

Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, November 13, 2008 — 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: The Chair wishes to inform the House that Motion No. 569 and Motion No. 570, both standing in the name of the Leader of the Third Party, were not placed on today's Notice Paper as they were not in order.

DAILY ROUTINE

Speaker: We will now proceed with the Order Paper. Tributes.
 Introduction of visitors.

INTRODUCTION OF VISITORS

Mr. Elias: I ask that all members in the House join me in welcoming Mr. Paul Deuling in the gallery today.

Applause

Speaker: Are there any further introductions of visitors?

Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Hart: I have for tabling the Yukon health care review final report dated September 2008.

Mr. McRobb: I have for tabling a letter from the office of the Chief and Council of the Government of Liard First Nation dated November 5, 2008, which was distributed to all Members of the Assembly, and the accompanying Liard First Nation position paper dated November 6, 2008, entitled *The Fourth Pillar: Aboriginal Rights and Minimal Standards for an Effective and Inclusive Forestry Regime in the Yukon Territory*.

Speaker: Thank you.
 Are there any further documents or returns for tabling?
 Are there any reports of committees?
 Are there any petitions?
 Are there any bills to be introduced?
 Are there any notices of motion?

NOTICES OF MOTION

Hon. Mr. Hart: I give notice of the following motion:

THAT this House urges the Government of Yukon to engage Yukoners in a dialogue on the findings and recommendations of the Yukon health care review, a report that reviewed the current and long-term sustainability over the next 10 years of the public health care system in the Yukon;

THAT a steering committee on health care sustainability, comprised of health care and medical professionals and finance

and First Nation officials be established to undertake this dialogue with Yukoners and prepare a report on what they heard; and

THAT an oversight committee on health care sustainability, comprised of the Minister of Finance and the Minister of Health and Social Services, be established, with the invitation being extended for one representative from the Official Opposition, the third party, and Yukon First Nations to participate on the committee and oversee the work of the steering committee on health care sustainability, including receiving the report on "What They Heard" for the ultimate presentation to the Yukon Legislative Assembly, during the period of the 2009 spring sitting.

Mr. McRobb: I give notice of the following motion:

THAT this House urges the Yukon government to ensure there is a process for meaningful public consultation on developing the regulations for the *Forest Resources Act*, Bill No. 59, by providing two rounds of consultation: the first to collect input and the second to review and collect comments on the draft regulations.

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

THAT this House urges the Yukon government to realize the importance of establishing and implementing the regulations as soon as possible for the *Liquor Act* amendments put forward in the last sitting.

Mr. Edzerza: I give notice of the following motion:

THAT this House urges the Minister of Health and Social Services to immediately act on recommendations made many times in the past to raise the food allowance rates for families on social assistance in the Yukon without waiting for a review, taking into account that:

(1) it is necessary for families to access food programs and to go without food to pay rent; and

(2) the amount now available does not provide proper nutrition for children.

Mr. Cardiff: I give notice of the following motion:

THAT this House urges the Yukon government to make the safety of travellers and the support of commercial trucking a priority on the Alaska Highway from Burwash Landing to Beaver Creek by allocating funds to improve it.

I give notice of the following motion:

THAT this House urges the Yukon government to make the safety of travellers and the support of commercial trucking a priority on the Dempster Highway by allocating funds to improve it.

Speaker: Are there any further notices of motion?

Is there a ministerial statement?

This then brings us to Question Period.

QUESTION PERIOD

Question re: Hospital renovations

Mr. Mitchell: I have a question for the Minister of Health and Social Services. This summer, the chair of the Yukon Hospital Corporation announced the hospital was looking at \$60 million worth of renovations. Among other items, they could include a new emergency room and a new nurses' residence.

The chair said the corporation was looking at a public/private partnership in order to move the project ahead. In other words, the chair wants to look at more privatization of our health care system. The new Health and Social Services minister, since he was appointed July 3, has been silent on this issue. So I'll ask him today: does he support using a public/private partnership to cover the cost of future expansion of the hospital?

Hon. Mr. Hart: With regard to the expansion of the hospital and its facilities, that's a position that's taken care of by the board and its committee and is something that's decided upon by that board.

Mr. Mitchell: We understand there is a hospital board but, ultimately, this government funds the Hospital Corporation and has a fair bit of say on health policy.

The Liberal caucus does not support the use of public/private partnerships in the health care field. We've made that clear over a number of years. In 2003, the Premier said the same thing: "I've also stated ... that we would not use public/private partnerships for jails, hospitals or schools ..."

A few years later he has changed his mind. He said this summer that increased privatization was an option available to the Hospital Corporation. I'm asking the Minister of Health and Social Services what he thinks. He sets the policy guidelines for the corporation. Does he support using private funding for the renovations to the hospital?

Hon. Mr. Fentie: Mr. Speaker, the member opposite, the Leader of the Official Opposition, is correct on one account, that this government has been very clear — abundantly clear — in its position with respect to public/private partnerships with jails, hospitals and schools — and that continues. However, the board that oversees and manages the Hospital Corporation is looking at options. Those options have been expressed publicly. That is not necessarily the case in terms of what is actually going to happen. I think it is important that we recognize that we must ensure that the delivery of health care to Yukoners is sustainable, and that is essentially what has been tabled here on the floor of the Legislature today: a very complex, comprehensive and thorough review of the health care system so that we can ensure sustainability over the long term.

Mr. Mitchell: Mr. Speaker, the question is not about sustainability of the entire health care system. The question is specifically about whether or not this government is supporting a public/private partnership in building new health infrastructure. Now we know the previous minister was open to the idea of privatizing health care — that is no surprise given his Reform Party background. Yukoners will also not be surprised to

Some Hon. Member: (Inaudible)

Point of order

Speaker: On a point of order.

Hon. Mr. Cathers: The member is not only imputing false and unavowed motives to me, contrary to our Standing Orders, he is bringing in very personalized debate by making claims that are not accurate about the positions of this government and me.

Speaker: The Member for Copperbelt, on the point of order.

Mr. Mitchell: On the point of order, I'm making a factual reference to a factual membership that this minister has publicly acknowledged. He has been photographed in the newspaper. People can draw their own associations from that. It's a statement of fact.

Chair's ruling

Speaker: Order please. From the Chair's perspective, there is no point of order. It's a dispute among members.

The Leader of the Official Opposition has the floor.

Mr. Mitchell: Yukoners will also not be surprised to see the Premier taking two different sides on this issue. In 2003, he opposed P3s for hospitals. Now, he's open to the idea. I'm asking the Health and Social Services minister to stand up for public health care.

Yukoners want a publicly funded health care system. They do not want to see a public/private partnership involved in renovations to the hospital. Will the Health and Social Services minister stand up for public health care and say no to privatization plans being put forward by the chair of the board?

Hon. Mr. Fentie: Once again, the member has asserted that the Official Opposition would like to deal with the facts of the matter, and here are the facts.

This government has taken a very clear position — I repeat — abundantly clear: no to public/private partnerships for jails, hospitals and schools. That is not, though, to preclude what others may think, such as a chair of a duly-appointed citizen board. However, at the end of the day, the government's position is clear. What's not clear is what the member's referring to, where suddenly, magically, this government has changed its position. There's no such thing, so I would encourage the Leader of the Official Opposition — under the stress that he's under, from within and from without, as Leader of the Liberal Party — to be more factual.

Question re: *Liquor Act*

Mr. Inverarity: On March 31, 2008, in response to a question, the minister responsible for the Yukon Liquor Corporation stated, "The delays in addressing the *Liquor Act* all centre on the ability to deal with recommendations and regulations rather than legislation."

Last spring, Yukoners were told that the *Liquor Act* regulations would be ready by summer. We now hear that another round of public consultation is scheduled. Mr. Speaker, I appreciate that this government has faced significant challenges over the past seven years attempting to update Yukon's liquor laws, so my question to the minister: what's the problem now?

Why have Yukon liquor laws not been implemented after seven years of working on them?

Hon. Mr. Cathers: The only problem here is the Liberal Party can't make up its mind. The Liberal Party can't simultaneously stand up on issues as they did yesterday, which was legislation that had been in development for in excess of five years, with policy discussions going on for over a decade and say, "We need more consultation," and suggest that any changes to the Yukon's liquor laws — which have an impact on the very fabric of society — must have full public consideration. For the members to stand up and condemn public consultation — as the Member for Porter Creek South did — is quite shocking.

The Yukon government, in bringing forward the regulations to provide the detailed structure to the overarching amendments to the *Liquor Act*, determined that there were substantive issues including the very draft of the regulations themselves that should be presented to the public for their consideration. Public consultation is occurring. I am very disappointed the Liberals don't support having Yukoners provide their input into this important matter.

Mr. Inverarity: I'm aware that the government is currently consulting with Yukon people on the Yukon *Liquor Act* regulations; however, this flies in the face of the minister's comments from last spring and I quote again: "The regulations are being worked on now and that they will be ready — if not by the end of the sitting, when the act hopefully passes — but shortly thereafter. We hope that we have in place by June 1 the act, and it will be ready for summer."

Mr. Speaker, summer has come and gone and the promised changes to the Yukon's liquor laws have not come forward. Again, my question to the minister: what's wrong? After seven years, what is the holdup?

Hon. Mr. Cathers: Mr. Speaker, again, the Member for Porter Creek South is not quite accurate in his facts. He suggested that a change to the law didn't occur. The member was here in this House when the change to the law — the legislation — was passed. The regulations that provide the detailed structure and rules for that are being developed. The member refers to comments made by my predecessor but fails to reflect the important fact that analyzing it and doing the final drafting of the regulation to which my predecessor referred, the Yukon government determined, quite appropriately, that there are significant policy questions — which the member will see when the consultation is officially launched tomorrow — that Yukoners deserve the right to have an input on. They will have that opportunity. The Member for Porter Creek South would deny them that opportunity and proceed only with his narrow Liberal Party vision of changing the rules. We're going to listen to Yukoners, as we should.

Mr. Inverarity: It sounds like he's blaming the older minister for a job not done. Let's get on with it, Mr. Speaker. It is all well and fine to consult with Yukoners about changes to the liquor laws — this government has been doing it for seven years. I'm concerned about all the problems this government is currently experiencing in getting it done. Last spring the minister spoke at length about this government's confusion over

what parts of the liquor laws are legislated and what parts are regulated.

Last week on November 3, the new minister was just as confused. He spoke in response to a question about the new *Liquor Act* regulations and replied that — during the development stage — it was determined there were a couple of substantive questions that properly needed to be asked of the Yukon public.

My question is, after seven years of review and consultation, what are the substantive questions that have not been resolved?

Hon. Mr. Cathers: The priority of the Liberal Party may be to make more liquor available; however, our priority is doing what Yukoners want in creating a balanced, fair, modernized structure. The member suggested this government has been consulting on the liquor laws for the past seven years; the member ought to know that is not a factual statement. The last public consultation was done some years ago; therefore, it is appropriate, particularly with detailed questions that were not included within that consultation, that the public be given another opportunity to have input on the final structure.

Again, the Member for Porter Creek South: non-factual statement. The government has not been consulting for seven years on liquor laws. The last consultation was some time ago; we're going to the public again, as so we should.

I know the Liberals have a deep emotional attachment to their failed *Liquor Act* review process, the failed bills they brought forward, as they do with other failed legislation and processes, such as their failed *Education Act* review. We have dealt with things in the appropriate manner; we consult with Yukoners; we address Yukoners' priorities, not the priorities of the Liberal Party.

Question re: Highway maintenance

Mr. Cardiff: Funding under the Shakwak agreement between the United States and Canada for the Haines highway and the Alaska Highway north of Haines Junction could run out by 2010. The agreement has been great for the Yukon in terms of job creation and making our highways safer. However, there's a major problem for anyone who has travelled from Burwash Landing to Beaver Creek. They know all too well the dangerous speed bumps or roller coasters — whatever you want to call them — that are created by frost heaves and melting permafrost.

Fixing this problem will take considerable time and a considerable amount of resources. The agreement is nearing completion, so what's the minister's plan for fixing this key stretch of road, this gateway to the western Yukon?

Hon. Mr. Lang: We're doing just that; we're working with the Government of Alaska and the American government, ourselves and the federal government addressing that issue on the Shakwak. That is a large part of the highway. There are some physical problems with that. We're working with an eastern university on the issue, and we are spending money on that section; roughly \$2 million a year is spent on upgrading that section of highway.

We are doing our job. We're working with the two governments and the university to try to minimize the impact on

the highway of the permafrost issue in that area. Hopefully, we can resolve it over the next period of time.

Mr. Cardiff: I'd like to know what that period of time is.

Now, the Dempster Highway is unique but neglected. This highway is an important artery for tourists and for goods and services, and it connects the western Northwest Territories to the Yukon. Last summer, rain caused rock slides and washouts on the Dempster Highway. Truckers were concerned with the poor state of this highway, which has been designated part of the national highway system.

In response to concerns about the state of the Dempster Highway, a government spokesperson said the Department of Highways and Public Works was working on a five-year plan to maintain and improve the highway. The Dempster Highway was allocated \$42,000 in the supplementary budget this year, bringing the total spending to \$1.3 million for the year.

Can the minister tell us where we're at with the plan to improve the Dempster Highway?

Hon. Mr. Lang: Certainly, Mr. Speaker. We're working on the five-year review of the Dempster Highway. Twenty percent of our budget on O&M on the highways is spent on the Dempster Highway. It's a very long part of our infrastructure, and of course there are issues there. We have gone to work and made it part of the national highway grid. That will bode well once we move forward with any upgrading we do, but we certainly are concerned, and we're looking at a plan to see how it will unfold over the next period of time.

Mr. Cardiff: Well, there he mentioned the period of time, and we don't know what that period of time is.

Last spring the government announced a \$31-million upgrade to the Campbell Highway over five years. We know what that period of time is. We've got thousands of kilometres of highways in the territory, and there are areas like the Dempster and like that stretch of highway between Burwash Landing and Beaver Creek in much greater need of infrastructure dollars because of higher traffic volumes and public safety concerns and because they are economic lifelines. And yet it's the Robert Campbell, one of our least-travelled roads, that gets this massive infusion of cash.

My question for the minister: can he explain how the government decides which highway construction projects get money, get pushed to the front, and which get shoved off the road and into the ditch?

Hon. Mr. Lang: Mr. Speaker, none of our roads are handled in the fashion that the member presented on the floor today.

The Campbell Highway is part of our highway system. The members opposite, when they were in power, spent no money on the Campbell Highway. The money we are spending on the Campbell Highway is very necessary to make sure that the road meets a certain standard.

As far as the \$1.2 million on the Dempster Highway the member mentioned, that is capital budget. O&M — this year we spent over \$5 million on the Dempster Highway. We are spending resources on the Dempster Highway. It is a long corridor of infrastructure in the territory and we are spending 20

percent of the O&M money on the Dempster Highway, so we are doing our job.

Question re: Social assistance food allowance

Mr. Edzerza: Mr. Speaker, it is easy to come to the conclusion that the present social assistance food allowance of \$6.50 a day won't feed anyone adequately. Most of us spend twice that amount on lunch. The daily expense allowance for food for public servants who travel is nine times that — for shame.

The Minister of Health and Social Services said he was committed to ensuring that the food allowance would be adequate to keep people healthy. A month ago, the minister was doing an internal investigation in the department examining the food allowance. Will the Minister of Health and Social Services tell us the results of the internal investigation into social assistance food rates?

Hon. Mr. Hart: For the member opposite, I indicated during Anti-Poverty Week that we were reviewing the food allowance for those on social assistance and we are doing that. I expect to have the results of that internal review in the next short while. I've been advised that it should be ready within the next week or 10 days.

Mr. Edzerza: Well, Mr. Speaker, Yukon children are growing up without adequate nutrition. Parents are forced to go to the charities for food for their families. The food bank is still finding it a struggle to reach food needs after months of work trying to get it off the ground. The minister hasn't looked at the situation in rural Yukon where food is much more expensive and there aren't the supports there are in Whitehorse.

