

JOURNALS

YUKON LEGISLATIVE ASSEMBLY



FIRST SESSION
(continuation)

31ST LEGISLATURE

March 25, 2004 – May 18, 2004

Speaker: The Hon. Ted Staffen

No. 62

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, March 25, 2004

The Speaker took the Chair at 1:00 p.m.

INTRODUCTION OF PAGES

The Speaker informed the Assembly that Paul Banks, Scott Crawford, Kieran Slobodin and Mark Young from Vanier Catholic Secondary School and Daniel Ashley, Miriam Cook, Jennifer Dunn and Roxanne Kennedy from Porter Creek Secondary School would be serving as Pages during the Fall Sitting. Miriam Cook and Daniel Ashley were introduced and welcomed to the House.

SPEAKER'S STATEMENT (Re: Changes to the Order Paper- withdrawal of and changes to Motions)

Prior to proceeding with the Daily Routine, the Speaker informed the House of changes made to the Order Paper.

"Motion #68, standing in the name of the Member from Mayo-Tatchun, Motion #108, standing in the name of the Member for Lake Laberge, Motion #130 standing in the name of the Leader of the Official Opposition, Motion #123 standing in the name of the Member for Pelly-Nisutlin and Motion #201 standing in the name of the Leader of the Third Party, were removed from the Order Paper, as they were now outdated. Motion #120, standing in the name of the Leader of the Official Opposition, Motion #125, standing in the name of the Leader of the Third Party, and Motion #134, standing in the name of the Member for Lake Laberge, were removed because they related to a Bill that had passed the House and were now irregular. Motion #10, standing in the name of the Member for Mayo-Tatchun had been made current by deleting, with the agreement of the Member, the expression 'in the three months' from its text. "

TRIBUTES

Education Week

The Hon. Mr. Edzerza, Minister of Education, Mr. Fairclough, Member for Mayo-Tatchun, and Ms. Duncan, Leader of the Third Party, recognized March 22 to 26, 2004 as Education Week in the Yukon.

TABLING RETURNS AND DOCUMENTS

Ms. Duncan, Leader of the Third Party

- Appeal of sentence, letter re: sentence to individual charged with spousal assault, unlawful confinement and weapons charges, from Pat Duncan, MLA, to Hon. Geoff Plant, Attorney General of British Columbia (dated March 5, 2004)

(Filed Document #28)

INTRODUCTION OF BILLS

Bill #10 - First Appropriation Act, 2004-05

-Hon. Mr. Fentie

Bill #9 - Interim Supply Appropriation Act, 2004-05

-Hon. Mr. Fentie

Bill #8 - Third Appropriation Act, 2003-04

-Hon. Mr. Fentie

MONEY MESSAGE

Bill #10, *First Appropriation Act, 2004-05*, Bill #9, *Interim Supply Appropriation Act, 2004-05*, and Bill #8, *Third Appropriation Act, 2003-04*, were accompanied by a money message.

MOTION OF URGENT AND PRESSING NECESSITY (Standing Order 28)

Pursuant to Standing Order 28, Mr. McRobb, Official Opposition House Leader, requested unanimous consent to waive Second Reading of Bill #10, *First Appropriation Act, 2004-05*, and move directly into Committee of the Whole debate on Bill #10.

The Speaker informed the Members of the provisions of Standing Order 28 and asked if the Official Opposition House Leader had the unanimous consent of the House to proceed. Unanimous consent was denied and this matter was not proceeded with.

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #10 - First Appropriation Act, 2004-05

-Hon. Mr. Fentie

Thereupon, the Hon. Mr. Fentie delivered the 2004-05 Budget Speech.

Moved by Mr. Hardy, Leader of the Official Opposition:

THAT debate be now adjourned.

The question being put on the motion to adjourn debate, it was agreed to.

The Assembly adjourned at 4:03 p.m. until 1:00 p.m., Monday, March 29, 2004.

No. 63

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Monday, March 29, 2004

The Speaker took the Chair at 1:00 p.m.

TRIBUTES

National 2004 Recreational Fisheries Award

The Hon. Mr. Kenyon, Minister of Environment, Mr. McRobb, Official Opposition House Leader, and Ms. Duncan, Leader of the Third Party, congratulated the Yukon Fish and Game Association on being the recipient of the National 2004 Recreational Fisheries Award.

INTRODUCTION OF BILLS

Bill #103 - Heritage Hunting and Fishing Act
- Ms. Duncan

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #9 - Interim Supply Appropriation Act, 2004-05
-Hon. Mr. Fentie

A debate arising on the motion for Second Reading and the question being put, it was agreed to on the following recorded Division:

YEA

Fentie	Hart	McRobb	
Jenkins	Arntzen	Fairclough	
Taylor	Rouble	Cardiff	17
Kenyon	Hassard	Peter	
Edzerza	Cathers	Duncan	
Lang	Hardy		

NAY

0

Bill #9, entitled *Interim Supply Appropriation Act, 2004-05*, was accordingly, referred to Committee of the Whole.

The following Bill was called for Second Reading:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

A debate arising on the motion for Second Reading of Bill #10, entitled *First Appropriation, 2004-05*, and the time reaching 6:00 p.m., while the Hon. Mr. Kenyon, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. on Tuesday, March 30, 2004 and debate on Second Reading was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Tuesday, March 30, 2004.

No. 64

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, March 30, 2004

The Speaker took the Chair at 1:00 p.m.

PETITIONS

The Clerk reported on Petition #2 as follows:

“Mr. Speaker, and honourable Members of the Assembly:

I have had the honour to review a petition, being Petition #2 of the First Session of the 31st Legislative Assembly, as presented by the Leader of the Official Opposition on December 16, 2003.

The Members will be aware that Standing Order 66(1) required that this report be delivered to them on the first sitting day of this Spring Sitting. It is to be hoped that the generosity for which Members of this Assembly are renowned will be fully exercised in this regard and that the unfortunate delay of the Clerk in meeting his obligation will be quickly and silently forgotten.

With respect to Petition #2, a number of the pages of the petition were photocopies of facsimiles. The majority of the petition, however, does contain original signatures and the photocopies therefore do not render it invalid. Also it should be noted that an argument may be made that the language of the petition strains the bounds of that considered appropriate. For future reference, Members and petitioners may wish to keep in mind the expectation set out in annotation 1029(1) of *Beauchesne* that the language of a petition be respectful and temperate. In this case, however, Petition #2 is found to meet the requirements as to form of the Standing Orders of the Yukon Legislative Assembly.

Patrick L. Michael
Clerk of the Yukon
Legislative Assembly”

The Speaker ruled that, accordingly, Petition #2 was deemed to have been read and received.

INTRODUCTION OF BILLS

Bill #44 - Act to Amend the Municipal Finance and Community Grants Act
- Mr. Hart

Bill #45 - Act to Amend the Assessment and Taxation Act
-Mr. Hart

Bill #104 - Act to Amend the Public Service Act
-Mr. Hardy

SPEAKER'S RULING (Re: Imputing False or Unavowed Motives and Contempt of the Legislature)

Before proceeding to Orders of the Day the Speaker delivered the following ruling on a Point of Order raised on March 29, 2004 by the Member for Southern Lakes.

"The Member for Southern Lakes argued that the Leader of the Official Opposition had imputed false or unavowed motives to Members of the Assembly who are responsible for appointing members of the public to Boards and Committees.

Standing Order 19(g) says, 'A Member shall be called to order by the Speaker if that Member imputes false or unavowed motives to another Member.' In reviewing the Blues the Chair finds that the Leader of the Official Opposition did not speculate on the motives of any individual Member or Members of the House. Rather his criticism was cast more generally as a criticism of government practice.

The Chair therefore rules that there was no Point of Order in that regard.

However, the Chair would caution Members, as he did yesterday, to choose their words carefully so as not to damage the reputation of persons who are not members of this House and cannot defend themselves against statements made in this House. The Chair accepts the statement of the Leader of the Official Opposition that he had no intention of maligning anyone. However, Members should keep in mind that their words and actions can have unintended consequences.

The Chair would also like to comment on the discussion that arose on the Point of Order. In responding to the issue the Official Opposition House Leader asserted that there was no Point of Order. Other Members have, in the past, made similar statements. When the Chair recognizes a Member to speak to a Point of Order he is seeking advice about which rules or practices ought to be considered and how those rules or practices ought to be interpreted. Simply advising the Chair that there is, or is not, a Point of Order does not accomplish this. Further, during his remarks the Official Opposition House Leader also referred to the Member for Southern Lakes as a 'rookie' and 'thin skinned.' Such remarks are not in order as they are disrespectful and can lead to disorder. Similarly, later in the day the Minister of Environment referred to the Leader of the Third Party as 'the leader of the last party.' That is also a disparaging remark and is not in order. Members are to refer to one another by their recognized titles in this House.

On another matter both the Leader of the Official Opposition and the Leader of the Third Party used the phrase 'contempt for the legislature' during Second Reading of Bill #9. As the Chair of Committee of the Whole pointed out in a statement on December 9, 2003 contempt of the legislature is a specific and serious charge. Contempt of the legislature is a finding that only the Assembly can make after consideration of a substantive motion to that effect. It is not a statement that Members are free to interject into debate. The Chair appreciates that Members have strongly held views that they wish to express. However, the use of the word 'contempt' in that context is not in order."

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader identified Bill #104 and Motion #217 as being the items to be called during Opposition Private Members' Business on Wednesday, March 31, 2004.

Pursuant to Standing Order 14.2(3), Ms. Duncan, Leader of the Third Party, did not wish to identify any items under the heading "Opposition Private Members' Business" on Wednesday, March 31, 2004.

