



# Yukon Legislative Assembly

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## HANSARD

Thursday, October 26, 2017 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

# YUKON LEGISLATIVE ASSEMBLY

## 2017 Fall Sitting

**SPEAKER — Hon. Nils Clarke, MLA, Riverdale North**  
**DEPUTY SPEAKER and CHAIR OF COMMITTEE OF THE WHOLE — Don Hutton, MLA, Mayo-Tatchun**  
**DEPUTY CHAIR OF COMMITTEE OF THE WHOLE — Ted Adel, MLA, Copperbelt North**

### CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
<b>Hon. Sandy Silver</b>	Klondike	Premier Minister of the Executive Council Office; Finance
<b>Hon. Ranj Pillai</b>	Porter Creek South	Deputy Premier Minister of Energy, Mines and Resources; Economic Development; Minister responsible for the Yukon Development Corporation and the Yukon Energy Corporation
<b>Hon. Tracy-Anne McPhee</b>	Riverdale South	Government House Leader Minister of Education; Justice
<b>Hon. John Streicker</b>	Mount Lorne-Southern Lakes	Minister of Community Services; Minister responsible for the French Language Services Directorate; Yukon Liquor Corporation and the Yukon Lottery Commission
<b>Hon. Pauline Frost</b>	Vuntut Gwitchin	Minister of Health and Social Services; Environment; Minister responsible for the Yukon Housing Corporation
<b>Hon. Richard Mostyn</b>	Whitehorse West	Minister of Highways and Public Works; the Public Service Commission
<b>Hon. Jeanie Dendys</b>	Mountainview	Minister of Tourism and Culture; Minister responsible for the Workers' Compensation Health and Safety Board; Women's Directorate

### GOVERNMENT PRIVATE MEMBERS

#### Yukon Liberal Party

<b>Ted Adel</b>	Copperbelt North
<b>Paolo Gallina</b>	Porter Creek Centre
<b>Don Hutton</b>	Mayo-Tatchun

### OFFICIAL OPPOSITION

#### Yukon Party

<b>Stacey Hassard</b>	Leader of the Official Opposition Pelly-Nisutlin	<b>Scott Kent</b>	Official Opposition House Leader Copperbelt South
<b>Brad Cathers</b>	Lake Laberge	<b>Patti McLeod</b>	Watson Lake
<b>Wade Istchenko</b>	Kluane	<b>Geraldine Van Bibber</b>	Porter Creek North

### THIRD PARTY

#### New Democratic Party

<b>Liz Hanson</b>	Leader of the Third Party Whitehorse Centre
<b>Kate White</b>	Third Party House Leader Takhini-Kopper King

### LEGISLATIVE STAFF

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Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Doris McLean
Deputy Sergeant-at-Arms	Karina Watson
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly  
Whitehorse, Yukon  
Thursday, October 26, 2017 — 1:00 p.m.**

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

*Prayers*

## DAILY ROUTINE

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

## TRIBUTES

### In remembrance of Joy Karp

**Hon. Mr. Mostyn:** Thank you, Mr. Speaker. I rise today on behalf of all members of this House to pay tribute to the late Joy Karp.

Joy was born on March 10, 1949 to Herman and Zelda Roodman in Ottawa, Ontario. At the age of 17, she met her soulmate Rick, and they remained together for the rest of her life. The couple was married on August 25, 1968. Joy attended Carleton University and gave birth to twins, Shaun and Ursula, on August 20, 1970. Her life was wracked by life-threatening incidents, starting with a car accident in 1974. However, the string of tragedies did not prevent her from living a full life. In fact, those who knew her can attest that her spirit was indomitable and allowed her thrive.

This morning, I was told that prior to 1986, schools in the territory flew Big Macs to Whitehorse from Fort St. John for fundraisers. Well, thankfully, Joy and Rick Karp rendered that practice obsolete, Mr. Speaker. In 1985, Joy and Rick arrived in Whitehorse. They opened the first McDonald's north of 60 during Rendezvous in 1986. Their opening day sales set a Canadian record that held for a few years and they were number one in Canada for four months. Joy and Rick won the Ronald Award presented to the top three Canadian restaurants. There were more than 1,500 restaurants in the country at the time. Joy and Rick eventually sold the McDonald's franchise and retired — sort of. Two years later, they opened Hair Sensations.

There is not enough time today, Mr. Speaker, to list all her accomplishments, but some highlights include: Joy developed a training program for McDonald's restaurants that eventually went global — McDonald's hands-on business training program. She was named employer of the year several times. She was instrumental in bringing the Special Olympics to Whitehorse. She arranged an outdoor play area for the Child Development Centre when it was moving to its new site. She arranged for the first training computers for the Child Development Centre and she arranged funding to make the Yukon Arts Centre wheelchair accessible.

Joy made the Yukon a better place during her time here. Of this, there is no doubt. She worked tirelessly for causes and helped the less fortunate among us. She did this despite suffering severe health problems and having endured

traumatic incidents. She might have simply focused on her own well-being — that would have been totally understandable — but she did not. Instead, she expended her time and energy in helping others.

So with sadness and respect, we say goodbye to a Yukoner with an indomitable spirit, who left a mark and left us far too soon.

I would like this Assembly to please join me in recognizing Joy's husband Rick Karp, and her friends Nancy Mitchell, Mike Pemberton, Andre Sampson, Nicky Rosenberg and Stan Thompson.

*Applause*

**Speaker:** Introduction of visitors.

## INTRODUCTION OF VISITORS

**Ms. Hanson:** I would like to invite all Members of the Legislative Assembly to join me in welcoming some very special guests today to the Legislative Assembly, who are here for a very special occasion.

First of all, I would like to introduce the Rev. Dr. Larry Kochendorfer from the Evangelical Lutheran Church in Canada. He is the bishop of the Synod of Alberta and the Territories. Welcome, Bishop Larry. I would like to also ask you to welcome the Rev. Dr. Ann Salmon, who is from the Lutheran Theological Seminary at the University of Saskatchewan at Saskatoon. Prior to going to Saskatoon, Ann was in Edson and served as mentor to my daughter Sarah Mowat's internship at the Lutheran and Anglican parishes there.

Also welcome to the newly ordained Rev. Jailyn Corbin, Lutheran Pastor in Lac Labiche; Lorraine Hoyt from our very own Trinity Evangelical Lutheran Church here in Whitehorse; my daughter Paula Mowat, who is Sarah Mowat's sister; good friend Debra Ransom from St. Albert, Alberta, who actually served as witness at my wedding to Douglas Mowat — Sarah's father — and Sarah Mowat. Sarah Mowat is my daughter. She is soon to be Rev. Sarah Mowat. She will be ordained this afternoon at Trinity Evangelical Lutheran Church and will be pastor for Redeemer Lutheran Church and St. Paul's Anglican Church in Biggar, Saskatchewan.

*Applause*

**Hon. Mr. Streicker:** I just wanted to make a couple of small acknowledgments. The first one is Mr. Mike Pemberton, who the Minister for Highways and Public Works just introduced. I happen to be working with Mike's wife, and I would like to acknowledge his presence here today. She has newly joined our team and it's great. Stan is the chair of the Whitehorse Chamber of Commerce.

I just wanted to point out that last week, when we were discussing Poverty and Homelessness Action Week here, we had a Whitehorse Connects and I just want to acknowledge Rick and Joy. I know that the Yukon Anti-Poverty Coalition has recognized you for many years for contributing to Whitehorse Connects and bringing the business community in

to all citizens in making it accessible for everybody. I just wanted to say thank you very much.

*Applause*

**Hon. Mr. Pillai:** I also ask the Assembly today to help me in welcoming Maya Rosenberg, who is here today and is a very well-known local artist and a tireless volunteer for different community organizations. She is always there to lend a hand.

*Applause*

**Speaker:** Are there any further introductions of visitors?

Are there any returns or documents for tabling?

### TABLING RETURNS AND DOCUMENTS

**Hon. Ms. McPhee:** I have for tabling a legislative return — a response to a question asked by the Member for Kluane on October 4, 2017. I also have for tabling a legislative return — an answer to a question asked on October 4, 2017 by the Member for Kluane. I also have a legislative return that is a response to a question asked by the Member for Porter Creek North on October 4, 2017. Lastly, I have another legislative return, which is a response to a question asked on October 4, 2017, by the Member for Porter Creek North.

**Hon. Mr. Pillai:** I have for tabling a legislative return in response to Written Question No. 19 from the Member for Copperbelt South. I have an additional response for a question from this spring.

I have for tabling a legislative return in response to questions asked by the Member for Takhini-Kopper King on June 12, 2017.

**Hon. Ms. Dendys:** I have for tabling a legislative return today for questions arising from our witnesses from the Yukon Workers' Compensation Health and Safety Board from October 17.

**Hon. Ms. Frost:** I have for tabling two legislative returns. The first one is in response to questions asked during Question Period by the Member for Kluane regarding the social housing wait-list on October 24.

The second legislative return is in response to questions asked during Question Period by the Member for Porter Creek North regarding wait times for alcohol and drug services. That was on October 23.

**Speaker:** Are there any further returns or documents for tabling?

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motions?

### NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to continue to be guided by the following priority commitments as it enters the second year of its mandate:

(1) our people-centred approach to wellness helps Yukoners thrive;

(2) our strategic investments build healthy, vibrant and sustainable communities;

(3) our strong government-to-government relationships with First Nations foster reconciliation; and

(4) our diverse growing economy provides good jobs for Yukoners in an environmentally responsible way.

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

THAT this House urges the Government of Yukon to extend the consultation period for the development of a *Public Airports Act* in order to allow interested parties and the public an opportunity to participate in a meaningful way.

**Ms. Hanson:** I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to

(1) disclose the nature and scope of environmental concerns regarding government lands at 5<sup>th</sup> Avenue and Rogers Street in Whitehorse;

(2) develop and implement a plan to remediate the site; and

(3) collaborate with the City of Whitehorse to make the land available for development.

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

THAT this House urges the Minister of Environment to exercise her authority to manage wild elk by taking action to properly manage the population, increase hunting opportunities, and prevent the destruction of crops and fences, including:

(1) increasing the number of elk permits that are issued each year;

(2) implementing a landowner permit that allows farmers to defend their property from property damage caused by this introduced species; and

(3) consulting with stakeholders including the Yukon Agricultural Association, Ibex Valley Local Advisory Council, Growers of Organic Food Yukon, renewable resources councils, the Fish and Wildlife Management Board, Yukon Fish and Game Association, and all farmers who are directly affected by the government's imported elk herd on changes to the management plan and harvest management plan focused on keeping the wild elk in the core range and preventing damage to farms.

**Speaker:** Are there any further notices of motions?  
Is there a statement by a minister?

This then brings us to Question Period.

## QUESTION PERIOD

### Question re: Social housing

**Mr. Istchenko:** We've been trying for a week to get the minister of housing to share with us the current wait-list for social and seniors housing. Now we know she was reluctant to share this information. In less than one year under the Liberals, the wait-list has doubled from 105 to 217 as of September 30.

Mr. Speaker, the minister has \$7.6 million for social housing in her budget. We've asked the minister for a week now how many housing units she is going to build this year, but she has not answered, so we can assume she isn't building any new units. What is she spending the money on?

**Hon. Ms. Frost:** I thank the Member for Kluane for the question. The tabled document today provides the numbers with respect to social housing wait-lists and how and where the money is being spent. The \$7.2 million — the funding is defined. A lot of the resources that come in through Yukon Housing Corporation are federally resourced funding, as the member opposite knows well, and defined by federal mandate. We work with the Housing Corporation and the board and defined the key priorities in how the funds are allocated.

We will have a debate, I'm sure, on the budgets that come forward with respect to where and how the funds are being spent. That was submitted last term. I would be happy to review that in detail with the member opposite or I can have the staff do that. I think a definition of where the funds are being resourced has been made known already.

**Mr. Istchenko:** I thank the member opposite for the answer.

As we have established, the wait-list for seniors housing has doubled under the Liberals watch. Can the minister plainly just tell us how many social and seniors housing units will be built in the communities outside of Whitehorse this year?

**Hon. Ms. Frost:** I thank the member opposite. How many housing units will be built this year? That's a question that we will have to present at a later date. Right now, what we're doing is we're working with the communities. I am going to refer back to where we were — where the government was, actually — in 2014. The Member for Lake Laberge would well know that the housing action plan that was put on the floor of this Legislature and the budgets that were identified for social housing and seniors housing — the 75 units that were identified and the \$13 million that was identified were, I think — it was defined then as being cancelled.

We have resources available now in our budgets that will look for scoping-out opportunities for aging well and aging in place in our communities. We have municipal matching grants that we have added to. We're working with our partners.

In fact, tomorrow we are opening up a four-unit facility in Whistle Bend that is in partnership with the City of Whitehorse, the Da Daghay Development Corporation and Yukon Housing Corporation along with Health and Social Services.

Some pretty progressive actions taking effect in the Yukon in collaboration with our partners to address some of the challenges in rural Yukon specifically.

**Mr. Istchenko:** I guess I thank the minister for highlighting some of the successes we had — the previous government had — but can the minister provide one tangible example of something her government is doing to reduce the housing wait-lists? We've been asking about wait-lists. How much will this action actually reduce the wait-list by?