This territory is one of the few places in Canada not to have an anti-poverty strategy.

Will the minister produce a Yukon-wide anti-poverty strategy as soon as possible that meets the actual needs of Yukoners instead of the present policy of reaching only when it's politically necessary?

Hon. Mr. Hart: We are providing in the Yukon one of the highest rates of social assistance in the country, for all of the social assistance clients. I don't know how the member opposite can assume that process is what he just indicated. We do; we provide the second-highest social assistance rates in Canada.

Mr. Edzerza: Maybe the minister should try living on \$6 a day for a couple of years. The minister appeared reluctant to make any real changes that would assist hungry social assistance families. However, there are several things this minister can do that would benefit families on social assistance, apart from increasing the food allowance.

He could stop clawing back the federal child benefit tax from social assistance. He could encourage his colleagues to build social housing that is safe and warm. He could recommend that the minimum wage be raised to a rate that meets actual expenses of individuals and families. If the minister does not want to establish and implement an increase in the food allowance or the Yukon anti-poverty strategy, will he at least consider other actions he can take and do them as soon as possible?

Hon. Mr. Hart: This government was the first government, period, to increase the SA rates — period. None of those parties on the other side did that; they had that opportunity. It was done; we did it; we increased the monies.

I did say we are currently reviewing the food allowance under SA and we are doing that. I am prepared to provide the results of that study to the member opposite with regard to that. I fully intend to do so.

We have also provided assistance to those in need through the program. We reduced the clawback on the alimony payments to those who are on our Yukon Housing Corporation program so it doesn't get included in their income. That was done by this government.

We've done lots of assisting those on social assistance and there's more to come in the future. We have legislation coming up that will increase it for those who need it the most, through our YSIS program. It will not only increase the amount of money that will be available, it will double the number of those eligible to receive that income.

Question re: Carmacks bypass road

Mr. Fairclough: Mr. Speaker, my question is to the Minister of Highways and Public Works.

Yesterday, I tabled a document from the residents of Carmacks in which they express their grave concerns over the prospect of increased heavy truck traffic down River Drive. This document expressed a united appeal of 265 citizens from Carmacks. The residents put forward a good case for building the Casino Trail bypass road that has already had taxpayers' dollars invested in it. There is, Mr. Speaker, first and foremost, the issue of public safety. There is also a financial case to be made for future exploration and mine development. Will the minister confirm that his department has completed the design work and the costing of the bypass road in Carmacks?

Hon. Mr. Lang: I appreciate the member opposite's question on the bypass in Carmacks. Of course, that has been a question from Carmacks based on the mining opportunities up the Freegold Road. Certainly, the process that we're looking at today is we're monitoring that, we're looking at the traffic base, and of course with the economics that are here today, we have to address the issue of if in fact there will be a mine that will be using the road in the future.

Mr. Fairclough: So what I'm hearing from the minister is that really there's no commitment and the government is continuing to monitor the situation. The Premier made a commitment to the citizens of Carmacks. I'm wondering if he passed that commitment on to the Minister of Highways and Public Works.

Now the government has an opportunity to complete a project that has already started. It's meaningful, it's doable and it makes both economic and health-and-safety sense. The mining companies will benefit from this, along with the residents of Carmacks. In this time of economic downturn, government needs to step up and create jobs. They need to move forward on projects such as this one. The completion of this road will generate a lot of local employment, of course, and bolster the local economy. The completion of this road will go a long way in

fostering better relations between the communities and the mining companies — something both sides really want.

When will this project start and when is the expected time frame for completion?

Hon. Mr. Fentie: The Member for Mayo-Tatchun has made reference to a commitment to the community of Carmacks. I'd like to ferret out what that commitment is with this member, because we are all too often in this House exposed to these situations with the Official Opposition in their view of the facts. So I think it's important that we recognize if in fact there even was such a commitment — number one.

Number two, let us delve into what's really happening with respect to this issue in the community. We're well aware of it, as the community is, as the proponent in the mining sector is. There's no question about that. We understand there are many processes yet to be gone through before any significant progress will be made in the development of a mine and/or reconstruction of a road. That's exactly what we expressed to the community.

The members opposite seem to want to speculate on what may be, and that's not what the government's going to do. We make our decisions in a thoughtful way once all the information is available so we can make informed decisions.

Mr. Fairclough: The citizens of Carmacks have been calling for a meeting between them and this government to talk about this exactly. They expressed it in a petition; they talked about the safety issues. They want government to listen to them and, so far, that hasn't happened.

I asked the minister when this project will start. When will it begin? When will it be completed? It's nothing; it's stalling tactics by this government and we see it time and time again.

So I'm going to ask the minister again: when will the minister tell us when this project will go forward?

Hon. Mr. Lang: We've addressed many issues in Carmacks. We're the government that built the school in Carmacks, lest the member opposite forgets. That was something that, when he was in the government, wasn't even contemplated. We've spent thousands of dollars on the bridge across the Nordenskiöld River — that money was spent by this government and he voted against it.

Mr. Speaker, they can't have it both ways. They can't sit in this House and vote against resources and then stand up and ask me, the Minister of Highways and Public Works, why we don't do particular things. We are monitoring the road, working with the community of Carmacks, and we'll make the appropriate decisions when the time is appropriate. The process for the mine is going through that exact process. We are the government that built the school in Carmacks. Again, the member from Carmacks voted against that improvement. So I imagine, Mr. Speaker, once we make the decision, that same member will stand up and vote against that too.

Question re: Dempster Highway hunting corridor

Mr. Elias: Conservative Prime Minister John Diefenbaker commissioned the building of the Dempster Highway in 1958 and it was finished in 1979. They called it the "road to resources". The highway was built along an old Gwich'in trail. Now the Dempster provides access for thousands of people

right through prime habitat of the Porcupine caribou herd — access that wasn't there prior to 1979.

Imagine the traffic and the additional harvesting pressures on the caribou that could occur if the Mackenzie Valley pipeline goes forward. The Dempster will be busier than ever before, public safety concerns will go up, and undoubtedly caribou mortality will go up as well. What is the Environment minister prepared to do to address the long-standing harvesting, public safety and conservation issues along the Dempster Highway?

Hon. Ms. Taylor: This government is doing a multitude of things for the conservation of the Porcupine caribou herd first and foremost, as I have articulated on the floor of the Legislature numerous times, and I'll do so again. Implementing sustainable harvest models are absolutely critical to the future protection and conservation of the Porcupine caribou herd. For that particular reason, this government is working alongside seven other governments — five First Nation governments, which all have distinct land claim agreements and subsistence harvesting rights, as well as the Government of Northwest Territories and the Government of Canada — toward a sustainable, long-term harvest management plan.

That work is currently underway. It's being led by the Porcupine Caribou Management Board, to which we are a proud contributor, a sponsor of the board and certainly a contributing member to that board.

We are providing enhanced monitoring of the Dempster Highway as we speak, with enhanced presence of conservation officers along the Dempster corridor. We're also providing ongoing monitoring, wildlife inventory work associated with composition counts of the Porcupine caribou herd. We'll continue to do our work and we'll continue to work with our respective partners.

Mr. Elias: What the minister is actually talking about is an unsigned harvest management plan between the eight signatories. I've already said before it's going to be a triumph if all eight signatories can sign on to that plan.

Over the past few months I have spoken with many people and I've chosen my words carefully to cause the kind of discomfort that forces us to ask ourselves: how can we ensure that the caribou live on and prosper? Yukoners have witnessed the hunting of 20 and 30 caribou at a time along the Dempster on Yukon public lands that this minister has jurisdiction over. I don't care who it is, Mr. Speaker — harvesting unsustainably. I want to call them on it, every time.

Yukoners also hear of Porcupine caribou being sold for \$300 each — one truck carrying 20 harvested caribou, headed to market. Well, I'll let the minister do the math.

Here's a simple question: is the Environment minister going to continue to allow the Porcupine caribou herd to be unsustainably harvested and sold on Yukon public lands — yes or no?

Hon. Ms. Taylor: Again, the Government of Yukon continues to work with our respective tables, including eight respective governments — the Government of Canada; the Inuvialuit Game Council; the Gwich'in Tribal Council; Vuntut

Gwitchin First Nation; Tr'ondek Hwech'in First Nation; as well as the Na Cho Nyak Dun First Nation.

Mr. Speaker, we are working toward a long-term harvest management plan for the sustainable continuity of this particular valuable, barren ground herd. Our government is very committed to conservation, and is working toward that end. It is absolutely critical that we continue to support the good efforts and good work of the Porcupine Caribou Management Board. I know that the chair of that board and the membership of the board are confident that we can come to a conclusion, certainly to a consensus. I remain confident; it's unfortunate that the Member for Vuntut Gwitchin does not wish to support these ongoing efforts of the eight respective parties that are at the table. Mr. Speaker, we are committed.

Mr. Elias: I realize the minister's new in her portfolio, but the minister is wrong. She does bear final public responsibility for conservation of the herd. It says so in the *Porcupine Caribou Management Agreement*, part F.7, in the *Umbrella Final Agreement*, chapter 16, and in the *Yukon Wildlife Act*, section 194(1). So she should take the time to actually read those sections.

By rejecting the Porcupine Caribou Management Board's recommendations outright, it shows the minister will act in unilateral isolation when it suits her political needs but not to actually conserve the herd and address public safety. I challenge the Minister of Environment to occupy the field. Vadzaih yeendoo gweeheedaii geenjit, Mr. Speaker.

I caution the minister that doing nothing may be viewed as acting contrary to the public trust.

When is the Minister of Environment going to fulfill her responsibility to the Yukon electorate and actually do something to conserve the Porcupine caribou herd?

Hon. Ms. Taylor: I caution the member opposite when he continues to point fingers at everyone else but himself. This government is doing its part. Our Department of Environment is doing its part in ensuring the continued protection and conservation of this particular herd, first and foremost. That is why we are at the table among eight respective parties: to come to an agreement.

That work is underway and it's being led by the Porcupine Caribou Management Board. We are very supportive and we continue to work with our respective Yukon First Nations. We are committed toward getting that plan completed and in implementation mode.

So the Government of Yukon will continue to be a strong advocate of this particular herd. We will continue to provide the ongoing scientific research. We will continue to provide the ongoing monitoring and wildlife inventory work, which is so critical to the continued preservation of this particular herd, and we will continue to work with our respective partners around the table on a long-term management plan. Only when the respective parties come to an agreement are we able to achieve the success of the herd. In fact, the success of the long-term vitality of the herd is absolutely dependent on it.

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

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 59: Second Reading

Clerk: Second reading, Bill No. 59, standing in the name of the Hon. Mr. Cathers.

Hon. Mr. Cathers: I move that Bill No. 59, entitled *Forest Resources Act*, be now read a second time.

Speaker: It has been moved by the Minister of Energy, Mines and Resources that Bill No. 59, entitled *Forest Resources Act*, be now read a second time.

Hon. Mr. Cathers: It's a pleasure to rise and introduce this legislation. I would like to acknowledge that this is a special time for the Yukon and this is a momentous occasion in that it's the first piece of comprehensive enabling resource legislation resulting from the 2003 devolution transfer agreement.

Development of this legislation marks a great step in the history of the Yukon and is indicative of the territory's ability to manage and govern our resources responsibly in a way that benefits all Yukon citizens. This is the first piece of new legislation to be developed in cooperation with the successor resource legislation working group.

The successor resource legislation working group was established as per the devolution transfer agreement. The group has proved to be an excellent vehicle for a cooperative working arrangement and is made up of representatives as spelled out in the devolution transfer agreement, including Kwanlin Dun First Nation, Council of Yukon First Nations, and the Kaska, and has met almost monthly since 2005 dealing with the development of this legislation. Of course, in this case, the work, as I've mentioned and will get into in more detail later — this is but one part of the work in developing this legislation.

The Yukon government has worked with Yukoners since 2004 in developing this legislation and, in fact, early stage consultations began in 2003. There are a variety of public and targeted consultations, including meetings with First Nation governments, forest industry members, conservation groups, and renewable resource councils.

In 2006, the Forest Values Focus Group was formed, to be part of the development piece of this legislation. It is a group that is self-formed, representing various individuals with experience in various sectors, including tourism, big game outfitters, conservation groups and wood harvesters. The group has been intimately involved in the consultation process since it was formed, and we appreciate the work that those members of that group put into it.

The Yukon government has worked with chambers of commerce to attract members of the Yukon's forest industry to form a forest industry focus group and share their thoughts and expertise. In 2007 a group was established to do this at the same time — the Yukon Wood Products Association was formed. This group is comprised of commercial fuel wood cutters, mill owners, log home builders and timber harvesters from Dawson, Whitehorse, Watson Lake and Teslin.

The successor resource legislation working group helped develop the concepts of the proposed act and the consultation documents. Focus groups were then given drafts of these working documents and provided feedback on what had been developed. This proved to be an excellent method of developing the new legislation. The document that is now before the Assembly is the result of a comprehensive and participatory process. It reflects what Yukoners want and need to see in legislation of this type.

Members have brought forward concerns from some who would have liked to have seen the legislation written slightly differently, and we do appreciate their perspective as we appreciate the perspective of all. In working as government, of course, in bringing together a wide variety of perspective at the end of the day, the government must work to bring those interests into a reasonable, structured framework and put it forward in legislation.

We cannot simply engage in endless consultation delays, as the members opposite stood up yesterday and requested, particularly considering that the early-stage development of the policy work leading up to this legislation has been going on for roughly a decade. It's time we bring forward this modern legislation and enable Yukon citizens in the forest industry and others to have a clear framework that modernizes the structure and legislation. The bulk of it, since it was originally federal legislation, is wording that was drafted in the 1960s. I should point out that the current legislation that applies only has a few lines in regulation; the rest is in very outdated timber regulations.

This piece of legislation is modern, is forward-looking, and contains references to the modern reality within Yukon forests and Yukon forest needs. It notes and references the requirement to consider the interest of all user groups and considers the interest of other orders of government — that being First Nations — as well as for working with unsettled First Nations. As members will see, that is spelled out throughout many clauses in this legislation.

In 2008, the concepts of the *Forest Resources Act* were formally presented to the Yukon public for consultation.

This process included advertisements in local newspapers, encouraging Yukoners to participate, letters being sent directly to renewable resource councils, Yukon First Nations and current wood harvesting permit holders, as well as organizations that have responded during the development of an earlier discussion paper.

The letters introduced the concepts and invited interested parties to meet and discuss the concepts. The Department of Energy, Mines and Resources staff compiled these comments and followed up with respondents as well as meeting with those who wished to do so.

A summary document of the comments and how they were addressed in the legislation was sent to all respondents. The staff received 41 comments over the course of a 60-day consultation period, including comments from Yukon First Nations, renewable resource councils, individuals, non-governmental organizations, and Environment Canada.

Comments were used to draft the preliminary bill and the draft bill was again shared with the Yukon public. It was posted

on the Energy, Mines and Resources Web site and sent to renewable resource councils, First Nations and focus groups for final targeted consultation.

Further comments were received. Again, the staff of Energy, Mines and Resources responded to comments and made themselves available to meet with those who were interested in doing so. The comments received in both those consultation phases were used to write the final version of the *Forest Resources Act* that the Legislature is now being asked to pass — or I should say, now being asked to move forward to Committee of the Whole for further discussion.

Ultimately, we hope to have this legislation passed in this session, to enable Yukon for the first time to put in place modern legislation. It's the first time the Yukon has its own legislation that reflects the forest industry. I've indicated, of course, it will replace the very outdated timber regulations we inherited from the federal government that were developed, with minor amendments since that date. The bulk of the regulations reflect the realities of the 1960s, not the realities of the 21st century.

The new legislation, as I indicated, was the result of comprehensive consultation with a large variety of groups, representing all interests in the forests. Input and feedback was essential in the development of this new *Forest Resources Act*, and again I thank all who contributed to that process. The act reflects the Yukon government's commitment to building a viable forest industry while preserving the Yukon's environment. It is a proactive management approach that supports a modern forest industry where all forest users are considered.

