

[From: Allan.Nixon@gov.yk.ca](mailto:Allan.Nixon@gov.yk.ca)

Sent: 17 / 09 / 16

To: george@yukonflying.com, nielsenr@flyairnorth.com

Thanks George

As noted we can look at putting everything into regulation if that's a better option. Regardless of which rules or procedures are established in regulation we are obligated to follow the regulatory code of conduct including the sections you have quoted.

Until we have an overarching Act we can't develop regulations which as you note may be preferable to the current policy approach we have to take. At this point we will be focussing our efforts on the regulations previously listed.

Appreciate your interest and input.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: George Balmer

Sent: Saturday, September 16, 2017 6:46 AM

To: Allan.Nixon; nielsenr@flyairnorth.com

Subject: Re: Airports Act

Thanks for this explanation of the history of this set of rules.

Yes, this and any other policy or procedures that YTG are actually applying to the flying public, really should be put into actual Regulation. Either that or not applied. And in the process (forgive me for quoting your own 'Code of Regulatory Contact" back here):

Before implementing regulatory measures, Yukon government departments and agencies will:

1. Consult with interested parties who will be affected by the regulations.
2. Examine non-regulatory alternatives
3. Identify the potential costs and benefits to businesses and the public resulting from the proposed regulations.
4. Ensure that the new regulatory measure is written in plain language.

Thanks sincerely.

George

On 2017-09-14 3:27 PM, Allan.Nixon@gov.yk.ca wrote:

Hi George,

The AVOP program isn't an actual regulation. It is a mechanism adopted by pretty much every certified airport in Canada and, I believe, some un-certified sites to help Airport Operators meet the requirements of federal Canadian Aviation Regulations (CARS). My understanding is there used to be a specific airside traffic regulation under CARS but it was rescinded in 2006 and affected Airport Operators were left to figure something out. In Yukon this impacted Whitehorse and Watson Lake as Dawson and Old Crow were not referenced in the original federal regulation.

The original AVOP manual template was built by the Canadian Airports Council National under their Minimum Training Guidelines program. This was further refined over time by various other airport operators till we are at something that can be standardized but adapted to specific airport circumstances as needed. TAB consulted with local industry in the development of our manual and as changes or updates to it are needed we will do so again.

We hadn't considered making this part of the *Yukon Public Airports Act* regulations although I suppose we could. I'm not aware of other airports or jurisdictions that have actually made it a regulation but it may be something worth exploring. We have enough flexibility in the list of potential regulations to make it fit if we decided that was a better route.

However at this stage our priority remains the three regulations that I have listed.

Listing of Airports

Rates and fees

Land Management

Thanks

From: George Balmer [<mailto:george@yukonflying.com>]

Sent: Thursday, September 14, 2017 8:44 AM

To: Allan.Nixon; nielsenr@flyairnorth.com

Subject: Re: Airports Act

I downloaded the attached document from The Yukon Government Aviation website. I respectfully submit that the first 30 pages are in fact 'Regulations' already in place, complete with;

- Deffinitions
- Prohibitions

- Standards of required performance
- Enforcement provisions
- Penalties and
- Appeal procedures.

It makes someone called the "MSS" judge and jury over any perceived violations.

I just want to point this out.....it raises questions and concerns about the process under discussion and explains at least some of my reservations?

George

On 2017-09-13 8:41 AM, Allan.Nixon@gov.yk.ca wrote:

Hi George,

There are no draft regulations at this point but we are bound to the *Code of Regulatory Conduct* that was attached in the original email and this requires consultation with interested and potentially affected parties. As noted in the main email the first ones we will work on will be:

- The list of Airports that fall under the Act which will be pretty straightforward since its everything currently in the system;
- The Rates and Fees will also be pretty straightforward since they will be basically be Schedule C in the *Transitional Regulation* that was attached in the original email. These were the rates and fees from the Management Board Directive we had been operating under since 1996. When the changes to the Financial Administration Act were instituted a few years back it unintentionally restricted our ability to manage under the Directive so this *Transitional* measure was put in place.
- Land Management processes have not started the drafting stage. This will take the most work and given the need to move forward with leasing opportunities at the airports will be the main focus.

