

**Yukon Legislative Assembly  
Whitehorse, Yukon  
Monday, December 10, 2012 — 1:00 p.m.**

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

*Prayers*

**Withdrawal of motions**

**Speaker:** To start with, the Chair wishes to inform the House of changes that have been made to the Order Paper.

Motion No. 340 and Motion No. 341, notice of which was given on Wednesday, December 5, 2012, by the Leader of the Third Party, have been removed from the Order Paper as they are now outdated.

**DAILY ROUTINE**

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

Tributes.

**TRIBUTES**

**In recognition of International Human Rights Day**

**Hon. Mr. Nixon:** I rise today to recognize Human Rights Day.

On December 10, 1948, the *Universal Declaration of Human Rights* was adopted and since that day we have celebrated Human Rights Day worldwide every December 10. Every year, Human Rights Day is an opportunity to celebrate human rights, raise global awareness of human rights issues and advocate for the full enjoyment of all human rights by everyone, everywhere.

This year's theme is "My voice counts." The spotlight is on the rights of all people, including those often overlooked, to make their voices heard in public life and be included in political decision-making. The theme draws directly from articles 19, 20 and 21 of the *Universal Declaration of Human Rights*, which speak to the right to freedom of expression and opinion, the right to freedom of assembly and association, and the right to take part in government, either directly or through freely chosen representatives.

In Canada and in the Yukon, we're truly fortunate to be a part of a functioning democracy, where our voices are heard. Mr. Speaker, I want to thank each of the veterans who sacrificed so much in defence of our freedom. Daily, as I read and watch the news, I'm reminded of how great a country Canada is and how important our freedoms are. But democracy, inclusion and democratic processes are more than just voting; it is also about providing opportunities for the public to communicate their thoughts to the government. I'm so proud of the work that is done to seek out the opinions and concerns of our constituents and reflect them here in the Legislature.

Incredible strides have been made around the world to ensure that rights to life, liberty and security are a reality for all people. However, it's not enough to just celebrate our successes; we must continue to work and advocate for these rights. Canada's commitment to these rights is enshrined in our Con-

stitution. Here in Yukon, we have included these principles in our legislation.

The recently updated *Human Rights Act* protects the rights and freedoms of Yukoners and recognizes the unique needs and cultural heritage of the aboriginal peoples of Yukon. Yukon is actively engaged in the development and implementation of international human rights conventions by providing information to the Canadian government on legislation, policy and program changes. This year we reported to the UN on three human rights conventions. These were *Convention on the Rights of the Child*, *International Convention on the Elimination of all forms of Racial Discrimination* and the *Convention Against Torture*.

The Yukon government provides over \$500,000 in annual funding to the independent Human Rights Commission. On December 7, the Human Rights Commission launched a film to celebrate International Day of Persons with Disabilities and Human Rights Day. The film, entitled *Aren't You Supposed to be Doing Something? — Mallory's Story* documents the story of a Yukoner, Mallory Pigage, a young woman and self-advocate for people with disabilities. I have known Mallory for many, many years, and I appreciate the many challenges she has overcome. As a parent of a son with autism myself, I can identify with her story, and I encourage all Yukoners to see this film.

I know my colleague, the Minister of Health and Social Services, was equally impressed with the film. It is through the strength and persistence of advocates like Mallory that we are able to celebrate these rights and freedoms we hold so dear.

I urge all the members of this House to recognize Human Rights Day and thank all the Yukoners who work to promote human rights in the territory every day.

**INTRODUCTION OF VISITORS**

**Hon. Mr. Nixon:** It is a real privilege to recognize Jolene Waugh, who is in the gallery today. Would all members wish her a warm welcome.

*Applause*

**Ms. Moorcroft:** Mr. Speaker, on December 10, 1948, following the terrible lessons of World War II, the United Nations General Assembly proclaimed the *Universal Declaration of Human Rights*. It was the world's response to a decade of disregard and contempt for human rights, resulting in barbarous acts that outraged the conscience of mankind.

In 1948, Canada was one of the 48 countries that voted in favour of the declaration at the UN General Assembly. The declaration now applies as a common standard of achievement for all peoples and nations around the world as international law. The declaration, for the first time in human history, spelled out the basic civil, political, economic, social and cultural rights that all human beings should enjoy.

International human rights law lays down obligations that states are bound to respect. By becoming parties to international treaties, states assume obligations and duties under international law to respect, to protect and to fulfill human rights.

Human rights, democracy and development are intertwined. Unless human rights are respected, the maintenance of international peace and security and the promotion of economic and social development cannot be achieved. The world is still plagued with incidents of ethnic hatred and acts of genocide. People are still victims of racism, are subjected to discrimination because of religion or gender, and suffer from exclusion. Around the world millions of people are still denied food, shelter, access to medical care, education and work, and too many live in extreme poverty. Their inherent humanity and dignity are not recognized.

While every citizen has a duty to uphold human rights, the responsibility falls most heavily on the shoulders of government or, as the declaration says, the rule of law. To uphold and to defend human rights is a function of government, although all too often governments are the obstacle to, or even the enemy of, human rights.

This year, the United Nations placed the spotlight on the rights of all people — women, youth, minorities, persons with disabilities, indigenous people, the poor and the marginalized — to make their voices heard in public life and be included in political decision-making. The designated theme for *Human Rights Day 2012* is “Inclusion and the right to participate in public life.”

These human rights to freedom of opinion and expression, to peaceful assembly and association, and to take part in government have been at the centre of the historic changes in the Arab world over the past two years, during which time millions have taken to the streets to demand change.

In other parts of the world, the 99 percent made their voices heard through the global Occupy movement protesting economic, political and social inequality.

Article 19 of the declaration reads: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

We’re fortunate to live in a country where government doesn’t own all of the media, control all information or even arrest, detain, torture and kill journalists and dissidents who try to offer news and views that compete with the official view of events.

But even in democratic countries and jurisdictions, governments need always to bear in mind that the proper way for government to move is toward openness and transparency and away from secrecy and control.

The Office of the High Commissioner for Human Rights issued this statement for December 10, 2012: “Millions of people have gone on to the streets over the past few years, in countries all over the world, emboldened by what is happening elsewhere, some demanding civil and political rights, others demanding economic, social and cultural rights. This groundswell is not simply a question of people demanding freedom of expression and freedom to say what they think and make clear what they want.”

Many people in many countries are “asking for their right to participate fully in the important decisions and policies af-

fecting their daily lives, at the international, national and at the local levels... They have been, in effect, asking for what has been, for more than 60 years, under international law, rightfully theirs.”

Canada’s aboriginal peoples have been among those demanding their human rights. In partial settlement of Indian residential school survivors’ legal claims for damages for these mass human rights violations, Canada has established a national Truth and Reconciliation Commission. It has a mandate to acknowledge the Indian residential school system experiences, impacts and consequences, create an historical record, support commemoration of survivors, produce a report and educate Canadians about the residential school human rights violations.

We learn human rights when we educate children and adults alike about the principles, values and obligations found in human rights law. We live human rights when we govern for justice and equality.

On behalf of the Official Opposition, on December 10, in solidarity with people around the world who are standing up and speaking out for universal human rights, I close with the words of the High Commissioner for Human Rights, Navanethem Pillay: “I salute all those around the world who are saying, ‘We have a voice. We have our rights and we want to participate in the way our societies and economies are run’, because that is how it should be.”

**Mr. Silver:** I rise today on behalf of the Liberal caucus to pay tribute to International Human Rights Day. During the Second World War, with tremendous irreparable damage and loss of valuable human lives, the world also witnessed some of the most macabre human rights violations. This was a wake-up call for the entire human race.

In 1945, the founding countries for the newly established United Nations joined hands to draft laws to promote and protect the primary rights of citizens.

On December 10, 1948, the UN General Assembly adopted the *Universal Declaration of Human Rights*, which has become a universal standard for the promotion and protection of human rights worldwide. This declaration is considered the most translated document in modern history, available in more than 360 languages, with new translations being added daily.

Human rights are interlinked and interdependent, inherent to all human beings without any discrimination of any nationality, ethnicity, sex, religion, language, caste or creed. Human Rights Day is an opportunity to raise global awareness of human rights issues.

We recognize the work of human rights defenders worldwide who act to end discrimination. Acting alone or in groups within their communities, they campaign for equitable and effective laws, report and investigate human rights violations and support victims. While some human rights defenders are internationally renowned, many remain anonymous and undertake their work often at great personal risk to themselves and to their families.

This year’s Human Rights Day aims to highlight inclusion and the right to participate in public life. Participation in public

life can only achieve its full meaning and real significance when everybody is included in the decision-making process.

Fulfillment of the rights to participate is fundamental to the functioning of a democracy and an effective human rights protection system, and inclusion is essential to achieving both. Where we come from does not determine who we become. What we look like places no limits on what we can achieve. We should all have the right to express ourselves; we should all have the right to be heard; we should all have the right to be what we can be, and everyone's voice should count.

This year, as we mark the 62<sup>nd</sup> anniversary of the *Universal Declaration of Human Rights*, we must be vigilant about the promotion and protection of human rights worldwide. We must remember and always be aware that human rights violations that are committed around the world today will be the cause of tomorrow's conflicts. We must all learn to respect each other. We have to give value to each human being, irrespective of any condition. Most importantly, we must remember that an injustice committed by anyone is a threat to everyone.

We would like to recognize the many human rights advocates around the world, here in Canada and in our own territory. You work tirelessly to defend the rights of others, and without your efforts, we would not have come this far.

We would like to recognize the Yukon Human Rights Commission and the Yukon Human Rights Panel of Adjudicators for their work on behalf of all Yukoners. We would like to thank you for all your hard work for equality for all.

### In recognition of 2012 Yukon/Stikine Regional Science Fair

**Hon. Mr. Dixon:** I rise today on behalf of all members of the Legislature to pay tribute to the students from grades 4 to 12 who recently took part in the 2012 Yukon/Stikine Regional Science Fair.

Students who study science are better equipped to handle the issues facing our world in the future. Science fairs encourage the use of the scientific method and an awareness and application of ethics in the conduct of science and experimental study.

Supported by their classmates, teachers and parents, these 71 winners of their local science fairs created 62 inventive scientific projects on a wide range of subjects from using pressure points to manage stress, to nutrition, to aerodynamics, to alternative fuel sources.

The students were from 11 participating schools from as far south as Atlin and as far north as Old Crow.

I can say that at the event held at Yukon College last weekend, the students from Old Crow who weren't able to attend were able to join us by Skype through iPhones. One student who received an award had his medal draped over the iPhone.

The judging was led by Ryan Sikkes and Jody Woodland as well as over 30 local professional scientists and engineers, and there were numerous winning projects and awards given out.

Science Adventures at Yukon Research Centre and the Regional Science Fair Society run the fair. Their organizing

committee was made up of the following individuals: Heather Dundas, Jody Woodland, Ryan Sikkes, Ian Church, Jesse Jewell, Bruce Bennett, Cory Pothorin, David Michayluk, Tanya Lewis, Kasia Leary and Joel Cubley. They would like to invite all Yukoners to participate in next year's Yukon/Stikine Regional Science Fair. It is never too early to start thinking about your next research project.

I would suggest that all members of this House check out the [www.scienceadventures.ca](http://www.scienceadventures.ca) website for the listing of the varied award winners of this year's fair. I would especially like to congratulate the three winners who will represent Yukon next May at the Canada-wide science fair in Lethbridge, Alberta. I'll introduce them here in the Legislature when I'm done. They are Isabel Magsucang from Christ the King school in grade 7, whose project was "Don't Let It In!", KC Mooney from Christ the King school in grade 7, whose project was "Don't Let It Out!" and Alyssa Bunce from Vanier Catholic school in grade 8, whose project was "Pressure Points: A New Way to Manage Stress?". These winning scientists also receive scholarships for one year free tuition at Yukon College.

Along with being chosen to represent Yukon on the national stage, Isabel also won the Commissioner's Award for Best in Fair, awarded by the Hon. Doug Phillips, which is also very exciting. Congratulations also go to David Lister from grade 12 in F.H. Collins Secondary for winning the Students' Choice Award with his project, "Designing and 3D Printing of an RC Airplane".

Mr. Speaker, science is an integral part of our lives and I commend these students for their thorough investigation and articulate reporting in the 2012 Yukon/Stikine Regional Science Fair.

I would like to ask members to join me in welcoming a number of the students I've mentioned: Isabel; KC Mooney; Alyssa Bunce; her grandmother Erica; Greg and Tina, Alyssa's parents; and KC's parents, Susan and Jamie.

I would like to ask members to join me in welcoming those students today.

*Applause*

### In recognition of David Lister

**Hon. Mr. Kent:** I, too, rise on behalf of all members of the Legislature. It's very rare for an individual to be recognized twice on the same day, but I have the privilege of rising to pay tribute to an exceptional young man. As mentioned by the Minister of Economic Development, David Lister is a grade 12 student at F.H. Collins, an award winner at the Yukon/Stikine Science Fair. However, David has recently returned to the Yukon from Sao Paulo, Brazil, where he was a member of Team Canada.

Skills/Compétences Canada in Ottawa selected members of Team Canada by way of the results of the recent 18<sup>th</sup> annual Canadian Skills Competition hosted in Edmonton, Alberta, in May 2012. At that particular prestigious event, Team Yukon brought home four national medals: two gold, one silver and one bronze.

David Lister is the first Yukon student apprentice ever to reach the podium at an international event, winning a bronze medal.

David's phenomenal success came by way of a lot of hard work and a lot of support from Denis Godin, who is a fellow member of Team Yukon. Both young men competed in the area of mechanical CAD. Denis will be representing Yukon and Team Canada at the World Skills Competition, which will be held in Germany in July 2013.

Mr. Speaker, Yukon industry has played a huge role in the continued success of Yukon students and Yukon apprentices. David is employed at the Technical Solutions Company, or TSCO, during the summer. TISCO is owned by Julien Plourde, who is a former Skills Canada competitor and medalist and is currently the president of Skills Canada Yukon.

The mentoring and training this exceptional young man has received has catapulted him to be one of the most talented student apprentices in the world. Mr. Speaker, the future is looking very bright for the Yukon in the areas of skilled trades and technologies. I would like to congratulate David on his remarkable achievements that are being honoured here today and welcome David to the gallery, along with Whitehorse Mayor Dan Curtis who, of course, is the former executive director of Skills Canada Yukon.

*Applause*

**Speaker:** Introduction of visitors.

## INTRODUCTION OF VISITORS

**Hon. Mr. Pasloski:** Mr. Speaker, it is my pleasure to introduce in the gallery today, the Chief of the Ross River Dena Council, Brian Ladue; Chief of Liard First Nation, Liard McMillan; and Alex Morrison of the Liard First Nation Development Corporation. I invite everybody to welcome them here today.

*Applause*

**Mr. Silver:** I'd like to welcome to the gallery an economic development consultant from Wilson and Associates, Mr. Gary Wilson.

*Applause*

**Ms. Moorcroft:** I'd like to recognize that there are members of the staff of the Yukon Human Rights Commission in the gallery this afternoon: Heather MacFadgen, Lynn Pigage, and George Lee. Please welcome them all.

*Applause*

**Speaker:** Are there any other visitors to be introduced?  
Are there any returns or documents for tabling?  
Are there any reports of committees?  
Petitions.

## PETITIONS

### Petition No. 9 — response

**Hon. Mr. Cathers:** I rise today to respond to Petition No. 9, which was presented to this House on November 26, 2012. Petition No. 9 asks the government to compensate residents of Keno City who wish to leave the community because

of the mining activity in the area. Keno City and the surrounding area is a historic mining district.

The town may never have existed if it had not been for decades of mining in the region. Mining had abated for some time in recent history, but with Alexco's revitalization of mining and reclamation activity in the area, the Keno Hill mining district has re-emerged as a modern example of how mining and reclamation can be conducted responsibly and contribute significantly to the environmental and economic well-being of surrounding communities. While mining was central to Keno's past and will play a key role in its future, the tourism potential of this beautiful area has also been realized over the past two decades. Keno City can emerge as an example of how both tourism and mining can co-exist by capitalizing on both a rich mining history and the natural heritage of the region.

Mining activity of the past has left several legacy issues, such as site contamination, land that was not reclaimed and poor water quality. These issues were the result of historical mining not being as strongly regulated as it is today. While we cannot go back in time and regulate the past, work is underway today to successfully remediate these historic environmental issues, making the region a better place to live and work in addressing those ongoing environmental issues. It's also important to know that Alexco plays a unique role in both remediating past environmental issues, for which it has responsibility to the federal government to perform that action, as well as carrying on its own mining operations.

The new mining activity has provided employment and business opportunities for the region. Of the approximately 280 jobs at Alexco's Keno Hill silver district, over 120 of them are held by Yukoners. The company is on track to revive two small historic mines in the area, which could result in more employment and business opportunities. This recent activity has developed into a modern and thorough regulatory regime that is designed to ensure environmental safeguards and minimize negative impacts on local communities.

In the Yukon we have the *Yukon Environmental and Socio-economic Assessment Act* and the Yukon Environmental and Socio-economic Assessment Board, the Yukon Water Board and the *Quartz Mining Act* to assess and license mining projects in the territory. Current mines are regulated in a way that the company is required to produce and update plans for every aspect of the mining operation. This includes plans for mediation and closure, dust monitoring, water discharge quality, solid and liquid waste management, emergency measures and other plans for mining and milling. They also are required to post security for the work they do.

Government inspectors pay frequent visits to sites to ensure that plans are being upheld. The Yukon government will remain vigilant regarding the effects of mining activity in the community of Keno City. In fact, government recently launched a health impact assessment to better understand and address any risks to water supply. The assessment also looked at the risks from exposure to dust and noise. So far, no immediate health concerns have been confirmed for the community of Keno City.

The government is working hard to ensure the community benefits from mining activity in the area. The goal is to ensure that mining in the community of Keno can coexist and, Mr. Speaker, we believe this is the case.

For that reason, we do not believe compensating Keno residents who wish to leave would be consistent with either the goal of supporting development in that area or government's obligations.

Government has, in a number of ways, provided support to the Keno community, including support for their local museum, and we'll continue to be receptive to opportunities to work with them in that area.

### Petition No. 8 — response

**Hon. Mr. Cathers:** I also rise today to respond to Petition No. 8, which was presented to this House on November 25, 2012. Petition No. 8 references paragraph 5.1 of the 1997 MOA — memorandum of agreement regarding oil and gas.

