



# Yukon Legislative Assembly

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35<sup>th</sup> Legislature

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## HANSARD

Wednesday, November 9, 2022 — 1:00 p.m.

Speaker: The Honourable Jeremy Harper

# YUKON LEGISLATIVE ASSEMBLY

## 2022 Fall Sitting

**SPEAKER — Hon. Jeremy Harper, MLA, Mayo-Tatchun**  
**DEPUTY SPEAKER and CHAIR OF COMMITTEE OF THE WHOLE — Annie Blake, MLA, Vuntut Gwitchin**  
**DEPUTY CHAIR OF COMMITTEE OF THE WHOLE — Emily Tredger, MLA, Whitehorse Centre**

### CABINET MINISTERS

<b>NAME</b>	<b>CONSTITUENCY</b>	<b>PORTFOLIO</b>
<b>Hon. Sandy Silver</b>	Klondike	Premier Minister of the Executive Council Office; Finance
<b>Hon. Tracy-Anne McPhee</b>	Riverdale South	Deputy Premier Minister of Health and Social Services; Justice
<b>Hon. Nils Clarke</b>	Riverdale North	Minister of Highways and Public Works; Environment
<b>Hon. John Streicker</b>	Mount Lorne-Southern Lakes	Government House Leader Minister of Energy, Mines and Resources; Public Service Commission; Minister responsible for the Yukon Development Corporation and the Yukon Energy Corporation; French Language Services Directorate
<b>Hon. Ranj Pillai</b>	Porter Creek South	Minister of Economic Development; Tourism and Culture; Minister responsible for the Yukon Housing Corporation; Yukon Liquor Corporation and the Yukon Lottery Commission
<b>Hon. Richard Mostyn</b>	Whitehorse West	Minister of Community Services; Minister responsible for the Workers' Compensation Health and Safety Board
<b>Hon. Jeanie McLean</b>	Mountainview	Minister of Education; Minister responsible for the Women and Gender Equity Directorate

### OFFICIAL OPPOSITION

#### Yukon Party

<b>Currie Dixon</b>	Leader of the Official Opposition Copperbelt North	<b>Scott Kent</b>	Official Opposition House Leader Copperbelt South
<b>Brad Cathers</b>	Lake Laberge	<b>Patti McLeod</b>	Watson Lake
<b>Yvonne Clarke</b>	Porter Creek Centre	<b>Geraldine Van Bibber</b>	Porter Creek North
<b>Wade Istchenko</b>	Kluane	<b>Stacey Hassard</b>	Pelly-Nisutlin

### THIRD PARTY

#### New Democratic Party

<b>Kate White</b>	Leader of the Third Party Takhini-Kopper King
<b>Emily Tredger</b>	Third Party House Leader Whitehorse Centre
<b>Annie Blake</b>	Vuntut Gwitchin

### LEGISLATIVE STAFF

Clerk of the Assembly	Dan Cable
Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Karina Watson
Deputy Sergeant-at-Arms	Joseph Mewett
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Wednesday, November 9, 2022 — 1:00 p.m.**

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

*Prayers*

## DAILY ROUTINE

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

Introduction of visitors.

## INTRODUCTION OF VISITORS

**Hon. Ms. McLean:** I would ask my colleagues to help me welcome some guests here today for a tribute that we will be doing in a few moments: Adeline Webber, Susan Power, Georgianna Low, and Isabelle Dewhurst — all from the Whitehorse Aboriginal Women's Circle.

Thank you so much for being here today.

*Applause*

**Hon. Mr. Streicker:** Can we please welcome several guests here for the tribute today on National Francophone Immigration Week — *bienvenue tout le monde*. *Bienvenue à la DSF avec André Bourcier, Marie-Claude Desroches-Maheux et François Courbron. Aux EssentiElles avec Emilie Major-Parent. À l'Aurore Boréale avec Camille Boyer. Au président de la Commission scolaire francophone du Yukon avec Jean-Sébastien Blais. Et à l'Association franco-yukonnaise – l'AFY – avec Kayléanne Leclerc, Jonathan Desrosiers, Kaël Paradis, Audrey Percheron, Julie Croquison, Diana Romero et Edith Bélanger. Bienvenue à tout le monde.*

*Applause*

## TRIBUTES

### In recognition of the Yukon Association of Non-Status Indians

**Hon. Ms. McLean:** I rise today on behalf of our Yukon Liberal government to pay tribute to the Yukon Association of Non-Status Indians, also commonly known as “YANSI”. The organization was founded 50 years ago to represent and advocate for First Nation people who lost their status through discriminatory sections of Canada's *Indian Act*. Losing status was a serious issue for people — women, men, and children of all ages. It resulted in a loss of rights, benefits, and entitlements.

Within a few short years, YANSI became a powerful organization advocating with federal, territorial, and private sector agencies to improve lives and restore dignity to its members. YANSI worked hard to ensure that all non-status First Nation people were included in the final agreement negotiation process that got underway in 1973. At that time, the Government of Canada would only negotiate with status First Nations, but the perseverance of YANSI paid off and they did get a seat at the table.

In 1973, YANSI joined the Yukon Native Brotherhood as an equal partner in founding the Council for Yukon Indians. It would serve as the central organization for negotiating with governments to reach a comprehensive Yukon final agreement.

In 1981, YANSI and Yukon Native Brotherhood members voted to disband their separate organizations. The Council for Yukon Indians united all Yukon First Nation people to complete the long process of achieving a just settlement and land claims in the Yukon and fulfilling their elders' dream for everyone to work together today for our children tomorrow.

This united approach on behalf of all Yukon First Nation people was the first in Canada. It led to the 1993 Yukon *Umbrella Final Agreement* that helped inform other modern treaties in Canada and elsewhere in the world. YANSI, together with the Yukon Indian Women's Association, joined other groups from across Canada to press for reforms in the *Indian Act*, leading to the passage of Bill C-31 in 1984. That legislation eliminated provisions in the act that discriminated against indigenous women who had married non-status men and restored rights to them and their children.

The history of the association is a compelling narrative about people coming together from every Yukon community to stand up for their rights and to ensure that their members did not get left behind in the fast-paced events that transformed Yukon society during the 1970s.

I would like to thank Adeline Webber, Bill Webber, Shirley Adamson, Margaret Commodore, Victor Mitander, and many others who were involved with this organization and led this important movement. My brother, the late George Asp, was the first interim president to help establish this important organization. Their contributions were significant in the achievement of the Yukon land claims that serve as a foundation of our territory.

To commemorate 50 years since the creation of YANSI, former members are telling their stories and documenting the many achievements that contributed to the momentum of the Yukon land claims movement and the betterment of lives throughout the Yukon.

Linda Johnson, a well-known archivist, is documenting the history of the Yukon Association of Non-Status Indians to be published in 2023, which is being led by the Whitehorse Aboriginal Women's Circle. Yukon Tourism and Culture looks forward to partnering on this project.

Documenting and sharing this significant history is so important, especially for our youth so they know and understand the struggles and resilience of Yukon First Nation people. Thank you to all those involved in the struggle to have non-status First Nation rights recognized. Thank you to those documenting and commemorating this work.

*Applause*

**Ms. Van Bibber:** I rise today on behalf of the Yukon Party Official Opposition to pay tribute to the 50<sup>th</sup> anniversary of YANSI, the Yukon Association of Non-Status Indians.

Fifty years ago was a time of enormous change. Let me give you an idea, Mr. Speaker. In 1972, one of the big films of the year was *The Godfather*. The famous quote “I'm going to

make him an offer he can't refuse" is still said today. The top two TV shows were *All in the Family* with Archie Bunker and *Sanford and Son* with Redd Foxx, and a song by Helen Reddy would resonated with many females, *I Am Woman*.

In that year in the Yukon, a group of non-status Indians gathered and formed a society to challenge the system. Many Yukon residents who were not recognized by Ottawa as "Indian" could not hunt or fish or had very limited rights due to the archaic *Indian Act* laws. In Yukon, we were far more progressive, with leaders such as Elijah Smith, who championed a proposal for land claims in 1973.

The Yukon Native Brotherhood, or YNB, was in place to represent the Indian people, but once YANSI was formed, they wanted to participate at the table. Big change means big challenge, and there was pushback from some, but the proponents were insistent. Finally, an agreement was made, and YANSI and YNB became the Council for Yukon Indians, or today, the Council of Yukon First Nations. Although YANSI no longer exists, the Aboriginal Women's Circle, led by Adeline Webber, and along with funds from the community development fund, is ensuring that a history about the organization is written so we can better understand the challenges and time: an education tool so we never forget.

When writing this tribute, I saw the pictures of the founders and boards who worked so hard and achieved so much — young and strong warriors all. The names are many, and I would hate to miss any, but I will mention Adeline and Bill Webber, along with Margaret Commodore, Shirley Adamson, and Victor Mitander, who all deserve extra praise for their tenacity and determination to make change for the people.

YANSI brought issues forward that were never spoken about, and they created a strong, united voice, as many of us lost status through no fault of ours. The forgotten people have found a path, thanks to the hard work of YANSI.

Thank you.

*Applause*

**Ms. Tredger:** I'm pleased to rise on behalf of the New Democratic Party to pay tribute to the 50<sup>th</sup> anniversary of the Yukon Association of Non-Status Indians.

Recently, we heard, in a tribute to Margaret Commodore, a founding member of YANSI and vice-president for seven years, about the role she played in pushing for recognition of non-status Indians in the Yukon. In the 1970s, it was the reality that many individuals born with status lost it due to marriage, or joining the military, or wanting to vote. Even individuals in the same family might have or not have status because of the federal *Indian Act*.

YANSI was about change and voiced this belief by calling for "equal acceptance through equal participation for a balanced society". YANSI advocated and pushed for housing, education, justice, and health initiatives. They started recreation programs. They became a force throughout the territory and in every First Nation community.

In the mid-1980s, YANSI amalgamated with the Yukon Native Brotherhood to create what we know today as the Council of Yukon First Nations. A small group of determined

individuals saw a wrong that needed to be corrected and brought about important changes to the Yukon.

Looking back over the names of those involved with YANSI, we see a "who's who" of people who went on to become leaders in their communities in the Yukon and on the national stage. There are too many to mention at the risk of leaving some out, so instead I will applaud all of those who had the vision, the energy, and willingness to work together to — in their words — bring about equal acceptance through equal participation for a balanced society.

*Applause*

### **In recognition of National Francophone Immigration Week**

**Hon. Mr. Streicker:** Monsieur le Président, au nom du gouvernement libéral du Yukon, je prends la parole aujourd'hui pour souligner la dixième édition de la Semaine nationale de l'immigration francophone qui se déroule sous le thème « Nos traditions et notre avenir. » Cette semaine est l'occasion de reconnaître l'importante contribution économique, sociale et culturelle des immigrantes et des immigrants francophones du territoire. J'invite donc les Yukonaises et les Yukonnais à célébrer la richesse et la diversité de notre Franco-Yukonnie aux racines multiples.

Le Yukon est le seul endroit au Canada où la proportion de personnes qui ont le français comme langue première augmente. Toujours au troisième rang des endroits les plus bilingues au Canada, après le Québec et le Nouveau-Brunswick, nous sommes une destination attrayante pour les immigrants francophones. Les personnes qui choisissent le Yukon comme terre d'adoption peuvent compter sur le soutien de nombreuses organisations pour s'établir au territoire. L'Association franco-yukonnaise, l'AFY, et les membres du Réseau en immigration francophone du Yukon permettent aux personnes immigrantes de tous les horizons de se sentir chez elles dès leur arrivée.

Je tiens à souligner le travail d'accompagnement réalisé par l'AFY grâce à ses activités d'intégration, ses programmes de jumelage et ses projets de recrutement de main-d'œuvre bilingue. Je suis fier que notre gouvernement travaille avec l'AFY et soutienne ses efforts pour faire la promotion du Yukon et de ses opportunités d'emploi à l'étranger. Nous espérons que de nouvelles personnes viendront bientôt contribuer à la vitalité de notre communauté francophone. Leurs traditions s'ajouteront aux nôtres pour enrichir et déterminer qui nous deviendront.

Bonne Semaine nationale de l'immigration francophone à toutes et à tous! Merci Monsieur le Président.

*Applause*

**Ms. Clarke:** I rise on behalf of the Yukon Party Official Opposition to pay tribute to the 10<sup>th</sup> anniversary of National Francophone Immigration Week, which takes place from November 6 to 12. This week, we celebrate French-speaking new Canadians and all they offer to Canada through language, culture, tradition, and more.

The Yukon is home to a deep-rooted francophone community, and their contributions throughout the years have been extensive. Recent statistics data show that the percentage of francophones has actually decreased in every region of the country except for the Yukon. As for the language itself, after Québec and New Brunswick, the Yukon is the third-largest French-speaking community in Canada, with 14 percent of the population speaking French and English.

French immersion continues to be the chosen education stream for many Whitehorse-based families. For many who have gone through French immersion programming in school, having had the opportunity to learn French as a second language in their early years has proven to be a valuable asset as they move into the workforce.

According to Statistics Canada, the number of students enrolled in French immersion has increased by almost 250 percent over the last two decades.

Thank you to the French Language Services Directorate staff for their work to help support government with French language delivery, translation, and learning opportunities for all. Thank you to Association franco-yukonnaise and Les EssentiElles for the important services they provide and to all those who work to support our francophone community and deliver services in French. The Yukon is a beautiful and welcoming territory. It is a desirable place for many cultures, and our strong, vibrant francophone community certainly makes it easy for those French-speaking newcomers to want to stay.

*Applause*

**Ms. White:** Merci, Monsieur le Président. Je suis heureuse de me lever aujourd'hui au nom du Nouveau Parti démocratique du Yukon pour parler de la Semaine nationale de l'immigration francophone. Chaque année, début novembre, cette semaine rassemble des milliers de francophones des quatre coins du pays pour célébrer la richesse de la diversité culturelle et linguistique des communautés francophones au Canada.

La francophonie est une partie importante de la culture canadienne. Je suis ravie de la voir si active et si vivante au Yukon.

J'invite tous les francophones, les francophiles et les franco-curieux à participer aux différents événements que la communauté francophone du Yukon organise régulièrement – comme la Fabrique d'improvisation du Nord les spectacles artistiques, les cafés-rencontres pour aînés ou encore les cours d'acrobatie aérienne.

Bonne semaine à tous les francos.

*Applause*

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

## TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Streicker:** I have for tabling two graphs. The first one is from a Hydro-Québec 2022 report comparing electricity prices in major North American cities and also a

graph produced by Yukon Energy Corporation on a residential electricity bill in comparison to the Yukon, using the data from the Québec hydro report.

**Speaker:** Are there any reports of committees?

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

## NOTICES OF MOTIONS

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

THAT this House congratulates Tia Campbell, Cassandra Malach, Brian Laird, Andrea Oldridge, and Rebecca Hutchings-Archibald on their recent acclamation to the first-ever Whistle Bend school council.

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

THAT the board chair and chief executive officer of Yukon Energy Corporation appear as witnesses in Committee of the Whole prior to the end of the 2022 Fall Sitting.

**Speaker:** Is there a statement by a minister?

## MINISTERIAL STATEMENT

### Creative and cultural industries strategy

**Hon. Mr. Pillai:** I'm pleased to rise today to deliver an update on the important work to support the creative and cultural industries in the Yukon. Alongside our community partners, the departments of Tourism and Culture and of Economic Development have been hard at work on the creation and delivery of several programs that will benefit Yukoners.

I want to take a moment to highlight some of these initiatives. First is Creative Potential, which was led by my predecessor — fantastic work — and is advancing the Yukon's creative and cultural industries strategy, and that was released in November 2021 with the aim of fostering growth and development in the Yukon's creative and cultural industries. Again, an excellent example of how we are already putting the strategy into action is through the Express Micro-grant, which was launched this past September. This grant makes approximately \$12,500 available each month for short-term opportunities for those in the creative and cultural industries. Applicants can request between \$100 to \$5,000. Since its launch, 11 projects have been awarded, for a total of over \$26,000 in financial support provided. Over each fiscal year, the \$150,000 available in the Express Micro-grant will make a difference in the sector and in particular to applicants who are emerging creatives and have never accessed department funding.

Creative Potential identifies four strategic objectives and 22 key actions, developed through an extensive public engagement with individuals and organizations in the creative and cultural sectors. This strategy identifies new funding opportunities but also includes research, industry workshops, and engagement with the sectors in designing new funding

programs. Investing in the recovery of the creative and cultural sectors from the impacts of the pandemic supports the recovery and well-being of the territory as a whole.

The Department of Economic Development is also providing a suite of programs to support Yukon musicians and filmmakers in the territory. For example, the performing musicians fund has already supported 23 local musicians, with a total of \$236,000 in essential funding that is crucial to building sustainable careers in the music industry. This incredible funding opportunity allows local musicians to receive up to 75 percent of their cash expenses, up to \$30,000.

Additionally, we announced in January the addition of four new screen media programs, providing over a million dollars in funding for the Yukon's film industry and the production of professional film, television, and digital media projects. As of October 22, we have approved 19 film projects for \$1.1 million in funding, with the total anticipated spending in the Yukon at \$3.7 million.

Investing in the future of Yukon's creative and cultural industries has been a commitment that our government continues to prioritize, and we are happy to play a part in growing the Yukon's creative economy.

Thank you.

**Ms. Van Bibber:** Thank you to the minister for his statement on creative and cultural industries. It is always great to highlight these industries. As Yukoners have proven time and again, the creative spirit does not stop at the 60<sup>th</sup> parallel.

As the minister pointed out, *Creative Potential: Advancing the Yukon's Creative and Cultural Industries* strategy was released in November of last year. This provides an important road map for the future of these industries.

I do have a few clarification questions. The minister points to the Express Micro-grant that makes approximately \$12,500 available each month for short-term opportunities. He said that 11 projects have been awarded so far. Can the minister expand on these projects and what the success rate is, or is there any follow-up?

The minister also mentioned that the strategy identified new funding opportunities. Can he explain what the new funding opportunities are and who qualifies? How much funding will be available, and how does one access this funding?