**Hon. Ms. Frost:** I can highlight a few things. Yesterday in Question Period and in the media, there were questions around what we are doing with the Ross River Dena Council. How are we working with the community? We have done some really progressive things. We have worked with the community to find solutions. We have worked with the City of Dawson, the Tr'ondëk Hwëch'in First Nation, and we are following through on commitments. We have worked with the Little Salmon Carmacks First Nation and the municipality of Carmacks itself to try to identify some of the challenges there. We are working broadly with Yukon First Nations in coming up with a longer term strategy.

As perhaps the member opposite would know, the long-term housing strategy for Yukon Housing Corporation expired and the vision for the Housing Corporation had not gone far enough. I wasn't actually highlighting for reference the successes; I was really highlighting that the title of the note is that affordable housing in Whitehorse was cancelled because the project for affordable housing three years ago was actually cancelled and the vision there for long-term initiatives had not been considered. What this government is doing is really looking at public engagement, looking at strong financial and fiscal responsibilities.

### Question re: Ross River infrastructure

**Mr. Hassard:** Mr. Speaker, yesterday, the minister of housing told us that the six-plex in Ross River will be used for staff housing. She then said that the housing that will be vacated when staff move into that six-plex will be given to the Ross River Dena Council. However, after she said this, Cabinet staff contradicted her by sending an e-mail to media saying that a final decision of what to do with the existing buildings has not yet been made.

Mr. Speaker, can the minister tell us who was correct here: Is it her or the staff?

**Hon. Ms. Frost:** I would be happy to respond to the Leader of the Official Opposition. As he would know, during the presentation that we first presented to the Ross River Dena Council, we talked about the housing challenges and the significant social impacts that the community was confronted with. At that time, they talked a lot about the mould situation, the unsafe housing situation. His presence there, along with my colleague from Community Services and members of Yukon Housing Corporation and of Health and Social Services — presented to the community that we would work with them to find the solution to address housing challenges in the community. We have really worked collaboratively with the federal government, given that the federal government has

jurisdiction in the Ross River Dena Council to provide supports, given that they are defined under the *Indian Act* as an *Indian Act* First Nation.

We have stepped up to the plate and worked in collaboration with the First Nations and with our partners — so all levels of government working to find the solutions. The six-plex unit that we've identified and that I highlighted yesterday — well, that was the initiative by the former government for staff housing and that's true. I thank them for that because clearly that's the vision that we're following through on as well — to find solutions for all of our communities.

**Mr. Hassard:** I certainly did not hear an answer to that question, but we'll try again here. Yesterday, the minister said that, after the six-plex, which, as she stated, was started under the previous government — when it is completed, the government is going to give existing staff housing to the Ross River Dena Council. We have seen some conflicting versions of these events. She and her staff seem to disagree on what is actually being done. I would point out, Mr. Speaker, that handing over those vacant units was already a decision made under the previous government as well.

I'm wondering: Can the minister point to something — anything — that her government has done to address housing issues in Ross River?

**Hon. Ms. Frost:** I would be happy to answer that question. I guess it begs the question: What has happened prior? Why did we come to this situation where it's defined as a critical crisis and why is it that there had to be some immediate intervention to address the challenges? What have we done? We've raised the bar. We've worked with the Ross River Dena Council. We've worked with Indigenous and Northern Affairs Canada. We've provided the necessary capacity and training they needed to effectively implement and manage the resources they have.

The transfer of the units — perhaps the member would know that in terms of land transfers, you cannot just transfer a bunch of units over to a non-settled First Nation. You can transfer the units, but there are some legal complications around the land. Those are things that are being worked through with the Ross River Dena Council and are being worked through with Indigenous and Northern Affairs Canada.

The assessments and inspections will be done once the units are vacated and the new six-plex is opened up. We will ensure that the homes are safe and ready and have a longer lifespan than what is current. We're putting the resources into the units so that the Ross River Dena Council members can have a safe, healthy environment in which to live.

**Mr. Hassard:** The Liberals promised during the election to build new housing in Ross River.

Can the minister tell us how many housing units her government has built in Ross River? To clarify for the minister, I'm not asking about a six-plex that the previous government started. I'm not talking about what the federal government is doing. I'm asking her: How many housing units

has her government built in Ross River and how many do they plan on building?

**Hon. Ms. Frost:** I'm going to speak broadly about what is happening in Ross River because I think that is really fundamental and the underlying issue of the Ross River Dena Council is to build more houses. At this point, the capacity in the community doesn't allow that. We have seen over the course of time and in doing an internal assessment with our partners that the resources that the Ross River Dena Council was getting and receiving was sufficient, as is the language from the federal government for the housing units that they needed.

We were stepping up to the plate and providing them with the support they needed. If, at some point in the future, as we work through the integrated communities sustainability plan with the Ross River Dena Council, we will identify the climate change and adaptation measures. The member opposite would know as it is his riding that climate change is affecting the whole parameters of the Ross River Dena Council. They are considering moving the community at some point in the future because the school is one example — a bad example — of what has happened with building on that unstable foundation. That is what we're working toward. We're not going to sink more money into sinking ground. We're going to sink more money into sustainability and long-term initiatives in collaboration with our funding partners.

#### Question re: Mobile-homeowners

**Ms. White:** Mr. Speaker, a couple of years ago, mobile-homeowners rallied together. More than 400 of them signed a petition calling on the government to address the inequities they face. In a pre-election last-ditch effort to cover years of inaction, the previous government put out a survey to assess the situation and determine next steps. The current Minister of Community Services released the results of the survey earlier this year.

Those results are staggering, Mr. Speaker. Seventy-three percent of respondents said they could not afford to move their home if they were forced to. Yet, Yukon still allows for mobile-homeowners to be evicted from the land they rent without cause. When will the minister ban evictions without cause for mobile-homeowners?

**Hon. Mr. Streicker:** I thank the member opposite for the question. I think we all care about mobile-homeowners. They represent an important piece of the puzzle around home ownership. That is often where first-time homebuyers enter into the housing market and is part of the continuum of ensuring that we have affordable housing here in the territory.

It is true that when we saw a mobile home park close a few years ago, we saw the challenges around that. I have been in conversations with, for example, the City of Whitehorse around this very issue. It is important that when we work, we work in partnership with groups like the city, the mobile home park owners and the mobile-homeowners, who are also renters. It does present a significant difference to other types of ownership. While it is true that there were concerns that were raised, it is also true that we have a new piece of

legislation and we are working to see how that legislation works in support of all homeowners.

**Ms. White:** Another issue that came up clearly in the survey is that mobile-homeowners are struggling to deal with unlimited annual pad rents. Some parks have seen pad rents increase three or four times the inflation rate over the last few years. The same rate of rent increases would represent over \$100 year after year for someone renting a basic two-bedroom apartment. The difference is that a tenant renting an apartment can move; whereas, as I have mentioned, a mobile-homeowner doesn't have that opportunity. This is making the most affordable path to home ownership less and less accessible.

Mr. Speaker, will the minister act now to cap annual pad rent increases to the rate of inflation?

**Hon. Mr. Streicker:** As the member opposite — the Member for Takhini-Kopper King — noted, we released the results of the survey, and we feel the issue is important and they should have access to those survey results, so that is what we did. It is, as I just said, an important part of the continuum and I also acknowledged that it is challenging for mobile-homeowners to move. That is a challenge because they have this investment in something that is not so mobile.

Yes, we did speak to the mobile-homeowners and they expressed those concerns. We have a landlord and tenant office, which is there to address concerns and to work with tenants and landlords to deal with the challenging issues that they have. We are not looking to cap — I think I have said that here in the Legislature before. I appreciate that this was a campaign promise by the Yukon NDP, but it wasn't one that we brought forward. We will continue to work through the legislation that we have in place.

**Ms. White:** The Liberal campaign promise was to subsidize pad rents. The fact that the minister won't commit to address the two most serious issues faced by mobile-homeowners is an embarrassment to a government that promised to act on housing. Mobile home ownership is the most accessible path to home ownership, but mobile-homeowners are in a precarious situation because Yukon's law is heavily tilted against them.

The minister has an opportunity to provide certainty and even up the playing field so mobile-homeowners have a basic level of protection.

Mr. Speaker, why won't he act and ban evictions without cause and cap pad rent increases to inflation?

**Hon. Mr. Streicker:** I appreciate many of the things the member opposite is saying. Mobile homes represent a significant piece of home ownership and often one of the most accessible pieces of home ownership. It's an important piece.

If the member is asking why I won't work with mobile-homeowners, I will. I'm happy to work with them. If she's asking for specific campaign promises that she put forward, no, sorry, they're not our campaign promises, but I'm very happy to continue to work with mobile-homeowners and mobile home park owners to try to ensure that this form of home ownership is sustainable over the long term.

We have in place a new *Residential Landlord and Tenant Act* and we have a board that is there to help resolve disputes between landlords and tenants, which includes mobile home park owners and mobile-homeowners.

#### Question re: Childcare services

**Ms. Hanson:** This government, like its predecessor, talks the talk about the importance of Yukon children; however, when it comes to walking the walk, it seems not much has changed. The direct operating grants offered to licensed daycares and day homes throughout Yukon have not increased since 2007. Over the same time, Mr. Speaker, federal transfers to Yukon — essentially the government's direct operating grant — have increased by 56 percent.

In June of this year, this government signed a national child care and early learning agreement with the federal government. Yukon is targeted to receive an additional \$2.4 million a year over the next 11 years. When will the government increase direct operating grants to licensed daycares and day homes?

**Hon. Ms. Frost:** I would like to thank the Leader of the Third Party for the question. This fiscal year, the Department of Health and Social Services is expected to provide more than \$7 million to childcare programs through various funding initiatives, including direct operating grants and childcare subsidy programs. We have budgeted \$3.9 million for direct operating grants and have thus far provided \$2.15 million to childcare program operators to assist with operational costs.

We have also budgeted \$2.5 million for childcare subsidy programs and, to date, have provided over \$590,000 for childcare operators on behalf of families who may otherwise be unable to afford childcare services.

Quality, accessible and affordable childcare is an important factor in early childhood development. We work with the childcare community to ensure there are quality childcare services for children and families in the Yukon.

**Ms. Hanson:** Direct operating grants do provide essential assistance to operators to provide the best care for our children — that's what they're intended to do. This funding is meant to support operators so that the full cost of daycare doesn't have to be passed on to families. Without this funding, parents would be paying much higher daycare costs.

What is happening is that daycare owners are striving to offer high-quality, sustainable childcare. This means providing safe places, quality programming and nutritious meals. Heating and utilities, rent, insurance and supplies also come under the direct operating costs. We all know that all of these costs have gone up over the last 10 years. The operating grants that the minister has just cited have not increased over those 10 years.

Again, Mr. Speaker, when will this government increase the direct operating grant for daycares?

**Hon. Ms. Frost:** The member opposite is correct. The last time the direct operating grant was updated was in 2008. Then the childcare programs and operators called for the program to be reviewed. The wage portion — the component of the grant was really directed to increasing wages and not so

much to the childcare programming. I absolutely agree that it is time for us to have an assessment and a review. That's what I will commit to doing.

We have recently signed a national multilateral early learning and childcare framework between Canada and the provinces and territories to secure funding for childcare initiatives. That bilateral discussion has yet to resolve itself, and when that happens, we will most certainly work through Health and Social Services in consultation with Department Education and our community stakeholders to better align childcare services in our communities.

**Ms. Hanson:** We know from speaking with operators of daycares that recruiting and keeping qualified staff is a major challenge. That's because cash-strapped daycares are often forced to pay well-trained and educated staff below a living wage.

Let's review. The government has not increased funding to daycares and day homes for over 10 years. The federal government's transfer to Yukon has increased by 56 percent over the same last 10 years. This government will be receiving an additional \$2.4 million per year, earmarked for children, from the federal government.

I'm pleased to hear the minister acknowledge that this area is important but, like so many other commitments, we have yet to hear a commitment about doing something by a certain time. When will this government show its commitment to Yukon children and increase the direct operating grant for daycares so they can retain their qualified staff by paying them a wage they deserve?

**Hon. Ms. Frost:** It's a great question, by the way. I think that what we are doing, most definitely, is an indication of where we landed with our childcare programming and services. We're hearing and recognizing that there are some major challenges ahead of us, and I intend to work with the communities and work with our childcare centres in trying to address the programming side.

What I do know is that, based on the funding — the direct operating grant — to licensed childcare centres, the funding goes to augment and enhance wages, and the daycares define how they spend that funding that goes to the childcare centre. Of that, there are 37 childcare centres and 22 day homes in Yukon. We have 1,400 licensed childcare spaces in Yukon. Not all of it is occupied, but we do provide the necessary supports up to this point. It's my understanding that the direct operating grant was increased from 29 percent to 32 percent in 2007.

I absolutely agree that there has to be a review of that program to best align itself with the needs of our children and our Yukoners, and that's what we've committed to do.

#### **Question re: Renewable energy**

**Mr. Kent:** With the co-hosted energy conference in town this week by the Yukon government and the Pembina Institute, I thought I would take the opportunity to ask some renewable energy questions of the Minister of Energy, Mines and Resources.

In 2015, the Yukon government joined a number of other Canadian jurisdictions in seeking ways to reduce diesel dependency, primarily for power generation in remote communities. This Manitoba-led initiative was agreed to at the energy ministers' meeting in Halifax that year.

I'm curious if the minister can give us an update on whether or not this work is still ongoing, and also what new actions his government has planned for our non-hydro communities as a result of this work.

