



# Yukon Legislative Assembly

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## HANSARD

Tuesday, October 31, 2017 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

# YUKON LEGISLATIVE ASSEMBLY

## 2017 Fall Sitting

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

### CABINET MINISTERS

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

### GOVERNMENT PRIVATE MEMBERS

#### Yukon Liberal Party

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

### OFFICIAL OPPOSITION

#### Yukon Party

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

### THIRD PARTY

#### New Democratic Party

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

### LEGISLATIVE STAFF

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

**Yukon Legislative Assembly  
Whitehorse, Yukon  
Tuesday, October 31, 2017 — 1:00 p.m.**

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

*Prayers*

**DAILY ROUTINE**

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

Tributes.

**TRIBUTES**

**In recognition of Veterans' Week and the Royal Canadian Legion's poppy campaign**

**Hon. Mr. Silver:** Today, I rise and pay tribute on behalf of the Yukon Liberal government to the annual poppy campaign of the Royal Canadian Legion, which started last Friday, October 27.

I also rise to honour the courageous men and women of the Canadian Armed Forces in recognition of Veterans' Week, which begins on November 5. The Royal Canadian Legion is Canada's largest veterans' support and community service organization. Yukon is home to two branches — one in Dawson City and the other one in Whitehorse — and their membership numbers over 400 people. Of those members, over 150 are veterans whose experiences span World War I, the Korean War, tours in Afghanistan, and also service in the United States Army.

The poppy campaign is a perfect example of the legion's mission in action. Funds raised through citizen donations support Canadian veterans and their families. The poppy pins that bloom over our hearts are an international symbol of remembrance. They serve as a humble and somber reminder of the great service paid to our country by Canadian men and women, both past and present, from all walks of life, from coast to coast to coast.

It is thanks to their service, their personal sacrifice and collective dedication to home and country that we enjoy the fundamental rights and freedoms and securities that we have today. Their sacrifice is something no Canadian should ever forget, and it is the reason that every year, we wear our poppies. They demonstrate the deep gratitude owed to our country's veterans and an understanding of the importance of keeping that gratitude alive.

In Yukon, Mr. Speaker, local members of the Royal Canadian Legion are engaged in the community in so many ways. They have helped, supported and coordinated many community events such as Rendezvous and the annual Canada Day parades in all of our communities, and participated in special projects like the 75<sup>th</sup> anniversary dedication of the Alaska Highway and the Soldier's Summit in Kluane National Park. They have also hosted commemorative events such as Joe Boyle's 150<sup>th</sup> birthday, which is going to happen next month.

Joe Boyle, as we all know, is a significant feature in Yukon's history: founder of the Canadian Klondyke Mining Company, builder of Dredge No. 4; also the personal financier of a volunteer specialist machine gun unit of 50 Yukon men during the outbreak of war in 1914; and finally, Joe was also an instrumental player in the smuggling of the Romanian Crown jewels out of the Kremlin and back into Romania. For his many exploits, he became a highly decorated war hero in several countries. The Legion is celebrating this legacy on November 4.

Mr. Speaker, as time passes and veterans — particularly those from World War II — number fewer and fewer, it is crucial that we keep the magnitude of their sacrifices in our hearts and the profundity of their experiences in our minds. It is in this way that we safeguard generations in future from repeating lessons from the past.

Today, I am absolutely honoured to rise and pay tribute to Canadian veterans and, in particular, all Yukoners who have bravely worked in service for our country. Thank you for your service, Mr. Speaker.

Lest we forget.

**Mr. Istchenko:** I do thank the Premier for his kind words today.

I rise today on behalf of the Yukon Party to pay tribute to all veterans and the Royal Canadian Legion as they launch their annual poppy campaign this month and the numerous other activities they organize in the weeks leading up to Remembrance Day.

As a proud member of the Legion, I do understand the work that is done at this time of year. I can tell you that it is sure appreciated, but I want to focus on the poppy campaign. The last Friday in October through to Remembrance Day, millions of Canadians wear a poppy as a vigil pledge to never forget those who sacrificed for our freedom. I would encourage everyone in the Yukon to show their recognition by proudly wearing this symbol of remembrance and taking a moment to reflect.

Mr. Speaker, many might say: Why wear a poppy? I have explained it to many from time to time, but I believe there is a poem, and I am going to read it. It was written by Don Crawford and it says it all:

"Please wear a poppy," the lady said,  
And held one forth, but I shook my head.  
Then I stopped and watched as she offered them there,  
And her face was old and lined with care;  
But beneath the scars the years had made  
There remained a smile that refused to fade.  
A boy came whistling down the street,  
Bouncing along on carefree feet.  
His smile was full of joy and fun,  
"Lady," said he, "may I have one?"  
When she'd pinned it on, he turned to say;  
"Why do we wear a poppy today?"  
The lady smiled in her wistful way  
And answered; "This is Remembrance Day.  
And the poppy there is a symbol for

The gallant men who died in war.  
 And because they did, you and I are free —  
 That's why we wear a poppy, you see.  
 I had a boy about your size,  
 With golden hair and big blue eyes.  
 He loved to play and jump and shout,  
 Free as a bird, he would race about.  
 As the years went by, he learned and grew,  
 And became a man — as you will, too...  
 ... But the war went on and he had to stay,  
 And all I could do was wait and pray.  
 His letters told of the awful fight  
 (I can see it still in my dreams at night),  
 With the tanks and guns and cruel barbed wire,  
 And the mines and bullets, the bombs and fire.  
 Till at last, at last, the war was won —  
 And that's why we wear a poppy, son.”  
 The small boy turned as if to go,  
 Then said, “Thanks, lady, I'm glad to know.  
 That sure did sound like an awful fight  
 But your son — did he come back all right?”  
 A tear rolled down each faded cheek;  
 She shook her head, but didn't speak  
 I slunk away in a sort of shame,  
 And if you were me, you'd have done the same:  
 For our thanks, in giving, if oft delayed,  
 Though our freedom was bought — and thousands paid!  
 And so, when we see a poppy worn,  
 Let us reflect on the burden borne  
 By those who gave their very all  
 When asked to answer their country's call  
 That we at home in peace might live.  
 Then wear a poppy! Remember — and Give!

**Ms. White:** I rise on behalf of the Yukon NDP caucus to speak of the importance of the Remembrance Day poppy. We're lucky to live in Canada — a country envied for our stability, safety and security. We don't face daily attacks on our person. Our streets and skies are quiet without the backdrop of armed conflict. In our modern era, it's easy to remove ourselves from the reality and the cost of war. We're inundated with images and sound bites around the world of conflicts, packaged up and delivered to us by the media every minute of every day.

In recent years, as global stability weakens, our daily dose of disaster has increased. We have been given a window into war that more often than not, many of us are unable to bear, so we close it and we turn away. This inundation distances us even further from our veterans, the very people who have witnessed and experienced first-hand the horrors of war. This ability to turn off and tune out allows us to distance ourselves from the true cost of war. It separates us from the tens of thousands of men and women who are currently serving in the Canadian military and all of those who came before them to support freedom, democracy, the rule of law and human rights around the world.

The two weeks leading up to Remembrance Day are about opening that window. The symbol and the legend of the poppy were born out of the lived experience of John McCrae. His beautiful poem *In Flanders Fields* has moved generations of Canadians and still symbolizes for us today the loss, the heartache and the cost of war. The poppy is the visual cue to stop and remember. They remind us not to only acknowledge the sacrifice of those who lost their lives, but to acknowledge the sacrifice of those who answered the call of duty and walk among us today.

By wearing a poppy, we're saying, “We remember. We see you. We honour you and your sacrifices, and we are thankful for everything that you have done and you continue to do.”

You can disagree with war. You don't have to like it or support it or even want to talk about it, but none of that should ever take away from the importance of the poppy. The poppy isn't a symbol that supports war. It doesn't symbolize the politicians who have made the decision to engage in armed conflict. It symbolizes the men and the women who have personally borne the costs of those decisions, and it is to them that we owe a debt of gratitude and it is to them that we pledge to remember. It is for them that we wear the poppy.

Lest we forget.

### **In recognition of the International Year of Sustainable Tourism for Development**

**Hon. Ms. Dendys:** I am honoured today to rise to pay tribute to the value of sustainable tourism on behalf of all Members of the Legislative Assembly.

The United Nations declared 2017 as the International Year of Sustainable Tourism for Development. It is an opportunity to underscore the role that sustainable tourism can play in advancing economic, social, environmental and cultural sustainable development.

Given the importance of the topic, I was pleased that it was the theme for this year's Tourism Industry Association of Yukon's conference in Dawson City in September. I was honoured to participate in the conference, and I thank TIA Yukon for facilitating the conversation. It was really important.

Yukoners know the importance of tourism to our economy. In 2016, estimated visitor spending totalled \$303 million, with the industry employing approximately 3,000 Yukoners.

Tourism helps Yukoners find well-paying, family-supporting jobs. Revenues from tourism also help us to pay for critical infrastructure and social services that we all rely upon. We also know that tourism means so much more than the bottom line. The United Nations declaration recognizes the importance of tourism in fostering better understanding among people everywhere, leading to a greater awareness of the rich heritage and various civilizations and bringing about a better appreciation of the inherent values of different cultures, thereby contributing to the strengthening of peace in the world. Tourism represents an opportunity to break down the barriers of misunderstanding and prejudice to build bridges

between visitors and locals and continue the process of reconciliation as First Nations share their culture and land with their fellow Yukoners and with our visitors.

We are committed to working together with First Nation governments, development corporations, NGOs and industry partners to grow tourism as a key component of Yukon's economy. But, as our tourism industry grows and more people come to visit Yukon, we must be mindful. It can negatively impact our environment, it can change how we live in our communities and it can create infrastructure challenges. We must work together to ensure that our growth is sustainable.

The time is right to take tourism to the next level. That is why we are working toward developing a multi-year, goal-oriented strategy to sustainably grow tourism in the Yukon. We are providing opportunities for real collaboration. Our ideas will help form Yukon's tourism development strategy — not Yukon government's strategy. By working together, we can maximize our potential as a competitive travel destination. We can attract more visitors to Yukon, provide more revenues to local businesses, create more good-paying jobs for Yukoners, showcase and celebrate our culture — all while ensuring our growth is sustainable and our shared values are respected.

I have a number of very important visitors to the gallery today, who I would like to acknowledge: Kalin Pallett — he is the president of the Wilderness Tourism Association of Yukon; Edward Peart, who is the president of the Yukon Convention Bureau; Peter Turner, president of the Whitehorse Chamber of Commerce; Alida Munro, managing director of the Yukon Convention Bureau; Allyn Walton, who is the office manager for the Tourism Industry Association of the Yukon; Harmony Hunter, conference coordinator for the TIAY conference. We have other staff members: Pierre Germain, who is a director; Robin Anderson, manager for marketing; Deb Greenlaw, office coordinator; Shannon McNevin, who is a product development officer; MacKenzie Downing, a research analyst; and we have Linnea Blum and Carleen Kerr from our communications staff.

Thank you all so much for all the work that you do on behalf of all Yukoners.

*Applause*

**Speaker:** Any further introductions of visitors?

## INTRODUCTION OF VISITORS

**Mr. Cathers:** I would just like to join the minister in welcoming people here today and note that Peter Turner is a constituent of mine and president of the Yukon Chamber of Commerce, not the Whitehorse Chamber of Commerce. I would like to welcome them all here today.

*Applause*

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

## TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Mostyn:** I have for tabling one legislative return in response to questions about the south Klondike Highway from the Leader of the Third Party.

**Hon. Mr. Silver:** I have for tabling *Yukon Public Accounts 2016-2017*.

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

Are there any reports of committees?

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

Is there a statement by a minister?

## MINISTERIAL STATEMENT

### Public Accounts 2016-17

**Hon. Mr. Silver:** Just now, I tabled the Public Accounts of Yukon for the 2016-17 fiscal year. I want to thank the Office of the Auditor General for its work on this year's financial statements. The Public Accounts, Mr. Speaker, underscores the rationale for the Yukon Financial Advisory Panel our government appointed. The financial statements for 2016-17 show a \$5.4-million deficit for the year. This compares with a \$9.4-million surplus budgeted at the outset of the financial year. The difference is \$15 million and the difference has resulted in our government being in the red for the year.

As I said in my budget speech — and I quote again: "Coming into office, we understood that Yukon had a surplus budget, yet there was no surplus. There was in fact a deficit."

We have talked about this in the House. This deficit is a result of commitments made by the previous government prior to last year's election. These commitments were significant and were not included in the budget for the last year and still need to be paid for. So we have the annual deficit for last year just as we did in 2009-10 and also 2010-11 fiscal years. In fact, there would have been an annual deficit two years ago in the 2015-16 fiscal year, had the Yukon government not taken back the Dawson City waste-water treatment plant.

The Public Accounts also shows that the government's net financial assets have also sharply declined. When one looks back two years ago at the 2015-16 fiscal year, the territory had \$223 million in the bank in the surplus. We now have \$88 million.

We have capital projects that did not get finished under the previous government as well. These will cost money. We have capital projects where there has been no provision for the costs for running them. The Whistle Bend continuing care facility alone will cost \$36 million a year.

All of this has implications for the government's finances moving forward. This is why earlier in our mandate, we approved and appointed the Financial Advisory Panel. The Yukon Financial Advisory Panel has noted in its draft report that the rate of growth of Yukon government revenues at

1.7 percent per year has not kept pace with the government's spending growth, which was 2.5 percent per year.

