

*Government Orders*

commitment to consult on important issues such as this. On behalf of the minister, I am pleased to say that the committee has done an excellent and thorough job. It conducted an extensive review of the proposed changes and provided important feedback that has enabled us to improve and strengthen the legislation.

The advisory committee has representation from all major stakeholders in the Yukon, including non-mining groups. Despite its name, the committee's representation includes aboriginal people, the territorial government, environmentalists, the mining industry and of course the Department of Indian Affairs and Northern Development. I congratulate Mr. W. A. Dunbar, the chair of the committee and all those who participated in the committee's work.

Bills C-51 and C-52 strike an excellent balance between addressing the needs of industry, aboriginal groups and the federal and territorial governments. The balance comes about as a result of consultations with the Yukon Mining Advisory Committee and other concerned parties in the Northwest Territories. The results of this process are an excellent example of what can be achieved through consultation.

We are proposing a number of changes that will modernize and expand legislative controls for managing freshwater resources in the territories. These amendments have three principal objectives: first, to streamline the licensing process; second, to provide greater protection to all persons who may be adversely affected by a water use; and third, to ensure that licence holders comply with terms and conditions through strengthened enforcement measures.

To streamline the water licensing process, we propose establishing a two-tiered licensing system for major and minor water users. For major users the existing water board licensing system will remain in place, including the requirement for public hearings and licence approval by the minister. As well, public hearings which are currently mandatory will be waived when the amendments do not affect the use, flow or quality of waters or the term of the licence.

However, a new speedier process will be established for licensing minor non-controversial uses of water. The territorial water boards will have the authority to issue minor licences without the approval of the Minister of Indian Affairs and Northern Development. Public hearings will not generally be required but the water boards

will have the authority to hold hearings if this would be in the public interest.

The water boards will advertise all applications for licences. As well, the amendments will require the water boards to give reasons for their decisions to grant or reject a proposed new water use. If a licensee will be significantly affected by the new water use, the water boards will not be able to issue the second licence unless both parties agree.

The streamlined mechanisms seek to address the regulatory and administrative burden on minor licence applicants. In so doing, we are simplifying the assessment process while ensuring the opportunity for full review when necessary.

The new legislation will also give the Minister of Indian Affairs and Northern Development explicit authority to issue policy directions to the water boards. This amendment is not intended to give the minister new authority or to limit the independence of the boards. Rather, it will simply clarify the minister's existing accountability which is vague in the current legislation.

• (1120)

The new bills will also give the minister the authority to delegate his responsibilities in relation to the water boards to the appropriate territorial minister. Although there are currently no plans to do so, this new provision will allow delegation at an appropriate time in the future. This would be an interim step prior to devolution of water management to the territorial governments.

Another major improvement over the existing legislation is the proposal to make domestic and instream water users eligible for compensation should their interests be affected by a licensed operation. As a word of explanation, an instream user is someone who uses water to earn income or for subsistence, but who does not actually take water or alter the water's flow. For example, aboriginal people who depend on fishing for income or food would be considered instream users.

Although domestic and instream users are not eligible for licences, under the proposed amendments, the water boards will consider their interests when licence conditions are being developed. This is an important measure because the status of domestic and instream users is unclear in the existing legislation. This is a reasonable and effective means of recognizing the interests of all water users.