

WHITEHORSE: (Sandi Coleman) Well Bill S6 is a bill that proposes changes to the Yukon Environmental and Socioeconomic Assessment Act. It includes four controversial amendments that are opposed particularly by Yukon first nations. Ryan Leef is our Conservative MP in Ottawa.

Linklater: There's a bit of a controversy blown up about what has been said especially in regards to first nations as governments. Where do you stand on this whole issue?

Leef: Well I think to retain focus on the path forward I certainly heard the concerns from the Yukon first nations. I obviously had an opportunity to meet with them before the bill was tabled in the Senate, then again just the other day jointly with the minister of Aboriginal Affairs and subsequent to that meeting I met with them the following day and really focussed again on the four points and the minister's invitation for the first nation to provide some complementary evidence and support for the concerns that they've raised. The door was left wide open for them to do that and really my focus is to make sure that their concerns are heard equally to the support that's provided for the bill and one of the ways I'm going to do that is obviously by calling on the committee of aboriginal affairs to make sure that they undertake the next set of hearings on second reading right in the Yukon and give a broader range of Yukoners the opportunity to express their support or their concerns with any of this legislation so we can make it the best bill possible.

Linklater: So you're going to bat for the amendments.

Leef: I'm supportive obviously of the bill at this point. I'm clearly interested in having Yukoners contribute to that discussion on committee when it gets to that part of the second reading of study and my preference is is that we have that study in the Yukon so that Yukon people can have their voice heard loud and clear and I'm certainly supportive if as the minister invited, if the Yukon first nations can provide some concrete support and complementary evidence for the concerns they've expressed that would certainly benefit the minister's calculation and the committee's calculation on what they do with the bill.

Linklater: It seems to me you're putting the cart before the horse. You've now introduced this bill to our unelected member, you got it passed through the senate, now you're bringing it to the House and now you're talking about maybe going out and getting some input from Yukoners?

Leef: Well it's typically what happens with legislation in its final form. I mean that's the Canadian parliamentary process. You have to, you know, consultation occurs, you get input, you start to craft and develop. After the drafting phase you actually ...? the piece of legislation, the parliamentary process takes over. That includes debates in both of the parliamentary chambers, the senate and the House of Commons. It includes committee study and research and the opportunity for witnesses to provide support or recommendations for amendments and that's the role of the parliamentary committee. So that's exactly amendments are supposed to occur in our parliamentary process. So certainly not putting the cart before the horse in this case. It's the process that we have in Canada and it's certainly going to be something that Yukon first nations

will be able to be a strong participant in. We've had a great discussion yesterday about some of the approaches that they can take to make sure that their concerns are elevated and to make sure that they're able to provide some recommendations to go forward with and provide the committee something to really consider and look at and this all fits in with how bills and how legislation is drafted in Canada.

Linklater: Well where have you been on this whole case because you're supposed to be the Yukon representative? Have you had input into the drafting and debate on this bill?

Leef: Yes, I have. I've had input obviously in the debate just the other day when it entered second reading in the House of Commons, the first occasion for MPs to physically debate the bill and I did that and was able to rise in the House and ask questions. Obviously I asked the NDP clearly if they would support travel and commit to traveling to the Yukon if it got into committee to hear from Yukoners. I was able to ask the minister directly if he could respond to the first nation concerns about the final agreement and whether or not anything in this legislation would impact the – or supercede the UFA, which is obviously a binding, constitutionally binding document for Yukon first nations so I participated and clearly before as I mentioned before it even got into the senate, before it was even brought into this parliamentary process, I was part of direct consultation with Yukon first nations on this legislation, heard their concerns and carried them directly to the minister.

Linklater: And how have first nations concerns been reflected to this date because they say they've been insulted since being in Ottawa and that their concerns have never been addressed and in fact the amendments were never part of the five year review and introduced later. Where have they been consulted as partners to a treaty here?

Leef: Well I think there's a bit of confusion, Leonard, on S6 and the amendments which effectively is S6 and the four points of concern that they have. So S6 is a reflection of the five year review, which turned into a seven year review, and many of the provisions and sections in S6 are an absolute reflection of the 5 year review. The four points that the first nations are concerned about are four points that weren't reflected in the five year review and I -

Linklater: - these are the Pasloski amendments?

