

# JOURNALS

## YUKON LEGISLATIVE ASSEMBLY



**SECOND SESSION**

**30TH LEGISLATURE**

**October 23, 2000 - December 14, 2000**

**Speaker: The Hon. Dennis Schneider**

**No. 1**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

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Monday, October 23, 2000

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The Speaker took the Chair at 3:00 p.m.

The Speaker informed the Assembly that he had received communication from the Commissioner, in his capacity as Lieutenant Governor, stating that he would open the Second Session of the Thirtieth Legislature at 3:00 p.m. today, Monday, October 23, 2000.

**SPEECH FROM THE THRONE**

The Commissioner, the Hon. Jack Cable, entered the Chamber and took his seat upon the Dais. Before reading the Speech, the Commissioner congratulated all Members on their election and wished them well in the coming mandate.

The Commissioner then delivered the following Speech:

“Mr. Speaker, Members of the Legislative Assembly, honoured guests and visitors, it is my pleasure to welcome you to the opening of the Second Session of the Thirtieth Legislature.

Honourable Members, you will face many challenges in this Legislature. I know those challenges will inspire each of you to work together as Yukoners, to not only listen to your constituents, but to work constructively together to find solutions. That is the business of government.

To be effective, government must set clear direction, it must focus upon a set of top priorities. A successful government cannot and should not try to be all things to all people.

This government will be faced with many ideas and many choices in the coming months and years, and it would be easy to allow every good idea to become a top priority. It is only focused attention, however, that will produce results that we can all be proud of as Yukoners.

With that in mind, the government has set clear direction. It has established seven priorities to address during its mandate. Those priorities are:

- Settling outstanding land claims;
- Rebuilding the Yukon economy;
- Achieving devolution;
- Developing infrastructure;

- Maintaining quality health care;
- Addressing alcohol and drug addictions; and
- Restoring confidence in government.

These priorities are not new. They form the basis of this government's contract with the people of the Yukon Territory.

The degree to which this government can act upon each of these seven priorities will be the measure of its success. They are also touchstones for the Yukon public to hold the government accountable. The major initiatives undertaken by this government will have one of these seven priorities at their foundation.

In April of this year, Yukoners asked for change. This government heard what you said, and is committed to providing strong fiscal management and accountability. This government is prepared to make the tough decisions.

While change is a priority, real results take time. Some changes need to happen sooner than others to stimulate growth. Thoughtful and considered planning is also extremely important, however, to ensure long term growth and prosperity.

This government intends to build a strong foundation for a brighter future by providing leadership and a new attitude in government. The type of leadership this government will provide is built upon both long and short term goals.

### **Rebuilding the Yukon Economy**

The settlement of land claims remains this government's top priority. The settlement of outstanding claims is a key to unlocking the economic potential of the Yukon Territory.

In rebuilding the Yukon economy the government will work toward the following results in the short term:

- achieving a closer working relationship with First Nations that will result in the settlement of outstanding land claims;
- assisting the mining community through incentives and lobbying efforts;
- fully recognizing and building upon the tourism potential of our territory; and
- evaluating current economic development programs.

An important intergovernmental meeting between First Nation Leaders and the Government of Yukon was held on October 16<sup>th</sup> to reshape and enhance the territorial government's relationship with First Nations on a government to government basis. This meeting provided a foundation for ongoing communications and meaningful discussions to occur between Yukon First Nations and the territorial government.

In addition, CYFN and First Nation Chiefs from Kluane, White River, Ta'an and Carcross/Tagish have invited the territorial government to participate in a Common Forum.

The Forum will allow senior territorial and First Nation officials and negotiators to address 'Yukon specific' issues. The willingness of these two governments to meet and deal with territorial issues signals a new era of co-operation in the settlement of land claims.

These short term initiatives are designed to speed up the settlement of land claims, and bring the parties closer together.

Another important part of our economy is mining. It has a special place in the Yukon's history, and this government believes mining also has a place in the Yukon's future.

The government has already increased incentives to junior mining companies by \$250,000.00, and has hosted a 'Welcome Back to the Yukon' luncheon in Vancouver.

To help restore Yukon's mining industry, the government is initiating a new program that focuses on management, information, investment and infrastructure, networking and education in the mining sector. The 'M.I.N.E.' Program will be implemented over a four year period.

In the 'management' aspect of the 'M.I.N.E.' Program the territorial government will work in partnership with DIAND and industry to implement the improved administrative procedures laid out in the Blue Book. This will help to streamline and clarify the permitting process by providing clear rules for miners.

The 'investment, information and infrastructure' portion of the program will include a review of the exploration tax credit, ongoing geological and other scientific and technical information and identification of the infrastructure required for key mineral districts.

The Premier attended the Mine Ministers Conference in Toronto this fall, and had a private meeting with the Federal Finance Minister in August. The purpose of these meetings was to provide an incentive for flow-through share investment. The Premier was successful in attaining a new, time-specific federal tax credit for flow-through shares that will help to kick start exploration spending in the Yukon after three years of record low expenditures.

The 'networking' aspect of the M.I.N.E. program will ensure continued support for the Yukon Geology Program, and attendance at Canadian mining trade shows including the Cordilleran Round Up and the Prospectors and Developers Association of Canada Conference.

Finally, the 'education' component of the M.I.N.E. Program will focus on preparing and distributing educational materials to increase public awareness about the mining industry.

In terms of economic development generally, the Yukon has not received any federal economic development funding since the last Economic Development Agreement expired in 1996.

In light of this, at the Annual Premier's Conference in September, Premier Duncan led the charge for an economic partnership to be established between northern governments and the Government of Canada. Premiers from all other jurisdictions across Canada unanimously supported this initiative. Its purpose will be to provide economic development assistance that will be used to promote strategic private sector investments in order to maximize benefits from economic growth.

In the coming months, the Department of Tourism will introduce the 'Stay Another Day' Program. The program is designed to keep visitors in the Yukon longer by highlighting the Yukon's natural beauty, and its many attractions and events. Money has been set aside in the supplementary budget to initiate the key elements of this program.

The government is also working in partnership with the Yukon Convention Bureau to promote the Yukon as a convention destination. Money has been set aside in the supplementary budget to fulfill this commitment.

Consultation on a new territory-wide museum strategy has already begun to ensure the Yukon's heritage is preserved for the enjoyment of our tourists and for future generations of Yukoners.

The territorial government is also committed to reviewing existing economic development programs to determine which ones are truly benefiting the Yukon public, starting with the Community Development Fund.

The government wants Yukoners to know it is reviewing programs like the CDF, the Tourism Marketing Fund, and the Trade and Investment Fund to provide accountability and openness in government. The review of these programs is not being done to eliminate programs that are successful in meeting their intended goals, but to gauge which programs actually produce results.

Rebuilding the economy also means planning for the future. The government will focus on achieving the following results in the longer term:

- increasing northern control over northern development by negotiating devolution;
- continuing to aggressively promote the Alaska Highway pipeline project and oil & gas development in the territory;
- bringing responsible mining and forestry back to the territory; and
- creating an industry driven tourism strategy.

The responsible and sustained development of oil and gas is an important long term goal.

Anderson Exploration has committed to spending 20.4 million exploration dollars in the north Yukon over the next 6 years.

The Kaska Nation and the Government of Yukon have also established a cooperative working relationship to foster and stimulate economic growth in southeast Yukon. In addition to existing exploration licenses in the southeast, efforts to establish benefit agreements and process license applications pertaining to expanded activity in both southeast and north Yukon are ongoing.

Oil and gas development will be supported by annual land sales that encourage local investment by oil and gas companies.

It is a commitment of this government to balance the development of our resources with the protection of our environment. The areas that are nominated by companies will be reviewed by the Yukon public, First Nations, and the territorial government. The review will identify environmental, surface access and socioeconomic concerns.

In further recognition of the need for responsible development, this government has consistently maintained that there should be a prohibition of oil and gas activity in 10-02 Lands to protect the calving grounds of the Porcupine Caribou Herd as critical habitat.

It is responsible development that is key. Since taking office, this government has also aggressively promoted the Alaska Highway Pipeline Route with producers and pipeline companies, and has made substantial progress.

We all know what obtaining the pipeline project will mean for Yukoners. The Yukon Route already has regulatory approvals in place, environmental reviews completed, and is the subject to an existing Canada/United States treaty. This government is committed to continuing all of its efforts to secure the Alaska Highway Pipeline.

In 1978 the Northern Pipeline Agency was created in Ottawa to deal specifically with the regulation of the Alaska Highway Pipeline Project. The Yukon government has asked the federal government to resurrect and relocate the Northern Pipeline Agency to Whitehorse.

In addition to the short term goals already outlined in Tourism, a long term goal of this government is to restore heritage branch funding. Our heritage is important to who we are as Yukoners, and this government wants to protect and preserve our cultural heritage for the enjoyment of our visitors, our children and our grandchildren.

### **Infrastructure Development**

Infrastructure development is a basic necessity for every community in the Yukon. As a result, the government has set the following goals:

- to assess the needs of Yukon communities in developing water and sewer infrastructure;
- to provide opportunities for our seniors to have access to adequate and affordable housing;
- to maintain the Yukon's network of roads and highways; and
- to recognize that communications infrastructure development is integral to our future both inside and outside of the Territory.

The Minister of Community and Transportation Services will be working with our Yukon communities to prioritize water and sewer infrastructure development in rural Yukon.

The Yukon is also taking advantage of the opportunities offered by the Federal Infrastructure Program to assist communities with basic infrastructure development. The territorial government recently signed an agreement with the federal government that will result in the Yukon receiving 2.4 million dollars over three years to help fund infrastructure development in the areas of water, sewer and solid waste management.

Due to the consistent reduction of the highway capital budget by successive governments, the Yukon's roads and highways have reached a crisis stage. Over the next four years, this government intends to increase maintenance funding to ensure our highways provide safe and reliable transportation to everyone. As a first step, this government has increased the amount of money set aside for the operation and maintenance of highways in the supplementary budget.

It is only by providing sound fiscal management that the necessary capital funds will be available to reconstruct and rehabilitate our roads and highways.

Infrastructure development means roads, and it also means housing. This government recognizes that Yukon seniors and elders have invested their time, money and hard work in our Yukon communities to the benefit of all of us. Seniors are one of the mainstays of the economy, and they have provided the foundation upon which we have built our heritage, our culture and our dreams.

The changing demographics of our territory can no longer be ignored. As our population ages, we must find creative solutions, especially in the area of seniors housing.

From 1986 to 1996 the senior population in the Yukon grew by 67% while the Yukon population as a whole increased by only 28%. This government is tackling the issue of seniors housing head on. The Minister responsible for the Yukon Housing Corporation has set aside funds in the supplementary budget to implement a brand new program called the 'Seniors Housing Trust'.

In addition to the Trust, the Yukon Housing Corporation is also developing a Seniors Housing Action Plan to provide seniors with the opportunity to access adequate, affordable housing.

Our history is important to who we are, and so is our future. As a result, our investments should reflect the value of our seniors and our youth. Communications infrastructure is essential to our future, our livelihood and our children. The territorial government is partnering with Human Resources Development Canada to develop a school-based website that will provide employment and career information to our Yukon students. This site will be demonstrated at the Yukon IT Exposition on October 26<sup>th</sup> to 28<sup>th</sup>.

The Department of Government Services is also establishing an E-Commerce Competency Centre. This is a virtual centre that will bring together those working in the field to better co-ordinate progress in E-Commerce.

Members will also be asked to approve the *Electronic Commerce Act* in this sitting. This legislation will help the Yukon compete in the ever expanding sphere of information and communications technology.

### **Health Care**

Your new government will take a new approach to health care. Historically, the provision of health care has focused on access to quality hospital and medical services. Maintaining quality health care remains an important part of this government's health care initiative. We also recognize the importance of lifestyle and prevention in shaping health policy and in delivering health related programs and services.

This government believes that educating the public about the prevention of health problems is the first step in healing our communities. This healthy approach is something the government takes seriously. By taking this approach, we can achieve a more cost-effective health care system, one that meets the needs of Yukoners.

Achieving the following results are the goals of this government:

- retaining a one-tiered health care system;
- providing education and information on preventative health care especially in the areas of alcohol and drug abuse; and
- promoting healthy lifestyles and healthy communities.

This government will shift the focus of health care toward prevention. Due to new sources of information Yukoners have an increased understanding of how socioeconomic factors and other conditions impact upon our individual and community health.

By studying changes in demographics, policies, and attitudes the Yukon is better equipped today to participate in shaping a new era in health policy.

We are all aware that Canada is experiencing a shortage of health care professionals, and that shortage is only expected to worsen in the future. The government has and will continue to implement strategies for the recruitment and retention of our health professionals. Health care officials are working directly with doctors and nurse practitioners to ensure health care needs are addressed in the most efficient and cost effective manner while maintaining quality of service.

On October 13<sup>th</sup> to 16<sup>th</sup> Health Summit 2000, entitled 'Our People, Our Most Valuable Resource' was held in Haines Junction and Ross River. The government will hold annual

Health Summits during its mandate to ensure there is a continued dialogue between government and rural Yukoners in addressing their health concerns.

Rural communities have been asked to identify their specific health care needs so that a realistic and sustainable community based health care plan can be implemented.

We all recognize that our population is aging. To address the pressures on long term residential care services, and our aging population, the government has also increased the constructed bed capacity of the new long term care facility from 72 to 96 beds.

In addition, Health Canada funding of seventy thousand dollars over 3 years will be provided to the Yukon to support the day programming initiative offered at the Thompson Centre. This initiative provides people with chronic medical and deteriorating mental health access to services to help maintain their independence at home and reduce the need for institutional care.

This government also believes it is essential to invest in our youth to achieve healthier communities.

The Department of Education and the youth organization 'Bringing Youth Toward Equality', are consulting with parents, non-government organizations, inter-governmental departments and other jurisdictions to lay the groundwork for the Yukon's first Youth Directorate.

Encouraging the participation of our youth in this project is essential so that it meets their needs. The government believes it should be the dreams and ideals of our young people that guide the establishment of the Youth Directorate to ensure all of the resources available to youth are accessed.

### **Alcohol and Drug Addictions**

It is no secret that alcohol and drug addictions pose one of the biggest threats to our community. Together with FAS and FAE the damage caused to our young people through alcohol and drug addictions threaten the safety of our families, and our community.

Upon this government's direction, Alberta's Alcohol and Drug Abuse Commission conducted a comprehensive review of our program delivery and service. The report provides recommendations about how to meet the challenge of addictions head on. The frank and honest participation of the Yukon's Alcohol and Drug Services was essential to the recommendations that were made in the report.

The result of the review is the government's Strategy on Alcohol and Drug Addictions which will be introduced later this year. The Strategy will implement many of the recommendations contained in the Alberta Alcohol and Drug Abuse Commission Report.

Prevention is a key component to the government's addictions strategy. Part of that strategy is to create better awareness about FAS and FAE through education and prevention initiatives undertaken in our schools and in our communities. This means taking a more aggressive and pro-active approach in the Yukon's FAS/FAE strategy, one which recognizes prevention as the only cure.

In addition, the territorial government will continue to lobby the federal government to make the prevention of FAS and FAE one of the priorities of Canada's health care system.

The rising cost of addressing addictions and of health care generally cannot be ignored. Yukoners have been and will continue to be provided with information about health care costs by this government, so they know where the government spends its health care dollars.

Quality health care must be maintained through realistic budgeting. An accurate accounting of our health care dollars will be presented to the Yukon public on an ongoing basis.

At the First Ministers Meeting in September, First Ministers reached an historic and unanimous consensus on a comprehensive and forward looking Health Action Plan. The Yukon's Premier and our Minister of Health both attended the First Ministers Meeting, and supported the idea that every jurisdiction provide a Report Card to Canadians on the performance of our health care system. The Yukon is committed to presenting this report card to Yukoners and asking for public input into the strengths and weaknesses of our health care system. The report card is an important component of the commitment to providing open and accountable government.

This government's commitment to accountability speaks to another one of its main priorities which is to restore confidence in government.

### **Restoring Confidence in Government**

Restoring confidence in government means that Yukoners must be given an opportunity to participate in governing our territory. Cabinet tours to Yukon communities were reinstated earlier this month in Ross River and Faro. The second Cabinet tour will take place in Teslin on February 6<sup>th</sup>, 2001. This will allow Yukon communities to speak directly with Cabinet Ministers and Caucus members about the challenges facing their communities and their families.

In the six short months since it was sworn into office, members of the government caucus have traveled to every community in the Yukon Territory, talking to Yukoners. Many communities have been visited by more than one Cabinet Minister or government caucus member.

This government's commitment to serve our communities and listen to all Yukoners is solid.