The Yukon government has and will continue to meet all of its legal obligations to consult with settled and unsettled First Nations in respect of new dispositions of oil and gas in the Yukon, if such dispositions are proposed to occur within the traditional territory of that First Nation.

We also continue to respect the principle that Yukon resources belong to all Yukoners.

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

### NOTICES OF MOTION

**Hon. Mr. Nixon:** I give notice of the following motion:

THAT the Yukon Legislative Assembly, pursuant to section 22(2) of the *Human Rights Act*, appoints Max Rispin and Heather McFarlane as members of the Human Rights Panel of Adjudicators for terms of three years, effective December 12, 2012.

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

THAT this House direct the Standing Committee on Rules, Elections and Privileges to meet in appropriate time before the beginning of the next sitting of the Legislature.

**Speaker:** Are there any other notices of motion?  
Is there a statement by a minister?  
This then brings us to Question Period.

### QUESTION PERIOD

#### Question re: *Oil and Gas Act* amendments

**Ms. Hanson:** In the rush to push through amendments to the *Oil and Gas Act*, this Yukon Party government has refused to consult with and respect Yukoners and Yukon First Nation governments. It is clear from the record that no serious dialogue, consultation or accommodation occurred during the seven-week consultation in 2009. The two-week period of so-called consultation with Yukon First Nations this fall further

reinforced this. This government is clearly not open to finding a solution that meets the interests of all.

This government is determined to open up the Yukon for oil and gas development and fracking, over and above the concerns and objections of Yukoners and Yukon First Nations.

Mr. Speaker, will this government withdraw the amendments to the *Oil and Gas Act* and involve the public and all First Nation governments in open consultation on all issues related to developing a responsible oil and gas industry, including issues related to fracking?

**Hon. Mr. Pasloski:** Mr. Speaker, again we hear, from the NDP, an insinuation of things we know certainly are not correct in fact. When we talk about fracking — we had a motion put forward here. It has duly been discussed in terms of the processes this government would like see with that moving forward.

Having said that, Mr. Speaker, we believe that Yukon resources belong to all Yukon people, including the Kaska. We believe it is important to treat all First Nations equally, and we will continue to meet our obligations to consult and accommodate. We have spent a decade and millions of dollars trying to come to an agreement with the Kaska on oil and gas development in southeast Yukon, and it is time to move forward for the people in those communities. We will continue to work toward an economic agreement with the Kaska people.

**Ms. Hanson:** You know, Mr. Speaker, First Nation and aboriginal peoples across Canada have won over 165 court cases on the issues of resource extraction and development. This government seems determined to waste taxpayers' money on yet another roll of the die before the courts. This government also seems to be determined to build a legacy of mistrust with Yukoners and First Nation governments.

Will this government stop this confrontational approach of pitting the interests of Yukoners and First Nation governments against each other and engage all Yukoners in a meaningful and real public consultation to develop a responsible oil and gas industry that protects the land, the water and respects the voices of all Yukoners?

**Hon. Mr. Pasloski:** Implementation of the agreements that we have requires collaboration on a number of matters. In addition to meeting these implementation obligations, we are currently engaged in over 150 collaborative initiatives involving 14 Yukon government departments. For example, we are investing in Ross River to ensure a new recreational centre. We are building and developing new educational tools with the Tr'ondëk Hwëch'in under the Department of Education's rural strategy. A water fill station for Little Salmon Carmacks First Nation was completed through cost-sharing under the Building Canada fund.

As referenced earlier, Kluane First Nation has been supported to develop a solar energy project with surplus power being supplied to the local electrical grid. We have made significant investment in waterfront development in Carcross, benefiting Carcross-Tagish First Nation.

We work closely with Kwanlin Dun on health, wellness and justice initiatives, including contributing significant resources to various initiatives, including the Jackson Lake Heal-

ing Centre. Energy, Mines and Resources and the Teslin Tlingit Council are working together on joint land development and planning. We are currently working with Selkirk First Nation to complete a moose habitat survey and, through Economic Development, we have contributed financially to support the development of a riverfront park.

I could go on and on about the many, many examples on a day-to-day basis that this government is working on collaboratively with all First Nations.

**Ms. Hanson:** This Premier seems to forget that Yukon First Nation citizens are citizens of the Yukon and, as a result, have a right to services, as do all Yukoners. To suggest these are over and above his obligations is untrue and unfair. This government's approach —

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

#### Point of order

**Speaker:** Minister of Energy, Mines and Resources, on a point of order.

**Hon. Mr. Cathers:** The Leader of the NDP just referred to a statement that the Premier had made and then she called that “untrue”. I believe the leader has contravened Standing Order 19(h), and not for the first time this session.

**Speaker:** The Leader of the Official Opposition, on the point of order.

**Ms. Hanson:** I believe this is a dispute between members.

#### Speaker's ruling

**Speaker:** It is not a dispute between members. The Leader of the Official Opposition explicitly implied that the Premier's statement was in fact an untruth. As such, I ask her to retract it and rephrase it, please.

#### Withdrawal of remark

**Ms. Hanson:** Mr. Speaker, the Premier's comments were not reflective of the current situation. I withdraw the word “untrue”.

**Speaker:** Final comments?

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

**Speaker:** No, on the final —

**Ms. Hanson:** I haven't asked my question.

**Speaker:** My apologies. I thought the Leader of the Opposition had asked her question. Please pose the question without a preamble.

**Ms. Hanson:** Mr. Speaker, Yukoners haven't seen how this government has twisted the Peel land use planning process to its own ends, how it ignored the real concerns of tenants. The question: Why would anyone believe that the Yukon Party's so-called dialogue will be anything more than a predetermined process to allow the Yukon Party's objective of allowing fracking in the Yukon?

**Hon. Mr. Cathers:** Unfortunately, we're seeing a continued pattern from the Leader of the NDP in the approach she takes to questions in this House and to characterizations about activities that occur. Again, the Leader of the NDP's

assertions and quite simply the entire content of her question are not factually correct.

The government has honoured and will continue to honour all of our obligations to First Nation final agreements. Contrary to what the member asserted, the contributions that we have made to First Nations —

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

#### Point of order

**Speaker:** Member for Riverdale South, on a point of order.

**Ms. Stick:** I just would like clarification please, Mr. Speaker, between “untrue”, as my colleague here spoke of earlier and “factually incorrect”.

#### Speaker's statement

**Speaker:** I have already given a ruling on the other one. There is no point of order. Next question please.

#### Question re: Ross River sewage treatment

**Mr. Barr:** Last week I brought to the minister's attention the unacceptable treatment of sewage and the years of broken promises in Ross River.

I spoke with Jack Caesar, a respected elder and one of the residential school trailblazers and chief for many years. He said there was an artesian spring well located near the sewage pit. These springs had been used for generations but now no one drinks the water for fear they will get sick.

The minister wasn't prepared to talk about the issue last week, but I trust she will today. Will the minister please tell the people of Ross River in very clear terms her plan to finally fix the sewage problem and uphold this government's long-standing promise?

**Hon. Ms. Taylor:** Mr. Speaker, I would ask the member opposite to rephrase his earlier statements last week that the drinking water was in damage control. That is, in fact, not the case, and that is why we have a number of water and wastewater treatment facilities across the territory.

As I tried to articulate for the member opposite last week, we are very much committed to ensuring that all Yukoners have access to safe drinking water. It's a high priority. That's why, in fact, the Government of Yukon continues to invest millions of dollars in safe drinking water facilities, such as the one in Ross River, which is nearly complete.

Certainly, all of our testing to date has indicated there are no problems with the drinking water provided at our water treatment plant in Ross River. Again, we look forward to working with the regulator. We're committed to working with local stakeholders to resolve any and all outstanding issues.

**Mr. Barr:** We're not speaking of a treatment facility. We're speaking about a sewage pit. Ten long years ago, the Yukon Party government made a promise to decommission the old pit and build a new one at a downgrade location. That promise was not kept, and for seven years, the Yukon Party government has violated territorial law — namely, the *Waters Act*.

The newly elected Chief of the Ross River Dena Council, Brian Ladue, had this to say: “Our land continues to be contam-

inated and our people continue to live in poverty and we need to see a government that is accountable to the agreements that they have in place.”

The agreement with the people of Ross River needs to be kept. I’m looking for a clear indication that this government will stand by its agreements and that it will commit in no uncertain terms to live up to its promises and rectify this threat to the environment, to water and to human health.

What is the minister’s plan and what is the time frame to fix the sewage treatment pit in Ross River and bring government back into compliance with the law?

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

**Hon. Ms. Taylor:** This government is committed to work with all communities in every corner of the Yukon to ensure that we have safe drinking water facilities and to ensure that we are treating waste water. That is in fact what this government has done.

It’s interesting, because the member opposite often articulates his great support for clean drinking water, yet at the same time continues to vote against very many expenditures. The member continues to vote against \$1.5 million in support of arsenic treatment for the Ross River community and continues to vote against road upgrades in the community of Ross River to the tune of \$3 million. He continues to vote against an expenditure of \$5.5 million in support of a public works building, in support of protective services, in support of the safe drinking water facility that the member opposite continues to elaborate on. Mr. Speaker, the member opposite continues to vote against an expenditure of \$7 million in support of a new recreation facility.

Mr. Speaker, this government is very much committed to safe drinking water for all community residents, and we will continue to work with all communities in the territory to do just that.

**Mr. Barr:** New question: I hope, Mr. Speaker, the minister does not sidestep this question.

### Speaker’s statement

**Speaker:** If the member is going to a new question, he will have an opportunity in a few minutes.

### Question re: 911 service in communities

**Mr. Silver:** Mr. Speaker, I have a question for the Minister of Community Services. On Saturday, the Dawson City fire chief made a presentation to the Association of Yukon Communities urging them to support the expansion of 911 services throughout the Yukon. It is currently only available in Whitehorse. The service has yet to be expanded since its inception 17 years ago.

Does the Government of Yukon support expanding this service, and what does it plan to do to ensure that this happens?

**Hon. Ms. Taylor:** Mr. Speaker, I would like to thank the Member for Klondike. First of all, I would like to recognize the excellent service that is provided by all our emergency responders on the ground throughout the Yukon, including the City of Dawson. Again, thanks for the very hard work of the RCMP, the government employees and many volunteers. Yu-

koners have excellent access to fire protection, emergency medical care and to police services.

Now, again, our government takes very seriously the need to continue to enhance our emergency services in support of our emergency responders, and that is why the government continues to invest in the Fire Marshal’s Office — again, a most historic increase of almost \$2 million this year alone. In addition, we have also enhanced access to all municipal fire departments to the tune of over \$2 million over five years. We continue to support facilities such as the fire hall that is going up in Beaver Creek in one short year. We will continue to invest in emergency medical services such as the ambulance emergency response centre at the top of Two Mile Hill, and we will continue to invest in training, equipment and infrastructure in support of our responders.

**Mr. Silver:** That response centre is an excellence place to have the 911 services come out of. I am looking for a firm commitment from the minister of the government’s intention to act on the suggestions made by the Dawson City fire chief to expand 911 services across the Yukon. It is currently only available in Whitehorse.

Earlier in this sitting I tabled a motion calling on the government to do exactly the same thing. Northwestel has confirmed it has the technological capacity to deliver this service. No action has been taken by this government at this time, despite the recommendation that came out several years ago to expand these services.

Is the minister unwilling to commit to the expansion of this service outside of Whitehorse?

**Hon. Ms. Taylor:** This Government of Yukon has been very busy in terms of enhancing support for emergency responders. That is why we continue to invest heavily in training and infrastructure and equipment in support of our emergency responders.

The government has been doing a lot of work and effective emergency response is critical to any call for help. That is why we have chosen to continue to invest in these very areas — that includes consolidated dispatch services. So, yes, Mr. Speaker, we are very much committed to continuing to work with every community throughout the Yukon and committed to working with our emergency responders, whether that be through an expanded 911 committee or whether that continues to be investments in infrastructure, such as what I have just detailed.

**Mr. Silver:** The benefits of expanding this service are obvious. It is important to improve the safety for residents and tourists alike outside of the boundaries of Whitehorse. I’d like to congratulate the Dawson City fire chief for championing this overdue issue. He has received letters of support from the Association of Yukon Fire Chiefs, from the Dawson City Firefighters’ Association and the Canadian Association of Fire Chiefs, an organization that the Prime Minister of Canada has described as a “nationally trusted advisory board”. They have also sent him letters of support. Finally, even today, the Association of Yukon Communities has endorsed the idea as well.

At this point in the year, the government is putting together next year’s budget. Establishing and expanding 9-1-1 services throughout all of Yukon will, of course, have costs attached to

it. Will the minister commit today that when the budget is tabled next spring, it will have funding in it to expand the 911 services throughout the Yukon?

**Hon. Ms. Taylor:** It never ceases to amaze me how members of the Official Opposition and the Third Party continue to elaborate about being inclusive and consulting with Yukoners, emergency responders and expanded 911 committee, but yet continues — on the other side of the coin, advocates for going ahead and incorporating dollars in support of 911 throughout the territory.

This is a complicated matter. It does require significant resources, and it entails a whole host of many agencies throughout the Yukon. This government commits to continue to invest in our emergency response, whether that be with individuals themselves or infrastructure training and continuing to work with them at the table in an expanded 911 committee capacity.

**Question re: Carcross infrastructure**

**Mr. Barr:** Mr. Speaker, on May 10 of this year, the Minister of Community Services put a challenge to the residents of Carcross regarding their repeated requests for attention to the lack of infrastructure in the community. The minister asked for Carcross to come to "...a consensus on what are the most important needs identified by the community, and work with the governments..."

Well, Mr. Speaker, the people of Carcross have done just that. Their consensus has been conveyed to the minister through letters and in this House. For months, the people of Carcross have been ready to work with government, as the minister requested. Now it's up to the minister. Will the Minister of Community Services acknowledge that her challenge has been met and reply positively to Carcross residents?

**Hon. Ms. Taylor:** Since 2005, the Yukon Party government has invested well over \$6.5 million into the Carcross waterfront through a federal infrastructure fund. More recently, over \$5 million has been invested in Carcross through the Building Canada fund in support of clean drinking water.

In total, we have invested almost \$12 million plus in the community over the last several years, in support of community infrastructure projects.

As I have articulated, and as we have debated on the floor of the Legislature, these primarily have been due in large part to joint investments by the Government of Canada and the Government of Yukon — many of which are coming to time expiry. The Government of Yukon is working hard with all of our stakeholders and with the Government of Canada to extend those federal infrastructure funds so we can continue to work on issues and initiatives — federal infrastructure initiatives — of importance to all community residents.

We are very much committed to working with every community, and we appreciate the issues brought to our attention.

**Mr. Barr:** This is not about how many millions have been put into tourism facilities for summer visitors and the cruise ships and the train. Those are good things — good for business — but they do not address the needs of the year-round residents of Carcross. The minister challenged the community to reach a consensus and that challenge has been met. A multi-purpose community house and a community centre with time-

lines for completion have been identified as the community's first two infrastructure priorities.

Now the people of Carcross are expecting the minister to live up to her end of the bargain. When will the minister keep her word and start working with the people of Carcross to realize their shared priorities for community infrastructure?

**Hon. Ms. Taylor:** Again, the Yukon government is very proud of the significant investments we have made, in terms of community infrastructure investments throughout the Yukon. We will very much continue to work with the Carcross-Tagish First Nation, the South Klondike Local Advisory Council, area citizens and many other partners to address priorities and needs in the community while managing our available resources for developments.

I know the member opposite has articulated how we can have everything, while also living within our means. There is a bottom line; there are fiscal resources available, but there are also federal infrastructure funds that we are working to renew with the Government of Canada. There are needs identified in every other community, as well as Carcross — in the community of Dawson City, the community of Watson Lake, the community of Old Crow. We are committed to working with all communities to recognize the critical infrastructure needs. That is what, in fact, we have done to the tune of almost \$265 million over the last several years, and that is just through joint investments by Government of Yukon and the Government of Canada — all of which, I might add, the member opposite voted against.

**Question re: Emergency preparedness**

**Mr. Barr:** New question: We have just come out of a major cold snap with temperatures in the minus 30 to minus 50 degree range throughout the territory. During this time, there have been power outages and cuts to communications for residents in Mendenhall, as well as a flooding risk yet again in Mayo.

At this sitting, I have asked many questions about the state of emergency preparedness, particularly around critical infrastructure. The minister said that the Yukon has an emergency coordination plan that details coordinated actions and responsibilities within all departments. When it comes to emergencies, good communication is vital, and the public should know who is doing what before a crisis, not in the middle of one.

Will the minister table the emergency coordination plan now for the benefit of all Yukoners?

**Hon. Ms. Taylor:** Mr. Speaker, I would like to thank the member opposite for his question. It gives us a great opportunity to be able to outline this government's investments in support of emergency preparedness.

The Government of Yukon, as I have just stated earlier this sitting, and earlier today, is investing in structural fire, municipal fire departments, emergency medical services, renewed investments in police services through the Department of Justice — and, yes, in terms of the Yukon Emergency Measures Organization in support of search and rescue equipment, upgrades to our communications equipment, and continuing to reflect upon lessons learned and continuing to strengthen our emergency coordination plan each and every year.



The Government of Yukon is very much committed to working with every community and all the many agencies and all the many governments who are responsible for emergency responses, including individuals themselves.

**Mr. Barr:** The minister has said that emergency preparedness starts with individuals in our own homes and that we need to be prepared for 72 hours without assistance. This is true, but it is the government — not individual Yukoners — that has the greatest responsibility for our critical infrastructure. Government needs to be prepared to keep its operations running. It needs to ensure that ample supplies of food and essential medicines are in place and that backup power and communication systems will function in a crisis.

Has the government conducted an audit or inventory of critical infrastructure and essential supplies, and what has it revealed?

**Hon. Ms. Taylor:** Again I will try for the member opposite to outline what the Government of Yukon continues to do, and that is working with all of the municipal governments and working with all of the respective agencies in coming up with coordinated actions and responsibilities when it comes to all of our Yukon government departments.

When it comes to local emergency incidents, such as flooding in Mayo or Upper Liard or the tremendous efforts that were made to protect Marsh Lake properties from flooding this past summer, they demonstrate Yukon preparedness, and I commend each and every one of our responders in doing a great, heroic effort in securing and ensuring that we are safe in our homes. As I mentioned, personal emergency preparedness is, by far, the most important aspect when it comes to being ready for disaster.