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

The following Bill was reported without amendment:

Bill #9 - Interim Supply Appropriation Act, 2004-05
-Hon. Mr. Fentie

The report of the Chair was adopted.

GOVERNMENT BILLS (Third Reading)

The following Bill was called for Third Reading:

Bill #9 - Interim Supply Appropriation Act, 2004-05
-Hon. Mr. Fentie

The question being put on the motion for Third Reading, it was agreed to on the following recorded Division:

YEA

Fentie	Hart	McRobb	
Jenkins	Arntzen	Fairclough	
Taylor	Rouble	Cardiff	16
Kenyon	Hassard	Peter	
Edzerza	Cathers	Duncan	
Lang			

NAY

0

Bill #9, entitled *Interim Supply Appropriation Act, 2004-05*, accordingly passed the House.

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

The debate continuing (from March 29, 2004) on the motion for Second Reading of Bill #10, entitled *First Appropriation Act, 2004-05*, and the time approaching 6:00 p.m., while the Hon. Mr. Edzerza, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned

the House until 1:00 p.m. on Wednesday, March 31, 2004 and debate on Second Reading was accordingly adjourned.

SPEAKER'S STATEMENT

Prior to standing the House adjourned, the Speaker made the following statement:

“Order please. Prior to standing the House adjourned, the Point of Order raised by the Government House Leader with regard to the *Act to Amend the Public Service Act* – the Chair is in a conundrum. We have past practices versus Standing Orders. I am going to ask the House Leaders to meet in my office tomorrow morning at 9:00 a.m. to assist the Chair in finding a fair and equitable settlement to this issue.

Having said that, this House now stands adjourned until 1:00 p.m. tomorrow.”

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Wednesday, March 31, 2004.

No. 65

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, March 31, 2004

The Speaker took the Chair at 1:00 p.m.

INTRODUCTION OF BILLS

Bill #43 - Act to Amend the Income Tax Act
- Mr. Fentie

ASSENT TO BILLS

The Assembly received the Commissioner, the Hon. Jack Cable, in his capacity as Lieutenant-Governor, to give Assent to a certain Bill passed by the House.

The Commissioner, having entered the Chamber, took his seat in the Speaker's chair.

The Speaker, the Hon. Mr. Staffen, addressed the Commissioner:

"Mr. Commissioner, the Assembly has, at its present Session, passed a certain Bill to which, in the name and on behalf of the Assembly, I respectfully request your Assent."

The Clerk of the Assembly, Patrick L. Michael, then read the title of the Bill which had been passed as follows:

Bill #9 - Interim Supply Appropriation Act, 2004-05
- Hon. Mr. Fentie

The Commissioner assented the Bill:

"I hereby Assent to the Bill as enumerated by the Clerk."

The Commissioner then retired from the Chamber.

ANNOUNCEMENT OF HOUSE BUSINESS

Mr. McRobb, Official Opposition House Leader, rose to inform the House of an agreement to proceed with debate on the Bill to be called during Opposition Private Members' Business on today's date.

SPEAKER'S STATEMENT (re: House Business)

"The Chair thanks the House Leaders for coming to this agreement. As they are aware, at our meeting this morning, the Point of Order raised by the Government House Leader posed a very difficult decision for the Chair. The Chair, of course, respects and agrees to follow the wishes of the House Leaders in this matter. However, the Chair, through this Point of Order, has been made aware of some serious issues that the House should address. The Chair will therefore provide a statement to the House on those issues at a later date."

OPPOSITION PRIVATE MEMBERS' BUSINESS
BILLS OTHER THAN GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #104 - Act to Amend the Public Service Act
- Mr. Hardy

A debate arising on the motion for Second Reading, the Hon. Mr. Edzerza moved in amended thereto:

THAT the Motion for Second Reading of Bill #104 be amended by adding the following:

"and that it be referred to a Select Committee of the Assembly; and
THAT the membership and mandate of the Select Committee be established by a separate motion of the Assembly following consultation between the House Leaders."

During debate on the amendment, Mr. Hardy, Leader of the Official Opposition moved the following sub-amendment:

THAT the amendment to the Motion for Second Reading of Bill #104, standing in the name of the Minister responsible for the Public Service Commission, be amended to read as follows:

"...and proceed to Committee of the Whole for initial debate, following which it may be referred to a three-person Select Committee of the Assembly that is comprised of one Member from each of the parties in the Assembly, that is chaired by a non-partisan Chair, appointed by mutual agreement among the three parties, for the purpose of inviting and hearing submissions from interested persons and organizations, and that will report back to the Legislative Assembly no later than the Fall 2004 sitting of the Legislative Assembly."

Speaker's Ruling

The Speaker ruled that the amendment proposed by the Leader of the Official Opposition was not in order as it presented a totally separate proposition to the amendment moved by the Minister responsible for the Public Service Commission and debate on the amendment continued.

Debate continuing on the amendment, Mr. McRobb, Official Opposition House Leader, moved the following sub-amendment:

THAT the amendment to the Motion for Second Reading of Bill #104, standing in the name of the Minister responsible for the Public Service Commission, be amended after the phrase "Committee of the Assembly" by adding the following:

"should Committee of the Whole fail to complete its study of the Bill by the end of the current sitting day."

Speaker's Ruling

The Speaker ruled that the amendment proposed by the Official Opposition House Leader was not in order as it offered a different proposition than proposed by the mover of the amendment. The Speaker further explained that: the central point of the amendment moved by the Minister was that Bill #104 stand referred to a Select Committee; and that the sub-amendment recommended that the Bill go first to the Committee of the Whole.

Debate continuing on the amendment, Mr. Fairclough, Member for Mayo-Tatchun, moved the following sub-amendment:

THAT the amendment to the Motion for Second Reading of Bill #104, standing in the name of the Minister responsible for the Public Service Commission, be amended after the phrase "Committee of the Assembly" by adding the following:

"whose function will be to develop appropriate whistle-blower protection legislation through an open and accountable process in time for the Legislative Assembly to consider it during the Fall 2004 sitting; and

THAT it be further amended in the final clause by replacing the phrase "House Leaders" with the phrase "Party Leaders."

The question being put on the sub-amendment to the Motion for Second Reading, it was negated on the following recorded Division:

YEA			
Hardy	Fairclough	Duncan	5
McRobb	Peter		
NAY			
Fentie	Edzerza	Rouble	11
Jenkins	Lang	Hassard	
Taylor	Hart	Cathers	
Kenyon	Arntzen		

The question being put on the amendment to the Motion for Second Reading of Bill #104, it was agreed to on the following recorded Division:

YEA			
Fentie	Edzerza	Rouble	11
Jenkins	Lang	Hassard	
Taylor	Hart	Cathers	
Kenyon	Arntzen		

NAY

Hardy
McRobb

Fairclough
Cardiff

Peter
Duncan

6

Debate continuing on the Motion for Second Reading, as amended, of Bill #104, entitled *Act to Amend the Public Service Act*, it was moved by the Hon. Mr. Jenkins to adjourn debate.

The question being put, it was carried and debate was adjourned.

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Hardy, Leader of the Official Opposition:

THAT this House calls upon the Government of Yukon to rescind the loan-collection plan previously tabled by the Minister of Finance and introduce a new policy that will not allow Cabinet Ministers to evade their financial responsibilities to Yukon taxpayers, and that will not have the effect of needlessly forcing Yukon-owned businesses into bankruptcy. **(Motion #217)**

A debate arising on the motion and the time reaching 6:00 p.m. with the Hon. Mr. Fentie, Premier, speaking to it, the Speaker, pursuant to Standing Order 2(2) adjourned the House until 1:00 p.m. the following day, and debate on the motion was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, April 1, 2004.

No. 66

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, April 1, 2004

The Speaker took the Chair at 1:00 p.m.

TRIBUTES

Canadian Cancer Awareness Month

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. McRobb, Official Opposition House Leader, and Ms. Duncan, Leader of the Third Party, recognized April as being Canadian Cancer Awareness Month.

Biodiversity Awareness Month, National Wildlife Week and Celebration of Swans

The Hon. Mr. Kenyon, Minister of Environment, Mrs. Peter, Member for Vuntut Gwitchin, and Ms. Duncan, Leader of the Third Party, recognized Biodiversity Awareness Month, National Wildlife Week and the Celebration of Swans.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Fentie, Premier

- Kluane First Nation Self-Government Agreement and Final Agreement
(Sessional Paper #79)
- Order-in-Council 2004/07, An Act Approving Yukon Land Claims Final Agreements and First Nations (Yukon) Self-Government Act (Kluane First Nation) (dated January 13, 2004)
(Sessional Paper #80)

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

The debate continuing (from March 29, 2004 and March 30, 2004) on the motion for Second Reading of Bill #10, entitled *First Appropriation Act, 2004-05*, and the question being put, it was agreed to on the following recorded Division:

YEA

Fentie	Edzerza	Hassard	
Jenkins	Hart	Cathers	10
Taylor	Arntzen		
Kenyon	Rouble		

NAY

Hardy	Cardiff	Duncan	5
McRobb	Peter		

Bill #10, entitled *First Appropriation Act, 2004-05*, was accordingly, referred to Committee of the Whole.

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

Progress was reported on the following Bill:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:01 p.m. until 1:00 p.m., Monday, April 5, 2004.

No. 67

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Monday, April 5, 2004

The Speaker took the Chair at 1:15 p.m.

TRIBUTES

In Remembrance of Terry Carlick

The Hon. Mr. Edzerza, Minister of Education, on behalf of all Members, paid tribute to Terry Carlick who passed away on February 29, 2004. Mr. Carlick, an employee of Northern Native Broadcasting Yukon, was well known for his CHON-FM radio show and was the camera operator recording the Yukon Legislative Assembly proceedings.