**Hon. Mr. Pillai:** I would like to thank the Member for Copperbelt South for his question.

Certainly, part of the focus now is to build on the existing work. Some of the key elements that are being focused on now are, first and foremost, the independent power production work. Certainly, there was some policy work done by the previous government but there were certainly some gaps in that work, and so focusing on that — bringing together working groups that take into consideration the players within the Yukon — that being the Yukon Development Corporation as the Crown corporation that oversees Yukon Energy Corporation, ATCO, which is here this week, taking part in the conference that we just co-hosted with the Pembina Institute. It was a great opportunity to speak to the conference and talk about some of the work we're doing.

Certainly, the IPP piece is key — really trying to push that forward. We need to get that to the finish line because that gives us the plug and play on moving these projects forward through the community. I'll continue to expand on this on the supplementary questions, Mr. Speaker.

**Mr. Kent:** Actually, my first supplementary is about the IPP. During the Spring Sitting, I asked a number of questions of the minister regarding the independent power production policy, or the IPP. Regarding Northern Energy Capital's planned wind farm on Haeckel Hill, an EMR official told the *Whitehorse Star* in April of this year — and I quote: "I would be surprised if we were not ready to go by then," he said of early next year. "I mean, that is almost a year from now."

He also mentioned that discussions on a power purchase agreement were underway. I know the minister touched on it briefly in his first response, but can he give us an indication of where his government is at with finalizing the IPP and will he be ready for Northern Energy Capital's planned wind farm with a power purchase agreement? Perhaps he could update the House on where they're at, as well, with their project.

**Hon. Mr. Pillai:** I will try to do my best to touch upon a few different highlights or questions there.

First and foremost, there is a series of initiatives that are out there right now — some that the member opposite would be aware of from the government's previous time — that being the wind project, not only on Haeckel Hill, but also the wind project in the Kluane region where dollars were put aside — but once again, that framework still needed some work.

Also, I'm having very aggressive conversations right now with the Vuntut Gwitchin government. Of course they're moving very quickly on their solar project, trying to ensure



that we support the conversation between ATCO, which is right now of course producing energy in that community, ensuring that there can be a cohesive way forward for both groups.

We're continuing to have discussions with individuals and organizations in Watson Lake. The Member for Watson Lake, who has been a strong supporter of, I think, the biomass initiative there — having discussions on that piece — continuing to support and work with Teslin Tlingit Council on their initiative. They are still tooling up and making sure that they have things in place.

I don't know if it's a question about whether we will be ready for what needs to be done on Haeckel Hill; it's about making sure that we walk along with that organization so that we're both ready at the same time.

**Mr. Kent:** The final program I wanted to touch on with respect to renewable energy is the microgeneration program. It was introduced of course by the previous government and has, by all accounts, been quite successful. I believe local media reports suggest that Yukon is now number two per capita in Canada for solar installations. When we introduced this program, there was a maximum of \$5,000 per household — I think up to 20 percent of the total cost — which was a grant to install these renewable systems, as well as an amount that was paid for excess electricity returned to the grid.

Mr. Speaker, if the minister doesn't have these numbers, I would accept a legislative return, but we're interested in finding out how much money has been paid out to participants who are selling excess electricity. Also, are there any plans to enhance the grant or the rates for this program?

**Hon. Mr. Pillai:** I'll touch upon the fact that I think it's a fantastic program. The numbers that I will have in my briefing will not be as current because this program is moving and there is a huge uptake. I commend the opposition for the work on this.

When I look at the program, some of the things that I am taking into consideration are how we look at expanding this program, also taking into consideration what supports are coming into place in conjunction with the federal government. Part of those pressures that we have seen as we move toward a carbon-pricing model is also the opportunity — and there is huge opportunity — for significant support programs and dollars, so we have to ensure that we put those dollars to work in the right way.

We're working with a series of individuals in the community and organizations and I'll expand on that as we go into the next numbers of days in the Legislative Assembly. I will get the numbers concerning the uptake of the program and the dollars that have been put out, but also I would love to have a debate in this House, whether it is a motion from across the way or something we table, to talk about how we expand this.

I spent some time this past week with agricultural sector players. What a great place for us to be looking at maybe expanding the program and this is a great spot to have a debate on that topic.

**Speaker:** The time for Question Period has now elapsed.

We will have introduction of visitors, outside of the time provided for in the Order Paper.

## INTRODUCTION OF VISITORS

**Hon. Mr. Mostyn:** I would like the members of this Assembly to please welcome a friend and former colleague — Gill Cracknell.

*Applause*

**Speaker:** We will now proceed to Orders of the Day.

## ORDERS OF THE DAY

**Hon. Ms. McPhee:** 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 (Mr. Hutton):** Order, please.

Committee of the Whole will now come to order.

The matter before the Committee is general debate on Bill No. 6, entitled *Public Airports 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:** Committee of the Whole will now come to order.

### Bill No. 6: *Public Airports Act*

**Chair:** The matter before the Committee is general debate on Bill No. 6, entitled *Public Airports Act*.

**Hon. Mr. Mostyn:** Thank you, Mr. Chair. I have my officials Allan Nixon and Bheagh Dabbs joining me this afternoon through this discussion.

The purpose of this bill this afternoon is to establish an act that is built for the aviation world and will allow the Yukon government to properly manage and support its critical aviation infrastructure assets.

Where do I start, Mr. Chair? This is an issue, a need that has been percolating for the last 22 years. The expectation from the federal government was that, after the devolution of airports in 1990 and 1996, the territorial government would establish an airports act and, until then, would operate under the airport devolution agreements.

At that time, Transport Canada notified us that we had 10 years to establish an airports act of our own — 10 years. They weren't bluffing. In 2006, true to their word, Transport Canada removed us from the list of airports under the federal *Airport Traffic Regulations* and the *Traffic on the Land Side of Airports Regulations*. Yet here we are, still attempting to fly under the radar.

I can tell you, Mr. Chair, it's not working. The Yukon aviation community is expected to know what the processes are; they're expected to know which regulations to adhere to and which acts and regulations apply to them, all of this on top of the existing and stringent federal regulations that govern the aviation industry.

I'll be honest: the existing piecemeal-legislation approach we are using has caused frustration and mistrust because of our opacity and excessive red tap — and rightfully so. The *Public Airports Act* before this House today provides the clear authority to create or implement regulations and operating policies and procedures to meet the federal safety and security requirements and to manage commercial and non-commercial activity on airport property.

An airports act addresses existing gaps in Yukon's authority over airport operations, providing for the efficient and safe management of airports and ensuring Yukon's ability to comply with federal regulatory requirements. An airports act clarifies government's role and enables government to more readily respond to tenant requests, to manage traffic flow through our facilities and to improve service at our airports. The *Public Airports Act* will bring Yukon in line with all other Canadian jurisdictions to have measures in place to ensure the safe, effective and clear operations of their public airports and airport lands.

I want to note again that we are the last jurisdiction in the country without such legislation. We are confident that the *Public Airports Act* will provide the needed clarity and efficiency that both the Yukon government and the Yukon aviation community want.

I thank you for your time today, Mr. Chair, and I look forward to any questions the members opposite may have.

**Mr. Hassard:** It is a pleasure to rise today to speak to Bill No. 6, the *Public Airports Act*. A lot has been said about this bill in the Legislature as well as in the media. I think a lot of it needs to be brought up again. There have been huge issues with the consultations on this bill, and I think that we need to recognize that as we begin discussing this piece of legislation here today.

However, before I start, I would like to comment on my disappointment that this Liberal government did such a poor job of consultation, and then last week attempted to ram the bill through the House without speaking to industry. As you know, Mr. Chair, the Liberals have — in my mind — failed spectacularly on doing robust and meaningful consultation on this act. They did not have public consultations. They did not hold consultation with municipalities and First Nations, and they, of course, did not hold consultations with the tourism industry. This is all disappointing. We certainly have mentioned this before.

As we have remarked before, they barely even held consultation with the aviation industry. This did not allow industry to provide input in a meaningful or helpful way before the minister tabled this legislation. The results of this reckless approach have been that many in the industry have asked for the bill to be put aside until they have been properly consulted.

As we have mentioned, even today, as we discuss this bill in Committee of the Whole here, the minister still has not bothered to ask the public, municipalities, First Nations or the tourism industry for their input. We still have significant issues with that fact.

If I could just touch on the bill for a minute, Mr. Chair — it is the very first piece of legislation like this in the territory's history. It is not a simple amendment. It is a brand new, big piece of legislation, and it is legislation that is going to change the way that our airports are governed here in the territory. That right there would, by itself, merit public consultation, I think, but there are more reasons why this minister needs to do more consultation on this legislation. Our communities and our constituents rely on our airports and so we need to consult them as well — not just who the minister decides to consult, but our communities and our constituents.

We also know that this legislation could very well impact the tourism sector, so this consultation process, which ignored the tourism industry, simply is not enough. Simply put, I believe that the government should have conducted full consultation.

We need to ask ourselves how this could impact businesses in the territory. By not asking them and consulting with them, I feel that the government is showing disrespect to those businesses, and I think that we should not be disrespectful to them. These are major employers in our territory. They provide through charity and give back to our communities in big ways.

One of the interesting things for me was the fact that the Liberals ran their campaign with the slogan of "Be Heard". However, I feel that their approach of not consulting on this piece of legislation completely runs counter to that ideal. We've made the point several times that, for such a major piece of legislation that could very well impact all Yukoners, the Liberal government should have consulted all Yukoners. At the very least, they should have properly consulted industry.

We heard again today from the minister that we have been waiting for this piece of legislation for 22 years. However, we have still yet to hear what the urgency is and we've asked many times, but unfortunately, he has never explained that to us. I don't believe that finger-pointing and blaming is considered an answer.

We have asked the minister to list a major issue — why we need this piece of legislation — and he has been unable to do that as well.

Everyone can agree that safe air travel is important, but I know that my colleague asked the minister a few weeks ago to explain one legitimate safety issue that Yukon is currently

dealing with that this piece of legislation will address, and again we have not seen an answer.

We certainly would have expected him to be ready to answer any and all questions on this act, but some days we have to wonder if the minister even understands the briefings that he has received on this legislation.

Mr. Chair, again I ask: What is the rush? Why rush a piece of legislation that there doesn't seem to be a pressing need for? Why rush it so fast that you don't even take time to ask the public about it?

We've seen this government talk a lot about web surveys, and that's great. They have done a lot of web surveys. Why did they not bother to even do a web survey on this and on the *Public Airports Act*? We're left sitting here wondering: What is the rush?

It's very simple — just properly consult on the bill. That's a prudent path forward and it's one that we certainly would support the government in, and even today I'm certain that industry would like to have more input on this bill, but unfortunately the minister doesn't seem to want to listen.

It's clear that it's not the industry that is concerned about the impacts of the bill. Throughout this process, we have heard from four different groups that say they were not properly consulted. These groups have said that they have concerns with this bill.

It's interesting that the Liberals have put a clause into this piece of legislation that gives them the power to bring in an airport tax. Now, they claim that they don't want one; however, as I said before, they also claim that Yukoners would "Be Heard". But we have seen with this piece of legislation that this is not necessarily the case. They have said they don't want a tax, so my question is: Why put the clause in there? If you don't want the tax, then they shouldn't need the power. So if you don't want that tax — you don't need the power — simply remove it. Amend the bill so there is no power to implement an airport tax — very simple. We have given the minister ample opportunity to do this, but the minister hasn't. Maybe today he'll commit to the House to remove that clause. At the end of the day, Mr. Chair, the minister can send as many letters to the editor as he wants claiming that he doesn't want a tax, but the reality is that he is literally putting into law the ability for him to charge a tax. So as I said before, if the minister wants to prove to Yukoners that he doesn't want it, then let's remove it today.

The minister's press release highlights that this bill is about safety. In fact, in his quote in his press release, one of the two sentences was focused on safety. However, when we asked the minister to explain how Yukoners will be safer, he was unable to do so. It makes one wonder if safety really is the important issue in this bill.

We've heard from industry, saying that if the government should ever move ahead with an airport tax, it will definitely hurt the territory and our economy. So again, it's another reason why we need consultation on this piece of legislation and I certainly would urge the minister to reconsider. The principles of consulting with constituents on matters of

taxation are important and I would hope that all members here today would agree with me.

As I stated earlier, this bill concerns our airports and our aerodromes. All communities are affected because all communities rely on airports and they need to have their voices heard and considered on this matter. We have heard from some of the communities that they were not aware that this piece of legislation was even before the House. In fact, they weren't even told that the government was working on an airports bill and that is concerning. The government needs to speak with communities about these issues and if they did, the legislation — I believe — would be better as a result of their input.

Some members of industry have even gone so far as to say the government has completely misrepresented their engagement altogether, and this is shocking because we have seen members of industry say that the government has put out a misleading press release suggesting that they were consulted when in fact they weren't.

Further, the minister in charge was unable to answer simple questions about the level of consultation that he had undertaken on this piece of legislation. Simple questions about when and who he met with, and what input he heard, seemed to cause the minister to twist and turn with different answers every day. I don't understand why the Liberals would want to use their majority to shove an act like this through without full consultation. Luckily, I feel we are at a point where it's not too late for this government to do the right thing on this bill. It's not too late for them to work with opposition parties and work with Yukoners to go forward with proper consultation. I believe that we can all fix this together.

If the Liberals drop their plan to ram this bill through, we could end up with a really good piece of legislation. I hope they see that. As I said before, Mr. Chair, our airports are important pieces of tourism infrastructure and any changes to the way they are governed could have impacts on that sector. I still hold out hope that they take note of the concerns and are willing to consult, or at least be willing to accept amendments to the bill. I feel that bringing forward a flawed piece of legislation would disappoint a lot of Yukoners. There are substantial legislative changes in this act. These changes need to be scrutinized and they need full and meaningful and proper consultation. I feel that the public should be able to comment on it. No matter what we have asked the government, instead of defending their legislation, they tend to lash out and blame others.