At the opening of the Thirtieth Legislature the government stated that it would conduct a comprehensive review of spending priorities. In this sitting, members will be asked to approve a final supplementary budget for 2000-2001 which includes some of this government's immediate spending priorities.

It is one of the goals of this government to achieve more balanced representation of Yukoners by fulfilling its commitment to initiate an Electoral Boundary Review. In this sitting, Members of the Legislature will be asked to approve *An Act to Amend the Elections Act* which deals with the electoral boundary review.

This government will also implement a confidential method for government employees to provide feedback. The goal is to provide a more efficient and user friendly government for all Yukoners, by asking the people who work on the front lines in the public service to suggest initiatives to make government more accessible to the public.

The government has also created a Management Improvement Program. The program will review a number of areas of government administration. In this year's plan, the program will look at Government Services, the CDF, and the required review of the *Environment Act*.

The goal is to increase the efficiency of government departments in meeting the needs of the Yukon public, and in allocating resources to priorities.

Our culture, our heritage and the arts help to articulate who we are as Yukoners. The arts are essential to our northern lifestyle. The *Yukon Arts Act* will be introduced in this session to provide greater certainty to our arts community, so the Yukon's legislation is in line with current practices in the arts field.

The government is undertaking a comprehensive review of the *Yukon Liquor Act* and its *Regulations*. The Act has not been fully reviewed since its inception 23 years ago. As part of the process, a Review Committee will visit Yukon communities to allow concerned citizens to actively participate in the review by providing their ideas and suggestions.

The *Education Act* Review is currently in the consultation and recommendation phase. A team of representatives from First Nations, school councils, teachers, and the department of education is conducting community tours to develop community based recommendations for improvements to the *Education Act*.

A three part review of the *Wildlife Act* will also be initiated. Enforcement issues will be considered during the first phase of the review.

The Yukon Protected Areas Strategy Advisory Committee will review the implementation of the Yukon Protected Areas Strategy. An options paper is being prepared to address three areas of concern raised by stakeholders. These areas are: preparing resource, ecological and socio-economic value assessments; enshrining Yukon Protected Areas Strategy in legislation; and clarifying the roles and responsibilities involved in implementing the Yukon Protected Areas Strategy process fairly and transparently.

In this session, the government will introduce a Motion to create a select committee to make all party appointments to major government boards and committees. After the motion is passed by the Legislative Assembly, the Committee will assist in making those appointments.

Yukoners have chosen a new government to lead them into this next century. While this government passed the previous administration's budget to create certainty, Yukoners said they want a different style of government.

Yukoners want change in the way their tax dollars are managed, in how their health care is provided, and in the willingness of their government to be accountable.

Choices and hard decisions are necessary to ensure that we meet these goals. Your new government will work hard to make the difficult choices, to chart the proper course, and to steer us in the right direction.

This change will not happen quickly enough for some, and it may happen too quickly for others . . . but it will happen.

As Yukoners, we envision a Territory where opportunity is built upon the strength of our land, the diversity of our people, and the openness of our government.

The measure of success will be the ability of individuals and communities to seize opportunities and realize their goals.

The members of the Thirtieth Legislature of the Yukon Territory are the stewards of the first four years of the new millennium.

I wish you well in your deliberations and in the challenges and opportunities you will face.”

The Commissioner then retired from the Chamber.

The Speaker resumed the Chair and called the House to order.

**INTRODUCTION OF ACTING DEPUTY CLERK**

The Speaker introduced Mr. Douglas Arnott, Senior Committee Clerk in the Ontario Legislative Assembly, who would be serving as Acting Deputy Clerk during this sitting. Mr. Arnott was welcomed by all Members of the Assembly.

**TRIBUTE TO MISSY FOLLWELL, FORMER DEPUTY CLERK**

The Speaker, on behalf of all current and past Members, and her fellow Table Officers, paid tribute to Missy Follwell for her distinguished and faithful service as Deputy Clerk of the Yukon Legislative Assembly. Ms. Follwell served the House as Deputy Clerk from 1978 to October 20, 2000.

**INTRODUCTION OF PAGES**

The Speaker informed the Assembly that Robert Fox, Sarah Macklon, Lindsay Sinclair and John Woo from F.H. Collins Secondary School and Danielle Ellis, Jackie Metropolit and Cory Shorty from Vanier Catholic Secondary School would be serving as Pages during the Fall Sitting. Sarah Macklon and Lindsay Sinclair were welcomed to the House.

**PRO FORMA BILL**

Bill #1 - An Act to Perpetuate a Certain Ancient Right  
-Hon. Ms. Duncan

**TABLING SPEECH FROM THE THRONE**

The Speaker informed the Assembly that he had received a copy of the Speech from the Throne which he tabled. **(Sessional Paper #1)**

**SPEECH FROM THE THRONE CONSIDERED ON DAY FOLLOWING:**

On motion of the Hon. Ms. Duncan, Premier:

RESOLVED THAT the Speech from the Throne be considered on a day following.

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The Assembly adjourned at 3:48 p.m. until 1:30 p.m., Tuesday, October 24, 2000.

**No. 2**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

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Tuesday, October 24, 2000

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

**TRIBUTES**

**In remembrance of former Prime Minister Pierre Elliot Trudeau**

The Hon. Ms. Duncan, Premier, paid tribute, on behalf of all Members, to former Prime Minister of Canada, the Right Honourable Pierre Elliot Trudeau, who passed away on September 28, 2000.

**TABLING RETURNS AND DOCUMENTS**

Hon. Mr. Schneider, Speaker

- Resignation notice (dated October 21, 2000) as MLA from Trevor Harding, Member for Faro **(Sessional Paper #2)**
- Warrant dated October 23, 2000, regarding vacancy in Faro due to resignation of Trevor Harding issued by Speaker Schneider **(Sessional Paper #3)**
- Vacancy in Electoral District of Faro: copy of letter dated October 23, 2000 from the Clerk of the Legislative Assembly to Commissioner Cable **(Sessional Paper #4)**
- Report of the Chief Electoral Officer of the Yukon on the 2000 General Election **(Sessional Paper #5)**
- Ombudsman and Information and Privacy Commissioner 1999 Annual Report **(Sessional Paper #6)**
- Deductions from the indemnities of Members of the Legislative Assembly made pursuant to subsection 39(6) of the *Legislative Assembly Act*: Report of the Clerk of the Yukon Legislative Assembly (dated October 23, 2000) **(Sessional Paper #7)**

Hon. Ms. Buckway, Minister of Justice

- Yukon Legal Services Society, Operational Review of the: Final Report submitted by Bonnie R. Durnford (dated September, 2000) **(Sessional Paper #8)**

**MINISTERIAL STATEMENT**

The Hon. Ms. Buckway, Minister of Justice, started to deliver her Ministerial Statement.

Mr. Fentie, Official Opposition House Leader, rose on a Point of Order respecting the rules regarding Ministerial Statements.

**Speaker's Statement**

The Speaker stated that he would permit the Ministerial Statement to be completed, and that he would provide the House with a statement respecting the rules regarding Ministerial Statements at a later date.

**Ministerial Statement completed**

Hon. Ms. Buckway, Minister of Justice

- Legal Aid Operational Review

**ADDRESS IN REPLY TO THE SPEECH FROM THE THRONE**

Moved by Mr. McLarnon, Member for Whitehorse Centre:

THAT the following address be presented to the Commissioner of the Yukon:

MAY IT PLEASE THE COMMISSIONER: We, the Members of the Yukon Legislative Assembly, beg leave to offer our humble thanks for the gracious speech which you have addressed to the House.

**(Motion #10)**

A debate arising on the motion and the time approaching 5:30 p.m., it was moved by Mr. Fairclough, Leader of the Official Opposition:

THAT debate be now adjourned.

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

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The Assembly adjourned at 5:27 p.m. until 1:30 p.m., Wednesday, October 25, 2000.

**No. 3**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

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Wednesday, October 25, 2000

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

**TRIBUTES**

**Women's History Month**

The Hon. Mrs. Edelman, Minister responsible for the Women's Directorate, recognized October as Women's History Month.

**National Breast Cancer Awareness Month**

The Hon. Mrs. Edelman, Minister responsible for the Women's Directorate, Ms. Netro, Member for Vuntut Gwitchin, and Mr. Jenkins, Leader of the Third Party, recognized October as National Breast Cancer Awareness Month.

**INTRODUCTION OF VISITORS**

The Hon. Ms. Duncan, Premier, introduced Nancy MacBeth, Leader of the Official Opposition in the Alberta Legislative Assembly.

**TABLING RETURNS AND DOCUMENTS**

Hon. Mrs. Edelman, Minister responsible for the Women's Directorate

- Yukon Advisory Council on Women's Issues 1999/2000 Annual Report  
(Sessional Paper #9)

Mr. Fentie, Official Opposition House Leader

- Standing Committee on Rules, Elections and Privileges, 30th Legislative Assembly: Minutes of Meeting #1 (September 27, 2000) (Sessional Paper #10)

**SPEAKER'S STATEMENT (regarding Ministerial Statements)**

"Before calling for Ministerial Statements today, the Chair wishes to provide some brief comments about the Point of Order raised by the Official Opposition House Leader yesterday.

The main concern expressed by the Official Opposition House Leader was that the Ministerial Statement given by the Minister of Justice was overly long.

Standing Order 11(3) states that a Ministerial Statement should be a 'short factual statement of government policy.' Also, former Speaker Bruce, in a ruling given on November 24, 1999,

emphasized that 'Ministerial Statements and the responses to them should be brief, factual and specific.'

There has never been, however, a definitive guideline provided through the Standing Orders, past Speakers' rulings nor reports of the Standing Committee on Rules, Elections and Privileges as to the exact length of time a Ministerial Statement should take. Presiding Officers of this Assembly have appealed, on a number of occasions, to the House to develop and adopt what Deputy Speaker McRobb, on November 8, 1999, called 'a more definite and helpful description of the purpose of Ministerial Statements.' Had the House done that, it undoubtedly would have provided direction, if not specifics, as to how the word 'short' should be interpreted by the Chair. The House, however, has not taken Presiding Officers up on the invitation to review the rules respecting Ministerial Statements.

The fact the House must face is that, with the advent of television coverage in this Chamber, Ministerial Statements have been put to increased use and have taken up an ever-greater amount of House time. These changed circumstances, from the time when the rules governing Ministerial Statements were first adopted, have made it imperative that Members give urgent consideration to this matter. The House can take action and provide direction on this matter in a variety of ways.

Perhaps the most obvious would be through recommendation of the Standing Committee on Rules, Elections and Privileges, and, if desired, subsequent amendment of the Standing Orders.

In the meantime the Chair must ask that greater consideration be given by Ministers to the number of such statements, and that greater efforts be made to adhere to the Standing Order requirement that these be 'short'.

The Chair thanks the Members for their attention."

### **MINISTERIAL STATEMENT**

The Hon. Mr. Jim, Minister responsible for the Yukon Housing Corporation, started to deliver his Ministerial Statement.

Mr. Jenkins, Leader of the Third Party, rose on a Point of Order respecting the rules regarding Ministerial Statements.

### **Speaker's Ruling**

"Order please. These kinds of points have been raised consistently for the past couple of years and I recall, during the last sitting of the House, the same issues came up. And I struggled with them at that time. Today's events simply demonstrate how important it is for the Members of the House to give consideration to this matter. It was suggested through the Standing Committee on Rules, Elections and Privileges. In the meantime, the Chair will provide a copy of Speaker Bruce's statement of November 24, 1999. In that ruling, Speaker Bruce made suggestions as to guidelines which might govern the content of Ministerial Statements. For today, the Minister will be permitted to conclude and the Opposition Members to respond. That concludes my ruling."

### **Ministerial Statement completed**

Hon. Mr. Jim, Minister responsible for the Yukon Housing Corporation

- Seniors Housing

**SPEAKER'S STATEMENT (regarding unparliamentary language)**

"Before proceeding with Question Period, a point of order was raised during yesterday's sitting questioning whether unparliamentary language was used by the Member for Ross River-Southern Lakes when directing a supplementary question to the Minister of Government Services. Upon reviewing the Blues, the Chair has found that the Member for Ross River-Southern Lakes said, 'Well, Mr. Speaker, the Member knows that that's fundamentally untrue.'

The rules adopted by this House to govern the conduct of all honourable Members are quite clear in this regard. Standing Order 19(1) states 'A Member will be called to order by the Speaker if that Member: (h) imputes false or unavowed motives to another Member; and (i) charges another Member with uttering a deliberate falsehood'.

Also, as is set out in Annotation 494 of *Beauchesne's Parliamentary Rules and Forms*, Sixth Edition, 'It is not unparliamentary temperately to criticize statements made by Members as 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.'

At page 522 of *Marleau and Montpetit's House of Commons Procedure and Practice*, it is stated, 'Remarks directed specifically at another Member which question that Member's integrity, honesty or character are not in order. A Member will be requested to withdraw offensive remarks, allegations, or accusations of impropriety directed towards another Member.'

It is clear that accusing another Member, directly or indirectly, of misleading the House is out of order. The Chair would ask the Member for Ross River-Southern Lakes and all Members of this House to take greater care that unparliamentary language not be used in this House."

**ADDRESS IN REPLY TO THE SPEECH FROM THE THRONE**

Moved by Mr. McLarnon, Member for Whitehorse Centre:

THAT the following address be presented to the Commissioner of the Yukon:

MAY IT PLEASE THE COMMISSIONER: We, the Members of the Yukon Legislative Assembly, beg leave to offer our humble thanks for the gracious speech which you have addressed to the House. **(Motion #10)**

A debate continuing on the motion and the time approaching 9:30 p.m., it was moved by the Hon. Mr. Eftoda, Minister of Education:

THAT debate be now adjourned.

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

---

The Assembly adjourned at 9:29 p.m. until 1:30 p.m., Thursday, October 26, 2000.

**No. 4**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Thursday, October 26, 2000

---

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

**TABLING RETURNS AND DOCUMENTS**

Hon. Mr. Eftoda, Minister responsible for the Public Service Commission

- Yukon Public Service Staff Relations Board 1999/2000 Annual Report  
(Sessional Paper #11)
- Yukon Teachers' Staff Relations Board 1999/2000 Annual Report  
(Sessional Paper #12)
- Staffing watch; restructuring: explanation of  
(Legislative Return #1)

**INTRODUCTION OF BILLS (First Reading)**

- Bill #22 - An Act to Amend the Elections Act  
-Hon. Ms. Duncan
- Bill #28 - An Act to Amend the Income Tax Act  
-Hon. Ms. Duncan
- Bill #29 - Electronic Commerce Act  
-Hon. Ms. Duncan
- Bill #30 - Electronic Evidence Act  
-Hon. Ms. Duncan
- Bill #32 - Municipal Loans Act  
-Hon. Ms. Duncan
- Bill #23 - Arts Act  
-Hon. Mrs. Edelman
- Bill #21 - Miscellaneous Statute Law Amendment Act (2000)  
-Hon. Ms. Buckway
- Bill #24 - Department of Justice Act  
-Hon. Ms. Buckway

- Bill #25 - An Act to Amend the Interpretation Act  
-Hon. Ms. Buckway
- Bill #26 - Enforcement of Canadian Judgements and Decrees Act  
-Hon. Ms. Buckway
- Bill #27 - Court Jurisdiction and Proceedings Transfer Act  
-Hon. Ms. Buckway

**FILED DOCUMENTS**

During Question Period, Mr. McRobb, Member for Kluane, filed the following documents:

- Arts Funding Program Redesign/Expansion: discussion paper on possible model (Filed I
- Arts Funding Program: terms of reference for sectoral consultation on new program development (Filed Document #2)

**ADDRESS IN REPLY TO THE SPEECH FROM THE THRONE**

Moved by Mr. McLarnon, Member for Whitehorse Centre:

THAT the following address be presented to the Commissioner of the Yukon:

MAY IT PLEASE THE COMMISSIONER: We, the Members of the Yukon Legislative Assembly, beg leave to offer our humble thanks for the gracious speech which you have addressed to the House.

**(Motion #10)**

The debate continuing on Address in Reply to the Speech from the Throne and the question being put, it was agreed to.

**Address in Reply to the Speech from the Throne Engrossed**

Moved by Ms. Tucker, Government House Leader:

THAT the Address in Reply to the Speech from the Throne be engrossed and presented to the Commissioner in his capacity as Lieutenant-Governor.

The question being put, it was agreed to.

---

The Assembly adjourned at 5:17 p.m. until 1:30 p.m., Monday, October 30, 2000.

**No. 5**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Monday, October 30, 2000

---

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

**TRIBUTES**

**Crime Prevention Week**

The Hon. Ms. Buckway, Minister of Justice, recognized, on behalf of all Members, Crime Prevention Week being October 28 to November 4, 2000.