The minister speaks to the program for musicians and filmmakers. He said the performing musicians fund has supported 23 local musicians, with a total of \$236,000, and the new screen media programs provided over \$1 million in funding for Yukon's film industry and the production of professional film, TV, and digital media projects. Can he tell us how long these programs will continue, and is the program fully subscribed?

Highlighting creative and cultural industries on the floor of this House today is important, and we are supportive of the help and funds allocated to the industry.

**Ms. White:** I want to start by thanking the people in the department who developed this strategy and will be carrying it

out. I am hopeful that this strategy will support more Yukon artists — from visual art to live music to storytelling through film, artists give so much back to our communities.

We have heard from many new artists that it has been especially difficult for them to break into the industry and to access funding opportunities. They might not have the connections or the visibility that more-established artists have, so I am hopeful that the micro-grants will address this gap.

There is also still a need for existing funding streams to be increased to support new artists and more indigenous artists. For example, the Advanced Artist Award is currently given to only half of the number of applicants, and very few of them are indigenous. This indicates to me that there may be barriers to learning about the fund or in the application process.

The Yukon permanent art collection and Canada Arts Presentation Fund are two great examples that the minister can look to for reducing barriers to access. The collection, which has a great number of indigenous art pieces, visits communities to support artists who want to apply in their community. The Canada Arts Presentation Fund accepts verbal applications from artists. So, will the funding that the minister spoke about also adopt these practices?

And while the performing musicians fund does support several Yukon musicians, it only supports tours outside of the Yukon, and if this government is committed to developing arts in the territory, their fund should also support territory-wide tours. How great would it be for Yukon musicians and communities to benefit from this funding?

Across the Yukon, artists are still doing what they love, with very little funding to support themselves. There is still a gap in operating funds for small projects, and this forces artists to contribute to the local arts community on a volunteer basis, rather than being fairly compensated for the work that they do.

I am encouraged by what is in the strategy; however, the amount of time and finances devoted to the creative and cultural industries strategy pales in comparison to the engagement that was done for the tourism strategy. This raises questions about what voices were heard and who was invited to the table when this strategy was developed. I remain hopeful that this strategy will benefit more Yukon artists across the territory, and I look forward to the minister's response to my questions.

**Hon. Mr. Pillai:** The Yukon has one of the highest concentrations of creatives in the country. We deliver incredibly creative products and productions, and we have impressive cultural venues and amazing events throughout the territory. Increased support to grow and develop the creative and cultural industries has consistently been identified as a need and an opportunity over the past two decades.

In 2018, the creative and cultural industries contributed over \$59 million to Yukon's GDP, which amounted to two percent of the total territorial economy. Our goal is to grow the Yukon's creative and cultural GDP to 2.7 percent, which is an increase of about \$21 million.

I will just challenge a couple of things that were said. The Leader of the Third Party made a comparison between the strategy for tourism versus the cultural strategy and the amount

of consultation. I have to say that my colleague ensured that I was there by her side, taking in some of those sessions. I have to say it was pretty exceptional, the amount of people who came out from a very broad cross-section of creatives who fed into this process, so we feel that it is an all-encompassing strategy.

Since being elected, our government has revamped almost all support and programs for the creative and cultural industries to meet their needs. As the Leader of the Third Party said, yes, commending the folks at both Tourism and Culture and Economic Development, because they have revamped all of these programs. We did this by consulting directly with the community and using their feedback to shift the support that we offer.

As well, I would just like to touch on when we talk about moving barriers. I am happy to announce that we don't have to go and look for that program because we are already doing that. This year, we announced at the Arctic Arts Summit this past June, a new project that will see \$50,000 in new funding in the first fiscal year and \$150,000 in the second. The program is a pilot that is being run in the Yukon. The rest of Canada will be watching to see how it runs. Really, it's focused on indigenous artists and cultural carriers. It's really removing the barriers, again, for them. That is the whole goal of it: to help remove barriers experienced by indigenous artists to these funding programs. Again, we are happy to be doing that work already.

I would also just touch on some of the questions from the Official Opposition. Of course, with the short amount of time I have now to respond, the commitment I will make is that, during budget debate on the supplementary budget, I would be more than happy to go into every single one of these projects, both film and sound, and do a deeper dive into some of the work and interventions that we are doing in this sector around funding and some of the changes that we're making to the strategy. I will just touch on some of the work that we are still doing, such as a new career advancement funding program, which is still underway.

As of last week, we are still working on our Yukon cultural centres and museums policy. I was there to share some words at the start of the roundtable that happened at the Yukon Transportation Museum last week. That is really important work that continues to be put in place. The team right now, in checking with them this morning — just continuing to do the work to establish a dedicated sector-specific funding program. We're looking at about a half-million dollars that has been identified for next year, the 2022-23 budget, to continue this work.

Thank you for the support from both the Official Opposition and the Third Party on this important work. I think we have to continue to keep talking about it. We have to continue to focus on the metrics that we're looking at. Again, let's get this from two to 2.7 percent of GDP, and again, that will make a big difference in the lives of so many of these creatives and enhance their quality of life but, again, help to diversify our economy.

**Speaker:** This then brings us to Question Period.

## QUESTION PERIOD

### Question re: Health care services

**Mr. Cathers:** Mr. Speaker, in November last year, there were 2,472 people on the wait-list for a family doctor. Last week, CBC reported that, as of November 4, the wait-list has grown to 3,453 people. Despite this, at a news conference last Friday, the Minister of Health and Social Services told the *Whitehorse Star*: "I don't necessarily agree that we don't have enough doctors here in the territory; we are very well served by — I think the most recent numbers are 69 — local professionals who run their practice here."

Does the Minister of Health really believe that we have enough doctors in Yukon when there are literally thousands of people on the wait-list?

**Hon. Ms. McPhee:** Thank you very much, Mr. Speaker. I certainly am pleased to rise to speak about the importance of the Yukon medical system and the health care and well-being of Yukoners. The health and well-being of Yukoners is the foundation of a bright future for our territory. Under our leadership, the Yukon's health care system is transforming into a national leader. We're working with our partners to improve access to health care for all Yukoners.

Mr. Speaker, the Yukon Party was satisfied with the system that provided acute care only, and that failed Yukoners and was financially unsustainable. We have worked through the ultimate work and then adoption of *Putting People First* to create a people-centred health care system that will move our territory forward. The Yukon Medical Association is an integral part of the work that we are doing, and we have shared goals. The new agreement that we have signed with them recently has incentives for doctors to take on more patients. I had the honour of speaking with the Yukon Medical Association and spending time with them over the last weekend at their annual general meeting. They are a proven partner for providing health care at the most front lines for Yukon patients.

**Mr. Cathers:** Well, Mr. Speaker, the minister can try to frame the government as a national leader but, in fact, this government has the worst record in the entire country on doctor recruitment. While she was telling the *Whitehorse Star* that she doesn't agree that we don't have enough doctors, the president of the Canadian Medical Association told people at the YMA meeting that close to 50 percent of physicians in the country are reporting burnout, wanting to take a step back and reduce clinical hours.

The clear message from both the Canadian Medical Association and the Yukon Medical Association is that we need to be attracting and retaining more doctors to the Yukon. How does the minister square her comment that we already have enough doctors with the reality that was presented by both the CMA and the YMA, that we need more doctors and the fact that literally thousands of Yukoners are on the wait-list to get a family doctor?

**Hon. Ms. McPhee:** The pandemic has caused a local, national, and global shortage of health care professionals — I don't think that's a surprise to anyone — and it is being felt across the territory and across the country. The ministers of health, the Canadian Medical Association, and the Yukon

Medical Association have most recently been having discussions with respect to the importance of this service to Canadians.

We continue to recruit through national and online forums and have supplemented staff with agency nurses and out-of-territory resources, including doctors. We have helped more than 1,200 Yukoners find a physician through the Find a Family Doctor program. We are continuing to work with our partners at the Yukon Medical Association and the Yukon Registered Nurses Association to support Yukoners' access to health care services that they need.

We have a number of existing programs designed to assist Yukoners in this way. Financial assistance is available for post-secondary education, grants, and bursaries, as well as assisting existing employees through tuition reimbursement. We have increased the intake at Yukon University for licensed practical nurses. We have shared funding with the Yukon Medical Association and the Canadian Medical Association for a locum recruiter and doctor recruiter positions. I hope to be able to continue.

**Mr. Cathers:** Well, Mr. Speaker, the minister is out of touch, and her talking points are completely disconnected from the reality that thousands of Yukoners are on the wait-list for a family doctor. The shortage of doctors in the Yukon isn't just affecting people seeking primary care or a family doctor; at the Yukon Medical Association conference, doctors raised the concern that surgical wait times for Yukoners are growing rapidly.

Yesterday, I tabled a motion urging government to take action, and today my final question for the minister is this: Will the Yukon government finally take this issue seriously and work with health care delivery partners to develop a wait-time reduction strategy that includes clear targets?

**Hon. Ms. McPhee:** The federal government has assisted with the intention to grow the number of physicians and nurses through a federal program for loan forgiveness for education. Doctors can receive up to \$60,000 and nurses up to \$30,000 if they practise in rural locations. Yukon can be considered such a thing.

The expanded scope of practice has been introduced and supported by this government for nurse practitioners — registered nurses in communities where there is no hospital. We have, as of two days ago, opened the Constellation Health Centre, which we expect, at full capacity, will be able to take somewhere near 2,400 clients. The Whitehorse General Hospital emergency room has a fast-track program daily between 9:00 a.m. and 4:00 p.m. so that they can serve individuals who have less acute issues.

We are reimbursing the cost to relocated individuals to work here in the territory. We have an indigenous recruitment and development program, and that's an ongoing initiative to support the hiring and advancement of indigenous employees. We have a number of job experience programs, including cooperative education. We are meeting, in the very near future, with the YMA again and the nurses association to assist —

**Speaker:** Order.

### **Question re: Affordable housing and land development**

**Ms. Clarke:** In the 2021 election, the Yukon Liberals committed to releasing 1,000 lots over the course of their mandate. One of the central commitments to achieve that goal was to relocate the Marwell grader station and conduct environmental remediation to make way for future housing projects.

Can the government provide an update on the development of housing on the site of the former oil refinery and current highways grader station?

**Hon. Mr. Clarke:** The Marwell grader station in Whitehorse is approximately 60 years old. It is in poor condition and is no longer meeting the needs of the Department of Highways and Public Works. In addition, the current buildings have high energy use and maintenance costs, emitting a lot of greenhouse gases.

The department has determined that replacing the Marwell grader station is the most economical option and will free up valuable land that may be better suited to other types of development. We are still determining where the new grader station may be located before we move forward on this project. There are several possible sites for the new grader station. A final decision on the location will be part of the next phase of planning.

Under the *Kwanlin Dün First Nation Final Agreement*, Kwanlin Dün First Nation has first right of refusal to purchase or otherwise acquire or use the land of the existing site in Marwell. The Yukon government will work with the Kwanlin Dün First Nation as this project moves forward.

**Ms. Clarke:** Another project that has been identified as potentially providing affordable housing development is the 5<sup>th</sup> and Rogers parcel. Everyone will recall the Liberals hosting a press conference on this lot during the last election, promising that it would be developed immediately.

Can the minister update us on the progress of developing this site?

**Hon. Mr. Streicker:** Thanks very much, Mr. Speaker. I just was speaking this morning with the deputy minister about 5<sup>th</sup> and Rogers. Of course, we had some challenges this summer with the clay cliffs in that area specifically. There was the landslide at the clay cliffs, and so we sat down with the City of Whitehorse, with Community Services, and with Yukon Housing Corporation to review 5<sup>th</sup> and Rogers and make sure that it's on solid footing. We are getting some geotechnical work done on that. I believe that we're getting close to putting out the RFP. The work of the department was to make sure that it was safe before we moved forward. We have been doing that work and we should be moving forward shortly.

**Ms. Clarke:** On March 9 of this year, the minister of housing did a ministerial statement on the tank farm development. He said that this project has the potential to create hundreds of new homes for Yukoners and address some of the housing demand. According to that ministerial statement, the minister was working with the City of Whitehorse on a master plan for that site. At that time, he said that the Yukon government was taking a lead role.



Can the minister provide an update on the creation of a master plan for the development of the tank farm property?

**Hon. Mr. Pillai:** I think that, going back on this too, it's important to note that the work being done by the Minister of Community Services and the focus on those 1,000 lots are over and above everything that was identified by the opposition today. So, again, I'm happy to see interest as well on the grader station and work and options, of course, for the Kwanlin Dün First Nation, as the minister stated, on 5<sup>th</sup> and Rogers — an RFP ready to go this summer.

As most people saw, we saw the south access have a slide and, of course, we went back and made sure with the city that we were ready to go forward, and they requested that we do some more geotech.

Then the third item, which has been talked about, is the tank farm.

So, with our conversation and our collaboration with the City of Whitehorse, the city wanted to make sure that they quickly went through a procurement process for the consultant who was hired to do the master plan. I believe that procurement process has been concluded. I think that there is a local Yukon planning firm or consultant who has been hired, and that work is underway.

Again, I would urge the Official Opposition to reach out to city councillors or the mayor, and they can get a bit of an update there. Certainly, in further questions, I can go into some of the work that we are going to be doing as well with the City of Whitehorse.

**Question re: *United Nations Declaration on the Rights of Indigenous Peoples* implementation in Yukon**

**Ms. Blake:** In the 1990s, the Yukon was a leader in indigenous rights. The *Umbrella Final Agreement* was the first of its kind in Canada and there is a generation of negotiators who will say that it was the honour of their lives. Since then, it doesn't feel like much progress has been made. The Truth and Reconciliation Commission's calls upon territorial governments to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation — UNDRIP has already been adopted by BC in 2019 and by Canada in 2021.

Will the Premier tell Yukoners when his government intends to formally adopt the *United Nations Declaration on the Rights of Indigenous Peoples*?

**Hon. Mr. Silver:** If the member opposite thinks that things have stalled, I think that she is sleepwalking right now, because there is so much work being done with First Nation governments and our governments, including co-governing together with the child and family acts in the Legislative Assembly, the First Nation procurement policy, the First Nation School Board, and the list goes on and on and on.

With the *United Nations Declaration on the Rights of Indigenous Peoples*, that has been raised more and more frequently by First Nations and other indigenous governments. In the Yukon context — it is really important that we talk about inside-the-Yukon context, because I am going to quote from the

declaration itself. It says: "... the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration".

When we take into account 11 Yukon First Nation governments with final agreements, as well as the *Gwich'in Comprehensive Land Claim Agreement* and the *Inuvialuit Final Agreement*, the Yukon is home to more than half of the modern treaties in Canada.

With the Yukon Forum, the conversations that are happening right now do not happen anywhere else in Canada. We are going to work with our First Nation chiefs, because it is extremely important to get the regional considerations correct.

**Ms. Blake:** This government's own mineral development strategy calls for legislation that respects UNDRIP. Not only has this government failed to implement UNDRIP, it appears that they are actively working against it. Two Yukon First Nations are currently fighting the government in court, while others have publicly withdrawn support for projects led by YG. Most recently, the chiefs of three northern First Nations spoke out against this government's decision to extend permits for oil and gas exploration in their territories without their consent.

Will the Premier explain to Yukoners why free, prior, and informed consent has not been a priority for this government?

**Hon. Mr. Streicker:** These were not applications for new permits. We do have a table that we have set up with the northern chiefs. I would like to thank them for working so closely with us. I have met with them several times ahead of those permits seeking re-extension.

I certainly did have a conversation with them. They expressed some concerns to me, for sure. We definitely adjusted our position based on those concerns. Again, thanks to the chiefs for that feedback, although we're not talking about new applications here; we are talking about existing permits.

**Ms. Blake:** This colonial government has the right to free, prior, and informed consent. They can accept or deny permits, they can request and have access to the information that they need to make an informed decision, and they can take the time they need to decide. They can give or withhold consent.

So, the real question is: Why wouldn't Yukon First Nation governments have the same rights?

**Hon. Mr. Silver:** I will start by saying that the Yukon government continues to support Canada's efforts to implement legislation that recognizes that each province and territory has its own approach to reconciliation in the declaration itself. It's extremely important as we pass bills, as well, to make sure that we have all of the chiefs on board when it comes to all First Nations. Absolutely everyone should matter.

Again, Mr. Speaker, when it comes to reconciliation, we have been doing, over the last six years, a lot of things that don't happen anywhere else in Canada — very unique — in that our Cabinet, the leadership of First Nations, and the Grand Chief of the Council of Yukon First Nations meet together four times each year to define and advance joint priorities. Increasingly,

we are seeing participation by transboundary First Nations at the forum. The Inuvialuit, as well, may be attending in the future, which is fantastic news. That doesn't happen anywhere else in Canada.

Our approach to reconciliation is increasingly characterized by comprehensive collaboration between our government, Yukon First Nations, and other indigenous governments and the development of key new legislation, like I mentioned already — the passing of the *Child and Family Services Act*. This one is extremely important, because co-governance is something that was not mentioned before the Yukon Liberal Party.

**Question re: Climate change strategy**

**Mr. Kent:** Earlier this Sitting, the Liberals passed the *Clean Energy Act*. That act enshrines a target of reducing Yukon's greenhouse gas emissions 45 percent below 2010 levels by 2030. The *Our Clean Future* report that was released in 2020 outlined a pathway to reducing those emissions by 30 percent, but it relied heavily on the uptake of new renewable energy projects, like the expansion of Atlin, as well as Moon Lake.

So, now that both projects are delayed, does the minister still think that we can reach the new climate change target of 45 percent by 2030?

**Hon. Mr. Streicker:** The Yukon Party may recall that they posed this very same question when we were debating the *Clean Energy Act*, both in Committee of the Whole and in debate at third reading. At that time, I said and my colleague has said that, yes, we think we can reach that goal. We know it's hard. By the way, at that time, we had already been talking about the Atlin project and Moon Lake and what the timelines were for those projects.

What I can say is that, if we followed the Yukon Party and built another liquefied natural gas plant, instead of trying to replace diesels with new hydro facilities, no, we would not reach that target. So, I do believe we can reach that target. I thank the member opposite for the question.

