



# Yukon Legislative Assembly

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## HANSARD

Monday, October 30, 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

Clerk of the Assembly	Floyd McCormick
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**  
**Monday, October 30, 2017 — 1:00 p.m.**

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

*Prayers*

**Withdrawal of motions**

**Speaker:** The Chair wishes to inform the House of a change which has been made to the Order Paper. Motion No. 100, standing in the name of the Member for Porter Creek Centre, has been removed from the Order Paper as the actions requested in the motion have been fulfilled.

**DAILY ROUTINE**

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

Tributes.

**TRIBUTES**

**In recognition of Persons Day**

**Hon. Ms. McPhee:** Thank you, Mr. Speaker. On a fine summer day in August of 1927, a group of five bright, determined Alberta women met in Edmonton to sign a letter petitioning the Supreme Court of Canada to look into the matter of whether the government could appoint a female senator.

The matter quickly became known as “The Persons Case,” because at the time, only “qualified persons” could become senators and the Canadian government interpreted that to mean only men. The Supreme Court heard the case and eventually ruled that women were not “qualified persons”. One woman, Mary Ellen Smith from British Columbia, reacted to the news by saying — quote: “The iron dropped into the souls of women in Canada when we heard that it took a man to decree that his mother was not a person.”

The Famous Five, however, were undaunted. They petitioned the Privy Council to rule on the matter. In October of 1929, some 88 years ago, Lord Sankey arrived to a packed courtroom in London to read the Privy Council’s judgment. To the relief and joy of the Famous Five and the women across Canada, the Privy Council said, yes, women were indeed persons and could become senators. Sankey took things one step further, saying — and I quote: “The exclusion of women from all public offices is a relic of days more barbarous than ours.”

The Famous Five were Emily Murphy, Nellie McClung, Henrietta Muir Edwards, Louise McKinney and Irene Parlby. Each was a true leader in her own right. One was the first female magistrate in the British Empire. One was the first woman elected to any legislative assembly in the British Empire. One was the first female Cabinet minister in Alberta and the second in the entire British Empire. One was the first female director of the board of governors of the CBC. One of them was the founder of the National Council of Women of

Canada. One published Canada’s first women’s magazine. One established the prototype for the Canadian YWCA. One helped to found the Victorian Order of Nurses. One was the first president of the United Farm Women of Alberta. Two were delegates to the League of Nations in Geneva, and three were elected to the Alberta Legislative Assembly and worked to create legislation for the protection of women’s rights and property. They did this all before they were even fully defined as persons under Canadian or British law.

Separately, these five women were champions of the rights and welfare of women and children. They worked hard and courageously in the face of the prejudices and resistance of the day. Together they formed an unstoppable force that changed the world for women in Canada and in all Commonwealth countries.

**Ms. Van Bibber:** I rise today on behalf of the Yukon Party Official Opposition to pay tribute to Persons Day, which takes place on October 18 each year in Canada.

The Famous Five, Nellie McClung, Louise McKinney, Emily Murphy, Henrietta Muir Edwards and Irene Parlby, ignited the path to women’s equality in Canada. They successfully went to the Judicial Committee of the Privy Council in England, which was Canada’s final court of appeal at that time, to state the case of the right for a woman to be called a person.

By way of the Persons Case decision of October 18, 1929, their contributions enabled most women the right to be called a person and to fully participate in many aspects of public life, including the ability to serve in the Senate. But they had only scratched the surface of women’s issues. Despite the triumph, many women still did not feel a change to their rights, and we are all too familiar with the many hurdles still to be overcome.

Every year in October, close to or on Persons Day, a ceremony is held by the Governor General at Rideau Hall and six laureates are awarded a medal in commemoration of Persons Day. The award is to recognize the contributions of five individuals and one youth from across the country whose achievements have led us closer to a goal of women’s equality.

This year, the achievements ranged from: implementing social justice initiatives; furthering women’s human rights; empowering females; protection of victims of sexual and domestic violence; and nurturing the well-being of women and children.

The youth award went to a young woman who started a non-profit organization called Ladies Learning Code, which helps women and girls with technical education and training.

We all know women in our lives who have done equally amazing things and have furthered our goals as forward-thinking persons. Each of us will have stories and memories to share of those important mentors. Our trail was broken by many women before us, and our time in this Legislative Assembly makes it more special when we take the time to pay tribute to them.

**Ms. Hanson:** Mr. Speaker, as we commemorate Persons Day, perhaps you and others in this Assembly will have recollections of wandering around Parliament Hill or Olympic Plaza in Calgary where you come across the statues of a group of women sitting and drinking tea. It is homage to a group of women activists called the Famous Five.

The tea-party setting is an allusion to the pink tea-party gatherings that women in the early women's rights movement held. Under the cloak of such a feminine title, what man would think that in fact those teas were political organization meetings?

Emily Murphy, Nellie McClung, Henrietta Muir Edwards, Louise McKinney and Irene Parlby were five Alberta women drawn together by a shared idealism. Each was, as we have heard today, a leader in her own right.

When Emily Murphy became the first female judge in the Commonwealth in 1916, she experienced, from her first day in the Edmonton court, challenges by lawyers appearing before her, objecting to having their case heard by a woman judge because they said that women were not persons as defined by our Constitution. That didn't faze Emily Murphy because she wanted to become Canada's first female senator.

Through the efforts of women's groups across the country, more than 500,000 citizens signed petitions and wrote letters in support of Miss Murphy. Between 1917 and 1927, five governments indicated their support for such an appointment, but said that their hands were tied because only "qualified persons" could be appointed and that definition did not include women.

Two prime ministers promised to change the law, but did not. In 2017, it is difficult to believe that women were considered to be "persons only in terms of pain and penalty and not rights and privileges". After more than 10 frustrating years of political effort, Emily Murphy took a difference tack. Section 60 of the Canada *Supreme Court Act* stated that any five citizens, acting as a unit, could appeal through the federal Cabinet to the Supreme Court for clarification of a constitutional point. So Judge Murphy invited those four Alberta women to join her in asking the Supreme Court of Canada: Does the word "persons" in section 24 of the BNA act include women? In 1928, the court said no, basically saying that the BNA had to be interpreted in light of the times it was written, and in 1867, women did not vote, run for office or serve as elected officials. Undeterred, the Famous Five, as they came to be known as a group, were able, with the support of Prime Minister Mackenzie King, to appeal that decision to what was, at that time, Canada's highest court of appeal, the British Privy Council. On October 18, 1929, that council announced that, yes, women are persons.

Although Emily Murphy did not get a Senate seat, these five women proved yet again, Mr. Speaker, that what we can't do alone, we can do together. As Irene Parlby, one of the five, put it: "If politics mean... the effort to secure through legislative action better conditions of life for the people, greater opportunities for our children and other people's children ... then it most assuredly is a woman's job as much as it is a man's job."

## In recognition of Canadian Patient Safety Week

**Hon. Ms. Frost:** I rise in the House today to acknowledge this week as Canadian Patient Safety Week. Safe patient care is a priority for all Yukon health providers. Canadian Patient Safety Week is a national campaign to inspire extraordinary improvements in patient safety and quality. Working together, thousands of health care professionals, patients and families help spread the message to ask, listen and talk.

The theme of Canadian Patient Safety Week this year is: "Take with Questions" — challenging each of us to ask five lifesaving questions before taking our medication. The first is changes — have any of my medications changed? Secondly, continue — what medication should I be continuing to take? Thirdly, proper use — what is the proper way to take my medication? Fourth is monitor — what side effects should I monitor for? Lastly, follow up — when should I go for follow-up?

The initials of these questions are CCPMF and the Canadian Patient Safety Institute has developed a catch phrase to help providers remember to ask these questions, which is: "Check Chuck's pills more frequently". The Canadian Patient Safety Institute's mantra is: ask, listen and talk. This is meant to continue to emphasize that each of us has a role to play in patient safety. These are the first steps our hospitals, health care centres, home care teams, continuing care facilities and other health services take to keep you safe, such as: asking about the medication you are taking; ensuring that we use drugs appropriately; identifying whether you are at risk for a fall; using surgical checklists; and promoting hand hygiene.

Whitehorse General Hospital added technology to automate drug dispensing, which offers an additional level of medication safety. The Hospital Corporation also invested in "Bugs and Drugs", an information resource available to all health providers across the territory to help use antibiotics safely and appropriately so bugs do not become resistant to these important drugs.

What's more, washing your hands regularly is the easiest way to stop the spread of germs that cause serious infection. You can also bring all of your medications, including over-the-counter and herbal remedies, to medical appointments and hospital visits.

As your Minister of Health and Social Services, I would like to encourage all of us to think about and take on a role to improve patient safety. Unfortunately, we still have one patient die every 17 minutes in hospitals across Canada due to an adverse event, typically human error. We all have a role to make health care settings safer. Thank you for your dedication to improving our health and well-being.

**Ms. McLeod:** I rise today on behalf of the Yukon Party Official Opposition to pay tribute to Canadian Patient Safety Week, which takes place this year from October 30 to November 3. This week, we recognize the importance of making continuous improvements to quality of health care and patient safety.

The theme this year for Canadian Patient Safety Week is “Take with Questions”, highlighting the importance of questioning medications. Whether the medications are your own or your loved ones’, this week highlights the importance of not simply taking pills and other medication because your doctor told you to. Instead, be educated about the medications taken, what they do, what they treat, whether any have changed and why, how to take them properly, what side effects to watch for, and when to follow up with a doctor. Knowing how to take charge of your or a family member’s health care is important as is taking action and being involved in all aspects of medications.

The Canadian Patient Safety Institute works each year to raise awareness across the country about patient safety and encourages all individuals and family members, caregivers and health practitioners to stay up to date with best practices and encourage people to ask questions and play an active role in health care delivery. Ask questions, listen, talk and raise awareness among yourselves, friends and family. Know what you are taking and why, and make sure you report any changes in response to medications to your doctor or health care professional immediately. It is up to all of us to take care of our loved ones and ourselves.

**Ms. White:** I rise on behalf of the Yukon NDP caucus to pay tribute to Canadian Patient Safety Week. This year, Canadian Patient Safety Week runs from today until November 3. The Canadian Patient Safety Institute is an independent organization that works collaboratively with health professionals and organizations, regulatory bodies and governments to advance safer health care for all Canadians.

The institute continues to work hard to raise awareness about patient safety by working with partners, patients and their families. This national organization has worked hard to make the three simple words “ask, listen, talk” part of our health care system. The theme of this year’s Canadian Patient Safety Week is “Take With Questions”. Anyone with aging parents, friends or family members using prescription medication is aware of how easily medication instructions can become confused or mixed up — small print, unclear instructions or too many drug interactions can result in harm to the patient.

This week, we are reminded that all medication should be taken with questions. We’ve heard the questions already so I’ll just remind you one more time of this catchy phrase to help prompt you to remember the questions to ask: “Check Chuck’s pills more frequently”, “Changes?” “Continue?” “Proper Use?” “Monitor?” and “Follow-up?”

Thank you to the Canadian Patient Safety Institute for their continued work of bringing patient safety to the forefront of best health practices and reminding us of our responsibilities when it comes to our own health.

**Speaker:** Introduction of visitors.

Are there any returns or documents for tabling?

## TABLING RETURNS AND DOCUMENTS

**Ms. Hanson:** I have for tabling a letter to the Premier, dated October 30, regarding Bill No. 12. The letter is from the president of the Association franco-yukonnaise.

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

Are there any reports of committees?

## REPORTS OF COMMITTEES

**Mr. Adel:** I have for tabling the fifth report of the Standing Committee on Appointments to Major Government Boards and Committees, dated October 30, 2017.

**Speaker:** Are there any further reports of committees to be presented?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motions?

## NOTICES OF MOTIONS

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

THAT the Yukon Legislative Assembly, pursuant to sections 2 and 3 of the *Ombudsman Act*, recommends that the Commissioner in Executive Council reappoint Diane McLeod-McKay as the Ombudsman of Yukon for a term of five years, commencing June 10, 2018.

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

THAT this House urges the Government of Yukon to work with First Nation and community partners to implement the *Safe at Home* plan to address homelessness.

**Ms. White:** Il me fait plaisir de presenter cet avis de motion:

QUE cette Assemblée exhorte le Gouvernement du Yukon à modifier le Projet de loi N° 12 visant à modifier la loi sur les hôpitaux afin d’y inclure un siège représentant la communauté francophone, sélectionné à partir de candidatures suggérées par l’Association franco-yukonnaise.

**Speaker:** Are there any further notices of motions?

Is there a statement by a minister?

## MINISTERIAL STATEMENT

### Public engagement

**Hon. Mr. Silver:** Our government is seeking to improve the way that we do public engagement. We believe that considering Yukoners’ views and opinions will help make the best possible decisions for Yukoners. Our new approach to public engagement is part of our commitment to build a government that is open, transparent and accountable for its decisions.

I am making this statement today to announce the launch of a new website, [www.engageyukon.ca](http://www.engageyukon.ca). This site will allow

Yukoners to easily find ways to give their input to our government. Our new public engagement website will serve as a directory for all opportunities for the public to provide their feedback. It is a one-stop shop for engagement opportunities that are currently available to the public, engagements that have taken place or are now closed, and the results of those engagements as soon as the information is available.

We believe that engagement is incredibly important, but we also hear that organizations and the Yukoners whom they represent often feel overwhelmed by the number of engagements that take place every year. This website will make it easier for Yukoners to find ways to give their input and to engage with their government by putting all of the information about government engagement in a one-stop shop in an easy-to-navigate location.

Another comment that I heard from Yukoners when I was a member of the opposition was — curiosity as to how their feedback was actually incorporated into the engagement after that was completed. This site will house “what we heard” reports so that Yukoners can see how their feedback was used to inform our decisions moving forward. Currently the site has one open engagement — the *Societies Act*. There are seven closed engagements, nine engagements with results, and a full list of the 17 engagements that have taken place so far in 2017.

We believe in the importance of public engagement because research has shown its effectiveness time and time again. When citizens have the opportunity to engage, the experience results in generally more effective solutions. By drawing on diverse groups, engagement creates solutions that are practical and effective. Reaching out to citizens on important issues also improves their knowledge of the issues. Research has also shown that people can connect through engagement practices. Diverse groups can come together with shared interests on a given topic.

This government strongly supports meaningful engagement. This can be done in a variety of ways, from targeted conversations with specific interest groups to broad public surveys, through open houses, public meetings and working groups. There are many ways of gathering input and feedback from the public. This website is the first step that our government is taking to improve public engagement.

While we are striving to improve the way we engage with the public, we are also committed to learning and improving as we go along. As part of our commitment to continuous improvement, we will also be asking Yukoners to give us feedback on how we can make our engagement process better.

We look forward to hearing from Yukoners and gathering their feedback on a variety of issues. We welcome the public’s views and value their opinion. Public input will inform the best possible discussions and decisions for Yukon. I encourage members to take a look at our new website at [www.engageyukon.ca](http://www.engageyukon.ca) and share their feedback on this new tool as well.

I look forward to receiving your feedback and reporting back on our progress in this significant initiative.

**Mr. Hassard:** I would like to begin by thanking the Premier for updating this House about this new website.

I did have the brief opportunity to look at the Premier’s new website, and a couple of things jumped out at me. I note that this page is supposed to be a record of engagements that the government has held; however, I’m not sure that it’s an accurate account of their record. Of all the engagements referenced on the website, we see zero references to the *Public Airports Act*, for example.

There has been much coverage in this House about how the government has dropped the ball on the consultation on the *Public Airports Act*, so perhaps we shouldn’t be that surprised. However, I would have hoped that there would have been a section that would detail all of the alleged engagements that the Minister of Highways and Public Works has held on the *Public Airports Act*. For example, there could be a section on the website mentioning how he claimed the City of Whitehorse received draft legislation. There could be a section on the website mentioning how he misrepresented the aviation industry. It could also contain the original version of the minister’s press release about whom he had consulted. As you know, Mr. Speaker, he was forced to retract the original press release and then issue a new one with no mention of consultation. For Yukoners wanting to know this government’s record on engagement, having this information about their missteps certainly would have been important.