**TABLING RETURNS AND DOCUMENTS**

Hon. Ms. Duncan, Premier

- Public Accounts of the Government of the Yukon Territory for the year ended March 31, 2000 **(Sessional Paper #13)**
- Government of Yukon Projections: 1999-2000 Actual to 2003-04 Projected Actual **(Sessional Paper #14)**

**INTRODUCTION OF BILLS (First Reading)**

Bill #2 - Fourth Appropriation Act, 1999-2000  
-Hon. Ms. Duncan

Bill #3 - Third Appropriation Act, 2000-01  
-Hon. Ms. Duncan

**MONEY MESSAGE**

Bill #2, *Fourth Appropriation Act, 1999-2000*, and Bill #3, *Third Appropriation Act, 2000-01*, were accompanied by a money message.

**MINISTERIAL STATEMENTS**

The Hon. Ms. Duncan, Premier, started to deliver her Ministerial Statement.

Mr. Jenkins, Leader of the Third Party, rose on a Point of Order respecting the rules regarding Ministerial Statements.

**Speaker's Ruling**

"Previously in this House, we referred to Speaker Bruce's statements in his ruling of November 24, 1999.

In that ruling, Speaker Bruce made suggestions as to the guidelines that might govern the content of ministerial statements. For today, I think it would be appropriate to allow the Premier to conclude the statement, which will allow the opposition members to respond.

Furthermore, I would urge members of this House, through the Standing Committee on Rules, Elections and Privileges, to meet as expeditiously as possible, in order that we may get some guidance for the Chair on these statements. Currently, I do not have that.

With that, I would ask the Premier to continue."

**Ministerial Statement completed**

Hon. Ms. Duncan, Premier

- Devolution of Northern Affairs Program: "Mirror" Legislation

**Tabled Document**

While delivering her Ministerial Statement, the Hon. Ms. Duncan, tabled the following Sessional Paper:

- "Mirror" Legislation (August 31, 2000 Draft): Territorial Lands (Yukon) Act; Waters Act; Placer Mining Act; Quartz Mining Act; Environmental Assessment Act **(Sessional Paper #15)**

**QUESTION OF PRIVILEGE (regarding due process and procedures in the Legislature)**

Mr. Fentie, Official Opposition House Leader, rose on a Question of Privilege relating to due process and the procedures in the Legislature

**SPEAKER'S RULING ON THE QUESTION OF PRIVILEGE**

The Speaker ruled on the Question of Privilege raised by Mr. Fentie, Official Opposition House Leader, as follows:

"If there are no further comments, the Chair is now prepared to give a ruling on the question of privilege raised by the Official Opposition House Leader.

The Official Opposition House Leader met the notice requirement found in Standing Order 7(1)(b) by submitting a written notice to the Office of the Speaker at 10:55 a.m. on today's date. Standing Order 7(4) states that the Speaker must rule on (a) whether there appears, on the face of it, to be a case of breach of privilege, and (b) whether the matter has been raised at the earliest opportunity.

The normal practice of this House has been that, to meet the 'earliest opportunity' requirement, the Question of Privilege must be raised at the time that the event occurred or on the next sitting day. In this matter, the Chair finds this event to be taking place during this sitting day, as the Government has directed that Motions No. 1 and 2 be called today.

The question for the Chair to decide on, then, is whether the Official Opposition House Leader has raised a question, which, on the face of it, is a possible breach of privilege.

The foundation of the Question of Privilege raised by the Official Opposition House Leader was that the Government has encroached on 'the rights and privileges of all MLAs' by calling motions for debate that would result in changes to the Standing Orders. The Official Opposition House Leader notes that doing so 'compromises' the Standing Committee on Rules, Elections and Privileges.

In reviewing the Standing Orders of this Assembly and the parliamentary authorities, including *Beauchesne*, the Chair has not found any basis for the matter raised by the Official Opposition House Leader to be found a breach of privilege. The main privileges that the House must be concerned with are those guaranteeing freedom of speech and the right of the House to govern its own proceedings. Calling these motions for debate does not infringe on any Member's freedom of speech.

In assessing the right of the House to govern its own proceedings, an argument must be made for asserting that the House has the right to debate these motions. Otherwise, the House might find that it cannot deal with issues that have been sent to committee. As an example, the Public Accounts stand permanently referred to the Public Accounts Committee. The Members of this House, however, are not and should not be restricted from raising matters related to the Public Accounts in here even though they stand referred to a committee for consideration.

The Chair, therefore, must rule that the matter raised by the Official Opposition House Leader does not constitute a breach of privilege.

This concludes the ruling. The House will now proceed with Orders of the Day."

### **GOVERNMENT MOTIONS**

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

THAT the Standing Orders of the Yukon Legislative Assembly be amended, effective the next sitting day after this motion is adopted, by:

(1) replacing Standing Orders 2(1), 2(2), 2(3) and 2(4) with the following:

- 2(1) The time for the meeting of the Assembly is at 1:00 p.m. on each Monday, Tuesday, Wednesday and Thursday unless otherwise ordered.
- 2(2) On each sitting day, at 6:00 p.m., the Speaker shall adjourn the Assembly without question put, and the Assembly then stands adjourned until the next sitting day unless otherwise ordered.
- 2(3) When the Assembly rises on Thursday at 6:00 p.m., it shall stand adjourned until the following Monday unless otherwise ordered.

and

(2) renumbering Standing Orders 2(5), 2(6) and 2(7) as Standing Orders 2(4), 2(5) and 2(6). **(Motion #1)**

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

THAT Motion #1 be amended by deleting the expression "effective the next sitting day after this motion is adopted" and substituting the following:

"at a time that is mutually acceptable to all parties in this House once concurrence has been sought from and given by the Standing Committee on Rules, Elections and Privileges".

The question being put, it was negatived on the following recorded Division:

YEA			
Fairclough	Keenan	Netro	6
Fentie	McRobb	Jenkins	
NAY			
Duncan	Edelman	Tucker	9
Eftoda	Roberts	McLarnon	
Jim	Buckway	Kent	

Debate continued on Motion #1.

It was moved by Mr. Keenan, Member for Ross River-Southern Lakes, in amendment thereto:

THAT Motion #1 be amended by deleting the words "THAT the Standing Orders of the Yukon Legislative Assembly be amended, effective the next sitting day after this motion is adopted, by" and substituting for them the words:

"THAT the Standing Committee on Rules, Elections and Privileges be convened within the next seven days for the express purpose of considering a recommendation to this House with respect to amending the Standing Orders of the Yukon Legislative Assembly, by"

A debate arising on the second amendment and the question being put, it was negatived on the following recorded Division:

YEA			
Fairclough	Keenan	Netro	6
Fentie	McRobb	Jenkins	
NAY			
Duncan	Edelman	Tucker	9
Eftoda	Roberts	McLarnon	
Jim	Buckway	Kent	

The debate continuing on the main motion and the time reaching 9:30 p.m. while Mr. Fairclough was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House and debate on Motion #1 was accordingly adjourned.

---

The Assembly adjourned at 9:30 p.m. until 1:30 p.m., Tuesday, October 31, 2000.

**No. 6**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Tuesday, October 31, 2000

---

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

**TABLING RETURNS AND DOCUMENTS**

Hon. Mr. Schneider, Speaker

- Auditor General: Report on the Consolidated Financial Statements of the Government of the Yukon Territory for the year ended March 31, 2000

**(Sessional Paper #16)**

**MINISTERIAL STATEMENTS**

The Hon. Mr. Eftoda, Minister of Education, started to deliver his Ministerial Statement.

Mr. Fentie, Official Opposition House Leader, rose on a Point of Order respecting the rules regarding Ministerial Statements.

**Speaker's Ruling**

"This Ministerial Statement would appear to fall within the parameters of the Ministerial Statements that have been given over the past years in this House. I will refer to Speaker Bruce's ruling on November 24, 1999, which I have referred to often in the past. I'll quote from Speaker Bruce's ruling wherein he says, 'The Chair, therefore, has given consideration to practices found in this House and in other Legislatures across Canada and has found the following to be generally accepted guidelines for Ministerial Statements and for responses to those statements:

'Ministerial Statements are to be used to allow a Minister to provide the Assembly with information of interest and urgency on government policy or administration when no other proceeding offers a suitable opportunity.'

Speaker Bruce further states, 'In conclusion, the Chair has found, from a review of the general practices in Yukon and other jurisdictions, that the central feature of Ministerial Statements is that they should be brief, factual and specific and that neither the statements nor the responses to them should contain partisan debate or argument. Secondly, it is clear that this and other Houses have

accepted that there are legitimate uses of Ministerial Statements that go beyond the wording of Standing Order 11.'

If the House has another view of what Ministerial Statements should be used for, Members can provide direction to the Speaker by way of a motion or by way of a report through the Standing Committee on Rules, Elections and Privileges.

I urge the Members to heed my words in this instance. There have been continual interruptions in the House over the past several days. I would dearly love to see the Members get together and solve this problem through the Standing Committee on Rules, Elections and Privileges.

With that, I would ask the Minister to continue."

**Ministerial Statement completed**

Hon. Mr. Eftoda, Minister of Education

- Mayo School test results

Hon. Mrs. Edelman, Minister of Tourism

- Air Access

**MOTION OF URGENT AND PRESSING NECESSITY (Standing Order 28)**

Pursuant to Standing Order 28, Mr. Jenkins, Leader of the Third Party requested unanimous consent to move the following motion:

THAT it is the opinion of this House that the Commissioner in Executive Council should cause a public inquiry to be called pursuant to the *Public Inquiries Act* for the purpose of examining the quality of care being provided to high-risk children and youth in government and private sector group homes in Whitehorse.

**Point of Order (re speaking to the Motion)**

Mr. McLarnon, Member for Whitehorse Centre, rose on a Point of Order regarding speaking to the Motion.

**Speaker's Ruling**

"Standing Order 28(1) states: 'A motion may, in case of urgent and pressing necessity previously explained by the mover, be made by unanimous consent of the Assembly without notice having been given.' Now, the Member moving may and is allowed to give a brief explanation of the motion.

With that, I will ask the Leader of the Third Party to continue, and when he has completed his remarks, I will have some further remarks to make. Please continue."

Mr. Jenkins, Leader of the Third Party concluded his remarks on the motion.

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

**WITHDRAWAL OF MOTION FROM THE ORDER PAPER**

The Speaker informed the House that Motion #14, standing in the name of the Leader of the Third Party, was now outdated and had been ordered to be dropped from the Order Paper.

**GOVERNMENT MOTIONS**

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

THAT the Standing Orders of the Yukon Legislative Assembly be amended, effective the next sitting day after this motion is adopted, by:

(1) replacing Standing Orders 2(1), 2(2), 2(3) and 2(4) with the following:

2(1) The time for the meeting of the Assembly is at 1:00 p.m. on each Monday, Tuesday, Wednesday and Thursday unless otherwise ordered.

(2) On each sitting day, at 6:00 p.m., the Speaker shall adjourn the Assembly without question put, and the Assembly then stands adjourned until the next sitting day unless otherwise ordered.

(3) When the Assembly rises on Thursday at 6:00 p.m., it shall stand adjourned until the following Monday unless otherwise ordered.

and

(2) renumbering Standing Orders 2(5), 2(6) and 2(7) as Standing Orders 2(4), 2(5) and 2(6). **(Motion #1)**

A debate continuing from October 30, 2000 and the question being put, Motion #1 was agreed to on the following recorded Division:

YEA

Duncan	Edelman	Tucker	
Eftoda	Roberts	McLarnon	9
Jim	Buckway	Kent	

NAY

Fairclough	Keenan	Netro	6
Fentie	McRobb	Jenkins	

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

THAT Standing Order 45 be amended by adding the following new standing orders:

45 (3.1) At the commencement of the first session of each Legislature a Standing Committee on Appointments to Major Government Boards and Committees shall be appointed.

(3.2) The Standing Committee on Appointments to Major Government Boards and Committees:

(a) shall review nominations and recommend appointments to the following major Boards and Committees:

- a. Yukon Development Corporation Board of Directors
- b. Yukon Energy Corporation Board of Directors
- c. Yukon Workers' Compensation Health and Safety Board
- d. Yukon Lottery Corporation
- e. Yukon Recreation Advisory Council
- f. Arts Advisory Council

- g. Yukon Utilities Board
- h. Yukon Council on the Economy and the Environment
- i. Yukon Human Rights Commission;
- (b) may review other appointments proposed by the Executive Council that are referred to it by the Executive Council;
- (c) shall meet in camera; and
- (d) shall prepare a report within 45 days of receipt of a proposed appointment or of proposed appointments and such report shall contain the appointment or list of appointments recommended by the Committee.

(3.3) The Chair of the Standing Committee on Appointments to Major Government Boards and Committees shall present all reports of the Committee to the Legislative Assembly but, if the Legislative Assembly is not sitting at the time a report has been agreed to by the Committee, the Chair shall transmit the report to all Members of the Legislative Assembly and then release the report to the public.

(3.4) When the Commissioner in Executive Council or, if applicable, a Minister, due to legal requirements or operational needs, has deemed it necessary to make an appointment prior to the expiration of the 45 day period, the Committee shall be notified in writing, by the Executive Council Office, of appointments made by a Minister or by the Commissioner in Executive Council.

and

THAT Standing Order 45 be further amended by adding the following new provisions which shall remain in effect during the Thirtieth Legislative Assembly:

45 (3.5) The first Standing Committee on Appointments to Major Government Boards and Committees shall be appointed during the Second Session of the Thirtieth Legislative Assembly.

(3.6) The first Standing Committee on Appointments to Major Government Boards and Committees shall consist of three members from the government caucus, one member from the official opposition caucus and the third party member. **(Motion #2)**

A debate arising on the motion, it was moved by Mr. McLarnon, Member for Whitehorse Centre, in amendment thereto:

“THAT Motion #2 be amended by deleting the words “Yukon Lottery Corporation” and substituting for them the words:

“Yukon Lottery Commission”.

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

A debate arising on Motion #2 as amended and the question being put, it was agreed to on the following recorded Division:

YEA			
Duncan	Edelman	Tucker	
Eftoda	Roberts	McLarnon	9
Jim	Buckway	Kent	
NAY			
Fairclough	Keenan	Netro	6
Fentie	McRobb	Jenkins	

**GOVERNMENT BILLS**

The following Bills were read a second time and referred to Committee of the Whole:

Bill #23 - Arts Act

-Hon. Mrs. Edelman

Bill #21 - Miscellaneous Statute Law Amendment Act (2000)

-Hon. Ms. Buckway

Bill #25 - An Act to Amend the Interpretation Act

-Hon. Ms. Buckway

Bill #26 - Enforcement of Canadian Judgements and Decrees Act

-Hon. Ms. Buckway

Bill #27 - Court Jurisdiction and Proceedings Transfer Act

-Hon. Ms. Buckway

**COMMITTEE OF THE WHOLE**

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

The Chair reported that the Committee requested that the Speaker resume the Chair.

The report of the Chair was adopted.

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The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Wednesday, November 1, 2000.

**No. 7**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Wednesday, November 1, 2000

---

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

**TRIBUTES**

**Women Abuse Prevention Month**

The Hon. Mrs. Edelman, Minister responsible for the Women's Directorate, and Mr. Jenkins, Leader of the Third Party, recognized November as being Women Abuse Prevention Month.

**TABLING RETURNS AND DOCUMENTS**

Hon. Ms. Duncan, Premier

- Intergovernmental Relations Accord between the Tr'ondëk Hwëch'in Government and the Government of Yukon (signed September 19, 2000)  
**(Sessional Paper #17)**

Hon. Ms. Buckway, Minister of Justice

- Connect Yukon: Letter of Intent re the communities not included in Connect Yukon (dated March 31, 2000); Contribution Agreement for Marsh Lake Infrastructure Build (dated April 12, 2000); Service Management Agreement for Connect Yukon (dated April 1, 2000)  
**(Sessional Paper #18)**

**PRESENTING REPORTS OF COMMITTEES**

Mr. Kent, Chair, Standing Committee on Rules, Elections and Privileges

- Standing Committee on Rules, Elections and Privileges: First Report (dated November 1, 2000)  
**(Sessional Paper #19)**

**MINISTERIAL STATEMENTS**

Hon. Ms. Duncan, Premier

- Review of Economic Development Programs

**QUESTION OF PRIVILEGE (regarding remarks made by Minister of Education)**

Mr. Fairclough, Leader of the Official Opposition, rose on a Question of Privilege relating to remarks made by the Hon. Mr. Eftoda, Minister of Education, during his reply to

Members' responses to the Ministerial Statement given on October 31, 2000, regarding the Mayo School.