I hope that today we can have a good, fulsome discussion here in Committee. I hope the minister is more willing to answer questions. I hope that today he'll tell us why he doesn't spell out in the legislation that an airport improvement tax can't be levied. We hope he'll finally explain what the urgency is in this bill and hopefully he'll explain why he didn't feel the need to consult the public.

With that, Mr. Chair, I look forward to moving forward.

**Hon. Mr. Mostyn:** I thank the member opposite for his remarks this afternoon. He is correct: it is indeed a very important piece of — airports are a very important and critical

piece of transportation infrastructure in this territory. In many ways, today, they are our lifeline.

We heard today that — well, we know that they are very important to commerce and safe travel, and to our interaction with the global community. The shocking thing to me, Mr. Speaker, when I took this office, was that we did not have any legislation governing these critical assets across the territory and that the authority for the minister to actually manage these airports is obscure — we don't know. We have no clear set of rules. We have cobbled together a bunch of various pieces of legislation — I have gone through this before — and it is a mess. I think the term I have used is “MacGyvered” — and I think that is the way it is. Here I am, a minister of the Crown, who has been tasked by my Premier to improve the operation of our airports to make sure that they are working better for the aviation industry, to make sure that they are running efficiently and serving the needs of Yukon and the needs of the industry, and the tools that I have to do that — they are not clear.

If the member opposite is interested in why I felt this was a priority and why I needed it done so quickly, it is because I want to execute on the mandate that I have been given from my Premier. I want to do the good work of this government, which means improving the way that airports operate and the way they are managed.

Frankly, Mr. Chair, over the last several months since taking over — almost a year now since taking over this portfolio — I have spoken to rotary and fixed-wing pilots, I have been to their meetings and spoken to them. I have read whatever I can from the industry about how it operates and, frankly, there are a lot of people who don't think it has been operating very well for a very long period of time. I think one of the reasons for that is the fact that we do not have proper rules in place to manage and to operate our airports. I know some of the members opposite are well aware of this. They actually had to operate in the same environment for a very long period of time. I guess they were comfortable with it — I'm not, Mr. Chair.

When I spoke with the department, we came up with a plan to get rules in place that will actually help us to manage these critical pieces of infrastructure. We came up with a plan to consult and to go out to industry and to find out what industry thought about these things. My officials executed on that plan that my colleagues and I came up with, and I am proud of the work that they did. As a matter of fact, the results of the information that they gathered — that outreach, that engagement exercise that they undertook — our bill is actually substantially different and better than it was at the beginning. I am proud of that, and I am glad that the officials have done their due diligence to bring forward a bill that is better than, say, the Northwest Territories bill. It is better in several ways and I think we will get through that this afternoon. I think that was good work.

The member opposite talks about safety and safety concerns. When we are talking about safety, it is about the safety of our infrastructure and this Yukon government's

ability to manage these critical pieces of infrastructure in the best interests of the people of the territory.

If we cannot do that and we lack the tools to do that, those critical pieces of transportation infrastructure — our lifelines to the world — are at risk. As we have seen this year, medevacs and firefighting — all these things depend on these pieces of infrastructure to run smoothly, to be in good working order and to be managed properly. Currently, they are not. The management framework under which this government operates its airports is sorely lacking and has been for decades.

Yes, it is a critical piece of infrastructure and, yes, there is a push to get the proper rules in place and, yes, safety is an issue because currently these airports — these lifelines to our communities and the outside world — are not being managed to their fullest potential and they're not being managed well. We need to have the rules in place so we can manage them better and manage them more effectively to make sure that there is clarity of rules for our industry operators, for the government and for the public, so that we know how these things are managed and we can do it more efficiently — cut some of the red tape — and help industry work better with the government and with the aviation branch. Also it is to help the public — understand how to better manage the public in these facilities. There are all sorts of elements at play here and this is a very important piece of legislation.

I hope I answered the core of the member opposite's questions and I'm sure he will have more.

**Mr. Hassard:** I think there are a couple more. Don't get comfortable.

There have been a lot of issues with respect to the process surrounding this act and a lot of that is being focused on the issue of consultation of course — what happened, what didn't happen, who was spoken to, who wasn't spoken to, what they said or what they didn't say. Obviously there have been some very public issues with respect to the details coming from the minister on these issues. I will get to those.

My initial questions will be a little more focused on some other aspects regarding the production of the bill. With respect to the production of this bill, I think it's important to understand the timelines of events. I'm curious — when was the minister first briefed on the idea of the *Public Airports Act*?

**Hon. Mr. Mostyn:** I don't have the specific date at my fingertips, but I will tell the member opposite that I believe it was in February or March 2017.

**Mr. Hassard:** With respect to that briefing that the minister received, my question is: What direction was given at that meeting? I'm specifically looking for direction given around the consultations. Did the minister request that the public be consulted on the airports act?

**Hon. Mr. Mostyn:** At the time, I think that initial discussion was more general in nature about the need for this legislation. From that, I tasked the department with coming up with a plan of attack, or a plan of rollout of the bill.

**Mr. Hassard:** With respect to direction that would have been given at that meeting, would there have been a

request for more consultation around the area of industry? Would the minister be able to explain if he gave direction for only limited consultation for the aviation industry, or did he suggest that they do a fairly major consultation with the aviation industry?

**Hon. Mr. Mostyn:** I'm not sure what process was in place when the members opposite were sitting as government, but our process is to actually take — once a minister gives direction to the department, they pull together a package, an approach, a way forward. They then bring that to a committee called the Cabinet Committee on Legislation — the CCL. There's also a Cabinet Committee on Priorities and Planning. They bring those documents forward. It is reviewed by Cabinet. It lays out our approach and what it is.

At that time, the document came to — I believe it was what we call C2P2, which is the Cabinet Committee on Priorities and Planning. We looked at that. We looked at the plan. Cabinet reviewed it. It suggested a targeted approach to consultation on the framework because it was very industry-specific and so was a very specific piece, and then a more fulsome — broader — consultation on the regulation package, which is where the rules would actually be fleshed out and applied to — would sort of give life to this legislation, which, as the member can see in the legislation before him, is fairly broad and sort of enabling legislation.

**Mr. Hassard:** After that process took place, did the minister specify which industry stakeholders he wanted to see consulted on this piece of legislation? Did he specify what questions, or any questions, that he thought maybe should have been asked?

**Hon. Mr. Mostyn:** On the actual consultation plan, I gave the green light to go out and start the targeted consultation with the industry groups that were identified in the plan. I did not stipulate the actual questions that were to be asked. I trust my department — the subject matter experts — to know this. They were basing the legislation on well-seasoned legislation out of the Northwest Territories. We were taking that — that was legislation that a lot of the local airlines had — anybody who has flown to the NWT was already been familiar with. As I've said before, departmental officials sought advice on the NWT act — what people thought about it — and they worked that information into our legislation, drafted it and then shared it with industry. The bill that went out after the drafting was, to my mind, superior to the NWT legislation. That's the one that local industry was presented with. The first very preliminary draft went out in July and I think later, it was September 13.

**Mr. Hassard:** The minister spoke about a consultation plan that was put together. I'm curious who was listed in that consultation plan — what industry groups? Was there any discussion around when they would be consulted? Is this plan a formal document? What form did this consultation plan look like?

**Hon. Mr. Mostyn:** We reached out to industry between July and, really, the end of September 2017. We spoke with the Yukon Aviation Advisory group, Transport Canada, City of Whitehorse, local air carriers, and the aviation community

broadly here in the territory. We had two public open houses on August 3 and August 7, respectively, where stakeholders were welcome to provide feedback, ask questions and have two-way meaningful conversations. The actual hours of those public open houses were extended. Department staff stayed later to help accommodate industry. They raised some concerns about the hours and we extended it for them.

An invitation was extended to any group interested in a one-to-one meeting to discuss the proposed act in detail. The ADM of Transportation met with some of the local air carriers, the Yukon chapter of the Canadian Owners and Pilots Association declined our offer to meet with them and did not provide feedback on the act.

**Mr. Hassard:** The minister spoke about local aviation groups that were to be consulted in the plan. I'm wondering if he could give us a list of those aviation groups.

**Hon. Mr. Mostyn:** As I have said, I have given him a list. Broadly, the Yukon Aviation Advisory Group represents the majority of Yukon fixed-wing and rotary-wing carriers and operators. We also reached out to major air carriers, national air carriers — and did that. In the end, I think the legislation was sent out to more than 40 local stakeholders in the territory.

**Mr. Hassard:** Could the minister tell us when the decision was made that the *Public Airports Act* would be on the legislative agenda for this fall?

**Hon. Mr. Mostyn:** The Cabinet Committee on Legislation — the group that actually oversees this — we believe gave their permission to proceed with this project in June.

**Mr. Hassard:** If it was given the green light, so to speak, in June, can the minister tell us when the first consultation on the *Public Airports Act* took place? Who did that consultation take place with?

**Hon. Mr. Mostyn:** The consultation began the last week in July.

**Mr. Hassard:** Who was that initial consultation done with, Mr. Chair?

**Hon. Mr. Mostyn:** The meeting was with the Yukon Aviation Advisory Group. We had a meeting with some of their members. Not all their members were able to attend that meeting. We offered individual consultations and engagement with members who couldn't attend that meeting. After that, the next week, we worked with local air carriers, charters and major players in the industry. That started the next week.

**Mr. Hassard:** I'm curious — at that initial meeting with the YAAG — I guess we could call it, for a shortened term — was the *Public Airports Act* the only item for discussion at this meeting, or was it just a one of several items on the agenda?

**Hon. Mr. Mostyn:** It was the only matter on the agenda.

**Mr. Hassard:** Did the minister receive any updates on consultation throughout the beginning of the consultations until they were completed? I'm curious what those updates would have looked like.

Following from this, as a result of these updates, were there any things noted? For example, was it noted that perhaps the consultations were effective or maybe not as effective as they should have been?

**Hon. Mr. Mostyn:** I received regular briefings from my officials verbally. We meet on a weekly basis. I not saying that I had weekly briefings, but at those weekly briefings that I hold with my officials I got regular updates. They were verbal around the table about where we were at. From the meetings we were having, we were not getting any pushback. We were hearing that the legislation seemed fairly standard. We asked about the NWT legislation. They said that very few people had any concerns with the NWT act. The concerns that they did have we addressed through the creation of an advisory committee and also by limiting the powers of the minister to be able to take certain decisions.

COPA declined to comment on anything until they actually saw a draft of the Yukon act, which we provided to them on September 13, I believe the date was. We heard nothing back from COPA after that was done. They had said they would provide any feedback. They didn't, until about a week after the legislation hit the table in the Legislative Assembly — after it was tabled — and that's when we started to hear some of the concerns from industry.

Up until that time, there was not an awful lot of feedback from industry players who we engaged that there were any issues at all.

**Mr. Hassard:** The topic of the draft legislation certainly has been a major topic on this file. There has been a lot of dispute over who saw it and when they saw it. Was it actually the Northwest Territories legislation that they saw or was it actually draft Yukon legislation? I am curious: When did the minister first see the actual draft Yukon legislation?

**Hon. Mr. Mostyn:** The final draft went to CCL on September 7. We then shared that draft with the majority of the aviation industry on September 11 to correct the record. The second e-mail went out on September 13, but the majority of the aviation industry received the draft legislation on September 11. A subsequent e-mail went out to a smaller group on September 13.

**Mr. Hassard:** The question I was trying to ask — and I am sorry if I wasn't clear enough: When did the minister see the first draft of the legislation, not the final draft?

**Hon. Mr. Mostyn:** The initial draft — the very preliminary draft — I first saw on July 25. That is the date when we actually provided it to the Yukon Aviation Advisory Group. We let them see this very preliminary draft on that date, but we did not leave it with them. We actually collected all copies and took them back, but that was on July 25.

**Mr. Hassard:** Could the minister give us some insight on what changes were made from that initial draft on July 27 to the final draft that came out on September 7?

**Hon. Mr. Mostyn:** Just to add to the member's point, it was July 25, not July 27. That's when the meeting was held. The biggest change from that very preliminary draft of our bill to the one that actually came to CCL on September 7 was the

adding of the Aviation Advisory Group into the legislation. That's something the NWT act doesn't have, and we do.

That was added to give industry a say over the — some sort of influence, having people who use the airport, give them a say over the regulations that were coming in the next stage of this consultation and drafting of the plan.

The other change that we have was less substantial. We didn't include provisions for lost objects at the airports, which the NWT actually has in their legislation. We thought lost hats and mitts were better dealt with in regulations, so that's what we're planning. We took that out of the act.

**Mr. Hassard:** With that being the only major change in the draft, could the minister tell us who suggested that change? Was that something that came out of CCL or C2P2 — I believe you called it? Or was that something that came from industry?

**Hon. Mr. Mostyn:** The idea of the actual advisory committee came from a conversation we had with industry. Industry identified a shortfall in the Northwest Territories act and a lack of triggers for consultation. In the NWT, there is no real mechanism for industry to have a say in the drafting of regulations. We took note of that deficiency in our sister territory's legislation and we decided to build a mechanism into this legislation to promote and give users of the airport a say in the drafting of regulations. That say, that mechanism, is the advisory committee that is currently spelled out in the legislation.

