

JOURNALS

YUKON LEGISLATIVE ASSEMBLY

SECOND SESSION



30TH LEGISLATURE

February 22, 2001 - May 9, 2001

Speaker: The Hon. Dennis Schneider

No. 32
VOTES AND PROCEEDINGS
of the
YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, February 22, 2001

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

INTRODUCTION OF PAGES

The Speaker informed the Assembly that Carly Malloch, Alexandra Morrison-Rusas, Katja Schmidt and Nathan Sugden from Vanier Catholic Secondary School and Monique Benoit, Brittany Kyle, Corinna Nettleton, and Natalie Taylor from Porter Creek Secondary School would be serving as Pages during the Spring Sitting. Carly Malloch and Alexandra Morrison-Rusas were introduced and welcomed to the House.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Schneider, Speaker

- Report of the Chief Electoral Officer of the Yukon on a By-election in Faro on November 27, 2000 **(Sessional Paper #57)**
- 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 February 22, 2001) **(Sessional Paper #58)**

INTRODUCTION OF BILLS (First Reading)

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

MONEY MESSAGE

Bill #4, *First Appropriation Act, 2001-02*, was accompanied by a money message.

GOVERNMENT BILLS - BUDGET SPEECH

Pursuant to Standing Order 55(3), the following Bill was called for Second Reading:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

Thereupon, the Hon. Ms. Duncan delivered the 2001-02 Budget Speech.

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.

The Assembly adjourned at 2:40 p.m. until 1:00 p.m., Monday, February 26, 2001.

No. 33

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, February 26, 2001

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

TRIBUTES

In remembrance of John Hatch

Mr. McLarnon, Member for Whitehorse Centre, paid tribute, on behalf of all Members, to long-time Yukoner, John Hatch, who passed away on December 11, 2000.

In remembrance of Dolly Josie

Ms. Netro, Member for Vuntut Gwitchin, paid tribute, on behalf of all Members, to a well-respected member of Old Crow, Dolly Josie, who passed away on October 21, 2000.

TABLING RETURNS AND DOCUMENTS

Mr. McLarnon, Member for Whitehorse Centre

- Conflict of Interest Commission (Yukon): advice under the *Conflict of Interest (Members and Ministers) Act* to Mike McLarnon, Member for Whitehorse Centre (dated January 25, 2001) **(Sessional Paper #59)**

GOVERNMENT BILLS

The following Bill was called for Second Reading:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The debate continuing on the motion for Second Reading of Bill #4 and the time approaching 6:00 p.m., it was moved by the Hon. Mrs. Edelman:

THAT debate be now adjourned.

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

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Tuesday, February 27, 2001.

No. 35

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, February 28, 2001

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

TRIBUTES

In remembrance of Gunnar Tore Nilsson

Ms. Tucker, Member for Mount Lorne, on behalf of all Members, paid tribute to Gunnar Tore Nilsson, a long-time Yukoner, who passed away on January 6, 2001. Mr. Nilsson was inducted into the Yukon Transportation Hall of Fame in 1996.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Eftoda, Minister of Education

- Auditor General: Report on the Financial Statements of Yukon College for the year ended June 30, 2000 **(Sessional Paper #61)**

MINISTERIAL STATEMENTS

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

- Pioneer Utility Grant

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:57 p.m. until 1:00 p.m., Thursday, March 1, 2001.

No. 36

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, March 1, 2001

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

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Pre-budget consultations by Government: list by meeting including attendees
(Legislative Return #27)

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:54 p.m. until 1:00 p.m., Monday, March 5, 2001.

No. 37

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, March 5, 2001

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

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Arctic National Wildlife Refuge: letters to and from Premier Duncan (June 2, 2000 to February 20, 2001) **(Sessional Paper #62)**
- Yukon Economic Outlook 2001 (March 2000) **(Sessional Paper #63)**

MINISTERIAL STATEMENTS

Hon. Ms. Duncan, Premier

- Visit of His Royal Highness, The Prince of Wales

COMMITTEE OF THE WHOLE

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

Before proceeding to debate on Bill #4, entitled *First Appropriation Act, 2001-02*, the Chair gave the following ruling:

“A Point of Order was raised by the Honourable Minister of Education at the last meeting of Committee of the Whole during general debate on the Government’s appropriation measures, set out in Bill #4. The Minister requested ‘a ruling from the Chair on whether or not questions can be asked both ways in this House in general debate.’ The Member for Ross River-Southern Lakes and the Member for Kluane provided input to assist the Chair in considering the Point of Order, for which the Chair thanks the Members.