The proposed act focuses on three pillars of the forest industry: planning, tenure, and compliance and enforcement. The planning section outlines the requirements for forest resources management plans as outlined in the final agreements, as well as the integration of forest plans with other resource plans. The tenure section of the new act enables a variety of large- and small-scale tenures to accommodate and encourage a forest industry appropriate in size and scale to the Yukon, as well as to address the requirements for development planning. The compliance and enforcement section provides government with a range of modern enforcement tools, as well as modern administrative procedures and provides two supports for these pillars: participation and accountability. These pillars were identified during the comprehensive policy work conducted in 2003-04.

The new act also allows for free personal-use harvesting of 25 cubic metres per Yukoner to ensure that Yukoners can still harvest firewood for personal use without charge. As well, there is a provision and an exemption to ensure that First Nations can continue to access and exercise their harvesting rights.

The act also anticipates joint planning with First Nations on settlement lands. In such a situation, if they agree to include their settlement lands in the planning process, the provision provides for half the members of the planning committee to be appointed by that First Nation.

Terms used throughout the act are consistent with the *Umbrella Final Agreement* to ensure clarity and consistency between these documents. In fact, the members will see a specific reference in the legislation noting that the *Umbrella Final*

Agreement — or rather the federal bill that was passed to implement the *Umbrella Final Agreement* — does take precedence over this legislation in any areas where there may be conflict.

Terms used throughout the act are consistent with the UFA, as I said. The new act adheres to existing Yukon laws — for example, proposed timber harvesting over 1,000 cubic metres requires a *Yukon Environmental and Socio-economic Assessment Act* evaluation under federal legislation through that board that is duly appointed. As we discussed earlier in the House, the board itself is composed of representatives appointed by CYFN, the federal government and the Yukon government.

Mandating a Yukon Environmental and Socio-economic Assessment Board review of large projects ensures that the environmental and socio-economic impacts of a project are properly considered. This act is an enabling piece of legislation and a new set of forestry regulations are being developed to accompany this act.

I will again note the members spent a significant amount of time yesterday asking whether we do consultation on the regulations, and again I would point out that we have indicated for many months that, once this legislation was brought forward, we will be doing full public consultation on proposed regulations. That will occur once the Legislature passes this legislation.

Energy, Mines and Resources has also contracted legal advice to assist in the development of the regulations. As I indicated, Yukoners have an opportunity to provide comment on those regulations with the intention of the regulations being brought forward at the end of the consultation process for approval in spring or early summer 2009.

Before I conclude, I would like to take this opportunity to again acknowledge the incredible amount of work that has gone into this act and, in particular, I would like to thank the staff at the Department of Energy, Mines and Resources for the many hours that they have put into developing it and to working with all of the stakeholders and interested parties who came forward. They have worked in what is truly a very extensive consultation process, very open and involving many stakeholders and, as I have indicated, of course honouring all of our obligations to work with First Nation governments in this area and to follow the process outlined and required in the devolution transfer agreement.

I would also like to thank the members of the successor resource legislation working group for the considerable work they put into this, and their efforts are very much appreciated. It is through their work that we have been able to produce legislation that reflects the needs of Yukon citizens and the importance of balancing various interests in the Yukon forests, recognizing various user groups but also providing a clear, enabling structure that does allow Yukoners to harvest our forest in a responsible manner.

Individuals who comprise the two key focus groups that were extensively involved have also been invaluable throughout this process, and I appreciate the time that they put in, as well.

It's important that this act reflect both the needs of those who extract resources from the forest and those who use the forest for their livelihood or for their recreation in another manner — and it does.

Forests are a very important part of the Yukon way of life. They are used as a source of heat, food, recreation and income. Through carefully developed regulations and forward-thinking forest planning, the forests can continue to be an important sustainable resource. And, as I pointed out, it is also important that the lengthy discussions, which have been occurring for roughly a decade, about Yukon forest legislation and Yukon forest policies be brought forward with this legislation — with the work we've already done to date in developing forest management agreements with First Nations and with the ultimate implementation of regulations that put this into force and effect, because Yukoners want to have a sustainable forest industry, and they need to see clarity brought to this process, and that is what we are doing.

Again, as I have indicated, the timber regulations currently outlined under the *Territorial Lands Act* are outdated. The legislation itself is a very small section of that act that even references timber, and the timber regulations themselves, in large part, were drafted in the 1960s. It is time we replaced them with modern, Yukon-made legislation and Yukon-made regulations. The new *Forest Resources Act* is that piece of legislation. As I've outlined, the new legislation is the result of a very comprehensive open consultation with interest groups and interested individuals. The comments received in both phases of consultation brought forward the concerns and interests of Yukoners, and these concerns were clearly heard by those involved in drafting the legislation. That input and feedback was essential in the development of this new *Forest Resources Act*. I'm very pleased to present the *Forest Resources Act* for the consideration of the Legislative Assembly, and look forward to discussing it in greater detail once we get to the Committee of the Whole stage. However, Mr. Speaker, prior to moving into Committee of the Whole, there are several points that I must again emphasize, and one is the fact that this legislation is intended to be enabling legislation. "Enabling" means that much of the detail of the new regime will be in regulations and in guide books.

For members to suggest, as some of their motions did yesterday, that the legislation should be extremely prescriptive does not acknowledge the experience with legislation in the past, does not recognize the challenges that are being faced today with legislation being required to be modernized, and does not recognize what is widely regarded as an appropriate legislative drafting process, not only in the Yukon but within Canada. That is, of course, in modern legislation, making it very enabling in nature and providing much of the details in legislation. There are previous examples of this in other legislation that we've dealt with, as members will recall from debate on the *Quartz Mining Act* earlier in this session. It has passed Committee of the Whole but has not been given third and final reading yet. That legislation required the forms that someone would fill out to make application for certain things to be changed through order-in-council — that being Cabinet ap-

proval — to simply change a simple form. That is the level of prescriptiveness that was common back in the earlier parts of the 20th century.

The timber regulations that we have been dealing with under the *Territorial Lands Act* were not broad enough in nature, did not have enough modern language to reflect current realities in the Yukon and in some cases were too prescriptive and in other cases, not prescriptive enough.

For members to suggest — as I suspect they will — that the legislation should have much more detail and be much more prescriptive — if the Yukon government were foolish enough to listen to that argument we would result in the situation where, for very minor amendments, we would have to go through a complex, lengthy modification process through extended consultation, et cetera as we're required to deal with legislation, rather than being able to make those minor administrative amendments in a timely manner.

Consultation on this legislation has been ongoing with earlier stages beginning six years ago. The consultation started with initial policy work that resulted in a discussion paper being released in 2004. That discussion paper helped frame the concepts of the proposed *Forest Resources Act*. A successor resource legislation group began working on this in 2005, and they have participated in the development of the concepts of this legislation, as well as the development of the legislation itself.

Again, consultation documents were developed with input from the successor resource legislation working group as well as stakeholders including the forest values and forest industry focus groups that were established. Again, or to recap, six-day public consultation occurred on the *Forest Resources Act*, as I referred to that was presented earlier this year. That included consultation, not only with the public but letters being sent directly to First Nations, RRCs, and current permit holders for over 500 cubic metres or for a period of time over three years in length.

So, Mr. Speaker, again, the government has taken the appropriate action. We have moved forward with this legislation. It is time, as Yukon citizens will tell the members, for us to take this step to move forward to implement this legislation and to bring this clarity to Yukon citizens into place.

So with that, Mr. Speaker, I have appreciated members' attention. I look forward to what I hope will be better informed debate. The members, of course, did have an opportunity for a briefing on this from department officials. I would point out, to elaborate on some of the work done by Energy, Mines and Resources officials in working with those who have concerns with the development of the legislation — whether that be from an environmental perspective, an industry perspective or First Nation governments — that officials within the Department of Energy, Mines and Resources have not only held meetings but provided briefings, in many cases going through the legislation and discussing concerns, individuals' perspectives, NGO perspectives and the perspective of other levels of government.

Again I thank them for the work that has been done.

With that, Mr. Speaker, I look forward to further debate and commend this legislation to the House.

Mr. McRobb: Before I get into my comments in second reading, I'd like to respond to a few comments made by the minister. He referenced the debate yesterday, alleging there was a considerable amount of debate on the matters surrounding this bill. Well, I would challenge the use of the word "debate" because that word implies there was back-and-forth discussion that was somewhat constructive and each part would follow on the other and lead to some kind of progressive conclusion.

However, what we saw yesterday was a series of questions that remained unanswered, even though some of those questions were asked over and over again — very simple and clear questions. So I take issue with the use of the word "debate." Furthermore, yesterday was not the process in which we deal with the bill itself; it was the process in which we deal with some of the concerns — some of the fallout from the bill and related matters.

Another issue I would take exception to is the level of the commitment the minister made to consultation on developing the regulations. This was one of the questions asked repeatedly yesterday, and to date I am unaware of exactly what the government means when it says it's committed to consultation on the regulations. Is this another one-part process where stakeholders are asked for their input and the government goes off and drafts the regulations and then finalizes them and they're implemented? Or does it respond to the public concern that has been voiced by members of the opposition parties yesterday and today — and even going back to last week and the week before — that Yukoners deserve better than to be included in a consultation process that ultimately ignores their concerns and interests, and the government is then able to say they consulted those people?

I've talked to some people who have views on being part of such a process, and they're very concerned about not just this government — any government — using them for that purpose without listening to them and without providing what is drafted later on for their involvement, including review and comment on what has been drafted.

So the minister still has not clarified the extent of the consultation on the regulations. He had the opportunity right now to clear the air and set the record straight but failed to do so. So we'll be following up on that one.

Another comment I would take issue with is the minister saying the government is open to concerns, opinions and representations from members of the opposition in debating this bill.

Well, Mr. Speaker, we've seen it before and we've seen it so far with this bill. The government might hear what the elected members of the opposition are saying, but will not follow up on that input. Simply, any suggestions we have are ignored and any amendments that we put forward are voted down. If the government is truly open, then let's see what happens once we get into Committee, when we deal with amendments to this bill — if we do get into Committee. I'll talk a little bit about the process later, because there is no guarantee this bill will ever get to Committee.

If the government does change its approach and accept an amendment to the bill, then I'll be the first to congratulate the government for finally listening to members on this side of the House and not taking the "my way or the highway" approach. I'll be the first to note that if I have an opportunity to do so.

There are probably a few other concerns I have with what the minister said. I will perhaps follow up at a later date after I have a chance to review *Hansard* of exactly what was said.

Now I would like to address the bill in general. I, too, thank all those who contributed to the drafting of this piece of legislation. It is an extensive document. It is a historic document, being the first piece of successor legislation to have been approved through the legislation working group. This piece of legislation, as proposed, is historic. Given that, we should all be mindful of setting a precedent for the future in treating such an important piece of legislation.

Those included in the development of the legislation include the hard-working departmental officials. It includes representatives from other governments, including First Nations in the territory. It includes members of organizations who also participated in the process, as did other members of the public. So there was quite an extensive involvement of various peoples and groups in the territory into the drafting of the legislation. Given that, Mr. Speaker, the view that we hold in the Official Opposition is that this bill appears to satisfy most of the concerns out there regarding forestry legislation and it deals with many of the matters that the Yukon government should include in such legislation.

At the same time, it doesn't quite go the distance that would make it one of the best forestry legislations in the country. With a few minor changes, we feel this bill could accomplish the status of being one of the best pieces of legislative forestry documents in the country.

Some of the concerns that must be acknowledged at this time are addressed in some of the documentation we have received in regard to this bill. The government may have access to other pieces of correspondence that indicate other concerns. We're not sure because we haven't received that documentation.

But the most significant is the document I tabled earlier today for all Members of this Assembly from the Government of Liard First Nation's cover letter dated November 5 and the position paper dated November 6. This position paper identifies a number of concerns that the Liard First Nation and Kaska believe infringe upon their aboriginal rights. We'll explore that in greater detail later in this process.

The position paper essentially includes a fourth pillar to the government's three pillars and presents a better balanced approach to addressing legislation for an inclusive forestry regime in the Yukon.

The government's bill seems to adequately address the aboriginal rights of settled First Nations but is lacking considerably when addressing the rights of unsettled First Nations. Mr. Speaker, this is one of the primary shortfalls we see in this bill. We know there are only a few unsettled First Nations in the territory. One of them is largely resident in my riding — that is the White River First Nation — but two more are within

the Kaska territory. The Liard First Nation whose traditional territory largely consumes the forestry district of Y01, contains by some figures about 70 percent of the Yukon's merchantable timber — 70 percent, Mr. Speaker.

Well, how can this legislation largely ignore the concerns of the First Nation whose traditional territory represents 70 percent of the territory's merchantable timber. That appears to be a significant shortcoming. That timber and the forests are of paramount importance to the Kaska people. The position paper contains sections on the history of the Kaska and the importance of the forest to the people, and hopefully I'll have an opportunity to read some of the paper into the record this afternoon.

This should not be taken lightly, Mr. Speaker. We know there are 14 First Nations within the Yukon Territory, and one of them is the Kaska, but about 70 percent of the merchantable timber in the territory is located within that First Nation's traditional territory. So, the very least this bill should do is adequately address the concerns of the Kaska Nations.

I would also commend the work of the Kaska Nations and Chief Liard McMillan for the development of this position paper. I believe it's a historic achievement in itself to produce such an extensive document in review of a piece of legislation and make it available to all members prior to when the bill is called to the floor of this Assembly.

As the critic for the Official Opposition on forestry matters, I would thank them for what has been a very helpful document. I surely hope all members in this Assembly view it in the same spirit and work with this document in trying to improve the legislation that is on the floor, with the hope that we can all work together to make this the best forestry legislation in the country.

In addition to this position paper, we have received comments from the Yukon Conservation Society and the forest values working group, I believe it was called. I hope to also put on the record some of that in today's debate because that group has also pointed out a few shortcomings that I believe can be addressed by slight changes to this piece of legislation.

I also want to put on the record concerns regarding the regulations. As we know, the regulations have not been developed yet — at least that is what we are told. Many items that apparently will be contained in the regulations perhaps should have been contained in the act itself.

By removing these matters from the act or the bill or the legislation, it has in essence removed discussion on key matters from the floor of this Assembly, and I don't believe that is right. For one thing, to subordinate key points to protect aboriginal rights into regulations, instead of including them in the act, has generated concerns with First Nations and others and it has left it to the discretion of government how to deal with those important matters.

If aboriginal rights and some of these other matters were included in the bill, then we can debate them and they would be entrenched in legislation and provide certainty and direction for all Yukoners and all non-Yukoners who may at some point wish access to our forest resources in the territory. It essentially

has allowed the government to escape scrutiny on those matters in this Assembly and I don't feel that is right.

One of the recurring themes we hear discussed almost on a daily basis is whether the Yukon Party government is actually living up to its claims of being fully accountable, transparent and open. By subordinating a number of the key issues from the legislation to the regulations and removing those discussions from the Assembly, it doesn't bode well for those assurances.

I'd like to go back for a moment to the concerns about the consultative process with respect to the development of the regulations. Yesterday the Premier challenged the opposition to state what it would do. We did that, Mr. Speaker. For example, we in the Official Opposition have given notices of several motions, including the one today, urging the government to provide a two-part process for the public in development of the regulations: one to provide input and the other to review the draft legislation and provide comments on it.

Well, the government has remained silent. We met the challenge but the government did not live up to its own challenge. I'll get back to that in more detail later.

I want to discuss for a minute the vehicle of amendments in which the opposition — not always the opposition; private members on the government side as well — that is available to those members to use as a tool to try improve upon a bill. I think it is fair to say at this point that we in the opposition plan to bring forward several amendments if and when this bill is in the Committee stage. Again, I'll discuss process in a minute.

Mr. Speaker, I truly believe that for a government to be responsible and true to Yukoners, it must be receptive to better ideas. I've been in this Assembly for slightly more than 12 years now and more often than not, governments have displayed the opposite of what it should be. The Yukon Party has an opportunity to demonstrate some humility by being open-minded toward the amendments that are probably forthcoming on this bill and to engage in a constructive level of discussion. Unfortunately, that has not been the case so far, and that's sad, not only for all members of this Assembly, and the government itself, but for Yukoners in the present and future who are affected by legislation that could have been improved but wasn't.