Leef: - so I expressed that directly in my statements in the House. Now the question is, is whether or not there was consultation on those four points and I don't want us to run around in circles debating the length of consultation but you know we heard clearly from the Grand Chief an absolute term which was there was no consultation on those four points and that's factually incorrect. There was consultation over a more than one year period. I have clear documentation in front of me. I saw the correspondence move back and forth, I was part of that and the Yukon first nations -

Linklater: - I've seen some correspondence too. They're not CC'd on it.

Leef: Oh absolutely they were and Yukon first nations in fact were provided \$100,000 and receipted and billed back to the Canadian taxpayer \$100,000 for consultation on those four points. So there was consultation. In fact \$100,000 worth of billable consultation that the first nations billed back to the Canadian taxpayer for consultation. So it's not accurate and it's not fair to say there was absolutely no consultation. Now we can talk about a different stream of whether or not that's adequate or whether or not they felt as though they were accommodated fully and I'm interested in hearing that position and supportive of being with them to talk about those angles but I think if we deal in absolute terms and we're saying absolutely there was no consultation that starts to distract us from a conversation and it's factually false. So I think we need to put that behind us and look ahead at the next steps which we know are committee hearings, another opportunity for Yukon first nations to present their case, take advantage of the invitation that the minister provided them which was to provide complementary and concrete evidence to suggest why some of the approaches that the government has demonstrated they're going to take and the reasons why they're going to take them aren't effective and aren't good for Yukon first nations but they need to be able to provide that complementary and supporting evidence and the invitation was there for them to do that and I think they understand that and from the conversation I had I think they're very much prepared to do that and that will hopefully shape a different discussion for us as we move forward and I think everybody is feeling as though we're on the right track to deal with that in the next few months.

Linklater: Now why not just pull back S6 and deal with these concerns rather than – because there's a threat of legal action if this does go forward and so far first nations have been pretty successful in the courts. Plus, you know, you've got Casino mining saying this raises some concerns because this introduces a lot of uncertainty if you're going to just end up in the courts. Why not pull back and just work together to come up with something that's palatable to everyone?

Leef: I think you raise a good question, Leonard, on the relationship piece and really I'm very much interested in that and I think, you know, the spirit and intention of everybody here involved is to make sure that we have good relations to provide that certainty that industry is talking about and a lot of the certainty does come from good sound relationships so I appreciate that point and you know I think those are the efforts that clearly I'm trying to build here that we work toward and talk toward during our meetings here in Ottawa this week -.

Linklater: So you would support pulling back on S6? –

Leef: Yes, exactly on S6 and I don't think we're at the point right yet where we need to entertain this concept of pulling legislation. Effectively it's good legislation. The first nations have said that on the substantive portions of the bill, that it's four points of concern, four sections that equate to really less than a page –

Linklater: Now were introduced after the five year review.

Leef: That's right, yes, that were introduced after the five year review, yes, and you know there are four points. They're important points for the first nations, we hear that loud and clear and there's still room for discussion on that so the idea of pulling it right now or stopping it at this

point when we have the opportunity for committee would be premature. I think we've got to go forward plan. I think the first nations know what that go forward plan is, I know what it is and let's get to that step before we entertain different discussions around it and respect that part of the process and, listen, I think at a continuing date and a later date, sorry not a continuing date, but on a continuing basis and at a later date we absolutely have to stop and talk about that relationship piece and it is important –

Linklater: Well the relationship is pretty bruised I think right now. I mean, the chiefs are saying they feel insulted after their meetings with the minister and the minister says they're welcome to use the courts. It doesn't sound like the relationship's in very good stead right now. How are you going to work to repair that as our MP?

Leef: Well I think we all have a role in working to repair it and a lot of that discussion came out yesterday when I met with them and you know there was – everybody put their hearts on the table and I think we understand where we're coming from, where we all have the best interests of the Yukon in mind and you know we know there are points at some point that we're going to disagree on things and we can appreciate that but we want respectful dialogue and respectful discussion and I think yesterday's meeting was a good starting point for that and I think the steps we take next will be a good measuring stick of it as well. So it's - you know, it's not just going to be backed by words as I think you're alluding to, Leonard, it's going to be backed by some action and obviously it's my responsibility as Yukon's MP to take some of the action I can take within the limitations of what I'm able to do and demonstrate that I'm serious about making sure we have strong and healthy relations with our first nations, with all Yukoners. I mean this is – S6 is not just an aboriginal, non aboriginal or aboriginal government issue. This is for all Yukoners. It's a discussion piece that's important to everybody and that includes that relationship that our federal, territorial and first nation governments have with one another. It includes the different instruments that we have to protect and preserve our environment be that YESA or be that the UFA or be that any other piece of legislation that we bring forward to make sure that industry is able to move forward in a healthy and sustainable way for the betterment of our economy and for the betterment of jobs on our territory and at the same time making sure that we meet our environmental and socioeconomic responsibilities and we're all striving for that and there's just different ways of going about it but yesterday's meeting really drove at some of those points and I think everybody's feeling fairly good about where we go next and the proof will be in the pudding as we move forward.