The section on the *Public Airports Act* also could have contained a list of the communities that the minister chose not to engage. Of course, that would have been all of them, but this is an important piece of the Liberal record on consultation that is missing from the website.

Mr. Speaker, regarding engagement, I also have questions about the government’s ability to respond to constituents and to meet with groups. The website is great, but what about answering the phone or responding to e-mails? Over the last year, we have heard many complaints about this government not returning phone calls, not responding to e-mails and taking months to respond to letters.

We have also found on several occasions that the government has not responded to letters until they actually become an issue in Question Period, so we don’t see anywhere on this website for Yukoners who are unable to get a response from ministers on day-to-day issues. Regarding what is on the website, I will take note, as the Premier mentioned, that there is currently one consultation that is currently open, and that is of course, the *Societies Act*. That being said, the Premier is launching the website today, October 30, and it appears to be out of date already. Let me quote from the section on the *Societies Act* consultation titled “How do I participate?” It says — and I quote: “Drop in or join a focus group at one of our open houses.” It goes on to say that the open houses are on Friday, October 27 and Saturday, October 28. The website the Premier is launching today is telling people who want to be consulted on the *Societies Act* to go to open houses that have already happened. Just like with the *Public Airports Act*, it appears the

government is only telling people about their consultation after the fact.

The other issue that I have noticed is a lack of consistency from this government when it comes to consultations. In some cases, they do very good consultation, as they did with the *Dental Profession Act*. However, when it comes to creating brand new legislation — no consultation. It would help if the Premier's website explained how he determines what he will and won't consult on.

**Ms. Hanson:** I thank the Premier for his statement. It is interesting to have announcement of a website as subject of a ministerial statement by a Premier, but then again, who among us as elected representatives of Yukon citizens would dispute the importance of genuine dialogue with all Yukon citizens on the vast array of issues affecting citizens? To be genuine, any legitimate public engagement process must also include the aspect of active listening. To be genuine, public engagement exercises led by government should anticipate that there may be times that the framing of the questions or the issues is not what the government intended. To be genuine, public engagement must contemplate that citizens may view the issues differently and, to be genuine, public engagement processes must demonstrate sufficient flexibility and responsiveness to be able to show that the public engagement exercise was not simply another public relations exercise. Mr. Speaker, nothing sours the goodwill of citizens more than to realize that despite being asked for their views and that despite the presentation of evidence that suggests a course of action or perspective that does not align with the carefully crafted questions set out in the public engagement processes — questions that guide respondents to positions previously articulated by the government — citizens then lose their willingness to participate, to spend time and energy. It evaporates, Mr. Speaker.

We hope the Premier's statement that the new government website will "serve as a directory for all opportunities for the public to provide their feedback" is a misstatement. Surely the Premier and this government do not intend to convey that the only avenue for citizens to give input to government is through a website. Surely the Premier and this government do not intend to convey the impression that members of this Legislative Assembly, elected by Yukon citizens — members who do not serve on the government side — do not have a legitimate role in presenting the views of citizens on any of the matters brought forward for debate in this Legislature.

I look forward to a statement of clarification by the Premier and I look forward to constructive debate that reflects the diversity of opinion and experience represented by all members in this Assembly.

**Hon. Mr. Silver:** Thank you to my colleagues for their comments here today. I am a little perplexed by the Leader of the Yukon Party. There is a screen shot of the front page — the *Public Airports Act* is on the website. It talks about how to participate, what is the engagement about, how will my input

make a difference, where I can find the results, results at a glance, what we've heard — it's a very comprehensive document when it comes to the *Public Airports Act*, but again, the Yukon Party — I don't know why they would bring that type of misinformation to this announcement, but they decided to do so.

Mr. Speaker, public engagement is a valuable tool for gathering information. There are many different ways of gathering public information and for the NDP member to suggest that we are now going to close all other doors is quite frightening, actually.

I recently read this definition of engagement: "Community engagement seeks to better engage citizens to achieve long-term and sustainable outcomes, processes, relationships, discourse, decision-making or implementation." That is exactly what we endeavour to do with this new approach to engagement. We want Yukoners to contribute to government decisions so that we can make it very simple and very easy for them to do so. We inherited an approach to engagement. It was an established practice undertaken for years by the previous government. The process lacked some of the essential elements, so last February, a team of public servants started the work of improving this process. They have contributed very valuable time and effort to the strategic approach to engagement and to develop this online tool.

This website is not the only aspect of the planning improvements and to suggest otherwise is very unfortunate. The public service team is also developing a community of practice. This group will help departments structure and plan engagement processes so that they will be well-rounded and inclusive as well. A major aspect of this improvement is to give Yukoners confidence that their feedback is heard and that their input is used.

The Yukon Liberal Party ran on a campaign that encouraged Yukoners to share their thoughts. We remain committed to this process and to this promise and we are working to make engagement accessible to Yukoners in this easy-to-use online tool. We will use this website to show Yukoners what topics are currently open for discussion. It will be a central location for all engagement activity. The website will also hold information about closed engagements, including a summary of the results, which will help show Yukoners how their feedback is actually being used in the decision-making process. It is important to this government that Yukoners are part of the conversation around the decisions that affect them and this is one of the tools to encourage Yukoners to get involved.

We recognize that engagement takes many, many forms, Mr. Speaker. It can range from public surveys to targeted conversations and many options in between. It always involves the MLAs who want to be involved. This improved approach to engagement will help determine which tools will work best in each circumstance, considering that each engagement opportunity is different. We also recognize that the engagement does not replace our legal obligation to consult formally with First Nation governments. That process will continue.

Through improved public engagement, we can ensure that government is working to meet the needs of Yukoners.

**Speaker:** This then brings us to Question Period.

## QUESTION PERIOD

### Question re: Mining legislation

**Mr. Hassard:** On March 16 of this year, the Premier promised the mining industry that, if they signed a letter supporting the passage of federal Bill C-17, he would work with them to address their concerns regarding timelines and reassessments of major projects. At the time, the Premier promised that he would work with them to develop what he called a “collaborative framework”.

Can the Premier update this House as to the status of this collaborative framework that he promised to address the industry’s concerns?

**Hon. Mr. Pillai:** Gladly I can speak to this topic. As we see in the federal government right now, Bill C-17 is coming close to a hopeful passage, supported, of course, unanimously by all members of this Legislative Assembly.

The commitment that was made by this team was to ensure that the primary parties, the principals, came together — Yukon First Nations through CYFN, the federal government and the territorial government. The framework for that MOU — and the reset MOU — has been signed off and supported by the Yukon First Nations who are now waiting for the federal government to move on that.

Part of the key will be to ensure that the federal government, upon passage — and hopefully they are working diligently right now. We’re certainly in contact, with meetings set for when Minister Bennett is in town later this year, but certainly a focus for us is to ensure that the table begins to come up with solutions as we see Bill C-17 move to passage.

**Mr. Hassard:** I’m curious as to why the Premier or why this government would have to wait for the federal government before they could start work on a commitment that was made by this government here. Wouldn’t it make sense to get ahead of this and make sure that there is a framework in place for when the legislation does pass?

As you know Mr. Speaker, all parties in this House supported the unanimous motion to support the Government of Canada’s efforts around Bill C-17; however, the motion also called on the Government of Yukon to live up to its commitment to industry. The Official Opposition pushed for, and was successful in having, wording in the motion regarding the Premier’s commitment to industry to develop a collaborative framework to address their concerns around timelines and reassessments, as I mentioned.

Does the government have a timeline for when this framework will be completed?

**Hon. Mr. Pillai:** There is certainly a lot there. I think we should remember that those who cannot remember the past are condemned to repeat it. How did we get here? Certainly that’s key to remember.

We’re dealing with a portfolio of legal challenges that really pulled down on the good work of Energy, Mines and

Resources. Certainly, the key to this was to work together. Have we started that work? Absolutely, so let’s be factual. The work is being done.

Also, adjacent to this, we have the MOU table. There is great work being done there as well. We’re certainly waiting for our federal counterparts to do their job. Why can’t we fix this right away? Well, it’s federal legislation, and that’s why this is being worked out within the federal arena. We’re here to work in conjunction — not to inject ourselves, like we have seen in the past. How did we get to Bill S-6? Well, we know why.

I’m glad that my friends and colleagues from across the way have turned their perspective on this. There was a bit of reconciliation that I think everybody in this Legislative Assembly committed to in order to move forward.

Have the previous actions left us with some problems? Absolutely. Certainly, we can’t candy-coat what has happened. We’re committed to working forward. The parties have agreed upon the structure, and we look forward to the passage of Bill C-17.

**Mr. Hassard:** The minister says that there was a lot there. Well, actually there wasn’t a lot there; there was just one very simple question, Mr. Speaker.

This government made a promise to industry, so my question simply was: Where are we at with this framework? Why would we not see this framework in place before the federal government passes this legislation?

**Hon. Mr. Silver:** We are looking forward to continuing the work that we’re doing on this side of the House with the Government of Canada, with the First Nation governments, as we continue to implement the assessment process of Bill C-17. Once it gets passed, there will be more to come there, but the conversations are ongoing. The minister has met on this very topic even just as recently as last night, and it has been ongoing.

As YESAA is federal legislation, it is incumbent upon Canada to provide clarity for all governments, for industry and for the public on the effect of the bill and the existing projects that are in the YESAA process. The YESAA reset memorandum of understanding establishes a positive working relationship between parties with respect to the future implementation of operations of YESAA. Is this going to take time? Yes, it is, and it’s too bad that we’re at this place. The Yukon Party talks a lot about consultation. This is the bailiwick of Yukon Party consultation — Bill S-6 — when the Yukon Party went to Ottawa without consulting First Nations on changes to the resource industry. This government is very proud of the relationship that we are moving forward in, in dealing with the situation of Bill C-17 with Ottawa, with the First Nation governments and with industry.

### Question re: Mining royalties

**Mr. Kent:** As all members know, placer mining is a significant aspect of Yukon’s economy and is of great importance to many Yukon families.

During the past election, the Yukon Liberal Party sent a letter to the Klondike Placer Miners’ Association, committing



to not raise placer royalties above the levels they are currently at.

Given the options that have been provided by the Financial Advisory Panel, which included raising placer royalties as a source of revenue generation, and, most recently, an amended motion on the floor that urged the government to — and I quote: “consider all options put forth by the panel” — we feel there may be a need for clarification of the record on the floor of the Assembly. Can the Premier reaffirm his previous statements that raising placer royalties, despite being part of the panel’s recommendations, is categorically off the table?

**Hon. Mr. Silver:** I will say again today what I have said in the past to clear the record. We mentioned during our campaign that we had no interest in raising the placer royalties. That was a commitment we made during the campaign. We made that commitment in almost every forum, and that was one of the things that we campaigned on.

The Yukon Party will ask: What about HST? What about other recommendations in the panel’s work? Again, we have said that we are going to wait, we are going to hear from Yukoners, we’re going to hear from the panel, and we’ll make our decision.

But it’s worth saying upfront — as the Yukon Party will make it sound like the diapers are going to get so expensive that everybody is going to leave the Yukon. We’ll clarify the record whenever we can. Yes, we’ve made statements in the past about placer royalties. We don’t believe that is going to solve our financial crisis. More importantly, we don’t think that is necessarily the first thing that we want to do when it comes to working in my community and other communities — Mayo and other communities that have a placer industry.

The question is begged as well: What do First Nation governments think? That conversation is ongoing as well, because I don’t know if they share my point of view on that.

But just to clear the record, we have said in the past, during the platform campaign, that we weren’t interested in raising those royalty rates.

**Mr. Kent:** I believe we did get to a point where the Premier did reaffirm his election commitment not to raise placer royalties. It took a while to get there, but I think we did get there.

On June 8, the Deputy Premier told this House about conversations he was having with mining industry stakeholders. With regard to the conversation around the placer royalty regime, he referred to them as — and I quote: “embarrassing”. He told the House — and I quote: “The Klondike Placer Miners’ Association understands this is a conversation that happens. We understand it is a conversation that has to happen...”

Was the Deputy Premier unaware of the Liberal election promise to not increase placer royalties when he made these statements on the floor of the Legislative Assembly?

**Hon. Mr. Pillai:** No, Mr. Speaker, I was very well aware of the position. What I was referring to were the conversations that have happened between Yukon First Nations and me on a number of occasions — and with the

Premier. He has just highlighted that he was very clear and concise on what the position of this government is when it comes to royalty rates. As we have said, with our First Nation governments, we’re not going to have two sets of conversations — one with mining executives and other ones with First Nations. We are going to have the same conversation at both tables. I was sharing with the Legislative Assembly that there is concern from First Nations that they do not feel that there is an appropriate amount of royalty being distributed to them. That was very clear. My friends across the way were very comfortable having two sets of conversations, and we’re not. That is not what is going to happen with our team.

**Mr. Kent:** I guess what we’re dealing with here is a little bit of inconsistent messaging when it comes to what the Deputy Premier, the Minister of Energy, Mines and Resources, is saying, versus what the Premier said and what his party committed to during the election campaign.

As I mentioned, the Minister of Energy, Mines and Resources called the royalty rates an embarrassment. We have a minister and a Deputy Premier who has clearly indicated that he needs to initiate discussions around the current placer royalty regime, and we have a Financial Advisory Panel that has recommended raising those royalties. However, we have a Premier who has still committed to keep his promise to the KPMA and not raise placer royalties.

So did the Deputy Premier inform affected First Nations and the KPMA that these conversations would no longer happen, and, if so, when did he do this?

**Hon. Mr. Silver:** I don’t think there’s any confusion here other than the confusion that is trying to be created by the Yukon Party. Our platform commitment was very succinct. This government, the Liberal government, does not believe that we should be raising the royalty rates in this mandate.

The message that came from the Deputy Premier, I too believe in. The First Nations do not share our point of view on that. When Tr’ondëk Hwëch’in gets \$69 in royalties for one year, that’s an issue. We’re encouraging that dialogue and we’re going to have that dialogue here — open and accountable — in the Yukon Legislative Assembly. We’re going to have that conversation with industry. We’re going to have that conversation with the First Nation governments.

Do we believe that if we raise those rates, we are getting ourselves out of the financial situation that we found ourselves in after the Yukon Party spent more money than they received for 10 years in a row? I don’t think so, but that’s not the only part of this debate. The First Nations have a very legitimate beef with this issue and I am encouraging industry, whether it is the KPMA or others, to talk with the First Nations and to have conversations about everything from occupancy, which they didn’t — the Yukon Party government never had those conversations and that didn’t get solved. Mining within the municipalities — no leadership there on that file and they were left to their own devices.

Those conversations will continue, Mr. Speaker. This is a tough issue for sure and I sympathize with the First Nation governments who believe that this rate is not enough, but

again we don't think that this is going to change our financial situation and we have been very clear on that.

**Question re: Highway safety**

**Ms. Hanson:** Anyone driving south on the Alaska Highway this summer or fall is familiar with the detours and the ongoing construction around the Carcross Cut-off. In the summer light, it wasn't so bad. Now, with the rapidly receding light of day, this intersection has become dangerous. There are no functioning lights; there is no visible signage or direction. Nearby businesses and residents were told that lighting would be completed over two weeks ago. It hasn't happened. Nearby businesses and residents were told that signage would be replaced and up long ago and that they would be consulted and kept informed — so far nothing.

Mr. Speaker, when will the concerns of Carcross Cut-off area residents and businesses be addressed and lighting activated to ensure traffic safety for the driving public?