We do have, as I mentioned the other day, specific emergency management plans in place, specific to each and every municipality and Yukon department. We will continue to work with all lead agencies and departments in ensuring that our role is sustained.

#### **Question re: Dawson City hospital**

**Ms. Hanson:** The government's approach to health care is to allow the model of care to be left for last. The Yukon Hospital Corporation is endorsing an acute model of care, which would replace the collaborative model of care being practised in Dawson. Acute care is the most expensive form of care. It is designed for injuries from accidents and serious disease episodes. The NDP opposition has provided this government with information on the growing body of evidence for models that respond to the full continuum of health care needs. Collaborative care has been proven to deliver better health outcomes, but this government insists on acute care for Dawson.

Can the minister responsible for Health and Social Services explain what evidence supports pouring more and more money into acute care while neglecting Yukoners' true health care needs?

**Hon. Mr. Graham:** The determination of what kind of care will be delivered in Dawson City was made some years ago, and that was when the acute-care facility, called the hospital, was determined to be the direction they would be proceeding in. So there's absolutely no doubt, ever since the hospital

began construction, that acute care was the direction in which the Hospital Corporation was heading in the community of Dawson City.

As for collaborative care, we have had several conversations on this issue, and I've said that we're looking closely at it. With the Yukon Medical Association in their agreement, we have an article dealing with collaborative care; we will be dealing with the Yukon Medical Council to try to establish a collaborative care clinic in the city fairly quickly and we'll continue to work in that direction.

**Ms. Hanson:** Mr. Speaker, the decision to make Dawson City hospital acute care was made contrary to the recommendations of the health care review and was done without debate in this Legislative Assembly. There is no evidence that an acute-care model for the Dawson hospital will improve patient outcomes or the financial sustainability of our health care system. Acute care is the most expensive and also the most incomplete care. In Dawson it means no births, no chronic conditions and no rehabilitation. For improved patient outcomes, improved staff retention and reduced hospital stays, the best results are from a model of care that is patient-centred and delivered by teams in the community.

For decades, Yukon health professionals have successfully worked in teams in rural communities, but the Yukon Party government is choosing to ignore the achievements and expertise of its front-line health professionals. Why is the Yukon Party government ignoring the expertise of our rural health care workers who have successfully delivered collaborative health care?

**Hon. Mr. Graham:** Mr. Speaker, if I said what I really wanted to say, you'd have to admonish me, because what we've had in Dawson City is a community health station.

The Department of Health and Social Services will continue to have a nursing station in the community of Dawson City. It's just that it will now be located within the Dawson City hospital. Virtually nothing is changing in Dawson, with the exception of the fact that they will have a new facility. Perhaps we will be able to discharge people from Whitehorse much more quickly, because they'll be able to return to their home community and have the care and hospital that might be needed. People who suffer injuries in Dawson currently have to be medevaced to Whitehorse for care. Maybe those people will be able to stay in Dawson City.

Of course, there won't be babies born in the hospital — at least not with qualified medical care — but that wasn't available before anyway. Unfortunately, that's more a question of personnel than it is of facility. What's happening in Dawson City is a hospital is being built. It's an acute care facility. In the coming years, it will benefit Dawson City and the residents surrounding Dawson City to a great extent.

**Ms. Hanson:** What the minister fails to recognize, or at least admit, is that this change will drive community nursing practitioners out of Dawson. Leadership for health care sustainability is the responsibility of the government. The acute care model increases Yukoners' dependence on the most expensive and least responsive model of physician-based care. Hospitals are important when needed, but they should be bal-

anced with the provision of the full continuum of care in the community or at home. The best health care system is one that keeps folks out of the hospital. It is one with team-based, patient-centred disease prevention and management and health promotion that improves the social determinants of health.

Will the Minister of Health and Social Services commit to increasing Yukon's capacity for patient-centred, team-based collaborative care before permitting any more expansion of acute care facilities?

**Hon. Mr. Graham:** Again, I will temper my statements and simply state that we've made no secret of the fact that we believe collaborative care is a very good model of care. We've introduced nurse practitioners —

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

**Hon. Mr. Graham:** Did you want to ask another question?

### Speaker's statement

**Speaker:** Order please. I ask the minister to direct his comments through and to the Speaker.

**Hon. Mr. Graham:** Would you ask her if she wants to ask another question? I apologize, Mr. Speaker.

You know, we've done a number of things; we've introduced new nurse practitioner legislation. We have worked with the Yukon Medical Association. We're not taking nurses out of the system in Dawson City. We're adding an acute care facility. We're attempting to do what we said we'd do all along.

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

## ORDERS OF THE DAY

### GOVERNMENT BILLS

#### Bill No. 49: *Act to Amend the Oil and Gas Act, 2012* — Second Reading

**Clerk:** Second reading, Bill No. 49, standing in the name of the Hon. Mr. Cathers.

**Hon. Mr. Cathers:** I move that Bill No. 49, entitled *Act to Amend the Oil and Gas Act, 2012*, be now read a second time.

**Speaker:** It has been moved by the Minister of Energy, Mines and Resources that Bill No. 49, entitled *Act to Amend the Oil and Gas Act, 2012*, be now read a second time.

**Hon. Mr. Cathers:** It is my pleasure today to introduce second reading of Bill No. 49, *Act to Amend the Oil and Gas Act, 2012*. The *Oil and Gas Act* is a key piece of Yukon's resource management legislation. It is the regulatory foundation document that safeguards public interest including environment and public health and safety. The act regulates the oil and gas sector, which has the potential to become an important contributor to the Yukon economy and opportunities afforded to Yukoners. In the case of the Kotaneelee gas fields, it has already provided tens of millions of dollars to Yukoners and to Yukon First Nations in terms of benefits and royalties.

The *Yukon Oil and Gas Act* was enacted in 1997 with the transfer of responsibility for the management of oil and gas resources to Yukon from Canada occurring in November 1998. The *Oil and Gas Act*, along with five regulations enacted under it to date, ensures the government is leading the way in responsibly regulating oil and gas activities in the territory.

The Yukon government is committed to the responsible development of the oil and gas sector, ensuring it is developed in the interest of all Yukon citizens. Fostering growth through new exploration and production will result in increased revenue to the Yukon government and Yukon First Nations with final land claims agreements. In addition, with growth in the sector, prospects increase for additional benefits, such as training, community employment and economic opportunities. A strong oil and gas sector would also add to the diversity of the Yukon economy so it can better weather cycles and become an ongoing contributor to Yukon citizens.

As for the amendment, since the implementation of the act 15 years ago, the government has identified a number of legislative updates that are needed. I am pleased to announce that, with the *Act to Amend the Oil and Gas Act, 2012*, the government is now making these needed changes.

These updates include modernization to reflect current industry practices and operations in Canada; removal of provisions that are no longer applicable due to the passing of prescribed time periods or the completion of requirements; and aligning Yukon's oil and gas legislation with common-law provisions for consultation with First Nations as well as new provisions to allow for the development of additional regulations to better manage the emerging Yukon oil and gas sector.

This amendment process is the current step in continuing efforts to provide clarity, stability and certainty in management of oil and gas resources. Through the amendments presented here today, the government is improving the regulation to oil and gas industry and improving our ability to benefit from oil and gas development.

As you may recall, government had brought forward most of these proposed amendments for public and First Nation consultation in 2009. The consultation involved producing a public summary document for review and consultation. The summary provided descriptions of the proposed amendments to the act and information on the amendment process. The Department of Energy, Mines and Resources also directly contacted Yukon First Nations, the First Nation working group established under the memorandum of agreement on oil and gas and specific interest groups including the Yukon Conservation Society and Canadian Association of Petroleum Producers. In addition, notice was given to the general public through advertising and news release.

The government heard from several Yukon First Nations during the consultation. The Department of Energy, Mines and Resources will be continuing to work with First Nations on the development of a common oil and gas regime for Yukon's on-shore oil and gas resources. This work continues through our engagement with the First Nation working group to collaborate and enhance our legislative framework.

During the consultation on these proposed amendments, government also heard from a number of individuals and interest groups in the oil and gas industry. Government was pleased to receive submissions from many groups, including the Yukon Conservation Society, Yukon River Inter-Tribal Watershed Council, Council of Canadians, Ducks Unlimited and the Canadian Association of Petroleum Producers.

Following a consultation, government produced a summary of the submissions in a document titled, *What We Heard*. The document was sent to everyone who made a submission and was placed on the Energy, Mines and Resources website where it remains today. Proposed amendments to the Yukon *Oil and Gas Act*, brought before the House in this sitting, are almost identical to those specified in 2009.

The main differences are, firstly, changing the definition “gas processing plant” to allow the government to develop regulations to govern storage, handling or vaporization of liquefied natural gas. As I’ve mentioned previously in this House, that is primarily aimed at allowing the Yukon’s two utilities, Yukon Energy Corporation and Yukon Electrical Corporation, to proceed with plans to develop increased electrical generation from either natural gas or a blend of natural gas and diesel.

The other change made to what was proposed in 2009 is that government is not proceeding with amendments to sections 69 and 70 which deal with surface access and land acquisition. Those are the only two amendments that were controversial with the public at that time and, based on public input, they are not being proceeded with.

Turning now to the amendments themselves, there are a range of significant, consequential and minor changes within the act. Looking at the significant amendments first, the repeal of section 13 is perhaps the most significant change for the future of the Yukon’s oil and gas sector and for the act itself. The *Oil and Gas Act* was written at a time when many Yukon First Nations were without final agreements. In the 1990s great progress was being made and there was an anticipation of quickly reaching final agreements with all 14 Yukon First Nations. These agreements provided full certainty over lands and resources for both First Nation and Yukon governments. At the time the Yukon included a requirement in the act for First Nations without final agreements to give consent on oil and gas dispositions and activities within their traditional territory. This was in order to provide certainty to the parties while claims were being negotiated. Today, 11 of the 14 First Nations within Yukon have settled land claims. The three remaining First Nations have publicly indicated that they do not intend to conclude land claims under the *Umbrella Final Agreement*.

After considerable human and financial resource investments to attempt to obtain consent requirements required by section 13, negotiations were recently terminated by the Liard First Nation.

Southeast Yukon continues to hold proven gas reserves and continues to be of high interest to the industry and of course would provide the potential for significant economic benefit for Yukon, Yukon First Nations, Yukon citizens and citizens of the Watson Lake area, including the Liard First Nation citizens. While we propose to repeal section 13, govern-

ment will continue to fulfill the common-law obligation to consult all First Nations on oil and gas activity within traditional territory and consider their input.

Also significant to the future of Yukon’s oil and gas sector in this legislation are amendments in preparation for the anticipated gas processing plant regulations and oil and gas pipeline regulations. Both of these regulations are necessary to responsibly manage liquefied natural gas. Gas processing plant regulations would enable Yukon to better regulate the use and production of liquefied natural gas in the territory. This energy source has tremendous potential for Yukon’s future, and it is important that we are able to regulate it to the highest of standards. Pipeline regulations would enable the development of pipelines internal to the Yukon using the most modern regulatory approaches anywhere in Canada.

Amendments to sections 20 and 50 state the coholders of a disposition are jointly responsible for liabilities arising out of the disposition and the liability continues to be jointly held among all previous, current and new holders following a transfer of disposition ownership. Again, this is another area of the act that is necessary to strengthen government’s ability to both responsibly manage and ensure that companies are held fully responsible for activities, even after the transfer of a well site or exploration project to another company.

In addition, section 20 would require disposition holders to register any changes in disposition ownership with the Yukon government. These amendments ensure that accountability is maintained throughout the life of a disposition and any subsequent infrastructure. It is notable that the Yukon Conservation Society voiced their support of the section 20 amendments during consultations.

We are also making amendments to section 66, which relates to financial responsibility. Changes are needed to provide the government with an option to suspend oil and gas activities rather than cancel their licences in situations where the minister and departments need financial assurances. This is important because, as long as the licence remains in effect, there will normally be a licensee against whom sanctions can be imposed.

We are also adding provisions to the act that will help government address the recovery of financial penalties imposed by the oil and gas regulations. There are also several amendments to definitions of terms used in the *Oil and Gas Act*. These changes are necessary to accommodate other amendments to the act, reflect existing oil and gas regulations or meet current industry terminology.

There are a number of consequential and minor amendments proposed within this act. Consequential amendments are required to add or change certain sections as a result of other proposed amendments. Overall, these changes will ensure the act remains consistent with oil and gas legislation and other legislation.

A number of minor amendments are also included in the act to correct typographical or grammatical errors; there are amendments in the act with regard to the registration of security notices and related statutory notices. These changes will provide the Yukon government with guidance for registration of court orders or judgments that affect registration of security

notices. In addition, changes will align the act with the Yukon *Financial Administration Act* concerning financial transactions.

Consequential amendments also include the repeal of section 33 regarding the effective date of permits as it is currently redundant and is included in section 34 on initial terms and renewal of permits. Section 35 and section 39 regarding the location of a lease have been reworded to include partial spacing areas in the description of oil and gas leases.

The ability to utilize partial spacing areas ensures that no slivers of land are left unaccounted around natural or political boundaries. We are also rewording the description of royalty allowance in section 46 to reflect the wording of the 2008 Yukon oil and gas royalty regulations. Similarly to reflect current regulatory processes, we are repealing section 67 of the *Oil and Gas Act* as it refers to the *Canadian Environmental Assessment Act*. This act no longer applies in Yukon as the result of the *Yukon Environmental and Socio-economic Assessment Act*, which was passed and supercedes the *Canadian Environmental Assessment Act* process.

This amendment does not reduce or affect the current requirements for environmental safeguards and processes with respect to oil and gas activity and, of course as you and members will be aware, Mr. Speaker, the *Yukon Environmental and Socio-economic Assessment Act* is an act that was created as a result of a requirement of the *Umbrella Final Agreement*. Environmental assessments of oil and gas activities are now carried out in accordance with *Yukon Environmental and Socio-economic Assessment Act*. Minor amendments being brought forward include the section Offences, which clarifies the types of offences to which penalties could be levied and corrects a typographical error.

Finally, this act repeals part 5 of the *Oil and Gas Act* as part 5 relates to the transition period following its enactment in 1997, a period that has now expired.

In closing, I would like to emphasize the importance of continuing to improve and strengthen the legislative framework to regulate the oil and gas sector within Yukon. A stable framework provides for the needs of industry while maintaining government's ability to responsibly manage resources and provide Yukoners with net benefit as a result of activities.

The *Act to Amend the Oil and Gas Act, 2012* serves Yukon by making the present changes that are necessary to continue to manage an oil and gas sector that provides benefit to Yukon citizens. It is our hope that Yukoners who take time to understand and evaluate the changes to the act will see that these changes provide additional safeguards for Yukon people, our land and our water while allowing for the development of Yukon's energy for Yukoners.

**Mr. Tredger:** It's an honour to stand here representing the people of Mayo-Tatchun and the New Democratic Party. Many Yukoners have talked to me about the changes and the proposed changes. We are debating two amendments to acts today. The first one, ATIPP, proposes to limit Yukoners' access to information, but it's to the second one I'm speaking to now. It's amendments to the *Oil and Gas Act*.

We are on the cusp of a major decision. Not a lot of words are being changed but huge implications. Oil and gas and the development of our natural resources present a huge opportunity for Yukoners, all Yukoners. The Premier mentioned that Yukon resources belong to all Yukon people.

I want you to take a look and imagine what our society — what the Yukon will look like in 10 years, in 20 years, in 40 years — perhaps as many as 100 years — when the non-renewable oil and gas reserves run out. What is left? It's the people. It's the people of the Yukon who are left. And what makes the people of the Yukon strong? We have learned lessons from our elders and the seniors and the pioneers. We know our land. We spend time on it. We live on it. We play in it. We exist from it, and we get our subsistence from it, and overriding all of that is the relationship we have, one to another.

What will our communities look like if we allow ourselves to be divided, if we ignore promises made, and break the trust that has been handed to us?

Yukoners are very fortunate — very fortunate. We were welcomed to the Yukon by the First Nations. They shared their land. They shared the resources. They shared the animals. They shared their world view. It was through the guidance of the elders that we sat down to develop a brave new way of managing our territory. We had seen what had happened in southern Canada, in Europe, the United States and in eastern Canada, and we said no — we can do better.

We can work with each other. We can trust each other; we can depend on each other, and we can live together. What will our community look like? What will our land look like? What will our water be like, and what will our relationships be?

I talked about the cusp of a major decision. Oil and gas and the development of such is giving us an opportunity, but it's only an opportunity if all Yukoners benefit, if all Yukoners work together, if all Yukoners honour promises made and build the trust, one to another, so that no matter where I go in the Yukon I can be proud to be a Yukoner, whether it is in the traditional territory of the Na Cho Nyäk Dun, or the traditional territory of the Kaska, or Little Salmon Carmacks First Nation. I can be proud to be a Yukoner.

This is a major change. I'm not sure we realize the seriousness of what we're doing. Forty years ago, our leaders made a commitment to work with each other, knowing it wasn't going to be easy, knowing there were people on both sides who didn't want to work together, knowing that there would be hard times and knowing that there would be good times. Through it all — through thick and thin — they made promises to work with each other.

This is a major change. The Yukon Party government has decided they would go it alone. They would proceed with oil and gas, with or without Yukon First Nations' consent, endorsement and partnership. They have sent a very clear signal to the First Nations — First Nations that have expressed strong opposition to the amendment to remove section 13 — and First Nations have come together and said, "We will not be divided. We will not be swayed by promises."

The CYFN gave a strong indication — Kaska First Nation; the Ross River Dena Council; the Teslin Tlingit Council and others all came together and said, “No, do not proceed. This is a breaking of trust. This is a breaking of the spirit of negotiations.”

Nobody said it would be easy. Ten years and millions of dollars is a short time so that we can live together — so that we can look one another in the eye and say, “We honoured commitments made by our leaders, and we honoured promises made.”

In 1997, the Government of Yukon signed a memorandum of agreement with the Council of Yukon First Nations and with all Yukon First Nations. This memorandum of agreement was a prerequisite for the Yukon to take on the control and management of Yukon’s oil and gas resources from the federal government — devolution. All parties agreed this was a good thing.