It is important to recall that the relatively informal proceedings in Committee that we call ‘debate’ or ‘general debate’ are situated within a formal context and set of rules. Debate does not occur within a vacuum; there must be a proposition or motion before the House or Committee for consideration. In most cases, the matter before the House or Committee is one sponsored by the executive, by Cabinet. It is a fundamental role of Members of the House then to scrutinize the policies and proposals of the executive, and to hold the Cabinet accountable. And it is the role of members of the executive to respond to Members’ comments as they see fit.

In a circumstance where the matter before the House or Committee were, for example, a Private Member's Public Bill sponsored by a Member of the Opposition, or by a Backbench Member of the Government side, it would be appropriate for Members, including members of the executive, to question the proponent of the legislation. That is not, however, the matter currently before the Committee. The Committee of the Whole is considering the Government's appropriation measures, for which Cabinet members collectively and individually are answerable.

In reviewing the relevant precedents of this House, the Chair notes that the Honourable Minister previously raised the issue as to 'whether I am able to ask questions of members opposite' on Thursday, June 29, 2000. The ruling of the Chair at that time, while recognizing that such questioning by Cabinet Ministers of Members opposite had occurred, noted that it had not worked very well, and clearly discouraged the continuation of the practice.

Your Chair accepts the wisdom of that ruling, and further requests that those who propose a measure for consideration not spend the time of the House in asking direct questions to other Members. In the course of debate, there will be opportunities and other means available for Members to express their own positions while identifying and exploring the positions of their colleagues opposite."

Chair's Statement (re references to Commissioner)

"Order please. Before we take a recess at 4:30 p.m., the Chair wishes to raise a matter of concern to make sure that it does not happen again.

Earlier this afternoon, the Member for Klondike made reference to the Commissioner of the Yukon. If the Chair heard the Member correctly, he referred to the Commissioner as the 'Liberal Commissioner'. On page 523 of the *House of Commons Procedure and Practice*, it is stated: 'Members are prohibited from speaking disrespectfully of the Sovereign, the Royal Family, the Governor General or the Administrator of the Government of Canada.' It is also noted, in a footnote, that discourteous references to Lieutenant Governors are also ruled out of order.

In the Yukon, the Commissioner acts in the capacity of Lieutenant Governor and, as such, the Yukon's head of state. This House has always been careful to note that the role of Commissioner, when he or she is present in the House and the Chamber, is that of our head of state.

Therefore, Members must refrain from speaking disrespectfully of our Commissioner and of the Commissioner's Office. The Chair believes that attaching a political label to the Commissioner is disrespectful and asks that the Member and all other Members of this House obey the strict guidelines against referring to our Commissioner in any way but honourably."

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Tuesday, March 6, 2001.

No. 38

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, March 6, 2001

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

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Yukon Exploration & Geology Report, 2000: Mining & Exploration Overview, Yukon Geology Program, Geological Fieldwork, Property Descriptions
(Sessional Paper #64)

Hon. Mr. Eftoda, Minister of Education

- Yukon College 1999-2000 Annual Report (Sessional Paper #65)
- Yukon College Financial Statements as at June 30, 2000 (Sessional Paper #66)

Hon. Ms. Buckway, Minister of Justice

- Annual returns (*Business Corporations Act*) filing system: explanation of system, filing fees (Legislative Return #28)

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:57 p.m. until 1:00 p.m., Wednesday, March 7, 2001.