I've heard some members on the government side indicate that accepting an amendment is a demonstration of weakness. Well, I don't agree with that line of thought and believe that a more magnanimous position would be one for government to appreciate better ideas and to recognize them and use them to improve legislation it has brought to the floor of the Assembly.

I think it has been said time and time again that no one party holds all the good ideas. There are 18 members in this Assembly, including yourself, Mr. Speaker, and 17 of them can normally engage in debate. More often than not, the votes are split along party lines. On a bill of this importance, we need all members to be open-minded and to vote with their heart and not what they are told to do.

I want to spend a minute to elaborate upon the process that will be used to deal with this bill because many Yukoners are unaware of what it is. Mr. Speaker, as you know, section 76 of the Standing Orders contains what has been referred to as a

“guillotine clause”. Its application in this sitting will mean that on the final day of the sitting, which will be the 60th sitting day of 2008, the guillotine will fall at precisely 5:00 p.m. on that day. Any bills that have not been voted on will be immediately called for vote. This is regardless of whether they have been called for second reading or have been processed through Committee, had the opportunity for amendments, et cetera. They will be called for a vote.

In the spring, we saw how the Yukon *Liquor Act* fell victim to the guillotine, was voted and passed by this Assembly without any debate. That’s a recent example of how a bill can be guillotined.

There are many Yukoners who are concerned this bill could meet a similar fate, in that time could elapse before it receives complete review by members of this Assembly. In fact, Mr. Speaker, this bill may not be recalled on a future sitting date in this fall sitting. It’s completely the prerogative of the Yukon Party government. This might be the final day we have to discuss this bill. We don’t know at this point.

It goes back to what I said yesterday. A trademark of good government is providing good communication to the people and being open, transparent and accountable; not forcing the public to guess its every move and when it might make a move. Yet that’s exactly where Yukoners find themselves with respect to the business that has been introduced in this sitting. We don’t know if this bill will return to the floor, but we do know it’ll be voted on, on the final sitting day — with the proviso, should the government see the light and withdraw the bill and bring it back at a future sitting, such as in the spring, as has been suggested by the opposition parties. I would suspect, Mr. Speaker, such a motion would receive unanimous support from the opposition side and would be a simple, expedient process for the government to engage in to ensure Yukoners have sufficient time to review the bill and the government has sufficient time to try to work out some of the concerns with the bill.

Currently the final day of this sitting is scheduled for December 15. That is not quite chiselled in concrete yet, as there still remains an opportunity for the parties to agree to a sooner date. But the default date is December 15. So at 5:00 p.m. on December 15, if the *Forest Resources Act* has not been passed through Committee and given third reading, then it will be called for a vote.

To put all of this into context, let’s also mention briefly that there are several other pieces of legislation that are on the Order Paper that must be dealt with in this sitting. A lot of them have yet to be called for second reading and discussion in Committee of the Whole. One of those bills is a major bill. It’s the supplementary budget that contains millions of dollars of spending over several different government departments.

Typically debate on such a bill can last several days. In fact, the budget speeches in themselves can last several days. General debate can last several days and then debate of each department — of course, several days.

There’s a lot of competition for the remaining time in this sitting, which has now been reduced —

Some Hon. Member: (Inaudible)

Point of order

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

Hon. Mr. Cathers: Mr. Speaker, the Member for Kluane is talking about everything but the *Forest Resources Act* and has strayed rather far from the topic, against our Standing Orders.

Mr. McRobb: On the point of order, I am talking about the *Forest Resources Act* and the time available in this sitting in which it can be debated.

Speaker’s ruling

Speaker: I believe the Member for Kluane is perhaps circuitous, but he is speaking on the issue that we’re dealing with here today. He has the floor. There is no point of order.

Mr. McRobb: Thank you, Mr. Speaker.

So there’s a lot of competition from other bills that deserve our attention in the limited number of sitting days in this fall sitting.

I believe this is day 11 of 28, so there are approximately 17 days left. I believe four days are dedicated to motion days, which reduces it to about 13 days. With the other pieces of legislation, there is virtually no time left to give this bill proper attention in this Assembly, and that is a crying shame. As the minister pointed out, this historic legislation is intended to govern the use of our forests into the future.

Well, Mr. Speaker, I contend that it would be a mistake — a regrettable mistake — to give such important legislation the short shrift. We must give proper due attention to this bill. We are not only talking about the harvesting of timber. We are talking about Yukon forests, and Yukon forests have many values. Sure, there is the economic value, and this bill appears to address most components of the economic aspect, but it goes very light in other aspects, including ecological values, cultural and spiritual values and so on. And as mentioned previously, one of the major shortcomings that has been identified to date is a virtual exclusion of unsettled First Nations in the decision-making process with respect to the issuance of permits for timber harvesting and road construction and woodlot harvesting.

So there are major items that need to be addressed, and I’m afraid they won’t get addressed. I’m afraid that improvements brought to the floor of this Assembly by way of amendments from the opposition members will be voted down by the Yukon Party majority and the concerns that exist with respect to this proposed bill will go unanswered.

Now, as mentioned, I wanted to give proper respect to the Liard First Nation and its members, and put into the record some of what is contained in this position paper, which, as I have mentioned, is quite likely unprecedented in Yukon history.

Mr. Speaker, before I read parts of this document, I would like to say that this document has been very helpful to me in improving my understanding of the issues related to this act, in improving my understanding of circumstances faced by unsettled Yukon First Nations, and the challenges that are imposed upon it by other governments — in this case the Yukon government — when its aboriginal rights are not given the respect

they deserve, and I would thank the First Nation and the Kaska for expending the resources and the time to develop this paper.

I wish to read, first of all, the cover letter that was addressed to all Members of the Legislative Assembly dated November 5, 2008: “Attached please find Liard First Nation’s submission to the Legislative Assembly respecting the recently tabled Bill No. 59, *Forest Resources Act*. As you are no doubt aware, the health and well-being of our forests is a matter of critical importance to our citizens. The forests that fill our spiritual, social, political and economic homeland are a principal source of prosperity and economic stability for our people. Our members hunt, fish, trap and harvest timber to meet our personal, spiritual, health and economic needs;”

Some Hon. Member: (Inaudible)

Point of order

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

Hon. Mr. Cathers: The Member for Kluane, in beginning his last recitation of this document, noted that both the letter and the position paper presented by Liard First Nation were tabled in this Assembly, are now part of the official documents and that each member has a copy. By going through this at length, it seems that the intention here has very little to do with the debate and a lot to do with a filibuster.

Mr. McRobb: Well, first of all, I believe the word “filibuster” has been ruled out. I’m surprised the member used that word again, and I would suggest to you, Mr. Speaker, that what I’m doing is recognizing the importance of this document and the need for it to be part of the public record.

Some Hon. Member: (Inaudible)

Speaker’s ruling

Speaker: From the Chair’s perspective, there is no point of order. The member is allowed to paraphrase from the document, and one presumes the honourable member is not going to read the whole document, so the Member for Kluane has the floor.

Mr. McRobb: Let me continue.

“Our members hunt, fish, trap and harvest timber to meet our personal, spiritual, health and economic needs; the forest and the land are the wellspring of our Aboriginal rights and represent the hope of our people for a prosperous future

“This being the case, we felt it was imperative to provide the Legislative Assembly and the Yukon Territorial Government with clear direction on how to implement an act respecting forestry that may best address our concerns and honour our Kaska Aboriginal rights and interests.

“In April of this year, then-minister” — and I won’t mention his name, Mr. Speaker — “informed us that Yukon wished to withdraw from the forestry agreement in principle that existed between Yukon, Liard First Nation, Ross River Dena Council and the Kaska Dena Council. Liard First Nation was invited to enter into bilateral negotiations with Energy, Mines and Resources. Liard First Nation immediately agreed to enter such negotiations. At the time of this letter, we have had a single meeting with departmental staff.

“At our own expense — taking away from programs and services required by our citizens — we have chosen to move forward with our Elders, land stewards, lawyers and advisors to offer our views and knowledge on these matters by way of the attached Position Paper. We feel this action reflects a long tradition of demonstrating our willingness to work with Yukon to find creative and culturally sensitive solutions to the question of how we will all move forward together.

“Liard First Nation wishes very much to see a prosperous and economically stable future for our people and for all Yukoners. It is in all of our interests to ensure that our communities enjoy the benefits a stable, ecologically and culturally sustainable forestry industry may bring. It is also in our interests to ensure that such an industry is based on legislation that is legally sound and provides effective and meaningful guidance to decision makers. Such legislation will provide a solid foundation for a stable, positive relationship based on trust and mutual respect.

“For government to act in ways that reflect the honour of the Crown, it must do more than minimal information-sharing consultation with First Nations. Government must listen carefully to what they are told and find ways to reconcile our differing interests. We are disappointed with Yukon’s general failure to consult with us during the development of this Bill and the Bill’s lack of provision to address First Nation interests. Nonetheless, we believe that future confrontations about the application of this bill are unnecessary and avoidable. It is our sincere hope that you will attend to the recommendations set out in the position Paper and that the necessary agreements can be developed to provide stability and a bright future for all of our constituents.

“Thank you for your consideration. Yours sincerely, Chief Liard McMillan.”

Well, Mr. Speaker, I think it is fair and reasonable to say this letter is very constructive. It builds on the positives and suggests ways to improve the legislation currently on the floor. Let me also say what it is not. It is not unreasonable or combative. The Liard First Nation obviously wants to be treated — as the government has said time and time again — on a government-to-government basis.

I will also point out something that arose yesterday during Question Period because it was affirmed during a conversation I had with a representative of the Liard First Nation this morning. It relates to the question of a First Nation’s involvement in the government consultation process and whether that involvement somehow reduces the First Nation’s rights to challenge the outcome of the process.

I’m familiar with this principle from a time before I was first elected, taking part in a technical advisory group on which a representative from a First Nation sat. Frequently we would hear from that representative that under no condition should that person’s input be misinterpreted as the position of the First Nation and that, in addition, the First Nation would reserve all rights to contest and challenge the outcome of the committee’s work.

I see something quite different happening from this government.

When I asked the question the other day about the Liard First Nation and its alleged dismissal, the minister pointed out how much money this government has paid the Kaska and the Liard First Nation to participate in the process. Well, wait a minute, it's not about how much money this government throws at a First Nation and then expects them, like a house of cards, to fold up. That's not the way it's supposed to be. Yet that's what we heard from the minister: how much money this government paid them to participate. My questions pertain to the government-to-government relationship, and the Yukon Party cannot expect officials in a department to fulfill the government's political level of responsibility in dealing with a First Nation on a government-to-government basis, but this Yukon Party does. Maybe that's why the Member for McIntyre-Takhini is now on this side of the floor. Mr. Chair, I see him nodding his head.

I think the point has been made quite clearly. I wish now to return to this historic document. For the minister's information, to ensure there's no confusion, I'm not referring to this bill; I'm referring to the position paper.

I've been asked to put on record a bit of the history of the Liard First Nation because it is paramount for us all to understand how integral the forests within its traditional territory are to the history and the culture of this First Nation. So with your indulgence, Mr. Speaker, I'll commence.

"Liard First Nation presents this paper to the Yukon Legislative Assembly in response to *Bill 59, the Forest Resources Act* (the "Bill"). We do this with the best intentions, as we seek to assist Yukon's Legislature and our First Nation's leaders in finding a way forward on the path towards reconciliation. It is our sincere wish to see positive and appropriate economic development for our people and the rest of the Yukon population. It is our hope to see a healthy and prosperous Yukon for all Yukoners. And it is our vision to see these achievements arise through a shared set of ideals based in our traditions and cultural values, and on the traditions and culture of non-Indigenous Yukoners.

"Our people struggle with the concept of "forestry and forest management." We do not have a word for forests. The language that shapes our thoughts and our experience of the world does not divide the land into parts and parcels – into "resources" and "assets". As a people, we are not apart from all these things. We are as much a part of the land as the beaver, birds and the bears.

"For us, the forest cannot be separated from the earth, the hills, the lakes and rivers and streams and the animals that live in them. Below we attempt to set out what this means for us, and to communicate a means by which our understanding of the world can be integrated with those of the larger Canadian society.

"We have entitled this Position Paper "The Fourth Pillar" in part as a response to a recent interview on CBC with Diane Reed, Director of the Forest Management Branch for the Department of Energy, Mines and Resources. The Director spoke of the Bill as having "Three Pillars": the planning pillar, the tenuring pillar, and the compliance and enforcement pillar. We

suggest that there is an important fourth pillar that could and should be considered an integral guiding principle and subject matter for any legislation that regulates forestry activities in the Yukon: the sustainability and accommodation of Aboriginal rights and title. "Liard First Nation understands that Bill 59 is intended to be an "enabling" statute, with many of the important details to be worked out in the regulations. Nonetheless, we consider the rights and interests of First Nations in the Yukon to be more than just a matter of detail, and more than just a subject for subordinate regulations that are easily changed, and more easily misinterpreted. We believe those rights and interests require clear statutory direction that is crystallized in primary legislation that has the approval of the Legislative Assembly and which requires democratic processes to amend.

"Let us be clear that, although we offer this Paper as guidance towards creating a Forestry regime that minimally impacts our rights, and which provides for the accommodation of our rights and title, we do not accept nor agree that the Bill applies on Kaska Aboriginal title lands. Nor do we agree to the infringement of our rights. Nor do we acknowledge that resources in Kaska Traditional Territory may be disposed of, by Yukon or Canada, in contradiction of the *Order of Her Majesty in Council admitting Rupert's Land the North-Western Territory into the Union*.

"Laird First Nation is one of three First Nations with communities in the Yukon who were unable to reach a Final Agreement or a modern treaty with the Territorial and Federal Governments.

"Our Kaska brothers and sisters of Ross River and the Tanana and Tutchone peoples of White River First Nation have also found themselves unable to support the framework mandated by the UFA. In 2002, Canada gave our people a "take it or leave it" ultimatum and, under the direction of our Elders, we left it. While Canada chose to walk away from the negotiating table at that time, Liard First Nation has continued to look for ways to move forward with other governments.

"We have entered previous agreements respecting forestry; we have worked to come to agreements with resource companies to create jobs, training and opportunities for our citizens.

"All of this we have done in the spirit of reconciliation and with a belief in the possibility and promise of self-determination for our people.

"We offer this Paper to you as an opportunity to join us on the path to reconciliation and to share with you our vision for the land and the people who live in and on the land."

Part 1 — History of the Kaska Dena — "Liard First Nation is a member of the Kaska Dena Nation comprised of the people of the Tsyone Dena and Mesga Dena clans. Our home is the Kaska Dena Keyah. The Kaska Dena share a common history, language, culture, and traditional laws. We speak the dialects of the Kaska Dena language, which include, among others: Hestah godena, Ispato gogena, Thucho godena, and Tsalona godena." Pardon my pronunciation.

"Our people have lived in the Dena Keyah since time immemorial. Before the arrival of Russian fur-traders from the west, and European explorers from the east, our people hunted,

trapped, fished, gathered medicines and food, and traded with our neighbours, near and far. We had and have our own law, rules, and political organizations. In that sense we are guided by Dena k'eh and Ai', our supreme beliefs and understandings. We survived on the land because we are part of the land. We took care of it in return, just as we care for ourselves. Our many practices of caring for the land, which also direct our uses of it, are tested by time. They are the result of thousands of years of experience. They are what makes ecological and cultural sustainability possible. Our history on this land includes the time when most of it was covered by ice.

"Significant and sustained contact with non-Indigenous peoples began in the 1870s with the onslaught of the gold rush. This and subsequent arrivals of newcomers brought with them disease, alcohol and many of the other social ills that continue to plague us today. In the 1940s, the construction of the Alaska Highway brought further negative influence with pervasive sexual violence visited on our mothers and grandmothers. The violence and degradation continued with the theft of Kaska children and forced internment in residential schools, whose legacy of mental, physical, and sexual abuse continues to echo through our community today.