A vital part of this agreement — of building the trust — the drawing down of the control and management of Yukon’s oil and gas resources from the federal government — was paragraph 5.1, which clearly stated that in any Yukon oil and gas act that the Yukon government would have to gain consent of a Yukon First Nation without a final agreement to have oil and gas development in its traditional territory.

This is known as a section 13 consent clause — the one that is being proposed to be removed. This clause is important because Yukon First Nations without final agreements do not have control of their lands and their resources. They have not relinquished aboriginal rights and title within their territories and they do not receive any of the resource revenues from projects on their own territories.

I’ll speak about litigation a little bit later, but I’m concerned because litigation is not the way to begin such an important journey. Litigation is not the way to involve Yukoners. Litigation, at best, produces a winner and a loser, but litigation also divides a community.

That’s of concern, because in order to take advantage of oil and gas, we need all Yukoners working together. We have seen around the world what happens when communities become divided over resource development. We have seen the angst. We’ve seen the unequal sharing of resources. Yukon is a small community. Sometimes when I’m talking to my friends in the south, they say we’re big. But in reality, 35,000 people — Imperial Oil has far more employees.

Yesterday’s selling out of Nexen to CNOOC was far and away worth more in somebody’s dollars in our distorted view of money than the entire Yukon put together.

The oil and gas industry is huge. They annually spend millions and even billions of dollars on public relations, working to convince governments and people that it’s okay — that their way is the right way. “Don’t worry. We’ll look after you.”

Against that, we 35,000 people won’t have a chance, Mr. Speaker, unless we are together, unless we can find common ground, unless we can work in our daycares, our schools and our communities and we can support one another — most of all, unless we have a relationship that is built on trust.

I’m concerned when we talk of all the monies we have spent on negotiations; all the monies we have given — given, Mr. Speaker — to the First Nations. What an archaic concept. We had thought we had moved past that — Big Brother giving money to the First Nations — I thought we had moved past that. That’s of concern, because we are embarking on a journey with First Nations and yet we revert to pre-land claims, to pre-*Umbrella Final Agreement*, to pre-*Together Today for Our Children Tomorrow* — re-establishing the attitudes that I had thought we had thrown out — the old Bureau of Indian Affairs, where we take the children, take what we want from the land, oh and out of the goodness of our heart, we’ll give you some money. Well, it’s your money, but we’ll give it to you. I thought we had gone past that.

After today, after we vote on this, we have to go into our communities. We have to sit down with our neighbours and our friends. We have to think about the examples that were set for us by our leaders over the last 40 years.

Do we continue on our brave new way despite the hardships, despite the roadblocks? Do we continue to strive to work together or do we say no, we’re going to break trust?

The Yukon First Nations are united in their stand against this government’s confrontational path and they are clear: they will not let this government divide and conquer. They stand shoulder to shoulder with the Kaska. On the weekend I heard that the Assembly of First Nations — the national body of First Nations — passed a unanimous resolution in support of the Kaska and their struggle to protect their lands, their rights and to stop this government from breaking its promises and agreements.

What this government does not seem to understand is that Yukon First Nation governments are governments too.

Not even B.C.’s Christy Clark in her squabble with Alberta over the Enbridge oil sands pipeline has shown the level of disrespect and disregard that this government has for Yukon First Nation governments.

We talk about consultation. Consultation is between persons or bodies. Consultation must be meaningful and allow for genuine interchange and consideration of views. That seems to be common sense. What is the point of consulting someone — even more, of requiring a person to consult someone else — unless that consultation is to be meaningful? To consult is not merely to present or tell or deliver a letter of ultimatum. Consultation involves the statement of a proposal not yet fully decided upon, listening to what others have to say, considering their responses and then deciding what will be done.

There was some consultation done for a short period in 2009. There were fewer than 20 respondents; only one spoke in favour; all the others raised some issues. All of the First Nation governments who responded expressed concern about the removal of section 13. All of the citizens who responded expressed concern about section 13. The only respondent who spoke in favour was a national organization, not even from the Yukon. The oil and gas lobby spoke; the oil and gas producers spoke; a national organization funded by industry spoke.

That was in 2009, and here we are almost four years later. In 2009, fracking was just being developed; it was just ramping

up. Yes, some will tell you that fracking is an ancient practice — it has been practised since the 50s and 60s — but the scope, the magnitude that has been practised within the last five to 10 years has increased enormously. 2009 — we know now that Yukoners are awake; we know now that Yukoners want a say.

Now is our opportunity. If this government wants to listen to the Yukon people, now they are speaking — some in favour of the industry, some opposed, all concerned. We know that if we are going to manage this industry to the benefit of all Yukoners, all Yukoners must be involved.

I had the pleasure of tabling a petition that now has over 2,000 signatures from Yukoners who want a moratorium on hydraulic fracturing. We're in a fortunate position, as the minister stated. We still have time, but we do not have time to dawdle. We do not have time, as we thought we did in 2009. Here it is, four years later — the concerns raised in 2009 have not been answered yet.

Yukoners want to be consulted. Things have changed. Fracking has become big business in Canada and the U.S. government briefing notes expose the fact that companies want to frack in the southeast Yukon. The government has known this for well over a year now. The Whitehorse Trough involved all Yukoners demanding that this government not allow any oil and gas dispositions in the trough — Yukoners speaking out. Here's an opportunity for the government to engage Yukoners in shaping and determining the future of this industry in our territory. This government can now do this in a way that really engages and works with Yukoners to develop a responsible, thriving oil and gas industry in the Yukon, instead of the government's preferred ad hoc and confrontational my-way-or-the-highway approach that this government seems to want as its legacy.

It's important that we consider seriously what we're going to do. Now is the time that we work and get it right. I speak of consultation and the importance of consultation with all Yukoners. I speak of relationships of Yukoners, one to another.

I speak of the importance of our relationship with our brothers and sisters in the First Nations and their governments. Now, more than ever, we need diplomacy. We need leadership.

I talked a little bit about fracking. One might ask, what does fracking have to do with this change to the *Oil and Gas Act*? One wouldn't know it had much to do with it. Once again, this government is being economical with the information they're sharing. Once again, we need to read between the lines.

As I mentioned, fracking has increased. It has many promises but it also brings many concerns. I spent a fair bit of time talking about fracking and some of the challenges of the fracking industry. I would just like to refer a little bit on it, if I can find it.

While the inclusion of a small definition change may seem innocuous, to include LNG — the processing, the development and the sharing of it — will allow this government to move ahead and develop a whole set of regulations that would cover the development of natural gas resources.

Natural gas resources, when found in shale rock formations — which are a large part of the Liard Basin and part of the Whitehorse Trough — are extracted through fracking.

It is clear, however, that opposition is growing and solidifying against this government's plans to force open the southeast Yukon for fracking. Fracking it will be, Mr. Speaker.

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

#### Point of order

**Speaker:** Minister of Energy, Mines and Resources, on a point of order.

**Hon. Mr. Cathers:** Once again, the member has strayed into a number of areas, but he clearly contravened 19(g) by imputing motive, and I'd ask you to have him retract that.

**Speaker:** I ask the Minister of Energy, Mines and Resources what words were used where he imputed a motive?

**Hon. Mr. Cathers:** The member was referring to his allegation of government plans to force open southeast Yukon, which is completely out of line with the facts and is also imputing motive.

#### Speaker's ruling

**Speaker:** There is no point of order. It's a dispute between members.

Member for Mayo-Tatchun, you have the floor.

**Mr. Tredger:** Thank you, Mr. Speaker. Hydraulic fracturing has been linked to pollution of groundwater, aquifers, creeks, streams, rivers, lakes and other water bodies in many jurisdictions. Significant research and investigations have been done and are occurring throughout the world. There is a concern. It has not yet been proven safe.

Issues surrounding hydraulic fracturing fall into a number of areas. These include the following: climate change; impacts on water: surface and groundwater, waste water and drilling mud; fracking fluids and their often-secret chemical mix of carcinogens and toxins; earthquakes caused by fracking; human health impacts, which include gas extraction and production methods; emergency events such as well blow-outs and pipeline breaks; chemicals used in drilling and well-stimulation techniques; chemicals in drilling waste; air quality issues; on-site and off-site waste management and transportation and disposal activities; land reclamation activities; quality of life and, of course, environmental impacts, including effects on fish, wildlife and habitat.

Maybe more important to us in the Yukon is the amount of freshwater required by fracking. As they're discovering in the Fort Nelson area of B.C., the amount of water is not insignificant. Lakes are drying up; rivers are being tapped down; traditional areas are no longer able to be used for what they were intended. In southeast Yukon, the Toobally Lakes is a nationally recognized site for its waterfall. How much of that water is necessary? We like to think that the Yukon is a land of plenty and that we have a lot of water — some of the fracturing practices being used in the Horn Basin and being developed and experimented with use an incredible millions of gallons of water on a daily basis.

We don't have the baseline data to be able to say how much water we can safely sell, give and use in fracking. How much? We don't have the baseline data of what has happened

in the last 20 years, let alone any way of assessing the risks when climate change comes in. Will we have more water or will we have less? What direction are we heading? What commitments will we make to the industry when we don't have the data on which to make the decision? Can we give them 10 gallons or 10 million?

What are we going to decide? Who is going to decide? Is it going to be you and me? Is it going to be a decision made by Cabinet? Is the government's desire to focus on oil and gas development going to involve all of us? What does it mean for education of our children? How can we prepare them for the new development?

We are experiencing an increase in mining activity. Who is benefiting? Many of us are, but are all Yukoners? Unemployment in rural Yukon remains above 25 percent.

The lineups at the food bank are increasing — record numbers every month — month after month after month. Our children are still not passing — not succeeding as well as they might. In order to benefit from an industry such as oil and gas, we need to be ahead of the curve, not behind it. What will it mean for housing? Our housing markets are already stretched. Whitehorse — we're catching up, maybe, according to some people. What I see in the communities — not yet — not even close.

Most of the reports I read have said in order for all Yukoners to benefit from an industry we all need to be involved in the planning. We don't need to be told — we need to be involved.

Yukoners are resourceful, industrious and innovative. Yukoners have lived on this land for thousands of years. They have lived on it through good times, and they have lived on it through bad times. They deserve to be consulted.

In our quest, I'll talk just a little bit about climate change, because it seems to have dropped off everyone's radar in our rush to develop oil and gas. When it was first talked about, people talked about gas being a transition fuel — gas to get us from here to there — "But, really, we're going to get off of it." — fossil burning fuel — but it's arguably greener than some fuels.

The quest to develop liquid natural gas, to substantially boost the development and dependency and encourage its development in the Yukon seems like a real winner at first glance: new jobs; investment in the LNG industry; millions in government revenues; and a cheap source of clean fuel for our industries. Alas, this story is too good to be true. Many people are questioning industry and people in governments are questioning whether these ventures will work at all from a corporate profitability perspective. The landscape is changing quickly. Countries around the world and provinces all want to export LNG. The market is already flooded. Due to recent extraction production and transportation methods, there is currently a glut in natural gas, and consequently, the cost of natural gas is near-historic lows.

However, building a dependency on LNG for power generation will commit us to the next 40 to 50 years. We all know that once we invest in a facility to produce, it takes that long for its life to become non-productive. So we're committing and we're investing our capital in LNG plants. We all know, how-

ever, that sooner or later — given the rapid escalation of infrastructure — demand will increase, supplies will begin to dwindle and the price will go up. We, as a territory, living on the fringes of society at the end of the supply chain, susceptible in so many ways to the price of this commodity, will have committed to this non-renewable resource.

We're making choices here. I mentioned earlier, we are on the cusp of some major decisions.

It's also the case that economic benefits for ordinary Yukon citizens in terms of jobs and government revenues quite possibly will be minuscule and the environmental costs high. Last week's front-page story that Chinese temporary foreign workers will be brought in to mine coal in northeastern B.C. should give us pause. Use of temporary foreign workers has surged in recent years, particularly in the oil and gas industry. In Alberta alone, more than 58,000 temporary foreign workers were on the job in 2011. Even assuming all the work is done by Yukoners, the natural gas industry is very capital-intensive and not a big employer. Look at the activity in northeastern B.C. In B.C. extraction and processing of gas plus various support services amounted to about 7,000 jobs in 2011, or just 0.3 percent of B.C.'s 2.3 million workers.

Jobs for LNG projects are mostly in the construction phase, with a much smaller number being long-term jobs. For example, for the Kitimat LNG facility, the government estimates 3,000 short-term jobs in the construction of pipelines and the LNG terminal facilities, but only 125 long-term jobs once it's built. Of course in the Yukon the numbers would be proportionately fewer.

What about in the Yukon? Where is our workforce going to come from? Should Yukoners be involved in that decision? Should Yukon First Nation governments be part of the planning and the process?

Boom and bust reliance on the price of commodities — we need time to ready our workforce for skills training, to develop literacy among our children and adults so that they are ready to take on jobs and responsibilities. We have seen the effects of a lack of strategy for being unprepared on housing. Are we going down that road again?

We have seen continued high unemployment rates in rural Yukon. As for royalties to the government, don't bank on them. Again if we look at B.C., current-year natural gas royalties are estimated at \$157 million or 0.3 percent of the B.C. budget, in spite of record high production levels. B.C. is basically giving away the resource right now even as the North American market is flooded. They do so in order to compete with other jurisdictions to attract investment — again when natural gas prices are at an all-time low.

In Yukon we have a double problem. Currently LNG being brought into the territory is sourced in one of two places. My apologies — it's not being brought in; in order to bring it in to the territory, there are two production plants: one in Calgary — just outside of Calgary — and the other in Richmond, B.C.

It's a long way to market. Are we counting the cost to the environment of trucking LNG from there to here? What happens when governments around the world realize that Hurricane Sandy was not an isolated incident? When the current

flooding in Britain is not unique and the governments realize that we need a carbon tax? Yukon, if we're dependant on trucking from a distant source, is especially vulnerable?

Now is the time to consult with Yukoners. Yukoners' gas reserves are not going anywhere. This is a finite resource right now. We don't need to make a decision right away. Gas is at or near historic lows. We have time. Let's take advantage of it. I believe activity in this sector needs to be managed for wind-down, not ramp-up. Natural gas may be the cleanest burning fossil fuel, but it's still a significant contributor to global warming, which is now breaking weather records all over the world and causing tens of billions of dollars per year in damage to housing, infrastructure and food production.

Where is our desire to develop wind, solar? Where is our commitment to demand-side management? We are spending our money dealing with the consequences of climate change: our roads cost more; our buildings, as permafrost melts, need to be re-engineered. The costs to the Yukon are tremendous. We have an opportunity. The government's assertion that Yukon's natural gas is good for the climate because it will displace diesel is wishful thinking and not substantiated by independent, peer-reviewed research.

Cradle to grave, many reports have been coming out seeing gas, especially shale gas and liquefied natural gas, as costing more in terms of carbon emissions than diesel and costing more than coal. We need to have the discussion.

Without a corresponding commitment to demand-side management and vigorous perusal of renewable alternatives, natural gas will only increase our growing demand for non-renewable energy. Natural gas can only be a useful transition fuel if managed as part of the international climate change action plan and only if exported to jurisdictions that have greenhouse gas emission targets as tough as Canada's. Otherwise it is just another fossil fuel contributing to global warming.

The infrastructure investments Yukon really needs are in alternative energy projects. I had the pleasure of going to an information session on wind energy in the Yukon. It seems cost-effective alternatives are available and have been proven by pilot projects in Alaska and at Kluane in the Yukon. These have proven to be cost effective. In the past, scale has been an issue, but new innovations are making smaller scale options viable.

We need to investigate and put on the table and put our investments in these options. We need consideration given to building renewable sources to meet building retrofits, district energy systems, waste reduction and geothermal. These investments would create 10 to 20 times the number of jobs per million dollars as fossil fuel investments. Yukon is in the unique position of having the resources, time and wherewithal to become renewable energy self-sufficient. Our leaders in the past invested in a hydro system that has allowed us to have clean and renewable energy.

Now is the time to move further down the path toward fossil fuel freedom. Now is the time to involve Yukoners and industry in developing a strategy that focuses on made-in-Yukon solutions to harness our water, our wind, our solar and our biomass resources in ways necessary to help provide electricity

to power our homes, our businesses and our industries — energy to heat our buildings and fuel to drive our vehicles. This strategy would focus on protecting the environment while ensuring a long-term and environmentally prosperous conscience economy.

Energy costs play a critical role in almost every part of our society, but energy can become a major cornerstone of our economy. Renewable energy projects can create local jobs and provide us with clean, renewable and affordable energy and power well into the future. Yukoners and Yukon governments can and have shown an interest in becoming involved in this evolving industry.

We recognize that fossil fuels like oil and natural gas for the near future will continue to be an important part of our society. But our goal should be to reduce our reliance on these largely imported, greenhouse-gas-emitting and unpredictably priced commodities sooner than later. While most jurisdictions can only set 30-, 40- or 50-year targets to reduce reliance on fossil fuels, Yukon has a head start in developing our renewable energy resources in a sustainable way that is good for the economy and benefits our environment. We need a made-in-Yukon strategy that improves electricity, reliability and security. We need to add more wind and solar power. We need to promote geothermal, biomass and solar for heating needs. We need to continue to support leading research into new, cutting edge power solutions. Now is the time to involve Yukoners to promote solutions that will benefit all Yukoners and ensure that our energy is affordable and clean for the long term, that it contributes to job creation and business expansion and allows opportunities for greater First Nation partnerships and participation, an energy strategy that will emphasize energy efficiency and balance new energy generation with strong demand-side management programs.

A Yukon strategy is all about making energy choices today that will create a stronger economy and a cleaner environment for our future. Is fossil fuel freedom achievable? Here in the Yukon, we're closer than you might think. We need Yukoners onside to realize this opportunity.

So I'm speaking against the amendments to the *Oil and Gas Act*. I do believe that Yukon resources belong to all people. I do believe we have commitments to our First Nation governments. We have commitments to our children and to our children's children.

Our leaders showed us a brave new way. Yukon entrepreneurs are ready to leap into working with everyone. Yukon has been built on trust — where we can talk one to another, where we can work together and where we can share information.

Talking to some elders last summer, I was told, "We can wait. We were here long before, and we'll be here long after. What is important is to learn to live together and to build together. When it comes to resource extraction, it's critical that we get it right, for we are stewards of the land. We are part of the land and part of the water. We only have this opportunity to get it right and we need to get it right together. We cannot go it alone."