Linklater: But you're telling me that the relationship is not in good shape, we've got mining companies voicing concerns and you're going to continue moving forward with this bill.

Leef: Well the next steps of this bill in fact is the committee and that's point where we can deal with those four pieces and as I mentioned, Leonard, substantively the bill is good and Yukon first nations acknowledge that, that substantively S6 and the amendments that do reflect the five year review and, you know, the 5/7 year review are embedded in this bill and they're happy with that and they were very frank. This is a good piece of legislation. 90 per cent of the bill is a good piece of legislation is what they've told us directly. They have four points of concern, four sections of the bill that they want to talk about and they want to see some movement on and the way to get those four pieces dealt with is to move it to committee and for the Yukon first nations

to take the minister's invitation, which is provide that complementary evidence, provide that complementary support to their concerns and give the federal minister and the committee confidence that what their proposals are are backed by clear evidence that can be supported from a – not just from a policy position but from the legislative responsibility that the minister has to all Canadians, not just to Yukoners. So they heard that and I think they're capable of doing it and this was very much a piece of our discussion yesterday and I think they're ready to deal with it in that fashion and they have a go forward and feel good about that and they know I'm listening. I mean they asked me specifically if I would be able to ensure that the PM understood these concerns as well and I've already completed by writing a direct letter for his attention. So they can be assured that at the highest of levels their concerns are known and that is ultimately part of my responsibility as Yukon's MP to make sure that on an equal basis their concerns are heard and that I'm not here as a lobbyist for any given government or any given industry or any given group or organization. I'm here to provide a balanced perspective of all concerns or all support and of course there is a lot of support for the bill in its entirety as it sits and on a first nation perspective for the bill in its majority subject to the four concerns that they have.

Linklater: Yes, which seem to be ending up in court but so you say there's –

Leef: No, Leonard, I wouldn't – you know, you're kind of sort of stealing away the process for them and painting the sky black a little bit on that. They've clearly said if it goes forward as is they may not be able to support it and they said they may consider court action and clearly on their side when we've had direct discussions they're not interested in going to court. We're not interested in driving anything to court either. You know what we're interested in is making good sound policy based on evidence that comes forward and the minister was, you know, very clear that he invited that complementary support, that evidence for a lack of a better term, that would support their concerns and the door is very much open for them to provide that to him and I've encouraged them to provide that well ahead of the committee time so we can start dealing with it on an urgent and immediate basis and if they're able to do that that's all the better. So they'll have even sort of a longer kick at the cat for lack of a better word to discuss this in conversation with the federal minister before it even gets to committee and then of course they'll have that opportunity in committee. So you know I'm not – I guess I'm not as pessimistic about the outcome or the potential outcome.

Linklater: You're very optimistic for sure. Now as a representative for Yukon you say that there's plenty of support. I guess I'm wondering where that support is coming from because you've got, as I've mentioned, a Casino mine proponents, one of the largest mines in Canada potentially, you've got the first nations all up in arms, who is supporting these amendments?

Leef: Well I mean if you look at – if you look at two things, one, is the Yukon government is supportive of this and they're the elected representatives –

Linklater: They're the ones that proposed the amendments, of course they're supportive.

Leef: And they are the elected government and the elected representatives of the Yukon so that can't be discredited or discounted in this discussion. Of course when you looked at the Senate testimony, which I both sat through and read multiple times over and over, you have the

chamber of mines very supportive of this. They represent a broad base of companies and employees in the Yukon –

Linklater: I think they've moved back from that.