**Hon. Mr. Mostyn:** I thank the member opposite for the question. Safety along the Whitehorse Alaska Highway corridor is very important to this government — it's very important to the people of the territory. That is why we actually initiated the work on the Alaska Highway in the south. It was an intersection that was identified as a problem and we have done the work there to improve the highway corridor.

That work is slated to be finished very soon, and when that work is completed, the proper signage and lighting will be up.

**Ms. Hanson:** The Carcross Cut-off is one of the busiest intersections on the Alaska Highway. There is a public school in the vicinity. Nearly 200-plus students are dropped off and picked up by parents or brought to and from school in buses. There are numerous businesses in the area as well as residents. Traffic from Marsh Lake, Tagish and Carcross and points in between must use this intersection. Lack of lighting — if the minister has been out there the last few days, there is no lighting — and lack of signage are leading to dangerous driving situations. Drivers unfamiliar with the changes and new routing are becoming confused and making dangerous corrections to return to the highway. Businesses have had to close their doors on occasion due to lack of accessibility to their properties.

Mr. Speaker, how does the minister intend to respond to the concerns of area businesses and residents that have yet to be addressed?

**Hon. Mr. Mostyn:** Highway upgrades at the Carcross Cut-off have involved upgrading the intersections at the Alaska Highway and Klondike Highway, Duncan Road, Salmon Trail and the fire hall road, including a new intersection across from the fire hall road. The Carcross Cut-off intersection has been upgraded to include a deceleration turning lane for southbound Alaska Highway traffic turning right on to the Klondike Highway. There is also a turning acceleration lane for northbound Klondike Highway traffic turning right on to the Alaska Highway heading toward Marsh Lake. The crest of the hill immediately north of the Carcross

Corner has been lowered to bring sight distances within appropriate highway standards. Four local accesses on to the highway were closed to reduce collision risks and accesses on to the highway have been repositioned to improve safety.

As for the lighting, my colleague, the Member for Copperbelt South, has indicated to me that the lights were on last night at around 8:00 p.m. when he drove through that section. So I'm not sure. I will look into this for the member opposite, though, and I will consult the department to find out what other improvements can be made.

**Ms. Hanson:** This is sort of a repeat of about two years ago. The first highway corridor functional plan came out in February 2015. In the fall of 2015, a "what we heard" document was released that identified concerns from businesses and residents along the corridor from the Carcross Cut-off to the Mayo Road turnoff. Public safety and direct impact on businesses were only a few of the issues named. Reassurances were made then that the department would be developing a priorities list of the areas of safety concern along the corridor and, presumably, a schedule of construction priorities.

In the spring of 2016, the Carcross redevelopment project went through YESAA, and a lot of construction has happened at this intersection in a relatively short period of time.

Can the minister tell this House the budgeted amount for the Carcross Cut-off project? What is the expected final cost? When will it be completed and when will all the lights be turned on?

**Hon. Mr. Mostyn:** I thank the member opposite for her question. The budgeted amount, I believe — I will get an exact figure, but it's in the neighbourhood of about \$5 million to upgrade and fix the south Klondike Highway intersection. I've been told by my departmental officials that work will be done very, very soon — in the next few days. I will get that information, though, to the member opposite. I haven't been out there in the last couple of days, but I have been out there and seen the construction. It is quite significant.

I have mentioned some of the things that we've done in this area to improve that intersection. The member opposite has spoken about the corridor project. At one point, there was a fairly extensive project announced by the previous government about improving the entire corridor — twinning it, improving access, raising speeds, the whole bit. This government doesn't believe in that approach. We have backed away from that.

There is no corridor project at this time, but there are a number of problem intersections and areas in that corridor that need to be addressed. This government has been discussing its options. I have met with the Hillcrest Community Association. I've met with Valleyview. I've met with constituents of my own riding and discussed these areas. I was at a meeting with the Member for Takhini-Kopper King on this issue as well. We are going to address the corridor concerns.

**Question re: Mobile-homeowners**

**Ms. White:** Last week, I asked the Minister for Community Services if he was planning to address the

concerns of mobile-homeowners by capping pad rent increases to inflation and preventing evictions without cause. The minister essentially said that it was an NDP promise in the last election, so he's not going to do it.

Well, I have for tabling a pamphlet distributed in mobile home parks by a Liberal candidate last election. It says that the Liberals will find innovative solutions, for example — and I quote: "... new formula Yukon Housing subsidies for pad rent..." It does sound like a questionable idea to provide public subsidies to pay owners of mobile home parks, but I guess it could assist some mobile-homeowners in the short term.

So will the minister fulfill this Liberal election promise to give public money to mobile park owners through pad rent subsidies?

**Hon. Mr. Streicker:** I thank the member opposite for her question. I, in particular, want to thank her for her continued advocacy and concern for mobile-homeowners. As I said last week, mobile-homeowners are on the spectrum of home ownership and they are often the entry into home ownership, and so it's an important piece of the puzzle when we think about affordable living here in Yukon.

The member opposite asked a specific question. The commitment that we made was to work with the housing action plan partners, with municipalities, and with mobile-homeowners and landowners to find innovative solutions. There was some suggestion about subsidies. I have initiated some work to try to understand what that might look like, but that's not the commitment. The commitment was working with — and I have initiated that work and I'm happy to continue it. The commitment was not to go back and redo the legislation.

I look forward to filling in more as there are supplementaries on this question.

**Ms. White:** Well, Mr. Speaker, it doesn't sound like the minister is prepared to honour that Liberal promise, so maybe he'll consider other solutions even if they weren't written in the Liberal platform, because decisions should never be about whose promise it was or whose platform an idea came from. It should be about what the people need — full stop.

Luckily enough, the minister knows what mobile-homeowners need. They said it loud and clear through a petition and once again through the survey results released earlier this year. They need an end to evictions without cause and a cap on pad rent increases. It's not complicated, it doesn't cost the government anything, and it won't put any mobile park out of business. All that's needed is the political will from this minister.

Will the minister listen to mobile-homeowners' needs and put an end to unlimited pad rent increases and evictions without cause?

**Hon. Mr. Streicker:** A moment ago when I stood, I said we would live up to the commitment that was made. It had nothing to do with whether it was in the platform or who made it. I stated it very clearly and I will state it again: I was very aware of the commitment and I have been working toward it.

I will listen to mobile-homeowners, and I will also listen to mobile park owners. They both responded to that survey. There is a difference of opinion out there, and so it's not as simple as the member opposite would have it. I think this is an important question. I have made efforts on this front. I am standing up and stating here that we believe that mobile homes are an important piece of the housing question. They are often the entry into home ownership and so it is important that we work on this and make sure that it is sustainable over time.

I appreciate that the member opposite is working strongly to be an advocate, and I believe we see it as important on this side of the Legislature as well.

**Ms. White:** The *Residential Landlord and Tenant Act* and the landlord and tenant office can do absolutely nothing for the two main concerns of mobile-homeowners — unlimited pad rent increases and evictions without cause.

The minister said last week — and I quote: "I think we all care about mobile-homeowners." Well, Mr. Speaker, the challenge I have for the minister today is: Prove it — because the reality, despite the minister's lofty words, is that absolutely nothing has changed since the last election under this government for mobile-homeowners.

When will the minister do something — anything, really — to make the lives of mobile-homeowners better?

**Hon. Mr. Streicker:** With the greatest respect, I will challenge two of the statements that the Member for Takhini-Kopper King just made — first of all, that the act cannot do anything. One of the things that the act says is that you cannot have a "with cause" eviction during the months of December, January, February — so there is something there. It may not be enough from her perspective, but it is something.

I think it is fair to say that the Residential Tenancies Office can do quite a bit. Since their inception in January 2016, they have had over 4,000 inquiries from both landlords and tenants, and they work with those landlords and tenants to help them resolve disputes. They have had over 70 hearings, which are arm's length. They are a quasi-judicial board and they have dealt with those disputes. They have prevented them from having to go to the courts. I don't think that it is entirely correct, and I will list one other thing that the member opposite has stated to me personally — that during the last term when she was a member of the opposition, the minister never spoke to her. I am doing that now.

#### **Question re: Mining within municipal boundaries**

**Mr. Kent:** Late last week, we understand, the Premier was in Dawson City, along with senior officials from the Department of Energy, Mines and Resources, to meet with residents about potential mining exploration east of the Dome Road. Can the Premier update us on what was said at that meeting, and was the owner of the mining property invited to attend as well? Also, were there any commitments made to those in attendance?

**Hon. Mr. Pillai:** The meetings that took place that the Member for Copperbelt South is referring to have to do with further conversations concerning placer operations within

the municipality — most to be focused on a conversation about the east bench. There was a series of individuals from the Department of Energy, Mines and Resources who attended those meetings. First of all, it was a government-to-government bilateral discussion between the municipal and Energy, Mines and Resources department. Further conversations were with the non-profit organization that has been very vocal about the potential effects to their area — as well, reaching out to the Tr'ondëk Hwëch'in First Nation.

In this particular case, I don't believe there was a meeting with the proponent, but there was a series of meetings that happened this year. The department and our team across the floor — we made a commitment that we would bring in a very respected individual to take on a conversation with the affected parties. That did happen. The final work was concluded this summer, and now we have shared the final documentation and plan to receive feedback as we plan to go forward with a long-term plan.

**Mr. Kent:** As members know, it was advertised that the exploration work for this property — as the minister mentioned and as I mentioned in my first question — along the east side of the Dome Road is scheduled to begin even as early as today. There have been obvious concerns from parties on all sides of this issue.

Could the minister or the Premier tell us what the next steps are in addressing these concerns that have been raised?

**Hon. Mr. Pillai:** If you could just give me a moment to build a little bit of context — the miner, as the claimholder in this particular case that the Member for Copperbelt South refers to, must carry out exploration work each year to keep the claims in good standing. For this individual to carry out this work on these particular claims, they are required to apply for a class 1 notification because a portion of the claims' groupings overlaps with First Nation settlement land. This is what is being referred to as part of that notification that we saw in the newspaper, which was part of the process of notification.

The miner was authorized by the Yukon government to carry out low-level class 1 exploration on the Klondike east bench claims the right side of Dome Road and the class 1 notification expires on April 19, 2018. It's important to say the Tr'ondëk Hwëch'in, as a First Nation, fed into that process — which, of course, in this case, led to the individual receiving the class 1 right. It's a requirement for the current class 1 notification for the miner to provide a minimum of two weeks' notice to the public, and that's what we refer to.

At this particular time, to answer the end of that question, the plan is to move forward in conversation with the City of Whitehorse, with Tr'ondëk Hwëch'in, as well as the individual and the proponent as we move forward to come up with a long-term solution, not a short-term solution.

**Mr. Kent:** We know what the background is on this and we know the context. What we were looking for were updates and next steps by this government.

Again, Mr. Speaker, I appreciate that this is an issue with many opinions on either side. As we know, the Yukon government officials met over the weekend with a number of

those concerned about the proposed exploration; however, meeting with the owner of the claim who was proposing the exploration may be prudent as well.

Could the Premier or minister tell us how many times the government has met with the owner of these claims to discuss the proposed exploration, and whether or not the Premier or minister has met with those owners personally as well?

**Hon. Mr. Pillai:** I would certainly think that the members opposite have a good understanding of this file. They left this one. It's another present from the past for everybody in Dawson City as well as the individuals at Energy, Mines and Resources — million-dollar roads, lots of conflict, people quite upset. As we can see from the response across the way, this definitely touches a button with our friends across the way.

First of all, to answer the question, there have been at least two separate occasions where the individual — the proponent, the claimholder — has met with the consultant who we have hired. They have a great working relationship — a long-time relationship, which has definitely helped — and also a long-time relationship that this consultant has had in working with the City of Dawson on many occasions and with Tr'ondëk Hwëch'in because of their role formerly in Energy, Mines and Resources.

I think that, moving forward, we're going to continue the dialogue with these individuals and, once again, try to reduce conflict. The history of our friends across the way is conflict and lawsuits. That is not how we operate, so we will come up with a solution that is balanced. We'll have a long-term solution, not a short-term solution for a little bit of gain, which leaves a big problem later on.

**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. Ms. McPhee:** I'll ask all of our colleagues here in the Legislative Assembly to help me in welcoming a number of guests who are here today. I would like to introduce John Phelps, the past president of the Law Society of Yukon. Also with him is Suzanne Duncan, I think, as the discipline chair of the Law Society of Yukon; Lynn Daffe, executive director of the Law Society of Yukon; Jim Bishop, their legal counsel; and Dan Cable of the Department of Justice — who have all worked tirelessly on the changes to the *Legal Profession Act, 2017*, not just this year, but for many years.

*Applause*

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

## ORDERS OF THE DAY

### GOVERNMENT BILLS

#### Bill No. 14: *Legal Profession Act, 2017* — Second Reading

**Clerk:** Second reading, Bill No. 14, standing in the name of the Honourable Ms. McPhee.

**Hon. Ms. McPhee:** I move that Bill No. 14, entitled *Legal Profession Act, 2017*, be now read a second time.

**Speaker:** It has been moved by the Minister of Justice that Bill No. 14, entitled *Legal Profession Act, 2017*, be now read a second time.

**Hon. Ms. McPhee:** This government is pleased to bring forward legislation that modernizes the regulation of the legal profession and legal services in the Yukon Territory. In January 2017, when I received my mandate letter from the Premier, I was very pleased to see the inclusion of a goal to work with the Law Society of Yukon on a new *Legal Profession Act* and associated regulations.

The legal profession in this territory has waited a long time to see updates to its governing legislation and it pleases me greatly that this government was able to table a bill accomplishing the feat during the first year of our mandate. Indeed, Yukon lawyers have been requesting amendments to the *Legal Profession Act* for more than 13 years. It's probably longer than that, but that's what I'll go with today.

In fact, when I was President of the Law Society of Yukon, I myself wrote to the government of the day — I think back in 2004 is the first letter we can find — with the same request. There were several more requests over the years. To provide guidance and assistance to government in amending this legislation, the Law Society of Yukon wrote a policy paper in 2011, entitled "Toward a New Legal Profession Act". In the spring of 2017, an addendum to appendix 4 of that policy paper was prepared and brought forward to Department of Justice officials for consideration. This was very timely as the policy work had commenced early in the new year of 2017.

I would like to take a moment just to note how extraordinary this action was on behalf of the Law Society of Yukon. Often when we are dealing with pieces of legislation that need to be changed or updated, a group that is affected will lobby government or will assist, make requests, have meetings — of course the Law Society of Yukon did all of that.

It is relatively rare — the extent of the work that the Law Society of Yukon put in to put forward a full document about what changes were necessary and why, and presented to a government, as was done in this case. In order to maintain public and member confidence in the ability of the legal profession to regulate itself, it is imperative to ensure that the new legislation is clear, understandable and reflective of standards of natural justice and procedural fairness that are upheld by the courts.

The new *Legal Profession Act, 2017* will be less prescriptive than the current statute and contains a general

framework for key regulatory issues, but it leaves the details with respect to their operation to the rules of the Law Society of Yukon and associated regulations. Amendments address the practical difficulties with the current act that present limitations in implementing its provisions, such as outdated, restrictive and unclear language and procedures that may be inconsistent with the best practices or the developments in common law.

In June of this year, Department of Justice officials began regular meetings with the Law Society of Yukon representatives to work through the key policy issues so that the drafting of the act could commence. In August, we sent letters, a discussion document and questions to targeted legal stakeholders, such as: the Yukon Law Foundation; the Yukon Legal Services Society; the Yukon Public Legal Education Association; the Yukon chapter of the Canadian Bar Association; the Yukon Chamber of Commerce; and Yukon First Nations. We invited them to meet with Justice staff either in person or by teleconference. The discussion document and its questions were used to create an online public survey posted by the Yukon Bureau of Statistics, which ran for 24 days between August 18 and September 11, 2017.