"Prior to the arrival of the American military during the Second World War, our relations with other peoples were, for the most part, based upon mutual respect and reconciliation. Early newcomers relied on us, our knowledge and our ways of making decisions. They were grateful that one of our most important traditional values is to share the opportunities that the land offers, according to standards and limits passed on to us. They understood our ability to forcefully resist attempts to assimilate us, to do harm to the land. Newcomers learned that this ability is not only a cultural characteristic, it is driven by a profound, unique sense of responsibility, to ourselves and our future, and to the land."

Speaker's statement

Speaker: It is a principle of parliamentary debate that members should offer their own words when they have the floor. While members are allowed to refer to notes, reading at length from a published document is not allowed.

Standing Order 19 says, "A member shall be called to order by the Speaker if that member:

"(d) in the opinion of the Speaker, refers at length to debates of the current Session or reads unnecessarily from *Hansard* or from any other document, but a member may quote relevant passages for the purposes of a complaint about something said or of a reply to an alleged misrepresentation".

The honourable member has had 10 minutes to quote from this, which all members, I'm sure, would agree is an important document; however, we as a House are interested in what the honourable member has to say in his own words, not the document. So if the honourable member would take that into consideration, please.

You have the floor, Member for Kluane.

Mr. McRobb: Thank you, Mr. Speaker.

I sincerely hope that all members do take the time to read this document. It is an extensive document containing about 20

pages. I would suggest that it's incumbent upon every member in this House to review this document to ensure they are aware of the material it contains.

I just want to refer to a few key sections within the executive summary of this document and thank you for your indulgence to allow me to put on the record part of the history of the Kaska Nations. I would hope the members on the government side don't think this is a funny exercise; we should all take it seriously.

To start with, as I've pointed out several times, the Kaska seek to find a way forward on the path toward reconciliation. They hope to do this by trying to improve upon this piece of legislation so all parties can come to an agreement on it to alleviate the necessity for future court disputes and costly legal proceedings.

Should that not be achieved, the outcome could be severe. It has already been mentioned that this could cast a dark cloud over the entire forest industry. It might do more than that. It might cast a dark cloud over the entire Yukon, because if there's one thing that scares outside investors in this day and age, it's court filings from First Nations that hold up development or challenge legislation. We should all understand the severity of that.

As mentioned, the Liard First Nation wants to find ways to incorporate in this bill these matters that it finds very important and avoid impact on its aboriginal rights and title. The main concern of the First Nation is the bill's lack of explicit, detailed direction, required by law to ensure that aboriginal rights and title are accorded adequate priority in enforced planning and are not sacrificed to other competing pressures, such as maximizing economic returns.

The position paper sets out a number of recommendations, seven in all, complete with some subclauses to some of those seven recommendations. I'll put some of them on the record, Mr. Speaker.

I will paraphrase some of them because similar to the third party's motions, a lot of them deal with the same subject matter except for the exchange of a simple word or two.

"Make express provision for First Nation self-regulation of aboriginal domestic harvesting of timber or make express provision for the discretion to include such in government-to-government agreements." Well, Mr. Speaker, timber that is harvested by the First Nation itself for domestic purposes and yet there is no expressed provision for that in this legislation.

Another one is, "Entrench the management of forest resources for the sustainability of Aboriginal rights as a fundamental principle guiding every stage of forestry planning expressly." For example, section 2, entitled Preamble and Purpose, should expressly recognize the goal of managing Yukon's forest resources in a manner that promotes the sustainability of the aboriginal rights of Yukon First Nations.

Well, that's an important aspect, Mr. Speaker.

Another example is ensuring that this goal is also entrenched as a fundamental consideration in forest resource management plans and the setting of allowable annual cuts, the condition and volume attached to harvesting licenses, the process for and content of timber harvest and woodlot plans, the

issuance of cutting permits, the setting of limits on harvesting by region, and requirements of forest inventories and research.”

It’s my understanding this bill as it currently sits on the floor of this House provides the minister or one of his delegates with complete authority to issue permits within forests that are located in the traditional territory of unsettled First Nations. The government has complete control. It’s no wonder we have this position paper in front of us today.

It also states that given the legal standard affirmed at common law, the protection of aboriginal rights should not be left to regulations. It should be a guiding principle, entrenched in the act itself, with the regulations giving content to this direction. Mr. Speaker, I couldn’t agree more. I’ve alluded to this earlier. There is too much discretion on how our forests will be managed given to the regulations, which won’t receive any debate in this Legislature before they are finalized. I believe that’s a poor reflection on the level to which the Yukon Party government wants to hold itself publicly accountable.

Another one of the points in the executive summary: respect the implementation of measures that are required to give real meaning to the sustainability of aboriginal rights on the ground. This would mean an adequate and ongoing forest resources needs assessment for our First Nations and sufficient, detailed, scientifically sound baseline data to inform decisions about potential impacts.

For a First Nation outside a final agreement, this should be based upon the recognition of potential breadth of those rights at common law, and not as defined in the *Umbrella Final Agreement*. Further to this, section 34 of the bill should be amended to explicitly empower the minister to acquire all necessary information for this purpose. These informational requirements should be an essential requirement for the annual allowable cut determination, the forest management process, all woodlot and timber harvest plans, and cutting permit approvals. Well, Mr. Chair, that seems entirely reasonable and fair, and I’m very surprised to see those provisions are not contained in this legislation that has made its way to the floor of this Assembly — very surprised.

Some of the other recommendations include monitoring and feedback systems and how those should be a mandatory feature of the forestry planning process and all woodlot and timber harvest plans and cutting permit approvals — another straightforward common sense recommendation.

Another one is to provide government officials with the flexibility to make adjustments with respect to new information or anticipated and unforeseen impacts such as empowering them to amend harvesting licences, once issued; the power to refuse to issue cutting permits; and the power to adjust the volume for a harvesting licence, once granted. All of these are with respect to addressing aboriginal concerns.

Furthermore, firmer consultation commitments are required. First Nations should have a clearer and more concrete role in the development of forestry resource management plans, especially with respect to their traditional territories. At present, this role remains uncertain and vague. Once again, the public is guessing about what the government is going to do.

This is something that should have been spelled out with clarity in the legislation.

The act should be revised to also provide officials with sufficient direction and scope to adequately accommodate asserted aboriginal title. Some of the points that are included would give authority to these officials to adjust forestry planning and authorizations at every stage; to remove designated lands from the available land base to ensure that core aboriginal lands are preserved pending proof in court; and to facilitate the positive exercise of asserted aboriginal title, such as provision for the directive word of tenures to a First Nation, to facilitate its participation in the economic benefits of forestry — I don’t see a problem there, Mr. Speaker; in fact, I’ve heard the Premier, even before he was Premier, go on and on about the importance of this — and finally, express mechanisms requiring forestry and land use planning to be shaped by traditional First Nation patterns of land use.

Well, I don’t see a problem with any one of those recommendations, and I would hope that before this bill is voted upon, each member in this Assembly, especially those on the government side, which holds the majority of votes in this Assembly, will clearly state their views on these recommendations for the record.

As a matter of fact, I’ll do what the Premier did yesterday — I’ll issue a challenge to those members to actually do that. And contrary to the Premier’s lack of receptiveness on how I met his challenge earlier today, I will congratulate those members if they should meet that challenge.

I think we’re winding down here, Mr. Speaker. For the record, I think it’s very important to point out that I am taking some time to put some fundamental concerns on the record, and there are a couple of reasons for this. One of them is that I’m the first responder following the minister’s second reading speech, and therefore am the only member of the Assembly with the privilege of unlimited speaking time, and everyone who follows is limited by the 20-minute constraint. And secondly, I felt it incumbent upon me to put some of the profound testimony and work developed by the Liard First Nation on to the record, so that others who are unable to access the documentation can understand some of what it contains.

The other piece of information I wanted to allude to on the record is a press release from the Yukon Conservation Society. As mentioned, the society did participate in the processes and offered input at nearly every stage, and generally believes the act — with some tweaking — could become one of the best pieces of forestry legislation in the country.

Unfortunately, as it currently stands, members of the society are very concerned about it. The society suggests that other Yukon people should be worried about this act. The proposed act has sections on planning which is good; however, the legislation will allow the minister to unilaterally change or completely annul forest management plans. The society questions why a clause like that is even in the act and asks how it could be if the government truly intends to implement community-based forest management plans in good faith?

The branch would also be allowed to build logging roads anywhere regardless of other enactments and questions whether

this means that logging roads could be built regardless of land use plans, forest management plans or endangered species legislation — excellent questions. The minister chose to not address these concerns when he introduced the bill, so there is lots to explore with the minister if we get the opportunity to do so before the guillotine clause cuts off debate and causes a vote on this bill.

On the issue of access — the society points out that that is one of the biggest impacts from logging yet this clause appears to give the department permission to build logging roads anywhere. Well, Mr. Speaker, I remember a few years ago we saw a budget item that we couldn't get very much information on — it was something about forestry mainline roads, and they had a pretty hefty amount allocated for these roads. I believe I was told by officials in a briefing several months later that these roads would be constructed as a result of process, and so on. But now I'm wondering if this money could be used in areas where there are no forest management plans. It's a good question. It will be a question for the minister, so I know his officials are listening to the discussion, and noting any action item, and are diligently working to ensure the minister gets provided with the necessary material, so we can expect an answer to that issue when he next rises on his feet — unless, of course, he chooses not to.

The society points out that there is no approved plan in the southeast Yukon, or the entire Whitehorse area, and questions whether the branch would be allowed to set the annual allowable cut, as prescribed by regulation, in these areas. The society also questions why it's left to the regulations to set the clear limits.

It also raises the issue about biofuels. Apparently the timber that could be harvested for such purposes is not constrained by any maximum amount in the legislation. That raises another question. I know that the Premier likes to wind back the hands of time and talk about how a big forestry company from B.C. could have come into the Kluane region about 15 years ago and harvested all the trees and that would have stopped the beetle and what a shame it was to not let it happen. Mr. Speaker, I've heard this speech about 10 times. I know I have his version correct. He goes further. He chastises those in charge at the time for not allowing it. I would suggest that the Premier should revisit the circumstances of that period and understand that there were processes in place to deal with it and reasons to not allow this massive outside harvesting of timber resources within our territory. Of course, the resources were largely under the direction of the federal government at the time.

I recall the Chief of the Champagne and Aishihik First Nations speaking against this proposal at the time. So whenever I hear the Premier go on about this, it raises other issues.

I want to just mention a couple of the other items the society mentions — concerns about how the regulations will be developed, how timber harvesting plans will be developed, how the working forest will be managed, how other values will be protected, how the issue of raw-log exports is unmentioned in the legislation, and of course the question of how the raw-log export issue will be dealt with.

The society also notes how the forest industry has been in a slump for about the past four years and there is no need to rush through this legislation. I heard the minister's argument on another bill, the *Act to Amend the Quartz Mining Act*, and I presume he'll repeat it for the *Act to Amend the Miners Lien Act* and how it was necessary to deal with them expeditiously because the Minister of Economic Development wanted a few more handouts to present — well, in China. I can understand some of the virtue to that argument; however, I cannot apply that same argument to this bill, knowing that the industry is in a terrible slump.

Just look at our neighbours in British Columbia, Mr. Speaker. On a weekly basis, we read about thousands of workers being laid off in the forestry industry. It's terrible. In Fort Nelson, the plywood plant is closed. In Mackenzie, B.C., the sawmills are closed and the pulpmills in Prince George. In Nanaimo, in Duncan — all over the province, they are closing down.

A month ago, I went on-line to a Ritchie Bros. auction site and saw what some of that equipment was going for — fire sale prices to fire sale prices.

There's a complete collapse to the industry. So why the rush? Why the rush? There's time to do it right. And, at the same time, I recall the former minister's words that forestry would thrive by '05, and the headline that stated that in the *Whitehorse Star*. Well, let's look back. Forestry never did thrive, and it won't thrive under this act because forestry, and the industry that's possible, will likely be under a dark cloud for years to come, faced with multiple court challenges and uncertainty, and that is the main point of what I wanted to establish today: to indicate the severity of not properly addressing the outstanding issues related to this piece of legislation — giving it the short shrift.

Mr. Chair, I talked about the process here in this Assembly; how little time we may have to deal with this bill. I talked about the time we must spend on other bills. I talked about the mechanism available for us to use amendments to try to improve the bill. I talked about how the government is expected to receive those amendments. I mentioned also the importance of the government demonstrating humility and to recognize better ideas from others, and how no one party has a monopoly on good ideas. I've mentioned a lot of the concerns of the Kaska Nations, because First Nations with unsettled land claims feel that they have been ignored and that their aboriginal rights have been impugned by this legislation.

I just finished reading some of the concerns of the Yukon Conservation Society with respect to other interests, such as ecological, spiritual and cultural values, and how people feel that those have been short shrifted by this legislation as it currently stands.

I am not sure what else I can possibly say at this stage, other than it is going to be an interesting time we spend on this bill, if we do spend any more time on it after today. It will be very interesting. It will be interesting to see the approach the minister and the government decide to take on this bill. Will it be open and receptive to better ideas? Will it recognize and be willing to implement better ideas or will the tone be the same

combative tone we saw in the *Quartz Mining Act*? Well, I hope it is the former and not the latter for the good of not only all members in this Assembly, all Yukoners present and future, and the industry and those who depend on them, but also for the good of the forests themselves. We must all do our due diligence with respect to this legislation and if we are voting for it, once again I've challenged members on the government side to state their position with respect to the recommendations contained in the Kaska Nations position paper.

Given that, Mr. Speaker, I want to thank you for your indulgence and the indulgence of all members to hear me out this afternoon. I know I have spoken for about an hour and 26 minutes, to be exact, less the point of order from the Member for Lake Laberge. No doubt, I will later realize that there were things that I could have included, but for the most part, it has been said.

Thank you.

Mr. Edzerza: Mr. Speaker, I'd like to start out today by simply stating that the government side refused the proposed bill because they considered it unworkable and there was need for public input. The NDP caucus does not dispute nor disagree that the public should be heard. However, what we do not agree with is when there is a public outcry of disapproval on a bill before the House.

The government ignores the concern of the public at large and uses the guillotine clause or their very slim majority to push their legislation through the House.

Mr. Speaker, I would like to ask the government again, on behalf of interested and concerned Yukon citizens, to accept the 22 amendments the NDP put forward yesterday and others that may be brought up — amendments to Bill No. 59, *Forest Resources Act*.

The government could amend to allow for aboriginal rights of non-treaty First Nations that do not have settlement lands. They could do that. The government could also make amendments to ensure that the proposed *Forest Resources Act* facilitates a local, value-added wood products industry. The government could make amendments to ensure that regulations accompany the proposed *Forest Resources Act* to control the export of raw logs from the Yukon.

That is very serious issue with a lot of Yukoners because this allows for large wood cutting operations to come into Yukon, cut all the timber and remove it without having to produce any product in the Yukon. It would be a real exodus of all the timber that is available in the southeast Yukon. I believe it would leave a lot faster than the Premier always states about citizens of the territory making an exodus to the south for work.

Mr. Speaker, the government could make amendments to commit to full public consultation on the regulations that will accompany the proposed *Forest Resources Act* so that the public may give their input on, for example, the acceptable harvest levels that don't destroy other forest values, including wildlife, traditional practices and lead to clear-cuts, how to maximize local economy development and jobs in the territory and the acceptable amount and location of forest that should be used for biofuels.

By accepting amendments, the government could make amendments to allow for clarification of aboriginal rights to hunting, fishing and trapping, that define the role of aboriginal rights, reflecting current law. If the government were to accept amendments, they should think about accepting all of these amendments that come forward. Another important one that the government could do is commit to developing regulations to ensure that wood supply is divided up so Yukon has a versatile, resilient local industry, and Yukon forest resources are not gobbled up by big multinational timber operations.

Again, Mr. Chair, all of these amendments are ones that have been put forward by interested citizens of this territory.