No. 39

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, March 7, 2001

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

TRIBUTES

Special Olympian - Daniel Hall

The Hon. Ms. Buckway, Minister of Community and Transportation Services, on behalf of all Members, paid tribute to Special Olympian, Daniel Hall. Mr. Hall is part of the Canadian team competing in the 2001 World Special Olympic Winter Games in Anchorage, Alaska this week.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Jim, Minister of Government Services

- Government Contracting Summary Report by Department (April 1, 2000 - September 30, 2000) **(Sessional Paper #67)**

MINISTERIAL STATEMENTS

Hon. Ms. Duncan, Premier

- Electronic commerce development in the Yukon

OPPOSITION PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Fentie:

THAT it is the opinion of this House that:

- (1) throughout the first seven months of this Liberal Government's term of office, the Premier and Minister of Economic Development has failed to create a positive climate for economic growth in the territory, as promised, and
- (2) as Minister of Economic Development, she has abandoned programs that created badly-needed jobs for Yukon people, she has dropped the options on waterfront land in Haines and Skagway, Alaska, that would have guaranteed Yukon businesses ongoing access to tidewater, and she has neglected the aggressive Trade and Investment Strategy initiated by the previous NDP Government, and
- (3) in spite of inheriting a huge accumulated surplus of \$64 million, as Minister of Finance, she tabled a supplementary budget containing no provisions for winter works this year, and

- (4) as Premier and Minister of Economic Development, she has repeatedly given answers in this House with respect to the agreement with the City of Whitehorse and Argus Properties Ltd. that are inconsistent with answers provided outside this House by members of her political staff; and

THAT this House has lost confidence in the Premier's ability to discharge her duties as Minister of Economic Development in a credible and effective manner, and urges her to assign the Economic Development portfolio to another member of her caucus without delay. **(Motion #63)**

Debate started on the motion.

Quorum Count

At 1:53 p.m., during debate on Motion #63, Mr. McLarnon, Member for Whitehorse Centre, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(2), the Speaker rang the bells and then did a count. A quorum was present for the count.

Debate continued on the motion.

Quorum Count

At 2:24 p.m., during debate on Motion #63, Mr. McLarnon, Member for Whitehorse Centre, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(2), the Speaker rang the bells and then did a count. A quorum was present for the count.

Debate continued on the motion.

Quorum Count

At 3:50 p.m., during debate on Motion #63, Mr. McLarnon, Member for Whitehorse Centre, 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 Motion #63, and the question being put, it was negatived on the following recorded Division:

YEA

Fairclough	Keenan	Netro	6
Fentie	McRobb	Jenkins	

NAY

Eftoda	Buckway	Kent	
Jim	Tucker	McLachlan	8
Roberts	McLarnon		

Filed Document

During debate on Motion #63, Mr. Kent, Member for Riverside, filed the following document:

- Federal Tax Credit for flow-through share investors: letter (dated December 15, 2000) from federal Minister of Finance, the Hon. Paul Martin, to the Hon. Pat Duncan, Premier **(Filed Document #11)**

Moved by Mr. Jenkins:

THAT it is the opinion of this House that the newly created Project Yukon funding program is but a faint shadow of the former Community Development Fund;

THAT funding for community projects has been dramatically reduced in recent years from a high of \$6 million in the 1999-2000 Budget to a low of \$1.5 million in the 2001-2002 Budget; and

THAT this House urges the Yukon Liberal Government to scrap Project Yukon and restore the Community Development Fund with a proper level of funding while introducing a system of accountability to ensure Yukon taxpayers are receiving value for their money.

(Motion #77)

Debate started on the motion.

Quorum Count

At 4:20 p.m., during debate on Motion #77, Mr. McLarnon, Member for Whitehorse Centre, 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 and the time reaching 6:00 p.m. while the Hon. Mr. Eftoda, Minister of Education, 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 Motion #77 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, March 8, 2001.

No. 40

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, March 8, 2001

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

TRIBUTES

International Women's Day

The Hon. Mr. Roberts, Acting Minister responsible for the Women's Directorate, Ms. Netro, Member for Vuntut Gwitchin, and Mr. Jenkins, Leader of the Third Party, recognized International Women's Day.