The difference in these annual growth rates means that Yukon's financial position has steadily been weakened. The panel has held over 60 meetings in 15 communities throughout the territory to review where we are financially as a territory and to talk about the future. We look forward to receiving the panel's final report in the next couple of weeks. The panel has acknowledged that the Yukon government is responding early to the developing fiscal challenges. Early action to correct the problem means that there are many more options than would be otherwise available. The work of the Financial Advisory Panel is important to the work that is needed to address the weakening of the territory's financials over the last several years. Its discussion with Yukoners and its options will help to inform the path forward — a path that is needed to restore a strong financial future for the people who live here.

**Mr. Cathers:** I rise today as Official Opposition Finance critic to respond to the Premier's ministerial statement.

We see a pattern by this Liberal government and the Premier of failing to take responsibility for their own actions and their own decisions. We are just one week away from their one-year anniversary, yet the Premier keeps trying to play the blame game and blame his financial decisions on the previous Finance minister. In fact, the Premier was in charge during the last five months of the 2016-17 fiscal year — five months — almost half of that year. He made spending decisions during that time but would have you believe that he didn't. I will give you a few examples, and remember that this is just a few of the many decisions made in the five months of new spending decisions that the Premier and his ministers made.

Fiscal responsibility begins with leading by example, and the Premier has failed that leadership test. We have learned that shortly after coming into office, the Liberal government went on a Cabinet office spending spree with taxpayers' money. According to documents we ATIPP'd before the passing of their 2017-18 budget, the Liberals spent \$105,000 on personal luxuries ranging from furniture to iPads to smartphones. While the government is planning on going into debt and considering a territorial sales tax, they spent taxpayers' money on new luxuries for ministers and political staff, including over \$60,000 for new electronic devices alone.

Another example of unnecessary spending decisions that they made was a choice to renovate the Cabinet office and put up a glass wall between themselves and the public. They also had unnecessarily high transition costs. Financial responsibility begins with leading by example.

The Premier has also failed to explain why he tabled a fall supplementary budget that he knew was wrong in its statement about the government's net financial assets for the end of the fiscal year. On October 5, he tabled a budget showing the Yukon's fiscal position at the end of his first five months in power. It stated the net financial assets at

\$93.4 million at the end of the 2016-17 fiscal year. Now the Public Accounts, which the Premier signed off just 13 days later, show his fall budget misstates the government's financial position by approximately \$5 million.

The Premier and his colleagues chose to table the largest budget in Yukon history this year. Their own budget shows a plan to spend down our financial assets by over \$80 million this fiscal year, burning through \$80 million in cash this fiscal year alone. The Premier tries to blame it on O&M costs for the Whistle Bend continuing care facility, claiming that the previous Finance minister did not properly account for future costs. But I have to remind the Premier that Whistle Bend is not open this year and won't be fully open until almost the end of his mandate. There is a little bit of money in this year's budget for the recruitment of staff, but the facility itself is not going to be in full operation until almost the very tail end of this government's term in office. His decision to increase spending this fiscal year — including adding 202 new government staff positions, by his own admission in the spring — instead of restraining spending as they should have, is the Premier's choice.

He chose to spend over \$80 million in cash in this year's budget. He chose to authorize additional spending in the first five months in office and had tried to blame the former premier, but Yukoners expect him to be accountable for his own decisions and we will hold him to account. I do have to remind him, as I have in the past, that the reduction and the net financial assets under the previous government included a decision to assist the Hospital Corporation by wiping out approximately \$27 million in debt and to assist Yukon Energy Corporation by lowering the money for the LNG facility. That \$47 million of cash was money well-spent on advancing the needs of Yukoners as it comes to health care and energy. Those are just two of the examples that have nothing to do with the narrative that the Premier tries to use.

**Ms. White:** I hope what we just witnessed is to be the final chapter of the "It's not our fault; it was the previous government's fault" narrative. I'm also hopeful that we will stop hearing it from this side.

Don't get me wrong — the Premier is largely right when it comes to the mismanagement and the lack of fiscal planning by the previous Yukon Party government. We have no doubt, and the Public Accounts attest that the rosy financial picture described by the previous government in the last election was more of a creative than realistic picture of Yukon's financial situation.

With the Public Accounts being tabled today, I'm happy to know that the 2016-17 fiscal year is officially behind us. We are looking forward to reviewing the Public Accounts so we can close the books on the past and we can move on.

We have a clear picture of what the financial situation was at the end of last year. Blaming the other guys is no longer going to be an option. It's time for this government to look ahead because they can't keep living in the past. This government must take full responsibility for any decision it now makes. The choices that this government is making today

and from now on are made with the full knowledge of our financial situation. They shoulder this full responsibility.

Pointing fingers across to the previous government won't cut it anymore. We look forward to future thinking, to ideas and to solution that will help Yukoners with their lived reality in a fiscally responsible fashion.

**Hon. Mr. Silver:** I agree with the Member for the Third Party as far as looking forward. Our issue with it is that every time the record from the past gets brought up again and it's being misrepresented, we feel the need to put the reality into the Legislative Assembly.

There is a \$15-million difference between what the Yukon Party said they were budgeting and what actually happened — a \$15-million difference. I have a list of those items.

The member opposite spoke about money for computers and for phones to do our business. Yes, we did spend that money; we did. But what they spent, and didn't budget for, was unbudgeted salary increases for the new collective bargaining agreement with the Yukon Employees' Union — unbudgeted, Mr. Speaker — and \$3.5 million for new teachers and educational assistants hired without budget dollars allocated for them. Then we're told that this is somehow our hire, yet they were in the seats in September.

There is \$4 million in payments due to meet pension solvency requirements for Yukon Hospital Corporation, which is \$3.5 million, and for Yukon College of \$500,000.

There is \$2.2 million in unpaid construction bills for the hospitals in rural Yukon and for the Crocus Ridge residence construction. Again, we were told this was on budget, and now we have the bills coming in and they need to be accounted for, and that's what the Public Accounts through the Auditor General do.

There is \$2.2 million for new continuing care beds for the Thomson Centre and McDonald Lodge; another \$1.8 million for the new Salvation Army building; \$1.8 million for affordable housing; \$1.5 million for transition costs; and \$1.5 million for MacBride Museum expansion — done outside of the scrutiny of the full budget, and outside the scrutiny of Management Board. So again, Mr. Speaker, we look forward to the financial responsibility. I share the member from the Third Party's optimism that we can move forward and talk about the financial security of the Yukon, and that's what our first step with the Yukon Financial Advisory Panel was meant to do. It's to turn the page on the old way of doing financing and to look ahead to a five-year plan when it comes to the financial decisions of this government.

Mr. Speaker, I am very proud of the accomplishments on this side of the House, of this team, how busy they have been in moving forward, and we will take a responsible, coordinated approach and to be very serious about those sound financial management practices that we promised Yukoners so that we can make their lives better.

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

## QUESTION PERIOD

### Question re: Mining legislation

**Mr. Hassard:** Seven months ago, the Premier issued a Government of Yukon press release stating that he was committed to developing a collaborative framework to address industry concerns around the timelines and reassessments for major projects.

The minister did not answer this question yesterday so I will try again today: What is the status of this collaborative framework that the Premier promised industry seven months ago?

**Hon. Mr. Mostyn:** I thank the member opposite for the question. We are currently in the midst of working with our stakeholder partners to come up with a process with which to put forward and advance these projects on behalf of the Yukon government.

The collaboration put forward — we have seen it on the First Nation front. It has been rich and fulfilling for me personally to be involved in these things. We've had several Yukon Forums and those processes are going forward really productively and we look forward to having much greater involvement in the future with our stakeholders.

Frankly, what we're hearing is this is a great thing for the territory. We're bringing more certainty to the territory. We were just speaking this morning, Mr. Speaker, about how the mining industry in this territory would be doing much greater if we had more certainty around our legislative processes and everything else. The fact is, we have not been working well internally as a society working together toward our goals. That has actually turned around in the last eight months and I'm very happy to have been a part of it.

**Mr. Hassard:** I'm not quite sure what that was so I'll try again.

Seven months ago, the Premier promised industry that he would develop a collaborative framework to address industry's concerns. Can we please hear what the timeline is for when this framework will be completed?

**Hon. Mr. Pillai:** We spoke yesterday in the Legislative Assembly about the reset MOU. I would say that first and foremost — to speak to the Member for Pelly-Nisutlin — that's really the structure. The framework of that has been completed — parties from the Council of Yukon First Nations, the Yukon territorial government as well as the Government of Canada have worked on that together.

The group has come together. Essentially, what we're waiting for at this particular time is a signatory from Canada and at the same time, watching what's happening within the parliamentary process for Canada. Although having discussions with industry, I had a great sit-down with the Yukon Chamber of Mines last week and assured them that we'll make sure their voice is at the table and that's part of the role that I have taken on as we work through this.

It's not about "what is the time frame?" This is work that is ongoing. It doesn't stop. Our MOU table with the self-governing First Nations is another avenue as well as we look to try to fix these challenges that we have in front of us.

**Mr. Hassard:** The concern is: When will it be done? When will that framework be completed? In the spring, the Premier stated in this Legislature — and I'll quote: "We will make a commitment to the Yukon Party that the concerns of the Chamber of Commerce, when it comes to the concerns around the timelines and reassessments, we'll absolutely pursue that."

Can the minister tell us what progress has been made in the last seven months to address industry's concerns around timelines and reassessments?

**Hon. Mr. Silver:** I do appreciate the question coming from the member opposite. The process outlined under the mining memorandum of understanding that my minister spoke about is an ongoing process and involves a lot of conversations with First Nation governments, with the Council of Yukon First Nations, and this is underway. It is a long process, but I will alleviate the concerns of the member opposite: These conversations are a priority item for this government. It's a very necessary step since moving forward from the conversations about Bill S-6 and the lack of consultation at that time, and how this has all played out in the last few years.

This process reflects the government's approach by providing a single table where the First Nations and the Yukon government will collaborate on improvements to all aspects of the mining exploration and development previously addressed in the mine licensing improvement initiative, the devolution transfer agreement protocol working groups, and the development of a Yukon mineral development strategy. The difference this time is that it is one conversation. First Nations are at the table. Industry is at the table.

We are happy to have this question in the Legislative Assembly because we do agree with the members opposite that this is an important step. The reason why there is a delay in time is because of decisions made by a previous government. We are fixing what happened. We are moving forward and we are trying to make sure that industry's concerns and First Nations' concerns are addressed at the same time.

#### **Question re: YESAA process**

**Mr. Kent:** I have some questions regarding the ATAC Resources proposal for an all-season road to access mineral exploration claims in the Rackla belt. The government originally received the favourable YESAB recommendation on May 3, 2017 — almost six months ago. We understand that the 30-day timeline that applies to the issuance of a decision document does not apply in this case. However, I was hoping that the minister could tell us here today when he expects a decision document to be issued for this project.

**Hon. Mr. Pillai:** The key to these discussions on the ATAC road is to ensure that, as this process goes forward, a full and thoughtful process is undertaken. I certainly appreciate the work that the team from Energy, Mines and Resources has put into this and also the patience and understanding from the Na Cho Nyäk Dun government.

Certainly some of the concerns that we have heard are around the lack of land planning that has occurred in the area. This project is very substantial. It has major implications and impacts in the area. At this particular time, I leave it to the officials and to the First Nation government to continue their work.

As the member opposite has touched upon, this is outside of the longer time frame than we have seen before, but I think that the individual parties are working toward a balanced approach and a decision that is good for all Yukoners. I commend them on their work, and I think we need to give them the space to get this work done.

**Mr. Kent:** I was hoping to get a response on timing for when that decision document will be coming forward. Of course, the proponent is probably also anxious to get a sense for when that is going to happen.

With regard to discussions the minister has had with stakeholders on this project, he told us on May 18 of this year in the House that he had met the previous day with the Chief of Na Cho Nyäk Dun First Nation. Further, the minister mentioned that he had had a couple of opportunities two weeks prior to sit with the chief and have a discussion as they moved through the YESAA process on the project. As that was back in May, could the minister update this House on any further government-to-government discussions on this issue since those he told us about in the Spring Sitting?

**Hon. Mr. Pillai:** Certainly I think it is appropriate to commend ATAC Resources on their support and patience. They have had a long and very respectful relationship with Na Cho Nyäk Dun. I think they really set a benchmark on how exploration companies should work. Certainly, if the Member for Copperbelt South, through his conversations maybe with ATAC, has heard something different — I think they have been very patient. I would hope that if he had discussions with them — and if he has — they would have said the exact same thing to him.

Beyond that, we have continued to have bilateral discussions. The Minister of Environment and I have had multiple discussions with Na Cho Nyäk Dun. I think just a couple of weeks back we were there. Those discussions really focus on bilateral agreements, taking into consideration where the land planning process is, and ensuring that we understand the impacts to wildlife and how we move forward to ensure that there is implementation of specific chapters of the UFA, which certainly haven't been addressed over the last number of years.

We certainly have spent very valuable time with the members of Na Cho Nyäk Dun. Our officials will continue to do that — shortly after our officials continue that conversation and we will —

Thank you, Mr. Speaker.

**Mr. Kent:** I do agree with the minister. ATAC is being patient with respect to this decision document and the work that is being undertaken.

Mr. Speaker, last week during debate on a private member's motion brought forward by the Member for Takhini-Kopper King, the minister said that he had no role in



authoring a decision document on the YESAA evaluation. I will quote the minister on this one, as he told us that — and I quote: “... what is being asked of me... is for me to inject myself into the decision process... and that’s not what we do.”

However, we established on May 18, when he told the House that he had met with the NND chief on the ATAC road project on May 17 — and again, he has mentioned today that he and the Minister of Environment have had further discussions with NND with respect to this project. This, of course, was two weeks and continuing after the recommendation was sent and prior to a decision document being issued.

My question for the minister is simple: Why would he involve himself directly in this project during the decision document phase?