The only thing that's lacking here for any of these concerns to be heard is the political will by the government to listen to the citizens of this territory. I beg to differ. If there were an election in six months, these amendments would be respected, guaranteed.

I would also like to state that the first comments the minister made was sort of to insinuate that the opposition really doesn't respect all the hard work the officials do to produce such a piece of legislation. Well, I would have to say that everyone in this Legislature respects the work the officials do. At the end of the day, however, we also understand that the buck stops at the minister's desk. The minister can make additions if he so pleases. That's what the Yukon public is asking of this minister today: to make additions, to put some additional safeguards in this legislation so that it is workable for all citizens in the territory.

I'd also like to touch just a bit on the request from the Liard First Nation. It's not an outrageous request. It's not an outrageous request to ask for this legislation to be deferred until a further date. It could be in the spring; it could be next fall. There is no big rush and the whole world is going to stop if this legislation isn't done today. By not respecting the Liard First Nation's request is just a pure and simple case again of government acting with a "David and Goliath" kind of approach — where YTG is the big power — and because they have the authority to overrule the aboriginal governments, they do it.

I've heard the Premier mention time and time again about what a wonderful working relationship he has with First Nations and how his government works government to government with First Nations. I'm still waiting to see that for myself as a First Nation person and a member of this Legislature.

I also think that it would speak volumes for the government if they would just really honour this one request. I think it would really increase the credibility of the government to just say, "Well, you know we can. We can respect this request and we will respect it just to show that the government can be respectful of other First Nation governments and that not only the First Nation governments but also all the other interest groups who have problems with this Legislature." It would also send a message to all of those individuals that yes, this government is workable, never mind the legislation that comes in here. Is this government workable? They still have to prove that among a lot of the First Nation governments and an ever-growing population of citizens out there who are very disappointed with the

lack of political will to back off on some issues that are very controversial.

It's a shame that the government just refuses to acknowledge the large volume of citizens out there who have issues with this bill. I could understand it maybe a little more if it was something of a do-or-die situation, where there would be a drastic, negative impact on the Yukon if this was not a part of the Yukon law by the end of this sitting. Then I would be able to understand it, but today I have a very difficult time trying to understand and accept the fact that this bill seems to have priority. So, again, this is almost like a blatant snub to the people of this territory who are requesting this bill be deferred.

There is another issue I want to put on record again — and it has been put on record many times, but it's important. It's important that other governments and interest groups that have major concerns with a bill that's going through this House have an opportunity to come in and be heard by all of the elected officials. I hope to see the day when witnesses are allowed to come in and voice their concerns publicly themselves, without having to bring it down through two or three different levels of people to get their message to the floor. As one knows, the more times a message is repeated, the less apt that message is to come out correctly at the end. So, for the Liard First Nation delegates to be able to come into this forum and ask the questions directly themselves, or other interest groups who have major concerns, for them to come in and voice those concerns personally would be, in my opinion, a great day for democracy in this territory.

But again, it's highly unlikely because I think the blueprint was set for all Yukoners to know exactly how the Yukon Party will deal with their concerns in the future and that example was given with the child welfare act. That example was just plain clear-cut. You can come in, you can jump, you can holler, you can do whatever you want but it falls on deaf ears. Like I said, if there were an election within three months, this would definitely be a really big major issue that would be handled with a different kind of respect.

In conclusion, Mr. Speaker, one has to ask these questions: who determines if the forest industry in the Yukon is viable and sustainable? Who determines what the value of the Yukon forest is in its entirety? First Nations believe the forest has many values and it is up to all people on Mother Earth to respect and protect it — and rightfully so.

Mr. Speaker, one should try to imagine the Yukon Territory with no trees. Try to imagine in your own mind what this would look like and now tell me — do you think one needs to protect the forests in the Yukon Territory?

I think the answer would ring loud and clear right across the territory that yes, we do have to put legislation in place that will protect all the values of the forest and not just what one individual party in the Yukon believes is the right way.

Thank you, Mr. Speaker.

Hon. Mr. Fentie: Thank you, Mr. Acting Speaker. Is that the terminology? Deputy Speaker — sorry, Deputy Speaker.

Well, it has been a long 10 years. The Leader of the Official Opposition is saying 10 years — well, it has been a long 10 years but a fruitful one, to be sure.

I won't take too much time on this because I think the act speaks for itself. I do want to comment, though, on some of the assertions being made from across the floor. I understand the members opposite, in representing what they believe to be a constituency encompassing the whole Yukon. It's important to them and I take no issue with that. But what is really problematic is some of the comments coming our way over this bill.

I want you, Mr. Speaker, for a moment, to reflect on what the Member for McIntyre-Takhini has just said: "Imagine the Yukon with no trees." That comment alone demonstrates clearly that the Member for McIntyre-Takhini simply does not understand the forest, does not understand the ecosystem that makes up our forest, does not understand the natural events that occur, whereby alpine forests are dependent on fire and riparian zones are dependent on water.

Comments like those of the Member for McIntyre-Takhini are really what is at issue here. There is no way to have a constructive debate if an individual has that kind of understanding or misunderstanding of what really is happening in the Yukon with our forest, our environment, our territory, its future, and what this act says.

The member has made a number of comments, however, that are very important because those comments and the assertions that these particular areas are not being addressed in this act — clearly, the member has not looked at the act.

I'll begin with the very important part of an act, any act: the explanatory note. And I'm going to have to recite this, but it's a copy that all members have. To address some of the comments of the Member for McIntyre-Takhini, and others, I will go forward by first explaining the explanatory note.

"This Bill enacts the *Forest Resources Act*. The new Act replaces the *Timber Regulations* under the *Territorial Lands (Yukon) Act*." These are instruments that we were bequeathed, that we adopted, vis-à-vis devolution, and they are federal instruments. And there's a long history here, by the way, with respect to forestry and how the federal government managed our forests over the many years. We need not go down that road; we are looking now into the future, and that's what this act will provide Yukoners the ability to do.

But it goes on to say that "The *Forest Resources Act* establishes a planning regime comprising forest resources management plans, timber harvest plans and woodlot plans." The members are talking about a diverse array of access to our forests; this note explains that in detail; the act addresses it.

"This new Act establishes new licence and permit types: ..." Once again addressing what is a so-called issue by the Member for McIntyre-Takhini.

Addressing what is a so-called issue by the Member for McIntyre-Takhini, who obviously hasn't really critiqued the act, otherwise the member would have known that it exists within this act.

A timber resource licence, a woodlot licence, a fuel wood licence, a forest resources permit and a cutting permit — again, very important because that is all in this act, addressing those

issues he just brought to the floor of this House and indeed the long dissertation from the Member for Kluane. In a nature that frankly did not contribute to the debate, he recited many of these problems based on his opinion; however, his opinion is incorrect. The act establishes forest resource roads for the purpose of harvesting timber resources and also provides a compliance and enforcement regime.

Mr. Speaker, the members opposite are referring to issues that are a problem because we do not have an enforcement regime in this territory. That is what this act provides Yukon and our forests. It ensures that management and use of the forest resources is done in a manner that respects and protects — and I'm going to emphasize and stress this point: respects and protects the rights of First Nations. I just heard the members opposite go on at great length that this act ignores the rights of First Nations.

The act explicitly says and does — it respects and protects the rights of First Nations and provides Yukon residents, First Nations and local governments a defined role — a defined role, Mr. Speaker — in the planning and use of forest resources.

Now that's the explanatory note and that is what drives the content of this act, because that's the purpose of the act. Let us go into the preamble, another very important element of any piece of legislation that provides further insight into what this instrument is intended to do and what it will accomplish.

It begins by saying this act recognizes "... that the long-term health of Yukon's forest must be maintained and protected for the benefit of current and future generations". I challenge the members opposite, instead of reciting opinions, to go through the act and demonstrate on the floor of this House for Yukoners where this act does not meet that very noble cause.

It also says, "Recognizing that the use of forest resources can play an important role in the economy of the Yukon". It's in this act.

Obviously what the members are suggesting here today and yesterday is that they do not support a forest economy that can be derived from the forest resources that we are so fortunate to have in this territory. They do not support that. If they did, they would not have held in such disregard all the rest of the participants who provided input for government and the department in the development of this act. They singled out a very small percentage of the participants involved and quickly ignored those who subscribe to the development of a forest economy to further contribute to the future and the prosperity of Yukon.

It also dictates that Yukon forests play an important role in the social and cultural lives of Yukon residents and that Yukon Indian people have a special relationship with these environments, recognizing that the use of forest resources must be planned and undertaken to enhance beneficial socio-economic change while not undermining the ecological and social systems upon which Yukon communities and societies depend.

I challenge the opposition to demonstrate with evidence — factual evidence — to Yukoners where this act fails that very requirement, because it does not. It is the sole purpose of the act and all that is in it. The preamble ends by stating: "Therefore, the Commissioner of Yukon, by and with the advice and

consent of the Legislative Assembly, enacts as follows", and then we get into the body and content of the legislation itself, clause by clause. If the opposition, and especially the Member for McIntyre-Takhini, had taken the time to review this act clause by clause, the member quickly would have recognized how often First Nations obligations by government are enshrined in this act. All through this act there is a requirement by law, with this legal instrument, to make sure that those rights, interests and obligations of public government are being addressed. It ensures that we can manage the forest as an equal system. It ensures that we protect other values. It allows for the development of a forest economy in a diverse way.

The argument that the Member for McIntyre-Takhini brought forward, with all the motions that the NDP have brought to the floor of the House, do little to ensure that. In fact, they do quite the opposite. It creates a counterproductive debate instead of debating the act itself. The definitions and the content of this act meet every issue that the members have already brought forward. Frankly, the members should be supporting this act, not opposing it with these types of non-factual presentations.

So the purpose for this government is to do what it is obligated to do and that is to bring forward forest legislation. For the first time in the history of the territory we actually have a legal instrument and framework for forestry and the management of our forests. What would have happened, what would this territory have been like, had we had that legal instrument many years ago? We'd be a lot further ahead, Mr. Speaker, in managing our forests and creating our economy and protecting First Nations' rights and interests. All those things would have been dealt with. Well, now we can because we have this act.

It addresses forest management plans, settlement land and public land and planning processes on those lands. It ensures that it addresses implementation plans, amendments and cancellation of plans. It ensures that it is going to go forward with agreements on planning. It also integrates other plans. Existing forest resources management plans are involved. It ensures that we address legally the disposition of forest resources. There is prohibition on harvesting, determination and appointment of allowable cut, which addresses, by the way, sustainability. Allowable cuts are always the formula to ensure sustainability. It addresses the application for a harvesting licence. It also gives notice of harvesting licence applications, allowing the public's involvement, issuance and amendment of licences and restrictions on licences.

It goes on to ensure that there is a timber resources licence, woodlot licence, fuel-wood licence. There is termination or amendment of harvesting licences. There are security issues, cutting permits, independent audits, forest resources permits. Community forests are applicable and processing facilities are applicable.

The establishment of roads and forest health is now going to be managed and enforced through legal mechanisms. We don't have that today, Mr. Speaker, but we've had roads. It addresses insects and diseases. I heard a comment here yesterday about how does it address infestation? Well, there is a long, detailed section now put into law on addressing insect and dis-

eases. It also includes other issues that the member has brought forward, such as the Elijah Smith forest renewal fund and how we legally administrate and manage that fund. It also has a forest sector trust. It also has enforcement and compliance law that gives force and effect to those areas; the appointment of officers, official authorizations, the obstruction of officers and what you do there; enforcement and administrative remedies; request for voluntary compliance; protection orders; closing of any activity; court order of compliance — another legal mechanism to ensure that we are protecting through management of our forests, their health and the ecosystem that provides life to our forests; amendment or cancellation to orders; security; release of security; realization of security, and the list goes on.

Enforcement for court proceedings, the ability to even stop vehicles, inspect buildings and other places in the forest, entry upon land, searches with a warrant — all issues the members have brought forward are addressed in this act. The problem is that they have no intention of debating that because they know that it is — for the first time — a legal instrument that will allow us to effectively manage our forests as we should.

Mr. Speaker, it even includes seizures, and so on. It has a section for offences, so that those who break the law are going to be dealt with. Previously, there were all kinds of situations the Yukon had no ability to deal with through law, to manage effectively, thereby giving rise to the fact that this act is a required instrument.

It is time that the Yukon has a forest act. It is time the Yukon has the ability to manage our forests effectively through legal mechanisms to ensure the long-term health of our forests, the sustainability of our forests, the ability to allow for the diverse use of our forests, right down to First Nation cultural connection to the forests, and what those forests provide in subsistence and other areas of traditional and cultural use, and beyond.

Unfortunately, the members opposite have a different agenda. It's certainly not about managing our forests. Their agenda is, frankly, one of the past. It's the same old rhetoric. We've heard it over and over and over, and unfortunately, the damage done to date, because of that same old rhetoric, is extensive, but this government's going to move forward. This government is going to implement this act. This government is going to take on the challenge of managing our forests with the tools that will allow us to do so.

Bill No. 59, the *Forest Resources Act*, has been a long time coming, and it's now time to implement it, ensure our forests will be protected, and ensure our forests will be sustainable for future generations. Thanks to the minister, the department and to all who contributed to this very modern, progressive, effective piece of legislation we have before us today: the first ever *Forest Resources Act* in the history of the Yukon Territory. We owe them a great deal, and I would hope that the members opposite recognize that and start to hold all involved here in the highest regard and not just their chosen few.

Thank you.

Mr. Hardy: I'd like to thank the Premier for those comments that were shared with us, especially the complimentary comments that he showered upon the members on this side of the House. I am always appreciative of that kind of gratitude, I guess, that he shows toward our comments. Of course, we on this side know that he doesn't belittle our concerns or issues that we raise that often come from a majority or large percentage of the people of the territory. I know he would never, ever assume — or I would never assume that he would infer that what we say in this House is not representative of the people of the territory. Of course, we know that. We just heard the comments today.

Now, regarding the *Forest Resources Act*, it's wonderful to see it before us today, and there are some really, really good things in this *Forest Resources Act* that has been tabled, and I'd like to thank the officials, the organizations, the First Nations and all the people who have contributed to get to this stage where we are now debating the first *Forest Resources Act* for the Yukon. People have mentioned that this is historic. Of course it is historic; it is the first one since the devolution process. With that, everyone of course wants to make sure that what is brought forward sets a standard for other acts that will need to be developed since that devolution in 2003. There is concern around this one — maybe a little bit more attention to the language and the input and how it came about than we might see down the road. If we can address some of the concerns today or over the next few days, hopefully it will have an impact on a better process as we proceed in the other work we need to do for the people of this territory.

As I said, there is some very good stuff. There is no question about that. There is very good work and stuff that has been brought forward. The Premier has indicated that. It seems in many of the submission that have been going through that — it was felt that there was a constructive — and I'm just really quoting a sentence I think is really important — a constructive, congenial nature that expedited the discussions and served to develop a progressive and legislative framework to manage forests in the Yukon.

And that's a good sign; I think that's a really wonderful sign that it was done in that light, but at some point it seems, Mr. Speaker, the concerns that were expressed by the various stakeholders, the people who were allowed to participate in this process, were not necessarily reflected in the final draft. And because of that, there has been a response to that. It's incumbent upon us, on this side of the House, to make sure that the government is aware that these are legitimate concerns. And truthfully, the Premier should not be putting down those kinds of concerns if they come out of our mouths. Most of the comments that are made — I can speak on behalf of the NDP, for sure; I can't necessarily speak on behalf of the other party — but from our perspective, are concerns that have been brought forward by constituents, organizations, and other bodies and First Nations for us to articulate in the Legislative Assembly.

So when the Premier attacks the opposition for making statements that he does not agree with, he is actually attacking the concerns that we are representing and the people we are representing in bringing these forward. I hope, at some point, to

be able to move beyond that. I wait for the day when the Premier can debate a bill, which he did half the time through the whole process, without having to belittle or put down people who raise these concerns.

There are some substantive issues that are outstanding. Many organizations, First Nations and individuals feel that if we can put them into this legislation now, they will bode well for the future and not necessarily have them in regulations.