In all, the department received 45 responses to the online survey and the discussion document questions. It was no cannabis survey, but nonetheless there were people who participated and were keen to put forward their positions, their concerns and their support. The survey gauged public sentiment on issues such as: oversight of the rules of the Law Society of Yukon; the ability of the Law Society of Yukon to seek interim orders to stop unauthorized practice before a charge is laid; if the Law Society of Yukon should have the means to deal with issues of incapacity and issues of incompetence separately within their complaints and discipline scheme; and what dollar amounts constitute suitable deterrence in terms of fines for unauthorized practice in the case of a first offence or in the case of a second or subsequent offence.

Meetings were also held with several key legal stakeholders to discuss the contents of the new act or provisions of significant interest to those groups. Extensions were given to some First Nations and stakeholders to allow more time for comment. In addition, I was meeting on other matters with the Grand Chief and the executive director of Council of Yukon First Nations on a number of other topics, one of which was to answer questions that they had about this new act. These different engagement streams served to confirm public and stakeholder acceptability of our policy direction stemming from our intensive engagement with the Law Society of Yukon.

As previously stated, the bill replaces Yukon's existing *Legal Profession Act* with a simpler and more modern framework for the regulation of the legal profession and legal services in Yukon. The new *Legal Profession Act, 2017* maintains the central role of the Law Society of Yukon in regulating, licensing and governing lawyers in the public interest, gives the law society more flexibility and simplifies many of its procedures.

The new enactment also removes the government's direct oversight of the law society. In establishing a less prescriptive approach to professional regulation, the law society's own rules will deal with more detailed matters and are, for the purposes of this act, considered regulations.

Currently, the law society requires votes from the whole of the membership to pass or amend rules. The new *Legal Profession Act, 2017* will empower the society's executive to create or amend rules themselves without requiring membership approval, except in cases where the rule in question deals with executive composition and governance.

The new act features an expanded scope from the practice of law by lawyers to the provision of legal services more generally, in recognition of the fact that there are individuals or entities that may provide certain legal services in the course of their duties. To deal with this, the new act allows the possibility of regulation of other law-related professions by the law society by authorizing the making of regulations that would articulate who these individuals or entities are and what scope of services they can provide.

The updated *Legal Profession Act, 2017* also ensures that indigenous court workers can continue to deliver the valuable services they provide to individuals navigating the justice and court systems. That program has been very successful over the years and is included, of course, in this new legislation for its continued success.

The act also continues new provisions for indigenous court workers that would allow for their services to be described in a regulation that would be authorized to be made only after consultation with all Yukon First Nations and the Law Society of Yukon.

The act also contains an updated process for complaints and hearings. Part 4 of the act establishes separate streams for dealing with matters of incompetence versus matters of incapacity, such as substance abuse or other health issues — not something even contemplated in the current act and something absolutely required to appropriately deal with issues that arise in the regulation of the profession. This allows for different remedies to be used for dealing with these matters separately from matters that are purely disciplinary in nature.

In tandem with this, the updated act also introduces enforcement tools that will enable the law society to deal with persons who provide legal services without authorization, including significantly increased fines and access by the law society to court orders that would end unauthorized practice before, or without, a charge being laid.

In fact, some have argued that the former act does not permit any action with respect to persons providing legal services without authorization. It's clearly a gap that existed in the current legislation that will be resolved with this new act.

As the act is also the governing legislation of the Yukon Law Foundation, there have also been a number of changes in that part of the act, which is now part 7.

The new *Legal Profession Act, 2017* updates the objectives of the foundation to focus on public legal education and access to justice issues. It also sees the term of office for

Law Foundation directors extended from two to three years for continuity and relaxes the annual audit requirement of the Law Foundation's accounts to a biennial requirement.

In order to ensure that the Law Foundation continues to gain the revenue it requires to fund public legal education and access to justice initiatives, a provision has been added that allows for the creation of a regulation that would see a levy assessed on non-resident law society members. This would allow the Law Foundation to recover revenue from members who do not maintain a trust account in the Yukon that directs interest accrued to the account of the Yukon Law Foundation.

Further to this, unclaimed trust account property, in cases where the rightful owner of that property cannot be found, will now be delivered to the Law Foundation instead of to the Government of Yukon. It can then be used for public education and access to justice initiatives.

Mr. Speaker, in conclusion, the new *Legal Profession Act, 2017* succeeds in modernizing the guiding legislation for the provision of legal services in the Yukon and provides the Law Society of Yukon increased flexibility to ensure that its rules can keep up with future changes to the profession and always maintain practices and procedures that serve the public interest where the provision of legal services is concerned.

This government is pleased to bring forward legislation that makes good on the promises made to Yukoners, and we will continue to work with Yukon's legal stakeholders as regulations are developed and the law society updates its rules as a result of the changes made to this statute — all in the name of better regulation in the public interest, for and on behalf of Yukoners.

**Mr. Cathers:** I rise today, of course, in my capacity as the Official Opposition critic for Justice. I would just like to begin by also joining the minister in welcoming to the gallery John Phelps, Suzanne Duncan, Jim Bishop, Lynn Daffe, and of course, Dan Cable from Justice.

I would note that the issue of the need for changes to this legislation, as the minister alluded to, is not a new one. I would like to thank all who have worked on this and, in particular, John Phelps and Jim Tucker, who brought this to my attention in a meeting at the tail-end of the last term when I was Minister of Justice. I do apologize that we ran out of time to move forward with these changes, but I believe that the content of the legislation is good. I appreciate the fact that the law society has been pushing for this change and is supportive of its content. I do believe that the changes in particular focusing on the protection of the public interest first and foremost are positive changes in this legislation, and the Official Opposition will be supporting this legislation.

**Ms. Hanson:** I thank the minister for her very complete overview of this legislation. Prior to the last election, I believe that all parties had the opportunity to meet with the members of the law society to talk about the need for this legislation and the fact that it has been a long time in coming.

It's kind of fitting. When I looked at the website and then I looked at the policy paper that was, in fact, done in 2011, it

was 100-and-some pages. I think we've reduced the legislation down to 101 pages — so policy to legislation.

I commend the drafting advisory group. It looks like it has been a significant amount of work. I also thank the officials from the Department of Justice who provided a briefing for opposition members on October 11 and made it clear to those of us who took part in that briefing that, as we work our way through this new piece of legislation, we — as Members of the Legislative Assembly — will probably know more than we ever thought we wanted to know or needed to know about the legal profession — present company excepted.

But it is good to see modernized legislation — legislation that does clarify the mandate of the law society and that does make clear the importance of protection of the public, although — as I understand it — the issues of how some of the regulations with respect to the overhaul of discipline activities and others will take time. Once we pass law, we are looking at least another six months before that occurs.

We are also encouraged by the fact that, in addition to the targeted consultation with the bar association and members of the society, there was involvement with chambers of commerce and other targeted consultation, including the Court Watch Yukon.

The Yukon NDP is pleased to support this bill and we look forward to the detailed walking through in Committee of the Whole.

I just want to point out — as my colleague, the Member for Takhini-Kopper King, has pointed out — that Takhini-Kopper King is well-represented with the members representative of the law society in the gallery today — quite a few of them live up there, so that's quite cool.

**Speaker:** Is there any further debate on second reading of Bill No. 14?

If the member now speaks, she will close debate.

**Hon. Ms. McPhee:** I won't take too much time, other than to express my gratitude and the gratitude of our government to the members opposite with respect to their support for this. I don't doubt there will be some detailed questions and I look forward to the opportunity to answer those.

Again, I will take this opportunity to thank the law society for their extensive work in bringing this, finally, to the floor of this room. I look forward to having it continue during this Session so that this will in fact become new legislation.

**Speaker:** Are you prepared for the question?

*Motion for second reading of Bill No. 14 agreed to*

**Hon. Ms. McPhee:** Mr. Speaker, 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 continuing general debate on our favourite topic, 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:** Order, please. Committee of the Whole will now come to order.

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

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

**Hon. Mr. Mostyn:** I just wanted to welcome my departmental officials, Sandra Rose and Bhreagh Dabbs. They are here this afternoon to provide assistance and I just wanted to welcome them to the Assembly.

I'll now relinquish the floor to my able colleague across the way.

**Mr. Hassard:** I too would like to welcome the officials here today for this exciting afternoon.

When we left off on Thursday, we had just started talking about the aviation advisory committee. I have a few questions there.

I'm curious if the minister could tell us if the aviation advisory committee will have power to rule out any regulation that they deem would be harmful to industry.

**Hon. Mr. Mostyn:** I thank the member opposite for the question. It's a good one.

The aviation advisory committee that will be struck through the legislation that we're putting forward will have a recommendation function. It will see the regulations coming before me. They will have an opportunity to provide feedback to me through that. They will be able to tell me what the implications of those regulations are on the airport users and provide recommendations on ways forward. That said, they will not have a veto over regulations. That falls on me and this government to make decisions about airports, and we will retain that authority.

**Mr. Hassard:** Can the minister tell us what the membership of the aviation advisory committee will look like? Will industry have a majority on that committee? How will the government representatives line up with the number of industry reps?

**Hon. Mr. Mostyn:** At the moment, we don't know the composition of that aviation advisory committee. In truth, it is going to be struck after the legislation is passed. I really want

to consult with industry and people in the territory to see how this committee will operate and what its terms of reference are. I want to work with people to make sure that it is an effective group. I want to make sure that this group functions well and dynamically together — between the aviation industry, airport users broadly and the Aviation branch — so that they start to work together to make our airports function a lot better. I think that happens when groups work together, and that is what I hope to accomplish.

**Mr. Hassard:** Can the minister tell us: When this advisory group is formed, will they meet with the minister on a regular basis, or would they just meet with government officials?

**Hon. Mr. Mostyn:** These are very good and very specific questions. I imagine that the committee will have a representative of airport users on it. Those people will be making recommendations on regulations that come before it. I imagine that the way that will work will be that, off the hop, there will be some work as we develop regulations going forward — there should be quite a bit — and, as the airports start running, that workload will start to taper off somewhat. In my conversations with airport users going into this process, I have given some assurance that they would have a direct line of communication to the minister.

**Mr. Hassard:** Would it be up to the minister to convene meetings with the committee, or will industry have the opportunity to convene meetings moving forward?

**Hon. Mr. Mostyn:** I thank the member opposite for the question. As a minister of this government, I have an open-door policy. I have already had aviation airport users come to request meetings with me, and I am more than happy to meet with them whenever we can. I think that face-to-face meetings are eminently productive. We get to have a candid exchange of views, and I think that is useful for all. That is how I do business, and I intend to do that in the future.

**Mr. Hassard:** Can the minister tell us what the decision-making structure of this committee will be? Will it be by consensus, or how will that take place?

**Hon. Mr. Mostyn:** I really do appreciate the member opposite's interest in this matter. I think that these are all good questions.

As far as how this advisory committee comes to decisions, I am going to work with the committee once it is struck to come up with a model that is acceptable to the committee. Far be it for me to adopt a father-knows-best approach to this, Mr. Speaker. I want to include all users in the decision-making power of this committee. I think I'll leave it to the committee itself to come up with appropriate ways for its decision-making powers.

**Mr. Hassard:** So however the committee decides that, would the minister be able to overrule decisions made by this committee?

**Hon. Mr. Mostyn:** As I said earlier, the ultimate decision-making authority rests with the minister and this government in certain cases because there are checks and balances built into this legislation — checks and balances that aren't similar in the NWT act. That was part of the

consultation that we did on this airports act. We heard that the NWT act didn't have enough checks and balances, so we built some into that. For some decisions, like the closure of airports, the Commissioner in Executive Council has that decision, not the minister acting on his or her sole authority.

Ultimately the decision will come to this government, and this government — because it is a decision-maker — will make the decisions, but will do so after considering the input of the advisory committee and any other user who wants to weigh in on regulatory matters.

**Mr. Hassard:** Can the minister tell us how many members he would think would make up this committee, and would that membership be appointed by order-in-council, or would the minister consider something like having the advisory committee being selected by the all-party committee on boards and committees?

**Hon. Mr. Mostyn:** The members of the committee would be appointed by ministerial order.

**Mr. Hassard:** In the minister's letter, it refers to the committee as an important link between government and stakeholders. I am wondering if the minister could elaborate on exactly who he is referring to when he talks about stakeholders in this letter.

**Hon. Mr. Mostyn:** That again is a good question. I believe that airports are — and I have said this on the floor of this Legislative Assembly — a critical piece of transportation infrastructure. They are a lifeline to the world and to our communities within the Yukon. They are important strategic assets. They are very, very important for the provision of health care and goods and services. They are the heart and soul, in many respects — a very important piece of our communities. We all have a stake in our airports. The stakeholders of the airports of the territory are the people of the territory, and I intend to make sure that the people of the territory have a say in how these critical pieces of transportation infrastructure are managed, going forward.

**Mr. Hassard:** Just to clarify: Does the minister include First Nations, municipalities, tourism operators, chambers of commerce and outfitters in that list?

**Hon. Mr. Mostyn:** I suppose the short answer to the member opposite's question is yes. All of those groups are certainly stakeholders in our airport infrastructure. Tech companies are also part of that. Hospitals, consultants, moms and dads, soccer players — you could go on. It is just about everybody, Mr. Speaker. I could not be clearer.

**Mr. Hassard:** The minister's letter says that the committee will have the opportunity to fully review and offer its views and recommendations on proposals directly to the minister. The huge issue with the consultation on this act has been the lack of consultation. We have heard some complain that they were not given enough time to provide input on the act. Of course, as we all well know, it's a very busy industry and they all have day jobs and aren't necessarily having the time to check e-mails on a regular basis. They need adequate time, of course.

Can the minister tell us how long the committee will have to review regulations when they are sent to them? How will



the minister ensure that the committee has enough time to review those regulations?

**Hon. Mr. Mostyn:** As I have suggested on the floor of this House just this afternoon, I want to work with the advisory committee to come up with a structure that works well for all of us. I don't foresee there being a limitless time to consider recommendations or regulations that come before the committee. There will have to be timelines established. Timelines are important, just like they were in the consultation process we just held on the legislation. We have timelines to focus the mind and to focus attention on getting the job done, so I am sure there will be deadlines and some sort of time stipulation as to when such a committee would get back to me with their recommendations. But they are not going to be unreasonable timelines. They will be developed in concert with the stakeholder advisory committee, and I am sure we will be able to reach some consensus — some agreement — as to what works for both the committee members and this government.

**Mr. Hassard:** Can the minister tell us how the terms of reference for this advisory committee will be established? Who does he plan on consulting on those terms of reference?

**Hon. Mr. Mostyn:** I thank the members opposite for their patience. The proposed terms of reference will be struck by regulation at the end of this whole process. We are going to consult on the regulations going forward. One of those things will be the structure of the committee. We will actually come with a proposed terms of reference from within the government. We will then take that out to our engagement piece and welcome feedback and we will have a discussion about what the airport users of the territory think about the terms of reference for this committee. From that discussion, we will refine those things and actually come to something that works for the people of the territory.

**Mr. Hassard:** Will that be done with a targeted group? Who will have input on the terms of reference?

**Hon. Mr. Mostyn:** As I have said, the consultation — the engagement process — for the coming regulations is going to be a robust, inclusive and broad consultation piece, and I look forward to input from many people in the territory on the regulations that are going to actually give some meat to this legislation.

**Mr. Hassard:** Can the minister elaborate on who will be consulted or is this something that will be on the government website and just go from there? Will there be a pointed consultation with regard to this?

**Hon. Mr. Mostyn:** I'm grateful to the member opposite for bringing attention to our new website that launched just today — our consultation website, which is a new piece of infrastructure and an online tool to help the people of the territory know what their government is doing and their input into government decisions — what sort of impact they're having. It's a layer of transparency that this government is committed to and a level of engagement that we've committed to that I think will prove useful going forward, and it will prove useful for this process as well.