**Hon. Mr. Pillai:** Certainly in this role, as Minister of Energy, Mines and Resources, at all times, I am going to continue to build good bilateral relationships with First Nation governments. There will be projects that are undertaken, and I leave it to the officials to have those conversations government to government. That does not mean that I am not going to have a larger discussion about the impacts to somebody’s traditional territory or the capacity.

I feel like each day, Mr. Speaker, that we walk into this House, what has happened — the only analogy I can use is that my friends across the way set things on fire and then they scream at us on how we are going to put out the fire. In many cases, they throw a bunch of fuel on the fire and then they holler at us and say, “You don’t have an answer for the fire we have created — when are you going to put it out?”

This just came out in the last couple of days in the *Mining Journal* and it talks about the two biggest problems, previously to this government, have to do with the legal ramifications — the legal problems — and the risk that they have led to in the mining sector and, secondly, the lack of infrastructure. Well, we have a deal in place now with the federal government to build roads — a half-billion dollars’ worth of roads — and I don’t see a bunch of lawsuits. So we are fixing the problem. If this is about mining, we are going to improve the situation, not damage it like we saw over the last number of years.

#### **Question re: École Émilie Tremblay closure**

**Ms. White:** Last week, École Émilie Tremblay was closed for two days due to a couple of maintenance issues. Believe it or not, the first one turned out to be an empty propane tank. This situation led to many headaches for parents who had to make childcare arrangements or missed work for two days without any notice.

Most Yukoners are pretty familiar with the process involved in getting their heating fuel tank filled. You sign up once with a company, and they will show up every month or so to fill it up. It’s pretty straightforward and it makes it hard for parents to understand why life got turned upside-down for a couple of days over this very issue.

Can the Minister of Highways and Public Works tell this House how this oversight happened, and has the minister

directed his department to review fuel supply procedures and equipment for other Yukon schools so that no other parents are put in the same situation?

**Hon. Mr. Mostyn:** I thank the member opposite for the question this afternoon. Yes, indeed — the French school was shut down last week because of the fuel delivery situation. I asked the department for some clarification on this matter, and in fact what has happened is that we transferred responsibility for the fuel refilling of the tank to the French community and, in the process of that transfer, it went to an on-call delivery system as opposed to a regular filling system. There was just a clerical error in that transfer and we’re looking into making sure that those are clarified in the future.

**Ms. White:** So let’s look at the issue that led the school to remain closed for a second day. The Department of Education stated that while investigating the initial problem with the propane tank, crews discovered that the backup generator, which powers emergency lighting for the school, was not working. Yet we understand that Highways and Public Works has had to fix this generator multiple times over the last number of years. Moreover, in March, more than six months ago, replacing the generator was identified as a priority project for the school. Did the government discover the issue with the generator just last Thursday, or has the government known for over six months that replacing the emergency generator was a priority?

**Hon. Mr. Mostyn:** I thank the member opposite for the question. She is absolutely correct that there was a problem with a backup generator and the way that the backup generator was wired into the emergency lighting system.

I started to look at our procedures over the maintenance schedule and found out that, indeed, the backup generator was flagged as a problem in, I believe, January 2015 — or quite a long time ago, almost two years ago. I have no idea why that wasn’t addressed at that time. That’s not the way this government wants to operate. We take our facilities very seriously. We’re looking at trying to do a proper maintenance schedule and trying to make sure these buildings are maintained.

There has been a deficit in the maintenance of our public buildings for several years. It’s something that this government has been addressing on a daily basis, as a matter of fact. Even this morning, we were in meetings about that on housing and all sorts of other things. The school issue is one that we take very seriously, and I’m actually looking into making sure that our other generators — there is one at Porter Creek that is currently being fixed for exactly the same problem. We’re going to get on that and fix those problems.

I have no idea why in the past, these generators weren’t properly maintained, and I asked the department for a full report on what happened.

#### **Question re: Ross River area resource management plan**

**Mr. Kent:** I have some questions for the Minister of Energy, Mines and Resources regarding a Yukon Court of

Appeal ruling with respect to mining activity in the Ross River Dena Council traditional territory.

Today, we find ourselves in a position where over 50 percent of the Yukon is off-limits to new mineral claim staking. A significant portion of that is the RRDC traditional territory. Would the minister be able to provide this House with an update on where we are at with respect to the staking ban in the Ross River area? How many meetings have been held this year? Does he have any idea when the ban will be fully removed or partially removed?

**Hon. Mr. Pillai:** I thank the Member for Copperbelt South for the question. It's certainly an interesting use of phrase — "today we find ourselves". Certainly, the day that I arrived here, we found ourselves there. It was years before that. Once again, it was, as I said, another fire that was set that we're trying to put out.

We have had a multitude of conversations with Ross River Dena Council. The Minister of Environment and I were just invited to attend the General Assembly at the end of November. We continue to have discussions concerning specific areas that may be priority areas to open up, but certainly we want to be respectful.

The disrespect and challenges that occurred year after year take more than 10 months to repair, but we're willing to be patient. We're willing to work in a holistic manner. We're willing to work on housing issues. We're willing to work on wildlife issues. We're willing to work on mining issues — and to do it all at the same time.

I look forward to a renewed relationship with the First Nation and Ross River.

**Mr. Kent:** Just by way of background, earlier this year, the Liard First Nation traditional territory was added to the staking ban, and that's the actual amount that pushed us over the 50 percent mark. That was done, again, since the election happened and was earlier in 2017.

So for the minister — is he able to update this House on any developments with respect to that staking ban in the Liard First Nation traditional territory? How many meetings have taken place? When can we expect that ban to be partially or fully lifted?

**Hon. Mr. Pillai:** Once again, I'm happy to share with Yukoners that the relationship, again, with Liard First Nation I feel is a relationship that is becoming a very positive relationship with our new leadership. Our meetings, whether it is Watson Lake with the chief — I have to say that I've only made one trip where I've had the opportunity to meet with the chief in Watson Lake. We continue to work government to government through Aboriginal Relations and our strategic branch to improve that situation.

I wouldn't come in and speculate when the moratorium in Liard is going to be lifted. I'm going to respect the relationship that's there. I'm not going to play games in the Legislative Assembly — games where we saw announcements being made at the Roundup with Liard First Nation after something happened — I'm not sure — when it was all photo ops with my friends across the way with really nothing improved.

We're taking a holistic approach, which has to take into consideration all citizens of the Kaska Nation — how we deal with housing, how we deal with wildlife issues and how we deal with mining issues. Do I feel optimistic about coming to some solutions in Kaska country? Absolutely. But we'll take the time to get it right and not play games in this Assembly.

**Mr. Kent:** What we are looking for is timelines — if the minister knows of them — for these staking bans to be lifted in full or in part. A separate declaration of that Yukon Court of Appeal ruling dealt with notification for mining activities. We understand that the Yukon government has made a commitment to bring in Yukon-wide, class 1 notification for what I understand to be the next exploration season. However, prospectors have long contended that some activities that don't have a significant environmental impact should not require notification. Can the minister update this House on any meetings and progress he or his officials have made with the Yukon Prospectors Association on developing a list of activities that will not require notification?

**Hon. Mr. Pillai:** That is certainly a bit of a different question. We started off with bilateral relationships with the Kaska Nation and now we are on to class 1 notification. I think we are certainly ready to speak to class 1 notification and the preparation that has been done.

I will take this opportunity to thank the staff at Energy, Mines and Resources. You can imagine the pressure they are under to move toward the time period that we have to put this into place. I will say that I immensely respect the independent work by the prospectors. They have provided us with a sample list of activities. In my last meeting with Energy, Mines and Resources staff on this topic, I told them that I had assured the prospectors that we would take all of that information into consideration because they have hundreds of years of experience between them. I think it is extremely important, and I also echoed that last Thursday in my meeting with the Yukon Chamber of Mines.

What I will say is that it is interesting that the member opposite says: "All we are looking for is timelines." Well, the last time they went looking for timelines, they took their trip to Ottawa looking for timelines and we got Bill S-6, and now we are in some big trouble. What has happened when they have undertaken this is that they have caused instability for the industry, and that is not what we are going to do. We are trying to ensure that we fix the problems of the past.

#### **Question re: Canadian Free Trade Agreement**

**Mr. Hassard:** This time, I have some questions regarding procurement for the Minister of Highways and Public Works. After questions from earlier in this Sitting, we heard from a number of industry representatives who had asked us to follow up with some questions for the minister. The first point raised was — and I quote: "The First Nation clause: Yes, it has been added to procurement of professional services. However, it is written to suit construction — i.e. How many apprentices would be hired? We are engineers, not plumbers. This was implemented without any consultation from industry."

Of course we all support additional involvement by First Nations in our economy, so can the minister tell us if he is willing to update this section after consultation with industry.

**Hon. Mr. Pillai:** I may need a bit of clarity from the Member for Pelly-Nisutlin. I believe we are referring to some of the clauses that came out of the *Canadian Free Trade Agreement* and then moved into some of the procurement pieces. Of course this was a national conversation. This isn't specific to Yukon, if I understand the question correctly. If that is the case, this was a national conversation between provinces and territories. The agreement was then signed off, and I believe that the member opposite did the bulk of the work on that file — the Member for Pelly-Nisutlin — up until about the 11<sup>th</sup> hour.

I have spent many moments in this Legislative Assembly commending him and thanking him for his work. I would maybe ask the member opposite: In all the work and negotiation and oversight of that negotiation that was undertaken during his watch, how did some of that come to light because certainly we think it's a great opportunity and a great clause, but I think it was done at the national level and now we're implementing the *Canadian Free Trade Agreement* — if I understand the question correctly.

**Mr. Hassard:** Of course, we're just looking for updates. These are questions coming directly from industry.

On a second point that was raised with regard to the addition of a northern knowledge and experience section, this industry representative mentioned that the updated section — and I'll quote again: "... just means the company needs northern knowledge and experience. I could close up shop tomorrow, move to Vancouver and get the same consideration as if I was sitting on Main Street here. The clause does not ask how many hours are spent in the Yukon by Yukon-based personnel. Such a clause was removed about nine months ago."

Could the minister confirm when this clause was removed and is he willing to reinstate it?

**Hon. Mr. Mostyn:** I truly thank the member opposite for bringing this to my attention.

This government's intention and some of the work we've been doing on procurement is to actually start to build some local value into the contracts to make sure that our local contractors and citizens have an opportunity to bid on and actually win these contracts. We want to make sure that the work — where we can, within the limits of the *Canadian Free Trade Agreement* — remains within the territory and that locals have an opportunity to get the work.

We also want to improve some of the systems. To the member's point, some of the language and some of the forms have been out of date. Some of the things maybe don't adequately address some of the needs within the industry and so if we can tighten up the language and improve it, we're more than happy to do that. I thank the member opposite for bringing it to my attention and I'll refer back to the department to see if we can clarify that language. If there's a problem, we'll fix it.

**Mr. Hassard:** I thank the minister for that.

The final question the industry had was regarding the Liberal election campaign to implement the Procurement Advisory Panel's recommendations by 2018. We're curious if the minister can tell us if that is still on schedule. If not, how has the schedule changed?

**Hon. Mr. Mostyn:** Again, I thank the member opposite for the question. This is indeed an issue that we committed to and I have tasked the department with addressing the recommendations of the Procurement Advisory Panel report. That panel report — we did commit to having it done by the end of 2018. We have a little bit of time ahead of us, but the department has a plan and we're working through that plan to make sure that those panel recommendations are addressed.

That said, I think it's important for this House to know that the panel report, as good as it is, is only one step in the process. Once that panel report is fully implemented, I don't think we are going to have it fixed. It won't be rainbows and unicorns in the procurement world. We will have a lot more work to do. It is one step in a process. There are a lot of issues that we have to work through with procurement and, once that panel report is done, there will be other work to do. There is a lot of it and a lot of training and refinements of languages in our contracts, and making sure that the people in the territory have confidence that, when they're buying goods and services from the government, it's fair and that the process is transparent and that it works. That is what this government is committed to.

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

### Notice of government private members' business

**Hon. Ms. McPhee:** I rise to give notice of the motions that will be called for debate on Wednesday, November 1, 2017 by government private members. They are Motion No. 174, standing in the name of the Member for Porter Creek Centre, and Motion No. 159, standing in the name of the Member for Copperbelt North.

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

## ORDERS OF THE DAY

### GOVERNMENT BILLS

#### Bill No. 12: *Act to Amend the Hospital Act (2017)* — Second Reading

**Clerk:** Second reading, Bill No. 12, standing in the name of the Hon. Ms. Frost.

**Hon. Ms. Frost:** I move that Bill No. 12, entitled *Act to Amend the Hospital Act (2017)*, be now read a second time.

**Speaker:** It has been moved by the Minister of Health and Social Services that Bill No. 12, entitled *Act to Amend the Hospital Act (2017)*, be now read a second time.

**Hon. Ms. Frost:** The second reading speech refers to the amendment to the *Hospital Act* in 2017, Bill No. 12. The government recognizes and appreciates the importance of the Yukon Hospital Corporation Board of Trustees and is seeking

to provide them additional tools to continue their work. The proposed amendment will ensure that the board is better positioned to perform its roles in an effective and efficient way.

These proposed amendments, developed in partnership with the Hospital Corporation, accomplish two goals. The first is to increase the board's ability to make decisions in a timely manner. To achieve this, the proposed amendment reduces the size of the board from 15 to nine members. This proposed amendment allows the board to come together more efficiently, increasing members' time to engage in thorough dialogue. While increasing the board's efficiency, the proposed amendment will continue to ensure that board members reflect the diversity of Yukon. Prior to making a board appointment, effort will be made to ensure that members of the board reflect Yukon's culture and gender diversity. To ensure that the board represents Yukon geography, the proposed amendment requires the board to include members from three Yukon communities with hospitals — Dawson City, Watson Lake and Whitehorse.