I would like to talk in a little bit of a broader context about this bill. I think what we need to consider when we are drafting a bill of this magnitude — we're talking about the forests of this territory and the impact forests have on people's lives. It has an impact that is not just economic and often we can get very focused on the economic value of everything. I try to remind myself that everything cannot be boiled down into an economic value. There are other aspects and values that have to be applied in reaching some kind of understanding of what we want in an act or what we want in a motion or what we want in a bill for the territory, and those are environmental concerns. What are those environmental concerns? Under a forestry act, there is a multitude of them. There are wetlands that have to be considered and the forests that surround wetlands or within wetlands. Do those become open for exploitation, not recognizing the value that wetlands contribute to wellbeing, whether health, water or other aspects of our society?

The spiritual aspect is another one. There is the aboriginal peoples' deep understanding and connection to the land. Many others have that too; it's not just the aboriginal people, but they articulate it on a regular basis and that's why we have to recognize how deeply they feel about it. Also, there are many who live a subsistence lifestyle and rely on the forests as they exist today and not so much altering our forests through massive clear-cutting or exploitation on an economic basis. We have to value the subsistence lifestyle that people choose and may live all their lives. We have to consider the soil and what happens when you cut close to waterways and streams, or when you cut around lakes or on hillsides. What happens to the soil and where does it go? What impact does it have? What impact does it have on the wildlife that feeds people, gives joy to people or allows spiritual growth for people? These all have different aspects other than economic.

We have to consider, in altering our forests by harvesting the woods, and harvesting them in a way that may not be sustainable and, by considering all these aspects, what impact does that have in regard to pest control? What impact does it have on pollination? Pollination is a serious problem in the world today about what is happening with bees, for instance. Most of it can be pointed toward the massive extraction of timber from the rainforests — plants aren't being pollinated; birds are being affected. It runs through the whole ecological chain and affects the planet we live on.

As to air quality, our forests have been described as the "lungs" of the planet. They convert the toxins that many of us create into air that we can breathe. As the boreal forests and other forests around the world shrink, those lungs shrink and the toxins increase and, of course, health quality and life quality changes.

I've mentioned, water quality — serious problems in British Columbia on their waterways, whether it's the salmon runs, whether it's soils going into the waters or toxins going into the waters; they're not clean enough any more to drink. Animals and fish are being affected. Livelihoods are being affected. All of these have to play a role in drafting a forest act. That's my belief, and I think it's the belief of many others.

There is also a social aspect in the forests that we have to consider when we do this. And the social aspect — it's the joy and the need we as people have, to go out into the wilderness, to experience it, to spend time out there, to share time with family and friends and to share time with ourselves — to grow spiritually and become better people. We rely upon the forests to live, to heat, to clean our air and to supply food. So the drafting of the *Forest Resources Act*, has to include all of these aspects.

I know the Premier read the preambles, and I've read millions of preambles, but that does not necessarily mean that it's reflected in the interpretations and many of the other parts of the act itself. And so in going through it, you're trying to make that connection with what the preamble says, and if the preamble is one of a holistic approach and inclusive, that's great, but then you have to make sure that that flows through the whole act as well, and that's what we are trying to do. Hopefully we will get into debating the act and the parts of it, and we will bring forward suggestions, and that's really what has to happen. But ultimately, we have to look at the value of the forest, the economic needs, sustainability, climate change and the impact around that, the holistic social issues that we need to ensure are reflected throughout the act; not just at the beginning, not just at certain parts of it, but that it's consistent in its messaging.

There have been many concerns raised, and the Premier seems to indicate that the opposition is not being constructive. Well, I think it is very constructive to have a debate. I also think it is very constructive to bring forward other people's opinions and have those debated as well. That is maybe where the Premier and I really do differ — I welcome the challenge to debate an act because it could make it better. I welcome the opportunity to contribute. I also really welcome the opportunity to bring forward people's concerns and interests in the drafting of any act.

The Premier seemed to indicate that these were just our concerns. I have one letter, two letters, three, four, five — legal opinions as well — six, seven — a 15-page document that was tabled today and some member before me was trying to read the whole thing in but that is his choice — eight, nine. I have nine papers in front of me from different organizations — and different groups, First Nations, lawyers, Environment Canada, Yukon Conservation Society and others — these are just the ones in front of me — that are all expressing some concerns. Many of them are similar. Many of the concerns that have been identified are very similar to each other. I would say that this is the perfect opportunity for us to take the work that has been done by these organizations and First Nations — other levels of government — and work with those suggestions and make this

act better — make this act truly reflect what people of this territory want.

I've heard it two or three times already from the Premier that this was going forward no matter what — that it's too late for all of this. I know how difficult it is for a government to have done a tremendous amount of work — and they have — with respect to the *Forest Resources Act* and to have to come into the Legislative Assembly and then, all of a sudden, face challenges to it like this.

But the challenges are not being given from our side — in any way, shape or form — to belittle the work that the government has done in this area. We just want to contribute and we want to ensure that the people who have sent these to us — and I'm sure to the government and to the other party — that their voice is heard, and that they feel some of their concerns at least will be reflected in the act or at least be debated in order to ensure that the government has a chance to respond to say, "This is where it's addressed; this is where it is not."

Finally — because I know I'm running out of time here — I would like to say that we have an opportunity — if there is just no way we can move forward in this sitting to make any changes or amendments in this act — to do some of the good work in the regulations. I have heard the minister indicate that there would be full public consultation in this matter. I appreciate that comment. Maybe when I sit down and the minister stands up to wrap up the general debate in this area, he could elaborate what he envisions for full public consultation: maybe a couple of rounds of consultation with the public — and who it involves.

Maybe if he has, if he doesn't, that is fine, but what kind of timelines he would like to have that fit in and when would we see the regulations. It has been mentioned about the *Liquor Act* and the delay in the regulations. I don't think anybody here wants to see that happen with the *Forest Resources Act*, so if the minister could do that, I would really appreciate it. If he could clarify that I would be far more at ease about the work that we are doing here right now, knowing that during the regulatory process and consultation, it allowed a couple of rounds and that many of these concerns would at least be debated and discussed during that process and maybe incorporated in the regulations.

Thank you, Mr. Speaker.

Speaker: If the honourable member speaks, he'll close debate. Does any other member wish to be heard?

Hon. Mr. Cathers: I appreciate comments that members have made. Or I should say I appreciate some of the comments members have made. Prior to going to Committee of the Whole stage, I will answer some of the questions from members who put them succinctly. I of course will not bother to engage in a discussion of the rather long-winded introduction brought forth by the Member for Kluane in reading documents that are already tabled.

However, moving on to comments, Mr. Speaker, what I would point out in terms of the next steps for this — actually, first of all I should point out that some of the comments, unfor-

tunately, that came from members opposite did go a little over the top, in my view, in terms of the level of rhetoric that was attached. Now this area is one that — we all appreciate the importance of the forests. I think it's fair to say that, although there are varying perspectives on it, all members have an appreciation of the Yukon wilderness and the importance that it has to Yukon citizens. And while there are varying views of the manner in which it should be used, members would be hard-pressed to find any Yukoners who do not recognize the need to preserve and protect our forests for future generations.

As the Premier noted, but I will recap for members, members should take a look at the introduction to the legislation. In noting the preamble, the fact that the very first clause in the preamble of the legislation is: "Recognizing that the long-term health of Yukon's forest must be maintained and protected for the benefit of current and future generations; ..." That is the very first clause in the act, the very first principle laid out in the preamble.

As we've indicated, this legislation is enabling legislation; it is designed to provide a framework. It is not, as some of the comments members referred to, from groups that did not quite see everything they would like to in the legislation. Those groups come from a perspective, although I have — to those who have spoken to me — provided the explanation of why legislation provides a structure, but is not itself a vision document or mission statement, and why the work and much of the detail will be provided through regulations and through the policies of the government of the day because we believe this legislation will stand the test of time.

There is also the fact to be recognized that in determining how various competing interests and perspectives are to be recognized, a key factor in all legislation today is the fact of the *Yukon Environmental and Socio-economic Assessment Act* and the role it plays in providing Yukon citizens an opportunity to provide their comments through a process that is defined in federal legislation and the regulations and rules under that legislation.

There is that procedure applied. It is an important part, providing the opportunity for input on all applications of any type, including wood harvesting and things that would fall under this act. It also includes many other types of applications, as members should be aware. All those various applications, if they are over the level set out in YESAA, must go through that review process. That is an important part of determining whether any disposition is permitted under a legislative framework such as the *Forest Resources Act*. The YESAA review is an important part of determining if a disposition will actually be made and if modifications to what the proponent proposes will be required.

In this legislation, in determining how the framework is set up, again, the very first principle under the act in the preamble states: "Recognizing that the long-term health of Yukon's forest must be maintained and protected for the benefit of current and future generations". The second part of the preamble states, "Recognizing that Yukon forest resources can play an important role in the economy of the Yukon".

Now, we have heard from the Member for Kluane, the Liberal Party critic, his view that forestry is, as he says, under a dark cloud. He went on with a long dissertation about why there is no future in it. Well, Mr. Speaker, the member is wrong.

We believe that there is a future in forestry and that the responsible use of forest resources provides opportunity for Yukoners, including but not limited to the fact that many Yukoners use wood to heat their homes. That is one use of the forest. That is an important one. It includes other things. It provides the ability for other things including the milling of lumber, but based on the feedback that we have heard from those within the industry, they believe that the refined products, the timber, the mill, et cetera, is going to remain a small portion of industry in all likelihood for the next several years based upon market conditions. There is significant opportunity within Yukon for wood products and that includes, in some cases, opportunity for people to move to efficient wood heat versus using the limited supply of fossil fuels through means like diesel.

The end point in this is that we must provide the appropriate framework for all of these uses. Again, the Member for Kluane sees no future for the forest industry. Those in it see a different outcome. But they would probably agree with him that if the Yukon Legislature were to accept the approach of the Liberal Party, there would be no future in forestry, no future in using the forests.

The Member for McIntyre-Takhini made a comment that was a little bit over the top with the rhetoric, suggesting, "Imagine a Yukon Territory without trees."

That of course is an image that would horrify and shock us all. But to suggest that this legislation in any way, shape or form enables clear-cutting of the Yukon, as the member was implying, is a ridiculous assertion, particularly considering the point I made with regard to the very priorities set out in the act and the preamble and the importance of maintaining and protecting the long-term health of the Yukon's forest "for the benefit of current and future generations."

Another point in the preamble: "Recognizing that Yukon forests play an important role in the social and cultural lives of Yukon residents, and that Yukon Indian People have a special relationship with these environments."

Again, another part to the preamble: "Recognizing that the use of forest resources must be planned and undertaken to enhance beneficial socio-economic change while not undermining the ecological and social systems upon which Yukon communities and societies depend."

Those are the key principles in the legislation. Now perhaps the members don't agree with those principles. But again, I have to point out and encourage the members — once we get into line-by-line review of the act or clause-by-clause — the fact is that most of the points that they have made, most of the criticisms they have levied against this piece of legislation, make it evident that the members have not read the legislation.

When they refer to the issue of respect for other orders of government, I point out again, section 4 of the act notes: "Final agreements prevail. This Act is governed by an *Act Approving Yukon Land Claims Final Agreements*." It makes it clear that

takes precedent. It also makes it clear in the definition in the reference to First Nations; it provides in the legislation recognition of First Nations who do not have a settled agreement and provides an ability for the government to enter into a forest management agreement with them, even in absence of their final agreement.

It's forward-looking legislation. The members, again, are mistaken in their assertions. Now they may take documents written by a lawyer, they make take comments from those who would like to see things written slightly differently, and they may take those as the facts, but if the members do their work, and read the act, if the members had done their homework and read the act, they could not have stood up with a straight face and tabled the motions that both parties did yesterday, proposing amendments to this act, because most of what they presented and claimed was not in the act is here.

The member is talking about the Yukon Conservation Society having vocally expressed their belief that they'd like to see some modifications to the act. Again, as I have noted before, we appreciate their perspective. Much of their perspective and that of their representative on the forest values group was incorporated in this legislation; however, at the end of the day, when there are various interests and varying perspectives within Yukon society, it is not possible for this government or any government to write the legislation exactly as every group would like it written. We must balance all of those interests and come up with what, at the end of the day, is a fair and balanced piece of legislation that respects the interests of those who provided input and is ultimately drafted to be in the best interests of Yukon citizens and Yukon society.

That is what we have here, as I've pointed out: extensive work, not only by officials of Energy, Mines and Resources but also the representatives on the successor resource legislation working group, representatives of First Nations who participated in this process, all of those who provided input directly to the process, comments directly from First Nations, directly from non-governmental organizations, directly from industry members and directly from other citizens. There was a tremendous amount of input into this process. The members have cherry-picked a few comments from those who would like to have seen it worded slightly differently. We appreciate the perspectives of those who would like to have written the act in some way, shape or form differently. But at the end of the day we must do what is the interest of all Yukon citizens. We cannot give any group or any other order of government a veto over legislation; that would be irresponsible for us to do.

I know the Member for McIntyre-Takhini, in his comments that he has been making while I've been on the floor, has expressed some concerns. I remind the member of our debate in the spring when that member advocated that First Nation governments should have a veto over Yukon legislation. This government will never agree to that.

Some Hon. Member: (Inaudible)

Point of order

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

Mr. Edzerza: Mr. Speaker, I think the minister just insinuated that I made a comment on the floor of the Legislature which I never did. He can look in *Hansard* and see for himself that never did I ever say that First Nation governments should have veto power over the YTG government.

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

Hon. Mr. Cathers: On the point of order, Mr. Speaker, I would be happy to have my staff pull the comments from *Hansard* where the Member for McIntyre-Takhini said exactly what I indicated he did.

Speaker's ruling

Speaker: From the Chair's perspective, this is just a disagreement among members.

Minister, you have the floor.

Hon. Mr. Cathers: Thank you, Mr. Speaker.

Again, I would point out in this case and emphasize that the Yukon government cannot give any group, any First Nation or any other order of government — whether a First Nation government or the federal government, et cetera. It would be irresponsible of us on behalf of Yukon citizens to give any government or any group a veto over Yukon government legislation.

We do appreciate the views of all of them. We appreciate the perspective that other orders of government have on behalf of their citizens. We appreciate the perspective that First Nation governments have, that the federal government has, that municipalities may have. But at the end of the day, when there are differing views, we must, on behalf of Yukon citizens, move forward in the way that we understand to be in the best interests of Yukoners as a whole. The members are forgetting and suggesting that we simply delay the legislation.

As I pointed out, the policy discussions around forestry and the issues and various interests in the forests have been going on for roughly a decade.

In fact, work goes back even earlier than that in earlier discussions, but these discussions have been going on for roughly a decade — tremendous discussions about how the various industries, conservation perspectives, et cetera, play out within the forest. These things have been “talked to death” some would say. They have gone on and on.

The work on this legislation, in particular, has been extensive, as I have laid out and as I will identify further in Committee of the Whole, I'm sure. The work has been very extensive in this area. The opportunity for comment has been extensive. Members suggest that we should simply delay legislation, because they may not be happy with every word of it. Members will have an opportunity to propose amendments. This government will, as we always do, consider any proposals made by any within the opposition, whether it be to legislation, private members' bills, motions, et cetera, but at the end of the day, we must act on behalf of Yukon citizens.

I'd point out, from the comments the members have made, they are cherry-picking a very select, small group of those who provided comments. They are not reflecting the majority of those who provided comments in this process. They are not, as

the Leader of the Third Party suggested, reflecting the majority of Yukoners. The individuals and comments they identified were — and are — very small when compared to the comments and the work of all the other Yukon citizens who contributed to the process.

In moving forward with legislation, the members know — if they search their hearts and minds — that it is not possible for a government to put forward legislation when there isn't someone who would like to change a clause to suit their own personal perspective.