I have stated as recently as a couple of minutes ago that this is going to be a fulsome and broad consultation on the regulations. I want to have as much input into them as I possibly can, so I imagine it will be open to whoever would like to contribute to these regulations. I welcome their feedback and we will listen and weigh what they have to say about it.

I think that will be a good process and I look forward to it. It will be facilitated through our new website.

**Mr. Hassard:** I don't think the minister has actually clarified though how the consultation process will roll out. He has said that, yes, it would be done through the website, but will there be community consultation or any other pointed consultation, as I asked?

**Hon. Mr. Mostyn:** I appreciate the questions of the member opposite and I thank all of the opposition members for their feedback on this piece of legislation — nine pages of legislation, Mr. Speaker, or four and a half if you take out the French translation, which takes up half of the page. It is a fairly small bill and it is fast approaching the most read or most talked about piece of legislation in the territory's history. There is so much interest in this piece of legislation and I could not be happier.

As for the consultation piece on the regulations, which I have committed to, those plans are currently being drawn up right now by the good folks at Highways and Public Works. That consultation plan is being fleshed out even as we speak. I imagine it will involve open houses, community meetings and meetings with stakeholders, letters to First Nations and municipalities and perhaps a survey. There could be any number of pieces. We are currently working on that to make sure that we reach out with the regulations because really that is a very important piece. It is what we committed to right from the very beginning — that the regulations would involve a lot of public say.

People — the members opposite and others — are clearly very interested in this and I welcome it. The airports are very important pieces of infrastructure for the territory. We are more than open for public consultation. The website should help to facilitate that process, and I am really grateful that we have it online. That will help and the details on the consultation and the plans coming forward will be released in due course.

**Mr. Hassard:** Can the minister tell us if industry will be given the pen in the drafting of the terms of reference for the advisory committee?

**Hon. Mr. Mostyn:** Absolutely, Mr. Chair. Industry will certainly have a say. They are an airport user. They are an important piece of this puzzle. They use the airport every day. They have built their businesses around it and they want to have some say in its management. I can totally understand that.

We want our airports to flourish. We want them to become vibrant economic engines for the territory going forward. This legislation will help foster that, and that is one of the reasons it is on the floor of the House today. I cannot

see a scenario where industry wouldn't have some say in that process.

**Mr. Hassard:** In the minister's letter, it says that work will begin in the next couple of months. Could the minister provide some details around that? What work is he talking about that will begin? Is this the work of drafting the terms of reference or that the committee will actually be meeting within the next couple of months?

**Hon. Mr. Mostyn:** Work is already happening on this matter. We have the good staff of Highways and Public Works already drafting the consultation plan going forward on the regulations. Once that plan is pulled together and refined and we have a way forward that shows how exactly this thing will roll out, we are going to have to come up with some things for the public to discuss. There will be the regulations that will be coming forward and the striking of this committee will be part of that whole process. That work has started already and will roll out over the next several months, Mr. Chair.

**Mr. Hassard:** I'm curious as to if the minister could give us an idea of how long the consultation process will be on the drafting of the terms of reference?

**Hon. Mr. Mostyn:** I think that once the consultation plan is worked out, it will provide a little more clarity for the members opposite and me about how long this process will take.

**Mr. Hassard:** To quote from the minister's letter to the aviation stakeholders, he states — and I quote: "We are committed to continued collaboration with stakeholders on airport management, given the importance of aviation to Yukon and the knowledge and experience stakeholders will bring to bear on issues that arise with respect to the act and the regulations. As such, we will ensure that the Committee has sufficient input on decisions, so that they remain driven by airport stakeholders, to the benefit of all Yukoners."

I was hoping to get a bit more detail on this excerpt from this letter. I think it is an important section and we need a bit more clarity on it. Obviously the committee is a key promise to the industry, but regarding the phrase "...sufficient input on decisions..." — I'm curious how the minister will determine what is sufficient input and does the minister get to decide what "sufficient" means?

**Hon. Mr. Mostyn:** I thank the member opposite for the question. Industry airport users as a whole are a knowledgeable and engaged bunch and I think in working with the airport users as a group, we should be able to come up with some guidelines about what sufficient input is.

The decision-making power will rest with the minister and this government going forward, but I am sure that industry will have a say in what sufficient input is.

The very fact of this committee's existence provides a level of oversight that has been lacking in this territory for almost 22 years. There has been no legislation. The aviation advisory panel has been in existence but it has not had a well-defined role. We want to bring some structure to that and make sure that they have a say over how the airports are managed and operated throughout the territory. That's

something to bring a little bit more structure and order to make sure that what they say is considered and is part of the process. It is actually going to be written into the legislation. This is a brand new piece, and it means that future governments can't just bring in regulations on any number of things — from fees, rates or charges to management of the airports — without some sort of oversight and without their input into the process. I think that's a really valuable piece of this legislation.

It's a very valuable tool, and it's something that isn't in the NWT act. It has been put into this act because of industry input. Industry suggested that this was lacking and this is a way that we could actually address that oversight in another piece of legislation to make ours substantially better — better for government and better for industry. That's what we have done.

By its very nature, this committee — by its very existence — will provide input to airport users into the regulations.

**Mr. Hassard:** Obviously Whitehorse doesn't have the only airport in the community. I'm curious how this committee will address issues in rural Yukon and all of the other communities and have input in decisions from those airports. Will the communities have representatives at this advisory committee, and if so, how many communities does the minister see as being part of this advisory committee?

**Hon. Mr. Mostyn:** I think this government has been clear in its commitment that all communities matter. All communities matter to this government so, in the structuring of this committee, we are going to have to make sure that we have a broad cross-section of airport users represented on the committee. That will include First Nations and communities. We will have to have some sort of conduit for the wider territory to have input into the management of the airports, which are so important to the communities.

The exact structure of that — that's going to have to be determined at a later date. I can't see us having 40 members on this committee. I don't think committees with excessive numbers of people on them are necessarily the most efficient way of going about this, but we do want to make sure that we have a broad cross-section of airport users on this committee, as we have with many other committees that we have structured in the territory.

There are a lot of models we can use for this. The Minerals Advisory Board is one that the Minister of Economic Development is well familiar with. There are others from where the genesis of this committee's structure was borrowed — from that piece of legislation. We strengthened it a little bit by proposing an amendment that will make it mandatory, which it isn't in the *Economic Development Act* but it would be in our act, just to give airport users a little bit more certainty that their voices will be heard by future governments on the regulations stemming from this piece of legislation. The short answer — all Yukoners are users of our airports, and I would hope that they all have some conduit of say over the regulations that would be proposed in the management of their airports.

**Mr. Hassard:** Could the minister provide us with any information on whether the advisory committee would be reviewing regulations as they relate to landing fees?

**Hon. Mr. Mostyn:** Back to the fees — I will answer the member opposite's question about fees. Yes, Mr. Chair, fees will be set by regulation, and regulations will be overseen by the advisory committee. This is a new thing. It is value added that Yukoners are going to get out of this piece of legislation. It is a structure that has not existed in the past.

In the past, what has happened is that fees and rates have been set for the airports out of the public eye. They have materialized out of nowhere — just sort of materialized. “Here are the rates you will be charged as of March 31, 2014” — that is not the way that industry has told me they want to continue operating. They want a say over what happens at their airports. They want to have some sort of protection from the imposition of fees and rates by future governments. Right from the very beginning, I said I would strike a committee and put one in place. Industry said, “Great. That is great for you, but what about future governments?” I said, “Okay, well let's make it mandatory, then.” So we have. We have an amendment that we would like to make that will make it mandatory to protect airport users from future governments intervening in airports without the oversight of the advisory panel. I think that is a very good check and balance on government's ability to impose regulations without any oversight, and I'm fully in support of it.

**Mr. Hassard:** We've heard recent comments from local industry with concerns about landing fees in the Northwest Territories — the concern, of course, being that they're too high.

If government proposes regulations that have landing fees that the industry believes are too high, what recourse will this committee have to intervene? Will they have the ability to overrule the government's regulations? I'm assuming not because the minister has said that he or the government would have the final say — but just to clarify.

**Hon. Mr. Mostyn:** There is a very good answer for the member opposite, and that very good answer is: What recourse does industry have now? I can answer that question very simply — none. The current legislation does not allow industry to have any say over the regulations that are imposed on our airports. We want to end that. We want to end that with a simple — well, it's already in the legislation. We want to make it even stronger. We want to turn a discretionary committee into a mandatory one to protect future Yukoners from governments imposing their will without any oversight, which is currently the case now. As a matter of fact, we've seen that because regulations were passed that affected the industry on March 31, 2014, without any consultation.

This legislation is unlike the NWT's because of industry's input into the drafting of this legislation and their comments. We actually changed it from the NWT act to provide an oversight committee, an advisory committee that would actually see what regulations were being proposed by the government prior to them coming into being.

That is an improvement over the NWT act where the airport improvement fee was imposed without any — I suppose it was imposed without much input or no structured input from industry. We wanted to end that. We wanted to eliminate that so we put an advisory committee into our legislation that will give them a heads-up and give them a say, a recommendation, an ability to recommend amendments or changes, or what they think about any regulation that we bring forward. I think that's an improvement. I think people of the territory will welcome that change. I think it gives people across the territory a say in how their airports are run, which currently they don't have and they haven't had for 22 years. We want to make sure that they have that say going forward.

**Mr. Hassard:** I don't think there was an answer in all of that, but we'll carry on anyway.

Regarding the consultations about airport improvement fees, I'm curious if it would be just the committee that would be consulted on improvement fees or does the minister think that the government would consult with the public as well?

**Hon. Mr. Mostyn:** I would like to rise right away and correct myself — I misspoke two seconds ago. I said that the fees were imposed in March 2014. It was actually December 31, 2014 — just to correct the record.

So the question is about some sort of specific fee. Again, the specific fee and airport improvement fee has been conjured. It's in the public consciousness. I don't know where it ever came from. It has not come from these benches in any way, shape or form. These benches have been clear — I've been clear — that there will be no airport improvement fee levied by this government. It's simple: none. I've put it in writing. I have said it on the floor of the House. I said it on Thursday. I have said it numerous times, both publicly and everywhere else.

The airport improvement fee is not an option for this government. It's not coming into play. Any regulations that this government proposes in the management of its airports will go before the advisory committee and they will then have an ability to weigh in on what those regulations — what they think of them, how they think they'll affect the airport users, how they'll affect the industry specifically, how they'll affect any number of things, whether they're good regulations, whether they're needed, and how they might be tweaked. That's the sort of feedback and input we want to have. It will make for better regulations. It will make for a better process than the one we have now, which is no process. It is no legislation. There is nothing in place now and it's a hodgepodge of rules that have been “MacGyvered” to help serve the territory and they haven't served it very well.

Over the last 22 years, I think currently the fees and rates that were imposed on December 31, 2014 reside in the *Financial Administration Act* alongside library fees and rates charged at the Yukon game preserve. That doesn't seem to make a lot of sense, Mr. Chair. This is going to bring some logic and some structure to the way we manage these critical pieces of aviation infrastructure — airports. They are so central to our lives here in the north.

**Mr. Hassard:** Earlier on Thursday, I asked a question about how Nav Canada was consulted, and as noted, Nav Canada was listed in the government's press release about consultation on this piece of legislation. I asked the minister how Nav Canada was consulted and he said they were part of the YAAG. He then referenced the YAAG meeting on July 25; however, we do know that there was no Nav Canada representative at that July 25 meeting, so my question for the minister is: Is it the July 25 meeting of YAAG that the minister considers consultation with Nav Canada or was there some other type of engagement with them?

**Hon. Mr. Mostyn:** On Tuesday, August 9, a Highways and Public Works official met with Nav Canada and at that time asked for any issues and concerns to be forwarded to the government. That happened on August 9 so, yes, there was a direct conversation with Nav Canada after the July 25 meeting.

**Mr. Hassard:** In regard to the advisory committee, can the minister tell us if he feels that the City of Whitehorse will have a representative on that committee? Can he also tell us what assurances the minister can give the city that their input into regulations will be considered?

**Hon. Mr. Mostyn:** I have been crystal clear that all communities matter to this government. The City of Whitehorse is one of the communities in this great territory and its interests will continue to be reflected in the management of the Whitehorse International Airport. I have stated that airport users will have a say over the coming regulations surrounding this piece of legislation and that includes the City of Whitehorse going forward, as they have been included in the past.

**Mr. Hassard:** Can the minister tell us what he has determined to be the length of the term for members of this committee?

**Hon. Mr. Mostyn:** At this point, the very composition and length of service on this committee has not yet been determined, but as we draft the terms of reference for this committee, as I have said to the member opposite in one of his earlier questions today, some of those details will be worked out and brought forward for review by airport users across the territory. I am sure that they will weigh in with their thoughts about the issue. I look forward to hearing what those thoughts are.

**Mr. Hassard:** In regard to the consultation with the City of Whitehorse and with other communities as well, can the minister tell us if those consultations take place at the political level or just at the officials level?

**Hon. Mr. Mostyn:** The consultations on the regulations are going to be broad and deep. I have made that assertion several times to the member opposite in response to his questions. I welcome the opinions of whomever — any airport user — on the regulations as they come forward. I encourage the members opposite to weigh in with their thoughts. I am sure that they will. There will be politicians in Whitehorse and communities across the territory who will have some thoughts.

I welcome them and I look forward to reading them. I think that will be a useful process, and I'm not going to limit the discussion on the regulations, these important pieces where we actually give some meat to this legislation. I think the public at large will be consulted. That will include politicians and many others — First Nation politicians and perhaps the members opposite as well. I look forward to hearing what they have to say about those regulations.

**Mr. Hassard:** As I noted, the minister's letter regarding the advisory committee says that the committee will have, in the minister's words, "sufficient input on decisions" — not just regulation, but decisions.

I touched on this a bit earlier, but I would like the minister to expand on this if he could. Part 2, section 5 of the act gives the minister a number of authorities around enforcement officers. I'm curious — would the committee have input into decisions regarding part 2, section 5 of the act? For example, right now, according to this section of the act, the minister may appoint a person as an enforcement officer. Obviously this would constitute as a decision. I'm curious if the committee would be able to provide input into this decision as well.

**Hon. Mr. Mostyn:** I thank the member opposite for the question. The minister will be appointing the individuals, the enforcement officers, to enforce the regulations that are put in place by the minister after some consultation and recommendation by the advisory panel.

**Mr. Hassard:** Part 2, section 4 of the *Public Airports Act* states that the management control of all public airports will be under control of the minister, so I'm curious — would the committee also be involved in the management and control of all public airports?

**Hon. Mr. Mostyn:** The advisory committee would have an influence over the management and control of the airports through its important feedback on the regulations. The regulations will lay out how those airports will be managed. The advisory committee will provide feedback and information that will be important to the minister of this and future governments in the actual management of those critical pieces of infrastructure, and so that will be the forum through which the committee will have a say over the management of airports.

**Mr. Hassard:** Further, in part 2, section 4, the act states that the minister may operate, plan, construct, maintain and improve the public airports. Since the minister has said that this advisory committee will be able to provide sufficient input into decisions, would this committee then be involved in the operations, planning, construction, maintenance or improvements of airports here in the territory?

**Hon. Mr. Mostyn:** We are going to strike an advisory committee that is there to advise the minister on the operation of airports. It would be folly — why would the government strike and have a functioning group of informed, engaged and knowledgeable individuals and not pull on that knowledge and that important feedback in the decision-making process? I don't operate that way. I welcome feedback. I think that good decisions rely on good information from airport users. So I

cannot foresee a situation where such an advisory committee made up of such talented individuals with such a broad range of interests would not have a role in advising the minister on how they operate, plan, construct, maintain or improve public airports. That just seems to make sense to me, Mr. Chair.

**Mr. Hassard:** Mr. Chair, I think it would have made sense to involve them in the decision-making when this government was so busy creating this bill.