SPEAKER'S RULING (Re: Threats, Charge against another Member)

Prior to proceeding with Question Period the Speaker gave the following ruling on a Point of Order raised on Thursday, April 1, 2004 during Question Period by the Official Opposition House Leader.

"The Official Opposition House Leader objected to the Premier's statement that 'the Leader of the Official Opposition and the NDP will pay for the accusation that this government is using First Nations.' The Official Opposition House Leader interpreted this statement as a threat in contravention of the Standing Orders.

Standing Order 19(i) says, 'A Member shall be called to order by the Speaker if that Member uses abusive or insulting language, including sexist or violent language, in a context likely to create disorder.' The interpretation of this Standing Order has been that Members are not to make threats of bodily harm against one another or another person. Neither should Members threaten retribution against another's constituents. The Chair interprets the Hon. Premier's comments as meaning that he believed the Official Opposition's statements on an issue would not be looked upon favourably by voters come the next election. It was not a threat of bodily harm or of retribution against constituents. The Chair therefore concludes that there is no Point of Order.

The Chair would also like to clarify a statement he made last Thursday during Question Period. At that time the Leader of the Third Party asserted that the Minister of Environment had broken regulations regarding the issuance of a sole-sourced contract. The Chair intervened and said, 'The Leader of the Third Party can imply that the Minister broke the rules, but you cannot say for sure that he has broken the rules.' To be clear, it is not in order for a Member of this

Assembly to inject into debate a charge that another Member has broken regulations or the law. Such a charge may only be made by way of a substantive motion for which notice is required.

I thank Members for their attention. We will now proceed to Question Period.”

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #8 - Third Appropriation Act, 2003-04
-Hon. Mr. Fentie

Debate stated on the motion for Second Reading.

Quorum Count

At 2:40 p.m., during debate on the motion for Second Reading, Mr. Cathers, Member for Lake Laberge, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(2), the Speaker rang the bells and then did a count. A quorum was present for the count.

Debate continued on the motion for Second Reading of Bill #8, and the question being put, it was agreed to on the following recorded Division:

YEA

Fentie	Edzerza	Rouble	
Jenkins	Lang	Hassard	11
Taylor	Hart	Cathers	
Kenyon	Arntzen		

NAY

Hardy	Fairclough	Peter	6
McRobb	Cardiff	Duncan	

Bill #8, entitled *Third Appropriation Act, 2003-04*, was accordingly, referred to Committee of the Whole.

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

Progress was reported on the following Bill:

Bill #8 - Third Appropriation Act, 2003-04
-Hon. Mr. Fentie

The report of the Chair was adopted.

Filed Document

During general debate on Vote 12, Department of Finance, Bill #8, the Hon. Mr. Fentie, Premier, filed the following document:

- Bad Debts Expense (forecast as of March 24, 2004) and Provision of Loss Doubtful Accounts (as at February 29, 2004) **(Filed Document #29)**

GOVERNMENT HOUSE LEADERS' REPORT (Length of Sitting)

The Hon. Mr. Jenkins, Government House Leader, rose pursuant to Standing Order 75(4) to inform the House that House Leaders meetings have been held for the purpose of reaching agreement on the number of sitting days for the current Sitting. Further, pursuant to Standing Order 75(4), the Hon. Mr. Jenkins informed the House that the House Leaders meetings had not produced an agreement. Hon. Mr. Jenkins also requested additional time so that House Leaders could meet again in an effort to reach agreement

After receiving interventions from the Official Opposition House Leader, Mr. McRobb, and the Leader of the Third Party, Ms. Duncan, the Speaker, pursuant to Standing Order 75(3) declared that the current sitting would be a maximum of 30 sitting days, with the 30th sitting day being Tuesday, May 18, 2004.

The Assembly adjourned at 6:04 p.m. until 1:00 p.m., Tuesday, April 6, 2004.

No. 68

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, April 6, 2004

The Speaker took the Chair at 1:00 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Kenyon, Minister of Environment

- Yukon Game Farm and Wildlife Preserve Valuation Report (dated November 20, 2003) by BDO Valuation Inc. **(Sessional Paper #81)**

FILED DOCUMENT

During Question Period, Mrs. Peter, Member for Vuntut Gwitchin, filed the following document:

- John's Disease: information pertaining to (L.Earl Rogers, D.V.M., Utah Assistant State Veterinarian) **(Filed Document #30)**

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Mr. Jenkins, Government House Leader identified Motion #225 and Motion #218 as being the items to be called during Government Private Members' Business on Wednesday, April 7, 2004.

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

- Bill #44 - Act to Amend the Assessment and Taxation Act
-Hon. Mr. Hart

A debate arising on the motion for Second Reading of Bill #44, and the question being put, it was agreed to on the following recorded Division:

YEA

Fentie	Hart	McRobb	
Jenkins	Arntzen	Fairclough	
Taylor	Rouble	Cardiff	17
Kenyon	Hassard	Peter	
Edzerza	Cathers	Duncan	
Lang	Hardy		

NAY

0

Bill #44, entitled *Act to Amend the Assessment and Taxation Act*, was accordingly, referred to Committee of the Whole.

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

Progress was reported on the following Bill:

Bill #8 - Third Appropriation Act, 2003-04
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Wednesday, April 7, 2004.

No. 69

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, April 7, 2004

The Speaker took the Chair at 1:00 p.m.

TRIBUTES

World Health Day

Ms. Duncan, Leader of the Third Party, the Hon. Mr. Jenkins, Minister of Health and Social Services and Mr. Fairclough, Member for Mayo-Tatchun, recognized April 7 as World Health Day.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Staffen, Speaker

- Deductions from the indemnities of Members of the Legislative Assembly made pursuant to subsection 9(6) of the *Legislative Assembly Act*: Report of the Clerk of the Yukon Legislative Assembly (dated March 25, 2004). **(Sessional Paper #82)**

Hon. Mr. Fentie, Premier

- Capital Budget (2004-05), Summary Distribution by Community **(Sessional Paper #83)**

PETITIONS (Response to Petition #2)

The Hon. Mr. Fentie, Premier, gave an oral response to Petition #2 (received by the House on March 30, 2004) with regard to Cabinet Minister loans.

GOVERNMENT PRIVATE MEMBERS' BUSINESS

Moved by Mr. Cathers, Member for Lake Laberge:

THAT this House urges the Yukon Government to construct a bridge over the Yukon River at Dawson City to enhance trade, tourism and commerce. **(Motion #225)**

Debate started on the motion. It was moved by Mr. McRobb, Member for Kluane:

THAT debate be now adjourned.

The question being put, it was negatived and debate on Motion #225 accordingly, continued.

The debate continuing on the motion, it was moved by Mr. McRobb, Member for Kluane, in amendment thereto:

THAT Motion #225 be amended by adding the following:

“, only if a select committee of the Assembly recommends that it do so; and

THAT the membership and mandate of the select committee be established by a separate motion of the Assembly following consultation between the House Leaders.”

A debate arising on the amendment and the question being put, it was negatived.

The debate continuing on the motion, it was moved by Mr. Cardiff, Member for Mount Lorne, in amendment thereto:

THAT Motion #225 be amended by adding the following:

“, provided more urgently-needed community infrastructure, including a sewage treatment facility, has first been constructed.”

A debate arising on the second amendment and the time reaching 6:00 p.m., while Mr. Hardy, Leader of the Official Opposition, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. on Thursday, April 8, 2004, and debate on the amendment and on Motion #225 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, April 8, 2004.

No. 70

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, April 8, 2004

The Speaker took the Chair at 1:00 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Hart, Minister of Highways and Public Works

- Fleet Vehicle Agency 2004/2005 Business Plan (Sessional Paper #84)
- Property Management Agency 2004/2005 Business Plan (Sessional Paper #85)
- Queen's Printer Agency 2004/2005 Business Plan (Sessional Paper #86)

SPEAKER'S STATEMENT (Re: Allegations of Conflict of Interest)

"Before we proceed, the Chair would like to make a statement regarding a disturbing trend that has emerged in this House over the past two weeks. This trend is the making of allegations of, or allusions to, conflicts of interest by Members.

On April 7, 2004, during debate on Motion #225 the Member for Kluane suggested a potential conflict of interest on the part of the Member for Klondike. This potential conflict had to do with benefits the Member for Klondike might receive from a project the government has indicated its intention to proceed with, the construction of a bridge across the Yukon River at Dawson City. The Member for Kluane suggested this potential personal benefit was the reason the Member for Klondike supported the building of the bridge and that he attempted to influence the views of his Cabinet and caucus colleagues for the same reason.

However, the Member for Kluane is not the only Member to make such allusions recently. On March 31 during debate on Motion #217 the Premier alluded to a previous investigation by the Conflicts Commissioner and said the Leader of the Third Party had 'made an attempt to attack one individual.' Members should note, for the record, that the Conflicts Commissioner found no real or apparent conflict of interest on the part of the Leader of the Third Party.

Then, during Question Period on April 6, the Minister of Energy, Mines and Resources alluded to decisions taken by a previous government and the influence the Member for Kluane may have had on those decisions. Though the Minister did not mention any personal gain the Member for Kluane might have received, government Ministers have made such allegations in the past. As such the inference of conflict exists. The Member for Kluane said during the discussion on the Point of Order he raised that the Conflicts Commissioner investigated issues regarding the Member's interests at Aishihik Lake. The Conflicts Commissioner found no conflict of interest on the part of the Member for Kluane.

During debate on Motion #225 the Member for Kluane said of the issues surrounding the holdings of the Member for Klondike, 'maybe it should be a matter for the Conflicts Commissioner.'