The Speaker, after receiving comments from the Hon. Mr. Eftoda, Minister of Education, took the Question of Privilege under advisement.

**OPPOSITION PRIVATE MEMBERS' BUSINESS**  
**MOTIONS OTHER THAN GOVERNMENT MOTIONS**

Moved by Mr. Fentie, Member for Watson Lake:

THAT it is the opinion of this House that:

- (1) Yukon people who want to work and need to work face severe hardships this winter because of the failure of the Liberal Government to address the territory's economic situation in a decisive and responsible manner;
- (2) the outward migration of Yukoners to other parts of Canada to seek employment has increased dramatically since this Liberal Government took office;
- (3) the Yukon Liberal Government has contributed directly to this situation through such ill-advised decisions as postponing the construction of a new school in Mayo, and failing to take action to solve the crisis in the Yukon forestry sector;
- (4) this government has further aggravated the situation by abandoning programs such as the Community Development Fund, Fire Smart, the Tourism Marketing Fund and the Trade and Investment Fund, which were creating jobs in communities throughout the territory;
- (5) the Throne Speech delivered at the opening of this sitting failed to provide any clear economic leadership or sense of direction to improve the territory's employment and business climate;
- (6) the Auditor General's report will confirm that this government entered the current fiscal year with an accumulated surplus of more than \$55 million; and

THAT this House urges the Yukon Government, as a matter of urgent priority, to convene an all-party committee to examine practical measures it can take to provide jobs for Yukon people this winter. **(Motion #21)**

A debate arising on the motion, it was moved by Mr. Jenkins, Leader of the Third Party, in amendment thereto:

"THAT Motion #21 be amended by deleting the words "an all-party" and substituting for them the words "a public-private sector working".

A debate arising on the amendment and the question being put, it was negatived on the following recorded Division:

YEA			
Fairclough	Keenan	Netro	6
Fentie	McRobb	Jenkins	
NAY			
Duncan	Edelman	Tucker	9
Eftoda	Roberts	McLarnon	
Jim	Buckway	Kent	

The debate continuing on the main motion and the time reaching 6:00 p.m. while the Hon. Mr. Roberts was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House and debate on Motion #21 was accordingly adjourned.

---

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, November 2, 2000.

**No. 8**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Thursday, November 2, 2000

---

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

**TRIBUTES**

**National Down's Syndrome Awareness Week**

The Hon. Mr. Roberts, Minister of Health and Social Services, on behalf of all Members, paid tribute to National Down's Syndrome Awareness Week, being November 1-7, 2000.

**TABLING RETURNS AND DOCUMENTS**

Hon. Ms. Duncan, Premier

- Yukon Development Corporation/Yukon Energy Corporation 1999 Annual Report (Sessional Paper #20)

Mr. McLarnon, Member for Whitehorse Centre

- Conflict of Interest Commission (Yukon): letter from Mr. McLarnon, Member for Whitehorse Centre (dated November 2, 2000) requesting Conflict of Interest Commissioner's advice on whether Member for Whitehorse Centre was in breach of *Conflict of Interest (Members and Ministers) Act* (Sessional Paper #21)

**QUESTION OF PRIVILEGE (regarding remarks made on November 1, 2000)**

Mr. McLarnon, Member for Whitehorse Centre, rose on a Question of Privilege regarding remarks made on November 1, 2000 by the Member for Kluane. Mr. McLarnon also advised the House that he had requested the Conflicts Commissioner to investigate the matter.

The Speaker took the Question of Privilege under advisement.

**SPEAKER'S RULING (re Question of Privilege raised on November 1, 2000)**

"Before proceeding to Orders of the Day, the Chair will provide a ruling on the Question of Privilege raised on November 1, 2000 by the Leader of the Official Opposition.

The Leader of the Official Opposition met the notice requirement found in Standing Order 7(1)(b) by submitting a written notice to the Office of the Speaker at 10:54 a.m. on November 1, 2000.

Standing Order 7(4) states that the Speaker must rule on (a) whether there appears, on the face of it, to be a case of breach of privilege, and (b) whether the matter has been raised at the earliest opportunity.

The normal practice of this House has been that, to meet the 'earliest opportunity' requirement, a Question of Privilege must be raised at the time the event occurred or on the next sitting day. In this matter, the event took place on Tuesday, October 31. The Chair, therefore, finds that it meets the 'earliest opportunity' requirement.

Rulings of the Chair of this and past Assemblies have been consistent in the finding that a Question of Privilege or a Point of Order cannot be based on a dispute that has taken place between Members as to the facts of a matter or as to the interpretation which should be assigned to those facts. The House will understand that, in situations where Members provide differing versions of a particular event, the Chair is in no position to conduct an investigation and render a judgement on which version of events, if any, is the accurate one.

The Chair has, of course, reviewed the Hansards for October 31 and November 1, 2000. Other Members may well wish to review those passages relating to the Question of Privilege raised by the Leader of the Official Opposition. The conclusion which the Chair believes readers must reach is that the Minister of Education might have been more helpful in explaining the context of the situation when he said that the Leader of the Official Opposition 'refused to come up.' It was only the day following that the House learned that the bells were ringing and that the Leader of the Official Opposition had responded that he intended to be present in the House and would be available after Question Period. The Minister of Education must recognize that the manner in which he described this situation on October 31 did not cast the Leader of the Official Opposition in a favourable light.

Although this does not qualify as a Question of Privilege the Chair would ask that all Members reflect on the lessons learned and make better efforts to treat each other fairly and professionally. The Chair would very much appreciate Members taking greater care when attributing actions or words to other Members.

We will now proceed with Orders of the Day."

### **GOVERNMENT BILLS**

The following Bills were read a second time and referred to Committee of the Whole:

Bill #24 - Department of Justice Act  
-Hon. Ms. Buckway

Bill #29 - Electronic Commerce Act  
-Hon. Ms. Duncan

Bill #30 - Electronic Evidence Act  
-Hon. Ms. Duncan

Bill #22 - An Act to Amend the Elections Act  
-Hon. Ms. Duncan

The following Bill was called for Second Reading:

Bill #32 - Municipal Loans Act  
-Hon. Ms. Duncan

A debate arising on the motion for Second Reading of Bill #32, entitled *Municipal Loans Act*, and the question being put, it was agreed to on the following recorded Division:

YEA		
Duncan	Buckway	Fentie
Eftoda	Tucker	Keenan
Jim	McLarnon	McRobb
Edelman	Kent	Netro
Roberts	Fairclough	Jenkins

NAY

0

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

Bill #28 - An Act to Amend the Income Tax Act  
-Hon. Ms. Duncan

#### COMMITTEE OF THE WHOLE

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

The following Bills were reported without amendment:

Bill #21 - Miscellaneous Statute Law Amendment Act (2000)  
-Hon. Ms. Buckway

Bill #25 - An Act to Amend the Interpretation Act  
-Hon. Ms. Buckway

Bill #26 - Enforcement of Canadian Judgements and Decrees Act  
-Hon. Ms. Buckway

Bill #27 - Court Jurisdiction and Proceedings Transfer Act  
-Hon. Ms. Buckway

Bill #24 - Department of Justice Act  
-Hon. Ms. Buckway

Progress was reported on the following Bill:

Bill #23 - Arts Act  
-Hon. Mrs. Edelman

The report of the Chair was adopted.

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The Assembly adjourned at 5:55 p.m. until 1:00 p.m., Monday, November 6, 2000.

**No. 9**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Monday, November 6, 2000

---

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

**TRIBUTES**

**Remembrance Week**

Mr. Kent, on behalf of all Members, paid tribute to the men and women of the Yukon, and of Canada, who served our country both in times of war and peace. The week of November 4 - 11, 2000 is recognized as Remembrance Week.

**TABLING RETURNS AND DOCUMENTS**

Hon. Mrs. Edelman, Minister of Tourism

- Winter Tourism Development Study (Tourism Yukon): phase one (dated June, 2000) **(Sessional Paper #22)**

**INTRODUCTION OF BILLS (First Reading)**

Bill #31 - An Act to Amend the Motor Vehicles Act

-Hon. Ms. Buckway

Bill #33 - Perpetuities and Accumulations Repeal Act

-Hon. Mr. Roberts

Bill #34 - An Act to Amend the Trustee Act

-Hon. Mr. Roberts

**MINISTERIAL STATEMENTS**

Hon. Mrs. Edelman, Minister responsible for the Liquor Corporation

- *Liquor Act* and Regulations Review

**SPEAKER'S RULING (re Question of Privilege raised on November 2, 2000)**

"Before proceeding to Question Period, the Chair will provide a ruling on the Question of Privilege raised on November 2, 2000 by the Member for Whitehorse Centre.

The Member for Whitehorse Centre met the notice requirement found in Standing Order 7(1)(b) by submitting a written notice to the Office of the Speaker at 10:59 a.m. on November 2, 2000.

Standing Order 7(4) states that the Speaker must rule on (a) whether there appears, on the face of it, to be a case of breach of privilege, and (b) whether the matter has been raised at the earliest opportunity.

The normal practice of this House has been that, to meet the "earliest opportunity" requirement, a Question of Privilege must be raised at the time the event occurred or on the next sitting day. In this matter, the event took place on Wednesday, November 1, 2000, and was raised as a Question of Privilege on the following sitting day.

The question for the Chair to decide on, then, is whether the Member for Whitehorse Centre has raised a question which, on the face of it, is a possible breach of privilege.

The Member for Whitehorse Centre stated that:

'The Point of Privilege I am raising is, at the first opportunity, to state that my credibility has been attacked in this House, without a chance for me to respond and without the prescribed and proper legislative practices being followed.'

The Member for Whitehorse Centre concluded his statement to the House by saying:

'And I'm asking, since this is a Question of Privilege and I cannot defend my name in this House, that the Member for Kluane be asked for an apology and a retraction, and also that the Speaker rule that this line of questioning is indeed infringing on my privilege as a Private Member.'

The Chair has reviewed the portions of Hansard of November 1 and 2 in which questions were raised about the Beringia Interpretive Centre gift shop. The Chair has also given consideration to the provisions of the *Conflict of Interest (Members and Ministers) Act* and to the Standing Orders and previous Speakers' rulings in this House.

The central features of the rights and immunities of individual Members are freedom of speech, freedom from arrest in civil actions, exemption from jury duty and exemption from appearing as a witness. The Chair is not able to find that the Member for Whitehorse Centre has raised a question which, on the face of it, constitutes a violation of any of those rights or immunities.

Further, the Chair finds that questions respecting the arrangements made by the Government of Yukon in regard to the Beringia Interpretive Centre gift shop are in order so long as they do not stray into an investigation of the conduct of the Member for Whitehorse Centre or making charges against him. They must centre upon government policy and administration and not upon the activities of a Private Member of this House.

If Members desire an investigation into the conduct of a Member, they have two avenues open to them. First, they may lodge a complaint with the Conflicts Commissioner pursuant to paragraph 17(1)(d) of the *Conflict of Interest (Members and Ministers) Act*. Members, however, are not obligated to utilize the provisions set out in the *Conflict of Interest (Members and Ministers) Act* as section 29 of that legislation states: 'Nothing in this Act abrogates any power or duty that the Legislative Assembly has apart from this Act to control or discipline or punish its Members.' Therefore, the second way in which Members may pursue an investigation into the conduct of a Member is to bring to the House a substantive motion containing the charge they are making and offering a proposal for dealing with it.

In that regard, Speaker Johnston, in a ruling given on April 27, 1992, stated:

[A] former Speaker of the House of Commons, Roland Michener, made a ruling in 1959 which is now relied upon by the House of Commons in such matters. In it, he stated: 'Simple justice requires that no honourable Member should have to submit to

investigation of his conduct by the House or a committee until he has been charged with an offence.'

The proper procedure for charging a Member with an offence is to move a substantive motion containing the charge and a proposal for dealing with it. For such a motion to be in order, it must charge a Member with conduct which amounts to a breach of privilege, or which disqualifies the Member from sitting in the House, or which amounts to contempt of the House. It is possible that having a conflict of interest that may lead to some personal gain could be viewed as a contempt of the House. If the Speaker finds such a motion to be in order, the practice is to give the motion priority and to have it debated as soon as possible.'

In conclusion, the Chair does not find there to be, on the face of it, a breach of privilege. The Chair would add the caution that Members addressing issues such as this must exercise great care in crafting their remarks to ensure that the requirements of simple justice are fulfilled.

This concludes the ruling. The House will now proceed to Question Period."

### COMMITTEE OF THE WHOLE

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

The following Bills were reported without amendment:

Bill #23 - Arts Act

-Hon. Mrs. Edelman

Bill #28 - An Act to Amend the Income Tax Act

-Hon. Ms. Duncan

Progress was reported on the following Bill:

Bill #32 - Municipal Loans Act

-Hon. Ms. Duncan

The report of the Chair was adopted.

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The Assembly adjourned at 5:56 p.m. until 1:00 p.m., Tuesday, November 7, 2000.

**No. 10**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Tuesday, November 7, 2000

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

**TABLING RETURNS AND DOCUMENTS**

Hon. Ms. Buckway, Minister of Community and Transportation

- Motor Transport Board 1999/2000 Annual Report **(Sessional Paper #23)**
- Connect Yukon - 19596 Yukon Inc.: information pertaining to Yukon Government Fund loan **(Legislative Return #2)**
- Hamilton Boulevard contract: explanation of supplementary budget provisions **(Legislative Return #3)**

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

- Alcohol and Drug Services (Yukon) Review: Final Report (dated September 18, 2000) **(Sessional Paper #24)**

Hon. Mr. Jim, Minister of Government Services

- Government Contracting Summary Report by Department (April 1, 2000 - September 30, 2000) **(Sessional Paper #25)**

**MINISTERIAL STATEMENTS**

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

- Review of Alcohol and Drug Services

**COMMITTEE OF THE WHOLE**

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

The following Bills were reported without amendment:

Bill #32 - Municipal Loans Act  
-Hon. Ms. Duncan

Bill #29 - Electronic Commerce Act  
-Hon. Ms. Duncan

Bill #30 - Electronic Evidence Act  
-Hon. Ms. Duncan

Progress was reported on the following Bill:

Bill #22 - An Act to Amend the Elections Act  
-Hon. Ms. Duncan

The report of the Chair was adopted.

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The Assembly adjourned at 5:54 p.m. until 1:00 p.m., Wednesday, November 8, 2000.

**No. 11**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Wednesday, November 8, 2000

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

**TABLING RETURNS AND DOCUMENTS**

Hon. Ms. Duncan, Premier

- James E. Almstrom Contracts: copies of 3 contracts dated from April 18, 2000 to September 30, 2000 **(Legislative Return #4)**
- Assessment subject to taxes or grant-in-lieu for Dawson; YTG municipal loans and related matters: letter (dated November 8, 2000) to Member for Klondike from the Hon. Pat Duncan, Minister of Finance **(Sessional Paper #26)**
- Aeromax Loadstar: letter (dated May 17, 2000) to President and CEO, Aeromax Loadstar, from the Hon. Pat Duncan, Premier, regarding consideration of Whitehorse as a site for an aircraft/aerospace manufacturing plant **(Sessional Paper #27)**

**MINISTERIAL STATEMENTS**

Hon. Mr. Eftoda, Minister of Renewable Resources

- B.C./Yukon Reciprocal Fishing Agreement

**GOVERNMENT PRIVATE MEMBERS' BUSINESS**

**MOTIONS OTHER THAN GOVERNMENT MOTIONS**

Moved by Mr. Kent, Member for Riverside:

THAT it is the opinion of this House that the Royal Canadian Army Service Corps is deserving of recognition for the service it provided in supply and transportation for all units of the Canadian Army up to 1976;

THAT this House recognizes that in May, 2001, the Royal Canadian Army Service Corps will be celebrating its 100<sup>th</sup> Anniversary; and

THAT the Yukon Legislative Assembly, having previously affirmed its recognition of the service provided by the Royal Canadian Army Service Corps by resolution of this House dated December 1, 1999, hereby reaffirms its request that Canada Post issue a

commemorative postal stamp in May, 2001, in order to recognize and honour the Royal Canadian Army Service Corps on its 100<sup>th</sup> Anniversary. **(Motion #9)**

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

YEA		
Duncan	Tucker	Keenan
Eftoda	McLarnon	McRobb
Edelman	Kent	Netro
Roberts	Fairclough	Jenkins
Buckway	Fentie	

NAY

14

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**COMMITTEE OF THE WHOLE**

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

At 2:43 p.m., Committee of the Whole passed the following motion:

THAT Ray Wells, Chair of the Yukon Development Corporation, and Rob McWilliam, President of the Corporation, appear as witnesses before Committee of the Whole from 4:00 p.m. to 6:00 p.m. on Thursday, November 9, 2000, to discuss matters related to the Yukon Development Corporation. **(C/W Motion #1)**

Progress was reported on the following Bill:

Bill #22 - An Act to Amend the Elections Act  
-Hon. Ms. Duncan

The report of the Chair was adopted.