Part 2, section 3 of the act allows the Commissioner in Executive Council to designate a public airport. I'm curious if the minister can tell us — would the committee be involved in this process?

**Hon. Mr. Mostyn:** This territory currently has 28 airstrips, airports, scattered across the territory. The commitment I have made is not to close any of them. Industry was concerned about that, and I have told them publicly I would not do that.

Barring any unforeseen circumstances that I can't even imagine, we are going to be seeing 28 airstrips designated by the Commissioner in Executive Council — this Cabinet, because I can't do it alone. This piece of legislation has protections in it for industry, which means that the minister alone cannot make decisions in this case, especially with the disposition of airports. It has to be done by Cabinet, by the Commissioner in Executive Council. So there is a protection there and the idea is to have all 28 designated. That is the plan.

Some future government — decades hence, perhaps the members opposite, if they are so lucky — might decide to close airports. They wouldn't be able to do that in isolation. This legislation protects the industry and airport users in the future from the arbitrary decisions of a government that isn't as engaged or as interested in engagement as we are. That's a protection built into this legislation to protect the industry in the future, and it provides an avenue for input into the Cabinet's decision on airports. This Cabinet — this group of individuals; this team that I'm so lucky to belong to — believes in engagement. I don't think we would ever close or open an airport without some sort of public engagement that would include airport users and people of the territory, including members of this advisory committee.

**Mr. Hassard:** So in hearing that, regarding part 3, section 8 of the act, it currently reads: "Subject to this Act and the regulations, the Minister may grant a lease of any part of a public airport, or in respect of the whole or any part of any structure on a public airport, and may extend a term of a lease, renew a lease, terminate a lease, approve an assignment of a lease or accept a surrender of a lease."

Can the minister confirm that the advisory committee will also have input into the minister's decisions under this section?

**Hon. Mr. Mostyn:** I thank the members opposite for their continued interest in this and for their questions. The clause the member just referred to said: "Subject to this Act and the regulations..." — and the regulations that will be coming before the advisory committee. That will establish the

rules of engagement — the rules under which the minister — me — can actually grant a lease.

Currently, those rules are not entirely clear. They were sort of cobbled together — "MacGyvered" by a number of different things — the *Lands Act and the Territorial Lands (Yukon) Act*. All sorts of things have been pulled together and it is not that clear to people at the airport or industry. As a matter of fact, the industry cannot get leases at the moment because of the fallout from decisions that were made a few years ago. We are attempting to sort that out right now.

Here it is. We have an advisory committee that will be brought in through legislation to oversee the rules and the regulations on how leases and things are handed out to people, and they will have input into those rules. Currently they don't have an established process, but they will have one. That will give airport users a measure of control and certainty over how these leases and everything else get rolled out in the future.

**Mr. Hassard:** Regarding the leases, I know that it has been stated that leases or renewals cannot exceed 30 years. How did the minister arrive at this number of 30 years? How does it compare to other jurisdictions in Canada?

**Hon. Mr. Mostyn:** The wording in the legislation is consistent with the territorial *Lands Act* and the *Territorial Lands (Yukon) Act*, which is the current legislation that the members opposite have been relying on and previous governments before that — rules that have been in place for almost 22 years. This continues that practice. It is consistent with that, but more importantly, it is also consistent with other pieces of legislation in Canada, including the NWT act. This is not something that is unusual to Yukon. It's actually used in other places as well. It's fairly consistent.

**Mr. Hassard:** Regarding part 3, section 9 of the act, which allows the minister to grant licences to use or occupy any part of a public airport, I'm curious if the minister could give us some insight on what he feels the committee's role would be with respect to decisions made under this authority.

**Hon. Mr. Mostyn:** I thank the member opposite for the question. It is very similar to one of the previous questions we had in the last few minutes. It's subject to the act and the regulations — the regulations that will be brought before an advisory committee for recommendations for input and for feedback. They will have a say in it and that will set the rules under which the airport is run. They will have notice of what the proposed rules are. They will be able to feed into that, provide us amendments and recommend different approaches. I will weigh those and come out with a standard operating procedure in terms of the rules and then we will put them into play. Then everybody will know what the rules are.

Currently, they don't know what the rules are in these cases because they're not clear. They're cobbled together from a number of different places. This is going to make it easier for industry and airport users of all stripes to know what the rules are. They could go to any number of things for advertising or for museum displays, which I was asked about the other day — all these different rules will come forward, be fleshed out through the regulations, which will be overseen through the committee structure.

**Mr. Hassard:** I'm wondering if the minister could tell this House today who is required to have a licence to use or occupy any part of a public airport currently. How does he see this changing under this new legislation and will it be expanded?

**Hon. Mr. Mostyn:** The member opposite and I had gone over this, I believe, on Thursday, but I'm more than happy to answer the question again and I will do so. All licence holders who are currently operating at the airport — as I stated last week — will come back into force under this new legislation. They are already licensed; we don't want to impede activities.

What the member opposite may be referring to — and this may be a refinement on the earlier question that was answered on Thursday — is that there may be new industries. We have no idea who is using the airports and they'll have to be licensed like any other, so the number of licences will grow. Some businesses that we haven't even anticipated could come out of airports. It's a hypothetical — I have no idea what it is, but I can imagine there would be circumstances that would require another licence being granted, so yes, it will grow, but the ones that are in existence now will continue on and will be able to operate as they have in the past.

**Mr. Hassard:** Part 3, section 10 of the act says: "... the Minister may (a) enter into agreements, other than leases and licences, for the use or occupancy of any part of a public airport..."

I'm wondering if the minister could provide some detail around these types of agreements. How many of them does the minister contemplate would exist if this legislation passes?

**Hon. Mr. Mostyn:** This summer, as members might remember, Canada 150 had an air show that came up here and in that situation the airport entered into a lease agreement that was a one-off. It was an outside-the-norm kind of event and the minister operated under that. We granted permission for them to come up here and do that. That would probably fall under this clause. Nav Canada and Transport Canada also may have requirements that would require an agreement for us to enter into outside of the norm. Those are the types of things we're talking about.

**Mr. Hassard:** I'm glad that they were able to do that without an airports act — it's good to know.

Just for clarification, earlier today the minister stated that no fees will be altered. Just to confirm, is he referring to handling fees, leasing fees or licensing fees as well?

**Hon. Mr. Mostyn:** On December 31, 2014, a fee schedule came into being. It was conjured out of thin air and came into being. I think it came out of Management Board — something out of Management Board — and suddenly the regulations, to meet the requirements by law, were struck and put into place. They currently are in place and they're in existence. The operators all operate under those fees at that fee schedule and our proposal at the moment is to impose these fees. I simply port them over to the new legislation as part of its regulations. Of course that will come before the committee and they can make their recommendations on what they think about the fees that were conjured and put into place

on December 31, 2014. I will hear what they have to say about them, but for the most part, I understand that industry is operating under those existing fees and rates and those ones will be continued on under this process.

**Mr. Hassard:** Regarding those existing fees — we have heard the minister express quite a bit of concern over the parking fees. I'm curious and I would like to get some clarity — if and when this new act goes into place, will the minister be rolling back parking fees at the airport or will he stop collecting parking fees altogether? Will he be refunding parking fees that his government has collected since the election?

**Hon. Mr. Mostyn:** I thank the member opposite for the question. The difference here is that when I port the regulations on fees and rates before the advisory committee that we are going to strike, they will have a chance to recommend to the minister what those fees and rates are. I will take their recommendations under advisement and I will then make a decision. That said, that process has not existed before. This is a new process. This is a new on-ramp for engagement from airport users — one that was not in existence several years ago. That's really the problem. That's the problem we're trying to fix through this legislation, and really the biggest issue I have had is in the imposition of fees without any consultation and without any checks or balances, just: "Here are the fees you will pay, people of the territory, and we are going to do this" and they had no say in that. This legislation changes that. That's the difference.

We are putting in an engagement piece — a critical piece of consultation infrastructure — in place right in the very act that will prevent that in the future. In the future, future Yukoners, once this act passes, will have a conduit for feedback into the government that says: "Hey, we don't want parking fees", and so we will then take that information and weigh it against what's going on in the territory at the time and make a decision.

In the past, that did not exist. It doesn't exist in the NWT act. It does exist in our legislation because industry had noted it as a lapse in that legislation and we put it in. Now they have a conduit for that feedback that was lacking in the past. I think that is a positive thing for the people of the territory. It is a positive thing for airport users, and I think it is a step forward for airports generally.

**Mr. Hassard:** If the advisory committee recommends it, will the minister roll back parking fees, stop collecting fees or refund all of the parking fees that have been collected since they were elected?

**Hon. Mr. Mostyn:** I tend to try to avoid hypotheticals on the floor of the House. We will see what happens when it comes out.

**Mr. Hassard:** On Thursday, the minister stated that he had confirmed from the Minister of Community Services that the *Public Airports Act* was brought to AYC for consultation on September 23. Two things — I wanted to get a confirmation that AYC was consulted on September 23 and if there was any feedback from AYC at that time.

**Hon. Mr. Mostyn:** I have spoken with my colleague, the Member for Mount Lorne-Southern Lakes, and he said that on the date specified by the member opposite — I didn't write it down, I'm sorry — he was at an AYC meeting. He brought up several things that were on the radar that this government was dealing with, one of which was the airports act. It was one of several items that he mentioned was coming from this government. The information that I have been provided is that there was no discussion about the airports act at that time.

**Mr. Hassard:** I am also curious as to whether the Association of Yukon Communities had received any written consultation regarding the airports act. The reason that I ask this is because the minister has stated that it was discussed at AYC — or brought up, at least, at AYC — but nowhere in the minutes from that meeting is there any reference to an airports act. Nor is there any reference to the minister mentioning the airports act in the recorded session of that meeting. Maybe the minister has been mistaken in that, in some way, and the Minister of Highways and Public Works probably can't answer that question. Maybe he could answer the question regarding whether or not AYC had received anything in writing from Highways and Public Works.

**Hon. Mr. Mostyn:** I believe we had this line of questioning on Thursday, and I am more than happy to repeat myself. No, Mr. Chair, there was no written consultation or written communication with Yukon communities about this.

It was a targeted consultation with industry, and that was the plan all along. The municipal pieces of this legislation are going to be addressed through regulation. As I've said previously, municipalities and all airport users are more than welcome to weigh in.

**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 continuing general debate on Bill No. 6, entitled *Public Airports Act*.

**Mr. Hassard:** Last week, the minister told us that his government did not consult First Nation governments regarding the proposed airports act. I'm just curious if the minister could confirm that and maybe elaborate on why he didn't feel it was necessary.

**Hon. Mr. Mostyn:** The member opposite is correct. We did not consult First Nation governments with respect to this piece of legislation. It was a targeted consultation and engagement with industry and those directly affected by the rules contained therein. That is what we did. It was a targeted consultation focused on industry.

**Mr. Hassard:** On Thursday, the minister also stated that he had consulted with the Carcross Aerodrome Society. I'm curious if the minister could provide this House with a

date of that meeting and if he could just update us on what the main purpose of this meeting was for — and as well, if they received any draft legislation or any other paper documents regarding the *Public Airports Act*, and if he could inform us what their feedback was as well.

**Hon. Mr. Mostyn:** The Member for Mount Lorne-Southern Lakes and I met with the Carcross Aerodrome Society. It was an informal conversation we had — I don't have the dates precisely. We did mention that the *Public Airports Act* would be coming. We didn't have a copy of the act at that time, but we did tell them that we were going to be bringing that legislation forward.

**Mr. Hassard:** I guess I have to beg to differ as to whether or not that would be considered consultation, but the last part of that question was: Did they provide any feedback?

**Hon. Mr. Mostyn:** No, we received no direct feedback. I did not receive any direct feedback from the Carcross Aerodrome Society.

**Mr. Hassard:** Back to the regulations — regarding the development of the regulations, I would like quote from the minister from October 16: "In the past, regulations have been drafted without any public input. We don't feel that is a good way to go."

It sounds like the minister is committing that all regulations authorized under this act will go out for public consultation. Can the minister just confirm if that is in fact the case?

**Hon. Mr. Mostyn:** The act itself hard-boils in an advisory committee that will provide recommendations to minister. As I've said before, that will be a direct report, and so yes, Mr. Chair.

**Mr. Hassard:** On October 10, the minister said — and I quote: "I have just publicly committed to working with the industry that I was speaking with for the last eight months in the development of these regulations."

This comment seems to suggest that maybe the minister had been working with industry for eight months in development of regulations for the *Public Airports Act*. I just wanted to give the minister the opportunity to clarify those remarks, and maybe he could let us know, if that isn't the case, then just how long has he been working with industry on the regulations?

**Hon. Mr. Mostyn:** I truly thank the member opposite for the opportunity to address this matter. I will correct the record. We have not worked with industry for the last eight months on regulations. We have been drafting this legislation — a bill — and we have been working with industry since about May, I believe, which was the first contact on our consultation piece — the targeted consultation that we went through. That is where the consultation really started to manifest itself.

Yes, the member is correct and I thank him for the opportunity to correct the record. We are talking about legislation, not regulations.

**Mr. Hassard:** Regarding the development of the terms of reference for the advisory committee, will these terms of reference be permanent or will they be reviewed regularly or

at any set intervals of time to give the committee either new authorities or responsibilities?

**Hon. Mr. Mostyn:** Under section 17, the terms of reference can be set by the minister. That is not set in stone. It can be altered and amended as seen fit for the times.

**Mr. Hassard:** Earlier, I talked to the minister about his letter to the aviation industry. It mentioned that the committee would be an important link between government and stakeholders. When I asked him if he refers to stakeholders as municipalities, First Nations, tourism operators, chambers of commerce, outfitters, et cetera, he said yes. Just to confirm, is the minister saying that this advisory committee will include representatives from all of those organizations as well?

**Hon. Mr. Mostyn:** I thank the member opposite for the opportunity to clarify this matter. I did not say specifically that these groups would be represented on the committee. I think I specifically said that having a group comprised of 40 or so members would be counterproductive in many ways — very unwieldy and difficult to manage — so, no. What I have said is that the advisory committee that we strike will have representatives of the airport users. That is a very broad group. It involves everybody, and they will be appointed like they are in other groups. Advisory panel — I think I mentioned that group. They have representatives that will pull from a variety of skill sets and will help to advise me in a good way. They will represent airport users in general and provide an on-ramp mechanism through which they can provide feedback on regulations.

**Mr. Hassard:** Regarding timelines, the minister will allow for the advisory committee to review regulations. He said the timelines will be done in concert with the committee. Can the minister confirm whether the committee will have to agree with these timelines and, further, will they be developed on a case-by-case basis for each regulation?

**Hon. Mr. Mostyn:** I have already committed on the floor just scant moments ago — in the last couple of hours — that I would work with the stakeholder advisory committee to set timelines. I'm not going to prejudge those discussions. They're really hypothetical at this stage and I can't say any more on it.

**Mr. Hassard:** Can the minister just confirm for us today — will users of every airport and aerodrome in the territory have the opportunity to provide input into the terms of reference for the advisory committee — and the general public as well?

**Hon. Mr. Mostyn:** As I said earlier today, we are currently developing our consultation plan for the route forward. I am going to have a fulsome discussion about how these regulations are implemented into the committee. I welcome public feedback — feedback from the citizens of the territory — on this matter. Once the good people of Highways and Public Works have their engagement strategy together, I will be rolling it out and letting the members opposite see it. I'm sure they will have some words of wisdom for me at that point.

**Mr. Hassard:** Earlier, I asked the minister if industry will have a pen on drafting the terms of reference and he said

absolutely. Is the minister committing that he will not approve terms of reference for the committee unless industry agrees to them?

**Hon. Mr. Mostyn:** This government has committed to working with industry on the future development of the regulations and the committee, and we will do that.