The Member for Kluane has correctly pointed out one direction he and any other Member could follow in this regard. That is through laying a complaint with the Conflicts Commissioner pursuant to paragraph 17(d) of the *Conflict of Interest (Members and Ministers) Act*.

When the Assembly passed this legislation in 1995, it did uphold, in section 29 of the act, the Assembly's right to 'control, discipline or punish its Members.' However, the method by which a Member can raise a question of conflict of interest in the House is restricted.

The main point found in previous rulings is that, if a Member feels it is necessary to place allegations before the House about another Member's actions, it is essential that this be done in the form of a motion containing the charge being made and a proposal for dealing with it. It must be understood that to raise allegations in any other proceeding than debate on such a motion will be in violation of the rules found in Standing Order 19 and that the Member should, consequently, be ruled out of order.

A final point to be made is that Members should respect the decisions of the Conflicts Commissioner. To question those conclusions during debate is disrespectful to the conflicts process established by law and, to an extent, defeats the purpose of having such legislation.

The Chair thanks members for their attention."

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

Progress was reported on the following Bill:

Bill #8 - Third Appropriation Act, 2003-04
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:02 p.m. until 1:00 p.m., Tuesday, April 13, 2004.

No. 71

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, April 13, 2004

The Speaker took the Chair at 1:00 p.m.

SPEAKER'S RULING (Re: Standing Order 19(g) and using quotations)

Before proceeding to Question Period the Chair delivered the following ruling on a Point of Order raised on Wednesday, April 7, 2004 by the Hon. Mr. Jenkins, Government House Leader.

"The Government House Leader argued that the Leader of the Third Party, during the course of posing a question, had violated Standing Order 19(g) by attributing to him a false or unavowed motive. Upon reviewing the Blues the Chair finds that there is no Point of Order.

However the Chair notes that in speaking to the Point of Order the Leader of the Third Party defended her choice of words by saying that the words were a direct quote, though the author of the words was not named.

Members are familiar with the principle of order and decorum that, 'Members may not do indirectly what they may not do directly.' In cases such as this it means that while Members are at liberty to quote the words of others in legislative proceedings they must take responsibility for them. The fact that such words were first uttered by another provides no protection if those words are not parliamentary."

FILED DOCUMENT

During Question Period, Mr. Cardiff, Member for Mount Lorne, filed the following document:

- Dawson City Financial Statements, Auditor's Report (Draft), dated February 25, 2004
(Filed Document #31)

NOTICE RE OPPOSITION PRIVATE MEMBERS BUSINESS

Pursuant to Standing Order 14.2(3), Ms. Duncan, Leader of the Third Party identified Motion #232 and Motion #109 as being the items to be called during Opposition Private Members' Business on Wednesday, April 14, 2004.

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader identified Motion #229 and Motion #227 as being the items to be called during Opposition Private Members' Business on Wednesday, April 14, 2004.

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

Progress was reported on the following Bill:

Bill #8 - Third Appropriation Act, 2003-04
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Wednesday, April 14, 2004.

No. 72

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, April 14, 2004

The Speaker took the Chair at 1:00 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Fentie, Premier

- Bad Debt Expenses: letter (dated April 7, 2004) to Todd Hardy, MLA and Pat Duncan, MLA with responses to questions asked during debate on the 2003/04 Supplementary Budget (Bill #8) **(Sessional Paper #87)**

OPPOSITION PRIVATE MEMBERS BUSINESS

Moved by Ms. Duncan, Leader of the Third Party:

THAT this House urges the government to begin the redevelopment of the Whitehorse Correctional Centre immediately and that the necessary funds for this redevelopment be brought forward in a supplementary budget in the next sitting of the Yukon Legislative Assembly. **(Motion #232)**

Debate started on the motion.

Quorum Count

At 4:36 p.m., during debate on Motion #232, Mr. Cathers, Member for Lake Laberge, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(2), the Speaker rang the bells and then did a count. A quorum was present for the count.

Debate continued on the motion.

Amendment moved by Mr. Rouble, Member for Southern Lakes:

THAT Motion #232 be amended by replacing all words after the word "immediately" with the words:

"following the completion of the consultation on corrections that will engage the full involvement of Yukon First Nations and all Yukoners in developing a facility which is designed for effective program delivery."

A debate arising on the amendment and the time reaching 6:00 p.m., while Mr. Hardy, Leader of the Official Opposition, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. the following day, and debate on the amendment and on Motion #232 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, April 15, 2004.

No. 73

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, April 15, 2004

The Speaker took the Chair at 1:00 p.m.

TRIBUTES

Law Day

The Hon. Ms. Taylor, Minister of Justice, Mrs. Peter, Member for Vuntut Gwitchin, and Ms. Duncan, Leader of the Third Party, recognized April 17, 2004 as Law Day.

TABLING RETURNS AND DOCUMENTS

Mr. Fairclough, Member for Mayo-Tatchun

- Yukon River Inter-Tribal Watershed Council Resolution re: City of Dawson's contamination of Yukon River (dated August 21, 2003) **(Filed Document #32)**

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

Progress was reported on the following Bill:

Bill #8 - Third Appropriation Act, 2003-04
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Monday, April 19, 2004.

No. 74

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Monday, April 19, 2004

The Speaker took the Chair at 1:00 p.m.

TRIBUTES

In remembrance of Vern von Finster

Mr. McRobb, Member for Kluane, paid tribute to long-time Yukoner Vern von Finster who passed away on December 18, 2003.

National Organ and Tissue Donation Awareness Week

The Hon. Mr. Jenkins, Minister of Health and Social Services, on behalf of all Members, recognized April 19 to 25, 2004 as National Organ and Tissue Donation Awareness Week.

Girl Guides in Yukon

Ms. Duncan, Leader of the Third Party, paid tribute to all those involved with the Girl Guide organization in the Yukon.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Hart, Minister of Community Services

- Dawson City: The Town of the City of Dawson Financial Plan 2004-2007 Report (dated February 3, 2004) by André Carrel, appointed Supervisor **(Sessional Paper #88)**
- Dawson City: The Town of the City of Dawson Financial Plan 2004-2007 Report Addendum with Government of Yukon Recommendations (dated February 3, 2004) by André Carrel, appointed Supervisor **(Sessional Paper #89)**
- Shakwak Funding: letter (dated April 8, 2004) to Gary McRobb, MLA with responses to questions asked on April 6, 2004 **(Filed Document #33)**

FILED DOCUMENT

During Notices of Motion, Mrs. Peter, Member for Vuntut Gwitchin, filed the following document:

- Earth Charter, The **(Filed Document #34)**

SPEAKER'S STATEMENT (Re: Change to the Order Paper - outdated Motion removed)

Before concluding Notices of Motion, the Speaker informed the House of a change that had been made to the Order Paper. Motion #236, standing in the name of the Leader of the Third Party, had been removed from the Order Paper as it was now outdated.

GOVERNMENT BILLS (Second Reading)

The following Bill was read a second time and referred to Committee of the Whole:

Bill #43 - Act to Amend the Income Tax Act
-Hon. Mr. Fentie

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

The following Bill was reported without amendment:

Bill #8 - Third Appropriation Act, 2003-04
-Hon. Mr. Fentie

Progress was reported on the following Bill:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:01 p.m. until 1:00 p.m., Tuesday, April 20, 2004.

No. 75

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, April 20, 2004

The Speaker took the Chair at 1:00 p.m.

TRIBUTES

National Volunteer Week

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. Cardiff, Member for Mount Lorne, and Ms. Duncan, Leader of the Third Party, recognized April 19 to 25, 2004 as National Volunteer Week and paid tribute to all Yukon volunteers.

Yukon Writers Festival and Yukon Young Writers Conference

The Hon. Mr. Hart, Minister of Community Services, Mr. Hardy, Leader of the Official Opposition, and Ms. Duncan, Leader of the Third Party, recognized the 14th annual Yukon Writers Festival and the 25th Yukon Young Writers Conference taking place in Whitehorse and other Yukon communities.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Hart, Minister of Community Services

- Yukon Lottery Commission 2002/2003 Annual Report (Sessional Paper #90)

Hon. Mr. Edzerza, Minister of Education

- Yukon College 2002/03 Annual Report "Building Tomorrow Together" (Sessional Paper #91)
- Yukon College Financial Statements, June 30, 2003, Office of the Auditor General of Canada (Sessional Paper #92)
- Education, Department of: Public Schools Branch 2002/03 School Year Annual Report (Sessional Paper #93)

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Mr. Jenkins, Government House Leader identified Motion #254 and Motion #235 as being the items to be called during Government Private Members' Business on Wednesday, April 21, 2004.

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

The following Bill was reported without amendment:

Bill #43 - Act to Amend the Income Tax Act
-Hon. Mr. Fentie

Progress was reported on the following Bill:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Wednesday, April 21, 2004.

No. 76

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, April 21, 2004

The Speaker took the Chair at 1:00 p.m.

TRIBUTES

Dental Health Month

The Hon. Mr. Jenkins, Minister of Health and Social Services, on behalf of all Members, recognized April as being Dental Health Month.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Hart, Minister of Community Services

- Building and Office Space Leases, Government of Yukon, as of March 31, 2004:
listing **(Filed Document #35)**

SPEAKER'S STATEMENT (Re: Change to the Order Paper - outdated Motion removed)

Before proceeding with Notices of Motion, the Speaker informed the House of a change that had been made to the Order Paper. Motion #109, standing in the name of the Leader of the Third Party, had been removed from the Order Paper as it was now outdated.