*Amendment proposed*



**Mr. Tredger:** Therefore, I wish to move the following amendment:

THAT the motion for second reading of Bill No. 49 be amended by adding the words “and it be referred to a select committee of the Assembly;

“THAT the membership of the committee be comprised of equal representation from the government caucus, the Official Opposition caucus and the Third Party caucus to be determined respectively, by the Premier, the Leader of the Official Opposition and the Leader of the Third Party;

“THAT the committee conduct public consultations for the purpose of receiving views and opinions of Yukon First Nation governments, members of the public and interested groups on Bill No. 49;

“THAT the committee solicit legal and other expert opinions on the legality of removing section 13 of the *Oil and Gas Act* in light of the memorandum of agreement with First Nation governments dated January 1997;

“THAT the committee report to the House its findings and recommendations respecting whether government should proceed with Bill No. 49;

“THAT the committee report to the House no later than the final sitting day of the 2013 spring sitting of the Legislative Assembly;

“THAT the committee have the power to call for persons, papers and records and to sit during intersessional periods;

“THAT the committee have the power to seek background information from experts and to be able to call and hear these experts as witnesses;

THAT if the House is not sitting at such time as the committee is prepared to present its report, the committee transmit its report to all Members of the Legislative Assembly and then, not more than one day later, release the report to the public; and

“THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the committee.”

**Speaker:** Order please.

It has been moved by the Member for Mayo-Tatchun

“THAT the motion for second reading of Bill No. 49 be amended by adding the words “and it be referred to a select committee of the Assembly;

“THAT the membership of the committee be comprised of equal representation from the government caucus, the Official Opposition caucus and the Third Party caucus to be determined, respectively, by the Premier, the Leader of the Official Opposition and the Leader of the Third Party;

“THAT the committee conduct public consultations for the purpose of receiving views and opinions of Yukon First Nation governments, members of the public and interested groups on Bill No. 49;

“THAT the committee solicit legal and other expert opinions on the legality of removing section 13 of the *Oil and Gas Act* in light of the memorandum of agreement with First Nation governments dated January 1997;

“THAT the committee report to the House its findings and recommendations respecting whether the government should proceed with Bill No. 49;

“THAT the committee report to the House no later than the final sitting day of the 2013 spring sitting of the Legislative Assembly;

“THAT the committee have the power to call for persons, papers and reports and to sit during intersessional periods;

“THAT the committee have the power to seek background information from experts and to be able to call and hear these experts as witnesses;

“THAT if the House is not sitting at such time as the committee is prepared to present its report, the Committee transmit its report to all members of the Legislative Assembly and then, not more than one day later, release the report to the public; and

“THAT the Clerk of the Legislative Assembly be responsible for providing necessary support services to the committee.”

Member for Mayo-Tatchun, you have 20 minutes in response to the amendment.

**Mr. Tredger:** I bring this amendment forward because, as I mentioned earlier, we are on the cusp of a major decision here. We are moving ever closer to conflict with First Nation governments and with our brothers and sisters. It’s important that we step back and take a deep breath.

Leaders for the past 40 years have looked at ways we can get along, that we can govern, and that we can work with industry and, at the same time, protect and enhance our environment. I believe in Yukoners. I believe that we can move down this path together. Now is not the time to give up. Now is not the time to say to First Nation governments that we don’t need you any more. It has taken many years of hard work. Yukon citizens have come a long way; we have grown together.

I remember a story told to me by one of the seniors in our community, when Elijah Smith and the Yukon Native Brotherhood went to Ottawa and made the national news. There had been a lot of opposition from Yukon people. We weren’t sure, but we wanted to go.

The opposition has been so deep that this person said, “I didn’t know who to phone. I was so excited.” The concerted efforts have been mounted to oppose that. The First Nation people had a dream; they had a vision and they carried forth with it, but most of them didn’t have phones to phone.

We’ve come a long way in the Yukon and I am concerned that we don’t throw it away, that we stand up for diplomacy, that we try to work this out before we go it alone. I believe in Yukoners. I believe in this government. I believe in the First Nation governments. We can and will share in the development of our resources and the development of our land, but we must do it together.

If we go down the path of confrontation and possible litigation, we are throwing away the opportunities presented to us by our leaders — the hundreds and hundreds of weeks and months spent getting to where we are, the patience shown by the First Nation people, the courage of those first negotiators as

they hit bumps in the road, not to stand up and walk away, but to commit to the process, to commit to the spirit, to stand together and work it out. Do we have the courage? Do we have the fortitude and foresight to step back, to take a deep breath and find a way to work together?

Consultation is about building consensus. Consultation is about sitting down with your neighbour and sharing views and ideas and building together for a common solution. Consultation is open. It's caring and it's grounded in trust and a deep, deep respect for each other and for our land, for who we are and where we're going.

This amendment gives us the opportunity to do just that — to step back, talk to our First Nation governments, talk to the Yukon people, begin to formulate a strategy as to how we're going to get along, where we are going to go from here and how we will deal with the extractive industry.

We can accept the challenge or we can bull ahead. I would encourage all members of the Legislature to accept this challenge, to believe in the Yukon's people, to learn from our leaders. We can create a win-win situation. We need diplomacy, we need leadership and we need courage.

I would encourage everyone in the Legislature to accept this motion and go from there.

**Hon. Mr. Cathers:** Mr. Speaker, it will come as no surprise to the NDP that the government will not be supporting the amendment. I would point out to members that, as I've reminded members a number of times in the past, the whole recent pattern of having select committees on many topics is something that is an initiative of the Yukon Party. All previous legislative assemblies combined had one select committee to tour the territory on a matter of importance.

We've had a number of select committees on matters, including off-road vehicles, the *Human Rights Act* review, the anti-smoking review, to name a few of them. The landlord and tenant legislation review is another one. In fact, they've been very successful, but we can't spend all of our time in select committees or on every issue. In this case, the members have failed to recognize that there is a timeliness to this legislation. If the section to enable the storage of liquefied natural gas does not proceed, it will have an effect on Yukon Electrical certainty and likely on Yukon Energy — both of whom are looking at producing electricity either through solely liquefied natural gas or through a blend of liquefied natural gas and diesel as a method to both reduce carbon emissions and reduce the costs. Of course, the net effect of burning more diesel is that there is a consequential impact on people's power bills, especially people of limited income, for whom the NDP some days likes to champion the cause, while forgetting the fact that those costs passed on to them through increased electrical rates do have an effect.

The Member for Mayo-Tatchun also stood and spoke about unemployment in certain areas. I would point out that in fact the solution to unemployment, first and foremost, is providing economic opportunities for Yukon citizens.

Mr. Speaker, this is not a recent development. Over 10 years and millions of dollars were spent by the Yukon govern-

ment in working with the Liard First Nation. We spent millions of dollars resourcing their participation in discussions aimed at them providing consent for activity in southeast Yukon. I have, in the past, tabled correspondence, including correspondence referring to the requests made by the Liard First Nation in 2006 and their approach to Yukon government, for opening up that area. I believe as recently as Friday, there was an interest expressed to the Premier in them seeing economic benefit as a developer, but the government has been clear dating back to 2009.

There was reference made in letters from my predecessor, then Minister Lang, that absent — let me find the actual section and I'll quote from the letter again: "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 letter was written October 23, 2009, and the Yukon government was informed by Liard First Nation at the end of August of this year that they were withdrawing from those discussions and the chief publicly declared they would exercise their veto on any oil and gas activities within their territory.

The Yukon government — as the Premier has committed — remains interested in working with the Kaska First Nation on economic development in their area, including economic development from oil and gas, where they would see direct benefits to the First Nation.

Another case — I make specific reference to the Member for Mayo-Tatchun's amendment — is I'm disappointed to see the member's apparent opinion of Yukon government employees in the Department of Justice, in Land Claims and Implementation Secretariat and Department of Energy, Mines and Resources. These amendments were reviewed for legality and consistency with all agreements by people in those departments.

The lawyers in the Department of Justice, the Land Claims and Implementation Secretariat staff, staff of Executive Council Office and staff of Energy, Mines and Resources have all been involved in review of this. Yet, the Member for Mayo-Tatchun and the NDP do not seem to respect these government employees or consider their opinions valid or trustworthy.

This government has confidence in the employees of those departments, and we very sincerely appreciate the advice they have provided to us.

I would like to also reference again the 1997 memorandum of agreement and once again remind members that provision 3.1, the first principle of the memorandum of agreement, is the critically important foundation principle of that agreement. The provision 3.1 reads "the completion of negotiations of settlement agreements and self-government agreements with all Yukon First Nations and trans-boundary claimants continues to have the highest priority for all parties."

Since 2003 the three non-settled Yukon First Nations have publicly and repeatedly stated, including recently, that they do not wish to complete *Umbrella Final Agreement*-based negotiations. Therefore, one of the most critical and original circumstances that led to the consent provisions in the memoran-

dum of agreement and the *Oil and Gas Act* no longer exist as a result of the choice made by those First Nations. Yukon government has negotiated in good faith with Liard First Nation and Ross River Dena Council for over 10 years on a consent agreement for oil and gas development in traditional territory and, as I have noted several times, it was Liard First Nation who terminated that agreement.

With that, we have already spent significant time discussing this matter and I resisted the temptation on a number of occasions during the Member for Mayo-Tatchun's speech to point out that it was needless repetition, because the member has stated much of what he said here today on two previous sitting days in debates on motions with regard to fracking. The member seems to be engaging in a filibuster. The government would encourage the NDP to actually focus on the business at hand, rather than simply ragging the puck in debate.

**Mr. Silver:** Mr. Speaker, I'm always very concerned when I have to voice an opinion or a vote on a piece of paper that is handed to me moments before I'm asked to voice my opinion. The Official Opposition speaks of consultation. I urge them in the future to maybe practise what they preach. Some members of the opposition do this, and I'm not saying that some of them don't, but for us to have a robust and varied discussion, I am disappointed in how something so important hits my desk with such little time to consult.

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

**Mr. Silver:** I'm speaking here.

With that being said, I do agree with the amendment in principle. Although I am not a lawyer and I cannot speak to the repercussions to which this amendment would propose, I don't think we're going to have to worry about that once this comes to a vote, but at the same time this amendment does speak to equal representation. It speaks to public consultation and it also speaks to eliciting some legal and other opinions, and I am in agreement with all of these things, so I will be agreeing with the amendment today — however, I would like to get on with this debate.

**Speaker:** Does any other member wish to be heard on the amendment?

Are you prepared for the question on the amendment?

**Some Hon. Members:** Division.

### Division

**Speaker:** Division has been called.

### Bells

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

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

**Hon. Mr. Cathers:** Disagree.

**Hon. Ms. Taylor:** Disagree.

**Hon. Mr. Graham:** Disagree.

**Hon. Mr. Kent:** Disagree.

**Hon. Mr. Nixon:** Disagree.

**Ms. McLeod:** Disagree.

**Hon. Mr. Istchenko:** Disagree.

**Hon. Mr. Dixon:** Disagree.

**Mr. Hassard:** Disagree.

**Ms. Hanson:** Agree.

**Ms. Stick:** Agree.

**Ms. Moorcroft:** Agree.

**Ms. White:** Agree.

**Mr. Tredger:** Agree.

**Mr. Silver:** Agree.

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

**Speaker:** The nays have it. I declare the amendment negatived.

*Amendment to motion for second reading of Bill No. 49 negatived*

**Hon. Mr. Pasloski:** I would just like to make a couple brief comments. I have spoken extensively on this subject already, but I just thought for the record I would like to again state a couple things. I do believe, and it's the position of this government, that Yukon resources belong to all Yukon people, and it's very important that we do treat all First Nations equally. This government will continue to meet our obligations to consult and to accommodate.

We have spent a tremendous amount of time — a decade — and a tremendous amount of money — in the millions of dollars — trying to come forward with a consent agreement with the Kaska on oil and gas development in southeast Yukon, and it is time to move forward on that. We will continue to work toward an economic agreement with the Kaska people. I think it's very important, as I had mentioned in the meeting that I had with the Kaska leaders last Friday, that we need to focus on the people in these communities and create opportunities for these people after many years to have a chance for a good job, to have a chance for training or perhaps to create a business. I do believe that with this economic prosperity will also come the opportunity to address some of the social issues that exist as well. I think it does speak to a comment that was made by the Member for Mayo-Tatchun that was addressed by the Hon. Minister of Energy, Mines and Resources, when they spoke about the high unemployment rate in some communities. I think that this is an opportunity to give these people in these communities a chance to have good jobs and training, business opportunities, and to be able to move forward with responsible development in all areas of Yukon to the benefit of all people of Yukon.

**Mr. Silver:** The way the bill is written now, the Liberal caucus will not be supporting it. We have no objections to a majority of the changes that are proposed. We have a few questions about others, and we are opposed to the plan to repeal section 13. It is this last amendment that tips the balance for us. If the government is looking for support on this, we would be prepared to give it if section 13 was left alone. In particular, we are happy to support the changes of the definition of "gas processing plant" to allow for the storage, handling and vaporization of liquefied natural gas. This is required in order to allow an LNG facility to be built here in the Yukon and we are anxious to see this proceed. It is a better option than diesel and

could one day mean that we are using natural gas produced here in the Yukon to meet our energy needs — short-term energy needs.

Like many Yukoners, I was surprised when rumours started to surface in September that the Yukon Party government was going to amend the *Oil and Gas Act*. In 2009, there was a public consultation on the bill, and strong objection to some of the amendments were raised by First Nations and others. The government shelved the changes and not much was heard on the topic in the interim. This spring, when there were public meetings about possible oil and gas development in the Whitehorse Trough, the question was raised again whether there would be changes to the act. People were told that no changes to the legislation would happen without public consultation.

That did not happen; the government did have limited discussions with the First Nations and was told the answer remained the same as when they asked the question in 2009, and that was “no”. Despite the objections of the First Nations and the lack of discussion with the public, the government is forging ahead. The most contentious change is the repeal of section 13 which strips First Nations who have not settled of their ability to veto development in their traditional territory. Mr. Speaker, there has been a great deal of discussion about consultation or the lack thereof. On the repeal of section 13, the government had its mind made up already and the consultation was a formality that was not going to have any impact on the government’s decision. There was consultation on removing section 13 albeit three years ago. At that time, First Nations, settled or not, voiced their objections.

I’d like to read what the Chief of Tr’ondëk Hwëch’in, Eddie Taylor, had to say on this file. This is a letter that he sent to the Hon. Archie Lang, who was the Minister of Energy, Mines and Resources at the time. This is dated October 13, 2009, and I’m quoting from Chief Taylor: “Tr’ondëk Hwëch’in has reviewed the amendments proposed by the Yukon government with respect to the *Oil and Gas Act*. In general, we do not have any concerns with respect to the technical amendments to the act, but we have concerns about the process employed by the Yukon government with respect to the proposed amendments and the proposed deletion of section 13.

“Firstly, it is not appropriate for the Yukon government to simply mail a letter to each Yukon First Nation and issue a news release announcing the proposed amendments. Instead the Yukon government should have raised its intentions to amend the act with Yukon First Nations on a government-to-government basis — particularly if those amendments included changes to the act which would be contrary to its commitments set out in the memorandum of agreement (the “MOA”).

“As you know, the MOA confirmed the support of the Yukon First Nations with respect to the transfer of oil and gas responsibilities and powers to the Yukon government subject to a number of conditions, including measures to protect the rights and interest of Yukon First Nations. The MOA was signed by the chief of each Yukon First Nation and the government leader at a public ceremony in Whitehorse in January, 1997. It was the first substantive agreement amongst the Yukon First Nations

and Yukon government since the signing of the *Umbrella Final Agreement* in 1993.

“Following discussions between the Yukon First Nations and the Yukon government on a government-to-government basis, the MOA working group should have been convened to develop any proposed amendments. This approach would have been consistent with the principles of the MOA and the development of the act and regulations. Instead, the Yukon government only convened this working group as a part of the public consultations.

“Secondly, we are concerned that the Yukon government is proposing to delete section 13 of the act. Section 13 reflects a key commitment that the Yukon government made to the Yukon First Nations under sections 4 and 5 of the MOA.”

He goes on to say, “It is our understanding that the Yukon government proposes to delete section 13 of the act on the basis that it wishes to align the act with the common law provisions for consultations with the Yukon First Nations. We find this justification for the deletion of section 13 to be dubious at best.

“We support the comments and positions of the Yukon First Nations that are still bands under the *Indian Act* (Canada) since this proposed amendment will directly affect their interests.”

Then he goes on to say again, “To that end, we request that the Yukon government take the time necessary to complete this work with the Yukon First Nations. We share an interest in ensuring that oil and gas resources in the Yukon Territory are managed and administered effectively and efficiently and we wish to work with you achieving those objectives.”

The letter is signed by Tr’ondëk Hwëch’in Chief Eddie Taylor.

The Yukon Party has tried to pitch this bill as being good for Yukon First Nations by arguing that they will lose out on royalties if this is not passed. Their approach is basically, “You’ll get some money if you go along. Don’t worry about the unsigned First Nations.”

This government doesn’t seem to give the First Nations much credit. I know that First Nations have considered the potential loss of royalty and they are still opposed to this change. They don’t like how the government is treating the Kaska and they are not supporting them. The divide-and-conquer approach is not going to work. The Council of Yukon First Nations has already publicly supported the Kaska and the White River First Nation. Recently the minister outlined the three choices that he could make to resolve the issue of development in the south-east. Two of the choices are difficult and one is easy. The government took the easy way out.

It remains to be seen whether or not the easiest choice is the best one. The first choice is to try to restart negotiations under the *Umbrella Final Agreement* for a final agreement. The Government of Canada currently has no mandate in place to negotiate with the Kaska or the White River. This has been a policy for the current federal government for a number of years now. The Yukon Party government — publicly, at least — has made no attempt to get Ottawa back to the table. It would be difficult to accomplish and might not result in an agreement but

the Yukon Party hasn't even made the effort to try since it came to power.

Where's the special relationship with Ottawa to work together to try to get this done? On this issue, the Yukon Party hasn't even tried.

Mr. Speaker, there is nothing stopping Ottawa from putting a new mandate in place and I urge the Yukon government to explore this option.

The second choice is to get the Kaska to give consent to exploration as outlined in the *Oil and Gas Act*. The Yukon Party has been unable to accomplish this goal. It has at least tried, but it has failed. With its adversarial approach to First Nation relations, who is surprised by that result?