TABLING RETURNS AND DOCUMENTS

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

- Active Living, Minister's Task Force for (dated March 2001): Yukon Government response to **(Sessional Paper #68)**

MINISTERIAL STATEMENTS

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

- Active Living Task Force Strategy: Yukon Government response to

Hon. Mr. Eftoda, Minister of Education

- Yukon Adult Literacy and Skills Survey

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:55 p.m. until 1:00 p.m., Monday, March 12, 2001.

No. 41

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, March 12, 2001

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

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Eftoda, Minister of Renewable Resources

- Yukon Protected Areas Public Advisory Committee: list of committee members
(Sessional Paper #69)

MINISTERIAL STATEMENTS

Hon. Ms. Duncan, Premier

- North Slope Producers Visit to Whitehorse

SPECIAL ADJOURNMENT MOTION

Moved by Ms. Tucker, Government House Leader:

THAT the House, at its rising on Thursday, March 15, 2001, do stand adjourned until 1:00 p.m. on Monday, March 26, 2001.

The question being put on the special adjournment motion, it was agreed to on the following recorded Division:

YEA

Duncan	Buckway	Fentie	
Eftoda	Tucker	Keenan	14
Jim	McLarnon	McRobb	
Edelman	McLachlan	Netro	
Roberts	Fairclough		

NAY

Jenkins			1
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MOTIONS OTHER THAN GOVERNMENT MOTIONS

With unanimous consent, Ms. Tucker, Government House Leader, moved:

THAT the honourable Members Dennis Fentie, Peter Jenkins and Gary McRobb be appointed to the Standing Committee on Rules, Elections and Privileges.
(Motion #87)

A debate arising on the motion and the question being put, it was agreed to.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:57 p.m. until 1:00 p.m., Tuesday, March 13, 2001.

No. 42

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, March 13, 2001

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

TRIBUTES

In remembrance of Oliver Frank Hutton

Mr. McLachlan, Member for Faro, paid tribute, on behalf of all Members, to Oliver Frank Hutton, a well-known Mayo business man, who passed away February 8, 2001. Mr. Hutton was inducted into the Transportation Hall of Fame and was named Transportation Person of the Year in 1998.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Nuclear waste: Russia's plans to ship through the Arctic Ocean
(Legislative Return #29)

MINISTERIAL STATEMENTS

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

- Support for Women's Shelters

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:57 p.m. until 1:00 p.m., Wednesday, March 14, 2001.

No. 43

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, March 14, 2001

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

TRIBUTES

Aboriginal Languages Month

Ms. Netro, Member for Vuntut Gwitchin, on behalf of all Members, and the Hon. Ms. Duncan, on behalf of the Yukon Government, recognized March as Aboriginal Languages Month.

"Positive Choices" tour

Mr. Jenkins, Leader of the Third Party paid tribute to the students from Watson Lake who are performing in their annual "Positive Choices" tour.

SPEAKER'S RULING (re references to absence of Members)

"Before proceeding to business under Orders of the Day, the Chair will provide a deferred ruling. Members will recall that, on March 7, 2001, the Chair took under advisement a Point of Order regarding references being made, during debate, to the absence of Members. The Chair is also aware that this matter has come up in the Committee of the Whole.

The specific statement taken under advisement was that made by the Leader of the Third Party when he said: 'It is interesting to note that the government of the day is so concerned with the decorum and the way that the House operates that they can't even maintain a presence here.' When a Point of Order was raised about this statement, the Leader of the Third Party said: 'I made no reference to specific Members being absent, I believe that's what the Standing Orders refer to. I made reference that the government couldn't maintain a quorum in the House.'

The Standing Orders of this Assembly do not, in the provisions respecting rules of debate, address references being made to the absence or presence of Members. However, based on parliamentary authorities such as *Beauchesne*, it has long been the practice of this House to prohibit drawing attention to the absence of Members. Annotation 481 in *Beauchesne's* sixth edition states that a Member, when speaking, must not 'refer to the presence or absence of specific Members.'

Further, on page 522 of *House of Commons Procedure and Practice*, it is stated:

'It is unacceptable to allude to the presence or absence of a Member or Minister in the Chamber. The Speaker has traditionally discouraged Members from signalling the absence of another Member from the House because "there are many places

that Members have to be in order to carry out all of the obligations that go with their office.”