Leef: - ...? association was very supportive of this. Of course they represent large based, small family operation that are right across the Yukon in almost virtually every community in our territory. Alexco was very supportive of this. You have the Yukon Energy Corporation coming and speaking in support of the legislation and talking about some of the challenges with it. So you know – look it, I'm not saying that any one of them has a monopoly over a particular opinion or that it's supported with out contention. Clearly the Yukon first nations have made their concerns widely known and they represent a large group of people as well and like I'm saying, my responsibility here isn't to arrive and be anybody's lobbyist. I'm not here to lobby the position of the CYFN or the Yukon government or for industry. I'm here to make sure that everybody's voice on it is equally shared and equally hear by the minister and I think so far I've done an effective job of ensuring I do that and where I can provide political advice which I did for the CYFN and the respective chiefs on how to move forward with some of these next steps I did that and I think it will be to their support with that advice and that's my role and like I said I think I'm doing an effective job of that right now without being any given lobbyist in any perspective and I certainly, my office and my doors and my e-mail, my phone lines are open for people to ask m e questions, to provide their comments and concerns and I make sure those are always passed forward to the respective decision makers and that's the greatest role that I can and should be playing.

Linklater: Now Mr. Valcourt made comments in regards to first nations not being governments under the UFA. Where do you stand on all of that?

Leef: Well, you know, he was referring specifically to the definition contained in section 2 of the UFA, which defines government as government of Canada and government of Yukon, and you know his point was is, look, if we want to change the definition of the UFA then let's have a discussion about changing the definition but everybody signed on to the UFA and everybody signed on, you know, presumably to that actual definition, which is Canada and government of Yukon are by definition. You know, he was clear and Yukon first nations are governments and they have governance capabilities and governance structures but tying this legislation directly to the UFA and the strength of the UFA he's relying on the definition contained within the UFA and the definition in the UFA is pretty clear and you know I think what becomes a more interesting discussion and I'm not a lawyer but what becomes a more interesting discussion is obviously the recent decision on the Peel and specifically in reference to the interpretation of the UFA's and broadening of interpretation to the definitions and the spirit in intention angle of it and those things become learning curves and pathways of growth for us. I think they become important points of consideration. So, you know, the minister wasn't trying to insult anybody by saying that what he was doing was saying here's the definition in the UFA and I need to rely on this definition and it's not an inappropriate assessment. It's a legislative definition that he was following and you know it really clearly wasn't meant to offend anyone and wasn't said in that spirit at all. It was said in the spirit of this is a document that I have to work with, I'm legally obligated as a protected piece of legislation under the Canadian Charter I've got to agree with the

definition here.

Linklater: Okay. Well, it's certainly did rub people the wrong way and it's left a bad taste in the mouths of people.

Leef: It did. I mean, you're right and we had a conversation about that the next day and you know we have to – I mean, there amends there, rights but it's – we had that discussion and in my meeting with them the next day we did talk about that, you know, I think in terms of our relationship, my relationship with Yukon first nations. We've put that behind us and we're starting to look at how we move this forward and again not for anybody's particular self interest but really truly in the spirit of the best interest for the Yukon.

Linklater: So the amendments will be moving forward as you said and you're hoping that there's something that you can smooth out during committee hearings.

Leef: Well, yes, I mean, really I'm hoping, Leonard, that the Yukon first nations as they were invited are able to craft through the concerns that they have. They know the minister's responses, they have them in writing, they've had them in writing for sometime so they can see the government rationale behind some of the concerns that they've had, some of the reasons why certain pieces of that – certain pieces of that legislation were put in place, certain areas where they have concern where the minister feels as though their concerns are directly addressed in other ways and in substantive ways and they're still not feeling very comfortable with that all he's said is look, you know, for example, the UFA will prevail, that's constitutionally protected. It's protected in the UFA itself and it's protected under the YESA legislation under the following sections so they're not to worry and what they're saying is well we're still worried and that's a fair comment to make only he's saying well, then if you're still worried I'm just inviting you to please provide me some clear evidence that would show where the protection we've built into this legislation you feel isn't strong enough and we need something concrete on that and so he's made the invitation and I would expect and I would hope that Yukon first nations will be able to take him up on that offer and be able to provide the things that he's requested and show support, show evidence based support for their concerns and the committee will certainly consider it and even before that's the case if they're able to provide that directly to the minister because he did say on invitation, I mean, send it to me anytime. So they'll have the opportunity even long before committee happens to provide that to the minister and engage in a different level of discussion with him on that very topic.

Linklater: Okay, well thank you very much for speaking to me today.