**Mr. Kent:** So, when we were debating the *Clean Energy Act*, the minister fails to mention that he was sitting on a YUB report that wasn't public at the time, although it was released on October 18. We know the minister has struggled to provide reliable information about the timelines of these projects. Yesterday, he told the media that Moon Lake would be online by 2030; earlier this Sitting and last year, he said 2029; and in their October 18 report, the YUB says the timeline for Moon Lake is currently unknown.

Last week, the minister said Atlin was on time for 2024. Since then, the proponent has confirmed that the Atlin project is delayed at least a year and perhaps longer if they can't get the \$60 million in new grants by January.

Both of these projects were critical to get to the 30-percent reduction target, let alone the 45 percent, so how confident is the minister in meeting those targets, given our reliance on rented diesel for the foreseeable future?

**Hon. Mr. Streicker:** Atlin is a good project. We will work to support the Taku River Tlingit as they seek to close that

funding gap. I've never been anything but up front with what that information is about that gap. I have always shared here that we were looking to work with the Taku River Tlingit. I would also like to thank the federal government for investing \$100 million in that project, the BC government for investing \$20 million in that project, our own government for committing \$50 million to that project, and the Canada Infrastructure Bank, which has agreed to loan \$80 million to the Taku River Tlingit for that project.

I think it's a good project. I think that is the right way forward — not fossil fuels. The price of fossil fuels is going up. We wish to get rid of our dependency on fossil fuels through every means that we can, and the Atlin project is a good project.

**Question re: Children and youth victims of crime**

**Mr. Cathers:** In the wake of criminal actions of a former employee at a local elementary school, one of the things we have heard from ministers is that children and their families can access support through Project Lynx. Project Lynx is supposed to be a service for child and youth victims of crime, based on national best practices, with the intention of reducing possible trauma to children and youth related to things like being interviewed by police, medical exams, and testifying in court.

However, we have heard from parents that Project Lynx isn't actually operational. Can the minister please tell us the status of this project?

**Hon. Ms. McPhee:** I can say that Project Lynx is not as active as we would like at the moment. I can also indicate that it is but one service that is available to families — the families who are being described by the Yukon Party in relation to the services that they may choose. We have heard endlessly, of course, from the Minister of Education about the supports available for Yukon families who have been harmed by the criminal actions of the individual who was referred to. The Department of Justice, through Victim Services, is committed to providing specialized and age-appropriate services for children and youth who have experienced crime — and that's what we're talking about here, Mr. Speaker: crime.

Those who are navigating the criminal justice system can be supported through Victim Services. While progress is being made toward implementing national best practices for child and youth advocacy centres, through Project Lynx, implementation challenges associated with the Yukon's unique virtual model have been identified.

**Mr. Cathers:** Mr. Speaker, we continue to hear concerns raised by the families that they're not receiving the necessary supports. According to the government's own website, a lack of support may lead to further possible trauma for children and youth. The confidential briefing note from the Minister of Justice from the spring notes that Project Lynx faced implementation challenges associated with the unique virtual model that made coordinating support more difficult.

Can the minister tell us what steps are being taken to refine the government's approach to working with children and youth victims of crime?

**Hon. Ms. McPhee:** I very much appreciate the opportunity, Mr. Speaker, to note this specialized service of

Project Lynx and how we are working to improve those services. The Yukon Party clearly has a note they have made reference to, so they have the information that I have. As part of the new vision for the service delivery for Project Lynx, Victim Services will capitalize on new upcoming and purpose-built space that will more clearly define, lead, and deliver a specialized service for children and for youth victims of crime and their families who are having to navigate the justice system because they are victims of crime. Support will be provided for them through Victim Services, as we continue to improve the Project Lynx system, the Project Lynx coordinated approach, and the specialized skills that come from those who work there.

**Question re: Atlin hydro expansion project**

**Mr. Dixon:** Earlier this week, the energy consultant with THELP told local media that the only way the Atlin hydro project would be economic and would go ahead was with significant new government grants. He told local media that he hopes the funders could — in his words — go back to the piggy banks to see if they can come up with more. He also said that THELP has invested all that they are willing to invest. That means that the tab for any further cost overruns would have to be picked up by the funders. According to Mr. Carlson, if the funders don't cover the cost overruns, they would have to say — again, his words — “thanks but no thanks” to the Yukon.

How confident is the minister that they are going to be able to come up with \$60 million and possibly more by January?

**Hon. Mr. Streicker:** What I have said to the folks at Tlingit Homeland Energy Limited Partnership is that we will work to support them in their efforts to seek that additional funding, and that is what we will do. We are working on securing the funding right now. We have money set aside on our side of the budget. If we are successful or if the project is successful, we have put in for an energy purchase agreement that gets us energy at 13.5 cents per kilowatt hour. That compares to over 20 cents per kilowatt for diesel or LNG, so that's why we think that this is a good project.

We will work with Tlingit Homeland Energy Limited Partnership to see if we can help them to secure those funds. I will report back to the House.

**Mr. Dixon:** One of the significant concerns raised by the Yukon Utilities Board in their October 18 report was the lack of options available to deal with the capacity shortfall that Yukon Energy is facing. It appears that the Liberals have staked our entire near- and mid-term energy future on the Atlin project. Here is what the YUB said — and I quote: “In the Board's opinion, had THELP not approached YEC regarding the Atlin project and potential EPA, YEC would not have had any other options regarding a resolution to its capacity shortfall.” In other words, the Liberals are betting the farm on the Atlin hydro project. If THELP is not able to find the additional \$60 million by January in government grants, how long will Yukon continue to rely on renting diesel generators to address our capacity shortfall?

**Hon. Mr. Streicker:** What we're really talking about is the 10-year renewable energy strategy that Yukon Energy Corporation has put out, which the Yukon Party said they

endorsed during the last election, but apparently that wasn't correct. They have decided not to do that. They have decided instead to put all of their eggs in a different basket, and it's called the “liquefied natural gas, build a plant” option.

But here's the reality: The price for Atlin is 13.5 cents per kilowatt hour and the price for LNG is currently above 20 cents per kilowatt hour. I bet you that it goes up, and the price for the plant will be going up as well, just like all infrastructure projects are going up, and it will get no grants. It would get no interest from the federal government or from the BC government.

Mr. Speaker, we are working to help achieve this project, and we have many other projects on the go, including the grid-scale battery, including Haeckel Hill wind, including solar at Mount Sima, including solar in Dawson, including the Moon Lake project. We will continue to work on that whole suite of projects, which, I will remind the Yukon Party, can be found in the 10-year renewable energy strategy by Yukon Energy, which they themselves endorsed but now don't endorse.

**Mr. Dixon:** I'm glad that the minister has mentioned the 10-year renewable electricity plan, because here's what the YUB said about that on page 38 of their report: “In addition, YEC has not set up any RFP for new projects, renewable or otherwise, and has not provided any evidence that it has moved forward on any of the renewable projects identified in either its 2016 Resource Plan or 10-Year Renewable Electricity Plan.” I know that the minister likes to cite all of these renewable projects as he has just done, but the simple fact is that many of the ones he has cited will not provide the type of winter power that we need to displace rented diesels. So, at this point, they have staked everything on the Atlin hydro project in the near term and the Moon Lake project in the long term.

Mr. Speaker, if Atlin is not able to find the additional money or gets significantly delayed, we are locked into a diesel future. How does the minister think that we will meet any of our climate targets if we rely on rented diesel generators for the next decade or more?

**Hon. Mr. Streicker:** I don't think that. That's why are working to get off of rented diesels, and I also don't think that if we built a second liquefied natural gas plant that the Yukon Party wishes to build — that is not the future that is going to get us off of fossil fuels. I don't understand the logic. The logic that the Yukon Party has is, “How are you getting off of fossil fuels, government — Yukon Liberals? You should do it by building a liquefied natural gas plant.” No, I don't think that's good logic; I think that's the wrong logic.

So, what we will do — and I will give you another example that's in the 10-year strategy: grid-scale battery. That project is being developed up on the south access right now, and it is going to remove the need for four diesel generators. That's important and it will help shave our peaks — super important project — and it's an example of one of the projects in the 10-year renewable energy strategy which is working to get us off of diesel.

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

## ORDERS OF THE DAY

### OPPOSITION PRIVATE MEMBERS' BUSINESS

**Speaker:** Pursuant to Standing Order 14.2(3), the Third Party designated Bill No. 306, entitled *Act to Amend the Oil and Gas Act (2022)*, as the first item of business to be called under Private Members' Business today. As Bill No. 306 is in Committee of the Whole, the House shall now resolve into Committee of the Whole to proceed with consideration of the bill.

*Speaker leaves the Chair*

### COMMITTEE OF THE WHOLE

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

The matter now before the Committee is continuing general debate on Bill No. 306, entitled *Act to Amend the Oil and Gas Act (2022)*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

#### **Bill No. 306: *Act to Amend the Oil and Gas Act (2022)* — continued**

**Deputy Chair:** The matter before the Committee is continuing general debate on Bill No. 306, entitled *Act to Amend the Oil and Gas Act (2022)*.

Is there any further general debate?

**Ms. White:** It's a pleasure to be back in the Assembly in Committee of the Whole on Bill No. 306.

Just to start, the Minister of Justice asked me a question and it turns out that we had two separate copies, which is a fascinating thing in itself, of the 2012 *Oil and Gas Act*. She asked me about section 41, which was not in the section that I had, but I have since found a copy of the one that includes section 41, so the one thing that I would say is that section 41 exists. It will still exist in the *Oil and Gas Act*; it still exists in the *Oil and Gas Act*, as does section 14.

From my perspective, there is not a substantive change from what was mentioned because section 41 is still there. I can read a little bit about it if we are interested to see why it is relevant. Section 41 talks about the continuation of federal dispositions. Even though the clause that we are proposing to put back in doesn't include a reference to section 41, section 41 still exists in the *Oil and Gas Act*. At this point, I look forward to further questions.

**Hon. Mr. Streicker:** I just want to begin by saying thank you again.

In Committee of the Whole a couple of weeks ago when we were in debate, I had been asking a suite of questions. In the interim, I have compressed all of mine down to one final

question, but I would like to make just a couple of opening remarks.

First of all, I would like to acknowledge the hard work that the Leader of the NDP has done in engaging with First Nations and seeking their feedback, verbally and written. I also appreciate the fact that she has tabled all of that here in the Legislature. I know that, in the interim, there was a little bit more that came in. Again, I appreciate that.

I thank her for the note that she just gave us. Through this piece of legislation, we are seeking to amend the *Yukon Oil and Gas Act*. It's talking about relationships with First Nations and their ability to shape the future of the territory. I think that these are important questions.

The one thing that I want to still just ask the member opposite is if she could share her perspective on how she believes that this would change the landscape of other legislation. From her view, what is the upside to this? In what areas does she think that it might be pertinent and just how might it relate to other legislation?

**Ms. White:** I do thank the minister for those thoughts and that question.

I think I will just put us back in time and say: What did section 13(1) affect 10 years ago, and how did that change the landscape of the legislation? I think that one of the conversations that we are having right now — it is really important to just put it back into context and say that, look, this existed. Section 13(1) existed. It was in legislation 10 years ago, so how did it affect legislation 10 years ago? How did it affect legislation when it was removed? What changes happened?

I mean, the minister is government; he is Minister of Energy, Mines and Resources. He might be better suited to answer that question than I am. It existed 10 years ago, so how did it affect other legislation?

I would suggest that Yukon functioned and paid for it and had conversations and decisions. You know, it existed before, so what I'm proposing isn't something new. It is not even radical, although, based on the minister's thoughts two weeks ago, maybe consent is, at times, radical, but this clause existed before. It functioned in relation with other pieces of legislation.

**Hon. Mr. Streicker:** Thanks, Deputy Chair. I will take my seat here in a second.

I think that making sure that we talk with First Nations is very important at all times. So, that is the purpose of the amendment, and also, in practice, we as government have a responsibility to do that before we get to amending legislation like this. So, those are the things.

I also just wanted to thank the member opposite. I know that when we started in Committee of the Whole the other day, she was talking about the differences in being on the side of answering questions and us being on the side of asking questions, and I thank her for her responses to all of my questions.

**Hon. Mr. Pillai:** I guess the conversation that I would like to embark on is really around consultation. It's concerning the fact that something of this undertaking, of course, needs to be matched with a series of conversations with First Nation

governments across the Yukon. From our experience in government over the last number of years, I think about some of the key work that has been done and the amount of time — besides the technical support — that government ministers have, the amount of work that was undertaken, just on an independent basis, to ensure that we were seeking the opinion, advice, and position of Yukon First Nations.

A couple of examples that I will share before we get into some of the deeper questions — would be just to set the stage in Committee of the Whole — would be the Resource Gateway program before that program was funded. Then there was an amendment in June 2016 that was put in place and that directed the government of the day to ensure that there were letters provided by any affected nation that were submitted back to government. Then, subsequent to that, there would have to be a project agreement. So, we have had lots of conversations in the House about that. Certainly, that early work took a lot of time. The number of letters that were required in the front end of the project — there were only 90 days to go and get those letters. So, in the roles of ministers, we had to go out and do that work.

Then I think about things like *Our Clean Future* when we went out to all nations in the Yukon, again, making sure that we were having conversations and getting the support in place to do that.

So, that's really where the conversation will be. When we look at the changes that are being proposed by the Third Party, my perspective is that they are anchored in respect to Yukon nations and their role in governance. To parallel that, though, we need to ensure that we have appropriate consultation done with those same groups and we have feedback from them on their position on this amendment. When you go through government, every department has done that work over the last number of years. I know it's difficult when you don't have a department as well to lean on to do that work.

My first question will be: What kind of consultation occurred? What was it? Were there meetings to sit down and discuss the proposal? Was it a letter? Was it conversations? What was the type of consultation that occurred?

The second is: What kind of consultation occurred — 11 nations that are self-governing, the three nations that are still under the *Indian Act* — any other groups — Kaska Dena Council previously had done some work. I'm wondering if there were conversations that happened there because they had been party to some of the earlier conversations on some of this early work, and, again, what is the nature of the consultation? I will start there.

**Ms. White:** So, there are a couple of things. The minister referenced the Resource Gateway project and he talked about his department and the support. I haven't had the privilege of having the public service behind me before, and so it is a bit more challenging — a bit more challenging with a smaller team.

So, who did I consult with? Well, I reached out to all Yukon First Nations, with and without final agreements, as well as the Council of Yukon First Nations. I phoned; I met in person when it was possible; I sent e-mails and letters and have left many voicemail messages across many things. So far, I have

tabled letters from the Carcross/Tagish First Nation, Little Salmon Carmacks First Nation, the Teslin Tlingit Council, Ta'an Kwäch'än Council, and the Kwanlin Dün First Nation. There are some challenges. I would say that Champagne and Aishihik First Nations — they just had an election, so I have dealt with two separate chiefs and have started those conversations again with the newly elected chief. I have letters from the Liard First Nation and the Ross River Dena Council, as well as the Council of Yukon First Nations. Today, I had a conversation with a lovely human with one of the transboundary nations, actually, and I am looking forward to conversations there.

But I think the point that I will go back into is that this really leans back into the memorandum of agreement that was signed in 1997, which was a commitment from the Yukon government. We have had conversations about what that means, but the Yukon government, regardless of the political party in charge, is the Yukon government. I mean, the Yukon government in 1997 was a New Democrat government. The current government is a Liberal government. The government that removed this clause was a Yukon Party government. So, leaning back into that memorandum of agreement in 1997, there was a commitment by Yukon government, and that was disrespected in 2012 and that was removed.

So, that is really what the focus is on, because in article 5.1 of the memorandum of understanding, it confirmed that the Yukon government agreed that it would not, in respect of a traditional territory for which the effective date for a Yukon First Nation settlement agreement has not occurred, issue any new disposition with respect to oil and gas lands in the Yukon Territory without the consent of that Yukon First Nation.

I appreciate that what we are doing here is different — no qualms about that. I would say straight up that I indicated to the Premier shortly after the last territorial election that this was one of my goals, so I did have that conversation — even in recent conversations. We had two bills, and I am here with the one that I was encouraged to bring forward.

**Hon. Mr. Pillai:** I think that before I go on, I just want to get confirmation. I apologize — I just tried to make notes. I would just ask the Leader of the Third Party — I want to be accurate on which nations have had a discussion and where there was a briefing or conversation and which nations then provided a letter of support that has been tabled in the Legislative Assembly. I just want to make sure that I have those nations identified.

**Ms. White:** All of them.

**Hon. Mr. Pillai:** No, I just wanted to get an understanding. Out of the nations in the Yukon, which nations have supplied a letter of support for this particular amendment to the oil and gas legislation?

**Ms. White:** I just listed off the letters that I tabled. So, those are in support of the amendment. So that was the Carcross-Tagish First Nation, the Little Salmon Carmacks First Nation, the Teslin Tlingit Council, Ta'an Kwäch'än Council, Kwanlin Dün First Nation, Liard First Nation, Ross River Dena Council, and then, of course, the Council of Yukon First Nations. I have had verbal confirmation from the Vuntut

Gwitchin Government but, now that they are in the middle of an election, that can't happen. I had conversations with Chief Smith before he left Champagne and Aishihik First Nations. I have had conversations with Chief Benoit since she was elected. I have had conversations with Chief Dickson. I have left messages, I have sent e-mails, and I have sent letters. I have had conversations with Chief Chassé and the White River First Nation. As recently as today, I have been in conversations with Na-Cho Nyäk Dun. I have had lots of conversations with Chief Isaac from the Selkirk First Nation. They are ongoing, but the letters that I have tabled are in support of this. I have indicated it twice now.

**Hon. Mr. Pillai:** No, that was my mistake. I just wanted to get that cleared. I think in the opening statement, I guess what I was trying to illustrate is that I do understand — when there are times — how much energy that consultation work takes, because it is important work and it is key work. I think what I was getting at is that going out and not having department folks with you, but going out and making those phone calls, having those conversations, sitting in communities, and doing that work, it is very important, and I do understand the challenges that come with that for the Leader of the Third Party.

The Leader of the Third Party just mentioned that there were a lot of conversations that have happened. So, when I go through that list of nations across the Yukon — for the First Nations that have not provided a letter of support, did the Leader of the Third Party have any indication why, after all of those conversations and all of this time, many of those nations — one, two, three, four, five, six — so, almost half of the First Nations in the Yukon that have not supported this amendment — what were some of the reasons why a letter of support wasn't provided?