The second goal is to increase the board's ability to make decisions that support the increase in the Hospital Corporation's scope and magnitude over the past several years. With three hospitals' extensive programming and services and the complexities of acute care, we will need to empower the board so that they can continue to meet the needs of the Hospital Corporation and all Yukoners.

Mr. Speaker, to accomplish this, the proposed amendment will allow for the selection of the board members based on a specific set of competencies. These competencies are set out in bylaws currently under development and are designed to support the operation of the Hospital Corporation by encouraging board members to have knowledge in areas such as financial leadership and strategic planning. With these proposed amendments, the board and the Hospital Corporation will have additional tools to move forward over the next several years in an effort to ensure an efficient, effective and thoughtful way forward.

These proposed amendments are just one of our government's continued actions to make sure that Yukoners have access to health services and programming they need.

I want to end by thanking all former and current board members for their contributions. It is because of their contributions to our communities that we have an opportunity to provide even more tools for the board, which will continue to support the Hospital Corporation in the delivery of their programs and services to Yukoners.

**Ms. McLeod:** I am pleased to rise at second reading for the *Act to Amend the Hospital Act (2017)*. In some respects, this is a minor amendment to the *Hospital Act*, but it has impacts on Yukoners. Over the years, many Yukoners from across the territory have taken the time and invested themselves and their skills in the issues, for which I thank them.

We have before us an amendment to an act that dismantles yet another board. This is a board that an average

citizen could get involved with, and it's an important one for all Yukoners. I am, of course, concerned with the future of this board and how members will be chosen. It's particularly worrisome because it sounds like if you're not in alignment with the thinking of the persons making the appointments, you are not going to be able to participate — so gone is the value of the average Yukoner.

I am not going to comment too much more on this aspect of the bill because we don't know what those competencies are going to be, we don't know how limiting they are going to be, and, really, we have no idea what is going to be required of Yukoners in order to participate.

I am pleased to see a dedicated person for the Watson Lake and Dawson City centres. It's a bit odd that the fourth seat — not attached to a municipality — does not require the support of a municipal government, and perhaps the minister could expand on the reasoning for this.

I will have some very detailed questions, I believe, when we get to Committee on this bill. For now, I thank the House.

**Ms. White:** I thank my colleagues for the opportunity to speak to Bill No. 12, *Act to Amend the Hospital Act (2017)*. I had a great briefing with the officials as they went through the reasons to take the numbers down from 13 to nine, and they explained the makeup of what the board will look at. At that point of time, I didn't really have any reservations. However, yesterday, the Premier, the Leader of the Official Opposition and the Leader of the Third Party were sent a letter from the Association franco-yukonnaise raising their concerns.

It is important that we talk about the chronology of this because this is not something that just appeared yesterday — October 30. Originally, on March 7 of this year, a letter from AFY was sent to Yukon government asking for francophone representation on the hospital and college boards — the belief being, of course, that we have the *Languages Act* to uphold. Francophones play an important role in making sure that this happens.

On April 20, a reply was received from the Premier, saying that his government at this point in time wasn't planning on modifying the acts, explaining that both the hospital and the college acts would need to be opened to make sure that there was a change put in legislation that would allow for a member nominated from the francophone community to be on those boards. On April 20, the reply from the Premier said that there was no intention of opening up these acts.

In August 2017, there was a meeting between AFY and the Premier where there was a conversation about reviewing the makeup of committees and boards. At that point in time, AFY was told by the Premier that language appears like a relevant factor for representation, especially when we look at our responsibility to the *Languages Act*. At that point in time, it looked like things were going well. You can only imagine the surprise from AFY on October 10 when they learned through a press release that the *Hospital Act* changes were happening, including the change to the board. Worse than that

is that there was no notification to AFY that this was happening and that their requested changes were not being included.

I am hopeful — we saw it with the Minister of Justice where an amendment was put into the legislation that brought it more into line with what would benefit the territory — that the government will acknowledge their omission, that they did not include a francophone member and that they will bring forward an amendment to this bill.

I believe it is possible without increasing the number of seats. We understand that, at this point in time, it is set at nine, but one of the four seats from the public — we know that there will be a representation from Whitehorse, Dawson City and Watson Lake as they all have hospitals, but there was a fourth member from the general public. We believe that — in a similar way that the First Nations and the Council of Yukon First Nations are able to nominate three positions, that medical staff from the corporation are able to nominate a person, and a member of the public service will be nominated — the francophone community could put forward a name for that fourth spot. We could have representation from Dawson, Whitehorse and Watson Lake, but that fourth member, instead of just being a random member from the public as it says in the legislation right now — it says “four members from the public at large, including at least one resident of each of Dawson City, Watson Lake and Whitehorse.” We believe, at that point in time, that is where the member from the francophone community could be placed.

We listened to the minister talk about how it’s important that the board will represent Yukon’s diversity. I am sure I don’t need to remind the minister that health services are covered by the Yukon *Languages Act*. Ensuring francophones play a role in the governance of the Hospital Corporation would help fulfill the government’s language responsibility and address a demand from the francophone community to being included in both the hospital board as well as the Yukon College board, which, when it comes up for debate at some point in the future, I will be mentioning this again.

So I am hopeful that the Minister of Health and Social Services can follow the example of the Minister of Justice where an amendment was moved to a bill and that we can see this — I’m hoping accidental — omission corrected and that we can include a member of the francophone community in the *Hospital Act* boards and committees.

**Hon. Mr. Streicker:** I will try to respond as the Minister responsible for the French Language Services Directorate.

I thank the Member for Takhini-Kopper King for raising the concerns. I was at the meeting with the Premier and the Association franco-yukonnaise and we did indeed discuss a desire on the part of AFY to have French language representation on boards — for example, the hospital board and Yukon College. In fact, I believe that this had been a request put out by the French community for some time. Even as I came on board as the Minister responsible for the French Language Services Directorate, AFY had already pulled

together a lot of documentation around their request to have that.

My recollection is somewhat different from what the member opposite has presented. I recall from that meeting — and I will go back to check the meeting notes from my perspective. While we acknowledge that AFY was interested in having that representation on the board, Mr. Speaker, we didn’t state that we would try to seek to guarantee it.

I think what we stated at that time, and in fact when we spoke with the President of AFY as recently as last Friday, it was around ways in which we could support it without building it into a requirement. In fact, when the Minister for Health and Social Services brought forward this motion, we had a vigorous discussion about this very issue and I think that is what led to the clause that the minister referenced just recently in her second reading speech, which was to ensure that there was the attempt to keep cultural diversity on the board. That came from that very conversation with AFY and the dialogue over time.

I confirmed with the minister and with department officials that the cultural diversity was indeed referencing or inclusive of language diversity — the Minister for Health and Social Services can speak to this more — it was that interest from the Association franco-yukonnaise to try to find methods to put it in there while also reducing the size of the board without starting to be prescriptive. That meeting on August 29 was one of the ways that led to putting in language that would allow us to support recognizing the Yukon’s cultural diversity and its strength through its language diversity.

**Speaker:** Is there any further debate on second reading of Bill No. 12?

If the member now speaks, she will close debate.

Does any other member wish to be heard?

**Hon. Ms. Frost:** I would like to thank the members opposite for their feedback. Clearly my colleague, the Member responsible for the French Language Services Directorate highlighted some really great meetings and debate and discussions with AFY. I think what we wanted to do was ensure that we don’t leave any of our cultural diversity and cultural languages and interest groups behind, be it from the francophone community or from the indigenous communities, given that we have an obligation under legal requirements. Surely we are not intending to discriminate.

We are intending to be inclusive and provide opportunities and I can assure the members that the hospital board and the staff are working toward ensuring that the efficiency and effectiveness around the board aligns very well with our obligations as government, ensuring that the health and well-being of Yukoners is considered at the highest standard possible, and that the language barriers that are out there are being addressed through the hospital board itself.

Perhaps with regard to the consideration or the discussions around the makeup of the board and the representation, what we’ve heard consistently — and I’m sure that the Member for Watson Lake can appreciate this — is

that the hospital board, as it was structured, really was a rural-centric model. It was really looking at — sorry, a Whitehorse-centric model and urban-centric view — and their consideration for what happens in rural Yukon was not really all that well-aligned. These are the comments and feedback that we heard from the constituencies in Watson Lake and directly from the community and directly from members of that community and from the First Nations in particular and from the municipality. From Tr'ondëk Hwëch'in and Dawson City, we heard the same thing from the medical association and from the doctors in those communities.

This was an opportunity really to bring some alignment with how we conduct ourselves and with how we do business and align services and hear Yukoners.

This is not, as defined by the Member for Watson Lake, the dismantling of yet another board. It's not the dismantling of another board. It's really restructuring and modernizing, and aligning the needs of Yukoners and aligning what we're hearing from Yukoners and, in particular, what we're hearing from members in Watson Lake and Dawson City.

I would really like to highlight those concerns. Competency-based decision-making is essential in this complex world that we work in and live in. Running a hospital — as we know, the Hospital Corporation is really responsible for the operation of a complex system. We heard, through Committee of the Whole, when the CEO and the president presented, that it is complex and it's very difficult for them to manage the complexities of that, yet working with a board that needs to align and provide direction — so somewhat limiting.

It's noted that the municipal governments really don't assign the seats. I think there are citizens from those communities in collaboration with the communities. Certainly we'll take under advisement the representation of cultural diversity and representation to ensure that we have met our obligations to the French association.

I'm not sure at this point if I've missed anything, but I want to assure the members opposite that, as we move forward, we will be as open and transparent as possible and work with the hospital board — which we have up to this point — as well as work with our stakeholders.

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

**Some Hon. Members:** Division.

## Division

**Speaker:** Division has been called.

## Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Silver:** Agree.

**Hon. Ms. McPhee:** Agree.

**Hon. Mr. Pillai:** Agree.

**Hon. Ms. Dendys:** Agree.

**Hon. Ms. Frost:** Agree.

**Mr. Gallina:** Agree.

**Mr. Adel:** Agree.

**Hon. Mr. Mostyn:** Agree.

**Hon. Mr. Streicker:** Agree.

**Mr. Hutton:** Agree.

**Mr. Hassard:** Agree.

**Mr. Kent:** Agree.

**Ms. Van Bibber:** Agree.

**Mr. Cathers:** Agree.

**Ms. McLeod:** Agree.

**Mr. Istchenko:** Agree.

**Ms. White:** Agree.

**Clerk:** Mr. Speaker, the results are 17 yea, nil nay.

**Speaker:** The yeas have it. I declare the motion carried.  
*Motion for second reading of Bill No. 12 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. I will now call Committee of the Whole to order.

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

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

**Chair:** Committee of the Whole will recess for 15 minutes.

*Recess*

**Chair:** 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*.

**Mr. Hassard:** I would just like to begin by thanking the officials — back one more time. It's great to see you here.

I just have a few follow-up questions coming out of the questioning over the last couple of days. I'm just curious in regard to the advisory committee. As I mentioned previously, the minister's letter to industry says the committee will be able to give sufficient input into decisions, not just regulations.

I asked the minister about what sufficient input into decisions was yesterday and he responded by saying: "... we should be able to come up with some guidelines about what sufficient input is."

He went on to say — and I quote again: "... I am sure industry will have a say in what sufficient input is."

I'm wondering if the minister could elaborate on these statements — if he could let us know how this process will define sufficient input into the decision work and when that may begin.

**Hon. Mr. Mostyn:** I thank the member opposite for his questions on this day 3 of the general debate on the *Public Airports Act*. It has indeed been an interesting, broad and deep discussion about this piece of legislation.

The member opposite's question has to do with a specific piece about what I believe has to be brought up with industry. Once the bill is passed, we will start working on our engagement strategy going forward and that will work on how we are going to start to talk about the regulations that will give some authority to this piece of legislation. Through that discussion with airport users, we will work out among the stakeholders what exactly that input will be.

**Mr. Hassard:** In regard to sufficient input into decisions, I asked the minister what sufficient input would mean and he responded with — and I quote again: “The advisory committee would have an influence over the management and control of the airports through its important feedback on the regulations.” Is the minister suggesting that sufficient input into decisions means that industry will only have input into regulations or will they have input into other decisions beyond regulations?

**Hon. Mr. Mostyn:** Thank you to the members opposite for their patience. This bill before us today creates in legislation an advisory committee to advise the minister. We have talked a lot about regulations and of course the regulations piece is important, but currently there are no structured two-way discussions between industry, between airport users and the Government of Yukon Highways and Public Works Aviation branch. We discuss matters with the aviation advisory panel, but again, there are no clear rules or delineation of responsibilities. There are no rules around these things. It is just a cordial, often discretionary piece and we want to, through this, give it more weight — give it more substance.

That is the whole point — to bring some rigor to this whole process. There are lots of issues on planning and management of the airport that we need and welcome the industry's feedback on, and we would like to hear their thoughts. It's not really structured, and we are hoping to bring some structure to this whole process so that industry has a much better way of interacting with government and we can start to build a community around our community airports. That is really essential going forward, to actually start to break down some of the divisions that we have seen and start to work more collaboratively and cordially together to manage and operate our airports. That is really where I want to get to, as Minister of Highways and Public Works, and I think that's where the industry would like to go too. I know that's where the Aviation branch wants to go.

We have, through this legislation, a structure and a process through which we will start to get an advisory committee of airport users to give it some weight and some structure so that it actually has a defined role in interacting

with the minister — me — and the government on regulations, but it would be ridiculous to have this group there, with all the expertise and the thoughts that it has, and to not pull on it on wider planning and policy issues.

**Mr. Hassard:** I think this will probably be my last question, depending on what we get for an answer: Can the minister tell us if there will be an annual report tabled in the Legislature coming out of this committee, similar to that of the Yukon Minerals Advisory Board?