**Mr. Hassard:** Just before I finish my remarks, I would like to thank the officials for their time and consideration here again today. I would just like to close by saying that, before we came into the Legislature today, I looked at the website. There was no mention of the *Public Airports Act* on this new website at that time, but I am happy to see that it is up and on the website at this point now.

**Mr. Cathers:** I would like to begin by welcoming the officials who have been patiently assisting the minister during debate here today. I am pleased to see them here in the Assembly this afternoon.

In beginning my remarks, I would just like to note — I'll follow up on a few of the areas as mentioned by my colleague, the Leader of the Official Opposition. I would just like to begin in following up with the minister on the issue — as he knows with this legislation, he issued a press release referencing consultation with stakeholders. Several of those stakeholders later made public statements and disputed that the consultation had occurred, including formal letters from both NATA and COPA disputing the minister's claims. The minister then was forced to pull down the press release and issued another one without reference to consultation. The question I would ask is: After the minister heard that stakeholders were taking issue with his statements and felt that they had not been consulted, did the minister offer to meet with any of those stakeholders? If so, which of those stakeholders did he actually meet with and when?

**Hon. Mr. Mostyn:** I thank the member opposite for weighing in on this important piece of legislation. This is a level of scrutiny to a piece of legislation that we haven't seen in many, many years in the territory, and I welcome it. I think it's a terrific process.

The member opposite has referenced these discussions with industry groups. I have offered to meet with both the Northern Air Transport Association and COPA. In the future, as a matter of fact, NATA is having an annual meeting here in the territory in April. I offered to talk with NATA officials going forward on any number of issues. They were very gracious and said they would be happy to talk with me. I haven't met with the individuals since the conversation I had with them by phone but look forward to that meeting. He's clearly a very knowledgeable individual and I look forward to that discussion. I also heard from COPA. We have met with COPA at least once, and I can get the dates from the member opposite for when those meetings happened.

**Mr. Cathers:** The minister made reference to NATA, the Northern Air Transport Association, but I would again remind the minister — and just for those who are listening or reading this in Hansard — that NATA, in their letter to the Minister of Highways and Public Works sent on October 11 — I won't quote it in its entirety. I believe it has been tabled



in the House and, if not, I know that it is publicly available at this point in time. NATA says — and I quote: “NATA is very concerned with the Press Release ‘Government of Yukon tables Public Airports Act’ that was issued on October 4, 2017, and with the proposed Public Airports Act itself.

“NATA is listed in the Press Release as have been consulted on this proposed legislation. That is incorrect.”

With those specific references — and the notation in their letter that if government intends to consult on the act, they will participate and solicit feedback from their members. As well, I believe, they made the specific request to the government and proposed that the legislation be put on hold for the time being and that the minister press the “pause” button and use the opportunity of their AGM in the spring to talk to them and to their members.

Since the legislation itself, as tabled in this Assembly, does not immediately come into force upon passage, but is set to be proclaimed at a date to be determined by Cabinet, and since the minister has assured this House repeatedly that he is going to consult on the regulations with industry and is going to get their input before they bring forward the legislation or proclaim the act, the question that many are wondering is: What is the urgency on the legislation itself? Why not simply do as groups, including NATA, have requested — press the “pause” button, either withdraw the legislation or leave it on the Order Paper unpassed this session, take the opportunity to hear from them at their meeting in the spring, take the opportunity to consult on regulations and then determine — since, again I would note, NATA themselves said in their letter from the executive director that they have concerns with the proposed *Public Airports Act* itself. These are their words, not mine. Since they have said they have concerns with the act itself, I would hope the minister would not confuse that with them being concerned only with the regulations.

Why will the minister in this case not simply admit that he made a mistake, admit that consultation was not handled well, and do as stakeholders are requesting — press the “pause” button on this legislation and take the opportunity to consult with NATA and other stakeholders in a fulsome and respectful manner, rather than engaging in dueling public statements about this legislation where the minister took to, in fact, dismissing some of the serious concerns brought forward by stakeholders as simply a dispute over consultation?

The minister took to dismissing some of the serious concerns brought forward by stakeholders as simply a dispute over consultation. Why will the minister, in this case, not do the humble thing, admit it was not handled well, hit the “pause” button, consult on the act with aviation stakeholders, municipalities, First Nations, tourism groups and others, including — I mentioned just a few of the ones we listed in our proposed motion that the government voted down. We provided a more fulsome list of stakeholders that should be consulted with. Why will the minister not simply take the opportunity, heed the request from a growing list of communities and organizations and press the “pause” button on this legislation while he consults?

I’ll also quote from a letter that was tabled in this Assembly on October 18 from the Watson Lake Chamber of Commerce, dated October 17, 2017, to the Hon. Minister. The letter says, in part — and I quote: “During this Legislative Assembly, there has been a bill passed to change the *Public Airports Act*.” It’s actually new legislation, but that shows the level of lack of opportunity to be consulted that we’re hearing from Yukon chambers of commerce if, in this one case, they’re not even clear with what’s being proposed by the government.

It states: “The Watson Lake Chamber of Commerce is concerned with the consultation process regarding this act.

“The Watson Lake Chamber of Commerce is developing an airport improvement plan in an effort to increase the use of the airport facilities in Watson Lake.”

I just want to drive that point home to the minister — that he stands up, as a number of his colleagues have, to assure this Legislative Assembly that they’re still committed to their platform commitment of “Be Heard”, which was their central slogan for the last campaign, and then tries to weave and dodge and somehow explain why that doesn’t apply to this piece of legislation. When communities, chambers of commerce and aviation companies have come forward and said, “Look, please just pause this legislation and consult on it”, why is the government choosing to turn a deaf ear to their requests and plow forward with the legislation when the minister still has the opportunity in this session, as do his colleagues, to simply admit the error of their ways, pause the legislation and do the respectful thing and consult with stakeholders who have asked them to do just that?

I want to again return to that specific quote from the Watson Lake Chamber of Commerce letter. The Watson Lake Chamber of Commerce told the minister in writing that they’re developing an airport improvement plan in an effort to increase the use of airport facilities in Watson Lake. One might be inclined to think that, if an airport improvement plan is a priority for the chamber of commerce, perhaps it would be fair to consult with them on proposed legislation that might have an effect on that plan.

The letter from the Watson Lake chamber goes on to state that: “There has been a strong outcry from business that are directly affected by this bill and this concerns the Watson Lake Chamber of Commerce.”

Returning to the letter later on, on the same page — and again I quote: “The Watson Lake Chamber of Commerce would like to take this opportunity to invite you to meet with us regarding this matter. Our meetings are every second Tuesday of the month. Please let us know when you would be available to meet.”

My question for the minister is: Has he replied to the October 17 letter from the Watson Lake Chamber of Commerce? If not, does he intend to reply? Secondly: How has he responded to their request to meet with him regarding the *Public Airports Act*? Will the minister agree to the request from the Watson Lake Chamber of Commerce to meet with him regarding this legislation or does he intend to tell them that the Watson Lake Chamber of Commerce and the

community of Watson Lake are simply not a priority for this government or for his schedule?

If he is going to take the time to meet with the Watson Lake Chamber of Commerce, can he tell this House: Which of their meetings that they have referenced is he planning on attending during the month of November?

**Hon. Mr. Mostyn:** I thank the member opposite for his continued interest in probing into this important — some might say, essential — piece of legislation that has been lacking in the territory for almost 22 years.

What is playing out here is the manifestation of a direction to me from the Premier of the territory that I actually get down and improve airports, so we give it the attention and the importance those critical pieces of transportation infrastructure are due and we actually have rules that apply to the management and oversight of these very complicated and important transportation hubs. Currently, they don't have clear rules and that ambiguity is causing uncertainty in the industry. I've heard about that since I took office — since I started researching this department in the very early days of December 2016. Now here we are eight months later and this is where we begin to give some structure to our airports; structure that has been lacking for almost two decades, almost 22 years.

So to the member opposite's question: Why now? We went out and we drafted legislation based on the NWT model and we brought it before industry in the territory. We can discuss how the consultation went. The bottom line is that industry — the people of the territory who use the airports — had ample time to contribute to this piece of legislation and give us their thoughts and they have. The door was open. It is open and it will be open into the future. They are continuing to give me feedback on this legislation.

In May, when they came forward and I started this discussion with the stakeholders and then in July and some other times going forward, we heard — I know that the department officials actually heard information from industry partners and industry players in the territory that actually led to refinements to the NWT act, which made it better. Their contributions in those early days made the legislation substantially different and — I would argue — better than our sister territory, the NWT. It actually built an advisory committee into the legislation and restricted the powers of the Minister of Highways and Public Works from acting unilaterally in some cases — in some cases that required a little bit more oversight. So that gave a measure of protection to industry. These are protections that they have been, in conversations with me, hungry for. We have those things.

Industry has been consulted going forward. They actually asked for an amendment to this act, and we've listened to that and we have an amendment prepared that would provide certainty to industry. As a result of those discussions, they have publicly supported the legislation we have before us. They said, "We're fine with it. We're more than happy to have it, now that we have the assurances from the minister that he will bring forward an amendment that makes the

advisory committee a mandatory thing, not a discretionary piece of legislation."

I'm happy to do it. I always have been. We've had and we've seen in media interviews that industry is in support of this. I appreciate that. I appreciate that working relationship we have and that they have actually contributed and given us their concerns and we've had those discussions and addressed those concerns. Some of those concerns relate to regulations and they will have full input into that.

I have said that to the members opposite for several days now. Thank you very much to the member opposite for the opportunity to clear the air on that issue.

As far as bringing the legislation into force, what we are doing by continuing this process is the next stage in the whole process — to enable the consultation going forward and to give certainty to those contributing to the consultation, the engagement on the regulations, that the consultation that they are participating in and the valuable time that those Yukoners will be contributing to their feedback on regulations supporting this bill are not in vain. They are actually engaging and providing feedback to a piece of legislation that is not hypothetical but actually exists. Once it is proclaimed, it will come into force. With this process, the public and the airport users across the territory will know that their feedback is actually going toward something tangible — a piece of legislation they can hold in their hands — all nine pages of it. They can actually see it, read it and know that, when they actually have contributed to the regulations, this is the piece of legislation that they are going to be enabling. That is a good thing. It is part of the process.

The next step will be the consultation around the regulations, and that will be broad. It was always intended to be more broadly involved — First Nations, municipalities, and all elements of Yukon society. I welcome their feedback. I think it will be a great process. I know the members opposite will provide their lucid comments on the regulations as well, and I look forward to seeing them at the meetings and the open houses — however we manage to structure these things. That will be good.

I think the member opposite also spoke about Watson Lake. Watson Lake did send me a letter. There is a lot of angst in the communities about airport improvement fees and things. I don't know where they came from, but it has raised a lot of dust in the communities and created a lot of anxieties in the industry that huge fees are coming. That was never the intention of this. Government and airport improvement fees are not part of this thing anywhere. Somehow this information has gotten into the public domain and has taken on a life of its own, almost like a fire that has been fanned. I don't know why that has happened but it has, and so I want to say again that there will be no airport improvement fees. I have said that publicly several times. I will repeat it now for the member opposite's edification: there will not be any airport improvement fees.

As for Watson Lake and their process, I have responded to their letter. As I said before, the door was open, it is open, and it will be open into the future. I look forward to meeting

with members of the Watson Lake community because all communities matter. Their feedback is all very important, and I look forward to hearing what they have to say to me in meetings that will happen sometime in the near future.

**Mr. Cathers:** It is interesting — and unfortunate, really. We heard that the minister had an opportunity to actually answer the question — or several questions, I should say — but instead he is going back to the same tired narrative we have heard him using on this legislation ever since he was challenged on his public statements about it by members of the aviation industry, stakeholder groups, and now by a growing list of communities and chambers of commerce.

It's really unfortunate here. The member is missing the fact that his own failure to consult on this legislation was the source of companies' concerns about possible airport improvement fees. Yes, he said in writing that government will not implement an airport improvement fee, but those same people remember that the minister and his colleagues also said in writing last fall that all Yukoners would be heard, and they're seeing that the promise has not been followed through in this case and they are wondering whether they can have faith or should have faith in the ink on the minister's most recent promise on airport improvement fees.

Even if the minister is as good as his assertions on that, it's interesting that we're learning through debate — he was talking in response to questions from the Leader of the Official Opposition this afternoon. In the area of fees, he made reference to museum displays and advertising. People are wondering what all they will be nickel-and-dimed for at the airport as a result of the minister's new section 11 in this legislation that prohibits commercial activity at the airport without licences, fees, permissions et cetera, and whether the minister is being very careful to specifically only mention the airport improvement fee and not talk about fees such as landing fees, increased fees for gift shops, and increased fees for rental car companies. People are asking about whether companies such as local hotels that go there regularly to pick up clients will have to get some fee or pay for arriving at the facility. That includes a great many tourism operators across the territory, both large and small, who go there and pick up guests — either regularly or, in the case of some, it may be infrequently. They're wondering and they're asking us because they don't have a lot of confidence that this minister will follow through on his commitment, seeing the lack of willingness to follow through on the government's central election commitment that Yukoners would be heard.

They also know that — though the minister has dismissed their requests — when a group such as the Watson Lake Chamber of Commerce or the Northern Air Transport Association asks the minister to pause this legislation and meet with them, the minister shows a lack of willingness to do that and his reasons for why he won't simply do the right thing, hit the “pause” button and consult on both the act and the regulations — again, his assertions, his claims and his statements are ringing hollow to those Yukoners. As I mentioned, it does seem that the minister has been very careful to focus on saying that there won't be any airport

improvement fees but not talk about a whole host of other fees that this legislation would enable.

Now, Mr. Chair, I would also note that, as we proposed, there's a long list of stakeholders who would like the opportunity to be heard. They include recently — I believe this morning — both the Village of Teslin and the Town of Watson Lake, which came out again expressing concerns about the consultation process. The stakeholders we have mentioned that we believe the minister should be consulting with on both the act and the regulations include First Nations, municipalities, local advisory councils, aviation groups including the Northern Air Transport Association and the Canadian Owners and Pilots Association, aviation companies, the Yukon Chamber of Commerce, community chambers of commerce, the Yukon Chamber of Mines, the Klondike Placer Miners' Association, Yukon Prospectors Association, Tourism Industry Association of Yukon, Wilderness Tourism Association of the Yukon, Yukon Convention Bureau, Yukon Outfitters Association, individual pilots, local tourism companies and the general public.

What the minister doesn't seem to get, as he stands up and proclaims how essential this legislation is, is that while he may see it as a gap in legislation, people who have been dealing with the current structure have been dealing with it for years. The minister acknowledged it has been over two decades that this structure has been working without an airports act. While the minister has made reference to somewhat strange examples — like making reference to a requirement to get a permit from Energy, Mines and Resources, or I believe it would probably be a licence of occupation, before they could put a sign up — I would ask the minister and his colleagues a question: If the process run by the Department of Energy, Mines and Resources in applying for a licence of occupation, leases, permits, et cetera is good enough for Yukon businesses and the general public, why is it not good enough for another government department? If they don't think that process is workable for the Department of Highways and Public Works, then they should be making improvements to the land management and land client service area of the Department of Energy, Mines and Resources.

I want to note that we believe that those officials do a good job and that most of the delays that people experience in applying for land tend to come in on the YESAB application and review side, but if the minister disagrees with our assessment of how well they're doing the job and believes it's simply too onerous for him, as Minister of Highways and Public Works, or for his officials to request an authorization from the Department of Energy, Mines and Resources, I again have to ask: Why is it good enough for Yukon businesses and the general public, but it's not good enough for the Department of Highways and Public Works?

The minister and his colleagues have repeatedly stood up and talked about a one-government approach. How do they even envision that it's anything close to a one-government approach if one department can't work with another to apply for a simple permit to put up a sign?

Mr. Chair, we know we have yet to hear a solid reason — a real reason — from the Minister of Highways and Public Works why, in this case, he could not simply admit that the government mismanaged the consultation process, listen to the growing list of stakeholders who are requesting additional consultation, and press the “pause” button on this legislation and meet with those who are asking to meet with him?