On two negotiation fronts, the Yukon Party has failed so now they move to option C: what we can't get by negotiating, we will simply take away. It is unfortunate that it has come to this, but again, not unexpected, given the Yukon Party's confrontational approach to First Nations. We saw this with the children's act, we saw this with the Peel land use plan, a dispute in Carmacks over consultation, White River court action over YESAB, and the list goes on.

Option C is the easiest in the short term. The government will use its majority to push the changes through legislation and the law will be changed. There are a couple of problems with this government's approach. One is legal and the other one has to do with long-term implications for relations with First Nations. A 1997 MOU between Yukon and the First Nations, including the Kaska, says unsigned First Nations have a veto until they sign a claim.

I am not a lawyer but you don't have to be one to see the potential legal issues that will arise from this change. The Kaska have already signalled their intention to go to court if this amendment is passed, and who knows who will win this legal battle? Most likely no development will go forward for at least two years while the questions work their way through the court — so much for economic development and certainty for investors. What company will step into this mess?

The second issue is the effect of the decision on the Yukon Party's relationship with First Nations. That relationship is poor already and this will not help. I will urge the Premier to take that into consideration as we debate this bill. What harm will be done to First Nation relations as we move forward? As a leader, the Premier should be working to bring people together, instead of dividing them. This decision is a major one for our territory and for this government. It requires compromise and collaboration and the government has failed on both counts.

In closing, I would urge the government to take a step back and spend the next two years negotiating, instead of litigating. In the end we will all be much further ahead. To summarize, Mr. Speaker, we agree with many of the changes in this bill, particularly those that will further our liquefied natural gas industry. However, taken as a whole, we cannot support Bill No. 49 in its current form and we will be voting against it in this second reading.

**Ms. Hanson:** I had not intended to speak this afternoon because I thought that my colleague from Mayo-Tatchun had very ably expressed the concerns and the opinions of the Official Opposition, as we have in fact expressed them in this Legislative Assembly numerous times over the course of this legislative sitting. However, I was profoundly disappointed this afternoon when I saw where the government was provided an opportunity to do the right thing by means of a positive response to a constructive suggestion from the Official Opposition. We've been chastised and criticized many times by the government for raising issues and not offering them constructive ideas.

As the Member for Klondike has reiterated, this government, by its reckless actions, is taking the Yukon on a path that we don't need to go down. We have a government that talks about and campaigns on slogans of pathways to prosperity, but the pathways to prosperity are going to hit some pretty significant land mines.

This afternoon we have a government that seized defeat from the jaws of victory. They chose to take the single-minded approach that they are right and nobody else has an idea that's worth the merit of even discussing — not debate, not discussion. So as we've said before and as I've said in this Legislative Assembly, this government talks about there being no need to continue to accord a requirement for consent from First Nations with unsettled claims, that they will rely upon the common law. Well, I think by making that statement, the government has revealed that it has a profound misunderstanding of the common law. In fact what they are doing will run contrary to the common law.

The concepts of consultation and accommodation, by their definition, must be meaningful. Constantly using the language that government has provided X amount of dollars or done this for First Nation citizens or funded this or that initiative unfortunately is probably not going to do it.

In addition to the repeated assertions that this territorial government, the Yukon Party government, has been so generous in terms of providing monies to Yukon First Nations, it's offensive. Yukon First Nation citizens are also Yukon citizens. They pay income tax; they are eligible for all services that you and I as citizens of this territory are. To suggest that anything this government provides, because it happens to be in the name of a First Nation — XY First Nation — is somehow special or extraordinary or unwarranted is simply not respectful.

If we're not starting from respect as a starting point for our conversation, for our interaction with Yukon First Nation governments and citizens, if we still have that sense of *largesse*, *noblesse oblige* — which was much more fitting in the colonial past than in the modern-day relationship — it's going to be a long and rocky road. That's unfortunate because as my colleague for Mayo-Tatchun described, the process of interaction among First Nations and the Government of Yukon and the Government of Canada over the last number of years has been very difficult if we think back. He was being very polite when he described the reaction of Yukoners. There are some Yukon politicians still involved who are very against the whole process of Yukon land claims. Some of them have gone on to big-

ger and better things, but the historic record will show that they never wanted Yukon land claims. They did not think that Yukon Indians should be accorded that right.

That attitude seems to still be prevalent within the Yukon Party.

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

#### Point of order

**Speaker:** Minister of Energy, Mines and Resources on a point of order.

**Hon. Mr. Cathers:** Mr. Speaker, you have ruled before that members are supposed to treat each other as honourable and not to suggest that someone has a bias against a group of people. To suggest that the type of attitude the member described, which is offensive and racist, was present today would certainly seem to be clearly contrary to 19(g). I think she should retract and apologize to this House and to past members of the Legislative Assembly.

**Ms. Stick:** My colleague is expressing opinions based on knowledge that she is aware of, and I would suggest that this is a dispute between members.

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

**Speaker:** Did you have a comment for the Chair?

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

**Speaker:** Leader of the Official Opposition, on the point of order.

**Ms. Hanson:** The member opposite implied that I used the word “racist”. I did not.

#### Speaker’s statement

**Speaker:** I’m going to have to read the Blues to see the exact wording that was used, and I will give a ruling on it tomorrow.

Actually, the Leader of the Official Opposition’s body language is quite offensive to me because I’m not sure if she is mad at me for not giving a ruling right now or for the comments that were made. Throwing things around when I’m trying to make a statement is not conducive to this whole process. I said I would give a ruling tomorrow when I have a look at the exact wording.

The Leader of the Official Opposition has the floor.

**Ms. Hanson:** Thank you, Mr. Speaker. Section 13 is really important and why is it so important? I think that it’s important because it speaks to a trust that existed between the government of the day and Yukon First Nations, and the repealing of that section now is so repugnant because it then suggests that that trust has been betrayed.

There have been repeated references on the other side of this Legislature about the fact that certain Yukon First Nations have not completed land claims agreements and various theories and summarizations as to why they didn’t, but I would suggest that the basic issue here with respect to the *Umbrella Final Agreement* — and I don’t think there has ever been a suggestion among First Nations that there wouldn’t ever be land claims, but there has certainly been a distress created associated with the *Umbrella Final Agreement*.

Yukon First Nations, the Kaska First Nation and White River did come close to negotiating final agreements pursuant to that, but I would suggest that there was and remains an underlying distrust between those First Nations and government. Nothing since then has changed that, and the actions of this government, through pushing forward on this repeal of the consent clause, will do nothing to build trust.

It’s no secret that First Nations are not divided on this matter, and every attempt to divide them will only solidify their resolve to stand together. This has moved beyond the borders of this territory. We heard this afternoon the Assembly of First Nations has unanimously indicated their support for the position of the Kaska Nation and the Yukon First Nations.

Not only are we having national echoes in terms of all aboriginal groups and First Nations across this country standing in support, but this augments what we have already talked about in this House. We’ve heard from industry sectors about their concerns about this Yukon Party government’s single-minded approach that doesn’t listen to others; about the uncertainty that that’s creating in this territory for investment, for the willingness and the ability for people seeking to invest in this territory to raise money. You don’t get money to put into resource-extraction industries if you’ve got the kind of uncertainty that this government has created.

I remember being in a meeting with the then-Premier about this legislation in 2009, with my colleagues the late Todd Hardy and the late Steve Cardiff. We objected then to section 13 and, at that time, the provisions that were in the legislation with respect to expropriation, which have now thankfully been removed. At that time there was no discussion of any proposed movement in this territory with respect to hydraulic fracturing. There is now. So we’ve heard a lot from the government about a process that they would like to set up to guide this territory through a public dialogue.

If you think that we’re seeing some manifestations of a lack of trust, I think that the government and this Legislature should be prepared for a profound expression of distrust in a dialogue that has a predetermined outcome.

I spoke with some people recently who were involved in that process, and I said to them, “Does your mandate require you to come with a resolution or with the agreement of those people who engage in this dialogue that they’re going to like fracking?” “Because,” I said, “if you’re not prepared and if your principles” — that is, if the government is not prepared to let this conversation, this consultation, this public dialogue — whatever you want to call it — actually listen to the concerns and the interest of all Yukoners — Yukon First Nation governments — and if those people — those governments say, “No, not at this time” to hydraulic fracturing, only at that time — only if the government is willing to take that answer — will this be a genuine process.

If this government, through its proposed — I can’t call it “consultation” because that’s not what it is. It’s a guided process. If that’s intended to be the same outcome as we’ve seen them propose with respect to how they’ve captured and redefined the Peel land use planning process, then they will have done yet another disservice to this territory, to all Yukoners,

and to Yukon First Nation governments, who place their trust in the kinds of public government processes that are so important to an operating democracy.

The Official Opposition will continue to try to find constructive ways to engage with this government to ensure that we can mitigate the damage they're going to be creating with this reckless action. We are profoundly disappointed, as I said, and we do hope there is an opportunity in the not-too-distant future to try to find a more positive and principled approach to developing a responsible oil and gas industry in this territory that will benefit all Yukoners, not just a few.

**Speaker:** If the minister now speaks, he will close debate.

**Ms. White:** The government likes to talk about how many millions they spent on the Kaska and, sadly, the government hasn't yet learned that money doesn't buy trust or respect. So I'm going to talk about the consultation process — the extensive consultation process from 2009. I'm going to be quoting from the document Oil and Gas Resources put together, and I'm going to be reading off of letters submitted in 2009.

I'm quoting: "The period for public consultation on the proposed amendments to Yukon's *Oil and Gas Act* began on July 29, 2009 and concluded September 14, 2009. In recognition of government-to-government relationships with Yukon First Nations, the government accepted submissions from Yukon First Nations after the close of public consultation. Oil and Gas Resources directly contacted First Nation governments and identified stakeholders to notify them of the proposed amendments and consultation period, as well as notified the public through advertising and news release."

Skip down the document — and this is where the government thanks everyone: "The government thanks all those who submitted comments during the public consultation period. Public input continues to be a valuable and important step in amending legislation. All comments were carefully reviewed prior to the final drafting of legislation."

So the extensive consultation saw 18 submissions in 2009. Six people attended the public meetings. So I'm going to start reading through the letters. This one is dated September 11, 2009. It comes from the Yukon Council of First Nations.

"The amendments identified by the Yukon government appear contrary to the commitments contained in this agreement. We understand that it is your intention to repeal section 13, "Consultation with Yukon First Nations". If this section is repealed, we feel it could potentially be a breach of Yukon government's commitments contained in the MOA. Given the serious nature of these changes, we want to ensure that the consultations be conducted in an appropriate manner. We feel that the consultation period should be extended to allow Yukon First Nations time to respond to the proposed changes. As you know, the consultation period occurred during the summer and early fall, which is not a convenient time for Yukon First Nations."

I have one here, dated October 13, 2009, from the Tr'ondëk Hwëch'in: "Firstly, it is not appropriate for the Yu-

kon government to simply mail a letter to each Yukon First Nation and issue a news release announcing the proposed amendments. Instead, the Yukon government should have raised its intention to amend the Act with Yukon First Nations on a government-to-government basis — particularly if those amendments included changes to the Act which would be contrary to its commitments set out in the Memorandum of Agreement ..."

"As you know, the MOA confirmed the support of the Yukon First Nations with respect to the transfer of oil and gas responsibilities and powers to the Yukon government subject to a number of conditions, including measures to protect the rights and interests of Yukon First Nations.

"Following discussions between the Yukon First Nations and Yukon government on a government-to-government basis, the MOA working group should have been convened to develop any proposed amendments. This approach would have been consistent with the principles of the MOA and the development of the act and regulations. Instead the Yukon government only convened this working group as a part of the public consultations.

"Secondly, we are concerned that the Yukon government is proposing to delete section 13 of the act. Section 13 reflects a key commitment that the Yukon government made to the Yukon First Nations under sections 4 and 5 of the MOA. As you know, section 13 provides that where a Yukon First Nation has an outstanding land claim, consent is required before the Yukon government can issue any oil and gas rights within its traditional territory, including the right to explore for oil and gas. It is our understanding that Yukon government proposes to delete section 13 of the act on the basis that it wishes to align the act with the common law provisions for consultations with the Yukon First Nations. We find this justification for the deletion of section 13 to be dubious at best.

"We support the comments and positions of the Yukon First Nations that are still bands under the *Indian Act* (Canada) since this proposed amendment will directly affect their interests."

I'm going to have to apologize to the Minister of Energy, Mines and Resources because I'm going to be very repetitive.

On September 14, 2009 — and this one came from the Tr'ondëk Hwëch'in as well: "We have since had a cursory review..." So this was prior to their October 13 submission; they submitted that one afterward. "We have since had a cursory review of the proposal in an attempt to compose our response quickly in order to meet YG's proposed deadline of September 14, 2009, as we understand these proposed revisions are intended to be introduced in the fall sitting of the legislature. However, the details of the proposal require a more in-depth review as the subject matter is significant to us and we wish to provide your government with as detailed a submission as possible under the circumstances."

I think it's important to note that they say, "This letter is to acknowledge receipt of your letter of August 4, 2009..." so I'm going to come back to that.

"We would like now to raise a concern in relation to the manner in which YG has proposed its revisions to the Act.

“It is our understanding that the proposal may contradict sections 4 and 5 of the *Canada-Yukon Oil and Gas Accord*, which was signed by the federal and territorial governments in May, 1993. As you know, this Accord transferred provincial-like administrative responsibilities and legislative powers with respect to the management of onshore oil and gas in the Yukon Territory to YG.

“At that time, the Council for Yukon Indians opposed the transfer of responsibilities and powers related to the management of oil and gas to YG under the Accord since the YFN land claims were outstanding.

“It must be pointed out that the *Canada-Yukon Oil and Gas Accord* was a significant agreement. It was signed by each Yukon First Nation Chief and the Government Leader at a public ceremony in Whitehorse. It was the first substantive agreement among Yukon First Nations and Yukon government since the signing of the *Umbrella Final Agreement*. If your government wished to amend the act contrary to its commitment set out in the accord, it should have raised the matter for such a discussion with Yukon First Nations on a government-to-government basis. It is our belief that such a matter should have been raised at a meeting of the Yukon Forum.

“In our view, the proposed deletion of section 13 represents a breach of Yukon government’s commitments under the accord. Since this proposal to amend the act is inconsistent with Yukon government’s commitments under the accord, it then becomes a matter that concerns all Yukon First Nations and warrants further discussion.”

I have a letter dated September 11, 2009 from the White River First Nation regarding amendments to Yukon’s *Oil and Gas Act*. “The Yukon government wants to change the Yukon *Oil and Gas Act*. One of the proposed amendments may affect White River First Nation directly. Yukon government wants to repeal section 13 from the existing *Oil and Gas Act*. Section 13 currently states:

“Subject to section 14, before the effective date of Yukon First Nations’ 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 consent of the Yukon First Nation.”

So the existing law says that Yukon government cannot allow oil and gas activity on the traditional territory of a First Nation without a land claim without first obtaining consent from that First Nation. Yukon government wants to completely remove this section and therefore remove their legal obligation to obtain consent.

“The removal of section 13 of the Yukon’s *Oil and Gas Act* takes away some of the rights retained by White River First Nation that we retain by not signing land claims.

“White River First Nation does not and will not agree to such an amendment to the Yukon government’s *Oil and Gas Act*.”

A letter from the Kluane First Nation dated September 11, 2009: “It is our understanding that, through the proposed amendments to the Act, the Yukon Government wants to update and modernize the Yukon *Oil and Gas Act*. However, the

Kluane First Nation would like to raise a few concerns with regard to the proposed amendments and the consultation process required to amend the Act.

“(a) Timelines for consultation. It is the Kluane First Nation’s recommendation that the consultation period be extended in order for all Yukon First Nations to be afforded a reasonable opportunity to submit written comments. From our understanding, the Yukon Government intends to introduce the proposed amendments to the fall session of the Legislative Assembly and this is the reason for such a short consultation period and tight timelines.

“However, it would be wise for the Yukon government to delay this process so as to make sure that all Yukon First Nations have had a chance to review the proposed amendments appropriately and voice their concerns to the government.

“(b) Protocol for the proposed amendments: In January 1997, the Yukon First Nations and Yukon government signed the Memorandum of Agreement (the “MOA”) to support the transfer of oil and gas responsibilities and powers to the Yukon government under the accord subject to a number of conditions, including measures to protect the rights and interests of Yukon First Nations. Among other matters, the MOA established a joint working group to cooperatively review and revise the act and its regulations since they were developed without any substantive input from the Yukon First Nations.”

The letter goes on to state: “The Kluane First Nation would like to raise its concerns with regards to the manner in which the Yukon government has proposed its amendments to the Yukon *Oil and Gas Act*. If the Yukon government wished to amend the act contrary to its commitment set out in the MOA, it should have raised the matter for discussion with Yukon First Nations on a government-to-government basis. For instance, such a matter could have been raised at a meeting of the Yukon Forum rather than mailing a letter to each Yukon First Nation and issuing a news release. It is in our view inappropriate for the Yukon government to propose changes to its agreements with Yukon First Nations on its initiative in a public manner. The MOA was a significant agreement. It was signed by each Yukon First Nation Chief and the Government Leader at a public ceremony in Whitehorse. It was the first substantive agreement among the Yukon First Nations and Yukon government since the signing of the *Umbrella Final Agreement*.”

They speak about section 13: “The Yukon government is proposing to completely remove section 13 from the amendment Yukon *Oil and Gas Act*. The current wording to section 13 states that the minister shall not issue new dispositions or licences authorizing any oil and gas activity in the traditional territory of a Yukon First Nation whose land claim agreement is not in legal effect without its consent. The proposed deletion of section 13 represents a breach of the Yukon government’s commitments under the MOA. The Yukon government’s proposal to amend the act in a manner inconsistent with its commitments under the MOA concerns all Yukon First Nations and not only those without a land-claim agreement currently in effect.”



I have a letter from the Carcross-Tagish First Nation. It's dated September 14, 2009. "Carcross-Tagish First Nation recommends that section 13 be upheld in order to honour this previous agreement, and that the final drafting of the proposed amendments be reviewed by the MOA working group, maintaining consistency with a process employed to develop the act and its regulations.

"We have concerns with the manner in which Yukon government has proposed the amendments. It should have raised the matter with the Yukon First Nations on a government-to-government basis, especially in light of its wanting to amend the act contrary to its commitment set out in the MOA.