**Hon. Mr. Mostyn:** Currently, of course, that is not determined, but it is fair to say that the committee that we have defined in this act — the language is fairly broad and it needs to be defined. But that whole process was pulled on through the Yukon Minerals Advisory Board terms of reference. It's modelled after that act — the *Economic Development Act*, I believe it is — and that's really a model that we were looking at when we drafted this. As you mentioned, that panel does put out an annual report.

I would like to discuss with the members of the Aviation Advisory Group, whether or not they want to do that or they have the desire. We're not sure exactly how many matters are going to be seen through this legislation on an annual basis, but I am a fellow who likes to have a lot more information before the public than less.

If an annual report makes sense to the committee and seems to make sense in the operations of the airports, then I am more than happy to have that. But that will be a discussion that we have with the advisory committee once it is struck.

**Mr. Kent:** I just have one or two questions before we are ready to move into clause-by-clause debate on this act.

Just to set up the question, there are two other major initiatives that have been undertaken by the Aviation branch over the past while. The first is the system review that looked at aerodromes and, I believe, airports throughout the Yukon. That work was done. The recommendation that came out of that was for the closure of some airfields. I believe the minister clarified yesterday in the House that he publicly committed to not closing those airstrips. I know industry appreciates that, and we appreciate the minister standing up yesterday and committing to that.

The second one is the Erik Nielsen Whitehorse International Airport 2040 work that is being undertaken. When I first reached out to industry representatives, some of this other work was confused with consultations that the minister talked about with respect to the *Public Airports Act* itself. Some industry reps thought I was talking about the ENWIA 2040 and some thought I was talking about the system review.

With the minister embarking on another major consultation with this industry on the regulations associated with this act once it passes this House, would he be agreeable to just pushing the “pause” button on ENWIA 2040, whether or not the system review work is complete or not underway? Would he just “pause” that work and set it aside for a bit until we can get through these regulations with respect to the *Public Airports Act*? I think the industry folks whom I talked to

would appreciate it if the minister would be agreeable to something like that.

**Hon. Mr. Mostyn:** I thank the member opposite, the Member for Copperbelt South, for his questions this afternoon on this piece of legislation. I welcome him to the discussion.

The 2040 report, as I'm sure the member opposite well knows, is an initiative that has been in play for quite some time and it is a planning document. It is part of the discussion around what we are going to do with our airport going forward. I have spoken with industry and I understand their concerns around this planning document.

To the member's point, the Member for Copperbelt South is absolutely right. There is an awful lot going on here and an awful lot that has to be sorted out at Erik Nielsen International Airport. I have started my discussions with the department to see if I can — to his point — push “pause” on the 2040 report, acknowledging that there is an awful lot going on. We have this new set of regulations, this new piece of legislation and an avenue for stakeholder engagement. To me, it does make some sense. The problem, of course, is that the 2040 document is tied to the lease issue and it's through that planning process that we're actually going to determine what land is available for airlines to lease up at the airport and identify what our future plans are going forward.

To the member opposite's point, I think personally that hitting “pause” is the right move, but I want to fully explore what implications that has for industry going forward because I have heard that industry wants land. They're hungry for land. There is a lot of development that needs to happen up there on behalf of a number of airlines — national airlines and local airlines all want land up there and we're trying to sort out the lease issue, which dates back a little while to a bunch of legislative changes that happened a few years ago.

To the member opposite's point, I hear his concern. I have heard industry's concern. I do note that and I'm working with the department to see how I can actually make leases available and still push off this 2040 report. That's the juggling act that we're currently involved in and I'm trying to find a solution to that. That's what I say today.

**Mr. Cathers:** I am going to be very brief in my comments, since the minister and I already had an exchange yesterday. I just want to note for the record that there are a number of questions put on the record that he did not answer yesterday. Also, taking from the exchange between my colleague, the Member for Copperbelt South, and the minister, I just want to note that it is relevant to government's financial management and debate that we will be having later in this Sitting on the budget that when the government is spending — between the aerodrome review that the minister had done earlier this year that recommended shutting down a number of the unmaintained airstrips and the money being spent on the ENWIA — a 2040 master plan — both cases combined is spending almost a half-million dollars. We've heard from many in the aviation industry that this money is not being well-spent or well-directed. So I would encourage the minister to take that into consideration.

As the Member for Copperbelt South noted, a pause would be in order to refine the terms and I would encourage the government to take an approach of getting it right, rather than taking a ready-fire-aim approach to governing and to commissioning studies. It's important to make sure of your target and be sure that you are actually achieving what you are setting out to do before spending a half-million dollars here and there, because pretty soon that starts to add up.

**Hon. Mr. Mostyn:** I thank the member opposite — the Member for Lake Laberge for his thoughts this afternoon.

**Chair:** Is there any further general debate on Bill No. 6, entitled *Public Airports Act*?

Seeing none, we will move to clause-by-clause debate.

*On Clause 1*

*Clause 1 agreed to*

*On Clause 2*

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*On Clause 4*

**Ms. White:** Can I ask the minister for clarification on clause 4(2)? We were talking about the ability to also close down airports and it just seems to me that this implies that not only can you operate, plan, construct, maintain and improve public airports, but you could also remove them — so just asking for clarification.

**Hon. Mr. Mostyn:** I thank the Member for Takhini-Kopper King for her question. In part 2, the “Administration — Designation of public airport” — that states, “The Commissioner in Executive Council may, by regulation, designate...” — and under the *Interpretation Act*, that also means “revoke”, but it has to be Cabinet to do that. The powers of the minister to actually manage and plan stem from that point. So no, I cannot create or destroy airports on my own. I have to have the support of my Cabinet colleagues.

*Clause 4 agreed to*

*On Clause 5*

**Mr. Cathers:** In looking at this act, I had some concerns about clause 5 pertaining to enforcement officers. We know that there has been concern already from industry about the manner in which the minister approached consultation on the act. The minister has himself acknowledged in some of his statements that there should be some comfort for industry because certain matters have to come before Cabinet. As well, seeing the scope of this, we were concerned that the scope of this legislation seemed to be significant here, particularly in section 5(1). I would like to propose an amendment.

*Amendment proposed*

**Mr. Cathers:** Mr. Chair, I move:

THAT Bill No. 6, entitled *Public Airports Act*, be amended in subclause 5(1) at page 2 by:

(1) deleting the words “The Minister may, by order” and replacing them with the words “The Commissioner in Executive Council may”;

(2) deleting the words “one or more of the”; and



(3) adding, after the word “regulations”, the following words “pertaining to traffic control, parking, and use of terminal buildings”.

**Chair:** The amendment to the bill is in order. It has been moved by Mr. Cathers:

THAT Bill No. 6, entitled *Public Airports Act*, be amended in subclause 5(1) at page 2 by:

(1) deleting the words “The Minister may, by order” and replacing them with the words “The Commissioner in Executive Council may”;

(2) deleting the words “one or more of the”;

(3) adding, after the word “regulations”, the following words “pertaining to traffic control, parking, and use of terminal buildings”.

**Mr. Cathers:** I am going to be very brief in speaking to this. I just want to ensure that it’s clear to members of the government in particular, as they consider whether to accept this friendly amendment or not, what the intent of this is. This is simply to provide the greater oversight that comes with a decision being left to Cabinet rather than to just the minister.

Also, because of the minister’s commitment to consult on the regulations with industry, it should not be overly onerous for them to include consultation on regulations pertaining to this section at that time.

There is concern, we understand from some within the aviation sector, about the range of matters — which is what section 5 speaks to — and what types of things that enforcement officers may be issuing enforcement orders related to. There is concern that this may broaden the matters that are dealt with through punitive action by enforcement officers rather than through collaboration, which is what we hear from the aviation sector — that they would like to see improved collaboration and improved engagement through the advisory group, and so on.

The third part of this proposed amendment would make it clear that the regulations the enforcement officers are enforcing would be narrowed to matters such as traffic control, parking and use of terminal buildings, which are areas that we have heard from the aviation sector that they think enforcement officers should be covering.

So with that, I hope to hear the minister indicating that the government will be supporting this amendment. We believe that this would strengthen the bill if it is supported by government.

**Hon. Mr. Mostyn:** This amendment really is troubling. The amendment, as stated, will create a lot more red tape and rules going forward under this authority, and the language in our *Public Airports Act* reflects the *Highways Act*, under which we currently operate on a daily basis.

This clause in this piece of legislation is not about hiring more people. It provides for appointing people who have already been hired as enforcement officers, and the measure in this bill actually allows the minister to set what duties or what enforcement provisions they are able to do, similar to what is in the *Highways Act*.

At the moment, the powers of the enforcement officers can be limited in the ministerial order that appoints them as officers. It does not need to be done in the act. If requirements change over time, it’s important to be able to make changes without having to open the act. The department gets new requirements from Transport Canada. It’s a global industry. There are all sorts of things going on in the world. It’s a complex industry and we have to be able to respond to those new requirements when they come to us. That is why this clause is worded the way it is. It provides the flexibility and ability for us to actually adapt and respond to the rules as they are set on us sometimes by Transport Canada.

**Mr. Cathers:** I am not going to spend a lot of time speaking to this. We have other items of business that we want to see this House get to and consider in this session. We have given the minister and his colleagues ample opportunity to press the “pause” button on this legislation, but I do want to just note for the record, for Hansard, and for those who read this later that — in the event that, as we believe it might be, this section of the act proves problematic since the government has indicated a lack of willingness to accept our constructive amendment — this section does not directly relate to matters relating to Transport Canada.

It is primarily relating to the powers under this act that enforcement officers would have and again we’re proposing limiting their powers to certain focuses that we heard from industry. I don’t suspect we will hear the minister reconsider the government’s decision to not support this amendment, but I would point out that it, in fact, would strengthen the act and we of course will be voting in favour of it.

**Chair:** Is there any further debate on the amendment? Shall the amendment to clause 5 carry?

**Some Hon. Members:** Count.

### Count

**Chair:** A count has been called.

### Bells

**Chair:** Would all those in favour of the amendment to clause 5 please rise?

*Members rise*

**Chair:** Would all those opposed please rise?

*Members rise*

**Chair:** The results are six yea, 10 nay.

*Amendment to Clause 5 negatived*

**Chair:** Is there any further debate on clause 5?

*Clause 5 agreed to*

*On Clause 6*

*Clause 6 agreed to*

*On Clause 7*

*Clause 7 agreed to*

*On Clause 8*

**Ms. White:** Just because I asked questions quite a long time ago — hours actually, after we had been talking about

this — can we just get some clarification on clause 8(2), the term of a lease or renewals of a lease about the timelines? Why were they chosen and why were they set that way?

**Hon. Mr. Mostyn:** To this clause, it pertains to leases and the length of time for leases at the 30-year time frame. This clause is consistent with our *Lands Act*, our *Territorial Lands (Yukon) Act*, the *NWT Public Airports Act*. So this clause here is consistent. It's also consistent with all the other leases that we have already issued, so it just carries through and is consistent with our legislation, with other legislation, with other jurisdictions and also with common practice in the territory.

**Chair:** Is there any further debate on clause 8?

*Clause 8 agreed to*

*On Clause 9*

*Clause 9 agreed to*

*On Clause 10*

*Clause 10 agreed to*

*On Clause 11*

**Mr. Cathers:** We're concerned by this section of the act in that it does seem to be again — it's one of the things that has struck some at the aviation community as being a little heavy-handed on the part of the minister in bringing forth this legislation.

Section 11, as it pertains to commercial activity, reads as follows: "A person must not conduct a commercial activity or business at a public airport unless authorized to conduct the commercial activity or business under a lease, licence, other agreement or permission entered into or granted under this Act."

This is one of the areas where, as I mentioned earlier in general debate, stakeholders are concerned about just exactly what this applies to — or might apply to at some point in the future. I should note for members that in fact this clause is somewhat redundant in that if the act or regulation requires a permit, lease, licence or other agreement to conduct an activity under the act and regulations, then this additional clause is itself not necessary, except that it appears to be somewhat of a blanket prohibition against commercial activity.

It does cause some concern within the aviation sector, to the public and to us as the Official Opposition about whether the government now or in the near future is contemplating requiring tour operators who pick up or drop off clients at the airport to receive a permit or a licence — whether there will be a requirement for hotel shuttles to pay a fee for the pleasure of picking up and delivering clients, whether taxicab companies will have the same fee and whether there will be other areas, such as increased lease rates or so on — so these are some of the matters that this section appears to speak to.

We considered bringing forward an amendment to this section of the act, but were advised that a deletion of a section of the act is not in order; instead, it would be appropriate to vote against this clause, which we will be doing. I would encourage the minister — if indeed he is interested in collaborating with the opposition and encouraging us to bring forward ideas and constructive suggestions as he and other

colleagues have indicated in the past — to stand down on this section of the act, vote in favour of deleting clause 11 and renumber the other sections accordingly.

**Hon. Mr. Mostyn:** I will take the member opposite's suggestions under advisement. Unfortunately, I will not be supporting deleting section 11. As a matter of fact, section 11 is the one piece of this bill that has been missing since devolution.

We have an obligation to provide a safe and secure environment and to ensure that Yukon's assets are protected. This clause gives us the ability to establish policies or regulations that will apply to the use of public airports outside of any leased area. In the past we have tried to put provisions into our leases that established rules for areas that were outside of individual leased areas. The Justice department — my good colleague, the Justice minister, and her team have advised us that those provisions are not valid because the lease is only valid on the leased area. We have to know who is using our airports and what is happening in the common or public areas of our airports and on airport land. We have to ensure that the activities being conducted on airport property are acceptable and that the government is not assuming an undue liability or risk. That is what this clause does.

I understand the member opposite's concerns. I have actually spoken to industry about this. We have had ongoing discussions with industry representatives about this piece of legislation. They have suggested a legislative amendment and we have agreed to make that legislative amendment. That is the one that they asked for and we are going to support that. I cannot support the member opposite's point.