In his last reply, the minister indicated that he had replied to the Watson Lake Chamber of Commerce, but he didn’t say what the reply was. I would again ask him what he said to the Watson Lake Chamber of Commerce. They made a very specific request asking to meet with him on the *Public Airports Act*. They invited him to their meetings, stating that those meetings are on the second Tuesday of every month and finished with the request to please let them know when he would be available to meet.

I would again ask the minister to answer the question and table his response in this Assembly for the record. What did the minister say to that very specific request from the Watson Lake Chamber of Commerce? Has the minister agreed to meet with them? If so, when is he meeting with them or when has he offered to meet with them? If he did not agree to meet with them, why did he decline that reasonable request?

Before allowing the minister an opportunity to respond, the minister — being a keen observer and commentator on all things political for many years prior to running for public office — can the minister tell me if he is aware of another situation in the past 25 years where a minister has been forced to withdraw a press release because stakeholders referenced in that release as being consulted have come out and said that the minister misrepresented consultation with them? If so, could he tell this House what the dates were that this occurred and provide the evidence of that claim?

**Hon. Mr. Mostyn:** I want to thank the member opposite for his remarks. I appreciate his insights and his contribution to this important piece of legislation on the floor of this Legislative Assembly.

I will take his remarks under advisement and get back to him in due course if there are any questions that require answering. As far as the Watson Lake Chamber of Commerce, I have responded and told the member opposite that I have responded to their letter to me. I am not going to reveal this correspondence and my response to a stakeholder on the floor of the House before they actually have a chance to see the response themselves.

**Mr. Cathers:** Again, the minister won’t even refer to what the content of that response was. It is unfortunate that he is choosing to take that approach.

I am going to ask the minister a simple question as well. He and his colleagues campaigned on a number of commitments including the central slogan of their election, “Be Heard”. They promised Yukoners that. The question that I would ask the minister is: Does he think that it is reasonable for the public to expect that they can take someone at their word when they are campaigning and based on their statements prior to an election? Does he agree that it is fair for the public to judge an elected member based on their doorstep

promises and their public statements prior to taking office, or does he believe that, as the Premier noted in this House, the view is a little different from the other side and those promises are not something that are fair to judge elected officials on?

**Hon. Mr. Mostyn:** Once again, Mr. Chair, I thank the member opposite for his remarks, his insights and his contribution to this important piece of legislation. I thank him.

**Mr. Cathers:** Well, Mr. Chair, a very simple question. The minister didn’t answer it, so I’ll give him an opportunity again.

Does the minister agree that when people make statements prior to getting elected, whether they are promises on the doorstep or public statements or written statements, that it’s fair to the public to hold them to the standard they said that they believed in prior to getting elected — or once getting elected, does the minister believe that you can simply walk away from those promises and public statements?

**Hon. Mr. Mostyn:** I would ask the member opposite to please clarify the question. It’s fairly vague. I would like some specifics, if I could, please. Thank you.

**Mr. Cathers:** Again, it’s a very simple question about whether one keeps to the standards they said they would.

Does the minister believe that it’s fair for people to judge him based on his promises and statements prior to taking office — yes or no? It’s a very simple question. For the minister to be equivocating and asking for more detail or fine print or perhaps — I don’t know what he’s looking for on this. It’s a pretty simple question that deserves a yes or no answer — so which is it, yes or no?

**Hon. Mr. Mostyn:** The member opposite, in his assertion — it’s a simple question. I think my simple response was equally clear. Please provide me with some specifics and I would be happy to address the member opposite’s concerns.

**Mr. Cathers:** This is quite interesting and I’m looking forward to seeing this in Hansard later. I think the member’s constituents may have some questions for him based on the refusal to answer what is a very simple question. I’m going to move on to some specific examples, as the minister requested.

The government ran on a campaign commitment to Yukoners that they would be heard. A very simple question in this case would be: They heard a growing list of aviation companies, including one that is Yukon’s largest private sector employer and the company that operates Yukon’s medevacs, which is a vital part of our emergency health care system, not to mention other companies that are involved in wilderness tourism, providing services that other industries depend on to make their living, including big game outfitters, who depend on the service of aviation companies, and including wilderness tourism companies, which do the same, and including the mining sector because, of course, prospectors and exploration companies depend on the services of those aviation companies. So the aviation industry is an integral part of the Yukon economy and if the rules that the minister imposed create problems that he’s not aware of, but has chosen to plow through despite repeated and reasonable requests from industry to delay the consultation, the minister could end up having a bigger effect than he realizes. Again,

we unfortunately have heard, not only that the minister is unwilling to pause it, he won't tell this House what he said back to stakeholders, who made a specific request to meet with him.

He has failed to answer the question of whether he offered to meet with all of the stakeholders who had publicly disputed the claims made in his press release, and if he didn't offer to meet with them, then the question that I would have to ask on behalf of Yukoners is: Why not? If you have heard that stakeholders are upset, you've heard they want more consultation, you've acknowledged by your own admission that the legislation won't come in until regulations are in place — why not simply press the “pause” button, do the respectful thing, and reach out to those stakeholders who have taken direct issue with your statements about consultation and have asked you to do more consultation? What kept the minister from issuing such an invitation? If he has issued that invitation, why is he not waiting for the opportunity to sit down with those stakeholders and hear from them prior to pushing through this legislation?

**Hon. Mr. Mostyn:** As I have said before, this party, this team that I have been so lucky to join, campaigned on a promise to be heard. With regard to so many things, including a website that we launched today, we have a new process that will allow people in the territory to actually engage with this government and hopefully future governments, and actually see how that engagement plays out and how their input into the important processes of their government play out. It's important and it's a key piece of engagement. It's a new piece; it's something that the people of the territory have not seen before, this one public website — a one-window approach to the engagement that my colleagues around me have promised to deliver on.

It is also another piece of my mandate letter and it's another e-service for the people of the territory. It's another promise fulfilled — to expand e-services. Are we done? Absolutely not — we have a whole bunch more to do on this front, and the people of the territory will see that work in the months and years to come.

That brings us to the *Public Airports Act* — a piece of legislation that has seen just a remarkable amount of oversight and review and discussion over the past several weeks. I think it's great. It's good for the people of the territory to see this discussion playing out. I'm very happy to have been a part of it. I'm very happy for the member opposite's thoughts, well-considered feedback and suggestions for this piece of legislation.

He has mentioned the air carriers and he is weaving this narrative of rejection, but there is no rejection here. The aviation industry and air users in the territory — the industry specifically — have met with this government and they expressed their concerns with this legislation candidly in meetings with me and other Cabinet officials. Those were very great discussions. It was a meeting of the minds, a sharing of information on an important matter to the industry.

Stemming from those meetings was an acceptance of this piece of legislation — an acceptance that they understand how

important it is and how we can go forward with it. They said — Alkan Air, Air North and others representing, I have been told, the entire industry — they were here meeting, with respect to the entire industry, to say that they can support this legislation if we amend it. “Would you amend it?” I said that I would be happy to amend it. I said so in writing and the members opposite have referred to the letter I sent to industry as part of this negotiated agreement to get their support for this legislation.

The amendment was to make the advisory committee that we put in the legislation different from the NWT, after the thoughtful remarks and consideration from the airline industry on what some of the deficiencies in the NWT act were. We put the advisory committee into our legislation and industry said, “We can support this legislation if you make that committee mandatory. I understand, Richard, that you say you're going to put it into effect, but what happens if a new government comes in and they get rid of the committee and it's not mandatory? Then we're not protected anymore.” I said, “Listen, I'm more than happy to put that assurance in there to protect you against future governments, other than this one, which has already committed to this committee.” We did that. We said, yes, we would be more than happy to bring forward an amendment, and we have the amendment — I have it right here. We can bring it into effect this afternoon if we get to a vote, but we're here in this process and we're talking about it. I'm happy to talk as long as the members opposite want me to talk. The input is important. I know the member opposite has concerns and perhaps suggestions to make this better. I'm more than happy to hear them this afternoon or whenever we get together again to discuss this matter.

However, there is an important piece, which is that the legislation requires an amendment. That's what industry has asked for, and I'm more than happy — I'm actually anxious to get that amendment before this House because that is important to industry. I know how important it is to industry because they asked me to do it.

I'm going to bring that amendment forward as soon as we get to the line-by-line discussion, and we will amend the legislation and then we will fulfill that commitment to industry that they find so important and that they want in this piece of legislation. We have committed to putting it in there and we're more than happy to fulfill that commitment as soon as we get to line-by-line.

I thank the member opposite again for his remarks. I look forward to his next line of questioning.

**Mr. Cathers:** I'm going to move on to another area, and that is that the minister made reference to the letter he wrote to the Yukon aviation stakeholders group on October 20. What we didn't get from the minister was clarification of whether he actually met with stakeholders personally or whether it was Cabinet staff.

The point that I am making is that, even if it might have been an uncomfortable meeting for the minister to sit down with individuals and groups who have taken issue with his public statements, in the interest of ministerial accountability

and showing respect to those citizens and their concern, the minister should have taken the time to meet with them and recognize that the groups and companies that came forward are not themselves politicians or political in nature. They are taking issue with the government's approach and with the minister's approach because they are genuinely concerned about the content of the bill and some of the areas where they are simply not seeing specifics on it.

The minister may say that everyone is happy with the bill now, but that is certainly not what we have seen as recently as today with the growing list of stakeholders from the communities coming out against this legislation or asking for more consultation on it. The minister in his letter dated October 20 said — and I quote: “We are committed to continued collaboration with stakeholders on airport management, given the importance of aviation to Yukon and the knowledge and experience stakeholders will bring to bear on issues that arise with respect to the act and the regulations. As such, we will ensure that the Committee has sufficient input on decisions, so that they remain driven by airport stakeholders, to the benefit of all Yukoners.”

What the minister could help by clarifying — since he made reference to it in the letter, it sounds like they would be consulted on more matters than the regulations, yet the minister appeared to contradict himself earlier during debate with the Leader of the Official Opposition on this matter. He seemed to be saying that the committee would only have input on the regulations and not on other matters related to management. I would ask him to clarify that point when he next rises.

I would also, Mr. Chair — if I may, on a bit of a lighthearted note — just finish off with referencing some of the minister's past public statements with regard to consultations and note that he had a choice of how to handle this legislation. When he heard that people, companies, stakeholder groups and communities were not happy with the consultation, there is a really, really easy fix to that. It required the minister eating a little bit of humble pie, acknowledging that not everything was done perfectly, but taking the opportunity to consult with them further.

I'm just going to — and I'm meaning this in a lighthearted manner — remind the minister of what he has in the past said about other ministers in somewhat similar situations by taking a past editorial of his and replacing the name of the minister with his title and replacing the name of the issue with the current one, but other than that I am going to quote from it verbatim and I will, for Hansard, provide a copy of this for their ease of reference.

The Minister of Highways and Public Works could have easily disarmed the *Public Airports Act* controversy. He could have held his hands up and admitted his error. He could have apologized. That's the end of the quote, I should have noted. I'm also going to change the pronoun to reflect the different gender of those involved.

Again — the Minister of Highways and Public Works could have easily disarmed the *Public Airports Act*

controversy. He could have held his hands up and admitted his error. He could have apologized.

The conclusion of that editorial — of course, nobody's perfect. It's how we handle our little screw-ups that define us. The Minister of Highways and Public Works could have easily fixed this. He didn't and that speaks volumes.

Mr. Chair, I would just note that to the minister and remind him of — I'm just going to quote one more other excerpt from his past editorials, and I would remind him of one that he wrote about a piece of legislation called Bill No. 82. The minister, in his lead-off in that editorial, said: “Legislation is often about trust. There's a tradeoff. When a new entry is penned in society's rulebook, citizens usually give something up. In exchange, they are promised some benefit.”

Ending my quotes of the minister's past writing, I would point out that he has not kept their trust in this situation. The government, the minister and his colleagues ran on an election platform of “Be Heard” and yet there have already been a number of fumbles out of the gate where people have not been heard and where, in this situation, certainly my impression and the impression of many Yukoners is the only reason to keep plowing forward with this legislation is that the minister doesn't want to admit he made a mistake.

If the regulations themselves will not come in until, as the minister has promised this House, they are consulted on with industry, and then the legislation could be passed in this House after that has occurred, the minister could take the step — which again as he noted is not the normal case of business, but has happened on some occasions, including in the last government where ministers have sometimes actually tabled the regulations at the same time as they have tabled the bill. That is something that is entirely at the discretion of him and his colleagues.

They have the ability to choose to show full disclosure with the legislation. We as members of the House, and particularly as members of the Official Opposition, don't have the ability to participate in Cabinet discussions. This is our opportunity to hold the government to account and this is the only opportunity we have to decide whether to vote in favour of the legislation on the regulatory package. At the current time, we are hearing from industry and communities that are opposed to the legislation and those who — at best, the closest thing to support the minister has for this legislation is companies that have reluctantly agreed to not oppose the legislation if the minister will commit to making an amendment to it to make the advisory group mandatory, rather than discretionary.

Yet even with that group, we have heard that the structure is still unclear; there's a lot of power left to the minister to decide who is on the committee, how they get appointed and what the rules are. The legislation even includes the ability for the minister to impose duties on them and requires them to follow them. People are wondering what the fine print says.

The minister tells us they'll develop the fine print in consultation with industry, but he's trying to take — for lack of a better term — a mulligan on this fumble of public

consultation. He is assuring us that even though this summer, he badly botched the public consultation job on this legislation, the next time, he is going to do a stellar job and consult with everyone and everyone is going to be happy.

I would point out to the minister that, as he knows, prior to taking on his current role, he would have probably been one of the first people to be suspicious of those types of assertions by a minister and, in fact, say that having dropped the ball once, there should be demonstration that you are actually going to follow through on what you do before people start giving you a blank cheque and simply rely on your assertion to just trust them.

We see as well that the government has made, as the Leader of the Third Party noted earlier today in response to a ministerial statement, that the government has responded to this airport act controversy by trying to tout a new website as the solution to improving public consultation. Well, the new website sounds lovely. I have had an opportunity to look at it. We see a bit of a bizarre chronology as it pertains to the *Public Airports Act* and questions that have not actually been answered, such as what their discussions were with Transport Canada by e-mail, the reference on their website to holding a meeting of the Yukon Aviation Advisory Group, for which members were given advance notice. That meeting, in fact, lasted less than one hour and most of the representatives at that meeting were in fact government. As my colleague, the Leader of the Official Opposition, noted, it seems like this government sees public consultation as consulting with themselves.

This legislation was not urgent for a great many years, but the minister has not only tagged it with a greater degree of urgency than every other minister of Highways and Public Works in the past 20-some years, but also appears to be simply refusing to hit the “pause” button because he thinks he would lose face over it.

Mr. Chair, that is not a way to do government. I would urge the government to rethink this. They still have time to do the right thing and hit the “pause” button on this legislation.

Mr. Chair, seeing the time, I move that you report progress.

**Chair:** It has been moved by Mr. Cathers that the Chair report progress.

*Motion agreed to*

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

**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 Chair of Committee of the Whole?

### Chair's report

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

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

Are you agreed?

**Some Hon. Members:** Agreed.

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

The time being 5:30 p.m., this House now stands adjourned until 1:00 p.m. tomorrow.

*The House adjourned at 5:30 p.m.*

### The following sessional paper was tabled October 30, 2017:

34-2-36

*Standing Committee on Appointments to Major Government Boards and Committees Fifth Report (October 30, 2017) (Adel)*

### The following document was filed October 30, 2017:

34-2-24

*Siège à la Régie des hôpitaux, letter re (dated October 30, 2017) from André Bourcier, Président, Association franco-yukonnaise, to Hon. Sandy Silver, Premier (Hanson)*