"The MOA working group should examine the outcomes of the benefit agreements implemented over the past decade to determine if the act or policies require revision.

"Finally, we feel the consultation period ought to be extended in order to afford the Yukon First Nations a reasonable amount of time to submit their written comments."

The Ta'an Kwäch'an Council stated September 14, 2009, regarding amendments to Yukon's *Oil and Gas Act*: "It is recommended that the consultation period be extended in order for the Yukon First Nations to be afforded a reasonable opportunity to submit written comments. It is also recommended that the final drafting of the proposed amendments be reviewed by the MOA working group. This would be consistent with the process employed by the act and its regulations."

It sounds a bit repetitive, I'm sure. It seems to me that all the First Nations are on the same page. This one is dated September 14, 2009, and it comes from the Teslin Tlingit Council. It says, "Firstly, we consider the timeline afforded to the Yukon First Nations for comment to be restrictive. The late summer is a poor time to request comment from the Yukon First Nations as the Yukon territorial government should be well aware. This timeline has given little opportunity for First Nations to meet and discuss the proposed amendments.

"We note that section 13 of the act may be repealed. TTC is strongly of the position that the removal of this provision from the act would seriously breach the intention of the memorandum of agreement signed in 1997 regarding oil and gas developments in the territories of unsettled Yukon First Nations. While TTC is a settled rather than unsettled First Nation, we object to the removal of this provision from the act. We would also like to express the opinion that the attempt to remove section 13 without comprehensive consultation with CYFN and the affected First Nations is highly objectionable."

We have a letter from the Champagne and Aishihik First Nations. This one got sent in after; it's dated October 12, 2009: "In general, on matters as substantial as amendment to Acts, it would have been more appropriate to directly address the CAFN Chief well in advance of advertising a public notice for consultation. Instead, public notice was given approximately one week prior (i.e. July 29<sup>th</sup>) to the date of the letter being sent and addressed to a CAFN director (i.e. Lawrence Joe – on August 4<sup>th</sup>). We received the letter the following week after the date the letter was written and sent. This gave us little more than 4 weeks to consider the proposed changes and to address the matter to Chief and Council. This amount of time is no-

where near sufficient to ensure the First Nations had an opportunity to fully consider the proposed amendments. Furthermore, this consultation was carried out in the middle of summer when First Nations governments are understaffed due to the holiday time and those carrying out subsistence harvest activities. To call this consultation a 'Summer and Fall' consultation is somewhat misleading. Although the CAFN-YG Consultation Protocol is yet to be renewed, it provided some basic general principles that should continue to be used in these sorts of processes."

It speaks to section 13: "Perhaps our greatest concern is with respect to proposed repeal of Section 13 of the Act.

"We understand that this is likely a significant breach of the Memorandum of Agreement ... and the Yukon Oil and Gas Accord 1993. We do not view the repeal of Section 13 to be only a matter of bringing the act into alignment with the Yukon government's view of common law provisions for consultation. This agreement was signed by all Yukon First Nations and was one of the greatest government to government achievements since the signing of the Umbrella Final Agreement."

Let's speed through this. We have a letter from the Kwanlin Dun dated October 15: "Section 13 protects the rights of Yukon First Nations without Final Agreements and is rooted in a Government to Government agreement between the Government of Yukon and Yukon First Nations. It honours a commitment made and cannot be repealed without breaching that commitment. It cannot be unilaterally repealed by Yukon without violating the letter and the spirit of that agreement and breaching the honour of the Crown."

I have letters from the Yukon River Inter-Tribal Watershed Council and they talk about natural gas from coal. They say, "Currently, there is no legislation in place specifically related to" natural gas and coal "in the Yukon Territory".

I have a letter here, and this is from a non-First Nation person. It says: "I am opposed to the removal of Section 13. If I was First Nations, I would be marching in the street over this."

Yukon Conservation Society talked about their concerns over consultation.

One thing I really want to bring to light here is that Tr'ondëk Hwëch'in talks about receiving their letter and it was dated August 4, and the Kluane First Nation talks about their letter and it was dated August 4. Well, the Canadian Association of Petroleum Producers — and I believe this would be a good example of a lobbyist group — talks about their letter that was dated August 3, 2009: "The Canadian Association of Petroleum Producers (CAPP) represents 130 companies that explore for, develop and produce more than 90 percent of Canada's natural gas and crude oil. CAPP also has 150 associate member companies that provide a wide range of services that support the upstream oil and natural gas industry."

The letter goes on to say, "Thank you for letter dated August 3, 2009, inviting CAPP to provide comments on Yukon's draft amendments to the *Oil and Gas Act*." We can skip down where it says, "These actions ultimately reduce regulatory risk and improve Yukon's competitiveness..."

In 2009, every First Nation that responded said that consultation was not adequate; they said they didn't have enough

time to consider what was going on. Now we are removing First Nation consultation altogether. There were 2,000 people who recently signed a petition asking to be a part of the conversation and I think we owe it to those 2,000 people and the 14 First Nations. This requires more talking. This isn't ready to go. If anyone's interested, the website is very interesting.

I'm just going to go back to page 16 of the final report. It talks about the next steps.

"All submissions were reviewed and carefully considered before the proposed amendments were finalized." I think that's an important line. "All submissions were reviewed..."

The proposed amendments "...will continue through the legislative process in the form of an Act to Amend the Oil and Gas Act ... It is expected that the Act to Amend will come before the legislature during the fall 2009 sitting. Should it be approved by the legislature, the amendments will take effect as defined within the Act to Amend or on a date specified by the legislature."

Mr. Speaker, we talk about how in this consultation we paid close attention and I think by just reading parts of those letters from the First Nations who had time to respond, you might reach the same conclusion as me, which is they do not feel like there was consultation.

### Speaker's statement

**Speaker:** On a point of clarification, you mentioned the Kwanlin Dun letter — this is more for *Hansard* than anything else — dated October 15. You didn't give a year. Is that 2009?

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

**Speaker:** It is 2009. I just wanted to make sure we didn't have any other letters in there.

**Ms. Moorcroft:** I rise to speak against the bill before us. The *Act to Amend the Oil and Gas Act, 2012* represents a betrayal of trust. The Yukon government is betraying the public's trust. The Yukon government is betraying First Nations' trust that it will honour agreements. I refer not only to the memorandum of agreement with the Council of Yukon First Nations and with all Yukon First Nations, which was signed in 1997, but I also refer to the First Nations final agreements and self-government agreements.

With this act the Yukon government has demonstrated that it is either unable and/or unwilling to engage in good-faith negotiations. I will speak both about the section 13 and the unilateral removal of the consent clause from this agreement, and in my remarks I would also like to speak about the addition of the definition of "gas processing plant", another item the government did not consult on before it introduced this bill in the House.

In 1997, when the memorandum of agreement was signed with Yukon First Nations, it was signed by the Council of Yukon First Nations and by all Yukon First Nations. That memorandum of agreement was a prerequisite for the Yukon to take on the control and management of Yukon's oil and gas resources from the federal government.

Now the Minister of Energy, Mines and Resources has pointed out that the Kaska are no longer negotiating for final

agreement and that other Yukon First Nations do have final agreements. It is relevant to know, since 2003, that the Government of Canada has had no negotiating mandate with the Yukon First Nations who do not currently have agreements. The amendment that was defeated that my colleague from Mayo-Tatchun brought forward is one that would have taken this bill out for full consultation with the public and with Yukon First Nations. I'm disappointed that government voted against that because I believe that that is needed.

The government needs to be aware that, as my colleague, the Member for Takhini-Kopper King just read into the record, Yukon First Nations were opposed in 2009 to the proposal of the Yukon government of the day to remove the section 13 consent clause. All Yukon First Nations are united in their opposition to this proposal today.

Yet today, in his second reading speech, the Minister of Energy, Mines and Resources acknowledged that these amendments will give Yukon the ability to develop regulations for the use and production of natural gas. With the inclusion of a small definition change to "gas processing plant", the government will be able to move ahead and develop a whole set of regulations that would cover the development of natural gas resources.

Natural gas resources, when found in shale rock formations — which is a large part of the Liard Basin and parts of the Whitehorse Trough — is extracted through fracking. Presently in the Liard Basin just south of the 60<sup>th</sup> parallel, which is the dividing line where the Yukon government is formed, there are hydraulic fracturing activities taking place in British Columbia and there is considerable opposition to those and considerable concern.

The Minister of Energy, Mines and Resources said the Yukon government would responsibly manage the industry and regulate to the highest standard. I am deeply concerned about the Yukon government taking on responsibility to regulate the oil and gas industry and to be able to regulate without having to bring legislation back to this Assembly for amendments. I do not believe this government is able to responsibly manage the energy sector, particularly when we see that they do not responsibly consult with Yukon First Nations, nor does the Yukon government engage responsibly with approximately 2,500 Yukon residents who signed a petition opposing the use of hydraulic fracturing.

Hydraulic fracturing is a method of extraction, where millions of gallons of water are used and where toxic chemicals are used to extract the resource. It has been linked to a number of health concerns, including threatening drinking water and including that many of the toxic chemicals that are used are carcinogenic and can cause health-related illnesses. It has been associated with cancer. Hydraulic fracturing has also been associated with polluting drinking water and has been linked to seismic events or earthquakes.

I spoke about a betrayal of the public trust. We only have to look at the government's proposed Peel land use plan. The Yukon government ignored six years of all-party work negotiating a regional land use plan for the Peel River watershed area. That negotiation was conducted under chapter 11 of the First

Nation final agreements. The First Nations wanted 100-percent protection of that area. Over a period of many years, the planning commission reached a compromise, and that compromise is one that this government rejects.

So, as I said at the outset, this betrays trust. Under the proposed Yukon Party government's preferred plan, road development may be allowed in river corridors. The Yukon Party government's plan — the plan that was not created in accordance with First Nation final agreements — creates a wilderness river corridor as a new land use designation. This may allow for land use and surface access in an important wilderness area, and areas with ecological and cultural values.

Just today, we were paying a tribute to the *Universal Declaration of Human Rights*. We spoke about how this year the United Nations has designated the inclusion and the right to participate in public life as a human right that requires our attention.

This government is giving the wrong kind of attention to inclusion and the right to participate in public life. They're ignoring the public's demands for inclusion. They're ignoring their legal obligations to consult responsibly with First Nations.

I believe we should honour final agreement commitments for Yukon and First Nation governments to work together on public policy matters, including decisions about the development of the resource sector and lands.

My colleague also spoke about non-renewable energy options. Natural gas is not a renewable resource. The Yukon government needs to invest in research for renewable energy options and look at wind and solar and biomass and geothermal energy. The Minister of Energy, Mines and Resources also spoke about financial responsibilities in relation to section 66 of the act and proposed amendments and he spoke about recovery of financial penalties.

I would encourage this government to take a very close look at the need for security deposits for environmental damages and for remediation. The government only has to look at a recent decision that came out of the Supreme Court of Canada where the Province of Newfoundland was told that it would have to stand in line with other creditors; its requests for funds for environmental damages did not have a priority.

There are a number of very serious concerns that this government has failed to address in the amendments before us. It has failed to provide for consultation with First Nations and with the public at large in a way that is meaningful and respectful. I have a number of concerns about this bill. The government is not talking about Yukon-wide consultations. It has not given us an indication of how it would approach security deposits for environmental clean-up funds. It does not speak about the resource sector bearing the full costs of development, including the costs of energy to develop non-renewable resources and not leaving those costs to be borne by the very small Yukon population after the resource is gone, and that would affect many, many generations in future.

So, I do not trust this Yukon Party government to manage development responsibly. I do not trust the Yukon Party government to respect First Nation final agreements and self-government agreements. I do not trust the Yukon Party gov-

ernment to engage in meaningful consultation with the public, and I do not support this bill.

Thank you.

**Ms. Stick:** I just would like to stand in regard to this bill and repeat my non-support as other members of the NDP have done. I don't have a lot to say, but I did want to read just this one paragraph, which I thought summed up things very well for me. It's dated October 25, 2012, and is signed by Chief Liard McMillan, Chair George Miller and Chief Jack Caesar. It's just one paragraph: "The negative downsides of the proposed repeal are awful to contemplate and, so far as we can see, there is no appreciable upside. If for the sake of argument your government somehow manages to repeal section 13, what will you have achieved? You will have incurred our deep enmity and otherwise irrevocably damaged a relationship that is supposed to be trust-like, not adversarial. You'll have destroyed any doubts that may exist regarding your government's profound lack of respect for recognized title and rights, and you will have erected completely unnecessary but potential insurmountable barriers to any new oil and gas development in our traditional territory, for so long as your government remains in office." Thank you, Mr. Speaker.

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

Minister of Energy, Mines and Resources, please.

**Hon. Mr. Cathers:** Once again, we see the NDP really engaging in repeating a lot that has been said on two previous days by their members. There are just a few points I'll make in closing. I would remind members that, contrary to assertions made by the NDP, the government has responded to the concerns. We've heard from Yukoners about practices of the oil and gas industry, including fracking, by tabling a motion that commits to facilitating an informed public dialogue about the oil and gas industry including risks and benefits of hydraulic fracturing — also known as "fracking" — before any regulatory approvals or permitting allows the use of this activity in the Yukon.

The NDP voted against it; the Liberal member supported it; the Member for Vuntut Gwitchin supported it; all Yukon Party members supported it. The NDP voted against starting by sitting down with the Vuntut Gwitchin First Nation and other stakeholders to talk about how to best facilitate an informed public dialogue — a dialogue that would ultimately involve all Yukon citizens.

A few points I have to make. Of course we're not up today debating the Peel, despite the amount of time we heard from one of the NDP members about this. But I would make the point that the NDP is a party that seems to consider the feedback of less than three percent of Yukoners representative of a majority opinion. That is what we heard in the July 2011 consultation that the NDP and others, including certain environmental organizations, like to claim demonstrated a majority opinion of Yukoners on the Peel watershed, despite the fact that the work commissioned —

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

### Point of order

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

**Ms. White:** Mr. Speaker, Standing Order 19(b) speaks to matters other than the question under discussion.

### Speaker's ruling

**Speaker:** There is no point of order. The member is summarizing his comments on how he will bring them back to the subject at hand.

**Hon. Mr. Cathers:** I am at this point just very briefly responding specifically to comments heard from the NDP, as well as speaking generally to the principle about what public consultation represents.

I point out to members that despite the fact that they and others have made the assertion that what the Yukon government heard in July 2011 indicated clearly that the majority of Yukoners had a certain opinion on the Peel watershed plan, that in fact the very report commissioned jointly by CPAWS, the Yukon Conservation Society and the Wilderness Tourism Association itself said these consultations do not constitute a representative survey of Yukoners and should not be extrapolated to include all Yukoners. In fact that consultation itself, according to DataPath, represents no more than 228 individuals who registered on the system to provide their comments and was primarily reflective of a petition, but as DataPath noted it is not representative of Yukoners.

So what I would point out also when we speak of consultation, as I've said in the past before, the NDP — depending on whether they personally agree with the results of consultation — either ask for more consultation or less consultation.

In the case of the *Yukon Oil and Gas Act*, I would remind members that, as I indicated before, the Yukon Party stated during the 2011 election campaign that we talked about oil and gas development in north Yukon and southeast Yukon. In this case I can go through the amendments that are being consulted on in greater detail if members wish, although I did provide, in the interests of expediting, a high-level summary and they were provided a briefing of what the individual amendments do. As they will see and anyone will see upon reading the legislation, the amendments to the *Oil and Gas Act* are mostly fairly mundane and administrative in nature and strengthen government's ability to responsibly manage oil and gas activity.

As I reminded members, correspondence from my predecessor to Liard First Nation, dating back to 2009 indicated, as Yukon government and LFN previously discussed — so again, it was not the first time it was mentioned — 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.

I also have quoted from and tabled in the Assembly correspondence from myself to the then federal Minister of Indian and Northern Affairs referencing the fact that, in 2006, Yukon was approached by the Liard First Nation to negotiate an oil and gas consent and economic development agreement that

would enable new oil and gas exploration and development in the Liard Basin. That agreement was to provide LFN with commercial oil and gas rights to land that would normally be subject to bid, as well as public land that would be open for competitive disposition process. This arrangement provides LFN with an opportunity to become an explorer and producer. That March 31, 2009 letter also referenced that at the time the *Yukon Oil and Gas Act* was proclaimed, land claims negotiations with the Kaska were underway and Canada — and I emphasize Canada — requested the clause to limit further alienation of land and interests subject to the negotiation.

The primary reason for that specific clause in the act was to satisfy the requirements of the Government of Canada, as I've indicated both in responding to the petition and earlier in the speech. I would point out that the first principle the memorandum of agreement identified was the completion of negotiations and settlement agreements, and self-government agreements with all Yukon First Nations and trans-boundary claimants continue to have the highest priority for all parties.

We've been informed by all three unsettled First Nations that they have no interest in concluding an *Umbrella Final Agreement*-based land claim negotiation and it was Liard First Nation, not the Yukon government, that chose to withdraw from the talks in September of this year. Again, returning briefly to the letter that I sent to Minister Strahl: "The agreement that was referred to would result in the opening of the Liard Basin to oil and gas development, which is of great benefit to Canada and Yukon First Nations. It will also provide LFN with \$400,000 in capacity development funds and, most importantly, provide an LFN corporation with oil and gas rights to approximately 10 percent of the lands in the Liard Basin that they can explore and develop independently or in partnership with industry. Yukon will pay the \$400,000 and has invested considerably in reaching the agreement." The letter also specifically noted, "Yukon government believes successful negotiation of an agreement to open up southeast Yukon with LFN and the urgency to serve the existing gas plant and pipeline infrastructure invites federal participation for capacity development, business development and training that ultimately benefits all levels of government."

Here's a key phrase from the letter: "We believe that First Nation consent is forthcoming. With federal assistance, Yukon could be in a position to open the Liard Basin to new oil and gas exploration and development as early as 2010."

Again I will not spend a lot of time repeating matters that have been said previously in this House. I would again note that, with regard to hydraulic fracturing, contrary to the assertions of the NDP, we have responded directly to concerns we've heard from Yukoners by tabling a government motion, which committed to having an informed public dialogue about the industry, including risks and benefits of hydraulic fracturing, also known as "fracking", before any regulatory approvals or permitting allows the use of this activity in the Yukon.