GOVERNMENT PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Arntzen, Member for Copperbelt:

THAT this House urges the Yukon Government to continue to take a balanced approach to environmental protection and responsible economic development. **(Motion #254)**

A debate arising on the motion, it was moved by Mrs. Peter, Member for Vuntut Gwitchin, in amendment thereto:

THAT Motion #254, standing in the name of the Member for Copperbelt, be amended by replacing the word "continue" with the word "begin".

The question being put on the amendment, it was negatived.

The debate continued on the motion and the time reaching 6:00 p.m. with Mr. Cardiff, Member for Mount Lorne speaking to it, the Speaker, pursuant to Standing Order 2(2)

adjourned the House until 1:00 p.m. the following day, and debate on Motion #254 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, April 22, 2004.

No. 77

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, April 22, 2004

The Speaker took the Chair at 1:00 p.m.

TRIBUTES

Earth Day

The Hon. Mr. Kenyon, Minister of Environment, Mrs. Peter, Member for Vuntut Gwitchin, and Ms. Duncan, Leader of the Third Party, recognized April 22, 2004 as Earth Day.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Hart, Minister responsible for the Yukon Liquor Corporation

- Yukon Liquor Corporation 2002/2003 Annual Report (Sessional Paper #94)

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

Progress was reported on the following Bill:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:58 p.m. until 1:00 p.m., Monday, April 26, 2004.

No. 78

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Monday, April 26, 2004

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Hart, Minister of Highways and Public Works

- Highway Camp Operation and Maintenance costs for 2003-2004 fiscal year
(Filed Document #36)

FILED DOCUMENT

During Question Period, Mr. Hardy, Leader of the Official Opposition, filed the following document:

- Dawson City, secondary sewage treatment facility; letter re: from Premier Dennis Fentie to Robert Rosenfeld, Alaska Region Director, Yukon River Inter-Tribal Watershed Council (dated April 20, 2004) (Filed Document #37)

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

Progress was reported on the following Bill:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Monday, April 27, 2004.

No. 79

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, April 27, 2004

The Speaker took the Chair at 1:00 p.m.

TRIBUTES

National Immunization Awareness Week

The Hon. Mr. Jenkins, Minister of Health and Social Services, on behalf of all Members, recognized April 25 to May 1, 2004 as National Immunization Awareness Week.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Staffen, Speaker

- Political Contributions, 2003: Report of the Chief Electoral Officer of the Yukon (dated April 2004) **(Sessional Paper #95)**

NOTICE RE OPPOSITION PRIVATE MEMBERS BUSINESS

Pursuant to Standing Order 14.2(3), Ms. Duncan, Leader of the Third Party, identified Motion #231 and Motion #55 as being the items to be called during Opposition Private Members' Business on Wednesday, April 28, 2004.

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader, identified Bill #104 as being the item to be called during Opposition Private Members' Business on Wednesday, April 28, 2004.

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

Progress was reported on the following Bill:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Wednesday, April 28, 2004.

No. 80

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, April 28, 2004

The Speaker took the Chair at 1:00 p.m.

TRIBUTES

Day of Mourning

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. Cardiff, Member for Mount Lorne, and Ms. Duncan, Leader of the Third Party, recognized the annual Day of Mourning and remembered those workers who have died or were injured on the job. The House observed a moment of silence.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Jenkins, Minister of Health and Social Services

- Children's Act Revision Project: contact list for the project team; consultation plan; First Nation governance background paper; discussion guides
(Sessional Paper #96)

Hon. Mr. Lang, Acting Minister of Highways and Public Works

- Land Lease Fee: explanation of **(Legislative Return #23)**
- Government Contracting Summary Report by Department (April 1, 2003 - February 29, 2004) **(Sessional Paper #97)**

Hon. Ms. Taylor, Acting Minister of Community Services

- Municipal grants for the period 2000 to 2004 **(Filed Document #38)**

Hon. Mr. Fentie, Premier

- Outstanding Economic Development loans as of March 5, 2004
(Filed Document #39)

MINISTERIAL STATEMENT

Hon. Mr. Edzerza, Minister of Education

- Co-operative Education Program

SPEAKER'S RULING (Re: Standing Order 19(g) and Language)

Prior to proceeding with Question Period the Speaker, gave the following ruling on a Point of Order raised on April 27, 2004.

“During Question Period the Leader of the Official Opposition said, ‘there seems to be no limit to what Members of this government will do to discredit people they don’t like.’ He also referred to the government as ‘intolerant and vindictive.’

The Government House Leader raised a Point of Order under Standing Order 19(g), the attribution of a false of unavowed motive to another Member. It is not clear to the Chair that the issue is one of motive. However, it is clear that the language used by the Leader of the Official Opposition was unparliamentary. Standing Order 19(i) says the Speaker shall call a Member to order if that Member uses abusive or insulting language in a context likely to create disorder. Likewise guideline number 8 of our Guidelines for Oral Question Period says a question must not contain inferences impute motives or cast aspersions upon persons within the House or out of it.

The Chair will also remind Members of the statement given by the Chair of Committee of the Whole on Monday of this week. At that time the Chair of Committee of the Whole said he appreciated that Members have strongly held views that they wish to express. At the same time the Chair reiterated that Presiding Officers have a duty – bestowed upon them by this House - to maintain order and decorum. As the Chair noted Members have expressed a desire to elevate the level of decorum in the chamber.

Strong language, like that used yesterday by the Leader of the Official Opposition, has a tendency to incite a similar response. This leads to disorder where Members begin making derogatory comments about one another, rather than discussing the issues before them.

Members know that the House is not the only avenue in which they can express their opinions. However, when they are in the House they must adhere to the proprieties of the House. The Chair does not believe that any Member – on either side of the House – would want to be described in the manner employed by the Leader of the Official Opposition.

Similarly, the Chair would like to make a statement about a question raised by the Leader of the Third Party yesterday. At that time the Member asked if changes to the *Liquor Act* were not forthcoming ‘because of opposition from MLAs who have a financial interest in seeing that neighbourhood pubs stay banned?’

Members will recall that on April 8 the Chair gave a lengthy statement regarding allegations of conflict of interest. That statement set out the proper procedure to be followed when Members wish to address conflict of interest issues. One of those procedures is to lay a complaint with the Conflicts Commissioner pursuant to paragraph 17(d) of the *Conflict of Interest (Members and Ministers) Act*.

The procedure to be followed when a Member feels it is necessary to place allegations about another Member’s actions before the House is to bring forward a motion containing the charge being made and a proposal for dealing with it. It is not in order to merely interject such an allegation into any other proceeding than debate on such a motion.

The Leader of the Third Party assured the Chair that she did not intend to suggest a conflict of interest. However, if Members consult the Blues they can see how such an allegation could be inferred. The Chair suggests, therefore, that Members exercise caution in the language they use when dealing with matters raised in this House.

We will now proceed with Question Period.”

OPPOSITION PRIVATE MEMBERS BUSINESS
MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Ms. Duncan

THAT this House urges the Yukon Party Government to introduce a Teacher School Supply Tax Credit in recognition of the fact that teachers purchase materials to enhance learning in the classroom. **(Motion #231)**

Debate started on the motion.

Quorum Count

At 3:48 p.m., during debate on the motion, Mr. Cathers, Member for Lake Laberge, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(2), the Speaker rang the bells and then did a count. A quorum was present for the count.

The debate continuing on the motion, it was moved by Mr. Rouble, Member for Southern Lakes, in amendment thereto:

THAT Motion #231 be amended by:

- (1) deleting the words "to introduce a Teacher School Supply Tax Credit", and
- (2) adding, after the word "classroom", the following:

"to continue to meet the resource requirements of Yukon schools through the Department of Education's budget and programs such as the Community Needs Assessment, and to provide schools with discretionary spending to reduce the need for teachers to expend their own money on supplies."

A debate arising on the amendment and the time reaching 6:00 p.m. while Mr. Rouble, Member for Southern Lakes, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. the following day, and debate on the amendment and Motion #231 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, April 29, 2004.

No. 81

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, April 29, 2004

The Speaker took the Chair at 1:00 p.m.

TRIBUTES

International Worker's Day

Mr. Cardiff, Member for Mount Lorne, on behalf of all Members, recognized May 1, 2004 as International Worker's Day.

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

Progress was reported on the following Bill:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:02 p.m. until 1:00 p.m., Monday, May 3, 2004.

No. 82

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Monday, May 3, 2004

The Speaker took the Chair at 1:00 p.m.

TRIBUTES

Sexual Assault Prevention Month

The Hon. Mr. Fentie, Premier, Mrs. Peter, Member for Vuntut Gwitchin, and Ms. Duncan, Leader of the Third Party, recognized May as being Sexual Assault Prevention Month.

Emergency Preparedness Week

The Hon. Mr. Hart, Minister of Community Services, Mr. Cardiff, Member for Mount Lorne, and Ms. Duncan, Leader of the Third Party, recognized May 2 to 8, 2004 as Emergency Preparedness Week.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Staffen, Speaker

- Travel Expenses of Members of the Yukon Legislative Assembly 2003-2004
(dated April 2004) **(Sessional Paper #98)**

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

Quorum Count

At 2:21 p.m., the Hon. Mr. Jenkins, Government House Leader, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(4), the Chair of Committee of the Whole rang the bells and then did a count. A quorum was present for the count.

Progress was reported on the following Bill:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:01 p.m. until 1:00 p.m., Tuesday, May 4, 2004.

No. 83

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, May 4, 2004

The Speaker took the Chair at 1:00 p.m.

TRIBUTES

National Mental Health Week

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. Fairclough, Member for Mayo-Tatchun, and Ms. Duncan, Leader of the Third Party, recognized May 3 to May 9, 2004 as National Mental Health Week.

