did hear from the minister that this government is in negotiations with the other two territories for a pan-territorial funding arrangement. I am not sure when those negotiations will end or when the government will find out what the new funding accord will mean, what the guidelines for it will be and what the reporting requirements will be.

What is significant is to realize that spending on health and social services has grown significantly over the last number of years, and it is expected to continue to rise. There has been reporting of an average of 10 percent per year over the next 10 years. The revised vote for the 2014-15 budget year is \$343,699,000, but we are also forecasting a budget of \$491 million for 2017-18 — or not “we are”, but the government is forecasting that for Health and Social Services. That’s a lot of money and it would represent a projected 50 percent at least of total O&M government spending compared to 30 percent back in 2009.

So if we’re going to spend this money effectively and sustainably and be able to get the most or the best outcomes — health outcomes for that — then we have to find cost-effective health care programs and policies and it should be within a strategy.

To quote this government in one of their own reports, they say that to achieve long-term sustainability and accountability for the Yukon health care and social service system “we need to improve our ability to govern our service and scarce resources. This approach will enable us to meet the current and future needs of Yukoners more affordably.” That quote is from the health department’s strategic plan covering from 2009 to 2014.

There were Auditor General reports in the last numbers of years that have come out on Yukon Health and Social Services and on the Yukon health corporation. Both of those reports underscored the need to more appropriately assess, plan for and meet the health needs of Yukoners in a suitably cost-effective manner.

In the Health and Social Services report, the Auditor General reported — and I quote: “It has not identified its most important health priorities and has not started to set targets for health outcomes, nor has it developed key health indicators. This means that it cannot assess whether it is providing the right programs and services and allocating resources optimally.”

My understanding of this, and what the Auditor General said in the rest of the report, was that the government had, until that time, not prioritized effective, efficient policy and decision-making. The Auditor General also stated: “The Department does not have a comprehensive health information system to collect complete and accurate health data...In some cases, the data the Department collects is incomplete. As a result, the Department does not have a comprehensive view of the health needs of its population and

is unable to determine whether changes should be made to programs and services.”

Again, I believe that what the Auditor General was pointing out was that, without a baseline of data, it would be hard to support any research or decision-making that would come. You need baseline data to support evidence-based decision-making.

I have said in this House before — and I like this statement: You can’t manage what you don’t measure. If we’re not able to measure outcomes from goals that have been clearly set, we’re not sure — we won’t be able to tell — what we’re doing right, what is not being done properly, and what needs improving on.

We don’t require annual reports from Health and Social Services to be tabled in the Assembly, so it is hard to tell how we’re doing against our strategic and business plans, and whether we have made progress in improving health outcomes for Yukoners. We have a strategy, but we don’t have a baseline. We have recommendations, but we don’t have outcomes.

I will say here that Yukoners know that we have passionate, dedicated and responsible practitioners delivering health. But our health outcomes will not improve until this government develops an evidence-based and comprehensive public health plan. That goes, overall, for all Yukoners. This motion does speak to gaps between rural and non-rural Yukoners. It is easy to understand why some of those exist but, without outcomes, without information, without baselines, it’s hard to track what we’re doing well.

In Canada, generally, it acknowledged that there are gaps between rural and non-rural. The health status of rural residents has found to be lower than residents in non-rural areas. Rural residents have a lower life expectancy and are more likely to report fair or a poor health status. Remoteness impacts an individual’s health.

In 2002, the Romanow commission identified disparities in health and access to health care between rural and urban Canadians. We know we can expect that, but in northern rural and remote communities we can do something.

In 2014, this government came out with the 2014 clinical services plan. This is a very thorough document, and a compendium came with it with the data that they used to analyze it. In that report, 61 percent of rural residents gave a rating of good or excellent health compared to 71 percent among urban residents. The gap widens when asked about the rate of availability of health care in the community, with only 55 percent of rural residents giving a rating of good or excellent as compared to 72 percent for urban residents.

There are challenges and there are barriers, and we should acknowledge those so that we can start to plan to overcome some of them. Probably the most obvious challenge is that the Yukon is huge. We’re very low density and our communities are far apart. There is reliance — not just of the communities, but also of people in Whitehorse — to have to travel to southern medical facilities for some treatments that are not available here, but it is more of a difficulty for those in the rural communities.

We know that specialists come here to the Yukon, but again, rural Yukoners face the difficulty of getting to Whitehorse for appointments, finding accommodation — so it is a struggle, I acknowledge, to provide the high-quality appropriate services, comparable just even from Whitehorse to southern Canada, due to issues of scale and cost. I acknowledge that those are issues, but the extent of the impact these challenges have on rural health outcomes and access to service is not well understood in the Yukon.

One, we just don't have the statistics. We don't have a robust, accurate health information data collection and sharing, which was spoken to by the Auditor General. We don't share information between governments, whether it's the non-insured health benefits and the territorial government. They keep their statistics; Yukon keeps theirs; and it's not shared. So we know part of the story, but we don't know the whole story, and that is a problem, because a good proportion of our population receives care differently. We are all Yukoners, but those with status fall under the non-insured health benefits. As much as we would like to be the same, we're not.

I have had many Yukoners call me to say, "Why do I have to do this when my next-door neighbour doesn't?" Some of them are quite telling. I can think of just one instance of an elder in a community who, once a year, is required to come to Whitehorse to do a blood test, but it's one that is required to do at the hospital. It can't be done in a health care centre. She has to come to Whitehorse to do that in order for her to continue to receive oxygen — to be able to have oxygen tanks available to her. She has to come to Whitehorse for that test, which is very painful, and it's because she comes under NIHB.

Other Yukoners — when their doctor says they require oxygen at this rate, this many hours a day —

**Some Hon. Member:** (inaudible)

**Ms. Stick:** It's painful, it's hard, and the Minister of Health and Social Services might think it's funny, but it's not. Mr. Speaker, these are serious — these are real stories.

These are not made up, and I'll share that information and I have shared that information. These individuals are being treated differently and have different expectations and different requirements. All health care is not equitable in the Yukon and the way people are treated is not equitable.

There are these gaps. Some of them are with this government, some of them are with the federal government and non-insured health benefits, but what we need is an action plan with clearly stated goals and outcomes because we don't have that. We don't have a way of tracking the health outcomes of rural residents. We don't even know how some of the programs that were funded under THSSI performed. Weight Wise would be a good example of where many individuals have gone through that but we're not sure of the outcomes. We were told, "I have some anecdotal information about that." But where are the hard facts? Where does it say that this money was well-spent, these are the outcomes, this is what people benefited from, these are the ones who might not have, and how can we do this better?

Evidence-based policy-making is important for governments because it improves on cost-savings and more effective and efficient programs. We have a strategic plan, we have a clinical services plan and we have a data compendium that lay all this information out.

But even in those reports — the 2014 clinical services plan, which is the most comprehensive compilation of Yukon health data to date —

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

*Debate on Motion No. 808 accordingly adjourned*

*The House adjourned at 5:30 p.m.*

**The following documents were filed on December 3, 2014:**

33-1-98

Yukon Lottery Commission Annual Report 2013-2014  
(Cathers)

33-1-99

Fleet Vehicle Agency 2013-2014 Annual Report  
(Istchenko)