**Ms. White:** I think the minister just speculated when he said that they did not support this amendment. I have just told the minister that I don't have letters of support, but in conversations, I have had indications of support.

**Hon. Mr. Pillai:** In any of those conversations — and I stand corrected — was there any concern from any of the nations about the repercussions or implications of this particular amendment to the *Oil and Gas Act*?

**Ms. White:** I think the minister is well situated to actually know probably what some of those nations are interested in. Some want to have conversations about the ability to consent on projects that reach outside of oil and gas. Lots of them want to have conversations about UNDRIP. Some wanted to have conversations about their traditional territories and the maps that were accepted under the UFA. Some want to have conversations about how engagement goes on. So, I think the minister and his government are well aware of what some of those challenges and complications are, but I am not going to speak for a First Nation.

I don't think that it's my place to put words in someone's mouth, but I can say that I have had lots of conversations. The Minister of Justice has said it before — being in government isn't easy, and I don't disagree. I think that there are some really challenging conversations in our future — I mean "our future" as in our collective Yukon government future in Yukon.

Despite my best efforts to be involved in the Yukon Forum — because for me it's still something that I hear talked about and I see it being held up, but I have never been able to participate in it. I don't have the ability to know what those conversations are and what they look like except for what is included because, again, I'm standing here on the opposition benches.

**Hon. Mr. Pillai:** The Leader of the Third Party just mentioned — but first, in response to my question that I would have a good understanding — we do, in the sense that probably, in some of the conversations that have occurred, there would be themes or priorities that were identified in those conversations that my colleagues or I would be aware of. I agree.

But the level of integrity and accountability that has to be undertaken in the consultation when you are moving and changing law is significant. So, I can't assume that I know anything that happened in those conversations, and that's, of course, why we are in Committee of the Whole trying to find out what happened during that consultation. We don't have a "what we heard" document; we don't have a report; we just know that there are letters.

So, this might be a bit of a challenging question, but with that theme in mind, as the Leader of the Third Party said, I can't speak on behalf of those First Nations. But if half of the First Nations haven't formally provided support for this bill or this amendment and you are still looking to move forward and have this amendment, wouldn't you feel that it was speaking on behalf of half of the First Nations in the Yukon without having a formal document for their support?

**Ms. White:** I think the part that may be missed here is that there was the full oil and gas consultation in 2009. I have before — I'll say it again — and unfortunately, there is not a physical copy that I can find — but I can tell you that submissions in 2009 to the *Oil and Gas Act* against the repeal of section 13 came from the Council of Yukon First Nations. I also have a letter in support of reinstating section 13(1).

The Tr'ondëk Hwëch'in government was against the removal in 2009. The White River First Nation was against the removal in 2009 — the Kluane First Nation, the Ta'an Kwäch'an' Council, the Teslin Tlingit Council, Champagne and Aishihik First Nations, and Kwanlin Dün First Nation. I will remind the minister that, in 2012 when we were debating this on the floor, there was an Assembly of First Nations motion that was unanimously supported in support of the Kaska and not repealing section 13(1) of the *Oil and Gas Act*.

Again, I will say that this is not a clause that has not existed in law before. It was wrongly removed in 2012, in my opinion and in the opinion of many others. What I am trying to do is reinstate a clause that was removed.

I guess that it's a bit challenging, and I appreciate the minister's point, but we highlighted today in Question Period that the three northern chiefs sent out a press release saying that they didn't consent to the extension of the oil and gas permits that existed in north Yukon. The minister told us that, in conversations, he heard that, but they were still extended. I think that there are times when the Yukon government brings

certain things forward and it doesn't have letters of support from Yukon First Nations each and every time.

Again, I am just trying to put back in what was taken out in 2009 — a clause that was part of the memorandum of agreement in 1997 that was signed by the Yukon government and Yukon First Nations.

**Hon. Mr. Pillai:** I'm glad the Leader of the Third Party touched on the northern chiefs table, because the reason that the northern chiefs oil and gas table was put together was because it was important — when I was in the role of Energy, Mines and Resources — to have the ability to consult very actively and in an agile way on decisions. With support from the former Minister of Environment, the MLA for Vuntut Gwitchin, we put that table together and then built a framework around it so that we could consult.

I think that the current Minister of Energy, Mines and Resources today also touched on the fact that it was not a new disposition, but it was an existing permit. There was a difference of opinion, but I don't believe that the comments today in QP are going to illustrate or reflect the true sense of collaboration at that table, because I was at that table for three years, and we worked hand in hand, understanding the needs, the view, and perspective of the nations. There were lots of things being balanced at that time. I would say that the table was actually a great example of how to have consultation done in an agile way.

Going back, I guess what I would ask the Leader of the Third Party is — that conversation about consultation that occurred in 2009 and that the consultation in 2009 and the commitment from the government in 2009 should stand and that should be the consultation of record used to essentially justify the work on this amendment or to support the work on this amendment.

Look, I think that on this side of the House, we could say that, through case law and changes, the world of governance in Canada — and specifically when it comes to indigenous governments, but in the Yukon First Nation governments — there have been some changes. I think that, even when we talk about transboundary nations, there are different types of requirements of consultation.

My question is: Does the Leader of the Third Party believe that the legal and governance ecosystem in this country has changed or evolved since 2009, and should that be contemplated while making the changes with this amendment?

**Ms. White:** You know, in all honesty, there have been changes since 2009. I think that's a good thing. I also believe that we, as a nation, are moving toward the importance of First Nation consent.

I think that the minister probably wasn't in the one debate when I was talking about UNDRIP and its importance in 2021 during the election campaign, but I'm sure he heard about it. I can say that, in some of the letters I have tabled — and this is quoting out of the Ta'an Kwäch'än Council letter: "... the repeal of Section 13 is in direct contradiction with the principle of 'free, prior, and informed consent' that is central to the United Nations Declaration on the Rights of Indigenous

Peoples..." and has a direct impact on our First Nations in Yukon that do not have signed final agreements.

The reason why I use that one — I mean, I can go to the Kwanlin Dün and I can go to the Council of Yukon First Nations — is that, in 2009, there wasn't a conversation about the *United Nations Declaration on the Rights of Indigenous Peoples* despite the fact that the United Nations passed that declaration in 2007. That wasn't the conversation that we were having in Canada in 2009. The minister just cited the consultation that was done at the time of the Yukon Party government in 2009, but the Yukon Party didn't listen and didn't take that information in, because in 2012, they did repeal that section.

It is a challenging conversation, and I don't deny it. I guess the one question that I would ask the minister is: Do they believe that the historic documents — the historic agreements — that have been signed by Yukon government should stand? I realize that, when we are on opposite sides, they don't ask me questions, and so I won't necessarily ask them questions right now, but the point that I am making is that the memorandum of agreement that was signed in 1997 is just an example. There is the *Umbrella Final Agreement*; there are self-governing agreements. There are all of these individual agreements that are signed by the Yukon government, and if the memorandum of agreement in 1997 that allowed for devolution to start — the devolution of oil and gas — and we're saying that any Yukon government can back out of those agreements that were signed in good faith at the time — that is the concern that I have. That is a concern that I have.

So, in 1997, the Yukon government made a commitment — they did. The Yukon government made a commitment. It doesn't matter that it was an NDP government in 1997 — it doesn't — it was signed. It doesn't matter that it was the NDP that started the process toward land claims. It doesn't matter that they weren't the ones who signed the agreements. I would say that those agreements still stand — right? It is important that, when Yukon government signs those agreements in good faith — First Nations sign those in good faith, they expect the Yukon government to uphold their commitment.

It goes on past just the *Oil and Gas Act*. I think that there are a lot of agreements that Yukon government has signed that I think are really critical, and I would be concerned if any Yukon government said that they could go back on a commitment that was made by a previous Yukon government with First Nations in those agreements.

**Hon. Mr. Pillai:** I think the questions are going one way in this particular Committee of the Whole, but no, we work with historical documents and treaties all the time and respect those documents. I think the challenge is that, in this particular case, it's not the exact same language going back. There's a portion of it, but there's a change, so I think that's important to reflect on as well.

I think the other part of it that is challenging is — for folks who are listening in — really, at this particular time, there are no letters to support all the way, covering traditional territory from basically the Arctic Ocean all the way down, taking into consideration the entire western part of the Yukon, because

there's no support through all the Kluane area and then almost to the west borders of Whitehorse.

I think it's important to reflect on the fact that, when you look at where the letters of support have come from, only one nation that provided a letter of support is actually affected, I would think, by — I shouldn't say that — maybe two, by potential assertion. So, a lot of nations have seemed to not provide letters of support here. I think that potentially — and I don't know if that has anything to do with it or not.

I do want to move just quickly to transboundary nations. The Leader of the Third Party mentioned today that there was a good conversation with one of the transboundary nations. Of course, there are a number of transboundary nations that the Yukon government has — in particular types of undertakings — an obligation to consult with. So, I'm just wondering: Which transboundary nation did the member opposite speak with today? Are they going to provide a letter? Could I just get a sense of what other transboundary nations have been consulted with on this amendment?

**Ms. White:** I did have a conversation with Acho Dene Koe. But again, this is Yukon's *Oil and Gas Act* and it talks about Yukon First Nations and it talks about Yukon. I reached out actually after a conversation with the minister, and it took a while to find the right person to have that conversation with but did eventually land there. But again, this is Yukon's *Oil and Gas Act*. So, what I'm talking about is within the boundaries of Yukon. I think again — I will just lean back in. The memorandum of agreement, which is a key piece of this debate, was not signed by transboundary First Nations, with the exception of the Kaska Dena Council, but we do have support for both Kaska Yukon First Nations — so, the Ross River Dena Council and the Liard First Nation. So, again, it goes back to the memorandum of agreement, which is Yukon First Nations.

**Hon. Mr. Pillai:** Just on that theme, I would just like to get a sense from the Leader of the Third Party because of mentioning the Acho Dene Koe. So, in my initial meetings — and I don't know if the perspective has changed with the Acho Dene Koe — there was a real sense of interest in oil and gas development in Yukon by the Acho Dene Koe at that time.

So, I guess my question would be: If this amendment were to go through today, in that particular area, would the veto by Liard First Nation, if they wanted to use it, stand over the interest of the Acho Dene Koe? Or whose strength would it be — understanding full well that the member opposite is talking about the fact that this is a Yukon *Oil and Gas Act*. But I am talking about sort of case law and the due diligence that was done by the NDP on this particular case. So, how would that veto work with those two nations where there might be overlapping assertion?

**Ms. White:** I wouldn't pretend to speculate. I would ask the minister what region the Acho Dene Koe — the Northwest Territories, where they exist currently. What I would say is that I won't speculate. The memorandum of agreement was with Yukon First Nations. The Yukon *Oil and Gas Act* affects Yukon. So, we'll just leave it there.

**Hon. Mr. Pillai:** I am going to move into a bit of a different direction but still understanding the importance of the consultation piece.

The Leader of the Third Party mentioned that when this particular clause was in place in 2009, there wasn't a situation where it affected new legislation or existing legislation.

I guess the paradigm shift is that, upon the government being elected in 2016, we knew that one piece of successor legislation was the forestry act. That's what was there, but the next pieces were the renewal and modernization of the mining acts and the renewal of the *Lands Act*. The difference is that, in this particular construct, we have both the *Lands Act* as one piece that is moving through and the new mining legislation. I would like to get a sense from the Leader of the Third Party — and based on the comments today, based on the comments during Question Period, and based on the reflection off the comments in Question Period — in this particular time, does she believe that this amendment to the *Oil and Gas Act* would have any particular effects on what we would see as an end result in the modernization of our mining acts here in the Yukon?

**Ms. White:** I really hope that it is the aim of the Yukon government. I have indicated before that there is an interest in working with First Nations toward consent. We have heard that from industry. What I am proposing is reinstating section 13(1), which was the consent clause.

The landscape is changing in such a way that First Nations are talking about the United Nations declaration on free, prior, and informed consent. The reason why I think that it is important — looking back, I think about the fact that there was a previous Minister of Energy, Mines and Resources before our colleague, the Member for Lake Laberge, who said — and this is quoted, because it came out of the Member for Lake Laberge's speaking notes: "As the Yukon government and LFN previously discussed and our officials contemplated some months ago, if we were unable to achieve consent under section 13, repealing that section was our best alternative to an agreement." That was the decision of a minister.

When we talk about free, prior, and informed consent — I'm going to go back. I'm going to reference the indigenous law foundation. I think it's important. "Free" means — informed and prior consent can be broken down into three pieces to be better understood. So, "free consent" means that consent is given in the absence of coercion, manipulation, or intimidation. "Prior consent" means that consent is sought and received sufficiently in advance for any actions being taken. "Informed consent" means that the relevant information about the decision must be provided in an accessible, accurate, and transparent way.

I hope that there is the intention of Yukon government, no matter its political stripe, to work toward that with First Nations.

So, right now, I'm speaking very specifically about 13(1) that was removed in 2012 that I would like to put back. But I really do think that the conversations are coming here. I'm here for it. I want to have those conversations. I want to be part of those conversations.



**Hon. Mr. Pillai:** It's important to put on the record that this side of the House, the government, supports the intent and the amendment that is being proposed by the NDP. The challenge is that, without having an understanding of the perspective of almost half of the First Nations in the Yukon documented, it makes it difficult to be able to continue to support what's happening here.

Listening to the comments about reflection on UNDRIP, the values of UNDRIP — but let me pose this question: If a nation that has a self-governing agreement — we reflected on that today and we reflected on what happened 50 years ago. All of that hard work was done to get to the table, and then the process began on negotiation and a comprehensive self-government agreement was put in place. There was a give and take at the table where those members representing those 11 — well, all nations at that point — were negotiating. Now we have these 11 governments across the Yukon that have really compromised in many ways, whether it's the tax treatment to their citizens or how particular lands, category A or category B lands, are treated or what the interaction is with the Government of Yukon when it comes to particular program delivery and conversations — it goes on and on.

So, I guess what I'm wondering is: In areas where there is potential overlap — we're talking about oil and gas, so we'll just say "resource development" — what's the perspective from the Leader of the Third Party if there is free, prior, and informed consent — industry is sitting at the table having a long conversation with one of those nations. That leads to an impact and benefit agreement. There's a great collaboration, and there's an interest in that resource development by the self-governing nation and this company.

Maybe that self-governing nation signed on to support *Our Clean Future*, and they understand the need for critical minerals in a clean future going forward — maybe copper is one of the particular minerals. But there is a potential assertion that hasn't been rectified, and one of those nations — one of the three nations that are still under the *Indian Act* — would the Leader of the Third Party believe that their veto, even if it is in the traditional territory of one of those self-governing nations, should stand and it should be a veto? Or should the interest of that self-governing First Nation stand as a treaty holder on a comprehensive self-government agreement?

**Ms. White:** You know, it is a complicated issue that the minister brings forward about the overlapping traditional territories. To be perfectly frank, I think that it is difficult to navigate for everyone, but it shouldn't be used as an excuse to refuse basic rights of indigenous people. I fundamentally believe that these debates will happen one day. So, whether it is today or five years in the future or 10 years in the future, I think that those conversations are going to be important. I think that there are some examples in recent times of industry that has worked with First Nations with overlapping traditional territories, including one without a signed final agreement, and it has been successful.

When I have conversations with industry, they tell me that working toward consent is their best way forward, that this is where they will be able to go more easily through the YESAA

process, where they won't get taken to court or decisions won't get taken to court. So, I think that we have seen an example of industry working with two First Nations with signed final agreements and one nation without, and I believe that it is successful. I think that the minister is asking me to speculate on something that I can't really right now, but I do think that these conversations are going to happen.

**Hon. Mr. Pillai:** I have just a few more questions before wrapping up. When we reflect back on the *Oil and Gas Act* and we talk about what was repealed in 2012 and section 13 of the *Oil and Gas Act* — when we look back at that section, there are portions of it that the Leader of the Third Party touched on — has not been put on the table here today to bring back. So I just want to get a sense of — I know that it gets a bit technical. I'm just trying to understand why those sections are no longer important to have in this act.

**Ms. White:** So, I'm going to use the section of the *Oil and Gas Act* from 2012 that the minister's colleague did because, although my notes from 2012 did not include a reference to section 41, these ones do. So, I'm going to read this so we can be on the same page — everyone in the room — while we have this conversation. This is from the 2012 copy of the *Oil and Gas Act*. It's "Consent of Yukon First Nations"; section 13(1) says: "Subject to section 41, before the effective date of a Yukon First Nation's Final Agreement, the Minister shall not

"(a) issue new dispositions having locations in the traditional territory of the Yukon First Nation; or

"(b) subject to subsection (2), issue licences authorizing any oil and gas activity in the traditional territory of the Yukon First Nation,

"without the consent of the Yukon First Nation."

Then it goes on to section 13(2): "If all or part of the location of a federal disposition is in the traditional territory of a Yukon First Nation, the Minister may issue a licence authorizing any oil and gas activity in the location of that federal disposition without the consent of the Yukon First Nation." I just wanted to make sure that we were having the same part of the conversation.

So, the minister is right; what we have brought forward says: "Consent of Yukon First Nations" — 13(1): "Before the effective date of a Yukon First Nation's Final Agreement, the Minister shall not

"(a) issue new dispositions having locations in the traditional territory of the Yukon First Nation; or

"(b) issue licences authorizing any oil and gas activity in the traditional territory of the Yukon First Nation,

"without the consent of the Yukon First Nation."

And so there are some lines we are leaving out, and there's reason for that. So, section 13(2) is specifically about existing federal dispositions. Currently, there are five federal dispositions in the Yukon, all of which are inactive.

These dispositions will remain until expired or removed; not reinserting section 13(2) has no effect on that. As I said before, this bill is about First Nations' right to free, prior, and informed consent as upheld by UNDRIP, which the Government of Canada, as we know, committed to in 2021.