Fair Trade Week

The Hon. Mr. Fentie, Premier, and Mr. Hardy, Leader of the Official Opposition, recognized May 3 to 9, 2004 as Fair Trade Week.

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Mr. Jenkins, Government House Leader, identified Motion #43 and Motion #276 as being the items to be called during Government Private Members' Business on Wednesday, May 5, 2004.

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

Progress was reported on the following Bill:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Wednesday, May 5, 2004.

No. 84

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, May 5, 2004

The Speaker took the Chair at 1:00 p.m.

TRIBUTES

Hepatitis C Awareness Month

The Hon. Mr. Jenkins, Minister of Health and Social Services, on behalf of all Members, recognized May as being Hepatitis C Awareness Month.

In Remembrance of Randy Brant

Mr. McRobb, Member for Kluane, paid tribute to Randy Brant, who passed away on April 17, 2004. Mr. Brant was known for his work with First Nations in Yukon and Canada.

UNANIMOUS CONSENT REQUESTED TO PROCEED WITH MOTION #280

The Hon. Mr. Jenkins, Government House Leader, requested unanimous consent to call Motion #280, standing in the name of Mrs. Peter, Member for Vuntut Gwitchin, for debate. Unanimous consent was denied.

GOVERNMENT PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Rouble, Member for Southern Lakes:

THAT it is the opinion of this House that the Government of Yukon should implement an action plan to deal with Fetal Alcohol Spectrum Disorder that includes the following:

- (1) promoting prevention programs to eliminate alcohol consumption by high-risk parents in order to foster the birth of healthy babies,
- (2) establishing a system of early diagnosis of FASD before the age of six,
- (3) supporting people and families with FASD through a wide range of services such as professional counselling and foster homes in order to provide a stable, nurturing home environment,
- (4) enhancing supported living arrangements for adults with FASD, and
- (5) forming a diagnostic team of professionals trained in personal counselling and social work/health to provide services to Yukon schools in order to provide support for FASD students and their families.

(Motion #43)

A debate arising on the motion, it was moved by Mr. Fairclough, Member for Mayo-Tatchun, in amendment thereto:

THAT Motion #43 be amended by adding the following:

“(6) providing appropriate resources at the community level to enable voluntary screening of adult persons who may have undiagnosed FASD.”

A debate arising on the amendment, it was agreed to on the following recorded Division:

YEA

Fentie	Hart	Fairclough	
Jenkins	Rouble	Cardiff	
Taylor	Hassard	Peter	14
Edzerza	Cathers	Duncan	
Lang	Hardy		

NAY

0

A debate arising on Motion #43 as amended, and the question being put, it was agreed to on the following recorded Division:

YEA

Fentie	Hart	Fairclough	
Jenkins	Rouble	Cardiff	
Taylor	Hassard	Peter	14
Edzerza	Cathers	Duncan	
Lang	Hardy		

NAY

0

UNANIMOUS CONSENT REQUESTED TO PROCEED WITH MOTION #280

The Hon. Mr. Jenkins, Government House Leader, requested and received unanimous consent to call Motion #280, standing in the name of Mrs. Peter Member for Vuntut Gwitchin, for debate.

OPPOSITION PRIVATE MEMBERS' BUSINESS
MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mrs. Peter, Member for Vuntut Gwitchin:

THAT this House encourages the Government of Yukon to work with the Vuntut Gwitchin, the Tr'ondek Hwech'in, the Na Cho Nyak Dun and the Tetlit Gwitchin First Nations, as well as the Governments of Canada and the Northwest Territories, to ensure that any celebration of the 25th anniversary of the Dempster Highway recognizes the role played by First Nations people in making this project possible. **(Motion #280)**

A debate arising on Motion #280 and the question being put, it was agreed to on the following recorded Division:

YEA		
Fentie	Hart	Fairclough
Jenkins	Rouble	Cardiff
Taylor	Hassard	Peter
Edzerza	Cathers	Duncan
Lang	Hardy	

14

NAY

0

GOVERNMENT PRIVATE MEMBERS' BUSINESS
MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Hassard, Member for Southern Lakes:

THAT this House urges the Yukon Government to continue the Yukon Film Incentive Program which has attracted a number of film productions, and to continue working with industry to enhance the Yukon's competitiveness. **(Motion #276)**

A debate arising on the motion, it was moved by Mr. Hardy, Leader of the Official Opposition, in amendment thereto:

THAT Motion #276 be amended by replacing the word "continue", where it first appears, with the words "expand and strengthen" and adding after the word "competitiveness" the following:

"and provide a supportive climate for Yukon film-makers to achieve their creative, cultural and economic goals."

Quorum Count

At 5:55 p.m., during debate on the amendment, the Hon. Mr. Jenkins, Government House Leader, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(2), the Speaker rang the bells and then did a count. A quorum was present.

A debate arising on the amendment and the time reaching 6:00 p.m. with Mr. Hardy, Leader of the Official Opposition, speaking to it, the Speaker, pursuant to Standing Order 2(2) adjourned the House until 1:00 p.m. the following day, and debate on the amendment and on Motion #276 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, May 6, 2004.

No. 85

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, May 6, 2004

The Speaker took the Chair at 1:00 p.m.

TRIBUTES

International Youth Week

The Hon. Mr. Fentie, Premier, and Mrs. Peter, Member for Vuntut Gwitchin, recognized May 3 -9, 2004 as International Youth Week.

Speech and Hearing Month

The Hon. Mr. Jenkins, Minister of Health and Social Services, recognized May as Speech and Hearing Month.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Hart, Minister of Community Services

- Dawson City: The Town of the City of Dawson Trusteeship - Background and Consequences (Report dated April 30, 2004) by André Carrel
(Sessional Paper #99)

FILED DOCUMENT

During Question Period, the Hon. Mr. Jenkins, Minister of Health and Social Services, filed the following document:

- Social Assistance information re: subset of 2003-04 caseload (Filed Document #40)

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

Quorum Count

At 5:09 p.m., Mr. Cathers, Member for Lake Laberge, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(4), the Chair of Committee of the Whole rang the bells and then did a count. A quorum was present for the count.

Progress was reported on the following Bill:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:58 p.m. until 1:00 p.m., Monday, May 10, 2004.

No. 86

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Monday, May 10, 2004

The Clerk, Patrick L. Michael, advised the House pursuant to section 24 of the *Legislative Assembly Act*, that the Speaker would be absent from the House. Thereupon, the Deputy Speaker took the Chair, called the House to order and said prayers.

TRIBUTES

Police Week

The Hon. Ms. Taylor, Minister of Justice, and Ms. Duncan, Leader of the Third Party, recognized May 9 - 15, 2004 as Police Week.

National Nursing Week

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. Fairclough, Member for Mayo-Tatchun, and Ms. Duncan, Leader of the Third Party, recognized May 10 - 16, 2004 as National Nursing Week.

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #45 - Act to Amend the Assessment and Taxation Act
-Hon. Mr. Hart

A debate arising on the motion for Second Reading of Bill #45, and the question being put, it was agreed to on the following recorded Division:

YEA

Fentie	Lang	McRobb	
Jenkins	Hart	Fairclough	
Taylor	Hassard	Cardiff	15
Kenyon	Cathers	Peter	
Edzerza	Hardy	Duncan	

NAY

0

Bill #45, entitled *Act to Amend the Assessment and Taxation Act*, was accordingly, referred to Committee of the Whole.

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

Progress was reported on the following Bill:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

The report of the Deputy Chair was adopted.

The Assembly adjourned at 5:56 p.m. until 1:00 p.m., Tuesday, May 11, 2004.

No. 87

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, May 11, 2004

The Clerk, Patrick L. Michael, advised the House pursuant to section 24 of the *Legislative Assembly Act*, that the Speaker would be absent from the House. Thereupon, the Deputy Speaker took the Chair, called the House to order and said prayers.

FILED DOCUMENTS

During Question Period, Mr. Hardy, Leader of the Official Opposition, filed the following documents:

- Northern Splendor Reindeer Farm; letter to, from Edward Huebert, Deputy Minister of Environment (dated April 20, 2004) **(Filed Document #41)**
- Northern Splendor Reindeer Farm; letter to; re: Compensation for reindeer operation, from Edward Huebert, Deputy Minister of Environment (dated May 5, 2004) **(Filed Document #42)**

NOTICE RE OPPOSITION PRIVATE MEMBERS BUSINESS

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader, informed the House that the Official Opposition Members' did not wish to identify any items to be called during Opposition Private Members' Business on Wednesday, May 12, 2004.

Pursuant to Standing Order 14.2(3), Ms. Duncan, Leader of the Third Party, informed the House that the Third Party Member did not wish to identify any items to be called during Opposition Private Members' Business on Wednesday, May 12, 2004.

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

Progress was reported on the following Bill:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

The report of the Deputy Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Wednesday, May 12, 2004.

No. 88

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, May 12, 2004

The Clerk, Patrick L. Michael, advised the House pursuant to section 24 of the *Legislative Assembly Act*, that the Speaker would be absent from the House. Thereupon, the Deputy Speaker took the Chair, called the House to order and said prayers.

TRIBUTES

Canada Health Day

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. Cardiff, Member for Mount Lorne, and Ms. Duncan, Leader of the Third Party, recognized May 12, 2004 as being Canada Health Day.