---

The Assembly adjourned at 5:55 p.m. until 1:00 p.m., Thursday, November 9, 2000.

**No. 12**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

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Thursday, November 9, 2000

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

**TRIBUTES**

**Aboriginal Veterans Day**

The Hon. Ms. Duncan, Premier, Mr. Keenan, Member for Ross River-Southern Lakes, and Mr. Jenkins, Leader of the Third Party, paid tribute to Aboriginal Veterans Day, being Friday, November 10, 2000. Yukon First Nations were recognized for their contributions made in the name of peace and freedom.

**TABLING RETURNS AND DOCUMENTS**

Hon. Mr. Eftoda, Minister of Renewable Resources

- Outfitting industry (Yukon): steps being taken by Government to save this industry **(Legislative Return #5)**

Hon. Mrs. Edelman, Minister of Tourism

- Air Access relating to international charters: responses to questions raised by the Leader of the Third Party, after Ministerial Statement was given; Request for Proposals for Yukon Air Access Study **(Legislative Return #6)**
- Air Access Study: responses to questions raised by the Member for Kluane, after Ministerial Statement was given **(Legislative Return #7)**

Hon. Ms. Buckway, Minister of Community and Transportation Services

- Fire Marshal 1999 Annual Report **(Sessional Paper #28)**

**MINISTERIAL STATEMENTS**

Hon. Ms. Duncan, Premier

- Yukon Development Corporation: mandate

**TABLED DOCUMENT**

During Question Period, Mr. Fairclough, Leader of the Official Opposition, tabled the following document:

- Conflict of Interest Commission (Yukon): letter from Mr. McRobb, Member for Kluane (dated November 9, 2000) requesting broadened scope of inquiry re purchase of materials from Mike's North Communications by the Government of Yukon  
**(Sessional Paper #29)**

### **GOVERNMENT BILLS**

The following Bill was called for Second Reading:

Bill #3 - Third Appropriation Act, 2000-01  
-Hon. Ms. Duncan

A debate arising on the motion for Second Reading of Bill #3, entitled *Third Appropriation Act, 2000-01*, it was moved by Mr. Fairclough, Leader of the Official Opposition:

THAT debate be now adjourned.

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

### **COMMITTEE OF THE WHOLE**

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

The Chair of Committee of the Whole reported as follows:

"On Wednesday, November 8, 2000, Committee of the Whole passed the following motion:

THAT Ray Wells, Chair of the Yukon Development Corporation, and Rob McWilliam, President of the Corporation, appear as witnesses before Committee of the Whole from 4:00 p.m. to 6:00 p.m. on Thursday, November 9, 2000, to discuss matters related to the Yukon Development Corporation."

**(C/W Motion #1)**

Pursuant to Committee of the Whole Motion #1 passed on Wednesday, November 8, 2000, Ray Wells, Chair of the Yukon Development Corporation, and Rob McWilliam, President of the Corporation, appeared as witnesses before Committee from 4:00 p.m. to 5:58 p.m. this day.

The report of the Chair was adopted.

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The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Tuesday, November 14, 2000.

**No. 13**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Tuesday, November 14, 2000

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

**TRIBUTES**

**National Addictions Awareness Week**

The Hon. Mr. Roberts, Minister of Health and Social Services, Ms. Netro, Member for Vuntut Gwitchin, and Mr. Jenkins, Leader of the Third Party, paid tribute to National Addictions Awareness Week.

**TABLING RETURNS AND DOCUMENTS**

Hon. Ms. Duncan, Premier

- *Income Tax Act* (Federal): reason for an amendment **(Legislative Return #8)**
- *Income Tax Act, An Act to Amend* (Yukon): taxation year **(Legislative Return #9)**

Hon. Mrs. Edelman, Minister of Tourism

- Beringia Interpretive Centre Gift Shop: letter (dated November 6, 2000) to Mr. McRobb, Member for Kluane, from the Hon. Mrs. Edelman, Minister of Tourism re contract status **(Legislative Return #10)**
- Beringia Interpretive Centre Gift Shop: letter (dated November 9, 2000) to Mr. McRobb, Member for Kluane, from the Hon. Mrs. Edelman, Minister of Tourism re questions asked on November 6, November 7, and November 8, 2000 **(Legislative Return #11)**
- Beringia Interpretive Centre Gift Shop: letter (dated November 10, 2000) to Mr. Fairclough, Member for Mayo-Tatchun, from the Hon. Mrs. Edelman, Minister of Tourism re role of the Executive Council Office **(Legislative Return #12)**
- Beringia Interpretive Centre Gift Shop: inventory list **(Legislative Return #13)**

**MINISTERIAL STATEMENTS**

Hon. Ms. Duncan, Premier

- Alaska Highway Pipeline Project

**Tabled Document**

While giving her Ministerial Statement, the Hon. Ms. Duncan tabled the following document:

- Alaska Highway Pipeline Project: fact sheet; list of meetings since July 2000; speeches given in Whitehorse and Calgary (Sessional Paper #30)

**GOVERNMENT BILLS**

The following Bill was called for Second Reading:

Bill #3 - Third Appropriation Act, 2000-01  
-Hon. Ms. Duncan

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

YEA			
Duncan	Roberts	McLarnon	
Eftoda	Buckway	Kent	8
Edelman	Tucker		
NAY			
Fairclough	Keenan	Netro	6
Fentie	McRobb	Jenkins	

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

Bill #2 - Fourth Appropriation Act, 1999-2000  
-Hon. Ms. Duncan

**COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

Bill #22 - An Act to Amend the Elections Act  
-Hon. Ms. Duncan

The report of the Chair was adopted.

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The Assembly adjourned at 5:57 p.m. until 1:00 p.m., Wednesday, November 15, 2000.

**No. 14**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Wednesday, November 15, 2000

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

**TRIBUTES**

**International Geographical Information Systems Day**

The Hon. Mr. Jim, Minister of Government Services, paid tribute to International Geographical Information Systems Day.

**TABLING RETURNS AND DOCUMENTS**

Mr. McRobb, Member for Kluane

- Connect Yukon - rural telecommunications and telephone service: copy of a Ministerial Statement (dated November 10, 1999) given by the former Minister of Government Services **(Filed Document #3)**
- Connect Yukon: copy of a letter to the Editor, Yukon News from Dave Sloan regarding information pertaining to **(Filed Document #4)**

**PETITIONS**

Mr. McRobb, Member for Kluane, presented the following petition:

- Mount Logan: renaming **(Petition #1)**

**INTRODUCTION OF BILLS (First Reading)**

Bill #35 - An Act to Amend the Income Tax Act, No. 2

-Hon. Ms. Duncan

**MINISTERIAL STATEMENTS**

Hon. Mr. Eftoda, Minister of Renewable Resources

- *Wildlife Act* review

**OPPOSITION PRIVATE MEMBERS' BUSINESS**  
**MOTIONS OTHER THAN GOVERNMENT MOTIONS**

Moved by Mr. Fentie:

THAT it is the opinion of this House that:

- (1) Yukon people who want to work and need to work face severe hardships this winter because of the failure of the Liberal Government to address the territory's economic situation in a decisive and responsible manner;
- (2) the outward migration of Yukoners to other parts of Canada to seek employment has increased dramatically since this Liberal Government took office;
- (3) the Yukon Liberal Government has contributed directly to this situation through such ill-advised decisions as postponing the construction of a new school in Mayo, and failing to take action to solve the crisis in the Yukon forestry sector;
- (4) this government has further aggravated the situation by abandoning programs such as the Community Development Fund, Fire Smart, the Tourism Marketing Fund and the Trade and Investment Fund, which were creating jobs in communities throughout the territory;
- (5) the Throne Speech delivered at the opening of this sitting failed to provide any clear economic leadership or sense of direction to improve the territory's employment and business climate;
- (6) the Auditor General's report will confirm that this government entered the current fiscal year with an accumulated surplus of more than \$55 million; and

THAT this House urges the Yukon Government, as a matter of urgent priority, to convene an all-party committee to examine practical measures it can take to provide jobs for Yukon people this winter. **(Motion #21)**

A debate continuing (from November 1, 2000) on Motion #21, it was moved by Mr. Keenan in amendment thereto:

THAT Motion #21 be amended by deleting the phrase "urges the Yukon Government, as a matter of urgent priority, to convene an all-party committee to examine practical measures it can take" in the final clause and inserting in its place the phrase "expresses its lack of confidence in the Yukon Government, due to its failure to use its supplementary budget to implement measures."

A debate arising on the amendment and the question being put, it was negatived on the following recorded Division:

YEA			
Fairclough	Keenan	Netro	6
Fentie	McRobb	Jenkins	
NAY			
Eftoda	Roberts	Tucker	
Jim	Buckway	McLarnon	7
Edelman			

The debate continuing on the main motion, it was negatived on the following recorded Division:

YEA			
Fairclough	Keenan	Netro	6
Fentie	McRobb	Jenkins	

NAY

Eftoda	Roberts	Tucker	
Jim	Buckway	McLarnon	7
Edelman			

Moved by Mr. Jenkins:

THAT it is the opinion of this House that the decision made by the Prime Minister to rename Mount Logan, Mount Trudeau was made without proper consultation with Yukoners and is in contravention of Land Claims Agreements with Yukon First Nations;

THAT this House recognizes many Yukoners and numerous other Canadians have indicated that they are opposed to renaming Mount Logan; and

THAT this House urges the Prime Minister to reverse his decision to rename Mount Logan as Mount Trudeau. **(Motion #6)**

A debate arising on the motion, it was moved by Mr. McLarnon, Member for Whitehorse Centre, in amendment thereto:

THAT Motion #6 be amended by deleting the final paragraph of the motion and replacing it with:

"THAT this House urges the Prime Minister to follow through on the suggestion made by the Premier of Yukon that consideration be given to different options regarding suitable ways in which the memory of Pierre Elliott Trudeau might be honoured by this nation."

A debate arising on the amendment, it was moved by Ms. Tucker, Government House Leader, in amendment thereto:

"THAT the amendment moved by the Member for Whitehorse Centre to Motion #6 be amended by deleting the words "the suggestion made by the Premier of Yukon" and substituting for them the words "a suggestion made by this House."

A debate arising on the sub-amendment and the time reaching 6:00 p.m. while Mr. McLarnon, Member for Whitehorse Centre, 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 sub-amendment, the amendment and Motion #6 was accordingly adjourned.

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The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, November 16, 2000.

**No. 15**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

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Thursday, November 16, 2000

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

**TRIBUTES**

**In remembrance of Lena Rose Johns**

The Hon. Mr. Jim, Minister of Government Services, paid tribute, on behalf of all Members, to Lena Rose Johns, a former Chief of Kwanlin Dun First Nations, who passed away on November 7, 2000.

**TABLING RETURNS AND DOCUMENTS**

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

- Yukon Hospital Corporation Financial Statements for the year ended March 31, 2000 **(Sessional Paper #31)**

**PETITIONS**

The Clerk reported on Petition #1 as follows:

“Mr. Speaker and Honourable Members of the Assembly:

I have had the honour to review a petition, being Petition #1 of the Second Session of the 30th Legislative Assembly, as presented by the Member for Kluane on November 15, 2000.

Pursuant to Standing Order 66(1) of the Yukon Legislative Assembly, it is the responsibility of the Clerk to report on whether petitions conform to the rules and practices of this House.

Petition #1 does not conform in the following respects:

It has a covering page setting out a petition in the format of the model petition outlined in Appendix 2 of the Standing Orders of the Yukon Legislative Assembly. However, the following pages, on which signatures are found, does not contain the same text as is found on the covering page. The pages with signatures are not addressed to the Yukon Legislative Assembly and do not conclude with a prayer requesting the Assembly to take any specific action.

Standing Order 65(7) states: "Petitions may be either written or printed, provided always that when there are three or more petitioners the signature of at least three petitioners shall be subscribed on the sheet containing the body of the petition." The covering page of Petition #1, which is the only page of the petition that might be found to meet the requirements of the Assembly, is not signed by anyone.

Further, it is required that a petition have original signatures or marks. Petition #1 is entirely composed of photocopied pages."

Patrick L. Michael  
Clerk of the Yukon  
Legislative Assembly

The Speaker ruled that, accordingly, Petition #1 could not be received.

**Speaker's Statement (re reading of Petition and Member's remarks)**

"The Chair reviewed the remarks made by the Member for Kluane when presenting this Petition on November 15. Standing Order 65(3) states: 'Every member offering a petition to the Assembly shall confine himself or herself to the statement of the parties from whom it comes, the number of signatures attached to it and the material allegations it contains.' Also, annotations 1041 and 1042 in Beauchesne's sixth edition state: 'A Member, when presenting a petition, may not make a speech nor present argument in support of the petition.' And 'when presenting a petition a Member may make a brief statement of the content of the petition. In making such a statement, the Member should avoid going beyond the thrust of the petition and entering debate.'

It is clear that the Member for Kluane violated these rules in the remarks he made in presenting the petition yesterday. The Chair would recommend that any Members presenting petitions in the future acquaint themselves with these rules and adhere to them. Thank you."

**MINISTERIAL STATEMENTS**

Hon. Mr. Eftoda, Minister of Renewable Resources  
- Climate change

**GOVERNMENT BILLS**

The following Bill was called for Second Reading:

Bill #31 - An Act to Amend the Motor Vehicles Act  
-Hon. Ms. Buckway

A debate arising on the motion for Second Reading of Bill #31, entitled *An Act to Amend the Motor Vehicles Act*, and the question being put, it was agreed to on the following recorded Division:

YEA

Eftoda	Roberts	Tucker	
Jim	Buckway	McLarnon	7
Edelman			

NAY

Fairclough  
Fentie

Keenan  
McRobb

Netro  
Jenkins

6

**COMMITTEE OF THE WHOLE**

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

The following Bill was reported with amendment:

Bill #22 - An Act to Amend the Elections Act  
-Hon. Ms. Duncan

Progress was reported on the following Bill:

Bill #2 - Fourth Appropriation Act, 1999-2000  
-Hon. Ms. Duncan

The report of the Chair was adopted.

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The Assembly adjourned at 5:55 p.m. until 1:00 p.m., Monday, November 20, 2000.

**No. 16**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

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Monday, November 20, 2000

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

**TRIBUTES**

**National Child Day**

The Hon. Mr. Roberts, Minister of Health and Social Services, Mr. Keenan, Member for Ross River-Southern Lakes, and Mr. Jenkins, Leader of the Third Party, paid tribute to National Child Day.

**TABLING RETURNS AND DOCUMENTS**

Hon. Ms. Buckway, Minister of Community and Transportation Services

- Street lighting: status of requests near the Takhini River subdivision, Tagish and Chootla subdivisions, and Upper Liard and Albert Creek subdivisions

**(Legislative Return #14)**

**INTRODUCTION OF BILLS (First Reading)**

Bill #101 - Child, Youth and Family Advocacy Act

-Mr. Keenan

**COMMITTEE OF THE WHOLE**

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

The following Bill was reported without amendment:

Bill #2 - Fourth Appropriation Act, 1999-2000

-Hon. Ms. Duncan

Progress was reported on the following Bill:

Bill #31 - An Act to Amend the Motor Vehicles Act

-Hon. Ms. Buckway

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Tuesday, November 21, 2000.

**No. 17**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

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Tuesday, November 21, 2000

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

**TABLING RETURNS AND DOCUMENTS**

Hon. Ms. Duncan, Premier

- Public Service group insurance benefit plan statement of accounts for 1998-1999 and 1999-2000 policy years from Aon Consulting (dated September 2000)  
**(Sessional Paper #32)**

Hon. Mrs. Edelman, Minister of Tourism

- Aishihik Lake property/Cabinet Commissioner on Energy (McRobb): information package relating to; comprised of Yukon NDP Caucus Press Release (dated August 29, 1997); CKRW news transcript (dated April 25, 1997); Whitehorse Star article (dated April 25, 1997)  
**(Sessional Paper #33)**
- Beringia Contract - final payment (dated November 21, 2000)  
**(Sessional Paper #34)**
- Conflict of Interest Commission (Yukon): correspondence regarding Beringia Interpretive Centre Gift Shop - letter (dated November 14, 2000) from Mr. McRobb, Member for Kluane, to Mr. McLarnon, Member for Whitehorse Centre; letter (dated November 15, 2000) from Mr. McLarnon to Mr. Hughes, Conflicts Commissioner; letter (dated November 16, 2000) from Mr. Hughes to Mr. McLarnon  
**(Sessional Paper #35)**

Hon. Mr. Jim, Minister of Government Services

- Property Management Agency 1999/2000 Annual Report **(Sessional Paper #36)**
- Queen's Printer Agency 1999/2000 Annual Report **(Sessional Paper #37)**
- Fleet Vehicle Agency 1999/2000 Annual Report **(Sessional Paper #38)**

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

- Yukon Child Care Board 1999/2000 Annual Report **(Sessional Paper #39)**
- Yukon Health and Social Services Council 1998/1999 Annual Report  
**(Sessional Paper #40)**

**MINISTERIAL STATEMENTS**

Hon. Mr. Jim, Minister of Government Services  
- Funding for Information Technology

**COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

Bill #31 - An Act to Amend the Motor Vehicles Act  
-Hon. Ms. Buckway

**Tabled Document**

During general debate on Bill #31, the Hon. Ms. Buckway, Minister of Community and Transportation Services, tabled the following document:

- *Motor Vehicle Act* amendments: letter (dated November 21, 2000) to the President, Yukon Transportation Association from the Minister of Community and Transportation Services re consultation  
**(Sessional Paper #41)**

The report of the Chair was adopted.

