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LEGISLATIVE SUMMARY



Bill C-17: An Act to amend the Yukon Environmental and Socio-economic Assessment Act and to make a consequential amendment to another Act

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Notice: For clarity of exposition, the legislative proposals set out in the bill described in this Legislative Summary are stated as if they had already been adopted or were in force. It is important to note, however, that bills may be amended during their consideration by the House of Commons and Senate, and have no force or effect unless and until they are passed by both houses of Parliament, receive Royal Assent, and come into force.

Any substantive changes in this Legislative Summary that have been made since the preceding issue are indicated in **bold print**.

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Legislative Summary of Bill C-17
(Legislative Summary)

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LEGISLATIVE SUMMARY OF BILL C-17: AN ACT TO AMEND THE YUKON ENVIRONMENTAL AND SOCIO-ECONOMIC ASSESSMENT ACT AND TO MAKE A CONSEQUENTIAL AMENDMENT TO ANOTHER ACT

1 BACKGROUND

Bill C-17, An Act to amend the Yukon Environmental and Socio-economic Assessment Act and to make a consequential amendment to another Act,¹ was introduced in the House of Commons on 8 June 2016 by the Minister of Indigenous and Northern Affairs.

The bill amends the *Yukon Environmental and Socio-economic Assessment Act*² (YESAA) by repealing the provisions that:

- authorize the Minister of Indigenous and Northern Affairs (or any other minister responsible for applying the Act) to delegate any of the minister's powers, duties or functions under the Act to the territorial government;
- exempt projects from reassessment when an authorization is renewed or amended;
- establish time limits for project assessments; and
- authorize the Minister of Indigenous and Northern Affairs (or any other minister responsible for applying the Act) to issue binding policy directions to the Yukon Environmental and Socio-economic Assessment Board.

The provisions repealed by the bill were added to YESAA in 2015 with the passage by Parliament of the *Yukon and Nunavut Regulatory Improvement Act*.³

2 DESCRIPTION AND ANALYSIS

2.1 REPEAL OF THE AUTHORIZATION TO DELEGATE POWERS, DUTIES OR FUNCTIONS TO THE TERRITORIAL GOVERNMENT (CLAUSE 1)

The bill repeals section 6.1 of YESAA, which authorizes the Minister of Indigenous and Northern Affairs (or any other minister responsible for applying the Act) to delegate any of the minister's powers, duties or functions under the Act to the responsible Yukon minister.

2.2 REPEAL OF THE EXEMPTION FOR A NEW ASSESSMENT (CLAUSE 2)

The bill repeals section 49.1 of YESAA, which provides that a new assessment of a project is not required when an authorization is renewed or amended.

2.3 ELIMINATION OF TIME LIMITS ON THE ASSESSMENT PROCESS (CLAUSES 3 TO 7)

The bill repeals or amends provisions in YESAA to eliminate all time limits imposed on:

- the office designated by the Yukon Environmental and Socio-economic Assessment Board to conclude its evaluation of a project and determine whether it will approve, refuse or refer the project to the executive committee of the Board (section 56);
- the executive committee of the Yukon Environmental and Socio-economic Assessment Board to conclude its screening of a project that had been submitted to it, as required, and determine whether it will be subject to a review (section 58);
- a panel of the Yukon Environmental and Socio-economic Assessment Board to conclude its review of a project that it has been directed to study by the Yukon Environmental and Socio-economic Assessment Board (sections 72(4.1) to 72(4.4)); and
- the executive committee and panel of the Yukon Environmental and Socio-economic Assessment Board directed to study a project in order to conclude a reconsideration of the recommendations they had issued (section 77(2)).

2.4 ELIMINATION OF THE POWER TO ISSUE BINDING POLICY DIRECTIONS (CLAUSE 8)

The bill repeals section 121.1 of YESAA, which authorizes the Minister of Indigenous and Northern Affairs (or any other minister responsible for applying the Act) to issue binding policy directions to the Yukon Environmental and Socio-economic Assessment Board with respect to the exercise of the minister's powers, duties or functions.

3 COMMENTARY

The *Yukon Environmental and Socio-economic Assessment Act* "is a single assessment process for considering the potential effects a proposed development may have on the Yukon's environment, people, communities and economy."⁴

This Act implements Chapter 12 of the *Umbrella Final Agreement between the Government of Canada, the Council for Yukon Indians and the Government of the Yukon*⁵ (Umbrella Final Agreement) and the resultant final agreements.

During consideration of the *Yukon and Nunavut Regulatory Improvement Act* by Parliament in 2015, several Yukon First Nations opposed some of the changes made to YESAA. The Council of Yukon First Nations believes that these changes contravene provisions of Chapter 12 of the Umbrella Final Agreement and other final agreements.⁶ The Council has since filed legal proceedings to overturn the provisions, but no ruling has been made.⁷

Bill C-17 is the federal government's response to concerns raised by the Yukon First Nations about the amendments made to YESAA in 2015.⁸ The Council of Yukon First Nations welcomes the changes made by Bill C-17.⁹

NOTES

1. [Bill C-17: An Act to amend the Yukon Environmental and Socio-economic Assessment Act and to make a consequential amendment to another Act](#), 1st Session, 42nd Parliament.
2. [Yukon Environmental and Socio-economic Assessment Act](#), S.C. 2003, c. 7.
3. [Yukon and Nunavut Regulatory Improvement Act](#), S.C. 2015, c. 19.
4. Indigenous and Northern Affairs Canada [INAC], [Yukon Environmental and Socio-economic Assessment Act Five-year Review](#), 2013.
5. INAC, [Umbrella Final Agreement Between The Government Of Canada, The Council For Yukon Indians And The Government Of The Yukon](#), 1993.
6. Ruth Massie (Grand Chief of the Council of Yukon First Nations), [Presentation to the Standing Senate Committee on Energy, the Environment and Natural Resources](#), 25 September 2014.
7. Champagne and Aishihik First Nations et al., ["Yukon First Nations File Petition in Yukon Supreme Court To Reverse Amendments to YESAA"](#), News release, 14 October 2015.
8. INAC, ["Bill C-17 – Amendments to the Yukon Environmental and Socio-economic Assessment Act \(YESSA \[sic\]\)"](#), Backgrounder, 8 June 2016.
9. INAC, ["Government of Canada Moves to Address Yukon First Nations' Concerns about Environmental Assessment Rules: Introduces a bill to amend the Yukon Environmental and Socio-economic Assessment Act \(YESAA\)"](#), News release, 8 June 2016.