Twentieth Anniversary of Municipal Incorporation of Watson Lake, Mayo, Teslin, Haines Junction and Carmacks

The Hon. Mr. Hart, Minister of Community Services, and Mr. Cardiff, Member for Mount Lorne, recognized the year of 2004 as the twentieth anniversary of municipal incorporation of the Town of Watson Lake on April 1, the Village of Mayo on June 1, the Village of Teslin on August 1, the Village of Haines Junction on October 1, and the Village of Carmacks on November 1.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Taylor, Minister of Justice

- Yukon Law Foundation: audited Financial Statement for the fiscal year ending October 31, 2003 **(Sessional Paper #100)**

FILED DOCUMENTS

During Question Period, Mr. Hardy, Leader of the Official Opposition, filed the following documents:

- 'Wildlife species: Rangifer tarandus' **(Filed Document #43)**
- 'Reindeer and caribou, the difference between' **(Filed Document #44)**

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

Progress was reported on the following Bill:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

The report of the Deputy Chair was adopted.

The Assembly adjourned at 6:01 p.m. until 1:00 p.m., Thursday, May 13, 2004.

No. 89

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, May 13, 2004

The Clerk, Patrick L. Michael, advised the House pursuant to section 24 of the *Legislative Assembly Act*, that the Speaker would be absent from the House. Thereupon, the Deputy Speaker took the Chair, called the House to order and said prayers.

TRIBUTES

International Day of Families

The Hon. Mr. Jenkins, Minister of Health and Social Services, and Mr. Cardiff, Member for Mount Lorne, recognized May 15, 2004 as being International Day of Families.

DEPUTY SPEAKER'S RULING (Re: Unparliamentary Language imputing falsehoods)

Prior to proceeding with Question Period the Deputy Speaker, Patrick Rouble, gave the following ruling on a Point of Order raised on Wednesday, May 12, 2004, by the Member for Kluane.

"At issue was the statement by the Minister of Energy, Mines and Resources that 'for the Members opposite to insinuate that the Government owns the herd is in fact a falsehood. It is not true.'

The Member for Kluane is correct in his assertion that the use of the term falsehood, in that context, violates Standing Order 19(h), in that the Minister of Energy, Mines and Resources charged another Member with uttering a deliberate falsehood.

Unfortunately other such statements were made yesterday. Members will recall that the Chair expressed his discomfort with the term 'misinformation' as employed by the Leader of the Official Opposition. The term 'false excuses' was also used.

The Chair appreciates that Members disagree about issues raised in the House. However, Members must be judicious in how they express such disagreement. As a rule, Members are free to assert the truthfulness of their own statements. It is not in order for them to question the truthfulness of statements made by other Members. As Beauchesne's Parliamentary Rules and Forms notes in annotation 494:

'It has been formally ruled by Speakers that statements by Members respecting themselves and particularly within their own knowledge must be accepted. It is not unparliamentary temperately to criticize statements made by Members are being contrary to the facts; but no imputation of intentional falsehood is permissible. On rare occasions this may result in the house having to accept two contradictory accounts of the same incident.'

Members should also be respectful of one another when expressing their disagreement. The use of phrases such as 'get it into your head' and its variants are insulting and lead to disorder, as occurred yesterday. The Chair thanks all Members in advance for their cooperation in this regard."

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

Progress was reported on the following Bill:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

The report of the Acting Chair was adopted.

The Assembly adjourned at 6:01 p.m. until 1:00 p.m., Monday, May 17, 2004.

No. 90

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Monday, May 17, 2004

The Speaker took the Chair at 1:00 p.m.

TRIBUTES

In recognition of retiring teacher Roxienne Prestone

Mr. McRobb, Member for Kluane, paid tribute to Kluane Lake School teacher Roxienne Prestone, who is retiring after 27 years of teaching.

Canada Road Safety Week

The Hon. Mr. Hart, Minister of Highways and Public Works, recognized May 21 - 27, 2004 as Canada Road Safety Week.

Emergency Medical Services Week

The Hon. Mr. Jenkins, Minister of Health and Social Services, and Mr. Fairclough, Member for Mayo-Tatchun, recognized May 16-22, 2004 as Emergency Medical Services Week.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Staffen, Speaker

- Auditor General: Report on Other Matters for the years 2000 to 2003
(Sessional Paper #101)
- Ombudsman and Information and Privacy Commissioner 2002 Annual Report
(Sessional Paper #102)

Hon. Mr. Lang, Minister of Energy, Mines and Resources

- Yukon Minerals Advisory Board 2003 Annual Report (Sessional Paper #103)

GOVERNMENT MOTIONS

Moved by the Hon. Mr. Jenkins, Minister of Health and Social Services:

THAT this House urges the federal Liberal Government to live up to its fiduciary responsibility to provide health care to aboriginal Canadians resident both on reserves and off reserves, as recommended by the Auditor General and requested by all three territories and all ten provinces. (Motion #289)

A debate arising on Motion #289, and the question being put, it was agreed to on the following recorded Division:

YEA		
Fentie	Hart	Fairclough
Jenkins	Hassard	Cardiff
Taylor	Cathers	Peter
Edzerza	Hardy	Arntzen
Lang	McRobb	

NAY		
Duncan		1

Moved by the Hon. Mr. Jenkins, Government House Leader:

THAT the membership of the Standing Committee on Public Accounts as established by Motion #21 of the First Session of the 31st Legislative Assembly be amended by:

- (1) rescinding the appointments of Hon. Dennis Fentie and Hon. Peter Jenkins, and
- (2) appointing Dean Hassard and Brad Cathers to the Committee. **(Motion #301)**

The question being put on the motion, it was agreed to.

WITHDRAWAL OF MOTION FROM THE ORDER PAPER

The Speaker informed the House that Motion #185, standing in the name of the Hon. Mr. Jenkins, Government House Leader, was similar in intent and subject matter to Motion #301, and ordered it be dropped from the Order Paper.

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

Quorum Count

At 4:40 p.m., Mr. Cathers, Member for Lake Laberge, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(4), the Chair of Committee of the Whole rang the bells and then did a count. A quorum was present for the count.

Progress was reported on the following Bill:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Tuesday, May 18, 2004.

No. 91

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, May 18, 2004

The Speaker took the Chair at 1:00 p.m.

TRIBUTES

Aboriginal Awareness Week

The Hon. Mr. Fentie, Premier, Mrs. Peter, Member for Vuntut Gwitchin, and Ms. Duncan, Leader of the Third Party, recognized May 25 - 28, 2004 as Aboriginal Awareness Week.

Yukon Mining and Geology Week

The Hon. Mr. Lang, Minister of Energy, Mines and Resources, recognized May 22 - 28, 2004 as Yukon Mining and Geology Week.

National Public Works Week

The Hon. Mr. Hart, Minister of Highways and Public Works, on behalf of all Members, recognized May 18-24, 2004 as National Public Works Week.

International Museums Day

The Hon. Ms. Taylor, Minister of Tourism and Culture, and Mr. Hardy, Leader of the Official Opposition, recognized May 18, 2004 as being International Museums Day.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Fentie, Premier

- Yukon Economic Outlook 2004 (dated April 2004) **(Sessional Paper #104)**

Hon. Mr. Kenyon, Minister of Environment

- Conflict of Interest Commissioner, letter from (dated April 21, 2004) to Hon. Jim Kenyon, MLA re letters from Hon. Mr. Kenyon to Conflict of Interest Commissioner David Jones **(Filed Document #45)**
- Animal inventory, valuation of (report dated March 2004) by BDO Valuation Inc. **(Sessional Paper #105)**
- Yukon Engineering Services, letter from: to Darrell March, Manager, Financial Services, Dept. of Environment, re: assessments/estimates on civil improvements on aspects of Buchanan's game viewing operation

(Filed Document #46)

PETITIONS

Mr. Cardiff, Member for Mount Lorne, presented the following Petition:

- Establishing an independent commission of inquiry re removal of Dawson City Mayor and Council **(Petition #3)**

SPEAKER' STATEMENT (Question Period)

Prior to proceeding to Question Period, the Chair made the following statement on events that occurred during Question Period on May 17, 2004.

“The Chair sensed some disorder in the Assembly during the question raised by the Member for Copperbelt. It appears to the Chair that some Members expressed displeasure with the question asked by that Member. It is in this regard that I would draw attention to annotation 75 of *Beauchesne's Parliamentary Rules and Forms* which states: ‘The privilege of freedom of speech is both the least questioned and the most fundamental right of the Member of Parliament on the floor of the House and in Committee.’

As Speaker, I have a duty to ensure that the rights and privileges of all Members are protected. I would ask all Members to respect each other's privileges in this Assembly.

We will now proceed to Question Period.”

WITHDRAWAL OF MOTION FROM THE ORDER PAPER

The Speaker informed the House that Motion #293, standing in the name of the Leader of the Third Party, would be dropped from the Order Paper as the tabling of the *Yukon Economic Outlook, 2004* satisfies the action requested in that motion.

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole.

Termination of Sitting as per Standing Order 76(1)

The Chair made the following statement:

“Order please. The time has reached 5:00 p.m. on this the 30th day of the 2004 Spring Sitting. Standing Order 76(1) states: ‘On the day that the Assembly has reached the maximum number of sitting days allocated for that Sitting pursuant to Standing Order 75, the Chair of the Committee of the Whole, if the Assembly is in Committee of the Whole at the time, shall interrupt proceedings at 5:00 p.m. and, with respect to each Government Bill before Committee that the Government House Leader directs to be called, shall:

- (a) put the question on any amendment then before the Committee;
- (b) put the question, without debate or amendment, on a motion moved by a Minister that the Bill, including all clauses, schedules, title and preamble, be deemed to be read and carried;
- (c) put the question on a motion moved by a Minister that the Bill be reported to the Assembly; and
- (d) when all Bills have been dealt with, recall the Speaker to the Chair to report on the proceedings of the Committee.

It is the duty of the Chair to now conduct the business of the Committee of the Whole in the manner directed by Standing Order 76(1).