In my speech at second reading, I mentioned that while drafting the bill, that we consulted with both the drafter and a former UFA negotiator. Both of those people were also part of the oil and gas working group at the time it existed. I went back to the source, as best as I could find. With their advice, we decided that section 13(2) should not be reinstated for various reasons, so a reinstated section 13(2) would apply to all Yukon First Nations, since it doesn't distinguish between before the effective date of a Yukon First Nation final agreement and after a Yukon First Nation final agreement comes into effect. So, that would affect 11 nations. Section 41(1) of the same act provides for the continuation of any federal dispositions for oil and gas activities. Section 14, which lays out the duty to consult Yukon First Nations, does not refer to section 41 of the act, so we estimated that there was also no need for section 13 to refer to the federal dispositions, as it was before.

The federal government adopted the *United Nations Declaration on the Rights of Indigenous Peoples*, which means that the federal government formally recognized the right of First Nations to free, prior, and informed consent, which aligns with section 13 that we are proposing.

**Hon. Mr. Pillai:** Thank you for that very comprehensive answer. I am just going to wrap up, but first I just want to make sure that we provide some time to the Yukon Party if they want to ask some questions in Committee of the Whole. Seeing that, my sense would be — I will wrap up with this: Government has voiced and been very clear about the support for this amendment. It is, as stated, a very complex undertaking and there are many things to consider. I know that the Third Party has worked hard to continue to have these conversations. I believe that, over the last two weeks, the fact that this amendment has come to the floor of the Assembly has heightened the conversation around it. It is also, I think, more broadly understood what work is being done here, because of course, when all of us are here all the time, we are in the middle of this, and it becomes a key part of our lives, and all of the other folks outside of here have lots of things that they have to balance in their lives. I think that the Third Party has done a great job of making sure that this has been talked about in the media and the importance of this.

So, with that being said, wouldn't it be prudent at this point — and I know there has been a lot of time spent — but wouldn't it be prudent now to just get the other half of the nations into a dialogue? I don't know what the end result with that would be, but does it make sense to just take — to go through that, to take a bit more time, because there's a lot of work that has been done on this, but again, there are many folks who have not tabled. As was said, there are two nations who just went through — one is going through an election process; one just finished. Those are two nations — one, of course, represented by an MLA who sits in the caucus of the NDP and of course conversations that have happened, as the Leader of the Third Party said, with the new Chief of the Champagne and Aishihik First Nations.

So, with that in mind, wouldn't it be prudent to take a bit more time to just complete this work? So much hard work has been done already. We're just wondering in government because, of course, we're stating we support the work of the

amendment; we just need to ensure the consultation is completed in the appropriate way.

**Ms. White:** I think there's a couple of different things that I would say. I would ask if consent is needed to get consent. It sounds very — I guess a bit flippant when I say it that way, but the truth of the matter is consent is a basic right. People should have the ability, as should nations, for consent. So, there's that.

The truth of the matter is that the minister has been part of a government — a majority first in 2016 to 2021 — where there was the ability for them to make this decision to bring it forward and to do that work and to right the wrong of 2012 — one where the Premier spoke very much against this amendment.

There is also the truth right now that we are in a unique situation in the Yukon where the confidence and supply agreement guarantees that we can get this toward a vote. There's a leadership race happening at some point in the future with the Liberals. The confidence and supply agreement ends in January, so who knows what happens in the spring? There's no guarantee that this can come back then, to be perfectly frank. This is one piece of legislation that has ground my gears for 10 years — this change. This change was something that bugged me then.

So, the truth of the matter is that this is the situation that we are in. There is no guarantee that I would have the ability to bring it back in the spring. I chose not to bring it forward this spring because I was working on getting these letters. I chose not to bring it forward the fall before because I was working on getting the support. Again, this has not been new. It started shortly after the 2021 election — it's the first time those letters went out. So, the situation is different. This isn't common. So, I appreciate the perspective, and that is where I am at right now.

**Deputy Chair:** Is there any further general debate on Bill No. 306, entitled *Act to Amend the Oil and Gas Act (2022)*? Seeing none, we will proceed to clause-by-clause debate.

*On Clause 1*

*Clause 1 agreed to*

*On Clause 2*

*Clause 2 agreed to*

*On Title*

*Title agreed to*

**Ms. White:** Deputy Chair, I move that you report Bill No. 306, entitled *Act to Amend the Oil and Gas Act (2022)*, without amendment.

**Deputy Chair:** It has been moved by the Member for Takhini-Kopper King that the Chair report Bill No. 306, entitled *Act to Amend the Oil and Gas Act (2022)*, without amendment.

*Motion agreed to*

**Ms. White:** I move that the Speaker do now resume the Chair.

**Deputy Chair:** It has been moved by the Member for Takhini-Kopper King that the Speaker do now resume the Chair.

*Motion agreed to*

*Speaker resumes the Chair*

**Speaker:** I will now call the House to order.

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

### Chair's report

**Ms. Tredger:** Mr. Speaker, Committee of the Whole has considered Bill No. 306, entitled *Act to Amend the Oil and Gas Act (2022)*, and directed me to report the bill without amendment.

**Speaker:** You have heard the report from the Deputy Chair of Committee of the Whole.

Are you agreed?

**Some Hon. Members:** Agreed.

**Speaker:** I declare the report carried.

### Speaker's statement

**Speaker:** Bill No. 306, entitled *Act to Amend the Oil and Gas Act (2022)*, has been reported without amendment by the Deputy Chair of Committee of the Whole. Pursuant to Standing Order 59(1), the bill may immediately receive third reading. The Leader of the Third Party is therefore entitled to decide whether the House shall proceed with third reading of Bill No. 306 at this time.

I would ask the Leader of the Third Party to indicate whether she wishes the House to proceed with third reading of Bill No. 306 at this time.”

**Ms. White:** I request that Bill No. 306, entitled *Act to Amend the Oil and Gas Act (2022)*, proceed to third reading at this time.

### BILLS OTHER THAN GOVERNMENT BILLS

#### Bill No. 306: *Act to Amend the Oil and Gas Act (2022)* — Third Reading

**Clerk:** Third reading, Bill No. 306, standing in the name of Kate White.

**Ms. White:** I move that Bill No. 306, entitled *Act to Amend the Oil and Gas Act (2022)*, be now read a third time and do pass.

**Speaker:** It has been moved by the Leader of the Third Party that Bill No. 306, entitled *Act to Amend the Oil and Gas Act (2022)*, be now read a third time and do pass.

**Ms. White:** I do want to thank my colleagues for their questions and comments during Committee of the Whole, both today and two weeks ago. As I have stated several times, this bill is about reinstating a section that was wrongfully repealed by a government at the time that had no respect for indigenous sovereignty. It's about reinstating the right to consent for First Nations without a final agreement for oil and gas dispositions within their territory.

Reinstating section 13(1) will open the door to conversations about what First Nation consent really means. Consultation is not consent, and conversation does not imply

consultation. What we are really talking about here today is consent. Passing this bill will open the door to implementing free, prior, and informed consent for every First Nation in the Yukon. That is ultimately our final goal.

We have heard a lot about consent from the members across the way, asking us about our consultation: who did we consult, how did we consult, why we didn't include transboundary governments, and why we didn't get everyone on board. We have heard about how much this government has consulted and, of course, about the amazing public service that has supported them doing just that. Although we may not have the same resources at our fingertips, it's okay. The Yukon NDP and I personally had ongoing, real discussions about this amendment and this bill. We have received letters from many First Nation governments — not all. I definitely would confirm that. Some have just gone through an election and are no doubt prioritizing what is important to their citizens. One is in an election right now. I appreciate that this might not make the top of the initial list, but it doesn't make it any less important.

Some things have not changed over the years. If every First Nation government agreed to what is happening on their traditional lands, we wouldn't see First Nation governments in conflict with this government, resulting in court cases. That does not suggest to me that consultation or consent was followed. Free, prior, and informed consent is not optional. It needs to be implemented in the Yukon in partnership with every Yukon First Nation. This bill won't solve these problems per se because, as I said before, the scope of this bill is limited to reinstating what was repealed in 2012, and it touches only on oil and gas development.

This bill is about recognizing that First Nation consent is essential. This bill is about learning from a mistake of the past and moving forward together. I hope my colleagues will join me in doing just that today, because I really believe we have an opportunity to lead the way.

**Hon. Mr. Pillai:** There are a number of things that I would like to reflect on. First and foremost, I think it's important to defend the government record on the work that has been undertaken in the last six years with First Nation governments and the amount of focus that has been put in place. We can talk about oil and gas in a second.

We were sworn in in 2016. I think it was the first week of December. We were handed a series of binders. It was sort of like, “This is your homework for Christmas.” We walked back, and within the first seven days of January, I sat with the deputy minister I had a chance to work with, who is now the deputy minister responsible for the Executive Council Office. We had a discussion about the importance of working alongside First Nations of the Yukon, moving forward when it came to mining. Less than 20 days later, we signed an agreement and a memorandum of understanding with all 11 self-governing nations. One nation took a little bit longer to get, but that was through phone calls and that was the work to sit down with folks. It was all done within the first 60 days. We do understand, and we have undertaken this type of work independently. Sometimes, yes, we have had the support of departments, but

to say that our perspective on working with nations and that we are not out there trying to ensure that we get to the same place on decisions —

Of course, the Leader of the Third Party touched upon a couple of legal proceedings — not specifics, but I think I can probably figure it out because there are not many in this sort of thing. There have been a couple of things that have happened. We will let that process play out without getting into it. I can't speak to the specifics.

But I certainly sit at the table with all nations, whether it is around permitting or land development, and we have always worked in a respectful manner to try to get to a place of consensus, and I understand the perspective on both sides.

You are right; we haven't brought this forward. We were in a majority position, but I will be open about why we didn't bring it forward. I had responsibility for oil and gas. To be very open with you, I can go back and look through the letters that are on file, but this was not something that was brought — at least to me in those discussions with any nations — and said, "This needs to be fixed." There are lots of things that were priority: Let's modernize our legislation around placer and quartz; we need to make sure of our *Lands Act*. We went back to the priority list that existed and that had been gathered and was held by the Council of Yukon First Nations, and, of course, the Executive Council Office had an understanding what that is. Those were the items that were extremely important. That's the work that has been undertaken.

I'm also going to share a story with the Leader of the Third Party at my own expense. Early on in the responsibility of being the Minister of Energy, Mines and Resources, I had one of the nations that would be affected by this amendment — two of the nations — come and speak with me. At that point, they were requesting that an adjustment be made to the *Quartz Mining Act*. Your mindset is: Okay, this is going to give these two nations a tool that they didn't have, and it really seems to be something that's fair, and it's really a respectful undertaking here that we're going to work on. Well, I don't know if the Leader of the Third Party remembers, but once we started the consultation on it and I started to move that work through, I certainly got a big dose of reality. What I quickly learned was that the 11 nations that were self-governing were not pleased — not all, and I'm not going to go through and break it down. But many of the nations were not pleased with that work I was doing.

So, on one hand, I was thinking: Okay, this is going to be good for the three nations that don't have self-government agreements; they have come to me; it seems like a fair offer, and we should move this forward. Then I quickly learned to the point where we pulled it back and that was one of the big lessons in this job. I certainly was a rookie, and I certainly learned that, without having all that consultation done with the 11 nations and having them onside about this adjustment to this particular piece of legislation — even if I was doing something good for others — so, the challenge is that there are five of those 11 nations that have provided a letter of support to the Leader of the Third Party and over half that have not. So, I think that it is really important to understand — what is at the

foundation of not having — if there have been lots of conversations, there must be something and there are probably some sensitivities that exist there.

In our case — "our case" being the current government — understanding the oil and gas files, this was never a priority to bring this forward to make this amendment. But working with First Nation governments on the decision-making certainly was a priority.

First, I think about the cleanup of the Kotaneelee and the many, many conversations with the chief who was in place at that time and trying to figure out how the Liard First Nation — what was their perspective on development in that area and how could we work together? That was always a priority for us — then, of course, putting together the northern chiefs table with Vuntut Gwitchin, Na-Cho Nyäk Dun, and Tr'ondëk Hwëch'in and having those discussions and understanding sort of where those nations felt work would be done. Now, of course, there was a significant legal process that is still in place. I can't get into that, but as the Leader of the Third Party will remember, I was named, and I think that it was about a \$2-billion lawsuit, and we were working with folks across the Yukon nations to understand their perspective.

The other thing that we didn't even touch on here — and I don't understand, at least from my perspective, what the implications are to the Beaufort — is that whole discussion. So, there has been an ongoing discussion between the Inuvialuit, Vuntut Gwitchin, and, I believe, the Gwich'in Tribal Council around the Beaufort. So, how does this affect that? I can share with the House that when I had responsibility, before the current minister, I had to understand: How do I consult and how do I ensure that there are respectful conversations happening on this topic? So, I went back to the 1997 accord, actually, and I brought in somebody who was foundational in a lot of that work for government to understand what was the most appropriate way to seek advice from all nations, right from Kaska territory to the Beaufort.

Essentially, the process that we understood was that we invited all nations — every nation in the Yukon — to the table for the initial conversations. Then, over time, we continued to have those discussions. This is right there in Vuntut Gwitchin traditional territory, so of course, we were always making sure that dialogue happened, but we were also having discussions at the northern chiefs table. There was input, from time to time, more from Tr'ondëk Hwëch'in than Na-Cho Nyäk Dun, but it then centred on — and the nations were comfortable with the northern chiefs reflecting back on that discussion. If you look at the history of how royalties are shared and how they have been distributed, it was important that all nations were at the table listening to that and were aware of what was happening with that dialogue. Then, inevitably, the lead nation was the Vuntut Gwitchin.

So, we haven't even gotten into that, how it is affected by this, and what that looks like in the future. We can all sit here right now and say, Well, there is not really an interest by this government to do anything when it comes to offshore or other governments — but we have this obligation to really think about all potentials that we can imagine in the future when it

comes to how we build legislation, at least from our professional experience and from examples from other places, whether it be in this country or abroad.

I think it's important, because I have a sense of how this may play out. I want to be crystal clear: Today, walking into Committee of the Whole, the goal was to make sure that the Assembly and the Third Party were aware that we support this work. I can tell from the speeches that have been provided how passionate the Third Party — and specifically the Leader of the Third Party — is about this work and deeply, deeply cares about what is trying to be worked on.

I think it's fair to say that everyone on this side of the House understands that, respects that, and is trying to figure out a way to support this but also contemplating the experience — like you said, do you need consent to get consent? That's a great line. Do you need consent to get consent?

I can't answer that, but I definitely think that five out of 11 self-governing First Nations is difficult to move forward on, and as stated, there are a couple of First Nations who have just gone through an election process. So, again, it makes it very difficult, understanding the framework that we have to work within on this side of the table. Again, I have the scar tissue to show you that sometimes when you think you are moving on a decision that you believe is right when it comes to legislation and specific — it's very close to the same example for three other nations — you quickly find out that's not potentially the same product. I can't speak for those other First Nations because we haven't seen the letters, but I think that, as well, the Third Party — look, we understand how this Chamber works and how politics work, and it doesn't matter on this side of the House — the things that we don't get right in the eyes of others, we are going to be criticized for. We know that, but the truth of the matter is — if you want to talk truth — we have done an extraordinary amount of work to build bridges back with all First Nations in this territory, and we have done it in a respectful way. Yes, you can pick one or two legal proceedings on — maybe it's a permit or — I don't know — a subdivision of land, but we're talking about the big things — the big things — that we have walked the walk from what we said we were going to do in 2016. We have walked the walk. There are layers of complexity and legalities that exist that we always have to take into consideration, and all governments do. So, yes, it may be easier, when you are looking in the window, to think, "Why didn't we do this?" But I can tell you that we, as a group — with the leadership of the Premier on the Yukon Forum — we believe that this is important work to do; it's the right work to do, and we felt there were some holes that had to be filled.

So, with that in mind, the Leader of the Third Party has to understand that, although we are supporting the amendment, because the work is not completed, we are also in a position where we are going to potentially jeopardize six years of relationship-building that we did and all of those respectful conversations by supporting this. That's the crux of this. We are in this position where we support it — and today, it was about making space. How can we make some space to get that undertaken?

I think I would say again: We respect the work that has been undertaken, but we also have to respect what we've learned from our relationships that we've built across the territory. As the Leader of the Third Party knows full well, my previous job before being elected here was executive director of Champagne and Aishihik First Nations — who hasn't provided a letter. Probably a good reason that they haven't provided a letter. I don't know what it is, and I can say that. I do not know what it is. On this side of the House, we have not engaged with any nations on this discussion. Maybe that will be good to have engaged, but we did not. All we're doing is taking the information that has been provided to us and understanding what it is, but there's certainly — there have to be some reasons other than that there was an election over the last 30 days. And it's probably important to understand those reasons, and they're probably really, really fundamental to the sovereignty of those nations and their traditional territories and the lands they have. Me — I think — I don't know. Again, if we had a deeper dive into the consultation, we would understand that, and I'm sure there's a way to get this done following the intent that the Leader of the Third Party wants to see.

So, again, I thank the Leader of the Third Party. The questions today are challenging questions. I've had them asked of me. They're tough questions. The Leader of the Third Party did a great job of going through, really, the complexity of all of those things. I hope in the future there is a way for this amendment to be put in place, but again, I hope today that the Leader of the Third Party can reflect on where we are and the difficult position that we're in trying to support the intent, but also not being disrespectful concerning all those other relationships that we really hold up and that are also so important to moving the Yukon forward.

**Hon. Mr. Streicker:** Mr. Speaker, I want to begin by talking about the responsibilities of government. The Leader of the Third Party, when she was presenting her arguments, she talked about how there was the memorandum, which had been signed back in 1997, I think it was — whatever the date was — but she said it was the government of the day that agreed to that. That's the Yukon government, and whoever is sitting in the role of government takes on that responsibility. That is a really great point.

So, meaning that whatever the decisions of government have been to date, those are the responsibilities we have to take on. Unfortunately, that also includes 2012 when this act was amended.

I think the member opposite is right. It should not have been amended. It was amended despite First Nations saying, "Please do not do this." My recollection of it is not that the members opposite sought that engagement, but rather that First Nations themselves came out and said, "Don't do this." But it was done, so now, when we arrive in the role as government, we end up with the act as amended.