**Ms. White:** Just because the minister opened the door a little bit about policies that could be created under clause 11, does this mean that this is where a policy for advertising within airport space could be created by allowed commercial businesses to operate, not necessarily through leases, but leasing of space — for example, for TV screens or posters or something similar to that?

**Hon. Mr. Mostyn:** To answer my colleague's question just now on clause 11, it is part of the package. Part 3 — Agreements in Respect of Public Airports — that is the one that really lays it out. Clause 11 is part of that. It is the prohibition part, but the enabling part is earlier.

**Chair:** Shall clause 11 carry?

**Some Hon. Members:** Count.

### Count

**Chair:** A count has been called.

### Bells

**Chair:** Would all those in favour of carrying clause 11 please rise?

*Members rise*

**Chair:** Would all those opposed please rise?

*Members rise*

**Chair:** The results are 10 yea, six nay.

*Clause 11 agreed to*

*On Clause 12*

*Clause 12 agreed to*

*On Clause 13*

*Clause 13 agreed to*

*On Clause 14*

*Clause 14 agreed to*

*On Clause 15*

*Clause 15 agreed to*

*On Clause 16*

*Clause 16 agreed to*

*On Clause 17*

*Amendment proposed*

**Hon. Mr. Mostyn:** I move:

THAT Bill No. 6, entitled *Public Airports Act*, be amended in clause 17 on page 5 by replacing the expression “may” in subclause 17(1) with the expression “must”.

**Chair:** The amendment is in order. It has been moved by Mr. Mostyn:

THAT Bill No. 6, entitled *Public Airports Act*, be amended in clause 17 on page 5 by replacing the expression “may” in subclause 17(1) with the expression “must”.

**Hon. Mr. Mostyn:** This is the amendment that has come to us from industry. They have asked for this change to this bill and I am more than happy to do it. What it does is give certainty to the industry that the advisory committee that is laid out in the act will be mandatory and not discretionary on the part of the government of the day, and it will protect industry from future governments disbanding or disregarding the committee. I am more than happy to provide that certainty for industry going forward, and that’s why this amendment has come forward.

The Member for Copperbelt South actually suggested this amendment, I believe, on October 16 and he tied it to the *Economic Development Act*. That piece of legislation actually does say “may” and not “shall”, but I figured that after discussion with industry and with the good people in Highways and Public Works that this was an amendment we could live with and actually provided certainty to industry, so I am more than happy to make it.

So thank you very much to the Member for Copperbelt South and for all the hard work at the highways department for this.

**Chair:** Is there any debate on clause 17 as amended, Mr. Cathers?

**Mr. Cathers:** I don’t think it has been amended yet.

The Official Opposition will be supporting this, as the minister did acknowledge it was in fact a suggestion brought forward not only by industry, but proposed by the Official Opposition. I believe it was my colleague, the Member for Porter Creek South, who first mentioned that suggestion in this Assembly. I would note that while it is more common in legislation to see “shall” instead of “must”, from a legal

perspective, the two terms seem to be identical, so we will of course be supporting this amendment to the legislation.

I would, though, note for clarity for anyone reading Hansard or listening today that while the minister is technically correct in stating that this amendment was requested by industry, in fact, it was not the first thing they asked for. The first thing was a long chorus of industry stakeholders asking the minister to do more consultation on the legislation prior to proceeding, and this was what they had to settle for because of the government’s unwillingness to listen to that request. But we will be supporting this amendment to clause 17.

**Hon. Mr. Mostyn:** I thank the members opposite for their support of this amendment to this piece of legislation. We have had talks with industry representatives throughout the drafting and the debate in this Legislative Assembly. They said that they would support this piece of legislation if we made this change. They were happy to do it. We have seen the public comments in that regard and I am more than happy to make it, so I thank the members opposite for their support and I will leave it at that, Mr. Chair.

**Chair:** Is there any further debate on the amendment?

**Ms. White:** I just have a question about the language because I was just looking at the *Economic Development Act* and it does say “the minister shall”. So I was just wondering about the nuances between “must” and “shall”. It is just a curiosity. The other language in the other acts I am familiar with, it says “shall”, so I am just looking for the reason why — not as a criticism, but because there are people who can answer the question in the Assembly and I would like to hear it from them.

**Hon. Mr. Mostyn:** I thank the Member for Takhini-Kopper King for her question. It is one that we have been discussing on these benches as well and it comes down to style. There is a modern style in legislation that I have learned about through this process. The term “must” is replaced with “shall” in the drafting of our Yukon legislation going forward. It is considered plain language and a modern approach to legislation.

This entire piece of legislation uses “must”, and “shall” would have been inconsistent with the rest of the bill, so we have kept it consistent in using the modern drafting style, which is “must”.

**Chair:** Is there any further debate on the amendment to clause 17?

Are you prepared for the question on the amendment?

**Some Hon. Members:** Count.

**Count**

**Chair:** A count has been called.

*Bells*

**Chair:** Would all those in favour of the amendment to clause 17 please rise?

*Members rise*

**Chair:** Would all those opposed please rise?

The results are 16 yea, nil nay.  
*Amendment to clause 17 agreed to*

**Chair:** Is there any further debate on clause 17 as amended?

**Mr. Cathers:** This section of the legislation is one that we do welcome — the fact that there is an advisory committee — but especially considering the many stumbles that the minister has made in public consultation this year on the act, there is concern about the amount of power that the minister has to do things under this section, including: specifying the committee's name and functions; specifying how the advisory committee is to be structured; appointing or providing for the appointment or election of the committee's members; designating the chair of the committee; establishing the terms of office; and making rules governing the conduct of meetings and work of the committee. While it allows the committee to make some rules governing the conduct at meetings, they are all under this section subject to the rules made by the minister.

The committee is also required under this section to exercise powers and must perform the duties and functions that the minister approves, confers or imposes on it. In addition to the unilateral power handed to the minister, there is no requirement under this section for consultation with the advisory committee itself or with the industry.

That is something that is of concern to us, but we do have a solution for this that will strengthen this section ultimately. We believe that it would be better to more properly spell out the powers of the committee and their mandate through either legislation or regulation, but that consultation, of course, does have to be done or should be done with industry itself prior to establishing that scope to determine the committee's duties, its powers, and its level of engagement and management.

As both my colleague, the Leader of the Official Opposition, and I noted in previous debate with the minister on this legislation, there is concern about what exactly the minister meant in his letter when he made commitments to engage the committee. Certainly what we heard from the aviation sector is that they would like to have greater involvement in decisions around the management of the airport, not just consultation on regulations, and we believe that working with the aviation sector and the users of all airports — but especially the Erik Nielsen Whitehorse International Airport — would in fact improve the management if government were to engage in a more collaborative approach.

To give the minister time to consult with those stakeholders and to take what they say about the regulations, giving more life to the scope of what the committee should be doing — we believe this legislation would be strengthened through the amendment — a further amendment to clause 17 of the *Public Airports Act*.

*Amendment proposed*

**Mr. Cathers:** I move:

THAT Bill No. 6, entitled *Public Airports Act*, be further amended in clause 17 at pages 5 and 6 by deleting the word

“Minister” where it appears in subclauses (1), (2), (3) and (4), and replacing it with the words “Commissioner in Executive Council”.

That, of course, would confer that power on Cabinet rather than the minister.

**Chair:** The amendment is in order.

It has been moved by Mr. Cathers:

THAT Bill No. 6, entitled *Public Airports Act*, be further amended in clause 17 at pages 5 and 6 by deleting the word “Minister” where it appears in subclauses (1), (2), (3) and (4), and replacing it with the words “Commissioner in Executive Council”.

**Mr. Cathers:** Just in speaking to the amendment, I would note that requiring changes to the scope and rules for a committee — if the government were to agree to this change, it would certainly not be unique to this advisory committee. There are other advisory committees that do require changes to their mandates to be set out through regulation.

One benefit to regulation, in addition to the greater scrutiny that it provides for other members of Cabinet who might have issues affecting their departments — such as the Minister of Justice, for example, as it pertains to land titles, or the Minister of Energy, Mines and Resources or the Minister of Tourism and Culture. They are all departments that could be affected by both the scope of the advisory committee and the decisions that they have the opportunity to collaborate on and the decisions they don't have the opportunity to collaborate on. We believe that having that role with Cabinet — or, in legal language, the Commissioner in Executive Council — would strengthen this section and allow the minister to then consult with the aviation stakeholders and develop the regulations to give more life and detail to the scope of what the advisory committee will actually be tasked with doing.

Considering the fumbles that the minister has made on this legislation and the relationship with stakeholders, government choosing to support this constructive amendment would be seen by the aviation sector as an indication of good faith that the minister supports this change. I think it is fair to say that they would welcome that.

Though we are not proposing a change to the legislation itself, I would note that once this advisory committee is struck, in the interests of all-party collaboration, we think it would be well-placed to not only give the industry a greater role in choosing what the membership of the committee should look like, but to have appointments to the committee go through the all-party committee — the Standing Committee on Appointments to Major Government Boards and Committees — because this is an area where, as I have mentioned before in debate with the minister, the aviation sector is in fact a very key sector of the Yukon's economy. It is one that is very much depended on by a number of other sectors of the economy. I don't need to go through listing them again, but it is important because of that cross-industry impact and cross-departmental impact that this matter go to Cabinet and not simply be decided by ministerial decision. It

underlines the importance of having that cross-departmental collaboration — which, if I may point out, would seem to fit well with the government's claims of taking a one-government approach. I hope the government will choose to support this constructive amendment.

**Hon. Mr. Mostyn:** I really admire all of the work that the opposition has put into this piece of legislation. It is remarkable. We on this side cannot support the amendment as it stands. The wording in the bill as it stands is an appropriate exercise of ministerial authority. To do as the members opposite suggest would create a lot more barriers — more red tape, really — in trying to get the committee going. It just doesn't make an awful lot of sense, Mr. Chair.

This is consistent with how it is done in other pieces of legislation, and it is consistent with the practice within the Yukon government and we on this side are not in support of the amendment that the member opposite has presented.

**Mr. Cathers:** I am not going to take too much of the House's time, since we have already spent a fair bit of time on this legislation, but I do think it is important to note for the record and for anyone who is listening or reading Hansard — and particularly for those who have been concerned about the wording in this section of the legislation — that, in fact, the minister's statements about legislative practices and other legislation — it is, in fact, not quite as clear-cut as he would indicate in this comments. There are pieces of legislation that do give the power to establish committees to a minister. There are also others that do require Cabinet approval for changes to their structure.

Again, in this case, we believe that based on the government's mishandling of public consultation in this area and the lack of good faith that the minister currently has with the aviation sector, for the government to make this change would be a positive one.

I would just note to the minister, as he is probably aware, I and my colleagues who have been involved in Cabinet and have been members of the Cabinet Committee on Legislation for years have also been well-acquainted with the differing models and different pieces of legislation. So his statements were correct only in the case of certain pieces of legislation. This amendment, if the government would choose to accept it, would in fact strengthen the legislation and be very much in keeping with the model set out in a number of other pieces of legislation.

**Chair:** Is there any further debate on the amendment to clause 17 as amended?

Shall the amendment carry?

**Some Hon. Members:** Count.

### Count

**Chair:** A count has been called.

### Bells

**Chair:** Would all those in favour of the amendment to clause 17, as amended, please rise?

*Members rise*

**Chair:** Would all those opposed please rise?

*Members rise*

**Chair:** The results are six yea, 10 nay. I declare the amendment to clause 17, as amended, defeated.

*Amendment to clause 17, as amended, negatived*

**Chair:** At this point in time, would members like to take a brief recess?

**All Hon. Members:** Agreed.

**Chair:** Committee of the Whole will recess for 15 minutes.

*Recess*

**Chair:** Committee of the Whole will now come to order.

Is there any further debate on clause 17 as amended?

*Clause 17, as amended, agreed to*

*On Clause 18*

*Clause 18 agreed to*

*On Clause 19*

*Clause 19 agreed to*

*On Clause 20*

*Clause 20 agreed to*

*On Clause 21*

**Mr. Cathers:** This section, for those who are listening or reviewing Hansard later, is the section pertaining to regulations. Section 21 sets out the areas where Cabinet — or, as referred to in the legislation, Commissioner in Executive Council — may make regulations, and it lists a long area of matters that may be regulated under this act. I won't read through them all, in the interest of time in the House, but I would note that the full list goes from (a) to (u) in the letters used for the various different amendments. They don't quite use all of the alphabet, but they make a good crack at it.

Then section 2 of this same part lists a further four areas that may be regulated.

The minister will be aware of the concern from industry about the potential for an airport improvement fee. We have also heard concerns and we have raised concerns with the minister about whether government is going to increase fees for people picking up or delivering paying guests at the airport, whether that is tourism companies, hotel operators, big game outfitters or so on. There are also concerns about what other areas of revenue and fees the government may be planning on hiking — whether it is increasing the landing fees, increasing fees for matters such as the gift shop or the minister's somewhat infamous reference to a hot dog stand, which I don't believe currently exists at the airport.

We are also concerned, as are a number within the aviation sector, about whether this may include new fees being imposed for matters such as moving planes or refueling planes — or you name it. There has been a list of speculations at this point. It is all speculation, but what we would like to do is give the minister an opportunity to follow through on his words and assure industry that this is not all about hiking fees.

The minister has told us repeatedly in this House that he is not planning on imposing new fees. He is simply planning on moving over parking fees that are currently under the *Financial Administration Act* and placing those regulations under this bill. That appears to be a housekeeping measure at best, if indeed that is all that is intended by the legislation.

We are concerned about how broad this section is — particularly section 21(1)(k) which, as currently worded, allows the Commissioner in Executive Council to make regulations “respecting fees, rates and charges for the use of public airports and for the use of services at public airports.” There doesn’t seem to be any parameters to this clause.