From: George Balmer [<mailto:george@yukonflying.com>]
Sent: Tuesday, September 12, 2017 5:04 PM
To: Allan.Nixon; nielsenr@flyairnorth.com
Subject: Re: Airports Act

So, can we see your draft " Regulations " too ?

On 2017-09-12 2:12 PM, Allan.Nixon@gov.yk.ca wrote:

Thanks for the input George.

There are no regulations in place for the *Yukon Airports Act*. As I noted, they will come after the act is in place and we will focus on the three areas I listed.

The process for Regulation development is as per the *Yukon Regulatory Code of Conduct* attached in the original email.

From: George Balmer [<mailto:george@yukonflying.com>]
Sent: Tuesday, September 12, 2017 8:02 AM
To: Allan.Nixon; nielsenr@flyairnorth.com
Subject: Re: Airports Act

In Canadian jurisprudence the Regulations **cannot** be passed until **after** the Act is created that enables their legal creation.

If the Regulations exist already, as Mr Nixon seems to indicate, it would be beneficial to see those? It is the Regulations that usually contain all the detail. Also where the Act itself is passed in the Legislature (in Public view), the Regulations can be passed (or changed) within the Cabinet itself. This can happen very quickly and with very limited consultation or involvement.

I think we have seen how little consultation can take place.

George

On 2017-09-11 2:44 PM, Allan.Nixon@gov.yk.ca wrote:

Rick,

As promised, attached is the draft *Yukon Public Airports Act* as well as the cover document for it. I have also attached the NWT Act (previously provided) for reference and the *Yukon Regulatory Code of Conduct* which details the process for regulation development that we are obliged to follow.

The main differences between the Yukon and NWT Acts, beyond drafting style, are:

- We chose to give authority to the Commissioner in Executive Council (Section 3) instead of the Minister as they did in the NWT.
- Formalizing the Yukon Aviation Advisory Group in the *Yukon Public Airports Act*.
- Clarifying the application of the *Yukon Motor Vehicles Act*. Originally the NWT Act had its own clauses in relation to Motor vehicles and these were repealed over time.
- We didn't include all the lost property provisions in the *Act* and will instead formalize those processes under regulation.

The *Act* won't come into effect until the first few regulations are enacted. We anticipate the first regulations will be:

- Listing of public airports covered by the *Act* – essentially everything currently in the public system.
- Rates and Fees – This will be transferring the relevant portions (Schedule C) of the existing Transitional Regulation (*OIC 2014_217* attached) from under the *Financial Administration Act* to the *Public Airports Act*.
- Land management – leases etc.

The intent is to table the *Act* in the fall sitting of the Yukon Legislature in early October. Any questions just let me know.

Thanks

Allan Nixon, MBA

Assistant Deputy Minister | Transportation

Highways and Public Works | Government of Yukon

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There and back again. Safely.

From: Allan.Nixon

Sent: Thursday, August 03, 2017 9:47 AM

To: 'Erik (Rick) Nielsen'

Subject: RE: Airports Act

Hi Rick,

OK. We will do that. In the interim we will keep drafting based on the NWT model.

Thanks for the input.

From: Erik (Rick) Nielsen [<mailto:nielsenr@flyairnorth.com>]

Sent: Thursday, August 03, 2017 9:46 AM

To: Allan.Nixon

Hi Allan:

Although my involvement with this matter is currently that of president of COPA #106, I have already heard in a very short time this morning concerns from a number of folks that echo those of Mr. McMahon's.

In short, there appears to be considerable concern with the proposed legislation and that fact that stakeholders are being asked to essentially endorse an ACT that purports to be the same as that of another jurisdiction - somewhere else in the country.

I currently have no mandate from my organization, COPA #106 at this juncture to make a formal suggestion but informally, I would like to suggest that a draft copy of the proposed Yukon Airports Act be made available at the earliest possible convenience to stakeholders and only after this has been done, would it reasonable to solicit comments regarding the same.

My thoughts.

R