Today, in the bill before us, there is an attempt to replace part of what was taken out but not all of what was taken out. There are some complexities to that, things that, as government,

you suddenly have this responsibility to think about and care about. Some of it was what the Minister of Justice had been referencing when she was — I don't recall if it was during Committee of the Whole or whether it was at second reading. It was at second reading — talking about some of these other sections. Just because I know, from talking with Energy, Mines and Resources, that there is a significant discovery licence that exists in southeast Yukon and if the rules are changed without the ability for there to be that appropriate level of engagement and consultation, we could be going offside. We need to be very careful about those sorts of things.

It's complicated. It doesn't take away from our agreement in the principle of what is being sought to be replaced here and about our support for consent.

The challenge is that, when you're in government, you do have a responsibility to consult with First Nations, especially when we are talking about resource development, land-based issues.

So, as an example, we are working on new mining legislation right now, both for placer and quartz, and we have set up a very extensive and broad table with First Nations to be in a government-to-government relationship, to seek out that full level of involvement in developing the legislation — and still on top of that, we have a duty to consult. So, even though it's a government-to-government table for new mining legislation, we are required to go out and consult. That doesn't fulfill that obligation, because it could be that some First Nations have chosen not to be at that table — although almost all of them are — and then because there is requirement for us to consult — which is a very good thing — even though we have this very full table set up, we still responsibly have to go out and carry out that consultation.

What I had hoped was that there was a response from all First Nations that would allow us to have fulfilled that responsibility on our side. I still hope that there is a way to get this amendment back into the *Oil and Gas Act*. I think it's the right thing to do — plain and simple. The challenge, of course, is that, in order for us to do that — if we vote yes today while we see only half of the responses — there are seven letters from First Nations and another one from the Council of Yukon First Nations. But if we were to vote yes today, what would happen is that we would not be fulfilling our responsibility as government. So, I wish there was a way that we could fill that gap.

I take the member opposite — as she has presented to us throughout the second and third reading and in Committee of the Whole, she has talked about how she wrote early to the First Nations. She tabled that letter to us from 2021 — with that letter. She has talked about sitting down with every First Nation and having these conversations. The challenge, of course, is that we don't have the fruits of that in front of us at this point, but I am sure that she has done a tremendous amount of work to get that feedback.

So, what I want to say is that, for us and with the responsibility of government, we have this duty to make sure that we have fulfilled our obligation to consult with First Nations. There is an irony for me here that the thing we wish to

repair is about something that was taken away from First Nations without their support previously, but now it sits in law, and then that puts that responsibility right back on us to do that work. If there were a way, at this point, to fulfill that and get this amendment in, that would be my fervent hope.

Just to go back for a second, in the times when I have sat down with First Nations to talk about what priorities they have set for us or what they have set as critical things to work on, this is not one of the things that was raised. That doesn't mean that it isn't a priority; it just doesn't happen to be in the priorities that were given to us. There are always a lot of things that we would like to do, so it's not trying to take away from it being important; it's just that when we talk with First Nations and we asked them what was important and they gave us their priorities, this wasn't on the list. There are many things that we want to be working on with First Nations. I will say that it was a fundamental shift that we have tried to make, starting in 2016 when we were elected, to respect the government-to-government relationship.

I will just finish up by saying that I know how much work the NDP and the Leader of the Third Party have done to get us here. I want to thank her for all of that work. I wish there was a way to support it right now at third reading, but I want to just make the commitment to the NDP that, if there is a way to support in getting the last part of that — that we need as a government in order to fulfill that responsibility — I look for that way to work with them to achieve that.

**Mr. Hassard:** It's certainly a pleasure to have the opportunity to rise to speak to third reading on Bill No. 306 as brought forward by the NDP.

Mr. Speaker, I don't think that there's any surprise to anyone that the Yukon Party certainly is pro oil and gas and that we will not be voting in favour of this bill. But I do have to say that it has been interesting, through the course of the conversation today as well as two weeks ago when we talked about this bill, to listen to the ministers on the government side of the House. We have heard quite a bit about the NDP's lack of consultation and that they don't have letters of support from all of the affected First Nations and so that's why it can't move forward.

While I don't disagree necessarily with those statements, it really is interesting to watch this classic case of "do as I say and not as I do" because, you know, we're currently dealing with the *Animal Protection and Control Act* where we have the Minister of Environment who has numerous letters from numerous groups saying, "Please do not move forward with this bill", yet the government just puts their head down and forges ahead.

We have seen it multiple times with this government, whether it be the airport act or the better building program. So, I guess the irony is certainly not lost on me that the government ministers can stand here and now tell the Leader of the NDP, "You have done a lot of homework, but not enough." It is interesting, anyway.

The Yukon government currently has an obligation to consult with all 14 First Nations regarding oil and gas activities

in their traditional territory, including dispositions, proposed calls for bids, and permit extensions. That obligation to consult with First Nations and consider their input exists under the land claims and self-government agreements as well as under common law through court interpretations regarding the obligations of the public government, and it is also recognized in the *Oil and Gas Act*.

So, Mr. Speaker, under current law, the Yukon government must consult with affected First Nations and give fair consideration to their input, whether that First Nation has signed a final agreement or not. That is a fair and level playing field, and we feel that this is the way that it should be kept.

We, as the Yukon Party, believe that environmentally responsible development of Yukon's resources has the potential to provide jobs, economic opportunities, and tax revenues that benefit all Yukoners. That includes the potential future development of our oil and gas resources.

So, Mr. Speaker, as I said, I don't think that anyone will be surprised that we, as the Yukon Party, will be voting against this bill, but I certainly do appreciate having the opportunity today to stand and say our piece.

**Ms. Tredger:** Mr. Speaker, as we discussed, this amendment — I think that it is really important just to circle back again. As my colleague, the Member for Takhini-Kopper King, has said so many times, this is not a new amendment. Section 13 was already negotiated, signed off, and supported broadly by First Nation governments during devolution. What was not negotiated or supported by First Nations was its removal from the *Oil and Gas Act* by the Yukon Party government. Of course, when that happened, it was my dad standing here and debating it, so I have to say that I am immensely proud to be carrying on that fight, as part of this caucus.

I have been hearing stories about that time for a while — really since it happened. For that caucus, which I think held the value of reconciliation at the centre of what they did — for this to happen while they were in the Legislature and for them to have to sit and watch this shameful decision, I think that deeply scarred all the members of that caucus. I really feel the weight of what happened there, and I think that we still feel that today.

What is so unbelievably hard about that is that we are going to watch the same thing happen today. The words have changed, and the ministers say different things now. The colour of the governing party has changed from blue to red, but at the end, the result will be the same; those First Nations won't have the right to consent about oil and gas projects in their traditional territories. The result will be the same.

It has been really disappointing, I guess, to watch. I am not surprised by the Yukon Party. They did this in 2012, and the fact that they are going to vote it down again, I think, shocks no one. They have been very clear.

I am immensely disappointed by the Liberal caucus. I hear them talk so much about how important consent is, and yet they are twisting themselves in knots to complicate the issue. Ensuring the right to consent to oil and gas projects in traditional territory is critical to representing indigenous

sovereignty and moving away from a colonial approach to resource development. We know how governments of the past have treated First Nations in the Yukon. We know that they have ignored or avoided consent for resource projects. This amendment is trying to change that.

We have heard them say, "I wish there was a way." We have heard them say, "I support the intent of this; we think this is important; I wish there was a way." Let's talk about that. Let's talk about some options for a government who wishes there was a way and supports the intent of something. For six years — six years — they had the option to go back and do this in the way they think it should be done. How about since we brought the bill forward? I think I heard them openly admit that they have not reached out about this. They have not made any attempt to see if what they think is missing is there. I think that they are getting closer to reality when they say that it wasn't a priority. Because it was not a priority, apparently First Nation consent for oil and gas projects on their traditional territory is not a priority, so the opportunity for that consent to be in legislation is going to pass us by.

So, when I hear "I wish there was a way," it's sounding an awful lot like crocodile tears to me. It's sounding like an excuse, and because of that excuse, well — we are back where we were in 2012.

**Ms. Blake:** Listening to the debate around this bill, I am struck by a memory from the early 1980s: sitting in the community hall in Old Crow on the floor as a little girl with my legs crossed, watching and listening to conversations about exactly what we are talking about today. At that time, I was about four years old and not knowing the information I was being exposed to.

I remember listening to our old elders back then talk about consent. They expressed just how important it is that anyone coming into our territory must talk to the First Nation and all citizens and seek consent, instead of roaming freely and taking whatever they wanted from our lands and within our territories. This message came strongly from elders who went from living nomadically to a community setting. When I was a little girl, I used to get so annoyed with being forced to sit in those meetings, but as an adult, I can look back at those memories with gratitude, because the elders in those meetings who made me listen, they knew what they were doing. They prepared me for the role I am in today. Now I get to share their views, their voices, and their values in this House, much of which reflects who we are today as Gwich'in.

In every meeting in First Nation communities that I have witnessed, which has been several meetings throughout my childhood, my youth, and my career, I have always seen the community work together to ensure that everyone is heard, including elders, adults, and youth, to ensure that they have a voice and their voice is heard. This practice is what keeps our community united and strong when it comes to making difficult decisions related to our lands and resources and everything that is important to us as a nation.

It's difficult to think that here I am, at 41 years old, listening to the same conversation in a westernized setting. I am

so grateful that my colleague, the Leader of the Third Party, went through the history of this bill and highlighted clearly what wrongs were made by the previous government to Yukon First Nations.

Now 10 years since that harm was committed, we are in a transitional time. Young leaders like myself and many Yukon First Nation chiefs who learned about this history as children are in these roles of leadership, doing the work to restore our rights, while ensuring the protection of our lands and resources, because that's our responsibility.

The conversation we are having in this House today shows how, when colonial governments commit wrongs, it is the future leaders who must right those wrongs and repair the relationships that were harmed. It's up to us right now to mend those harms. It is the members of this government sitting across from me right now who have the power to right those wrongs with us. The Liberals have talked for six years as government about reconciliation and First Nation rights. This is an opportunity for them to walk the talk.

This government has asked about single letters of support. Those letters are valuable, but if this government had also spent the last six years listening to Yukon First Nations and attended those meetings, they would know that Yukon First Nations resoundingly support the basic right to consent to what happens in their own territory. First Nations are the guardians of the land we live on. It is Yukon First Nations who know deeply that the lands we live on do not belong to us. We are caretakers of the land. The lands and resources within our traditional territories allow us to practise our culture and ways of life. The sacred connection we have to our land is what makes us who we are as Yukon First Nation people.

I am hopeful that this government will sincerely listen to what Yukon First Nations have been saying for a decade, and even decades before that, and actually uphold the rights of Yukon First Nation people in this territory. I am very hopeful that the Liberals will vote in favour of this bill. If this government votes against this bill, it will send a very clear message to every Yukon First Nation leader and citizen across the territory on what this government truly believes, including myself.

I know that when it comes to our lands and resources within our traditional territory of the Vuntut Gwitchin First Nation, we always go back to the importance of consent. As we make decisions as a people, we always take into consideration the immediate and long-term impacts on not only our lands and resources but also the Porcupine caribou herd which is central to who we are as Gwich'in people. It is said that half of our heart, as Gwich'in people, belongs to the caribou and half of the heart of the caribou belongs to us, as Gwich'in. That's how deeply connected we are to the caribou herd and the lands we rely on for our livelihood.

We always ask ourselves, in any meetings that we conduct within my nation and within my community, what legacy our future generation of children will inherit from the discussions we have and the decisions that we make today. It is our duty to the future generations that we always make the right decisions, not for ourselves or our families, but for their future.

What we are talking about today is what First Nations across the Yukon have been experiencing since contact. We have watched as our lands were taken and resources have been extracted without consent. I can recall hearing stories as a child growing up in Old Crow about oil companies coming in to attempt to drill and extract oil and gas within our traditional territory, and it was our ancestors who were around at the time who pushed the industry out, because it didn't matter how much money you could promise our nation or our community; it was about the impacts on our lands, our resources, our animals, and our way of life. Because of the decisions they made that day, that is why today I and my children are able to hunt, harvest, fish, and practise the culture that has been upheld by my people for thousands of years — and that's important to me as a Gwich'in woman.

I have watched this my whole life. I grew up sitting there and listening to my elders talk about what was happening and how it had to change. I've been attending several meetings and general assemblies most of my life because I was made to, not because I chose to. I have listened to so many issues and this one in particular, year after year, whether I'm sitting in meetings in Old Crow or at a general assembly or in a community where I've been invited to meetings — this has been an ongoing issue at any meeting that I've been privileged to sit and listen to.

Doing things because it's the right thing to do means upholding and implementing free, prior, and informed consent for all Yukon First Nations and the future generations of our territory. Mahsi' cho.

**Speaker:** If the member now speaks, she will close debate.

Does any other member wish to be heard?

**Ms. White:** Mr. Speaker, it is interesting sitting here and thinking about some of the conversations that have happened and some of the points that have been raised. Hearing from the ministers talking about the work being done around successor resource legislation, it was a commitment in the confidence and supply agreement, because even though the government had a majority from 2016 to 2021, it hadn't been started. It had not been started — a majority government. It wasn't started. It was the confidence and supply agreement with the NDP that got that rolling. Folks can say what they will, but it was in that agreement, so there we go.

I think about some of the perspectives that have been shared today, but there were only two people who were in opposition to this initially who are still in this Chamber — although two of us were there for that.

I think back to December 2012. Had you asked me then if I would be standing in this very same Assembly working to reinstate the First Nation consent clause to the *Oil and Gas Act*, I probably wouldn't have believed it. It is important to put into context how that time was — it was terrible. It was a terrible time. I talk about learning how to speak with the sound of drums from the outside, and I say this because there was so much unrest at the time and, of course, perspectives will be different.



This is my perspective. I can tell you that it was a terrible time. I was one of six people who stood in the front of a lot of things at the time. It was terrible.

My colleague Jim Tredger and I were the first ones to say the words “hydraulic fracturing” in a public place, and it was scary because we weren’t sure, but that is what it looked like was coming. It was terrible — making the decision to take that step forward and whether we were going to say it out loud or not, but we did.

So, I think back to 2012; I think back to 2013, 2014, and 2015. I have been in opposition for a very long time. I have been in opposition for 11 years. I am uniquely situated in this Chamber as the person who has never been in government and has only been in opposition. I have been in opposition to a majority Yukon Party government, I have been in opposition to a majority Liberal government, and I am in opposition to a minority Liberal government, and I know how each of those things have felt.

So, looking back at my time in this Assembly, there isn’t any one single action that has stuck like a thorn in my foot as much as the unilateral action taken by the Yukon Party 10 years ago to remove the First Nation consent clause from the *Oil and Gas Act*. There are a lot of things in the last 11 years that bug me, but nothing bugs me more than that. That’s ultimately why I am standing here today — thinking back to that time in the Yukon and how that decision made people feel, how it angered First Nation people and Yukoners across the board.

I laid it out before, but the Yukon Party was in power with a majority government 10 years ago. Their disregard for First Nation rights was no secret. We only have to look back at how they dealt with the Peel planning process or the number of active court cases against them by First Nation governments during that time. So, for them, it wasn’t a problem for them to repeal a key section of the *Oil and Gas Act*, a section that had been agreed upon as a key component of devolution. As I have mentioned several times — and I will again, as this is one of the key pieces of this debate — in 1997, Yukon First Nations, the Council of Yukon First Nations, and the Yukon government signed a memorandum of agreement in which Yukon First Nations agreed to support devolution, subject to a number of conditions to protect the rights and interests of Yukon First Nations.

Mr. Speaker, those conditions were laid out clearly in the memorandum of agreement. Section 5.1 of this memorandum says — and I’m going to quote: “...Yukon hereby agrees that it will not, in respect of a traditional territory, for which the effective dates of a Yukon First Nation’s settlement agreement has not occurred, issue any new disposition in respect of oil and gas lands in the Yukon Territory without the consent of that Yukon First Nation.”

It’s important to note, Mr. Speaker, that this is very close to the language used in the repealed section of 13(1) of the *Oil and Gas Act* back in 2012. On December 13, 2012, the majority Yukon Party government voted to repeal that section of the act that had been put there as a condition of First Nation support of devolution. They breached an agreement that was signed in good faith by Yukon First Nation leaders and the Yukon

government — or, as was suggested by my colleague across the way, they breached the honour of the Crown.

Two weeks ago, and even minutes before, we saw a glimpse of the future that the Yukon Party wants for our territory with the remarks that were made by the Member for Pelly-Nisutlin. The Yukon Party sees a future with oil and gas development, one with — look back 10 years ago — fracking, one with little respect for First Nation governments. After all, when they couldn’t get the Kaska to agree to oil and gas development in the Liard River Basin, they removed a key piece of legislation that the Kaska could lean on.

So, to me, it doesn’t look like they heard what Yukoners were saying 10 years ago, and it looks like they didn’t hear what Yukon First Nations were saying 10 years ago. At that time, the Yukon Party was clear when they repealed the section and stripped Yukon First Nations without a final agreement of their right to consent.

Leading up to the actions taken in 2012, a previous Yukon Party Minister of Energy, Mines and Resources wrote a letter — and I quote: “... if we were unable to achieve consent under section 13, repealing that section was our best alternative to an agreement.” So, Mr. Speaker, they could not get consent. They could not get First Nations onside, so instead, they repealed the consent clause. Their repeal of section 13 was in direct contradiction with the principle of free, prior, and informed consent, one that we now recognize is central to the *United Nations Declaration on the Rights of Indigenous Peoples*, a declaration that has been adopted by Canada.

The repeal of section 13 was in direct contradiction of the 1997 memorandum of agreement. One of the questions that I have asked is: If a government can go against an agreement like a memorandum of agreement, which I talk about, what is to stop a government from breaking other agreements and other commitments that are made in good faith if there’s no consequence? One of the reasons why I talk about the Yukon government — the Yukon government is the Yukon government — it doesn’t matter which political party is there. That’s the concern I have. It’s one of the concerns that I have.

Bill No. 306, which is on the floor today, is a way for this Assembly and for this government across the way to right the wrongs that were done 10 years ago. It’s a way for those of us who were in opposition to the actions taken a decade ago to right that wrong.