**Mr. Hassard:** I'm curious — were there any changes made to the draft legislation as a result of the discussions that happened with other members of Cabinet in the C2P2?

**Hon. Mr. Mostyn:** I'm not at liberty to talk about Cabinet decisions. I won't do that on the floor of the House.

**Mr. Hassard:** I'm also curious — in drafting this legislation, did the Department of Highways and Public Works work with other departments — such as Tourism, for an example — or was this something that was just undertaken entirely by Highways and Public Works?

**Hon. Mr. Mostyn:** The legislation was reviewed by all government departments. There are review processes in place that look at those things, so yes, it did go to the other departments' attention for comment and review.

It is important to note that I don't believe our focus was on the other government departments. They had their say. They looked at it and they let us know what they thought, but our focus really was on local industry — those potentially impacted by such legislation. We wanted to make sure we had an overarching framework in place to serve them and that they knew we were going to come forth and actually consult on the regulations, using this new tool — this advisory committee that we've actually put in the legislation — to make sure that they had a voice, because in the past — under the lack of legislation — they didn't have that voice and it was important for us to get that in place. We wanted to make sure they had that voice, Mr. Chair.

**Mr. Hassard:** So no other department in government had any concerns with the draft legislation — or didn't have any input on the consultation process?

**Hon. Mr. Mostyn:** No.

**Mr. Hassard:** When Highways and Public Works put out the press release, one group mentioned in the news release was Transport Canada. I'm curious if the minister can provide some level of detail on the level of consultation that took place with Transport Canada? I'm curious if they were provided draft legislation as well.

**Hon. Mr. Mostyn:** We have discussions with Transport Canada all the time; they are continuing, they have happened, they are happening, and they will happen in the future.

As for the legislation — we did tell them about the legislation. We actually provided them with a copy of the legislation at around the same time — around September 11 to 13. They raised no concerns with us.

**Mr. Hassard:** I have a question regarding that press release. I'm curious if the minister heard from any other groups, other than NATA — if any other groups had concerns about being mentioned in that press release. The reason I ask that question is I'm curious — when the press release was removed, all groups were removed from the press release. I'm curious if other groups had concerns. Why were all of them removed from the press release?

**Hon. Mr. Mostyn:** No, there were no other concerns expressed.

**Mr. Hassard:** I have a question about Nav Canada. I'm curious if the minister could provide some detail on the consultation that was done with Nav Canada. Were they provided draft legislation, and did they give any input into this draft legislation as well?

**Hon. Mr. Mostyn:** Nav Canada is actually part of the Yukon aviation advisory committee, so yes, it was provided with a draft copy of the legislation. My officials have also met with Nav Canada, and, to date, we have received absolutely no concerns from the agency.

**Mr. Hassard:** I'm wondering if the minister could tell us — at that July 15 meeting with YAAG, could the minister tell us

who was involved or who was in attendance at that meeting, and was that the only consultation that was done with YAAG or were there other dates as well?

I'm not entirely sure — the minister has talked about draft legislation being at that meeting, but I've heard that it was in fact just the legislation from the Northwest Territories. I'm curious — was there actually a Yukon draft at that meeting?

**Hon. Mr. Mostyn:** At the meeting on Tuesday, July 25, there was a representative of COPA — Canadian Owners and Pilots Association — and a representative from Alkan Air. At that meeting, they were provided the Northwest Territories act, which they were allowed to take away with them to review. We also then outlined what our plans were, asked for their feedback and provided a draft Yukon act to show them the direction we were going to actually give them tangible proof or evidence that what we planned to do was very similar to the NWT act.

We did not allow them to take that away with them from that meeting, because it was a very preliminary draft and it did

change. We then provided the final legislation, as I said, to the Yukon Aviation Advisory Group on September 13. They were then given that information again — the final draft — on that date.

**Mr. Hassard:** When they were given that final draft on September 13, were they then provided an opportunity for input in regard to the draft legislation?

**Hon. Mr. Mostyn:** Yes, they were.

**Mr. Hassard:** I'm curious, then — how many times was COPA consulted on the legislation? Were they consulted other than that one meeting — we're still not sure if it was a COPA meeting or a YAAG meeting — or were there other meetings with COPA regarding the legislation?

**Hon. Mr. Mostyn:** We first met with — in truth, in May, we spoke with individuals of COPA and gave them notice that the *Public Airports Act* would be coming and hoped they would provide input. On July 25, we met with a member of COPA. We provided them with the information I've outlined. We then offered to meet with the executive of the Canadian Owners and Pilots Association. We offered to coordinate a gathering of COPA members in July. They did not take us up on that offer, Mr. Chair, and then on the 11<sup>th</sup>, we provided the legislation to them and again solicited their comments.

To be clear, from the very first time we spoke with industry — with COPA, with members of industry and with any stakeholders associated with the airports — the opportunity was there for them to provide input. The opportunity remains there for them to provide input. We are always open to listening to users of the airports about the rules that are going to govern the airport. Those rules are going to be spelled out in regulations. We have been very clear from the outset that there would be consultations on the regulations. We have actually put protections in the legislation to guarantee that industry will have an on-ramp to provide suggestions to the government.

Those protections are not in the NWT act. The pilots — the aviation industry in the NWT — do not have that protection built into its act. We do. I think that was there to ensure that industry and airport users had an opportunity to contribute to the regulations, which is where the rules are going to be spelled out that will affect the aviation industry and the users of the airports. That is very important. It is a very important thing to us, Mr. Chair, and we built it into the legislation.

**Mr. Hassard:** I appreciate that, but it raises another question: Was that put in place as a recommendation from industry or was that something that government decided on?

**Hon. Mr. Mostyn:** The advisory committee was put in the legislation by government, but it is based on information that we received from industry. Industry wanted some formal mechanism to provide input on the regulations — the regulations that would affect them and airport users. They didn't have that protection in the NWT and they said that was a deficiency in the NWT legislation, so we addressed that deficiency in our legislation and made it better. That is how that came about.

**Mr. Hassard:** Thank you to the minister for that.

Another group that was listed on the original press release was the City of Whitehorse. Could the minister elaborate on the level of consultations that took place with the City of Whitehorse?

**Hon. Mr. Mostyn:** We met with the city — it was an officials-to-officials meeting. I think it first happened in the first week in August, and there was a subsequent meeting after that. The meetings focused on the mechanics of the act. There was general agreement that the real discussions would happen around the regulations. Nothing in the act caused officials significant concerns. They realized that the meat of the discussions would happen when the regulations started to be discussed, and we, of course, committed to them then and commit to them now that they will be fully involved in the drafting of those regulations that are of interest to the City of Whitehorse.

**Mr. Hassard:** Could the minister tell us, then, if the City of Whitehorse received draft legislation and, if they did, when that happened?

**Hon. Mr. Mostyn:** On that specific question, I'll have to get back to the member opposite.

**Mr. Hassard:** Correct me if I'm wrong, but I believe that the minister stood in this Legislature and told this House that the City of Whitehorse had received draft legislation on this. Are we not sure now — or where are we at with that?

**Hon. Mr. Mostyn:** In the spirit of accuracy, I'm just trying to get the dates for the member opposite.

**Mr. Hassard:** So the minister is confirming that the City of Whitehorse did see draft legislation; he's just unsure on the dates.

**Hon. Mr. Mostyn:** We shared the preliminary draft with the City of Whitehorse. I'm going to confirm the information for the member opposite that it's on the final draft.

**Mr. Hassard:** I'm curious, Mr. Chair — why were mayor and council not consulted on the airports act? Why was it felt that it was only necessary for city officials?

**Hon. Mr. Mostyn:** I'm not familiar with how information flows within the City of Whitehorse, and I suggest the member opposite ask city officials about their processes.

**Mr. Hassard:** The question I was asking was about why the government felt it wasn't necessary to consult with mayor and council. I'm curious as to why the Department of Highways and Public Works felt that it wasn't necessary to consult mayor and council.

**Hon. Mr. Mostyn:** Again, for the member opposite, we consulted with city officials. City officials identified no issues with the legislation as we laid it out. They had no specific concerns. So we stipulated that we would consult over the regulations. That's really where the meat of this legislation is going to be determined. The city will be fully involved in the drafting of those regulations. At that time, I'm sure city politicians will be engaged in the drafting of the regulations. That's really where the details of the act will be worked out,

but, in the general framework of the act, the city officials at that time had no concerns expressed.

**Mr. Hassard:** I'm curious — does the minister now feel that it wasn't necessary to consult with the mayor and council?

**Hon. Mr. Mostyn:** I can assure the member opposite that I have spoken to the Mayor of Whitehorse. We had a good conversation. He expressed no concerns about the legislation or the consultation process to me. My colleague and the member from beautiful Mount Lorne-Southern Lakes said that he has also spoken to the mayor, as the Minister of Community Services, and that he was told that this legislation was a welcome improvement for the city.

**Mr. Hassard:** The question I asked the minister was: Does he feel that the government should have consulted with mayor and council of the City of Whitehorse?

**Hon. Mr. Mostyn:** The answer to the member opposite is I fully intend to consult with the City of Whitehorse on the regulations. That is the process that we have identified, and that's the process that we are going to follow going forward. There is no end to the consultations that are going to happen with respect to the regulations. With all the interest in this in the airport and in the rules surrounding it, I'm sure it will be a robust and deep conversation that we have with city officials, industry, tourism officials, the aviation industry and the public itself. I welcome that discussion.

**Mr. Hassard:** With respect to the consultation that was done with the city officials, did the city officials provide any input into the draft legislation, and did their input affect the final draft?

**Hon. Mr. Mostyn:** I can confirm for the member that, at the officials level, there was correspondence and phone calls back and forth between the City of Whitehorse and the department. City officials wanted to ensure the language around specifics, particularly around "subdivision", was all right. City officials were content with the language they had in the legislation. They said they were fine with it.

**Mr. Hassard:** I know the minister, in the press release and several times since, has talked about safety and how this *Public Airports Act* will improve safety at the airport. I'm curious if the minister could give us a couple of examples of what Highways and Public Works is currently dealing with — safety concerns — that this legislation will address.

**Hon. Mr. Mostyn:** The issue of safety — the members opposite can understand that we're talking safety in very broad terms — the safety of our facilities, the ability to manage our facilities, even to the point of being able to say how many people are in the building at any one time. Currently, it's not clear whether I can even do that. We may breach the rules outlined by the fire marshal. How do we manage that? We can't manage our facility properly. There's no clear delineation of management responsibilities.

We're talking safety in a general sense. Traffic control at the facility on groundside — we can't currently manage that well. There's management of the air terminal building and the facilities there, damage to the facility — how do we protect those assets and make sure they're running well? Domestic



animal control on airport sites — we have no rules and no clear authority to manage that. There are all sorts of specifics here and things that impede the safe operation of our airports. It comes down to management.

There is no management regime at our airports — no clear or consistent management regime across the entire territory. That is a problem. It is a problem that has been identified by the Aviation branch and by industry.

This legislation helps bring some consistency and some control to the actual facilities and grounds management around our airports, which will improve safety on those sites. It will also ensure better, more consistent and thoughtful management of those facilities and ensure that they are operating safely for medevacs, fire suppression and firefighting in rural Yukon and where we have to do these things. It is important, Mr. Speaker, and those are the safety concerns that we are talking about addressing here.

**Mr. Hassard:** I am wondering if the minister could confirm with us the last time that the fire marshal had an issue with the airport in Whitehorse.

**Hon. Mr. Mostyn:** Apparently, there were concerns with the fire marshal a couple of years ago about capacity in the airport, and it actually led to our inability to manage it. We actually expanded the airport holding room because we needed more space. It was very difficult to manage it in the other wing, so the capital expansion we are currently seeing is as a result of some of the concerns the fire marshal had with the facility.

**Mr. Hassard:** I would like to change direction on this for a little bit. I would like to talk about the potential impacts this act may have on the economy. My first question around that topic would be on whether the government undertook an economic impact review or anything of that sort to review the effects that this act — or any part of it, actually — may have on any sector of the economy, either before or during the drafting process of this legislation.

**Hon. Mr. Mostyn:** I thank the member opposite for his question. The answer is no. There was no economic impact assessment done on this legislation. There is a very good reason why there was no impact assessment done with this legislation. As a result of this legislation, there will be no regulations in effect. The act comes into effect once the regulations are drafted. It is the regulations that will have an economic impact and we will be obligated, once the regulations are worked out, to do an economic impact. However, currently we're not proposing any changes to the fees and rates.

The proposal — we've spoken to industry about this and we've been talking about this right from the very beginning — is to actually just port the fees and rates over that were first passed in 1996. So the economic impact of this — although I'm sure there will be some, we'll have to look at it once the regulations are actually formalized in consultation with the wider community, industry, the City of Whitehorse and everybody else. Once we get those regulations in place, we will be obligated to do an economic impact assessment.

However, we're proposing no changes to the rates and fees that the member opposite put into regulation on December 31, 2014. I'm not sure — I haven't seen the economic impact assessment of those regulations that were brought in a couple of years ago. I'll see if the officials — if one was done. I can pass it on to the member opposite, if he would like.

**Mr. Hassard:** Part 3, section 11 of the *Public Airports Act* reads as follows — and I quote: “A person must not conduct a commercial activity or business at a public airport unless authorized to conduct the commercial activity or business under a lease, licence, other agreement or permission entered into or granted under this Act.”