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The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Wednesday, November 22, 2000.

**No. 18**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

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Wednesday, November 22, 2000

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

**TRIBUTES**

**Prospector of the Year - Bill Wengzynowski**

The Hon. Ms. Duncan, Premier, Mr. Fentie, Member for Watson Lake, and Mr. Jenkins, Leader of the Third Party, paid tribute to Bill Wengzynowski, on being named Prospector of the Year.

**TABLING RETURNS AND DOCUMENTS**

Hon. Ms. Duncan, Premier

- Yukon Sustainable Progress Indicators: framework, indicators and implementation approach for reviewing the Yukon Economic Strategy (dated March 31, 2000) prepared for the Yukon Council on the Economy and the Environment **(Sessional Paper #42)**

**INTRODUCTION OF BILLS (First Reading)**

Bill #102 - Fifth Appropriation Act, 2000-01

-Mr. Fairclough

**MINISTERIAL STATEMENT**

Hon. Ms. Duncan, Premier

-M.I.N.E. Program

**MOTION OF URGENT AND PRESSING NECESSITY (Standing Order 28)**

Pursuant to Standing Order 28, Mr. Fentie, Official Opposition House Leader, requested unanimous consent to move the following motion:

THAT the House stand down the business of the day in order to debate the *Fifth Appropriation Act, 2000-01*.

The Speaker informed 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.

**Speaker's Ruling (re Appropriation Bill with no Money Message)**

Prior to proceeding to Question Period, the Speaker made the following ruling:

"As the Member for Watson Lake has noted, the Leader of the Official Opposition introduced a Bill which he said was titled '*Fifth Appropriation Act, 2000-2001*'. A motion to give First Reading to this Bill was passed.

The Chair has now been informed that no Bill of this title has been provided to the House. What was received is a document entitled '*Estimates, Supplementary No. 3, 2000-01*' and no legislation.

The Chair must also note that it is not possible for a Private Member to place legislation before the House which would require the expenditure of money.

Standing Order 61(1) states:

'It is not lawful for the Assembly to adopt or pass any vote, resolution, address or Bill for the appropriation of any part of the public revenue of Yukon, or of any tax or impost, to any purpose that has not been first recommended to the Assembly by message of the Commissioner in the session in which such vote, resolution, address or Bill is proposed.'

No such message from the Commissioner has been provided by the Leader of the Official Opposition.

For these reasons, the Chair must rule that it is out of order for the Bill introduced by the Leader of the Official Opposition to be considered by the House.

The Chair orders that this Bill not be placed on the Order Paper."

**GOVERNMENT PRIVATE MEMBERS' BUSINESS**  
**MOTIONS OTHER THAN GOVERNMENT MOTIONS**

Moved by Mr. Kent:

THAT this House recognizes that:

- (1) the Liberal Government has followed through on its commitment to reduce Yukoners' personal income taxes by pledging to reduce the tax rate by January 1, 2002, to 44 per cent of the basic federal income tax,
- (2) the rate, effective January 1, 2002, means the Yukon tax rate will be lower than both the Northwest Territories and Nunavut, and
- (3) the previous NDP government made zero personal income tax rate cuts during its four years in office; and

THAT this House supports these tax cuts, which benefit all Yukoners.

**(Motion #43)**

Debate started on the motion.

**Quorum Count**

At 2:40 p.m., during debate on Motion #43, Mr. McRobb, Member for Kluane, 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. Fentie, Member for Watson Lake, in amendment thereto:

THAT Motion #43 be amended by:

- (a) replacing the existing clause (1) with the following:  
 "(1) the Liberal Government has followed through on the commitment made by the previous NDP Government, following widespread consultation with Yukon people, to reduce Yukoners' personal income taxes by pledging to reduce the tax rate by January 1, 2002, to 44 percent of the basic federal income tax"; and
- (b) removing the existing clause (3).

A debate arising on the amendment and the question being put, it was negatived on the following recorded Division:

YEA			
Fairclough	Keenan	Netro	6
Fentie	McRobb	Jenkins	
NAY			
Duncan	Roberts	McLarnon	
Jim	Buckway	Kent	8
Edelman	Tucker		

The debate continuing on the main motion, it was agreed to on the following recorded Division:

YEA			
Duncan	Roberts	McLarnon	
Jim	Buckway	Kent	8
Edelman	Tucker		
NAY			
Fairclough	Keenan	Netro	6
Fentie	McRobb	Jenkins	

**COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

Bill #3 - Third Appropriation Act, 2000-01  
-Hon. Ms. Duncan

The report of the Chair was adopted.

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The Assembly adjourned at 5:54 p.m. until 1:00 p.m., Thursday, November 23, 2000.

**No. 19**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Thursday, November 23, 2000

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

**TABLING RETURNS AND DOCUMENTS**

Hon. Mrs. Edelman, Minister of Tourism

- Conflict of Interest Commission (Yukon): letter from Mr. McRobb, Member for Kluane (dated November 23, 2000) to Mr. McLarnon, Member for Whitehorse Centre, re expanding the scope of the investigation **(Sessional Paper #43)**
- Conflict of Interest Commission (Yukon): letter from Mr. McLarnon, Member for Whitehorse Centre, to Mr. Hughes, Conflicts Commissioner, re expanding scope of the investigation **(Sessional Paper #44)**

Mr. McRobb, Member for Kluane

- "Goodwill": academic paper, "Accounting for Goodwill" (dated 1995), by Venkatesan Sundararajan **(Sessional Paper #45)**
- "Goodwill": definition and accounting approaches, from "Accounting Recommendations" (dated March, 1999), The Canadian Institute of Chartered Accountants **(Sessional Paper #46)**

**SPEAKER'S RULING (Re Point of Order respecting unparliamentary language)**

"Before calling notices of motion today, the Chair will rule on the Point of Order raised by the Official Opposition House Leader yesterday when the Government House Leader was giving a notice of motion.

A portion of that notice of motion read as follows:

'That both the NDP and Yukon Party House Leaders, as recently as November 21, 2000, have misrepresented the content of House Leaders meetings in the media'.

The Official Opposition House Leader, in arguing that there was a Point of Order, said:

'[T]he Member opposite has just stated that we in the Official Opposition and the Leader of the Third Party have misrepresented discussions and items as House Leaders. That would be implying that we have uttered falsehoods, and that's simply unparliamentary in our Legislature...'

The Chair would cite Annotation 494 of Beauchesne which, in part, states:

'It is not unparliamentary temperately to criticize statements made by Members as being contrary to the facts; but no imputation of intentional falsehood is permissible.'

An electronic search of Yukon Hansard from 1987 to the present has revealed numerous instances when the word 'misrepresented' has been used and none on which it has been objected to nor ruled to be unparliamentary. The most recent example of its use was on October 30, 2000 when the Member for Kluane stated, 'That fact is misrepresented by this Liberal government.'

The Chair has some sympathy with the point raised by the Official Opposition House Leader in that accusations of intentional or deliberate misrepresentation are likely to create disorder and, therefore, should be of concern to the House and the Chair. It must be admitted that the review of past Hansards has not revealed any occasion on which Members or the Chair have objected to the word "misrepresentation", even when the Member using it has clearly implied that the alleged misrepresentation was deliberate. However, Members should understand that, no matter what the House's previous experience, it is the responsibility of the Chair to consider the language being used in the context of the moment and to determine whether it is likely to lead to disorder. The Chair, therefore, in the future, may well step in on occasions when it appears that allegations of intentional or deliberate misrepresentation are being made.

With regard to the motion the Government House Leader gave notice of yesterday, the Chair will allow it to stand on the basis that the Chair cannot determine, from its wording, whether the Government House Leader was making an accusation of a deliberate misrepresentation. That would only become clear during debate on this motion and, through this ruling, the Chair has indicated its expectations that no accusations of deliberate misrepresentation would be made at that time."

#### **MINISTERIAL STATEMENT**

Hon. Ms. Buckway, Minister of Community and Transportation Services

- Emergency situations in Watson Lake: fire burns principal grocery store; possible elementary school closure for health safety

#### **COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

Bill #31 - An Act to Amend the Motor Vehicles Act  
-Hon. Ms. Buckway

The report of the Chair was adopted.

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The Assembly adjourned at 5:56 p.m. until 1:00 p.m., Monday, November 27, 2000.

**No. 20**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

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Monday, November 27, 2000

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

**TRIBUTES**

**Adopt a Family Christmas Drive**

Mr. McLarnon, Member for Whitehorse Centre, Mr. Keenan, Member for Ross River-Southern Lakes, and Mr. Jenkins, Leader of the Third Party paid tribute to all who are participating in the Adopt a Family Christmas Drive.

**In remembrance of Alice LeLievre**

Mr. Kent, Member for Riverside, paid tribute to Alice LeLievre, a Yukon pioneer, who passed away on November 23, 2000.

**TABLING RETURNS AND DOCUMENTS**

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

- Health Care Insurance Programs, Health Services Branch: Statement of Revenue and Expenditures for the years 1997 to 2000 **(Sessional Paper #47)**

**MINISTERIAL STATEMENT**

Hon. Mr. Eftoda, Minister of Renewable Resources

- Yukon Protected Areas Strategy process review

**GOVERNMENT BILLS**

The following Bill was called for Third Reading:

Bill #22 - An Act to Amend the Elections Act  
-Hon. Ms. Duncan

The question being put on the motion for Third Reading of Bill #22, it was agreed to on the following recorded Division:

YEA

Duncan	Roberts	McLarnon
Eftoda	Buckway	Kent
Edelman	Tucker	Jenkins

NAY

Fairclough	Keenan	Netro	5
Fentie	McRobb		

The following Bill was called for Third Reading:

Bill #28 - An Act to Amend the Income Tax Act  
-Hon. Ms. Duncan

The question being put on the motion for Third Reading of Bill #28, it was agreed to on the following recorded Division:

YEA

Duncan	Tucker	Keenan	
Eftoda	McLarnon	McRobb	
Edelman	Kent	Netro	14
Roberts	Fairclough	Jenkins	
Buckway	Fentie		

NAY

0

The following Bills were read a third time and passed:

Bill #29 - Electronic Commerce Act  
-Hon. Ms. Duncan

Bill #30 - Electronic Evidence Act  
-Hon. Ms. Duncan

The following Bill was called for Third Reading:

Bill #32 - Municipal Loans Act  
-Hon. Ms. Duncan

The question being put on the motion for Third Reading of Bill #32, it was agreed to on the following recorded Division:

YEA

Duncan	Tucker	Keenan	
Eftoda	McLarnon	McRobb	
Edelman	Kent	Netro	14
Roberts	Fairclough	Jenkins	
Buckway	Fentie		

NAY

0

The following Bill was called for Third Reading:

Bill #23 - Arts Act

-Hon. Mrs. Edelman

The question being put on the motion for Third Reading of Bill #23, it was agreed to on the following recorded Division:

YEA

Duncan	Tucker	Keenan	
Eftoda	McLarnon	McRobb	
Edelman	Kent	Netro	14
Roberts	Fairclough	Jenkins	
Buckway	Fentie		

NAY

0

The following Bill was read a third time and passed:

Bill #21 - Miscellaneous Statute Law Amendment Act

-Hon. Ms. Buckway

The following Bill was called for Third Reading:

Bill #24 - Department of Justice Act

-Hon. Ms. Buckway

The question being put on the motion for Third Reading of Bill #24, it was agreed to on the following recorded Division:

YEA

Duncan	Tucker	Keenan	
Eftoda	McLarnon	McRobb	
Edelman	Kent	Netro	14
Roberts	Fairclough	Jenkins	
Buckway	Fentie		

NAY

0

The following Bills were read a third time and passed:

Bill #25 - An Act to Amend the Interpretation Act

-Hon. Ms. Buckway

Bill #26 - Enforcement of Canadian Judgements and Decrees Act

-Hon. Ms. Buckway

Bill #27 - Court Jurisdiction and Proceedings Transfer Act

-Hon. Ms. Buckway

Bill #2 - Fourth Appropriation Act, 1999-2000  
-Hon. Ms. Duncan

**COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

Bill #31 - An Act to Amend the Motor Vehicles Act  
-Hon. Ms. Buckway

The report of the Chair was adopted.

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The Assembly adjourned at 5:56 p.m. until 1:00 p.m., Tuesday, November 28, 2000.

**No. 21**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Tuesday, November 28, 2000

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

**TABLING RETURNS AND DOCUMENTS**

Hon. Ms. Duncan, Premier

- Government contract (Executive Council Office): Jayme Aylward Consulting (Whitehorse) for general research **(Sessional Paper #48)**
- Government contract (Executive Council Office): Alastair Campbell (Ottawa) for research and advice on the Alaska Pipeline Project, *Yukon Act* process and federal funding sources **(Sessional Paper #49)**

**SPEAKER'S STATEMENT (re references to people outside the House)**

During Question Period, the Speaker made the following statement:

“Before we continue and this gets out of hand, I'd like to make a statement here, and then I'll allow the Official Opposition Leader to continue. I'm referring to House of Commons Procedure and Practice. It says, 'Reference by name to members of the public - Members are discouraged from referring by name to persons who are not Members of Parliament [or the Legislature] and who do not enjoy parliamentary immunity, except in extraordinary circumstances when the national interest calls for the naming of an individual. The Speaker has ruled that Members have a responsibility to protect the innocent, not only from outright slander but from any slur directly or indirectly implied and has stressed that Members should avoid as much as possible mentioning by name people from outside the House who are unable to reply and defend themselves against innuendo.'

And with that, I would ask the Members to please be judicious in your choice of words, and Leader of the Official Opposition, please continue.”

**COMMITTEE OF THE WHOLE**

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

The Chair of Committee of the Whole reported as follows:

At 2:01 p.m., Committee of the Whole passed the following motion:

THAT Tony Armstrong, President of the Yukon Workers' Compensation Health and Safety Board, and Dale Schmekel, Chair of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses before Committee of the Whole from 4 p.m. to 6 p.m. on Tuesday, November 28, 2000, to discuss matters relating to the Yukon Workers' Compensation Health and Safety Board. **(C/W Motion #2)**

Pursuant to Committee of the Whole Motion #2 passed at 2:01 p.m. this day, Tony Armstrong, President of the Yukon Workers' Compensation Health and Safety Board, and Dale Schmekel, Chair of the Yukon Workers' Compensation Health and Safety Board, appeared as witnesses before Committee of the Whole from 4 p.m. to 6 p.m..

Progress was reported on the following Bill:

Bill #3 - Third Appropriation Act, 2000-01  
-Hon. Ms. Duncan

The report of the Chair was adopted.

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The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Wednesday, November 29, 2000.

**No. 22**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Wednesday, November 29, 2000

---

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

**TABLING RETURNS AND DOCUMENTS**

Hon. Ms. Buckway, Minister of Justice

- *Interpretation Act* changes: regarding the definition of "bank" and federal *Bank Act* changes **(Legislative Return #15)**

Hon. Mrs. Edelman, Minister of Tourism

- Yukon Arts Centre 1999/2000 Annual Report and Financial Statements (March 31, 2000) **(Sessional Paper #50)**

Hon. Ms. Duncan, Premier

- Sole-source contracts by Executive Council Office for the years 1999/2000: contract summary sheets **(Filed Document #5)**

**OPPOSITION PRIVATE MEMBERS' BUSINESS**

**MOTIONS OTHER THAN GOVERNMENT MOTIONS**

Moved by Mr. Jenkins:

THAT it is the opinion of this House that Yukon First Nations should not be held solely responsible for causing all the delays in settling Yukon Indian Land Claims because there has been successive changes in government at both the federal and territorial levels, changes in comprehensive claims policy and continuing judicial interpretations of aboriginal rights and title over the twenty-seven years of negotiation; and

THAT this House urges the Government of Canada and the Government of Yukon to accept their share of responsibility for causing delays in settling Yukon Indian Land Claims and agree to negotiate an agreement that will enable Yukon First Nations to retain a more equitable portion of their land claims settlement compensation.