Mr. Speaker, I mentioned that, in reality, there are only two of us who are left who fought against these changes 10 years ago. I am pretty confident that everyone in this Assembly knows where I stand. So, I guess it’s a question of where the Premier and his government stand now that he is in power.

More than reinstating rights that were wrongly taken away, reinstating section 13(1), I believe, opens the door to conversations about what First Nation consent means and about the difference between consultation and consent. I believe that it will open doors to a conversation about when the Yukon government will finally decide to formally adopt UNDRIP. This goes back to my point about the Yukon government. We have no idea which political party will be the Yukon government when UNDRIP is finally formally adopted. I can

confidently say that the Yukon NDP has been clear where we stand. What is less clear is where the Liberals and the Yukon Party stand on the issue.

Based on some of the Minister of Energy, Mines and Resources' line of questioning during Committee of the Whole two weeks ago about where and when the need to consent ends or begins, it leaves some questions out there. It suggests that we as a territory have a long way to go. I think that it's about time we started having these conversations. I started having those conversations by myself during the 2021 election campaign, but I have since tabled letters from First Nation chiefs who talk about the importance of UNDRIP and free, prior, and informed consent.

I said it before and I will say it again: These conversations will not be easy. As has been pointed out, there are technical discussions that need to be had. As we all understand, there are overlapping territories and cross-boundary nations. There are discussions between nations and discussions between governments and discussions between nations and the Yukon government. Some of these discussions won't be easy because they carry a lot of history. The truth is that, as a country and as a territory, we are entering a new era — an era that not only recognizes the importance of First Nation consent but one that is based on the principles of that consent.

Thirty years ago, the Yukon was blazing a trail when we entered an era of modern treaties and unprecedented negotiations. We have heard the ministers talk about that time — about how, in Yukon, we have half of those final agreements, half of those treaties. It's true. It's important. Consent is the future of modern treaties, consent is the future of government-to-government relations, and consent is the future, I believe, of our territory. I used an example of a mining company that has worked with three First Nations, including one without a signed final agreement, because it is possible to work toward consent.

The question to ask ourselves is: Do we want to take that leap? Do we want to take that big giant step forward, or do we get left behind?

The indigenous law foundation breaks down the definition of "free, prior, and informed consent" into three pieces. You've heard me say it before and I'm going to say it again, because I think it's important to reflect on them. "Free consent" means the consent is given in the absence of coercion, manipulation, or intimidations. "Prior consent" means that consent is sought and received sufficiently in advance of any actions being taken. "Informed consent" means that relevant information about the decision must be provided in an accessible, accurate, and transparent way.

I think it's important to recognize that the Yukon government and currently the ministers across the way — really, any ministers of Yukon government — have the right to free, prior, and informed consent. They can accept or withhold permits. They can request information or additional information and take time to properly reply. They can make their own decisions based on what they think is right or wrong. That all meets the requirements of free, prior, and informed consent.

So, the real question is: Why would Yukon First Nations not have that same right? Why would the government withhold the right from others that they already possess? The concern that I have is that a vote against this bill today is against the historic negotiations; it's against the agreement that was signed in 1997. It's a vote against the commitment that was made by Yukon government with First Nations. Reinstating section 13(1) would acknowledge that trust was broken and that an injustice was done by the Yukon government in 2012. At the end of the day, it doesn't matter which party repealed this section, because at the core of the issue, it was the Yukon government who acted in bad faith and repealed the First Nation consent clause. It was the Yukon government who broke its commitment.

Any Yukon government that benefits from the wrongdoings of the past, that benefits from the decisions made in bad faith and the unjust actions of a previous government and then actively refuses to fix them when the opportunity is right in front of them, I don't believe is any better.

So, we know where the Yukon Party stands, because they have said it clearly: They will vote against righting this wrong. To be fair, it's a wrong that they created. We have heard from two of the Liberal ministers, but where do each of the other members stand?

You know, Mr. Speaker, the tradition in the House of Commons in Canada is that parties don't whip the vote on private members' bills. I would point out that, in my time here, my 11 years, my vote has never been whipped. I have never been told which way to vote. In the House of Commons, it is accepted that individual members will vote with their conscience and not with the party line, because when it comes to a private member's bill such as the one in front of us today, members should be able to vote with their conscience. So, I am going to do something bold and radical. Today, I invite that this tradition be upheld in this House, too — for each member of this House to vote with their conscience and with their values.

We know that the Liberals will have a new leader soon. I think it is important for Yukoners to know where each member of the Liberal caucus stands, because the future leader of the Liberal government potentially will be standing in this room during that vote. I think it's fair to know where they stand on the issue of consent.

I remind everyone again what's at stake here. I know where the Yukon Party stands. I have a good feeling about where the Liberals stand, but if the Liberals choose to vote against this bill today, I feel like it's at their peril. I feel like it's voting against consent, so I really hope that's not the case. I really hope that an opportunity to have a free vote — one with conscience — that people choose to leap with us, because the risk is staying behind otherwise.

**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. Silver:** Disagree.

**Hon. Ms. McPhee:** Disagree.

**Hon. Mr. Streicker:** Disagree.

**Hon. Mr. Pillai:** Disagree.

**Hon. Mr. Clarke:** Disagree.

**Hon. Ms. McLean:** Disagree.

**Hon. Mr. Mostyn:** Disagree.

**Mr. Dixon:** Disagree.

**Mr. Kent:** Disagree.

**Ms. Clarke:** Disagree.

**Mr. Cathers:** Disagree.

**Ms. McLeod:** Disagree.

**Ms. Van Bibber:** Disagree.

**Mr. Hassard:** Disagree.

**Mr. Istchenko:** Disagree.

**Ms. White:** Agree.

**Ms. Blake:** Agree.

**Ms. Tredger:** Agree.

**Clerk:** Mr. Speaker, the results are three yea, 15 nay.

**Speaker:** The nays have it.

*Motion for third reading of Bill No. 306 negatived*

**Speaker:** I declare the motion defeated and that Bill No. 306 has not passed this House.

## OPPOSITION PRIVATE MEMBERS' BUSINESS

### MOTIONS OTHER THAN GOVERNMENT MOTIONS

#### Motion No. 519

**Clerk:** Motion No. 519, standing in the name of Mr. Istchenko.

**Speaker:** It has been moved by the Member for Klwane: THAT this House urges the Government of Canada to exempt home heating fuel from the Government of Canada's carbon-pricing system.

**Mr. Istchenko:** It is a pleasure to rise to speak to this motion that I brought forward, Motion No. 519, which reads:

THAT this House urges the Government of Canada to exempt home heating fuel from the Government of Canada's carbon-pricing system.

So, before I get started, I hope that the Premier gets up and speaks to this today because I have a question for him. My question for him is this: What do I tell my constituent — a single mom working two jobs — who just had her fuel tank filled at a cost of \$1,800? She can't afford this. She has no other heating option. She has no other option for housing. She is now financing the necessity to keep her family warm. This is not okay, and this should not sit well for this government.

The Liberal carbon-pricing system is a failure and has caused an increase in almost everything we use and rely on in our day-to-day lives. It is a tax that keeps increasing and causing everything to become more expensive. We said this in the beginning — that this tax was going to have unintended

consequences. People still have to drive to work. People still have to heat their homes. Only now, this government, rather than incentivizing lower emissions, has put an increasing tax on our necessities. Home heating fuel is a necessity. An \$1,800 fill is not pocket change for a single mother with two jobs. She cannot simply choose to turn off the heat for a week to make ends meet. People are literally having to choose between their grocery bills, their electrical bills, and their home heating bills, and we're not even into the cold months yet. But this government is choosing to keep an increasing tax on the most essential and most expensive bill that Yukoners are faced with.

So, we have sat in this House and listened to the Liberal members across the way try to defend the decision to implement the carbon tax. We keep hearing them try to convince Yukoners that their plan is the right way to attack climate change, and I'm sure that, during debate today, we will hear a few Liberal members stand up again today trying to use their talking points that they got from Trudeau.

So, the kicker is that, if you Google "what is a carbon tax", it says that the government sets a price that emitters must pay for each tonne of greenhouse gas emissions that they emit. Businesses and consumers will take steps, such as switching fuels or adopting new technologies, to reduce their emissions to avoid paying the tax. It's kind of laughable, really, because there are no other choices.

What choices do most Yukoners have? So, the average family cannot afford to change out their home heating system or to turn down the furnace in minus 30 degree or minus 40 degree weather. They don't have other options. Rural Yukoners need to travel for all our essential services.

Back when the Premier was first pushing the federal Liberal carbon tax, I remember asking — about my constituents in Beaver Creek — about how much this tax was going to increase the cost of living for them, especially with the cost of freight increasing with this tax. His answer was that the residents of Beaver Creek are going to have to get used to paying more for diapers. Well, he wasn't wrong. The options that we have for home heating — electric heat — it's a no-no in Beaver Creek and Destruction Bay because they are on diesel generation. Burwash is on diesel generation also, but apparently some residents are allowed to heat with electric. I have asked about this on behalf of my constituents in Destruction Bay, just a few minutes down the road, who would also like to have the opportunity to put electric heat in their homes — yet I haven't been provided an explanation.

The Liberals say that switching fuels or adopting new technologies will help families to avoid paying more. Well, this all costs money — and lots of money.

Supply chain issues — and even finding a contractor to come to rural Yukon is hard. I know constituents who have been on a list and have been waiting for years just to get their furnace serviced. Furnace oil has been up. Well, it is between 60 and 70 percent higher than last year right now. Just imagine what it will be when the carbon tax triples. Interestingly enough, home heating fuel all comes from the south. It needs to be trucked up to the Yukon using fossil fuels, which means more GHG emissions. The Liberal government has proven to

be rather stubborn in trying to focus on eliminating fossil fuels entirely in the Yukon. They have cemented our future to them.

We have some incredible technologies and some very wise and willing groups here in the Yukon that could help move us in a positive way, in a positive direction. By partnering with industry and Yukon First Nations, there are many options. It's not lost on many Yukoners that they are being punished with this ever-increasing carbon tax. This tax is making it extremely costly to heat their homes while this Liberal government's energy future is solely dependent on rented diesel generators. Actually, I think we are at 17 now, but the Yukon Utilities Board says that could increase in 10 to 15 years as our territory grows, and it will.

So, while this Liberal government promotes their federal counterpart's crippling carbon tax, everyday Yukoners sitting down with their families are trying to figure out how to finance this month's oil bill and buy groceries at the same time.

You know, Mr. Speaker, cutting Disney+ doesn't do much to cover the \$1,800 home heating fuel bill. So, the Yukon has become an unaffordable place to live under this Liberal government. Exempting the home heating fuel from the federal carbon-pricing system is one way; it's a good way that we can help lessen the ever-increasing cost of living in the Yukon.

I hope that all members support this motion that I put on the table.

**Hon. Mr. Clarke:** Mr. Speaker, I am pleased to rise this afternoon to respond to Motion No. 519, standing in the name of the Member for Kluane. This motion reads:

THAT this House urges the Government of Canada to exempt home heating fuel from the Government of Canada's carbon-pricing system.

Energy, of course, is a crucial input. Energy use imposes an external social and environmental cost as the combustion of fossil fuels increases the concentration of greenhouse gases and accelerates the climate crisis that we are all experiencing. Yukon's climate is changing, impacting the water, land, and the places we call home. We know that elders live through winter temperatures that our children may never experience. Wildlife and plant species are claiming habitat in places they have not before. Every stage of the water cycle is being affected, including precipitation, surface water flows, and groundwater recharge. In some locations, water systems are taking new paths as glacial sources retreat, and flooding may be more severe and frequent in other areas. Species like the pine beetle, which can kill pine trees, are making their way to Yukon's forests while outbreaks of spruce bark beetles already kill spruce trees in the territory. More dead flammable trees in our forests could contribute to wildfires becoming more frequent and intense.

As our population continues to grow, we will require more energy. At the same time, we do need to reduce our carbon footprint in order to ensure economic stability, energy security, and ultimately the robustness and resilience of all of our infrastructure.

Mr. Speaker, we take the threat of climate change seriously. We have joined First Nations and municipalities in the Yukon to declare a climate emergency in the territory. We

have committed to an ambitious target of reducing our greenhouse gas emissions by 45 percent below 2010 levels. As part of our commitment, we are tracking and reporting the territory's greenhouse gas emissions.

In the Yukon, transportation and heating buildings are the biggest sources of emissions. While the Yukon's emissions are a small percent of Canada's emissions, on a per capita basis, Yukon's emissions are the sixth highest in Canada. The central role of a government is to strive to reduce such negative externalities, such as objective recognition of the true cost of climate change to our society. This is what a responsible government does. There is a cost. That cost is being paid when we build better — more resilient but also significantly more costly infrastructure. The cost is being paid when we maintain our highways as the permafrost slumps and creates significant obstacles to our highways and buildings. That cost is reflected when we need to enlarge the culverts under our roads when the old ones are just not wide enough to deal with the increased precipitation and they are failing — the significant cost that is incurred when we mobilize to help fellow Yukoners battle unprecedented flooding, whether it is in Carmacks, Jackfish Bay, Marsh Lake, or many other Yukon communities.

Yukon has experienced significant flooding events in recent years. We know that the risk and likelihood of flooding is shifting due to changing temperatures, precipitation, and extreme weather events. These events are happening around the world. In June 2022, catastrophic flooding took place in Pakistan, displacing millions, with damages currently estimated at approximately \$40 billion. In 2021, the Pacific Northwest was hit by an atmospheric river that caused severe flooding and prompted a state of emergency in British Columbia. The damage is estimated so far to be between \$5 billion and \$7.5 billion. This last year, Europe experienced a drought unseen in 500 years. The Rhine, a major river and cargo route, dropped to critically low levels, causing shipping disruptions. The Maldives are expected to become uninhabitable as early as 2050 and disappear entirely by the end of the century as sea levels rise. Forest fires have raged through the vast northern forests in Siberia, in Alaska, and in British Columbia, impacting air quality in cities and towns.

Only last year, a wildfire destroyed approximately 90 percent of the Village of Lytton in British Columbia, killing two people and forcing the evacuation of over 1,000 people. The cost of this disaster is estimated to be approximately \$150 million. As most Canadians know, the temperature in Lytton at that time hit 49.6 degrees Celsius in the days leading to the fire. This was the highest temperature ever recorded in Canada.

This past summer, we had to close the Klondike Highway, as the forest fires in our territory were too close to allow for safe travel. Of course, there are countless other examples around the world. Increased frequency and intensity of extreme weather events, like hurricanes, wildfires, and droughts, threaten lives in these front-line communities, driving people from their homes and jeopardizing food sources and livelihoods. All of these effects increase the likelihood of more conflict, hunger, and poverty around the world. There is a

significant financial cost to all of this — the financial cost of us adapting to all of these changes.

One of the keys to reducing Yukon greenhouse emissions is to continue to ensure most of our electricity is generated from renewable resources and that we are steadily and consistently increasing the proportion of renewable energy heating. In *Our Clean Future*, the strategy that guides us, we are aiming to meet 50 percent of our heating needs with renewable energy sources by 2030. When we heat our homes with fossil fuels, we also heat our planet. In addition, many homes use much more energy than they actually require due to inefficiencies.

In the last year, our government supported the installation of 21 heat pumps and 50 smart heating devices, including electric thermal storage units. In the last year, our government also increased the rebate for smart electric heating systems, which is one of the actions of *Our Clean Future*. These systems provide accurate readings of your usage so that you can adapt your energy consumption to save you money. These systems are also equipped with an extremely accurate thermostat so that you do not overheat or underheat your room, thus preventing wastage. These systems also enable the creation of a custom heating schedule to match the routine of your household accurately, even remotely, by using your smartphone.

In the last year, we also launched a partnership with local industry to test the use of electric heat pumps with backup fossil-fuel heating systems, which is also one of our action commitments in *Our Clean Future*.

Our government will not sit idly by as the demand for energy shifts. It is very clear that, as Yukoners increasingly invest in both electric vehicles and electric heating technologies for their households, the demand for electricity will continue to grow. Our government is increasing the amount of renewable energy produced for electricity and heating. These efforts, combined with electricity grid investments, will ensure that our electrical infrastructure is climate resilient and suited to new patterns of electricity generation and use. This is all part of Yukon Energy's 10-year renewable electricity plan to support the Yukon government's goal of achieving 97 percent of electricity on the main grid to come from renewable resources by 2030.

This plan includes the Atlin hydro expansion project, Moon Lake pump storage facility, and the Southern Lakes transmission network.

The new grid-scale battery storage being built on the south access, or Robert Service Way, will also help meet peak demand for electricity during the winter, burn less diesel fuel, and improve the reliability of the Yukon grid. When completed, the battery will be the largest of its kind in the north and one of the largest in Canada. This project is also an example of how Yukon Energy is working with First Nation governments to secure Yukon's clean energy future.

By 2030, we will see an increase in local and community-based renewable electricity generation, including operating independent power production projects in all of Yukon's off-grid communities, and community-based renewable energy generation also contributes to climate resilience by building self-sufficiency and reducing our reliance on southern fuel

imports. Some examples include the Haeckel Hill wind project, the Dome Road solar project, and the Kluane ń-ts'i wind project.

I am certain that my colleague, the Member for Mount Lorne-Southern Lakes, will expand on those initiatives in his remarks. As well, I am certainly cognizant of the comments made by the Member for Kluane and acknowledge that there are immediate challenges with the rising costs and supporting households and individuals where possible, and I do anticipate that my colleague, the Member for Porter Creek South, will expand on what our government is currently doing to assist with inflationary pressures in his remarks.

The opposition will perhaps criticize my concerns with the motion presented by the Member for Kluane; however, if we do not change course, we will continue to incur huge financial losses in Yukon, and all levels of government in Canada will increasingly incur crippling expenses on behalf of their citizens. Various levels of government are paying, will pay, and will have to pay in the future.

The Member for Kluane has seen first-hand the effects of climate change in his riding when the massive Kaskawulsh Glacier retreated so much that its melt water abruptly switched direction. Instead of flowing into the Slims River and then north to the Bering Sea, the water has changed course and now flows south toward the Kaskawulsh River, the Gulf of Alaska, and the Pacific Ocean. This rare geological event — also known as “stream capture” or “river piracy” — describes the phenomena where a stream or river is diverted toward another body of water. These events are usually caused by a dramatic tectonic event, but this time, human-caused climate change is the culprit. The water levels of Łu'àn Mǎn, also known as “Kluane Lake”, are dropping. These are not potential scenarios; this is happening right now — more and more every year.