I'm curious, Mr. Chair — I guess one might speculate that it's meant to prevent unsolicited food sales or other business transactions from occurring on the premises of the airport. Which other types of businesses did the government have in mind during the drafting of this section?

**Hon. Mr. Mostyn:** The language in our act mirrors the language found in the NWT act and in federal legislation on airports under the Ministry of Transport that they run.

Right now it is fairly vague. We have the opportunity through regulations to actually start to define these terms, but some of the things we're talking about — activities occurring on airport properties without our knowledge or approval include: filming a TV show, advertisement or movie without prior permission; storing fuel without a fuel storage licence or approval spill plan in place; moving earth at the Whitehorse airport from a lease area to another area without prior written permission; occupying vacant office space prior to a lease being in place; and installing a structure before a lease or licence was in place. These are the types of things that could happen without our knowledge and approval.

**Mr. Hassard:** I guess I'm curious about whether rental companies that have a desk within the airport or tourism-related businesses or hotels picking up guests, restaurants, gift shops, vendors at the airport — will they all have to now apply for a special licence or permission in order to continue to operate at the Whitehorse airport, or in any airport in the Yukon for that matter?

**Hon. Mr. Mostyn:** Anybody currently operating under a lease or authorized to operate at the airport will continue to be able to do so. They won't have any other licences that they have to obtain.

**Mr. Hassard:** What about someone like G-P Distributing bringing groceries or food into the restaurant — would they now have to apply for a licence, or would they be able to continue as they are?

**Hon. Mr. Mostyn:** I believe common sense would dictate that, if you're bringing supplies into the facility and have been bringing supplies into the facility, and you're abiding by all the rules of the facility, you will continue to be able to bring supplies into the facility. We are in the business of facilitating and building an industry here, not prohibiting one and shrinking one.

The regulations themselves will start to determine some of the rules pertaining to the running of this facility and

facilities across the territory. Those rules will be done in consultation with the users of the airport. We've ensured that in the legislation by having this committee in place to actually advise us and have oversight over what the government, what this department, plans to do with airports. That transparency — that consultation piece — is important. It was important to industry and it's important to us, which is why it's in the act. I'm sure that will give industry and the airport users — be they people who are operating businesses or want to operate businesses in the airport going forward — a measure of comfort that they will have rules and input into the rules under which they operate.

**Ms. White:** I thank my colleague from Pelly-Nisutlin for allowing me the opportunity. I welcome the officials and thank them for the briefing we were given. I also want to take a second to thank a good friend who is in the gallery, Mr. Gerry Whitley. He is an avid pilot and he has a plane that, I believe, lives at the Whitehorse airfield. The questions I have today are coming from him, actually. He took a look through the proposed draft legislation and has some really specific questions. Based on his experience, he was able to give us some information.

One of the first questions I have is: Do community bylaws or rules apply to airports? For example, will Whitehorse building codes apply to airport buildings? Another example of that would be — there have been previous problems about the size of hangars relative to the small size of the lease, and that was around the setbacks. If we were to follow the City of Whitehorse building codes and follow setbacks at airports, it became challenging. Do community bylaws or rules apply to airports?

**Hon. Mr. Mostyn:** I thank the Third Party for their question and for their support of this bill to this point. The Member for Takhini-Kopper King has outlined some questions that she had the other day, and I thank her for that heads-up.

Do Whitehorse building codes apply to airport buildings? The answer I can provide is that the *Public Airports Act* does not make any change with respect to the application of the City of Whitehorse building code requirements. The only things that are changing — or potentially changing — are: Who approves subdivision applications on airport property — the municipality or the Yukon government? Also, who establishes the zoning requirements like setbacks and acceptable uses of activities on the property?

The act also clarifies that the *Motor Vehicles Act* applies to public airports as opposed to municipal traffic and parking bylaws. When the new act is enforced, the subdivision approval body at the Whitehorse airport will change from the City of Whitehorse and the provisions of its subdivision bylaws to the Yukon government and the provisions of the *Subdivision Act*. Whitehorse is the only community affected by this change. The only other community with a subdivision bylaw is Dawson City. Dawson's bylaw does not apply to the Dawson airport because the airport is currently outside municipal boundaries.

The *Public Airports Act* also provides the ability for government to remove airport lands from municipal zoning requirements and regulate zoning for airport land development under the *Public Airports Act*. Doing this will provide clear and consistent land development and zoning rules for all airport lands, and will make the rules the same in all municipalities and communities.

**Ms. White:** I think that actually leads to the answer for the next question, but I will just get the confirmation. Knowing that there are 11 different communities, we are curious if there could be 11 different rules, for example, regarding fire protection, or will all airports be blanketed under the same rules and regulations.

**Hon. Mr. Mostyn:** I thank the member opposite for the question. I also would like to recognize Mr. Whitley. He has participated throughout this process, and I do welcome and appreciate his time and attention to this act.

I am going to answer this question and we will see if we go back and forth. The decision to bring airports under the authority of the *Subdivision Act* and to enable government to create airport-specific land development and zoning requirements that apply to all airport properties was done to prevent there being 11 different sets of rules for 11 airports in 11 different communities. Currently, there are different sets of rules at different airports. The *Public Airports Act* will enable government to fix that and to ensure that there is the consistency that the stakeholders have been asking for. It needs to be noted that there is the power within the legislation to make regulations different for different airports. We can tailor it if we decide to, in consultation with industry, which is provided through the advisory committee.

**Ms. White:** I thank the minister for the answer. It's great to know that this consistency will be blanketed across the territory, and I hope that the consultation, if there are going to be changes to a specific airport, would also happen also at the community and not with just industry, based on their ability to meet the requirements.

One thing with the act is that it appears to focus pretty strongly on commercial activity. We have questions around things, for example, like Yukon government activities. The Department of Environment uses airports, obviously; Wildland Fire Management uses them as bases; and Energy, Mines and Resources uses them for fuel storage. How will they be affected by the act?

I guess I can broaden it a little bit because, for example, there is RCMP activity with the hangar in Whitehorse, I believe, and they would fly to other communities, and then, of course, there is the difference with private leases. We can throw in one more and we can talk about non-governmental organization activities — for example, the Canadian Owners and Pilots Association when they do their kids' flight day.

How does this act affect all those different organizations? We have government activity, private leases, RCMP, and non-governmental organizations.

**Hon. Mr. Mostyn:** The activities of the RCMP and Wildland Fire Management would not be considered commercial activities for the purposes of this act. These

organizations are expected to conduct their activities in collaboration with the airport manager. We need to know what they are doing on airport property, both groundside and airside, to ensure that we can manage safe, effective and efficient airport operations.

NGO activities such as the Canadian Owners and Pilots Association kids for flights program — they're taking the kids up in the air. That is not a commercial activity either. In order to operate the airports safely and efficiently we have to know what people are doing on our airport lands. In these types of instances, the organization is required to communicate, coordinate and have their activities approved through the airport management team so that we are aware of what is happening and when. We have worked with all these groups before. We are now going to bring some rigor to that piece, but I cannot see any reason why those activities cannot continue under this legislation.

Section 11 deals with commercial applications, but the rest of the act — the minister does have the ability to regulate leases and operations outside of commercial activity, so there is the power to do that. Of course we will do so in consultation with the users of the airport.

**Ms. White:** It's not that I didn't expect those activities would not be allowed anymore. It was just mostly because, as the minister pointed out, section 11 deals with commercial. I'm just trying to figure out how it all played in.

We've talked about the advisory board that can be formed — and that recommendation was from industry, as opposed to adding it, which is unlike the NWT act. But one of the things that it doesn't appear to provide — and I wanted to know if there was a reason why — was the idea of an independent airport authority for Whitehorse. Was that considered? What were the pros and the cons? Why are we not looking at that kind of blanket for Whitehorse, which is obviously the biggest airport in the territory?

**Hon. Mr. Mostyn:** I thank the member opposite for her question.

After consulting with my officials, I have been told that we have looked at different governance models over the years here in the territory. At this point, we're talking about legislation and, at the moment, there is none in place and we wanted to make sure that we could manage our facilities properly before going off in all sorts of other directions.

The other issue we have to address is that airport authorities pay for their operations through airport improvement fees. There certainly is no appetite for that in the territory at the moment. We have heard that loud and clear, which is why we have committed to not bringing in such a fee here. An airport authority might have control over setting such fees and economic decisions itself, and we want to make sure we retain control to prevent that type of thing at the moment.

**Chair:** 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.

The matter before the Committee is general debate on Bill No. 6, entitled *Public Airports Act*.

**Ms. White:** I did appreciate that small repose. I would also like to thank the minister for the engagement and the back-and-forth. I do appreciate that. I was just reminiscing about the biggest piece of legislation that I had to deal with, which was 212 pages long. Let's just say it was not so pleasant. This is much nicer.

I'm not sure if it will be touched under this act, but I was thinking about the Pelly airstrip and I was thinking about medevac planes. For five years previously, the then-Member for Mayo-Tatchun asked a lot about the ability of medevac planes to land in Pelly Crossing. The issue is that you can't be medevaced out of Pelly unless it's the daytime — you have to go to Ross River, and that involves a two-ambulance transfer.

With the changes to this act, will the Pelly airstrip be upgraded with lights so that medevac planes can land at night?

**Hon. Mr. Mostyn:** I thank the member opposite for the question and for the remarks. I think it's important. I have followed the goings-on of this Legislature for a long time, and I think our constituents are best served when there is a fulsome discussion about matters before the House.

Pelly and medevacs — the upgrades to the Pelly airstrip will not be affected by this legislation per se. That said, the Premier has mandated me to improve the efficiency of the airport so, as part of a general system review, I have to look at all of our airports and how they serve the territory and their communities with an eye toward the service to the community, the economic fostering of diversity and a stronger economy, and safety.

Those are the directions that I have been given, and I take them very seriously. The legislation before the House right now is an attempt to try to get control of the management and clarify the management structure for all of our airports and make sure they are running efficiently throughout the territory.

**Ms. White:** I didn't really think it would be here, but I thought I would put the pitch in anyway.

In clause 4, which is "Public airport under authority of Minister" in subsection (2), it says: "The Minister may operate, plan, construct, maintain and improve public airports." That also kind of insinuates that they may also sell, close down and shut down. The one pitch that I will put in here is that existing airports represent a small cost to maintain, compared to what it would cost to put something back in. My hope is that, if Yukon government is considering closing any airstrips or airports, they do not because the replacement cost is a lot greater than maintenance.

Does the minister have any thoughts on section 4(2)? If not, I again thank the officials for their briefing. I am grateful for the clarity of what the act does and how it will bring the territory together under one jurisdiction. I thank the minister for the work and I thank the Chair for the opportunity.

**Hon. Mr. Mostyn:** I thank the member opposite for her thoughts and her questions today. They have been detailed and constructive and I appreciate them. They have added a lot to this discussion and allowed me to bring some clarity to this piece of legislation and its importance.

One of the first regulations that we would like to propose to bring forward for review and for discussion among everyone is: What are public airports? Our proposal is that they are the ones that are in existence now and there will be no change. We do not want to change — you are absolutely right about the cost of recommissioning or redoing or rebuilding an airport as opposed to getting rid of one. I have had discussions with the aviation industry about this. I have heard from pilots who have spoken about how important some of these airstrips are to them. They are flying through mountains in sometimes terrible conditions, and they want that certainty of being able to go to these airstrips. They have made that known to me and I have certainly listened to them on those counts, and I have no intention of closing any airports.

If the regulation is approved by the advisory committee — my intention is not to close any, and that will be part of the discussion of the regulations. I'm sure that will be what comes forward — not to presume what the consultation will bring, but I do not have any intention to close any public airports that are in existence now.

Now you brought another really good point and that is: Does the act provide for me to shut down airports? That's the bigger issue — can I do it? I can't. This legislation prevents me from doing that. What it does is grant that authority to Cabinet, so there are checks and balances on the minister's authority and how the minister can act with regard to airports. It is the Commissioner in Executive Council who can actually make that determination. That means Cabinet has to approve the shutting down of airports.

Excuse me just a second, Mr. Chair — yes, it is Cabinet that would determine the revocation.

Now, this is the difference between our act and the NWT act. The NWT act grants that authority to the minister solely. We heard that there were some concerns about that and we actually changed that in our act. That's another difference between our act and the NWT act.

In the NWT act, the minister has the ability to close airports. Here in the Yukon, we felt that was a big decision and one that should not be made by any one individual, so we did not give the authority to close or to sell airports to the minister. As I said, that decision has to be made by order of the Commissioner in Executive Council or Cabinet. That was another check and balance on our legislation that isn't in the NWT act. It came about through the feedback we obtained during an engagement session from July through to now actually — we're still hearing it. That's how that came about.

**Mr. Hassard:** If we can go back to part 3, section 11 for a few minutes, I'm curious if the minister could tell us specifically if there will be any fees that a business operating on airport grounds might incur for licensing and whether there

is an appeal process in place should a licence application be rejected.

**Hon. Mr. Mostyn:** He was asking about fees in section 3, part 11. The answer to that — and I'll state it again — is that we propose no change in fees. The fees that we're proposing to be carried into this legislation are the very fees that were put into effect on December 31, 2014. Those fees are spelled out. We are proposing no changes. We have no intention of altering them.

The regulations themselves speak to what sort of appeal process could be brought in to fix upcoming regulations. The system we're bringing into place with this very legislation is to provide the transparency and consistency that the member opposite and industry is demanding. That's exactly why we're doing this. The legislation will provide a check and balance on the Government of Yukon from imposing any fees or regulations or that type of thing without the oversight of industry. That's why we build this advisory committee into the legislation.