It is the job of government to provide balanced legislation; that is what we have done. It is the job of government to create the structure that is in the best interests of Yukon citizens in all areas of society; that is what we have done. This legislation is forward-looking. This legislation is new to the territory, the Yukon's very first forestry act replacing the very outdated timber regulation developed by the federal government, most of it back in the 1960s. It is time — as we've heard from the majority of those who participated in the process — to move forward and to conclude this, to get the job done.

Mr. Speaker, with regard to the consultation process, there was some question from the Leader of the Third Party about that process. As I have indicated, I think the member must not have heard me when I spoke at the beginning of second reading. I will indicate, again, that the workplan outlines a consultation for the regulations and that based on the expected timeline, at this point in time, of course, subject to what we hear during consultations the expectation is that in spring or early summer of next year the process will be finalized. We will, of course, in working through the process listen those who contribute to the process. At the end of the day, as I indicated, the job of the Yukon government is to act in the interest of society as a whole, of Yukon citizens as a whole. We cannot delay it because someone would like it delayed from their perspective — particularly when they come from a perspective that has no real desire to advance development and use of the forestry industry. When there are those whose livings depend upon access to this in a fair clear manner, when there are people who are feeding their families by working in the forest industry, we must take into account the impact on them of further unnecessary delay when truthfully the work has been done. The work has been done well and the end product is a very good one.

Again, Mr. Speaker, I thank members for their comments. I understand I am basically out of time in second reading, so with that, I thank officials for their good work, thank all those who contributed, and commend this legislation to the House.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, would you poll the House.

Hon. Mr. Fentie: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.
Hon. Mr. Rouble: Agree.
Hon. Mr. Lang: Agree.
Hon. Ms. Horne: Agree.
Hon. Mr. Hart: Agree.
Mr. Nordick: Agree.
Mr. Mitchell: Disagree.
Mr. McRobb: Disagree.
Mr. Elias: Disagree.
Mr. Fairclough: Disagree.
Mr. Inverarity: Disagree.
Mr. Edzerza: Agree.

Clerk: Mr. Speaker, the results are nine yeas, five nays.

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

Second reading of Bill No. 59 agreed to

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair: Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 59, *Forest Resources Act*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 59 — *Forest Resources Act*

Chair: The matter before the Committee is Bill No. 59, *Forest Resources Act*.

Hon. Mr. Cathers: I will be brief in my introduction here, noting much of this has already been answered in second reading and, of course, once we get into the clause-by-clause debate it will be easier to provide much of this information. I would hope by now that members have had the opportunity to read this legislation and, in particular, I would hope the Member for Kluane, the Liberal Party's critic, has taken the opportunity to actually read the legislation under discussion and not just the information and already tabled documents that he was reading into the record in his speech at second reading.

The new legislation is focused on providing a modern regime of forest management in Yukon with three pillars, those being the planning section, which outlines requirements for

forest resources management plans as outlined in the final agreements, as well as the integration of forest plans with other resource plans. It also provides us the ability and flexibility to engage in planning activities with First Nations that have not settled final agreements.

The legislation is necessary, of course, because it is replacing the outdated timber regulations and it is important to move forward in this area. The tenure section of the new act, the second pillar, enables a variety of large- and small-scale tenures to accommodate and encourage a forest industry appropriate in size and scale to the Yukon and requirements for developmental planning.

And again I have to reiterate to members that they should not forget about the Yukon Environmental and Socio-economic Assessment Board and that process, and the fact that, despite those members who would like to suggest that because something is allowed by legislation, it can simply be done without any other review, and that by virtue of the legislation, timber dispositions are being made, this act itself does not make a single timber disposition or forestry disposition or licence of any type. It provides the framework for such, and any such dispositions, applications, et cetera, must go through the process.

So if somebody's applying for a disposition that creates a trigger under YESAA, the YESAA process applies. For those that do not meet the threshold in YESAA, that requires that level of review, of course, as with any other type of application that is below the YESAA triggers, that can be dealt with at a departmental level in accordance with the regulations and policy.

Of course, I would again remind members that under YESAA, most projects of any significant scale are addressed — I should say that any projects of a significant scale are addressed. That legislation itself follows the requirement under the *Umbrella Final Agreement* — a negotiated requirement for that legislation. It requires extensive development work itself and is, of course, federal legislation that sets out the requirements of the process, managed — as I have reminded members in past days — by a board that is independent and required to conduct the socio-economic assessments to the best of their ability and ensure that the staff of designated offices does the same. They have independence from any level of government. They are appointed to the board from nominations received from the Council of Yukon First Nations, the federal government and the Yukon territorial government.

Of course, in the areas YESAA doesn't apply, whether it be forestry related, lands related, waters related, et cetera, those low-level types of matters are, as per the lengthy, negotiated and discussed process, designed to give the ability for small-scale projects and small-scale activities not to have to go through the review process, because this can include activities — people's development work on, for example, a mining claim or the development of property, when they have a land application and they have to go through that review. Before they can ever receive a disposition, it has to follow the YESAA consideration of their proposal and so on.

I would hope that members would be familiar with that by now. If we have to go through it in more detail and more ex-

planation, we will of course do so, but I would hope that has reminded members of the fundamental facts related to the reality, which is that there are significant processes for any type of usage of the Yukon resources. They are spelled out as per the federal legislation and the socio-economic assessment and review.

The third pillar of the new act is compliance and enforcement sections that are modern and provide the government with a range of modern enforcement tools, as well as modern administrative procedures.

The act, as I reminded members, was developed after years of consultation. The forest management branch consulted with the Yukon public and worked closely with a number of groups formed specifically for the purpose of providing input into this new legislation. Those, of course, include the forest industry and the forest values focus groups.

As well, the act itself was developed in collaboration with the successor resource legislation working group, with many, many meetings held for that purpose.

There was also direct communication with RRCs and First Nations, seeking their input, as well as with anyone who had a timber licence of over three years in duration or for a total size of over 500 cubic metres.

I would point out the fact that this legislation contemplates and provides for joint planning with First Nations on settlement lands if they choose to make them part of a planning process and specifically notes that if they choose to include their settlement lands with public lands or Crown lands when a planning process is underway for forest management in an area — that if they do include those lands in that — it is written in the legislation that half the planning committee will be appointed by the First Nations.

The legislation also provides First Nations with the personal-use exemption to harvest forest resources for purposes incidental to traditional pursuits, practice of traditional custom, culture and religion, as provided for in final agreements.

As I have indicated in second reading, as well as in Question Period, the concerns that members have brought forward and suggested are not addressed in the legislation — if they did their homework and read the legislation, they would recognize that throughout the act the interests of First Nations are addressed through numerous clauses; that, in fact, at the beginning of the act there is specific mention of that importance of First Nations — “Recognizing that Yukon forests play an important role in the social and cultural lives of Yukon residents, and that Yukon Indian People have a special relationship with these environments; ...” So, again, specific reference right in the preamble, right at the start.

Again the explanatory note for the legislation notes what it is doing: replacing the timber regulations under the territorial *Lands Act*; again, the timber regulations themselves are outdated. The *Forest Resources Act* establishes a planning regime comprising forest resources management plans, timber harvest plans and woodlot plans. This new act establishes new licence and permit types: a timber resources licence, a woodlot licence, a fuel wood licence, a forest resources permit and a cutting permit. It also specifically provides for community forests.

The act establishes forest resource roads for the purpose of harvesting timber resources and it also provides a compliance and enforcement regime that is modern. It ensures that management and use of forest resources is done in a manner that respects and protects the rights of First Nations and provides Yukon residents, First Nations and local governments a defined role in the planning and use of forest resources, which is laid out in many sections of the act.

Again, the concerns the members have brought forward, the motions they have brought forward, do not reflect the facts. This legislation takes a step far beyond what the existing timber regulations do in recognizing the importance of ecosystems, the environment, and the importance that forests play in the lives of Yukoners, as well as the importance Yukoners place on ensuring the long-term health of Yukon forests be maintained and protected for the benefit of current and future generations.

As far as the interests of First Nations, if the members take a look at the existing timber regulations and take a look at the act, they cannot help but notice that, throughout the new act, there is specific mention in numerous clauses of First Nations and providing the ability for the government to work with them in a collaborative, cooperative manner.

Mr. McRobb: Well, I could spend a lot of time taking exception to comments made by the minister and the Premier, but I’ll just pass on that at this opportunity. But I will return something for the minister: I hope that he has taken the time to read the position paper and not just his bill, because we have some comments about the two of them together and Yukoners are very interested in hearing the minister’s response.

I think what Yukoners have heard from the minister and the Premier are comments that don’t reflect all of the facts. For instance, the Premier stood up and read the preamble to the bill. Well, it sounds good but what it does not mention is how the bill would affect the aboriginal rights of unsettled First Nations.

That brings us back to our primary concern with the legislation itself, as is clearly set out in the Kaska Nations’ position paper. The minister heard me reference the seven recommendations from the paper, as indicated within the executive summary of that paper. I put out a challenge to members on the government side to clearly state their position on each of those recommendations. So let’s start with the minister.

Hon. Mr. Cathers: Those issues will be addressed in line-by-line. I have pointed out to members that they are quite simply wrong, specifically the Member for Kluane. I would remind him that, as he ought to know by now, aboriginal rights cannot be overridden by territorial legislation, whether it specifically references it or not. This bill does specifically reference it. They cannot be overridden by territorial legislation. The member knows it and the member is trying to reflect something else. It is unfortunate that he is choosing to do so.

Mr. McRobb: Well, let me return the favour. The minister knows better, but unfortunately, he is choosing to do something else.

Mr. Chair, I have witnessed this type of charade before, where a minister says that we will address those comments —

Unparliamentary language

Chair: Order please. The member knows that classifying other members or actions by other members as a “charade” is not in order. I would expect members not to take that stance.

Mr. McRobb: Thank you, Mr. Chair.

The minister said that he will give his opinion on these recommendations when we get to the lines — I think he meant the clauses. I have seen this before; I have heard this before. I have later discovered there are no such clauses that pertain to each one, so therefore the recommendations are out of order.

So I want to pose a very simple question to the minister who has two very capable advisors sitting here with him this afternoon from the department: can he indicate for us and for the record which clauses pertain to each of those recommendations?

Hon. Mr. Cathers: Mr. Chair, again, I point out to the member that the member is trying to frame the argument that somehow this legislation could override aboriginal rights and titles. I would refer the member opposite to the Constitution, to various federal court cases, to various provincial court cases.

The member ought to know by now that the argument he is making has no basis in fact. Territorial legislation — there are many pieces of legislation, particularly all the many pieces that were drafted prior to the *Umbrella Final Agreement*. There are many pieces that do not reference First Nation final agreements. That does not change the fact that the Yukon government must abide by the *Umbrella Final Agreement* and must consider where there are areas of aboriginal rights and titles, that there are outstanding claims and there is not a final agreement in place. We must, as prescribed by the law of the land, work with First Nations in the manner that is appropriate — be that notification or consultation; it varies, depending on the type of issue. We work with them; we honour our obligations and the members know it.

The members are trying to frame an argument in this case. I must say that, even after the time I’ve spent in the House with the Member for Kluane, I was very surprised by the approach he took this afternoon — the amount of time that was spent reading a document that he noted in his opening statement had already been presented to every member of this Legislative Assembly and tabled in this House.

So, again, I will reiterate for the member: aboriginal rights cannot be overridden by territorial legislation. We must abide by the *Umbrella Final Agreement*; we must abide by First Nation final agreements; we must, of course, as prescribed by the law of the land, by federal legislation, by court decisions, et cetera, work to act in a manner as is deemed appropriate for dealing with First Nations who have not settled a land claim agreement and self-government agreements. We will continue to do that.

The member will know, if the member actually reads the legislation, that in fact this legislation has provided for far more opportunity and involvement and procedures to work with First Nations, to recognize First Nations, and to provide for the ability for joint planning processes than exists in the timber regulations.

The member will probably get up and suggest — or repeat his argument — suggesting that provisions of common law be put within a bill. That is not the standard here; it is not the standard anywhere in the country. Common law still holds force and effect on every government in the land — federal, provincial, territorial and First Nation.

No government is exempt from common-law requirements; however, common law is not typically reflected in a bill, and those are the areas the member is referring to, or will be referring to when he refers to his source of information.

So again in these areas, we must work, as is appropriate, with First Nations. Section 12 of the new *Forest Resources Act* provides for Yukon government a First Nation agreement that addresses the process of preparing a forest resources management plan — new step; new process for involving a First Nation. The member will stand up and vote against it, I’m sure, but it’s there.

It also provides the ability, if the First Nation determines neither planning committee scenario listed will address concerns, that there is the ability for First Nations — and this is designed for those who do not have settlement land — there is the ability to enter into agreement with them so that, for First Nations who have not settled final agreements, we can enter into an arrangement with the First Nation to do planning in that period of time that they have not concluded their final agreement.

As well, First Nations are provided with notifications of an application for a harvesting licence within their traditional territory prior to a harvesting licence being issued. Section 18 of the act places requirements and clarification around notification. So, Mr. Chair, the member is raising an issue that, again, is a repeat of previous debate we’ve had. If the members actually read the legislation we wouldn’t be having this debate.

The members were provided with a briefing; perhaps the member didn’t see fit to attend it. Perhaps if he did attend it he simply wasn’t interested in listening. I don’t know the explanation for the member’s lack of understanding of this legislation but the statements the member is making, the claims the member and his colleagues have made and the motions that they have tabled do not reflect the facts. They are not fact-based.

Again, all I can say to any who might be listening to this is pick up the legislation and read it. This is a good piece of legislation. It does provide for these areas. If the member will not read it — again, I’m not urging the member to take me at my word at this; I’m urging him to do his job as a member — urging all members to do their jobs as members: pick up the legislation and read it and then let’s engage in a debate on what is in here and what is not in there. For any member of the Yukon public who is listening to this or reading it, I would again say, don’t take my assertion for it. Don’t take the government’s relating of the facts and the facts that we’re laying on the table as the end story. Pick up the legislation yourself. You will see — you cannot help but see — that what we have stated is true and what the members opposite have stated does not reflect the facts.

Mr. Chair, again in this area, I have to note that the Member for Kluane suggests that he was making comments about

things that were not in the act. Hopefully we can get into the clause-by-clause review and have that discussion at the appropriate stage. If we cannot, we will have to engage in this debate as best we can with the members in their failure to do the clause-by-clause review — their failure to do the line-by-line review — as so often happens on pieces of legislation and on departments in the budget. There is a lot of debate and a lot of comments made by members opposite, typically, in our debates, including on this *Forest Resources Act* today. But there is very little attention to detail and very little debate of the facts of the matter because, unfortunately, the members' positions and the facts do not reconcile with each other.

With regard to unsettled First Nations, there is also an obligation under the *Yukon Environmental and Socio-economic Assessment Act* by the Yukon Environmental and Socio-economic Assessment Board to notify, and for the decision body to consult with, unsettled First Nations on specific matters — again spelled out by legislation and by common law that already exists.

Again, the act makes reference in establishing a planning area the requirement to work with First Nations and consult with them on their preferred method for being involved in the planning, if indeed they wish to do so.

So, again, I've laid out but a few examples. I'm sure we'll get into extensive debate and talk about many more before the time is done. But, once again, unfortunately, we find ourselves in the situation where the Liberal Party has obviously not read the legislation.

In the interest of providing the members the ability to do that, seeing the time, I move that we report progress.

Chair: It has been moved by Mr. Cathers that Committee of the Whole report progress.

Motion agreed to

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

Chair: It has been moved by Mr. Cathers that the Speaker do now resume the Chair.

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Chair: Mr. Speaker, Committee of the Whole considered Bill No. 59, *Forest Resources Act*, and directed me to report progress.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

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

Motion agreed to

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

The House adjourned at 5:26 p.m.

The following documents were filed November 13, 2008:

08-1-69

Yukon Health Care Review: Final Report (dated September 2008) (Hart)

08-1-70

Forest Resources Act, Bill No. 59: letter to all MLAs (dated November 5, 2008) from Liard First Nation Chief Liard McMillan and Liard First Nation Position Paper (dated November 6, 2008) (McRobb)