**(Motion #41)**

A debate arising on the motion, it was moved by the Hon. Ms. Duncan in amendment thereto:

THAT Motion #41 be amended by deleting the words following "Yukon Indian Land Claims and agree to" in the second paragraph and substituting for them the words:

"continue negotiating all outstanding issues to the satisfaction of all three parties."

Debate started on the amendment.

**Unanimous Consent to recess**

At 2:25 p.m., unanimous consent was requested by the Hon. Mr. Eftoda, to recess so that the Premier, the Leader of the Official Opposition, and the Leader of the Third Party could consult about the business before the House. Unanimous consent was granted and the House recessed until 2:50 p.m.

**Unanimous Consent not to proceed with Motion #41 and amendment**

The Hon. Ms. Duncan, Premier, rose on a Point of Order to seek unanimous consent not to proceed further with consideration of Motion #41 and the amendment to the motion. Unanimous consent was granted.

**Unanimous Consent not to proceed with Motion #53 and Motion #54**

Mr. Fentie, Official Opposition House Leader, rose on a Point of Order to seek unanimous consent not to proceed with Motion #53 and Motion #54. Unanimous consent was granted.

**COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

Bill #3 - Third Appropriation Act, 2000-01  
-Hon. Ms. Duncan

The report of the Chair was adopted.

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The Assembly adjourned at 5:55 p.m. until 1:00 p.m., Thursday, November 30, 2000.

**No. 23**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Thursday, November 30, 2000

---

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

**TRIBUTES**

**National Safe Driving Week**

The Hon. Ms. Buckway, Minister of Community and Transportation Services, on behalf of all Members, recognized December 1-7, 2000 as National Safe Driving Week.

**World AIDS Day**

The Hon. Mr. Eftoda, Minister of Education, Ms. Netro, Member for Vuntut Gwitchin, and Mr. Jenkins, Leader of the Third Party, recognized December 1, 2000 as World AIDS Day.

**TABLING RETURNS AND DOCUMENTS**

Hon. Mrs. Edelman, Minister of Tourism

- Tourism Marketing Fund: list of recommended projects; list of approved projects (October 1, 1998 to July 15, 2000) **(Legislative Return #16)**
- Yukon Liquor Corporation 1999/2000 Annual Report **(Sessional Paper #51)**

Hon. Ms. Duncan, Premier

- Community Development Fund: 2000/01 Fund Summary; list of projects approved for 2000/01 before 2000/01; list of carry over projects to 2000/01; list of applications and approved amounts 2000/01; applications and approved amounts, breakdown of rural, Whitehorse and Yukon wide **(Legislative Return #17)**
- Trade and Investment Fund: 2000/01 Fund Summary; list of projects approved prior to 2000/01; applications and approved projects 2000/01 **(Legislative Return #18)**
- Outside travel for the Cabinet Offices (April 1, 1999 - March 31, 2000) **(Filed Document #6)**

- Sole-source contracts (Oct. 1, 1996 – March 31, 1997) by Executive Council Office relating to Government transition: contract summary sheets  
(Filed Document #7)
- Sole-source contracts for the years 1999/2000 by Economic Development: contract summary sheets  
(Filed Document #8)

### **MINISTERIAL STATEMENTS**

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

- Technical Review Committee

### **MOTION OF URGENT AND PRESSING NECESSITY (Standing Order 28)**

Pursuant to Standing Order 28, Mr. Jenkins, Leader of the Third Party requested unanimous consent to move the following motion:

THAT it is the opinion of this House that the Government of Canada pursuant to the *Yukon Placer Mining Act* and the *Yukon Quartz Mining Act* has issued an enactment of an Order prohibiting entry on certain lands in the Yukon to prohibit the staking of mineral claims or prospecting for precious minerals on some 2,379 square kilometres of land located in the Kluane Game Sanctuary area;

THAT this withdrawal of land was made during the recent federal election campaign without any public consultation or public notification;

THAT this withdrawal was made despite the fact that the Kluane First Nation and White River First Nation land claim agreements have not been ratified and are still subject to negotiation and to change;

THAT this House urges the Government of Canada to revoke Order in Council No. 2000-1687 and No. 2000-1686, dated November 14, 2000 and create a public consultation process concerning the establishment of the proposed Asi Keyi Natural Environment Park.

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

### **MINISTERIAL STATEMENTS**

The Hon. Ms. Duncan, Premier, started to deliver her Ministerial Statement.

Mr. Fentie, Official Opposition House Leader, rose on a Point of Order respecting the rules regarding Ministerial Statements.

#### **Speaker's Ruling**

"As far as the prior receiving of a Ministerial Statement, it's my understanding that it has been the practice that Ministerial Statements are usually delivered by 11:00 a.m., but I have no knowledge of it being anywhere in the rules that they must be. I understand that this would be a topic to be brought up at the Standing Committee on Rules, Elections and Privileges, where there could be some sort of an agreement among all three parties. Therefore, I find there is no Point of Order. With that, I would ask the Minister to continue."

**Ministerial Statement completed**

Hon. Ms. Duncan, Premier

- Asi Keyi special management area

**COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

Bill #3 - Third Appropriation Act, 2000-01

-Hon. Ms. Duncan

The report of the Chair was adopted.

---

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Monday, December 4, 2000.

**No. 24**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Monday, December 4, 2000

---

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

**Return to writ certifies election of James R. McLachlan in Faro**

The Speaker read a letter from the Chief Electoral Officer as follows:

“December 4, 2000

Hon. Dennis Schneider  
Speaker of the Legislative Assembly  
Yukon Legislative Assembly  
Whitehorse, Yukon

Dear Sir:

A vacancy in the Yukon Legislative Assembly was caused by the resignation of Trevor Harding, Member for the Electoral District of Faro, on October 22, 2000.

A writ of election to fill this vacancy was issued on October 27, 2000 for a by-election to take place on November 27, 2000.

I hereby advise that the returning officer for the Electoral District of Faro has certified in her return that James R. McLachlan has been elected as the member to represent that electoral district in the Legislative Assembly.

Yours sincerely,  
Patrick L. Michael  
Chief Electoral Officer”

**Member for Faro takes seat**

Mr. James McLachlan, having taken the Oath of Allegiance and the Oath of Office earlier this day, was introduced by the Hon. Mr. Schneider, Speaker, and escorted to his seat by the Hon. Ms. Duncan, Premier.

**TRIBUTES**

**Scouts Canada Yukon Awareness Week**

Mr. McLarnon, Member for Whitehorse Centre, paid tribute to Scouts Canada Yukon Awareness Week.

**TABLING RETURNS AND DOCUMENTS**

Hon. Mr. Schneider, Speaker

- Election of James R. McLachlan as Member for Faro, letter dated December 4, 2000 from Chief Electoral Officer to Speaker **(Sessional Paper #52)**

Hon. Mr. Eftoda, Minister responsible for the Public Service Commission

- Restructuring of the Public Communications Services, Executive Council Office: information pertaining to **(Legislative Return #19)**

**TABLED DOCUMENT**

During Question Period, Mr. Fairclough, Leader of the Official Opposition, tabled the following document:

- Travel: letter (dated Oct. 5, 2000) to Premier Duncan from the Leader of the Official Opposition asking for details regarding travel by Ministers, political staff and private MLAs on behalf of government for the period of May 6 to October 6, 2000; request for Ministerial travel budget balances for current fiscal year **(Sessional Paper #53)**

**MINISTERIAL STATEMENTS**

Hon. Mr. Jim, Minister of Government Services

- CRTC decision on NorthwesTel concerning competition

**GOVERNMENT BILLS**

The following Bill was called for Second Reading:

Bill #35 - An Act to Amend the Income Tax Act, No. 2  
-Hon. Ms. Duncan

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

YEA		
Duncan	Tucker	Fentie
Eftoda	McLarnon	Keenan
Jim	Kent	McRobb
Edelman	McLachlan	Netro
Buckway	Fairclough	Jenkins
NAY		
0		

**COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

Bill #3 - Third Appropriation Act, 2000-01  
-Hon. Ms. Duncan

The report of the Chair was adopted.

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The Assembly adjourned at 5:54 p.m. until 1:00 p.m., Tuesday, December 5, 2000.

**No. 25**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Tuesday, December 5, 2000

---

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

**TRIBUTES**

**In remembrance of Eiko Stenzig**

Mr. Kent, Member for Riverside, paid tribute to Yukoner, Eiko Stenzig, who passed away on November 30, 2000.

**National Day of Remembrance and Action on Violence Against Women**

The Hon. Mrs. Edelman, Minister responsible for the Women's Directorate, Ms. Netro, Member for Vuntut Gwitchin, and Mr. Jenkins, Leader of the Third Party, paid tribute to the young women who were killed eleven years ago in Montreal.

**2001 International Year of the Volunteer**

The Hon. Ms. Buckway, Minister of Community and Transportation Services, paid tribute, on behalf of all Members, to the 2001 International Year of the Volunteer.

**SPEAKER'S RULING (regarding unparliamentary language)**

"Before proceeding with Question Period, a Point of Order was raised by the Leader of the Third Party during yesterday's sitting questioning whether unparliamentary language was used by the Premier when she said 'That is not the case and that is not true.'

Standing Order 19(1) states 'A Member will be called to order by the Speaker if that Member: (h) imputes false or unavowed motives to another Member; and (i) charges another Member with uttering a deliberate falsehood'.

Also, as is set out in Annotation 494 of Beauchesne's *Parliamentary Rules and Forms*, Sixth Edition, 'It is not unparliamentary temperately to criticize statements made by Members as 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 event.'

The Chair has given some consideration to this matter and the difficulties Members seem to be having when they feel information provided by other Members is not factually correct or that the interpretation put upon a certain set of facts is faulty.

Members must realize that it is not and cannot be the responsibility of the Chair to make determinations as to what information is correct nor upon someone's analysis of that information. It is firmly established that the Chair and, indeed, all Members, must accept that a Member speaking believes that what he or she is saying is accurate. The House can only function as an effective deliberative body if its members operate on the basis that no Member would ever deliberately mislead the House. It may well be that what a Member is saying may be considered wrong or misguided. It is, then, entirely permissible for other Members, when participating in debate, to provide what they feel is correct information and interpretation.

Members will recall that, on October 25, 2000, the Chair ruled out of order the expression '[T]he member knows that that's fundamentally untrue.' That was contrary to Standing Order 19 because it was a clear accusation of a deliberate falsehood.

Yesterday, the Premier said, 'That is not the case and that is not true.' If this had been said in the normal course of conversation, it would not necessarily be interpreted as an accusation of a deliberate falsehood. For the moment, the Chair is willing to provide the benefit of the doubt to the Premier and accept that she was not accusing the Leader of the Third Party of having intentionally misled the House.

However, the Chair understands that all Members have become very sensitive to any language which may imply, directly or indirectly, that another Member has deliberately misled the House. The Leader of the Third Party clearly demonstrated that sensitivity in yesterday's proceedings. It would, therefore, be very much in the interests of this House if all Members took extra care in what they say in debate when disagreeing with the facts or argument provided by other members. Not only should Members restrain themselves from using words like 'truth' and 'true' but they should also exercise caution when approaching those concepts. The parliamentary authorities are clear on the point that Members cannot say indirectly that which they are not permitted to say directly.

While considering this Point of Order, the Chair also reviewed the Point of Order raised by the Premier with respect to the Leader of the Third Party's use of the word 'collusion.' As stated at the outset of this ruling, Standing Order 19 prohibits imputing false or unavowed motives to another Member.

Again, upon review, it may be that the word 'collusion', used in some contexts, would not be unparliamentary. However, it is being used in the heat of debate and it has to be understood that hot words like this can lead to disorder.

The solution, of course, is for Members to use greater care in the choice of vocabulary and to be sensitive to the reaction their words may arouse in others.

The Chair is certain that all Members will be eager to cooperate with this appeal from the Chair and thanks them, in advance, for that cooperation.

We will now proceed with Question Period."

### **COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

Bill #3 - Third Appropriation Act, 2000-01

-Hon. Ms. Duncan

The report of the Chair was adopted.

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The Assembly adjourned at 5:56 p.m. until 1:00 p.m., Wednesday, December 6, 2000.

**No. 26**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

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Wednesday, December 6, 2000

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

**TRIBUTES**

**In remembrance of Amy Ursich**

Mr. Kent, Member for Riverside, paid tribute to Yukoner, Amy Ursich, who passed away in a motor vehicle accident in Alberta, on November 27, 2000. Ms. Ursich was the daughter of former Sergeant-at-Arms, Frank Ursich.

**Mothers Against Drunk Driving and the project red ribbon campaign**

The Hon. Mrs. Edelman, Minister responsible for the Yukon Liquor Corporation, Mr. Fentie, Member for Watson Lake, and Mr. Jenkins, Leader of the Third Party, paid tribute to Mothers Against Drunk Driving and the project red ribbon campaign.

**TABLING RETURNS AND DOCUMENTS**

Hon. Mrs. Edelman, Minister of Tourism

- Journal of Occurrences at the Forks of the Lewes and Pelly Rivers May 1848 to September 1852 **(Filed Document #9)**
- Dinosaur tracks at Whiskers Lake: letter (dated December 6, 2000) to Chief Norman Sterriah, Ross River Dena Council from the Hon. Mrs. Edelman, Minister of Tourism **(Filed Document #10)**

**GOVERNMENT MOTIONS**

Unanimous consent was requested by Ms. Tucker, Government House Leader, to waive the provisions of the Standing Orders regarding motions and to deem Motion Nos. 3, 26, 27, 28 and 29, to have been called, voted on and carried. Unanimous consent was granted, and the Speaker declared the following Motions to have been called, voted on and carried:

THAT the following Address be presented to the Commissioner of the Yukon:

MAY IT PLEASE THE COMMISSIONER:

WHEREAS section 35 of the *Ombudsman Act* states:

- 35 (1) Subject to subsection (2), this Act shall continue in force for a period of five years from the day on which it came into force, and no longer.
- (2) If at any time while this Act is in force, an address is presented to the Commissioner by the Legislative Assembly praying that this Act should be continued in force for a further period, not in any case exceeding five years, from the time at which it would otherwise expire and the Commissioner in Executive Council so orders, this Act shall continue in force for that further period.
- (3) This Act comes into force on a date to be fixed by the Commissioner in Executive Council.;

AND WHEREAS the *Ombudsman Act* came into force on July 1, 1996;

AND WHEREAS the Members of the Yukon Legislative Assembly believe it to be in the public interest to take action in a timely way respecting the continuance of the *Ombudsman Act*;

NOW THEREFORE this Legislative Assembly prays that the *Ombudsman Act* should be continued in force for a further period, being from July 1, 2001 to June 30, 2006.

**(Motion #3)**

THAT the membership of the Members' Services Board, as established by Motion #19 of the First Session of the 30<sup>th</sup> Legislative Assembly, be amended by

- (1) rescinding the appointment of Trevor Harding, and  
(2) appointing Eric Fairclough to the Board.

**(Motion #26)**

THAT the membership of the Standing Committee on Public Accounts, as established by Motion #20 of the First Session of the 30<sup>th</sup> Legislative Assembly, be amended by

- (1) rescinding the appointment of Trevor Harding, and  
(2) appointing Dave Keenan to the Committee.

**(Motion #27)**

THAT the membership of the Standing Committee on Statutory Instruments, as established by Motion #21 of the First Session of the 30<sup>th</sup> Legislative Assembly, be amended by

- (1) rescinding the appointment of Trevor Harding, and  
(2) appointing Gary McRobb to the Committee.

**(Motion #28)**

THAT the membership of the Standing Committee on Rules, Elections and Privileges, as established by Motion #22 of the First Session of the 30<sup>th</sup> Legislative Assembly, be amended by rescinding the appointments of Dennis Fentie, Peter Jenkins and Gary McRobb.

**(Motion #29)**

### **COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

Bill #3 - Third Appropriation Act, 2000-01  
-Hon. Ms. Duncan

The report of the Chair was adopted.

---

The Assembly adjourned at 5:56 p.m. until 1:00 p.m., Thursday, December 7, 2000.