A footnote to the statement in *House of Commons Procedure and Practice* cites eight examples between 1994 and 1999 when the Chair ruled on references to the absence or presence of Members. These show that Members have been ruled out of order for statements such as:

‘... the five Liberals in the House ...’;

‘Members stood today and acted as if this place was full of people taking notice of the debate and not even a dozen people are here.’;

‘I do not even see a Minister in the House during the debate of this very important issue.’;

‘My question is for the Deputy Prime Minister in the absence of the Prime Minister.’

‘In the absence of the Minister of Fisheries and Oceans who until very recently was in Brussels ...’

It is very clear from this that even the most oblique references to who is present and who is not are not allowed. Members will recognize from experience in this House that such statements tend to lead to disorder in the House. This point is very much reinforced for anyone who reviews the Hansard of March 7, 2001. Members, therefore, will appreciate why it is necessary for the Chair to rigidly enforce the prohibition against drawing attention to a Member’s presence or absence.

In conclusion, the Chair finds the statement made by the Leader of the Third Party on March 7, 2001, on which a Point of Order was raised, to have been out of order. The Chair appeals to all Members to consider this ruling and to respect the prohibition against referring to the absence - past or present - of any fellow Members during debates or votes in this House.”

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:57 p.m. until 1:00 p.m., Thursday, March 15, 2001.

No. 44

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, March 15, 2001

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

TRIBUTES

In remembrance of Hector Lang

The Hon. Mr. Roberts, Minister of Health and Social Services, on behalf of all Members, paid tribute to Hector Lang, who passed away on January 23, 2001. Mr. Lang was well known for his bridge building throughout the Yukon.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Negotiations with Liard First Nation and Kaska First Nations: dates of negotiation sessions and locations **(Legislative Return #30)**
- Devolution Transfer Agreement (draft): information pertaining to Environmental Matters chapter; financial resources for fire suppression **(Legislative Return #31)**
- Contract and transition costs related to Executive Council Office **(Legislative Return #32)**
- Intergovernmental Relations Political Accord between the Yukon First Nations and the Government of Yukon (dated February 2, 2001) **(Legislative Return #33)**
- Government department reporting process: no changes **(Legislative Return #34)**

MINISTERIAL STATEMENTS

Hon. Ms. Duncan, Premier

- Oil and gas exploration bids

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Deputy Chair was adopted.

The Assembly adjourned at 5:55 p.m. until 1:00 p.m., Monday, March 26, 2001.

No. 45

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, March 26, 2001

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

TRIBUTES

Mining Week in the Yukon

The Hon. Ms. Duncan, Premier, on behalf of all Members, and Mr. Jenkins, Leader of the Third Party, recognized this week as Mining Week in the Yukon.

Disturbance in the Chamber

During Tributes, a stranger entered the Chamber through the lower entrance and caused a disturbance. The proceedings of the House continued and the stranger was escorted out of the Chamber.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Mineral Exploration Tax Credit: update **(Legislative Return #35)**
- Timber Harvest Agreements: timelines **(Legislative Return #36)**

Mr. Fairclough, Leader of the Official Opposition

- Constituent casework letters: letter (dated March 26, 2001) to Premier Duncan from Eric Fairclough, Leader of the Official Opposition, listing letters addressed to the Premier that have not had a response **(Filed Document #12)**

INTRODUCTION OF BILLS (First Reading)

Bill #5 - Interim Supply Appropriation Act, 2001-02
-Hon. Ms. Duncan

Bill #36 - Territorial Court Judiciary Pension Plan Act
-Hon. Ms. Buckway

Bill #39 - An Act to Amend the Jury Act
-Hon. Ms. Buckway

Bill #42 - An Act to Amend the Employment Standards Act
-Hon. Ms. Buckway

MONEY MESSAGE

Bill #5, *Interim Supply Appropriation Act, 2001-02*, was accompanied by a money message.