**Ms. White:** I'm just going to correct myself, because I'm sure there was a bit of cringing on your part. I was wrong. The Pelly medevac patients go by ambulance to Stewart Crossing; they transfer into a Mayo ambulance and then they go to the Mayo airstrip. Just to correct the record, they do not go to Ross River; they go to Mayo. My map was a little bit haywire in my head — just to clarify that and I thank the Member for Pelly-Nisutlin for allowing me to do so.

**Mr. Hassard:** I'm curious — the minister says there will be no new fees. I'm curious — will there be any new requirements in terms of licensing for doing business at the airport?

**Hon. Mr. Mostyn:** Such a move would be required by regulation. We have stated that, at this point, we have no intention of bringing such a regulation forward, but I suppose that if industry or airport users recommended something, we would have a look at it, but this government has no intention of doing it. We put the checks and balances in place — this committee in place — to prevent the willy-nilly imposition of any such fee. We want airport users to have a say and to have a chance at consultation to make recommendations to this government about regulations. Such an action would be required by regulation.

**Mr. Hassard:** The minister can just bear with me — I'm asking these questions strictly for clarification so we have on record these answers. I'm not trying to be willy-nilly or anything in the questioning.

This proposed act would give the government the power to impose fees, or rates and charges, for the use of public airports here in the Yukon. Can the minister confirm that no fee will be implemented in the form of surcharges on cargo as well, then?

**Hon. Mr. Mostyn:** I thank the member opposite for the question and for the previous question. I appreciate the questions the member opposite is bringing forward and I welcome the discussion we're having in the House. I think it's bringing some needed clarity to this whole process and to the act itself.

My statement of “willy-nilly” was not to cast any aspersions toward the member opposite. I was really saying the government could not, without thought or regard to industry or airport users, just put something in place. That was the “willy-nilly” to which I was referring. For clarification, that’s where I was going with that.

As for cargo fees, the fees that we are proposing are already laid out in the regulations that were passed on December 31, 2014. We are proposing no changes to that. I do not believe there is a cargo fee in that fee schedule that is currently in place. If we were to change that fee schedule it would have to come through the regulations, and industry would have a chance to give its thoughts on such a change. That is the process we are hoping to formalize.

**Mr. Hassard:** So in saying that, can the minister commit to ensuring that all members of the tourism community are consulted during the drafting of any regulations in the future?

**Hon. Mr. Mostyn:** I can commit that consultations on regulations will be broad and considered. There will be much consultation on regulations going forward and we will have an advisory committee in place made up of airport users to provide some oversight, some thought and some feedback on any proposed regulations — and eventually recommendations on what they think about the regulations we are proposing. We will have to talk with the Yukon community to see how to structure this body, but I think that through that, the commitment is that there will be consultation with airport stakeholders on the drafting of regulations.

**Mr. Hassard:** I have a couple more questions on the consultation as it has been a big topic of conversation regarding this act. We’ve seen what I felt was very good consultation on the *Dental Profession Act* and we’ve seen quite extensive consultation on the *Pounds Act*. I’m curious as to why the minister would feel that an act such as this, when we’re talking about a new piece of legislation, why the minister would feel that it didn’t require at least as much consultation as either the *Dental Profession Act* or the *Pounds Act*?

**Hon. Mr. Mostyn:** I thank the member opposite for the question. This act is a framework, and this act will allow us to move forward with the next stage in this process — a much wider consultation on the nitty-gritty details, the actual meat of this legislation. The plan all along — and it continues to be that we will have a broad and wide consultation on the nitty-gritty details — the regulations of this framework legislation. The legislation itself is enabling legislation, but it really relies on the regulations. The regulations are where the detailed work of this law will come into play. That is where the consultation focus will be. That was always the plan, and that will be the plan going forward.

The members opposite are correct. We did have wide consultation on the *Act to Amend the Dental Profession Act (2017)*. It was a different approach. It was engagement that this government did — that my colleague undertook — and he received 13 responses from that consultation. We put out our engagement and we hope for the best. We hope that we can

get the best responses back that we can. We solicit these things and go farther, and then we eventually have to move forward with the legislation that is before us.

**Mr. Hassard:** When the minister saw the comments that were coming forward and the somewhat negative reaction, did the minister at any time feel that maybe they should just hit the “pause” button and go back and do more consultation on this bill?

**Hon. Mr. Mostyn:** I thank the member opposite for the question. We have never stopped consulting — engaging — with airport users — never.

The process began back in the summer, in July — actually as early as May when this whole thing was initially floated with some members of the aviation industry. It flew through to July. We went through this whole process. We have been talking, we tabled the bill, and we heard from industry at that time. The silence was broken. We were very appreciative of that. We met with industry officials. We continue to meet with industry officials. We heard what they were saying.

A lot of the concerns they were raising were concerns with regulations and we’ve spoken to them about that. They have raised one specific concern with regard to the act itself that did pertain to the discretionary nature of the advisory committee that we wanted to put in place to provide airport users a say in the drafting of regulations. They wanted more certainty that this advisory committee would be put in place. I had committed, of course, publicly to actually doing that, but they wanted protections going forward into the future. We have listened to that request, we’re more than happy to accommodate industry and its concerns around that, and we will provide the certainty that industry needs surrounding the advisory committee.

**Mr. Hassard:** Can the minister tell us who he was able to speak with before making this proposed amendment to the legislation?

**Hon. Mr. Mostyn:** I thank the member opposite for the question. We met with representatives of COPA and the Yukon Aviation Advisory Group and industry, and so it was a group representing local industry. They came to us as a group on behalf of the industry itself. We had a meeting; my colleagues had a meeting with this group. They had a discussion on the legislation and what the concerns were. After the discussion — this was the ask that industry had of us pertaining to making this advisory committee mandatory. I was asked if I was okay with that. Certainly I was. I was more than willing to accommodate the request that industry had made. It seemed like a good change and was something that I had already committed to do, but it provided some certainty and some reassurance to industry. I was more than happy to do it.

**Mr. Hassard:** Just for clarification, could the minister tell us if any communities, First Nations or a chamber of commerce were consulted in regard to this legislation other than what we discussed about the City of Whitehorse already?

**Hon. Mr. Mostyn:** I thank the member opposite for his question. I have heard from several communities. I believe

Teslin and Watson Lake have written to me. I have addressed their concerns in writing, talking about the process, what this legislation means, why we're doing it, what the process is going forward and how important their participation will be in the drafting of the regulations.

Most of the concerns that I've heard have been about an airport improvement fee, which is not part of this in any way, shape or form, and never has been. It was sort of a mistake that wound up in the public domain, and it has taken a lot of time to clear it up, but it was never part of this legislation. It was never intended to be part of this whole process. It was some sort of error in fact that wound up in the public domain and caused a lot of angst in the community at large and among chambers of commerce and in the industry. But, really, when you actually get down and discuss it with people and tell them that there never was an intention to bring such a fee into place, most people understood that their concerns and their input into this process will be heard through the drafting of the regulations, which will really be the nitty-gritty details of this legislation.

**Mr. Hassard:** Correct me if I'm wrong, but I don't think I ever heard an answer to the question: Were any chambers of commerce, municipalities other than the City of Whitehorse, or First Nations consulted in regard to this proposed legislation?

**Hon. Mr. Mostyn:** My colleague, the Minister responsible for Community Services, has spent a lot of the summer visiting many, many communities. He has been very engaged with communities throughout the territory. He has asked for their input and solicited their feedback on a number of issues, including the airports act.

He has spoken with the Village of Haines Junction. He and I both spoke to the Carcross pilots group down in Carcross. We have done that. There has been some community outreach and some community feedback with regard to this legislation. Very few tangible concerns have come up, apart from some concerns about the airport improvement fee, and, as I have said, that was never a part of this whole exercise with the drafting of the legislation.

**Mr. Hassard:** I'm curious if the Minister could provide us with a list of the communities that the Minister of Community Services talked to about the airports act.

**Hon. Mr. Mostyn:** I will consult with my colleague across the way here and endeavour to get such a list together.

**Mr. Hassard:** While the minister is endeavouring to do that, would he be able to provide this House with a list of chambers of commerce, municipalities and First Nations that were consulted in regard to the airports act as well please?

**Hon. Mr. Mostyn:** I thank the member opposite for his question. Let me bring some clarity to this discussion and this line of questioning, Mr. Deputy Chair.

We did not talk specifically with First Nations, communities, municipalities or chambers of commerce about this framework legislation. We did intend — and do intend and will — speak to First Nations, chambers of commerce, municipalities and whomever else would like to engage with this government on the drafting of the regulations surrounding

the airports act. That is where the real detailed work will happen; that is where these groups that the member opposite is identifying will have a real opportunity to contribute their thoughts and help shape the future management and operation of our critical pieces of airport infrastructure — the airports — across the territory.

That has always been the intention, Mr. Deputy Chair. That was the plan, and that's the plan we're going to continue to follow. We look forward to those broad discussions with chambers of commerce, First Nations, tourism groups, municipalities and whoever would like to wade in to actually help set the rules for our Yukon airports.

**Mr. Hassard:** I'm curious if the minister ever felt that, considering this legislation refers to the *Municipal Act* on at least two occasions — why they didn't feel it was necessary to consult with municipalities, or AYC, at least.

**Hon. Mr. Mostyn:** The member opposite was talking about municipalities. In fact, municipalities can, during the drafting of the regulations, ask to be considered under this act. They are still in the driver's seat if they want to be. We can accommodate their concerns through this legislation and through the regulations should we choose to.

To his question regarding the list of communities that were consulted — in the House, my colleague, the Minister of Community Services, said that he was at the Association of Yukon Communities on September 23, and he listed off a range of issues that were coming and that the rural communities might be interest in. They included cannabis, comprehensive municipal grants, infrastructure and the *Public Airports Act*.

He asked for their feedback on a range of issues, and the *Public Airports Act* did not register at the discussions at the Association of Yukon Communities with my colleague opposite. He heard very few concerns or comments about the *Public Airports Act* at that time. So they were aware of it, they had an opportunity to offer suggestions and, if they do now, I'm more than happy to listen to them and to hear what they have to say. The door is not closed. We have a lot of work left to do in drafting the regulations for this piece of legislation, and I look forward to hearing what they have to say about it.

**Mr. Hassard:** You've mentioned a couple of communities — Watson Lake and Teslin — so I'll just stick to those two for a few minutes. The reason that I have concerns with the lack of consultations with communities — a few of the reasons, I guess — is that last month, the Watson Lake Chamber of Commerce held an open house to discuss with Watson Lakers the airport enhancement project. As they were not consulted on the *Public Airports Act*, can the minister tell us how this bill may interact or work in conjunction with the plans that the community has been working on?

**Hon. Mr. Mostyn:** I thank the member opposite for his question and for bringing the issue out of Watson Lake to the floor of this House.

The bill before this House now does not in any way preclude cooperation or collaboration at the community level. It doesn't do that. In fact, it should provide consistency and

clarity over how we do that. This is about having a framework piece in place to manage our airports across the territory. That is what this legislation does. It provides clarity about decision-making and how we do these things. There is nothing preventing a community from working with the government on a project specific to its needs — none.

As a matter of fact, as I said, I believe in my heart that this legislation will provide the tools government needs to actually consistently engage with its airport users — whether municipalities, tourism groups or the aviation industry itself — around the airport land and structures.

**Mr. Hassard:** I think that's a pretty bold statement considering that no one has talked to anyone in Watson Lake to see what their plans may be. None of us here today have any idea how this may affect their plans, so I don't think that's entirely fair of the minister to say.

The other community mentioned was Teslin. I have a question regarding how this may affect things in Teslin, because it's my understanding that the airport is on conditionally surrendered lands so it's actually land that's owned by the Teslin Tlingit Council. I'm curious as to how this proposed act will be affected, considering that the land is not actually owned by the territorial government.

**Hon. Mr. Mostyn:** I thank the member opposite for the question. The act clearly states that it applies to land under the control of the Commissioner. That's where the act applies. If an airport or an airstrip is under the control of a First Nation settlement land of some sort or other, then we would have to enter into negotiations with the First Nation to determine what rules apply. That is a complicated scenario — absolutely, we would have to engage with the First Nation in that situation.

**Mr. Hassard:** Would the minister consider consulting with the Teslin Tlingit Council and clarifying any issues before moving any further forward with this proposed bill?

**Hon. Mr. Mostyn:** I thank the member opposite for his question and his follow-up. I think it's a very good question, because it really points to the need for this act, in a way.

This act applies on Commissioner's lands, but as I said to the Member for Takhini-Kopper King earlier, the regulations will determine what airports the Yukon government owns. We can't determine what airports we own. We do that through regulation, through discussion and through consultation. Once this act is in place, we will determine what airports are owned and operated by the Yukon government.

So the legislation, in effect, triggers a discussion with entities like the Teslin Tlingit Council, other First Nations, or whoever — such as communities — about their airports, and provides a framework where we can actually deal with these issues and solve these long-standing outliers in ownership and whatnot. This act will help provide a way that we can actually address these concerns.

Again, that whole discussion — that consultation, as always envisioned — will be triggered through the consultation on the regulations, which will determine what airports the Yukon actually administers and manages. That will trigger a discussion with whomever. It's important and

we'll have those discussions and start to settle these issues that have been outstanding for 22 years.