**No. 27**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Thursday, December 7, 2000

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

**TABLING RETURNS AND DOCUMENTS**

Hon. Mrs. Edelman, Minister of Tourism

- Yukon Heritage Resources Board 1999/2000 Annual Report  
(Sessional Paper #54)
- Yukon Geographical Place Names Board 1998/99 Annual Report  
(Sessional Paper #55)

**COMMITTEE OF THE WHOLE**

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

The following Bill was reported without amendment:

Bill #35 - An Act to Amend the Income Tax Act, No. 2  
-Hon. Ms. Duncan

Progress was reported on the following Bill:

Bill #3 - Third Appropriation Act, 2000-01  
-Hon. Ms. Duncan

The report of the Chair was adopted.

---

The Assembly adjourned at 6:02 p.m. until 1:00 p.m., Monday, December 11, 2000.

**No. 28**

**VOTES AND PROCEEDINGS**  
**of the**  
**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Monday, December 11, 2000

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

**TRIBUTES**

**International Human Rights Day**

The Hon. Ms. Buckway, Minister of Justice, Ms. Netro, Member for Vuntut Gwitchin, and Mr. Jenkins, Leader of the Third Party, recognized December 10, 2000 as International Human Rights Day.

**Dave Calnan, recipient of Governor General's award for bravery**

Mr. Jenkins, Leader of the Third Party, paid tribute to Dave Calnan who received the Governor General's award for bravery. Mr. Calnan risked his own life to save a young woman from a bear attack in west Dawson.

**TABLING RETURNS AND DOCUMENTS**

Hon. Mr. Eftoda, Minister of Education

- Ross River School demolition and salvage: information pertaining to  
(Legislative Return #20)

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

- Prairie Northern FAS Conference

**COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

Bill #3 - Third Appropriation Act, 2000-01  
-Hon. Ms. Duncan

The report of the Chair was adopted.

---

The Assembly adjourned at 5:55 p.m. until 1:00 p.m., Tuesday, December 12, 2000.

**No. 29**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Tuesday, December 12, 2000

---

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

**TABLING RETURNS AND DOCUMENTS**

Hon. Ms. Duncan, Premier

- Youth Directorate: status of 'Yukon Youth Directorate' **(Legislative Return #21)**
- Executive Council Office (Bureau of Statistics): response to questions asked during 2000-01 Supplementary Estimates re housing starts **(Legislative Return #22)**
- Travel costs to Old Crow (August 14, 2000) **(Legislative Return #23)**
- Public Communication Services program: transfer to Government Services **(Legislative Return #24)**
- Juneau office: contract to develop a paper to create **(Legislative Return #25)**

**COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

Bill #3 - Third Appropriation Act, 2000-01  
-Hon. Ms. Duncan

The report of the Chair was adopted.

---

The Assembly adjourned at 5:55 p.m. until 1:00 p.m., Wednesday, December 13, 2000.

**No. 30**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

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Wednesday, December 13, 2000

---

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

**OPPOSITION PRIVATE MEMBERS' BUSINESS**

Before the Speaker called Opposition Private Members' Business, Mr. Fentie, Official Opposition House Leader, and Mr. Jenkins, Leader of the Third Party, rose on Points of Order to seek unanimous consent not to proceed with Opposition Private Members' Business. Unanimous consent was granted.

**COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

Bill #3 - Third Appropriation Act, 2000-01  
-Hon. Ms. Duncan

The report of the Chair was adopted.

---

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, December 14, 2000.

**No. 31**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**30th Legislative Assembly**

**Second Session**

---

Thursday, December 14, 2000

---

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

**TRIBUTES**

**In remembrance of Rev. Deacon Effie Mary Linklater**

The Hon. Ms. Buckway, Minister of Community and Transportation Services, and Ms. Netro, Member for Vuntut Gwitchin, paid tribute to the Rev. Deacon Effie Mary Linklater, a much respected Vuntut Gwitchin elder, who passed away on November 24, 2000.

**TABLING RETURNS AND DOCUMENTS**

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

- Health and Social Services: response to questions asked on November 30, 2000 by the Member for Kluane, during debate on the 2000-01 Supplementary Estimates (Legislative Ret

Hon. Mr. Jim, Minister responsible for the Yukon Housing Corporation

- Yukon Housing Corporation 1999/2000 Annual Report (Sessional Paper #56)

**MINISTERIAL STATEMENTS**

Hon. Mr. Eftoda, Minister of Renewable Resources

- B.C./Yukon reciprocal fishing agreement

**GOVERNMENT BILLS**

The following Bill was read a third time and passed:

Bill #35 - An Act to Amend the Income Tax Act, No. 2  
-Hon. Ms. Duncan

**COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

Bill #3 - Third Appropriation Act, 2000-01  
-Hon. Ms. Duncan

The report of the Chair was adopted.

**MOTION TO SIT BEYOND NORMAL HOUR OF ADJOURNMENT**

At 5:17 p.m., it was moved by Ms. Tucker, Government House Leader:

THAT the Assembly be empowered to sit beyond 6:00 p.m. for the purpose of considering Bill #3, entitled *Third Appropriation Act, 2000-01*, and Bill #31, entitled *An Act to Amend the Motor Vehicles Act*, in Committee of the Whole; and for permitting the House to consider Third Reading of Bill #3 and Bill #31; and for receiving the Commissioner to give Assent to the Bills passed by the House.

**COMMITTEE OF THE WHOLE**

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

The following Bill was reported without amendment:

Bill #3 - Third Appropriation Act, 2000-01  
-Hon. Ms. Duncan

The following Bill was reported with amendment:

Bill #31 - An Act to Amend the Motor Vehicles Act  
-Hon. Ms. Buckway

**GOVERNMENT BILLS**

The following Bill was called for Third Reading:

Bill #3 - Third Appropriation Act, 2000-01  
-Hon. Ms. Duncan

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

YEA			
Duncan	Roberts	McLarnon	
Eftoda	Buckway	Kent	10
Jim	Tucker	McLachlan	
Edelman			
NAY			
Fairclough	Keenan	Netro	6
Fentie	McRobb	Jenkins	

Unanimous consent was requested by Ms. Tucker, Government House Leader, to waive the provisions of Standing Order 59(2) in order to give Third Reading to Bill #31, entitled *An Act to Amend the Motor Vehicles Act*, which had been reported earlier this day with amendment. Unanimous consent was granted.

The following Bill was read a third time and passed:

Bill #31 - An Act to Amend the Motor Vehicles Act  
-Hon. Ms. Buckway

### **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. Schneider, 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 #22 - An Act to Amend the Elections Act  
-Hon. Ms. Duncan
- Bill #28 - An Act to Amend the Income Tax Act  
-Hon. Ms. Duncan
- Bill #29 - Electronic Commerce Act  
-Hon. Ms. Duncan
- Bill #30 - Electronic Evidence Act  
-Hon. Ms. Duncan
- Bill #32 - Municipal Loans Act  
-Hon. Ms. Duncan
- Bill #23 - Arts Act  
-Hon. Mrs. Edelman
- Bill #21 - Miscellaneous Statute Law Amendment Act (2000)  
-Hon. Ms. Buckway
- Bill #24 - Department of Justice Act  
-Hon. Ms. Buckway
- Bill #25 - An Act to Amend the Interpretation Act  
-Hon. Ms. Buckway
- Bill #26 - Enforcement of Canadian Judgements and Decrees Act  
-Hon. Ms. Buckway
- Bill #27 - Court Jurisdiction and Proceedings Transfer Act  
-Hon. Ms. Buckway
- Bill #2 - Fourth Appropriation Act, 1999-2000  
-Hon. Ms. Duncan

Bill #35 - An Act to Amend the Income Tax Act, No. 2  
-Hon. Ms. Duncan

Bill #3 - Third Appropriation Act, 2000-01  
-Hon. Ms. Duncan

Bill #31 - An Act to Amend the Motor Vehicles Act  
-Hon. Ms. Buckway

The Commissioner assented the Bills:

“I hereby give assent to the Bills as enumerated by the Clerk.”

The Commissioner then retired from the Chamber.

**SPECIAL ADJOURNMENT MOTION**

Moved by Ms. Tucker, Government House Leader:

THAT the House, at its rising, do stand adjourned until it appears to the satisfaction of the Speaker, after consultation with the Premier, that the public interest requires that the House shall meet;

THAT the Speaker give notice that he is so satisfied, and thereupon the House shall meet at a time stated in such notice and shall transact its business as if it had been duly adjourned to that time; and

THAT, if the Speaker is unable to act owing to illness or other causes, the Deputy Speaker shall act in his stead for the purpose of this Order.

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

**EXPRESSION OF APPRECIATION TO ACTING DEPUTY CLERK, DOUGLAS ARNOTT**

The Speaker, on behalf of all Members, thanked Mr. Douglas Arnott, Acting Deputy Clerk for his service to the House during the 2000 fall sitting.

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The Assembly adjourned at 6:26 p.m.

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## YUKON LEGISLATIVE ASSEMBLY

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#### Abbreviations

**1R** - First Reading of Bill

**C/W** - (Reported out of  
 Committee of the Whole

**P** - Passed

**2R** - Second Reading

**A** - Assent

**3R** - Third Reading

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Bill #	Title	1R	2R	C/W * with amendment	3R&P	A
23	Arts Act	00-10-26	00-10-31	00-11-06	00-11-27	00-12-14
27	Court Jurisdiction and Proceedings Transfer Act	00-10-26	00-10-31	00-11-02	00-11-27	00-12-14
24	Department of Justice Act	00-10-26	00-11-02	00-11-02	00-11-27	00-12-14
22	Elections Act, An Act to Amend the	00-10-26	00-11-02	* 00-11-16	00-11-27	00-12-14
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Bill #	Title	1R	2R	C/W	3R&P	A
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30	Electronic Evidence Act	00-10-26	00-11-02	00-11-07	00-11-27	00-12-14
26	Enforcement of Canadian Judgements and Decrees Act	00-10-26	00-10-31	00-11-02	00-11-27	00-12-14
2	Fourth Appropriation Act, 1999-2000	00-10-30	00-11-14	00-11-20	00-11-27	00-12-14
28	Income Tax Act, An Act to Amend the	00-10-26	00-11-02	00-11-06	00-11-27	00-12-14
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31	Motor Vehicles Act, An Act to Amend the	00-11-06	00-11-16	* 00-12-14	00-12-14	00-12-14
32	Municipal Loans Act	00-10-26	00-11-02	00-11-07	00-11-27	00-12-14
33	Perpetuities and Accumulations Repeal Act	00-11-06				
3	Third Appropriation Act, 2000-01	00-10-30	00-11-14	00-12-14	00-12-14	00-12-14
34	Trustee Act, An Act to Amend the	00-11-06				

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Chair and President of the Yukon Development Corporation to appear as witnesses from 4:00 p.m. to 6:00 p.m. on November 9, 2000 (C/W #1)	Tucker	39		Carried
President and Chair of the Yukon Workers' Compensation Health and Safety Board to appear as witnesses from 4:00 p.m. to 6:00 p.m. on November 28, 2000 (C/W #2)	Tucker	65		Carried

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Standing Orders to be amended to include : Standing Committee on Appointments (#2)	Roberts	24-26	25	Carried as amended
Standing Orders of the Yukon Legislative Assembly to be amended regarding sitting hours of the Legislature (#1)	Roberts	20-21, 24	21 Negatived	Carried

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Address in Reply to Speech from the Throne (#10)	McLarnon	12, 15, 17		Carried
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Debate the Fifth Appropriation Act, 2000-01 prepared by the Official Opposition	Fentie	54-55		Unanimous consent denied; not proceeded with (continued)

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NECESSITY (Under Standing Order 28)**

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Public inquiry into Government and private sector group homes	Jenkins	23	Unanimous consent denied; not proceeded with
Revocation of Orders-in-Council establishing Asi Keyi Natural Environment Park	Jenkins	69	Unanimous consent denied; not proceeded with

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## **YUKON LEGISLATIVE ASSEMBLY**

Motions adopted during the  
Second Session of the  
30th Legislative Assembly

October 23, 2000 – December 14, 2000

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  
Second Session of the  
30th Legislative Assembly**

October 23, 2000 – December 14, 2000

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## YUKON LEGISLATIVE ASSEMBLY

Motions adopted during the  
Second Session of the  
30th Legislative Assembly

October 23, 2000 – December 14, 2000

### Substantive Motions

1. Motion #10 – Mr. McLarnon, Member for Whitehorse Centre  
Debated October 24, 25, & 26, 2000  
Carried October 26, 2000

THAT the following address be presented to the Commissioner of the Yukon:

MAY IT PLEASE THE COMMISSIONER: We, the Members of the Yukon Legislative Assembly, beg leave to offer our humble thanks for the gracious speech which you have addressed to the House.

2. Motion #26 – Ms. Tucker, Government House Leader  
Debated December 6, 2000  
Carried December 6, 2000

THAT the membership of the Members' Services Board, as established by Motion #19 of the First Session of the 30<sup>th</sup> Legislative Assembly, be amended by:

- (1) rescinding the appointment of Trevor Harding, and
- (2) appointing Eric Fairclough to the Board.

3. Motion #27 – Ms. Tucker, Government House Leader  
Debated December 6, 2000  
Carried December 6, 2000

THAT the membership of the Standing Committee on Public Accounts, as established by Motion #20 of the First Session of the 30<sup>th</sup> Legislative Assembly, be amended by

- (1) rescinding the appointment of Trevor Harding, and
- (2) appointing Dave Keenan to the Committee.

4. Motion #28 – Ms. Tucker, Government House Leader  
Debated December 6, 2000  
Carried December 6, 2000

THAT the membership of the Standing Committee on Statutory Instruments, as established by Motion #21 of the First Session of the 30<sup>th</sup> Legislative Assembly, be amended by

- (1) rescinding the appointment of Trevor Harding, and
- (2) appointing Gary McRobb to the Committee.

5. Motion #29 – Ms. Tucker, Government House Leader  
Debated December 6, 2000  
Carried December 6, 2000

THAT the membership of the Standing Committee on Rules, Elections and Privileges, as established by Motion #22 of the First Session of the 30<sup>th</sup> Legislative Assembly, be amended by rescinding the appointments of Dennis Fentie, Peter Jenkins and Gary McRobb.

6. Motion #3 – Ms. Tucker, Government House Leader  
Debated December 6, 2000  
Carried December 6, 2000

THAT the following Address be presented to the Commissioner of the Yukon:

MAY IT PLEASE THE COMMISSIONER:

WHEREAS section 35 of the *Ombudsman Act* states:

- 35 (1) Subject to subsection (2), this Act shall continue in force for a period of five years from the day on which it came into force, and no longer.
- (2) If at any time while this Act is in force, an address is presented to the Commissioner by the Legislative Assembly praying that this Act should be continued in force for a further period, not in any case exceeding five years, from the time at which it would otherwise expire and the Commissioner in Executive Council so orders, this Act shall continue in force for that further period.
- (3) This Act comes into force on a date to be fixed by the Commissioner in Executive Council.;

AND WHEREAS the *Ombudsman Act* came into force on July 1, 1996;

AND WHEREAS the Members of the Yukon Legislative Assembly believe it to be in the public interest to take action in a timely way respecting the continuance of the *Ombudsman Act*;

NOW THEREFORE this Legislative Assembly prays that the *Ombudsman Act* should be continued in force for a further period, being from July 1, 2001 to June 30, 2006.

7. Motion #43 – Mr. Kent, Member for Riverside  
Debated November 22, 2000  
Carried November 22, 2000

THAT this House recognizes that:

- (1) the Liberal Government has followed through on its commitment to reduce Yukoners' personal income taxes by pledging to reduce the tax rate by January 1, 2002, to 44 per cent of the basic federal income tax,
- (2) the rate, effective January 1, 2002, means the Yukon tax rate will be lower than both the Northwest Territories and Nunavut, and
- (3) the previous NDP government made zero personal income tax rate cuts during its four years in office; and

THAT this House supports these tax cuts, which benefit all Yukoners.

**Committee of the Whole Motions**

1. C/W Motion #1 – Ms. Tucker, Government House Leader  
Debated November 8, 2000  
Carried November 8, 2000

THAT Ray Wells, Chair of the Yukon Development Corporation, and Rob McWilliam, President of the Corporation, appear as witnesses before Committee of the Whole from 4:00 p.m. to 6:00 p.m. on Thursday, November 9, 2000, to discuss matters related to the Yukon Development Corporation.

2. C/W Motion #2 – Ms. Tucker, Government House Leader  
Debated November 28, 2000  
Carried November 28, 2000

THAT Tony Armstrong, President of the Yukon Workers' Compensation Health and Safety Board, and Dale Schmekel, Chair of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses before Committee of the Whole from 4 p.m. to 6 p.m. on Tuesday, November 28, 2000, to discuss matters relating to the Yukon Workers' Compensation Health and Safety Board.