MINISTERIAL STATEMENTS

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

- *Canada Transportation Act: Yukon Government's presentation to review panel*

SPEAKER'S RULING (re request for "clarification" of March 14, 2001 ruling on references to absence of Members)

"Before proceeding to business under Orders of the Day, the Chair will provide a deferred ruling. This ruling is in respect to a Point of Order raised by the Leader of the Third Party on March 15, 2001.

The Leader of the Third Party stated: 'I rise to seek clarification of your ruling yesterday, Mr. Speaker, concerning a Point of Order regarding reference being made during debate to the absence of Members both in the Assembly and in Committee of the Whole.'

In concluding his presentation, the Leader of the Third Party said: 'In view of your ruling yesterday, even the most oblique reference to who is present and who is not is not allowed. Will you please clarify if a Member who draws to the attention of the Speaker that there is no quorum present pursuant to section 3(2) above will now be found to be out of order and ruled out of order in contravention of your ruling. Mr. Speaker, I seek your clarification.'

The Chair would draw Standing Order 6(1) to the attention of the Leader of the Third Party and the House. That Standing Order states:

'The Speaker shall preserve order and decorum, and shall decide questions of order. In deciding a question of order or practice, the Speaker may state the Standing Order or other authority applicable to the case. No debate shall be permitted on any such decision, and no decision shall be subject to an appeal to the Assembly.'

Members must recognize that attempts to 'seek clarification' of Speaker's rulings on the floor of the House, no matter how skilfully put, will inevitably constitute entering into debate with the Speaker on Speaker's decisions and, consequently, pursuant to Standing Order 6(1), will be out of order. However, as is noted on page 263 of *House of Commons Procedure and Practice*, Speakers may, of their own accord, clarify or even amend rulings. That, though, would be done on a Speaker's own initiative and not in answer to any Member's questioning a ruling on the floor of the House.

Having said that, the Chair will expect Members, in the future, to refrain from asking for 'clarification' of Speaker's decisions as was done by the Leader of the Third Party on March 15, 2001.

In this case, and without creating a precedent, the Chair will make the assumption that the Leader of the Third Party did not recognize that what he was doing on March 15 was out of order and will provide an answer to the question posed by him at that time. "

Standing Order 3(2) states:

'If, at any time during a sitting of the Assembly, the Speaker's attention is drawn to the fact that there does not appear to be a quorum, the Speaker will cause the bells to ring for four minutes and then do a count.'

Standing Order 3(4) provides, in reference to the Committee of the Whole, similar direction.

It, therefore, has been and continues to be quite in order to draw the Speaker's attention to the apparent lack of a quorum. Members may say something like 'Mr. Speaker, there does not appear to be a quorum.' or 'Mr. Speaker, would you please determine if there is a quorum present.'

As was stated in the Chair's ruling of March 14, 2001, it is not in order to refer to the past or present absence of any Members, individually or as a group. This includes the moment when the Chair's attention is being drawn to the apparent lack of a quorum - editorial comments about who is present or absent are not in order.

I thank the House for its attention to this ruling."

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Deputy Chair was adopted.

The Assembly adjourned at 5:58 p.m. until 1:00 p.m., Tuesday, March 27, 2001.

No. 46

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, March 27, 2001

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

TRIBUTES

Trena Irving, recipient of the national female Aboriginal Coaching Award

The Hon. Ms. Buckway, Minister of Community and Transportation Services, on behalf of all Members, and Mr. Fairclough, Leader of the Official Opposition, paid tribute to Trena Irving, recipient of the national female Aboriginal Coaching Award.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Development Assessment Process Legislation: status **(Legislative Return #37)**
- Land claims issues that can be discussed on the floor of the Legislature: list **(Legislative Return #38)**

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

- *Canada Transportation Act*, Statutory Review: Yukon Government Submission to Review Panel (March, 2001) **(Sessional Paper #70)**

INTRODUCTION OF BILLS (First Reading)

Bill #41 - An Act to Amend the Tobacco Tax Act

-Hon. Ms. Duncan

GOVERNMENT BILLS

Unanimous consent was requested by Ms. Tucker, Government House Leader, on behalf of the House Leaders, to proceed with a motion for Second Reading of Bill #5, entitled *Interim Supply Appropriation Act, 2001-02*, specifying that the bill go directly to Third Reading and then to call Bill #5 for Third Reading on this day. Unanimous consent was granted.