Now the Slims River is not really a river any more, but is more accurately described as a long and dusty mudflat. This, of course, has profound effects on the Kluane First Nation. We have yet to determine the impacts on the salmon, as researchers are still scrambling to understand the implications of this dramatic change. There is urgency to act. In fact, it is knocking at our door, right now, here in the Yukon.

In addition to all of this, there are tipping points where climate change could push parts of the Earth into abrupt or irreversible change. Some of these include the Amazon forest dieback, massive methane release, ice sheet disintegrations in Greenland and Antarctica, coral reef die-off, and monsoon shifts of West Africa and India.

To support this motion is to effectively tell the federal government that we are giving up and that we cannot — or are unwilling — to do our part for Canada and the world, for that matter, in reaching its climate goals. However, at the same time, we would still inevitably be requesting significant transfers from the federal government to adapt, fix, and repair the increasingly complex, expensive, and significant challenges that are associated with climate change. That is not leadership. Leadership is making difficult but necessary choices.

Even in the Northwest Territories where, as we know, there are substantial logistical difficulties with remote fly-in

communities and many islanded grids, effective April 1, 2023, consumers there will no longer receive a full rebate on the carbon tax paid for heating fuel at the point of purchase.

Transitioning to renewable energy to heat our houses is a challenging transition with many moving parts, but without it, we are just throwing in the towel and giving up. We are active — this government is active — on many fronts to facilitate this essential transition. Our government is facing this daunting challenge, and we will not run away from it.

**Ms. McLeod:** You know, as I listened to the Minister of Highways and Public Works, I was kind of amazed at how out of touch that minister seems to be with what everyday Yukoners are dealing with. I thank you, Mr. Speaker, for the opportunity to rise and speak to this motion today; it's my pleasure to speak to this motion that was brought forward by my colleague, the Member for Kluane.

The other day when we were in this House, the Minister of Energy, Mines and Resources called Yukoners who use fossil fuels to heat their homes “polluters” and was quite proud to adopt the federal mantra of “polluters pay”. Now, I am almost sure that Yukoners listening to that were not warmed to it — those Yukoners who don't really have a reasonable alternative.

In a *Whitehorse Star* report on November 4 of this year, they reported that 4,038 homes in the Yukon are heated by electricity. We look at those numbers that were from 2020 and represent about an eight-percent increase for 2021. I am assuming that most of these are new builds and I am assuming that they are mostly in Whitehorse. So — for those listening, because I am assuming that the minister knows this — electric heat to those 4,038 homes is not subject to a carbon tax. I wonder how many of those homeowners are getting a carbon tax rebate. That means that rural Yukoners are severely and disproportionately burdened by the carbon tax and the GST on top of the carbon tax. It simply isn't fair treatment for Yukoners.

In the Yukon, some or most households and businesses have the ability to connect to the grid and heat with electricity. Arguably, this isn't really a solution because some of that electricity, at least, is being produced by fossil fuel, but many are not able to convert to electrical heat. In some of our communities, it is forbidden for anyone who must get a building permit to build a home and heat with electricity. Those would be the communities that have 100-percent diesel-generated electricity — communities like Watson Lake, Upper Liard, Beaver Creek, Destruction Bay, Old Crow, and apparently until very recently, Burwash Landing.

Switching to an alternative heat source and away from fossil fuels is no problem, according to the Minister of Energy, Mines and Resources. Just go with wood, he says. Well, we hear from Yukoners that finding that wood supply is a huge challenge — and can you afford it? It is possible that, if you were heating with electric heat, the cost would be about the same. The issue becomes that you don't have to lay out \$5,000 in cash at the start of the year. I wonder if the minister has considered the impact on homeowner insurance for wood primary heating systems. If you can find a carrier, you likely

couldn't afford the premium. I know this because I called my insurance broker.

What if you wanted to convert to propane to heat from diesel because propane is a cleaner fuel? Has the minister ever looked at the cost of switching heating systems? It's big. In fact, having just gone through this process, I can tell you that it costs the same price as a small house. Homeowners are unlikely to consider it unless the diesel furnace's life has run out. This could mean another 30 years for someone who has a newer system before they have reason to switch out their system to any other source, even if there was an alternative to a fossil-fuel system, and I can think of no one who would do this “just because”. Even with a change to propane, you are still hit with the outrageous carbon tax and that GST.

With increasing home heating fuel costs and an ever-increasing carbon tax added to that, the Liberal government is managing to out-price families to make heating their homes a luxury. So, let's say that you only burn wood. How many Yukoners can't do this due to the lack of ability — either a physical limitation or resources, like not owning a truck. Yukon commercial woodcutters have faced nothing but problems from this government, and red tape has made it difficult to provide wood to Yukoners.

I am all too familiar with the rising cost of home heating fuel. Last February, I received a fuel bill for over \$1,600. I was in shock, and the first thing that came to my mind was: How in the world are people managing to pay their bills? The prices are still skyrocketing. There has just been a fuel price increase announced that could conceivably add another \$200 a month to everyone's home just for the fuel cost — never mind piling on some more carbon tax and some more GST.

So, I pay quite a bit for carbon taxes on top of that fuel price — on top of that \$1,600 — and I get back about 25 percent. This government always talks about Yukoners getting all of their money back. So, I ask: Why take it in the first place? How many emissions in the Yukon have been cut due to this policy? I will challenge any minister to tell me the answer to that.

The Minister of Highways and Public Works can talk all he wants about pricing people out — using fossil fuels. But at the end of the day, you are just hurting families; you are not actually addressing the problem.

Of course, I will be supporting this motion.

I just had one other issue to talk about, because I have an idea that it is going to come up with a subsequent speaker, should there be one, and it has to do with some of the things that the Yukon government is doing to help Yukoners with their monthly bills. One that the government has spoken about is the 10-percent increase to the pioneer utility grant.

Now, we know that doesn't help the single mom that my colleague from Kluane was talking about, but it provides a little bit of help for a senior citizen who is still living in their home. Say they get \$120 back for a year — a whole year — but I can tell you that this pioneer utility grant, including the increase, doesn't even pay for one fill-up, so it is not much of a help.

Every time we talk about how the government is helping Yukoners with their affordability issues, they raise the issue of

childcare. Well, I don't know. A lot of senior citizens are scratching their heads at that one because it's not helping them.

I know the government believes that they are bending over backwards to help Yukoners with their minor assistance. I'm going to even include the \$150 rebate on those electrical bills — the ones that people aren't even paying carbon tax on. So, it's not a lot. It can make a government feel good. I understand that there is a huge cost — even that small amount of money — to any government, but when this government talks about: "The government is spending..." and "This will cost the government...", we need to remember that it doesn't cost the government anything; it costs the people. The people are paying that, not the government. It's the people's money, and I think the government needs to remember that.

**Hon. Mr. Streicker:** I think this is a really important question — an important issue for sure. How do we make sure that life is affordable for Yukoners? In this case, when we are talking about fossil fuels — because the price of fossil fuels has been going up — the work to help people to get off fossil fuels is pretty important. Even if there were a subsidy right now, as the members opposite are proposing, in the future, the prices will likely continue to rise. What we really need to do to support Yukoners is to help them to not need fossil fuels. That is the fundamental question. It may not be as easy to deal with immediately, but it is certainly an important thing.

Whenever we — the government, myself — talk about polluter pay, what we are saying is that there have been unintended consequences to using fossil fuels. I think that we are very lucky as a world, as a territory, to have had access to fossil fuels. They have been a great energy source; however, they have a side effect that is effectively changing the planet and making the planet less livable and, at times, a very problematic place, and the world has to deal with the effects of climate change.

I think that we have a shared, mutual reason in order to try to deal with that. One, of course, is to try to protect our environment, but the other one, of course, is because, as these costs continue to rise for Yukoners, we don't want that dependency on fossil fuels because it's hurting.

I will say that I — like every Yukoner, even the most conscientious Yukoners — still rely on fossil fuels, and that's because, when I buy food at the grocery store, even if that food comes locally from here, there are still fossil fuels somewhere in that supply chain. So, even the most conscientious Yukoners still use fossil fuels. This building that we are standing in today, debating this motion, is heated by fossil fuels. So, it is important that we find ways to reduce our emissions, and at the same time, I don't want to try to act like I am not also one of those folks who has that dependency. We all do.

How can we work together to help Yukoners — so that the constituent that the Member for Kluane was talking about, who has a very high cost for filling up her oil tank — and do our best to help them?

I definitely have some suggestions. The first thing I will say is that, for those of us who have the ability to use other heating sources, we could switch to other ones, but it's pricey.

That's why we brought in the better building program. I am happy to say that it is available in Burwash, Beaver Creek, and Destruction Bay, because those communities are already on the territorial tax roll, so that's why it is accessible already. The first solution isn't really about trying to get to a different heating system. The first solution is to try to reduce the amount of heat that you need at all.

This building was recently renovated and reinsulated in order to try to reduce the dependency on fossil fuels. Why is that important? Because then we just don't need as much heat, period. If we think about the home that the Member for Kluane was talking about — I'm sure all of us in our ridings know of homes where people have high heating bills, and we want to help them get those heating bills down. The member opposite has talked about the problem where the person doesn't have the means to get there, but luckily that's why we provide this low-interest loan. For many homes, that's why I encourage them to work with the Energy branch. They will talk them through whether it is a good fit for them.

The point I am trying to make is that usually the savings on the heating bills is better than the repayment of the interest on the loan itself, so you're ahead of the game. That is important. We do try to provide an avenue for people to be able to reduce their dependency on fossil fuels, because I am worried that the price is going up. I am also worried that, if we don't do that, what happens if we continue to create that dependency on fossil fuels, which as I have already said, has other side effects, but even for people just flat out, we want to help them so that they don't get hit with it.

The carbon price that was designed here in Canada and here in the Yukon always had the intention of the money comes in and is collected so there's price signal, but we rebate it. In the instance of the Yukon, how we've set it up is we've said, "Hey, we will make sure that, if we add up all of the price that is paid by individuals, we will rebate more than that back to Yukoners." And yes, each person gets a rebate. We did make a difference in it that said: "Hey, for Yukoners who don't live within Whitehorse — if you're a distance away — there's an increment to the rebate" so that there's more money back going to rural Yukoners to acknowledge the difference about the distance.

One of the things I will say is that most of us, in terms of our use of fossil fuels, our biggest dependency is not heating. It's driving. So, if you take a look at the fuel that we use over the year, on average, there's more that goes into transportation than goes into heating, but in either case, we need to work to find ways for Yukoners to support them — so that we work to get off fossil fuels.

Now, I heard today — and I am quoting — the Member for Pelly-Nisutlin said that the Yukon Party is pro oil and gas, and I was surprised to hear that. I freely acknowledge that all of us here have used fossil fuels, but we have stated often that we need to work to support Yukoners to get off fossil fuels. We do not think it is the future for the territory. We think it's the wrong direction to go, and we've been having a lot of that debate over the past week, when we talk about, for example, the Atlin project.

The Member for Kluane — when he started off talking about that there are better solutions than the carbon price, he said that, you know, let's partner with First Nations to look at how we move off fossil fuels — I think that's what he said — and amazingly, over the past week, we've been talking about the Atlin hydro project which, at its root, is partnering with First Nations.

But the Yukon Party has said that they don't support that. They've said, instead, that what we should do is build a liquefied natural gas plant, and today they're rising to talk about the cost of fuels going up, and the part that gets me is that we should be drawing the connection across those two things.

I have been trying to say for the past week that the cost of fuel is getting more expensive. Therefore, we don't want to try to create more dependency on fossil fuels. We don't want to build more infrastructure that will try to use fossil fuels. We actually want to build more infrastructure that will use less fossil fuels. I agree with the member opposite that we should be partnering with First Nations. Again, I am just getting mixed messages from the Yukon Party, because they are saying that they are pro oil and gas, they are saying: "Don't invest in the Atlin project", and they are saying: "Build a liquefied natural gas plant". So, those things are all opposites to me.

Today, Mr. Speaker, I tabled a graph that talked about the residential electricity bills from across the country. This was data that was collected primarily by Hydro Québec when they were trying to show what the costs are. I tabled two graphs, actually, but the one I am going to refer to is the one that Yukon Energy had taken and added in the territories. I am looking at what is an average residential electricity bill when we look at the Yukon compared with other areas, and it lists off, roughly speaking, \$205 as the average electricity bill. The nearest neighbour to us — or the next closest price — is Calgary, Alberta at \$199 a month. So, we are \$205, Calgary is \$199, and Edmonton is \$195 — so, those are all pretty close. Where is Yellowknife at? — \$328. That is a big jump. Then you go to the Northwest Territories in what they call their "thermal zone", which means away from their grid where they have hydro, and then the price per month for their electricity is \$729 a month. That is a huge jump.

That is the challenge of fossil fuels. They are expensive and they are getting more expensive, so we need to find solutions that look at both how we reduce that dependency and how we support the average Yukoner in their home.

We have put forward quite a few of these initiatives, and they are all about trying to make sure that we reduce the impact to Yukoners. The main one that I think — if we are talking in general about this, about the carbon price and the rebate — I think it is, whenever possible, to help people to move to other fuel systems that don't use fossil fuels as much but certainly just even reducing the need for fossil fuels by insulating. Again, we have low-interest loans for Yukoners to try to achieve that.

I'm going to talk just for a moment, Mr. Speaker, about the rebate itself. We just had a bill here not too long ago where we debated about what we should do with the carbon price rebate, and I would like to thank the Yukon Party members and the NDP — all of us voted in favour of that. And what was that

about? That was about the fact that the federal government had let provinces and territories know that they were no longer going to be supporting exemptions for the carbon price. The Northwest Territories had an exemption on home heating fuel, and we had an exemption around mining. The federal government let us know that they were going to be removing that.

We realized that if we didn't amend our legislation, what could happen is that there would be a side effect that it would all change and all of the rebates that we had set up would be gone. That's why I appreciate all members of this Legislature working with us to try to get that legislation through quickly and supporting it. What I'm trying to point out is that, in the Northwest Territories, they are going through the same thing, except what they are doing right now is bringing forward legislation in their Legislature to remove the exemption of home heating fuel.

So, I hear the members opposite, that they believe the right thing to do would be to lobby the federal government to put this in, but I'm pointing out to them that, right now, it is being removed from other jurisdictions — from our neighbouring jurisdiction. So, I think we should be looking for solutions around here — around how to support Yukoners — number one — to use less fossil fuels and, if at all possible, how to transition away.

That's not a simple thing. When I think about the energy economy we have here in the territory, it is very complex, and it is very integrated with fossil fuels. It has been for decades. That's why we need this big, broad strategy called *Our Clean Future* and Yukon Energy's renewable 10-year plan. That's why those are the main plans that we are working with to try to support Yukoners. As well, we have brought forward initiatives around supporting Yukoners just generally with the increased cost of living. There is quite a range there, including rebates on electrical bills. Those are the main ways that we want to do this.

The thing I want to say before I sit down is that, even though we have set up the price on carbon, or the feds have set up this price on carbon, and it is there to help us reduce our emissions —

By the way, I'm pretty sure that, in Committee of the Whole, I stood and talked about the modelling research that we had done about that the reductions to our fossil fuel usage, or our greenhouse gas emissions, are based on the carbon price. I am happy to look that up for the member opposite and report it again.

The way we have set up the rebate is that all the monies that are paid for here go back into a rebate pool, and those cheques get issued to Yukoners. Usually, for Yukoners who have a more modest lifestyle — including those who live in our communities — usually for people who are of less means, they often have a more modest lifestyle, and in that situation, they will be getting back the same as everyone, but for those of us who have more emissions, we are paying in more, and that includes the territorial government itself. So, we are rebating to individuals and making sure that they are getting more, that Yukoners as a whole are getting back more money than they



have paid into the carbon price. As the carbon price goes up, that increases as well.

**Hon. Mr. Mostyn:** Every child should put down their toys and come inside to sleep. We have to look them in the eye and say “We sold you cheap” and confess that we did not act with serious urgency. Now we have opened up the flood gates to rising waters.

I used to be a music critic. I shared the role with Dave White. He is a great writer. When he left his desk to go walkabout one day, I carried on alone. People read my stuff every week. One of them was Don. He was a mentor. He taught me a few things when I moved into the civil service at the health and compensation board. He was an excellent civil servant, and he knew stuff — a lot of stuff. After I was elected, I used to play a bit with Don here in this Legislature. I would throw a few song lyrics into my remarks or Question Period answers, sprinkling them in here and there. Don would spot them and drop me an e-mail or call when he did. Don died a few years ago, and with his passing, music disappeared from my remarks, but today, I put it back.

Today’s opening lines are a bit clunky. Remember that I am an old critic, but they seemed appropriate to start this afternoon’s debate on the small-c conservative Yukon Party’s assault on carbon pricing. That’s what it is —

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

### Point of order

**Speaker:** Member for Lake Laberge, on a point of order.

**Mr. Cathers:** Mr. Speaker, the minister, in the past, has been infamous for attempting to rename the Yukon Party and has been instructed by yourself not to do that. He just attempted to get around the specific wording of your previous ruling while obviously directly intending to violate it by renaming the Yukon Party as something else.

I would ask that you remind him of your previous ruling, call him to order, and direct him to retract his statement.

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

**Hon. Mr. Streicker:** Mr. Speaker, in your ruling, you said — and I’m not trying to paraphrase — but it was about making sure that we refer to the Yukon Party as the “Yukon Party”. What I just heard my colleague do was try to use an adjective. He made very special care in front of it to say that this is an adjective that I’m using with a small-c.

### Speaker’s statement

**Speaker:** As Speaker, I have already ruled on this, and when we are referring to party members’ names, please refer to the correct title, “Yukon Party”.

Minister of Community Services.

**Hon. Mr. Mostyn:** So, as I was saying — but it seemed appropriate to start this afternoon’s debate on the Yukon Party’s assault on carbon pricing —

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

*Debate on Motion No. 519 accordingly adjourned*

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