The minister has made statements in this House that would appear to set the parameters of the government commitment, but that hasn’t actually translated into the legislation. If the minister and his colleagues are in fact committed to following through on the minister’s promises and are committed to just moving over the parking fees that were imposed by a previous government — as a side note, I should remind the member that despite the assertion that this was somehow a revenue grab, the reason for that being put in place was that there was a very serious problem with misuse of long-term parking at the airport, including vehicles that had long-expired stickers and licence plates on them. There was a fair bit of outcry from the private sector and from the public about the fact that there was misuse of that parking situation. In fact, government was responding directly to concerns we had heard from the private sector and the public, but as the Official Opposition noted before in this Assembly, certainly if the government wants to repeal those fees, we are not going to take issue with them removing the parking fees at the airport, but we do think it will lead to another problem.

So again, Mr. Chair, in trying to provide the minister with some help in comforting industry and in showing them — through accepting the amendment that I am about to propose — that the government is committed to just imposing fees for parking. We understand as well that lease rates would be required for any of the long-term leases. If it is being moved over from other pieces of legislation into management by the *Public Airports Act*, there would need to be provisions for charging those leased rates.

Accordingly, to allow parking fees and the collection of lease rates but not leave open a broader range of powers that government may impose, I am going to propose what I hope will be a friendly amendment to the government and note that, in fact, in preparation for the possibility that the minister could say that, if he hears other rates suggested by the aviation sector, he would want to leave open the opportunity to impose those in regulations. I would point out that if the aviation sector and affected companies ask for additional lease rates once the minister actually consults with them on the regulations — then, if they were asking for additional charges, fees, or rates to be enabled through changes to the legislation, the minister could very simply bring forward an amendment to the *Public Airports Act*. If there was wide stakeholder support, we might even support him in doing so. But, from a drafting perspective and a House time perspective, it would

not be very difficult and would use less time in the House — I may point out — than has been used by the government in somewhat pointless ministerial statements in this session.

Accordingly, to help the minister in following through on his commitments to industry and to provide comfort to the aviation sector, I have an amendment.

*Amendment proposed*

**Mr. Cathers:** I move:

THAT Bill No. 6, entitled *Public Airports Act*, be amended in subclause 21(1)(k) at page 7 by:

(1) inserting the word “parking” after the word “respecting”; and

(2) deleting all words after the word “fees” and replacing them with the words “and lease rates”.

That, of course, would simply allow parking fees and lease rates to be charged by this section.

**Chair:** The amendment is in order. It has been moved by Mr. Cathers:

THAT Bill No. 6, entitled *Public Airports Act*, be amended in subclause 21(1)(k) at page 7 by:

(1) inserting the word “parking” after the word “respecting”; and

(2) deleting all words after the word “fees” and replacing them with the words “and lease rates”.

**Mr. Cathers:** I am going to speak very briefly to this, just to read it for members and to put on record what the section would look like if the government accepts this constructive amendment. I would note that, in fact, this subclause 21(1)(k) then would be reworded to allow the Commissioner in Executive Council to make regulations respecting parking fees and lease rates. It would close the door to the wide array of other potential charges that industry is concerned about. By that, I mean not only the aviation sector, but the tourism sector is concerned — and if indeed, from the tourism sector or the aviation sector, the minister were to hear areas where they wanted this clause amended in the future, it would be a very simple matter to bring forward a piece of legislation to amend this clause based on feedback from stakeholders.

With that, I will commend this amendment to the House and hope that the government will demonstrate its claims to be interested in collaboration and hearing ideas from all members of this House by actually welcoming this amendment rather than using its majority to vote it down.

**Chair:** Is there any further debate on the amendment to clause 21?

**Hon. Mr. Mostyn:** Yes, there is.

The good member opposite has called this a constructive amendment, and I would call it a deconstructive amendment. What we’re seeing here is an attempt to actually remove from this enabling section of the legislation the ability of the government to actually collect any monies on the airport area.

The members opposite have raised fears. They have spoken about this. They have channeled the fears that they have heard in the community, and I understand that. I have

heard those same fears, but I have committed to basically porting over the fees that were established on December 31, 2014 into this new piece of legislation and putting that before the advisory committee as a suggestion for their recommendations. They will have a look at it. I am not going to presume what they will say about these fees and whatnot. I will take that as it comes.

That said, the difference between us is now stark and clear, and I'm so glad to be able to address that this afternoon because what we have seen in the past is a clouded view of how fees and regulations and rates are set by a government when it pertains to the airports.

We have seen governments acting with no oversight, just imposing fees willy-nilly. The member opposite mentioned the parking fees. That's true, we have spoken about that and how \$1.5 million has been charged to Yukoners with no consultation, just there it is, it's out the door. It's all right. The opposition has said that was necessary because we had to fix a problem, so it's okay for the government at that time to unilaterally impose fees on the public to fix a problem. That's okay, but heaven forbid any other government go and do that — no, no, no.

We have stated in writing that there would be no airport improvement fees. We have stipulated that this is not happening — done that. We have said the fees are not going to change. As a matter of fact, we're going to suggest the same fee structure that the members opposite passed unilaterally a couple of years ago and put in place through a Management Board thing — and then they had to change that over because they were breaking the law, and they put it under the *Financial Administration Act* and made it legal again, but they didn't talk to anybody about that. They put their fees in.

I have the fee schedule here. It currently resides under the *Financial Administration Act* right next to the library privileges and fees, or borrowers' cards required — issuing of borrowers' cards. All those rules are here — library fees — what else is there? Penalties under the *Public Libraries Act* — independently, that's another penalty they had put into this thing — definitions and the schedule — the whole thing. It's all under the *Financial Administration Act*. It's right there. Then there are continuing care facilities user fees. It's in the same legislation as you have for the airports act, and then you have airport rates and fees, and this is Schedule C, and it was put into effect, as I said, on December 31, 2014.

It goes into application, except as indicated. The rates and fees in this schedule apply to every airport and aerodrome in the Yukon — every aerodrome and airport in the Yukon that these fees apply. They are fees imposed by the previous government, and here they are — leasing, subject to subsection (1), annual rents under the leases of real property are shown in the following table, and it goes into amounts and dollars per metre squared, industrial land and fair market value.

Car rental kiosk is \$236.55, which was a fee that was put in place; airline ticket counter is \$275; office basement is \$177; office baggage — these are all the existing fees. These are the ones that we're suggesting come over as a package as

part of the regulations for review by the newly minted airport advisory committee, which never existed before and which will provide some sort of oversight and a check and balance on the powers of government going forward, where industry can have some comfort that the fees that any government in the future imposes will at least have a review by the aviation industry with the ability to say "Hey, I don't think that's fair", or they think it's too much or too little or whatever it is — maybe we should have this thing and maybe we shouldn't. Then they can make the recommendation to the minister, and the minister can weigh all that information and make an informed choice.

I'm sure if the minister does something erratic, the industry will go public and start to call them out on that, and that's how the process is going to work.

To go forward here, we have groundside sand storage for \$50; for motor vehicle parking, the rates are all here — these are the ones we've spoken about a lot — it's right there: "Contractual fees: A lease or licence or other contract between the government and another person or partnership in respect of any part of an airport may require the lessee, licensee or other person or partnership to pay a fee." There it is again — paying fees. The fees are laid out here: "For greater certainty, a fee described in subsection (1) may be computed by reference to the nature or volume of goods acquired, distributed or sold, revenues, the weight of equipment used or in any other manner whatsoever." It is all laid out right here. The members opposite did this. These are their words. This is their piece of regulation ensconced — embedded — within the *Financial Administration Act* with no oversight from any airport user.

We have aircraft parking, Mr. Chair. "The fees for aircraft parking at the Erik Nielsen Whitehorse International Airport are as shown in the following table. Aircraft weight (kg): 2,000 or less, \$5.82 daily; \$46.82 monthly; and \$295.48 annually." I think those fees go back to — correct me — I think it was 1996 that was the last time these changed. These are the ones that are in existence now. These are the ones that we have said we will port over and put before the committee when we actually get to the regulatory stage. Landing fees, Mr. Chair — they are here as well: "Subject to subsection (2), the fees for aircraft landings at the Erik Nielsen Whitehorse International Airport are as shown in the following table. Aircraft weight (kg): Domestic, 21,000 or less, \$0.64 per 1,000 kg." There you have it. It is spelled out in terms.

What we are proposing to do is to bring these fees under the *Public Airports Act* where they can then be scrutinized by the public, by airport users and by the committee that we are striking — the mandatory committee — that will provide the oversight over these fees going forward so that future governments cannot do what has been done in the past and just simply impose these fees on an industry with little or no oversight. That is why section (k) is in there and, in case the members opposite are not totally clear on this, this side will not be supporting the amendment that has been put forward by the member opposite.

Thank you very much for all the hard work on this, but really, we can't support it, and I am sorry it is in vain.

**Mr. Cathers:** Well, we seem to have struck a nerve with this amendment. We hear a very heated and defensive reaction on the part of the minister that doesn't seem to be justified by us moving an amendment that would allow him to demonstrate to industry, if he chose to support it, that in fact he intends to keep to his word and his commitments in this House and in his letter to them.

We have simply established for the regulatory fees to be limited to parking fees and to lease rates. It does enable the matters that the minister listed. It is quite interesting that the minister seems to spend a lot of time talking about parking fees that, as he knows full well, the previous government put in as a response to a problem and feedback from the private sector as well as people complaining publicly about the problems with the misuse of long-term parking at the Erik Nielsen Whitehorse International Airport. So government brought in those fees as a solution and, in fact, based on requests received from the public and the business community.

The minister seems to take issue with those fees, yet at the same time, he hasn't offered to refund the money that this government has collected through those fees since taking office almost a year ago — a year ago next week — and is indicating that he intends to keep those fees in this legislation while assuring everyone, including this Assembly, that he doesn't intend to bring in new fees — but his refusal to support an amendment that would limit those fees to the matters that he himself has said is all this government will do does cause concern within the industry about whether this is an area where the minister is hoping the heat will die away and he can quietly expand the range of fees and quietly increase them outside of public scrutiny since, unlike a change to legislation, which has to go through this Assembly, a change to regulation can simply be done through Cabinet and the minister has the ability to bring it forward — perhaps convince his colleagues of the merits of it and impose a fee, and then we will again see — as the minister said, if the minister tries to do something erratic, then people will go public — I believe those were his words — and that's how the process works. Well, unfortunately, so far that's how this process around the *Public Airports Act* has worked.

We have heard about the minister's failures on consultation, and that is why we're bringing forward amendments such as the one I proposed and the previous ones government has refused to support, and we're doing it to strengthen this legislation to reflect the concerns we've heard from the public since the government refused to listen to the cause of multiple stakeholders and companies to do the right thing, press the "pause" button on this legislation and consult with them further. They were left with a one-word amendment to the barest, tiniest concession by this minister in a change that he agreed to, and left with relying on the Official Opposition to bring forward constructive amendments, which, unfortunately, the government so far has dismissively shot down while portraying themselves as the paragons of virtue

when it comes to collaboration and consultation with Yukoners.

It seems to have touched a nerve with him on this section. He refers to this section as enabling. It is very enabling; that's why we're bringing forward an amendment that proposes limiting that scope.

The minister has stood up, arguing against this amendment and other constructive amendments. The minister has stood up and gone into listing repeatedly the list of matters other than airport parking fees that are listed under the *Financial Administration Act* regulations. Again I would have to ask, many Yukoners would have to ask and certainly anyone with an understanding of legal drafting would have to ask: What's the problem? Is it somehow offensive to the minister that fees related to the airports under his watch are next to fees related to library cards under *Financial Administration Act* regulations? Is it somehow offensive that it is listed along with fees for continuing care? No, it's simply the logical place to put it, based on the existing regulatory structures.

Unlike the minister, who is very quick to rush forward with legislation — despite the pleas of people to stop and take a breath — one thing we've heard repeatedly from Yukoners is that people don't always see new regulations and new legislation as a solution to a problem.

Separating something out into another silo seems contrary in fact to this government's repeated claims of a practice of a one-government approach. Whether it be fees under this section of the act, or seeing a problem with it being under the lead of the Finance minister because those fees currently are under the *Financial Administration Act* regulation, or the minister's oft-repeated problem with having to apply to the Minister of Energy, Mines and Resources — just like every other Yukoner does, I may point out — to receive a licence of occupation or a permit for a sign, those statements seem at odds with the government's claim of fostering a one-government approach.

Again, we are not going to spend too much time here this afternoon. I wanted to give the minister and his colleagues a chance to rethink the minister's choice to dismiss this very constructive amendment, but again, if the minister says the fees aren't going to change and they are planning to just keep the current ones that are in place, then there is no reason not to support this amendment. It actually would help the minister demonstrate that he intends to keep his word and that the government is putting their money where their mouth is today by voting in favour of this constructive amendment.

**Hon. Ms. McPhee:** I just want to make a couple of statements to be 100 percent clear. Despite the fact that the Member for Lake Laberge has said that he is not that interested in speculating, a good chunk of what he said today is in fact speculation.

A governing statute sets out the scope of the authority and the regulatory power for the government, and that is exactly what section 21 does. It is not at all, in my submission to this House, a friendly amendment or a constructive amendment. What it would do, in fact — the effect of this amendment, as



put forward by the Member for Lake Laberge — would be to restrict the fees that could be charged to those only for parking and for some leases. We have already heard from the minister, with respect to this matter, that there are a number of other kinds of fees that are already charged at the airport. So the effect of this amendment would be that the airport could not carry on — I am talking about Whitehorse only at this point — with the kind of business that it currently does with respect to charging leases or fees or allowing the business to carry on at that location. As a result, it would be completely unworkable. In an attempt to handcuff this government — as the Member for Lake Laberge is fond of saying — for those of you listening, I guess I want to be completely clear: the amendment that is proposed would restrict the operation of the airport in Whitehorse, at this point, simply to parking fees and/or to leases, and there are a number of other types of fees that are already charged, that were already put in place in 2014 in the *Financial Administration Act* and before that by this former government and by governments before that.