The following Bill was read a second time and ordered for Third Reading:

Bill #5 - Interim Supply Appropriation Act, 2001-02

-Hon. Ms. Duncan

The following Bill was read a third time and passed:

Bill #5 - Interim Supply Appropriation Act, 2001-02
-Hon. Ms. Duncan

ASSENT TO BILLS

The Assembly received the Administrator, Geraldine Van Bibber, to give Assent to a certain Bill passed by the House.

The Administrator, having entered the Chamber, took her seat in the Speaker's chair.

The Speaker, the Hon. Mr. Schneider, addressed the Administrator:

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

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

Bill #5 - Interim Supply Appropriation Act, 2001-02
-Hon. Ms. Duncan

The Administrator assented the Bill:

"I hereby give assent to the Bill as enumerated by the Clerk."

The Administrator then retired from the Chamber.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:57 p.m. until 1:00 p.m., Wednesday, March 28, 2001.

No. 47

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, March 28, 2001

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

TRIBUTES

National Social Workers Week

The Hon. Mr. Roberts, Minister of Health and Social Services, recognized National Social Workers Week and paid tribute to all social workers.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Budget expenditures for Cabinet and Management Support Branch and Land Claims Secretariat: explanation of **(Legislative Return #39)**

Hon. Ms. Buckway, Minister of Justice

- Crime Prevention and Victim Services Trust Fund Board Annual 1999/2000 Report **(Sessional Paper #71)**

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

- Community and Transportation Services: response to questions asked on March 14, 2001 during debate on 2001/02 Estimates re subdivision development and costs **(Legislative Return #40)**
- Whitehorse waterfront lands: status **(Legislative Return #41)**
- Top of the World Highway: information pertaining to **(Legislative Return #42)**
- Road restrictions, axle loading, axle spacing: comparisons between Yukon and Alaska, and Yukon and British Columbia **(Legislative Return #43)**

MINISTERIAL STATEMENTS

Hon. Mr. Eftoda, Minister of Renewable Resources

- Kluane Land Use Working Group Final Report

OPPOSITION PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Fentie:

THAT it is the opinion of this House that:

- (1) the development of a stable, sustainable forest industry in the Yukon could provide a major economic engine in the territory,
- (2) the Yukon Forest Strategy was developed through extensive public consultation to serve as a made-in-Yukon model for the management of this important resource following devolution of the Northern Affairs program to the Yukon,
- (3) the development of a stable, sustainable forest industry that respects the Yukon's environmental and social values has been severely impeded by ongoing mismanagement of the forest resource by the federal government,
- (4) this mismanagement has recently been demonstrated again with the inappropriate issuance of timber permits in the LaBiche area of southeast Yukon, and
- (5) the federal government's mismanagement of Yukon forest resources has hampered the territory's economic development, has failed to provide the necessary environmental safeguards, and has contributed to the delay in settling outstanding Yukon First Nations land claims; and

THAT this House urges the federal government not to proceed with any further forestry activity in the LaBiche area until the necessary resource assessments and required data are supplied by the federal government, so that Yukon people can make informed decisions respecting the forest resource that are consistent with the principles of the Yukon Forest Strategy and acceptable to Yukon First Nations and stakeholders in the affected region.

(Motion #93)

A debate arising on the motion, it was moved by the Hon. Mr. Eftoda, Minister of Renewable Resources, in amendment thereto:

THAT Motion #93 be amended by:

- (1) deleting the second item in the first paragraph and substituting for it:
"the Yukon Forest Strategy which was developed through extensive public consultation to serve as a made-in-Yukon model for the management of this important resource following devolution of the Northern Affairs program to the Yukon is a good start"; and
- (2) deleting, where they appear in the second paragraph, the words "that are consistent with the principles of the Yukon Forest Strategy and acceptable to Yukon First Nations and stakeholders in the affected region."