**Mr. Hassard:** That leads me to another curiosity: Can the minister tell this House if the Teslin airport is listed as an asset on the government's books?

**Hon. Mr. Mostyn:** I thank the member opposite for the question. It's an interesting one to be sure. The airport — and the Teslin airstrip — is indeed an asset of the Yukon government. Our understanding on this side is that there was a titling error with Energy, Mines and Resources that is currently being worked on that stems from the land claims negotiations. It's long-standing.

The understanding that we're working under is that the land is available to the Yukon government as long as it's being used as an airport, and if it is no longer used as an airport, then it would revert to the Teslin Tlingit Council. These are very complicated matters, but that's our understanding at this moment. Really, I think what is important is that there are discussions that need to be had, working with the First Nations, and this government is more than willing to do that and we'll continue to do that good work and settle some of these issues.

**Mr. Hassard:** I appreciate that answer.

Back to other consultation — I'm curious if the minister can update us on if any airlines from outside of the territory were consulted directly. Examples of those, or the three that come to mind, are Air Canada, WestJet and Condor. I'm curious if they were consulted directly — not as part of any groups. Essentially, were they consulted directly, one-on-one, in any way?

**Hon. Mr. Mostyn:** I can report to the member opposite that WestJet was consulted as part of our broader stakeholder group. They did obtain the legislation. They have not raised any concerns with us regarding the legislation.

Air Canada, which flies to the territory on a regular basis, was invited to our open houses; they came to our open houses and engaged in that process. We had communications back and forth. We did send them a copy of our draft legislation. They had it reviewed it by their legal team and raised no concerns with it. Condor, an international carrier on a seasonal charter, was not consulted as part of this process.

**Mr. Hassard:** One of the sections that definitely sets off some alarm bells for me was of course section 21(1), which gives the government the power to create fees and charges for the use of public airports.

Despite all of the concerns from stakeholders, we still see that this section is in the act. Why was there no consideration to just removing section 21(1)?

**Hon. Mr. Mostyn:** Thank you to the member opposite for the question. It is a fundamental question to this debate and it is a good one. It deserves an answer, and I am glad to be able to address it on the floor of the House.

Currently, the regulation of fees and rates at the airport — which were approved on December 31, 2014 by another government — resides in the *Financial Administration Act* under section 42(1). It sits with library fees and fees at the

Yukon Wildlife Preserve. I guess that is okay. It does not make a lot of sense to me, but I suppose it is okay.

What we are doing by bringing this ability through regulation — bring fees in at the airport under the airports act and out of the *Financial Administration Act* — is to provide some oversight, to provide some peace of mind to industry and to airport users. When they have a concern about rates, fees or the changing of such, they will be addressed and seen by the advisory committee that is put in place by the legislation. The legislation stipulates that there will be an advisory committee of airport users, and that advisory committee can make recommendations on regulations brought before it — that the government is going to make. Currently, fees and rates could be changed tomorrow. I could talk to the Finance minister and we could come along and change those rates. You know what? Industry and airport users wouldn't necessarily have to be consulted at all. They have not been consulted in the past. We want to change that.

We want to bring a level of rigour, transparency, clarity and oversight to the setting of rates at the airport. That is what this does. We bring this clause that the member across has highlighted into the airports act under the purview of the advisory committee and of everybody. It makes sense. People know where it is and, when things change, they can actually have some say over what is going on. That is the peace of mind that industry has been asking for. That is the peace of mind that industry asked of me in recent weeks. That is the certainty and transparency that I am more than willing to give to industry, and so I have committed to doing so and I will do so. I thank the member opposite for the question.

**Mr. Hassard:** Does the minister not feel that Cabinet has oversight on the changing of fees?

**Hon. Mr. Mostyn:** Cabinet is one oversight mechanism, but it hasn't protected industry in the past. Rates were set years ago with no oversight and no say on the behalf of industry. Industry has said to us that they want some say over this and that they want some oversight, and I am more than happy to provide that through the legislation, through this committee structure. Feedback on regulations is what industry asked for, and I am willing to provide it. I am even willing to go one step further; I'm willing to make it mandatory so that future governments are going to be bound by the same rules that we're binding ourselves to.

I think that's good for the people of the territory. I think it's good for airport users. I think it's good for industry — industry has asked for that. They want certainty. I'm more than happy to give it to them.

**Mr. Hassard:** I'm curious if the minister could maybe tell us how he proposes — or maybe clarify even — to ensure that it's clear in the regulations that the government will not, or cannot, implement any airport tax or improvement fees?

**Hon. Mr. Mostyn:** I have to say that, fundamentally, I am opposed to preventing future governments — tying their hands, impeding their ability to act. I am living in a legislative world. I think it's important that we keep future governments' options open. However, I also understand that industry wants some protection — they want guards, shields — against

government imposing its will on them with no oversight, with no say.

The legislation strikes a balance. I think it strikes a good balance. I think it doesn't shackle future governments with edicts in legislation that will not take into account the future needs of Yukon society. But it also provides certainty to industry, to airport users, that they will have a say over the actions of future governments. I think that check-and-balance system is important. I think it's important for future societies.

As I've said publicly and in writing, this government has no intention of bringing in an airport improvement fee. I've spoken to industry about this personally; I've written letters to the editor; I've said on the floor of the House; I've said it in media interviews. There is no airport improvement fee — there never was. How this information got in the public and how it became such a big deal — well, history will determine that, I guess, but from this government's point of view, it is absolutely clear that we have no intention of doing that. I've been crystal clear on that point. I've put it in writing. I've committed to the people of the territory that it is not on our agenda.

My goal is to build an industry that is stronger, to work with industry so that they have the tools it needs to prosper and grow — to actually better serve the people of the territory — and to make it safer, make our communities stronger. That's the goal of this government. That is the mandate that I've been given and I take it seriously. I want to deliver on that, so that's what we're going to do.

**Mr. Hassard:** Can the minister tell us if the department will — or will he — be bringing regulations forward to the Legislative Assembly for review prior to bringing them forward?

**Hon. Mr. Mostyn:** That isn't the normal process for drafting regulations. The member opposite has gone through that process himself; I think he knows it quite well.

However, I welcome the input of the members opposite into the regulatory process. I hope to see their input. I hope they weigh in and let us know what they think about the regulations that we will be putting before the public and the people of the territory for discussion. At that point, I expect that the members opposite will wade in and provide their thoughts on the regulations we are proposing, and I look forward to that input.

**Mr. Hassard:** We know that the minister has told us there were open houses held on the proposed legislation. I'm curious if there will be open houses for consultation on the regulations. If there are, will draft regulations be shared at those open houses?

**Hon. Mr. Mostyn:** There is going to be a fulsome discussion about the regulations coming forward in the coming months. Committees will be struck to advise us and to help us through this process. There will be an engagement strategy that will be rolled out. What form that takes is going to be determined.

I've heard from and continue to listen to industry and the community about this. I see there is widespread interest in the airports and in the way these critical pieces of territorial



transportation infrastructure are managed and maintained. People are engaged and I want to hear what they have to say about those regulations.

An open house is certainly one potential tool in the engagement arsenal. There may be others. I will take the member's comment under advisement.

**Mr. Hassard:** I'm curious, Mr. Deputy Chair — does the government or the minister have any ideas on how he's going to move forward with the consultation on the regulations at all, then?

**Hon. Mr. Mostyn:** I thank the member opposite for the question. I have many ideas — many ideas. This government has ideas on public engagement. We have engagement — we're looking at our engagement process now as a matter of fact. We take it very seriously. I have my ideas. My colleagues are all very sharp customers and they have their ideas as well, and I know that industry has its ideas. There is a committee that may have some ideas about how to do this. There are a lot of moving pieces coming forward, and we don't even have the legislation passed yet. I really appreciate the member's interest in this. I certainly share it. I'm sure he has his ideas and I'm more than happy to hear what they are. I hope he shares them with me. I would like to hear what he has to say about public consultation and how to do it. It's a new field for us both. I thank him for bringing it forward, and I look forward to hearing what he has to say. I really do. I think it's exciting. On the regulations for this airports act, I have no doubt that Yukoners will be heard.

**Mr. Hassard:** I don't know if the word I would use would be "exciting". I might be more inclined to use the word "scary", because we've heard no firm commitments from this minister on how we are going to move forward.

We have been told over and over that the meat is in the regulations; that we just need to pass this act so that we can move into the regulations. I'm saying: Before we do that, how do you propose moving forward with the regulations? It's apparently clear that maybe we don't have any idea on how we're moving forward with the regulations.

No, "exciting" certainly isn't the word I would use, and I would really hope that the minister would be able to give us some insight on how he plans on moving forward with the regulations and what sort of consultation will be taking place.

**Hon. Mr. Mostyn:** I certainly hear the fear and the member opposite's concern in his remarks. I'm going to stick to my description of this process. I think it is exciting. I think consultation and putting issues of importance, concrete issues, before the public, before industry, before the good citizens of this territory and all of their associations, connections and everything else is important.

I have committed publicly — and I am committing again — that this process will happen, but it really is dependent on this legislation, this framework, being passed. This framework legislation has within it the advisory committee, which is essential for us to move forward and consult on these regulations. It's an important piece; it is a piece that industry has asked for, has asked that we make mandatory, and is a

piece that industry itself sees as an important part of the coming consultations — integral actually.

You might even call it integral, but until this bill passes the Legislature, nothing changes. Yes, there will be consultation on the regulations going forward. Yes, airport users will have a say in that regulatory drafting through the advisory committee and other public engagements.

We welcome the feedback from First Nations, communities, industry groups, chambers of commerce and normal, everyday Yukoners on what rules will apply to the management and running of their airports. Beyond that — there will be more to come on that matter, but right now the matter before the House is this bill.

**Mr. Hassard:** It is a little bit troubling that the minister keeps referring to this as a framework, but the reality is that this is legislation. He talks about leases, licences, agreements and permissions as being details that are sorted out in the regulations. Can the minister provide us with any details on how these issues will be sorted out in the regulations?

**Hon. Mr. Mostyn:** Yes, Mr. Deputy Chair, absolutely I can. I can provide that piece. It is relatively simple. It is a commitment that I have made before and I will make again right now. With regard to the regulations around fees, a piece that the member opposite is focused on, it is very simple.

The fees and rates that are to be ported into this legislation — my proposal is that they don't change. They're identical. They're exactly identical, plagiarized in fact, from the members opposite from December 31, 2014. Those very same fees and rates, the ones that have applied since 1996 — correct me if I'm wrong — and that are 21 years old, these same fees are going to be part of the regulatory process. That is what we're proposing. Industry — that's our proposal; you now know it. It's there. You can go and look at it and may have notes on it. Those are the fees and rates that we are proposing to port into this new legislation now. It's going to go through the regulatory process. It's going to go through the committee process. I don't want to presume what it's going to say, but I think that it makes sense to keep those the same for consistency. It's helping industry.

Industry has made its concerns about the economics of the aviation industry clear to me. They're happy with the current rate structure and haven't expressed any concern about that to me. I don't know about the members opposite, but they seem happy with the 1996 rates and that's what we're proposing to put into this legislation going forward.

So far, industry seems very happy with that approach.

**Mr. Hassard:** I have some questions around the aviation advisory committee. I'm curious what sorts of powers the minister sees this advisory committee having.

**Hon. Mr. Mostyn:** It is an advisory committee. It will provide advice and input to the minister on critical issues involving aviation in the territory. That is what it is. We will provide recommendations to the minister and that will be its role: to have a look at the regulatory process and provide recommendations, advice and input to the minister.

**Mr. Hassard:** I would just like to thank the officials for being here today and providing a lot of valuable input for us for this discussion this afternoon.

Seeing the time, I move that the Chair report progress.

**Deputy Chair (Mr. Adel):** It has been moved by the Member for Pelly-Nisutlin that the Chair report progress.

*Motion agreed to*

**Hon. Ms. McPhee:** I move that the Speaker do now resume the Chair.

**Deputy Chair:** It has been moved by Ms. McPhee 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 Deputy Chair of Committee of the Whole?

### Chair's report

**Mr. Adel:** Mr. Speaker, Committee of the Whole has considered Bill No. 6, entitled *Public Airports Act*, and has directed me to report progress.

**Speaker:** You have heard the report from the Chair of Committee of the Whole.

Are you agreed?

**Some Hon. Members:** Agreed.

**Speaker:** I declare the report carried.

**Hon. Ms. McPhee:** 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 now stands adjourned until 1:00 p.m. Monday.

*The House adjourned at 5:28 p.m.*

### The following legislative returns were tabled October 26, 2017:

34-2-67

Response to oral question from Mr. Istchenko re: design work for the francophone high school project (McPhee)

34-2-68

Response to oral question from Mr. Istchenko re: track and field and recreation site at F.H. Collins Secondary School (McPhee)

34-2-69

Response to oral question from Ms. Van Bibber re: length of school day (McPhee)

34-2-70

Response to oral question from Ms. Van Bibber re: school calendar (McPhee)

34-2-71

Response to Written Question No. 19 re: infill lot development in Copperbelt South (Pillai)

34-2-72

Response to oral question from Ms. White re: off-road vehicles (Pillai)

34-2-73

Response to matter outstanding from discussion re: the appearance of witnesses from the Yukon Workers' Compensation Health and Safety Board before Committee of the Whole on October 17, 2017 (Dendys)

34-2-74

Response to oral question from Mr. Istchenko re: waitlist for housing (Frost)

34-2-75

Response to oral question from Ms. Van Bibber re: wait times for alcohol and drug services (Frost)