I'd also specifically remind members opposite of what I said to the Member for Vuntut Gwitchin in response to his questions, when he asked me that on November 21. I pointed out at that time that that dialogue might end up with regulatory

amendments as a result of it. As I noted to the member, the Yukon government worked with the Vuntut Gwitchin First Nation on issuing a joint decision document on the recent application by Northern Cross. Along with that, we made the commitment to Vuntut Gwitchin First Nation, at their request, that the Yukon government will consult with Vuntut Gwitchin First Nation prior to issuing any approvals, permits or licensing for future applications for fracturing if such an application is received at some point in the future.

I would also like to specifically address a few points about this endless process of consultation and negotiations that has gone on for over 10 years. Yukon government has provided millions of dollars to resource participation by Liard First Nation. This process is good for the consultants and it's good for the lawyers, but it hasn't resulted in much benefit to the people of Watson Lake area, including the Liard First Nation.

The Member for Klondike, the Leader of Liberal Party, suggested we should spend another two years negotiating it, but the question really is not whether it's two years, but is it 10? Or is it another 40? I refer, of course, to 30 years of land claims negotiations, plus 10 years that Yukon government, in good faith, has resourced LFN participation in these discussions.

The Leader of the NDP seems to think she knows better than government employees when she speaks about these matters and suggests that government — well, doesn't suggest — asserts government is not following the law and its legal obligation. As I will again remind members, prior to taking any action in this area, this process has been a very extensive one within Yukon government with those who have expertise in these matters, and that includes Executive Council Office, the Land Claims and Implementation Secretariat, Department of Justice, including a number of lawyers within Justice who have been asked to review this, and, of course, the Department of Energy, Mines and Resources.

The NDP Member for Takhini-Kopper King suggested removing consultation altogether with First Nations and, of course, that is absolutely incorrect. The repeal of section 13 will make the rules and requirements the same for the three First Nations who have not concluded their final agreement as for the 11 who have. Yukon government will continue to have the common-law obligation to consult with the First Nations on oil and gas and to fully consider their input.

With that, I would again note, as the Premier referenced, there are over 150 examples of current initiatives ongoing that the Yukon government is taking to work with Yukon First Nations, and that is only the listed initiatives, not the ones that have informal dialogue on a daily basis between government departments and between First Nation governments. Another example, of course, is the recent signing of the resource revenue sharing agreement, which would ultimately — another case where Yukon government has gone beyond any obligations in the *Umbrella Final Agreement* or the devolution transfer agreement — that agreement, once reaching full potential, would provide Yukon First Nations with up to \$4.7 million annually and an increased share of resource revenues. So that is another example of Yukon government's commitment.

I could refer to and list investments under the northern strategy, the northern housing trust, and a litany of other initiatives where our government has provided tens of millions of dollars to Yukon First Nations beyond any legal obligation to do so, and we will continue to work cooperatively with First Nation governments and, indeed, with Yukon communities and municipalities as well.

So, Mr. Speaker, again, in closing debate at this point, as the Premier has said a number of times, it is the belief of government that Yukon resources belong to all Yukon citizens. We believe that we have responded to concerns we have heard, including the request for oil and gas postings in the Whitehorse Trough. As we indicated at the start, and despite the assertions to the contrary from the NDP, government considered there to be three options on the table — to either issue all of the 12 areas, some of them or none of them — because we had not taken a position on that matter in the 2011 election campaign. That was a wide open subject, and we heard very clearly from Yukoners that they did not wish to see oil and gas activity in the Whitehorse Trough at this time. We listened to them and acted accordingly by denying all of the requests.

Again, I referred to north Yukon, the collaborative work with Vuntut Gwitchin First Nation in issuing a joint decision document, and we remain committed to working with First Nations and with Yukoners to ensure that when Yukon's resources, including oil and gas, are developed, they are done in a way that provides net benefit to Yukon citizens and in a way that, until and unless we are fully confident that public health and safety and the environment can be fully protected, no permits or licences are issued to allow any oil and gas activity.

With that, Mr. Speaker, I would commend this legislation to the House.

*Motion for second reading of Bill No. 49 agreed to*

**Bill No. 48: Act to Amend the Access to Information and Protection of Privacy Act — Second Reading — adjourned debate**

**Clerk:** Second reading, Bill No. 48, standing in the name of the Hon. Mr. Istchenko; adjourned debate, Ms. Stick.

**Speaker:** Before I recognize the member, I would just say that she is speaking to the amendment and has 20 minutes.

*On proposed amendment — continued*

**Ms. Stick:** Thank you, Mr. Speaker. I presented the motion for second reading of Bill No. 48 to be amended by adding the words “and it be referred to a select committee of the Assembly”; and that the membership and mandate of the select committee be established by a separate motion of the Assembly following consultation among the House leaders.

I also tabled a motion suggesting terms of reference of such a select committee.

The NDP Official Opposition caucus has been very clear that Bill No. 48 is a step backward in terms of the public's access to information and it is not supported by the Yukon's Information and Privacy Commissioner and would cast a veil over the workings of government.

This bill makes substantial amendments and the Yukon public deserves to have their opinion count on whether the

government should be given greater powers to withhold information. My amendment is very simple and reasonable. It would correct the flawed approach and give the Yukon public — whose rights this bill will alter — a say in the matter. The amendment would take the bill out for public consultation via a select committee.

Why should the public have a say on this bill? It seems simple. There should be no objections. Citizens must have a say in the decisions made by governments that purport to represent them. This is a basic undermining of democracy. Voting once every four or five years is not the end of it, but merely the beginning.

The very first comment of the Information and Privacy Commissioner on the proposed amendments to the ATIPP act was to state: “I consider this a substantial amendment to the ATIPP Act that would have better been done through a review of the ATIPP Act where all the provisions of the act could be considered and read together and where consequences of the amendments could be better considered.”

I fail to understand why this government would seek comment only to ignore the advice — and I might add ignore the advice of previous commissioners who have repeatedly called for a review of the whole act in 1999, 2000, 2008 and again in 2012. This act has been in place since 1996 and there has been no review.

This motion addresses a fundamental failing of the government, a failure of democratic principles and ideals. The Official Opposition has stood in this House and repeatedly pointed out to the government that the changes to the *Access to Information and Protection of Privacy Act* that this government is determined to push through undermine the rights of Yukoners to know and understand what their government is up to and how they are making decisions.

We’ve heard from the minister who brought forward, and has had to defend the flawed bill, say, “The purpose of these amendments is to ensure that the confidentiality required for effective government decision-making is properly balanced with the public’s right to access information. Under the existing legislation, ATIPP does not provide the support policy advisors require to deliver full and frank information to decision-makers.” I find that puzzling: on one hand he acknowledges the public’s right to access information; on the other hand he appears to be under the mistaken notion that somehow the current ATIPP act limits the advice provided by government employees.

If that were the case, governments for years now would have been operating without full and frank information. This might explain some of the Yukon Party’s fiascos, like the attempt to privatize Yukon Energy, but I don’t think it’s correct to blame the act for this mistake.

The current *Access to Information and Protection of Privacy Act*, section 1, says in part it is, “The purposes of this act are to make public bodies more accountable to the public and to protect personal privacy by (a) giving the public a right of access to records; (b) giving individuals a right of access to, and a right to request correction of, personal information about

themselves; (c) specifying limited exceptions to the rights of access;” and so on.

These purposes are the foundation of the ATIPP act. As things stand now — policy advisors — privacy is not at risk. It’s not the private information of who wrote the advice to the government that the public is looking for; the public is asking for information being provided to decision-makers, to the Cabinet ministers and to the Executive Council. They’re not interested in the “who” but the “what,” — what information is being developed and provided and how these decisions that affect us are made.

Information that the public is interested in is the information used by ministers and decision-makers to represent the interest of the public and to develop and maintain good public policy. Currently under existing legislation, ATIPP does provide for Cabinet protection. Under clause 15(1), the government may “...refuse to disclose to an applicant information that would reveal the substance of deliberations of the Executive Council or any of its committees, including any advice, recommendations, policy considerations, or draft legislation or regulations submitted or prepared for submission to the Executive Council or any of its committees.”

Section 16(1) says, “A public body may refuse to disclose to an applicant information that would reveal advice, recommendations, or draft acts or regulations developed by or for a public body or a minister.” There it is, Mr. Speaker: the opportunity for briefing notes, advice, et cetera, that goes to Executive Council is already excluded in the current act. It means briefings on any law the minister is responsible for upholding.

In Bill No. 48, we see small changes in words that have huge implications. Look at proposed amendments to section 5: access to complete records “does not extend to a record created solely for the purpose of (a) briefing a minister in respect of assuming responsibilities under the *Government Organisation Act* for a department or corporation”. That’s huge. That means any briefing on any law. I want to carry this change through with an example.

The Minister of Community Services is responsible under the *Government Organisation Act* for pieces of territorial legislation, including the *Building Standards Act*.

Let’s say the minister is concerned with compliance, maybe around the issue of oil-fired heating systems installation. The minister requests information from officials on an overview of compliance. That kind of information would be off limits under the proposed changes.

I will remind the members here that it was through ATIPP that Community Services and Yukon Housing Corporation were compelled to release information about the state of code violations in the Yukon pertaining to oil-fired appliances. This information is definitely in the public interest. Who knows how many people, when the information was released and discussed in the media, at the office, in coffee shops, went and took corrective action?

Access to information is not abstract or philosophical. It can be a matter of life and death. That’s why the public should be consulted. That’s why we need a select committee to take the bill out to the public and hear the views of Yukoners. If

passed, this bill will exclude all information found in records. Currently, information can be extracted without the whole record being released. That's the job of staff.

These amendments undermine the spirit of the act that all government information is accessible under very specific and limited exceptions. By limiting access to records, we then close off public access to information — the whole purpose of this act.

The wide-sweeping nature of this amendment and its impacts on the public's right to know demands that the public have a say. That's why a select committee should be formed to take this bill out for public comment. We know only two other provinces that have similar provisions that the Yukon is seeking, but they at least balance the exception with the right to access by including provisions where a public body shall not refuse to disclose where consent is given by the proper authority.

How can this government declare, promote and expand on openness and accountability and repeatedly slam the door? Are we just to trust that this government does what's best for us? Are we to trust a government that is removing a basic democratic right of its citizens without even consulting those citizens? I think not. This is not open; this is not transparent; this is not accountable and it is not democratic.

We look at what section 16 is replaced with. The Information and Privacy Commissioner raises significant concerns. For example, a public body cannot refuse to disclose factual information. That's now removed so that a public body can refuse to disclose factual information. Really? I don't remember requesting false information. We're looking for access.

Another example is the addition of the words "final report of" before listing feasibility, technical studies, cost estimates. Who decides? Who says that these are the final?

Not satisfied with limiting the public's right to know at this point, they add more — report of a taskforce, report of a committee, report of a council or similar body that has been established to consider any matter and make reports or recommendations to a public body. We can only see the final report. The question we must ask ourselves is who decides what's final? Depending on how this question is answered, the door on the public's right to know is slammed shut.

What about the Hospital Corporation and its strategic report? Is it final? Of course not. But should not the public have access to the preparatory work so as to ascertain what the Hospital Corporation is planning to do with our public dollars in their efforts to meet our public needs is best? It's unbelievable.

Mr. Speaker, I could go on. There is so much wrong with this act and with these amendments. The Privacy Commissioner has pointed out it is not being open and accountable; it's the opposite of open and accountable.

I'm hoping that the members here will vote for this amendment and support it so that an amended motion can go out to public consultation. Thank you, Mr. Speaker.

**Hon. Mr. Istchenko:** I just want to speak to why the government won't be supporting this amendment put forward by the member opposite.

I want Yukoners to know that what we're doing is consistent with legislation in most other Canadian jurisdictions. Newfoundland and Labrador and Alberta recently introduced these amendments similar to ours and almost all other Canadian jurisdictions already have aspects of these provisions in their legislation, including Northwest Territories, Nunavut, British Columbia, Saskatchewan, Manitoba, Ontario, Nova Scotia and Prince Edward Island. So there is no need for a select committee, Mr. Speaker. The government will not be supporting these amendments.

**Ms. White:** Without this amendment, the government is telling the citizens of the territory that they know what's best. This amendment is asking for this to go out to consultation so people can actually give their input, instead of being told what they should or should not think. It's giving the opportunity to voice it for themselves, so I am in favour of this amendment.

**Ms. Hanson:** I'm speaking on the amendment in support of the amendment. A public body is just that — public. Clearly this government would like the government to be private and above public scrutiny. The Information and Privacy Commissioner has laid out a compelling argument as to why these amendments are unprecedented and should not be proceeded with at this time.

Information from such bodies such as advice, proposals, recommendation or policy options should be public. This again points to open and accountable. Restrictions on consultations related to the making of government decisions or formulation of government policy are also being suggested by this government. What's left? What do we, the public and the media, have access to?

Certainly, the personal privacy remains intact — for now. I worry about for how long.

In 2008-09, this government did go out to an invitation-only consultation on amending this act. What was proposed and eventually passed in this House was to expand the ATIPP act to include other public bodies such as Yukon College, Yukon Energy Corporation, Yukon Hospital Corporation and all Crown corporations. This brought our legislation up to the standards across Canada. Different information and privacy commissioners have recommended a series of amendments and actions, as my colleague has said, in 2000 and 2008 and again in 2012; yet these have been ignored by this government. The government ignores the experts and brings forward changes that no one but the government itself wants.

ATIPP needs to stay abreast of the developments and modernization in the area of access to information, and not take a major step backward. That's why the public should be consulted, and that's why we need a select committee to take the bill out to the public and hear their views and hear whether Yukoners want to give this government and future governments more powers to restrict information. The Yukon Party has a bad track record when it comes to discussing access to information with the Yukon public. In 2004, this government did promise a review with full consultation; instead this govern-

ment developed amendments in a secretive process without including the Information and Privacy Commissioner.

When the government did consult with the Information and Privacy Commissioner, the government chose to dismiss his concerns.

There are many concerns. When asked for a feasibility study — “Sorry, we don’t have the final feasibility study.”

Ask for a technical study — “Sorry, not final,” though how a technical study might not be final is probably kind of puzzling.

How about a report of a task force, committee, council, or similar body established to consider any matter and make reports or recommendations to a public body — and remember, Mr. Speaker, we expanded the scope of the public bodies that are covered by the ATIPP act — “No, not final.”

It is well-known that reports are changed and edited with direction from ministers. I would suggest that it is in the public interest to see the progression of reports and the editing and selection that goes on — that would be accountable; that would be open.

The government has expressed concern over the workload of the Information and Privacy Commissioner. The NDP Official Opposition has long suggested that treating the Information and Privacy Commissioner role, along with the Ombudsman function, as a half-time job needs to be changed. Maybe the Yukon Party is addressing the workload in a backwards way by shutting the door on access, so that there is not much work to be done by this individual. It’s a strange way of doing it.

This government has launched an attack on the right of all Yukoners to access information by proposing aggressive changes to the public’s democratic right to access government information.

That’s why the public should be consulted, and that’s why we need a select committee to take the bill out to the public and hear their views.

There is no way — there is no possible way in heaven that the amendment to ATIPP can be construed to being open and accountable. Before government goes ahead and expounds on protection of personal privacy, let’s be very clear — this has nothing to do with an individual coming forward and requesting access to their own personal information — nothing whatsoever. Every person still has access to their own personal information. This has everything to do with the government wanting to cast a veil of secrecy over its action. This has everything to do with the government wanting to keep the public in the dark. This government was elected on a platform of practising “open and accountable” government. This *Act to Amend the Access to Information and Protection of Privacy Act* breaks this promise.

Our amendment seeks a compromise — a way out for this government. This proposal can go to a select committee where it can hear from the public. Only then, after the public has had time to comment, should such amendments be entertained. This is fundamentally what democracy is all about. I encourage all members to support the amendment from my colleague from Riverdale South.

**Mr. Silver:** I’ll be brief. The amendment speaks of public consultation, so I am in favour of a select committee on this issue, and I urge the government to consider the amendment, as it gives the government an opportunity to prove, in a more public forum, that they have nothing to hide. So I will be in support of this amendment.

**Speaker:** Does any other member wish to be heard on the amendment?

Are you prepared for the question?

**Some Hon. Members:** Division.

#### Division

**Speaker:** Division has been called.

#### Bells

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

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

**Hon. Mr. Cathers:** Disagree.

**Hon. Ms. Taylor:** Disagree.

**Hon. Mr. Graham:** Disagree.

**Hon. Mr. Kent:** Disagree.

**Hon. Mr. Nixon:** Disagree.

**Ms. McLeod:** Disagree.

**Hon. Mr. Istchenko:** Disagree.

**Hon. Mr. Dixon:** Disagree.

**Mr. Hassard:** Disagree.

**Ms. Hanson:** Agree.

**Ms. Stick:** Agree.

**Ms. Moorcroft:** Agree.

**Ms. White:** Agree.

**Mr. Tredger:** Agree.

**Mr. Silver:** Agree.

**Mr. Elias:** Agree.

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

**Speaker:** The nays have it. I declare the amendment negated.

*Amendment to motion for second reading of Bill No. 48 negated*

**Speaker:** Does any other member wish to be heard on the main motion?

If the member now speaks, he will close debate on the main motion. Does any other member wish to be heard?

**Ms. Moorcroft:** I would like to rise and speak in opposition to the *Act to Amend the Access to Information and Protection of Privacy Act*. I am disappointed that the amendment put forward by my colleague, the Member for Riverdale South, was not approved.

The *Access to Information and Protection of Privacy Act* lays out some very fundamental principles that any democracy should be proud to endorse, and these amendments go in the opposite direction of our *Access to Information and Protection of Privacy Act* and the principles that it espouses.

The government’s amendments to limit public access to records and to take out of the public record all advice to Cabi-



net for a five-year period means that any information that is collected by the public service to present to government will not be able to be looked at by the public until after the government has changed. I think that is about secrecy and the suppression of information. That is not about open and accountable government. It is not about accessible government.

Mr. Speaker, seeing the time, I move to adjourn debate.

**Speaker:** It has been moved by the Member for Copperbelt South that debate be now adjourned.

*Motion to adjourn debate on second reading of Bill No. 48 agreed to*

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

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

*Motion agreed to*

**Speaker:** This House stands adjourned until 1:00 p.m. tomorrow.

*The House adjourned at 5:29 p.m.*