The Chair would now ask the Government House Leader to indicate which Bills now before the Committee of the Whole should be called.”

The Hon. Mr. Jenkins, Government House Leader, identified Bill #10, entitled *First Appropriation Act, 2004-05*, Bill #44, entitled *Act to Amend the Municipal Finance and Community Grants Act*, and Bill #45, entitled *Act to Amend the Assessment and Taxation Act*, to be called at this time.

The following Bills were reported without amendment:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

Bill #44 - Act to Amend the Municipal Finance and Community Grants Act
-Hon. Mr. Hart

Bill #45 - Act to Amend the Assessment and Taxation Act
-Hon. Mr. Hart

The report of the Chair was adopted.

SPEAKER’S STATEMENT (Re Standing Order 76(2)(d))

“Standing Order 76(2) states: ‘On the sitting day that the Assembly has reached the maximum number of sitting days allocated for the Sitting pursuant to Standing Order 75, the Speaker of the Assembly, when recalled to the Chair after the House has been in Committee of the Whole, shall:

- (d) with respect to each Government Bill standing on the Order Paper for Third Reading and designated to be called by the Government House Leader,
 - (i) receive a motion for a Third Reading and passage of the Bill, and
 - (ii) put the question, without debate or amendment, on that motion.’

I shall, therefore, ask the Government House Leader to identify which of the Bills now standing at Third Reading, that the Government wishes to be called.”

GOVERNMENT BILLS (Third Reading)

The following Bill was called for Third Reading:

Bill #8 - Third Appropriation Act, 2003-04
-Hon. Mr. Fentie

The question being put on the motion for Third Reading of Bill #8, it was agreed to on the following recorded Division:

YEA

Fentie	Edzerza	Hassard	
Jenkins	Lang	Cathers	11
Taylor	Hart	Arntzen	
Kenyon	Rouble		

NAY

Hardy McRobb	Fairclough Cardiff	Peter Duncan	6
-----------------	-----------------------	-----------------	---

Bill #8, entitled *Third Appropriation Act, 2003-04*, accordingly passed the House.

The following Bill was called for Third Reading:

Bill #43 - Act to Amend the Income Tax Act
-Hon. Mr. Fentie

The question being put on the motion for Third Reading of Bill #43, it was agreed to on the following recorded Division:

YEA

Fentie	Rouble	Cardiff	
Jenkins	Hassard	Peter	
Kenyon	Cathers	Duncan	16
Edzerza	Hardy	Arntzen	
Lang	McRobb		
Hart	Fairclough		

NAY

0

Bill #43, entitled *Act to Amend the Income Tax Act*, accordingly passed the House.

The following Bill was called for Third Reading:

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

The question being put on the motion for Third Reading of Bill #10, it was agreed to on the following recorded Division:

YEA

Fentie	Edzerza	Hassard	
Jenkins	Lang	Cathers	11
Taylor	Hart	Arntzen	
Kenyon	Rouble		

NAY

Hardy McRobb	Fairclough Cardiff	Peter Duncan	6
-----------------	-----------------------	-----------------	---

Bill #10, entitled *First Appropriation Act, 2004-05*, accordingly passed the House.

The following Bill was called for Third Reading:

Bill #44 - Act to Amend the Municipal Finance and Community Grants Act
-Hon. Mr. Hart

The question being put on the motion for Third Reading of Bill #44, it was agreed to on the following recorded Division:

YEA		
Fentie	Hart	Fairclough
Jenkins	Rouble	Cardiff
Taylor	Hassard	Peter
Kenyon	Cathers	Duncan
Edzerza	Hardy	Arntzen
Lang	McRobb	

NAY

0

Bill #44, entitled *Act to Amend the Municipal Finance and Community Grants Act*, accordingly passed the House.

The following Bill was called for Third Reading:

Bill #45 - Act to Amend the Assessment and Taxation Act
-Hon. Mr. Hart

The question being put on the motion for Third Reading of Bill #45, it was agreed to on the following recorded Division:

YEA		
Fentie	Hart	Fairclough
Jenkins	Rouble	Cardiff
Taylor	Hassard	Peter
Kenyon	Cathers	Duncan
Edzerza	Hardy	Arntzen
Lang	McRobb	

NAY

0

Bill #45, entitled *Act to Amend the Assessment and Taxation Act*, accordingly passed the House.

ASSENT TO BILLS

The Assembly received the Commissioner, the Hon. Jack Cable, in his capacity as Lieutenant-Governor, to give Assent to certain Bills passed by the House.

The Commissioner, having entered the Chamber, took his seat in the Speaker's chair.

The Speaker, the Hon. Mr. Staffen, addressed the Commissioner:

"Mr. Commissioner, the Assembly has, at its present Session, passed certain Bills to which, in the name and on behalf of the Assembly, I respectfully request your Assent."

The Clerk of the Assembly, Patrick L. Michael, then read the titles of the Bills which had been passed severally as follows:

Bill #8 - Third Appropriation Act, 2003-04
-Hon. Mr. Fentie

Bill #43 - Act to Amend the Income Tax Act
-Hon. Mr. Fentie

Bill #10 - First Appropriation Act, 2004-05
-Hon. Mr. Fentie

Bill #44 - Act to Amend the Municipal Finance and Community Grants Act
-Hon. Mr. Hart

Bill #45 - Act to Amend the Assessment and Taxation Act
-Hon. Mr. Hart

The Commissioner assented the Bills:

"I hereby Assent to the Bills as enumerated by the Clerk."

The Commissioner then retired from the Chamber.

ADJOURNMENT OF THE HOUSE

The Speaker stated:

"As the House has reached the maximum number of days permitted for this spring sitting, as established pursuant to Standing Order 75(3), and the House has completed consideration of the designated legislation, it is the duty of the Chair to declare that this House now stands adjourned."

The Assembly adjourned at 5:32 p.m..

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Abbreviations

1R - First Reading of Bill

C/W - (Reported out of)
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P - Passed

2R - Second Reading

A - Assent

3R - Third Reading

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Bill #	Title	1R	2R	C/W	3R&P	A
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10	First Appropriation Act, 2004-05	04-03-25	04-04-01	04-05-18	04-05-18	04-05-18
43	Income Tax Act, Act to Amend the	04-03-31	04-04-19	04-04-20	04-05-18	04-05-18
9	Interim Supply Appropriation Act, 2004-05	04-03-25	04-03-29	04-03-30	04-03-30	04-03-31
44	Municipal Finance and Community Grants Act, Act to Amend the	04-03-30	04-04-06	04-05-18	04-05-18	04-05-18
8	Third Appropriation Act, 2003-04	04-03-25	04-04-05	04-04-19	04-05-18	04-05-18

Other Than Government

Bill #	Title	1R	2R	C/W	3R&P	A
102	Employment Standards Act, An Act to Amend	03-11-06				
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YUKON LEGISLATIVE ASSEMBLY

Motions adopted during the continuation of the
First Session of the
31st Legislative Assembly

March 25, 2004 – May 18, 2004

Note: The following is an unofficial consolidation of the substantive motions adopted during the time period noted above. If motions were amended before adoption, the amendment is incorporated in the text and a notation made that the motion was amended.

**Consolidation of Motions adopted during
the continuation of the
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March 25, 2004 – May 18, 2004

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YUKON LEGISLATIVE ASSEMBLY

Motions adopted during the continuation of the
First Session of the
31st Legislative Assembly

March 25, 2004 – May 18, 2004

Substantive Motions

1. Motion #280 – Mrs. Peter, Member for Vuntut Gwitchin
Debated May 5, 2004
Carried May 5, 2004

THAT this House encourages the Government of Yukon to work with the Vuntut Gwitchin, the Tr'ondek Hwech'in, the Na Cho Nyak Dun and the Tetlit Gwitchin First Nations, as well as the Governments of Canada and the Northwest Territories, to ensure that any celebration of the 25th anniversary of the Dempster Highway recognizes the role played by First Nations people in making this project possible.

2. Motion #43 – Mr. Rouble, Member for Southern Lakes
Debated May 5, 2004
Carried May 5, 2004

THAT it is the opinion of this House that the Government of Yukon should implement an action plan to deal with Fetal Alcohol Spectrum Disorder that includes the following:

- (1) promoting prevention programs to eliminate alcohol consumption by high-risk parents in order to foster the birth of healthy babies,
- (2) establishing a system of early diagnosis of FASD before the age of six,
- (3) supporting people and families with FASD through a wide range of services such as professional counselling and foster homes in order to provide a stable, nurturing home environment,
- (4) enhancing supported living arrangements for adults with FASD,
- (5) forming a diagnostic team of professionals trained in personal counselling and social work/health to provide services to Yukon schools in order to provide support for FASD students and their families, and
- (6) providing appropriate resources at the community level to enable voluntary screening of adult persons who may have undiagnosed FASD.

Amended

3. Motion #289 – Hon. Mr. Jenkins, Minister of Health and Social Services
Debated May 17, 2004
Carried May 17, 2004

THAT this House urges the federal Liberal Government to live up to its fiduciary responsibility to provide health care to aboriginal Canadians resident both on reserves and off reserves, as recommended by the Auditor General and requested by all three territories and all ten provinces.

4. Motion #301 – Hon. Mr. Jenkins, Government House Leader
Debated May 17, 2004
Carried May 17, 2004

THAT the membership of the Standing Committee on Public Accounts as established by Motion #21 of the First Session of the 31st Legislative Assembly be amended by:

- (1) rescinding the appointments of Hon. Dennis Fentie and Hon. Peter Jenkins, and
- (2) appointing Dean Hassard and Brad Cathers to the Committee.