This is completely inappropriate in my view and would not achieve what the member says it would. I wanted to make those points of clarity for this House to consider upon discussion of this amendment.

**Mr. Cathers:** The minister is quite simply wrong. That was actually a very surprising statement to hear from the Attorney General, in her capacity as Government House Leader — to suggest that fees that are currently lawfully in place under the *Financial Administration Act*, duly signed by the Commissioner and drafted by the Department of Justice, would not be lawful if they were not allowed to be transported and moved under the *Public Airports Act*. In fact, those fees would still continue to be fully legal under the *Financial Administration Act*, as they are right now.

The minister may want to consult with lawyers in her department on that point, because that seems a fairly bizarre and quite factually incorrect statement to make.

Yes, this amendment is proposing to limit the fees. Contrary to what the minister stated, the fees that the minister listed would be enabled by this legislation. If the government feels that perhaps a one-word amendment is necessary to subamend the constructive approach we're bringing forward, we would be happy to consider it in the spirit of collaboration, but we're hearing very much the father-knows-best attitude that we've seen very much from this government in the past 11 months, almost a year.

We have seen again that, despite repeated claims about being willing to collaborate and take good ideas where they come from and wanting to work with the opposition, when we bring forward constructive amendments to plug holes in the legislation they brought forward and to fix problems that they created through their absolute and total failure to properly consult on the *Public Airports Act* — then, when the response is to simply dismiss it and suggest we don't know what we're talking about, as the member knows, we have been in their shoes, we have had access to all the legal and policy advice of the Government of Yukon. I have also been a Minister of Justice and chaired the legislation overview committee and

Cabinet Committee on Legislation for a number of years. My colleagues participated actively in legislation, and, of course, we have access to private sector lawyers as well to assist us in interpreting this legislation and others and to confirm our own understanding.

It's really very unfortunate that the government has chosen to resort to some factual misstatements in arguing against this section. I would urge them to look deep into their hearts and realize that we're actually giving them an opportunity to solve a problem they created, if they choose to see the error of their ways and support this constructive amendment.

**Hon. Mr. Streicker:** I thank the member opposite for his suggestion. The first point I want to make is that, in this very Legislature, we have discussed the importance of a single word, and that single words can completely change acts, so I will never belittle that one word may make a large difference. I don't think we can do it by some sort of word count — that's not a way to judge the merit of a piece of legislation.

The second point I want to try and make is that, by the Member for Kluane's own argument, if the *Financial Administration Act* continued to work as it is, then of course — and I'm not even disputing that. If it does, though, even the amendment as proposed by the member opposite doesn't limit anything because we could just turn to the *Financial Administration Act*, if that were the purview of this government or some future government — to impose fines that are being speculated on.

The amendment, as it's proposed, is to just try to limit and hamstring. I think the way it's being presented to us is a way, from the perspective of the members opposite, to protect, but I don't see it that way.

What I see here is that we're trying in this Legislature — the “we” — to get our airports managed well and to bring in place legislation, which — and I'll use the same word that the minister has used — provides a framework from which we can move forward. It is to collect up all of the pieces of work that are happening around airports and put them in one place so that when we seek in the future to expand our airports, to promote our airports, to increase tourism, to provide economic development in this territory, which has really been built up — I think its history is really based in this notion of transportation. That is one of its roots — a fundamental root — and the amendment as it is proposed is part of a series of amendments that have been coming forward today.

I remember when we were discussing the *Missing Persons Act* and the Member for Kluane seemed to take some concerns that the amendments hadn't been shared around with the member — my apologies. Twice now, Mr. Chair, I've said “the Member for Kluane” and I really apologize — the Member for Lake Laberge — and that is my mistake — apologies. When we were discussing the *Missing Persons Act* and the Minister of Justice was proposing an amendment, the Member for Lake Laberge was expressing deep concern that those amendments hadn't been shared around. Well, in the spirit of working together, the way to do it is not to walk in

here with — I'm sorry, I've lost count — several amendments unannounced.

A way to do it is to reach across and to speak with the minister ahead of time and to work through those things. In the same way that we're being criticized that we have not yet talked with industry, we have listened to more than 100 times in the Legislature to questions about how we've talked with industry. We haven't posed those same questions back about whether the consultation by the members of the opposition constitutes strong engagement either.

This portion of the legislation is about the regulations and the regulations are not here yet. The minister has stated and we've just added an amendment that we are seeking to have advice from the industry and the public on these regulations. That's the safeguard and we should not presuppose where that advice want to go in the future.

**Mr. Cathers:** I appreciate the perspective of the Minister of Community Services, the Member for Mount Lorne-Southern Lakes, and I would just note as well that the minister asked if we had shared the amendments to the legislation beforehand — or noted that we didn't — and we did not of course. Just as the government did not share a copy of the *Public Airports Act* with us and barely showed it to any stakeholders prior to tabling it, we did not share our amendments to government.

I would remind the member this is not our preferred approach. We have offered the minister many, many opportunities since the government chose to bring in this legislation to realize that the best way to deal with his failures around public consultation on this legislation would be to press the "pause" button and to consult with industry on matters, including the fees and charges referenced in section 21(1)(k), which this particular amendment pertains to. We have asked for that on numerous occasions, we have asked for it politely, we have asked for it assertively and at all turns we have been rebuffed by the minister.

We proposed an amendment to the motion for second reading, which would have allowed us to build on the success of previous all-party committees, which have worked collaboratively in the past. A number of them have been successful in reaching unanimous agreements on policy matters. We proposed that constructive suggestion and the members chose not to agree to that. We again have, at numerous times throughout this, encouraged the government to press the "pause" button and to either pull the bill or leave it on the Order Paper instead of proceeding and, unfortunately, due to a lack of willingness on the government's part to do that, we're left with our only option being either to let the bill sail through in its current form that industry has said was flawed — for example, the letter that I quoted from yesterday from NATA, the Northern Air Transport Association, made it clear that it wasn't just the consultation process they had a problem with.

They also had a problem with some of the content of the act itself, but since the government has been unwilling to press the "pause" button and either withdraw the legislation or leave it on the Order Paper while they consult, we are left with

having to bring forward amendments like this one as our best alternative to try to reflect what we have heard from members of the industry who are concerned about this legislation brought forward by the government. In answer to my colleague across the way, the Minister of Community Services, the Member for Mount Lorne-Southern Lakes, I recognize that, yes, the regulations do need to be developed, but one of the many, many options we proposed to the Minister of Highways and Public Works — only to be rebuffed — was to press the "pause" button on the legislation and consult on both the act and the regulations with industry prior to bringing the act forward.

The ministers across the way can refer to the act as just a framework, but it is in fact legislation. While it is not the norm to bring forward regulations to this House for the consideration of members at the same time as a bill is presented and changing the act, it has been done on several occasions, including during the last Legislative Assembly by the previous government — which, of course, a number of the members of the Official Opposition, along with myself, were members of. So we did, at times when it seemed merited, show the detail of the regulations while members of the Assembly were considering the act itself and we suggested that in this case. But having been rebuffed, the best we can do is try to make amendments in the clause-by-clause debate on this legislation, including on the current section — 21(1)(k) respecting parking fees, rates and charges. We have heard at least two ministers express concern about this being too limiting.

The government tries to claim that industry concern and private sector concern is all the fault of the Official Opposition somehow fanning the flames on this issue. But in doing so, they are ignoring the fact and closing their ears to the fact that, in fact, there have been repeated concerns coming forward from people who are not themselves normally involved in politics or public debate, but are only coming forward on this piece of legislation because they are concerned with the potential impact it may have on their livelihood or the operations that they engage in. They are quite upset with how the minister handled public consultation on this legislation.

Again, as we indicated on several occasions, the amendments we are making today were not our first request. Request number one was to withdraw the legislation and consult on it. Request number two was to form a select committee with all-party representation to consult with the public. Request number three was to hold the legislation and consult on it and the regulations. Finally, we are left with plan D, which is to make the amendments that we can propose, based on what we have heard from the industry and from people in the private sector who have felt that their concerns brought forward to the government have fallen on deaf ears, so they are left reaching out to my colleagues and I in the Official Opposition, asking us to make these changes. I think we have made the case for this section.

Unless the government has had a very recent change of heart this afternoon, it seems they are going to use their

majority to ram through this section without accepting the constructive change proposed by this side.

We'll allow this to continue, in the interest of expediting this Assembly. We're probably not going to achieve anything by further debate on this clause, unless we hear further comments from the government side.

**Hon. Mr. Mostyn:** There is so much there. This government, this Premier — this Liberal government has committed in writing, through our mandate letters, to improve our public airports. The goal is to make our airports run better, to make sure they are better economic vehicles for our communities — that they better serve our communities, that they operate more safely and that they serve the needs of Yukon well into the future.

Those were my marching orders. That was the ask from my Premier and I'm more than happy to do that. One of the things I learned was that for almost 22 years we didn't have legislation governing — allowing ministers to manage properly our airports. Members opposite will say, "Why do you need it?" I'll tell them. I'll just summarize it a little bit in that the way it has run in the past is not good.

The acrimony, the uncertainty, the lack of clarity around rules and what can happen at airports and what can't happen, right down to really what airports are actually under the Yukon government's control — all these things are just taken for granted, but they are not really clear.

So here we are — day 3 of the *Public Airports Act* and, in recent memory, probably unprecedented scrutiny over nine pages of legislation in the territory. We can go back through Hansard to see the last time when this sort of scrutiny was brought to a bill. It has been incredible, really. The members opposite say we have rammed through a piece of legislation after how much debate — hundreds of questions — questions in Question Period and all sorts of debate — almost forensic debate — about the actual bill itself. If that is ramming some piece of legislation through, then I am just astounded, really. I don't see it that way.

I am really happy with the amount of scrutiny and discussion we have had. Some of it has been tremendous. The Member for Copperbelt South has been very incisive in some of his remarks. The Leader of the Official Opposition has had some great questions, and they have made me and this government and the legislation better. That is how this process is supposed to work. So far be it from us ramming through legislation — we haven't rammed anything through. We have subjected it to the scrutiny of this great House and let democracy have its way.

The members opposite have had ample opportunity to discuss, probe and offer suggestions and amendments to the bill. We've heard some of them; we've accepted some of them; we've rejected more than a few others. That's how this process works. I'm happy to have been part of this process in this House. It has been tremendous.

I do have a few issues that I would like to take up with the Member for Lake Laberge. He mentioned in passing that the fees for the airports that they brought into being on December 31, 2014 belong there — that they make sense to be

there. On this point, he and I will disagree; respectfully, I'll disagree with the member opposite. If I'm Ryanair or some other aircraft company that wants to set up shop or wants to come in here and expand their business opportunity in the Yukon, and they say, "How much do they charge for landing fees at the Whitehorse International Airport? Let's go take a look. My goodness, where's the legislation? They don't have any. Let's see what they charge. Let's look under the *Financial Administration Act* right next to library fees." I don't think that makes a lot of sense, and I don't think it was the intention of the previous government to do that in the beginning.

I think that when they amended the *Financial Administration Act* in December 2014, at that time, they brought in this amendment, and then there was a whole raft of unintended consequences arising from that change. One of those was that they accidentally stripped themselves of the proper authority to charge fees that they had been charging all along at the Whitehorse International Airport and other airports. They did X and, as a result of doing X, somewhere along the line they realized that, "Holy smokes, I can't charge fees here anymore. What are we going to do?"

So, Mr. Chair, they then scrambled around and they came up with a fix. They tried to fix this problem, and they did on December 31, 2014. They parked the parking fees and other fees right next to library fees, because that was their work-around in this sort of holus-bolus "MacGyvered" great goulash of legislation that they were using to govern our airports, which are critical pieces of transportation infrastructure in the territory.

That is really how we got there. For those reading Hansard, that is really why the fees reside next to the library fees. It wasn't a plan, and it doesn't really make, to my mind, a lot of sense, but it landed there — pardon the pun — because they had nowhere else to put it. They had to fix it quickly, because something happened that went awry. It wasn't the only thing that went awry, Mr. Chair. There were other things. There were issues with land titles that then impeded the ability to issue leases on the Whitehorse International Airport. That also was a problem.

There has been a whole mess of a whole bunch of events — a mess of events — and a whole bunch of messy narrative that landed this here today with this government now looking to bring some order out of the chaos. The order out of the chaos is this *Public Airports Act*. It gives us the ability to properly manage in one place and assemble in a methodical and calculated way all the rules around our airports scattered across the territory so we can manage them properly and have the proper authority to manage them.

I firmly believe that this is going to mark a new era for our airports. It's going to pave the way for a brand new way of working together — aviation and airport users working toward a much brighter future and a much more economically lucrative air aviation industry.

I'm really pleased with the legislation. I'm pleased with the work that the officials who I am so lucky to work with have pulled together. I'm really happy with the support I have

received over the last several weeks from the team here on the Liberal benches. They have been extraordinarily supportive. They have had great insights and advice for me going forward. I have learned an awful lot from them and also, I must say, from the members opposite.

That's where we're at right now, Mr. Chair.

Looking at the time right now, it is 5:25 p.m., so I move that you report progress.

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

*Motion agreed to*

**Hon. Ms. McPhee:** I move that the 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 from 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 31, 2017:**

34-2-37

*Yukon Public Accounts 2016-2017 (Silver)*

#### **The following legislative return was tabled October 31, 2017:**

34-2-76

Response to oral question from Ms. Hanson re: highway safety (Mostyn)