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

A debate arising on Motion #93 as amended and the question being put, it was agreed to on the following recorded Division:

YEA

Duncan	Tucker	Keenan	
Eftoda	McLarnon	McRobb	
Jim	Kent	Netro	16
Edelman	McLachlan	Jenkins	
Roberts	Fairclough		
Buckway	Fentie		

NAY

0

Moved by Mr. Keenan:

THAT it is the opinion of this House that:

- (1) like most parts of Canada, especially northern Canada, the Yukon is facing a possible shortage of doctors and other medical personnel; and
- (2) such shortages could pose a serious hardship for Yukon people, both in the City of Whitehorse and in rural communities; and
- (3) the recent departure of two doctors from Watson Lake makes it clear that this situation cannot be ignored and needs to be addressed without delay; and
- (4) this is an issue that requires thoughtful, long-term planning that should not be limited by partisan political considerations; and

THAT this House urges the Yukon Government to establish an all-party committee on a priority basis, to bring Members of the Legislative Assembly from both rural and urban Yukon together to examine options for solving the ongoing problem of recruiting and retaining medical personnel throughout the territory.

(Motion #31)

A debate arising on the motion, it was moved by the Hon. Mr. Roberts, Minister of Health and Social Services, in amendment thereto:

THAT Motion #31 be amended by:

- (1) removing clause (3) from the motion; and
- (2) replacing the words "THAT this House urges the Yukon Government to establish an all-party committee on a priority basis, to bring Members of the Legislative Assembly from both rural and urban Yukon together to examine options for solving" with the words:

"THAT this House urges the Yukon Government to continue working to solve"

Debate started on the amendment. Mr. Keenan, Member for Ross River-Southern Lakes, rose on a Point of Order as to whether the proposed amendment was in order.

Speaker's Ruling: (re whether the amendment is in order)

"The Member for Ross River-Southern Lakes has questioned whether the amendment moved by the Minister of Health and Social Services is in order. The Member for Ross River-Southern Lakes did not make clear to the Chair why he thought the amendment to be out of order.

The Chair has done a quick review of the Standing Orders and of *Beauchesne* and cannot find any grounds for ruling this amendment out of order. The Chair, therefore, is going to allow debate on this amendment to continue."

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

YEA

Duncan
Eftoda
Jim
Edelman

Roberts
Buckway
Tucker

McLarnon
Kent
McLachlan

10

NAY

Fairclough
Fentie

Keenan
McRobb

Netro
Jenkins

6

A debate arising on Motion #31 as amended and the time reaching 6:00 p.m. while Mr. Fentie, Member for Watson Lake, 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 Motion #31 as amended was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, March 29, 2001.

No. 48

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, March 29, 2001

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

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Roberts, Minister responsible for the Yukon Development Corporation/Yukon Energy Corporation

- Hydrogen venture: letter (dated February 14, 2000) from the President and Chief Executive Officer, Yukon Development Corporation, to Gordon Duncan and Swede Martensson **(Sessional Paper #72)**
- Hydrogen Project: consulting services agreement (dated July 21, 2000) between Yukon Energy Corporation and GS Systems **(Sessional Paper #73)**

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Monday, April 2, 2001.

No. 49

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, April 2, 2001

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

INTRODUCTION OF BILLS (First Reading)

Bill #38 - An Act to Amend the Public Utilities Act
-Hon. Mr. Eftoda

MINISTERIAL STATEMENTS

Hon. Mr. Eftoda, Acting Minister of Community and Transportation Services
- Dawson Airport upgrade and federal funding

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:58 p.m. until 1:00 p.m., Tuesday, April 3, 2001.

No. 50

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, April 3, 2001

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

TRIBUTES

Cancer Month

The Hon. Mr. Roberts, Minister of Health and Social Services, on behalf of all Members, recognized April as Cancer Month.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:54 p.m. until 1:00 p.m., Wednesday, April 4, 2001.

No. 51

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, April 4, 2001

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

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Fuel costs: cost analysis on comparative fuel costs, including natural gas
(Legislative Return #44)
- Piped energy distribution systems: companies interested in establishing system(Legislative Re
- Yukon Government Fund Limited: information pertaining to
(Legislative Return #46)

Hon. Mr. Jim, Minister of Government Services

- Queen's Printer Agency: 2001/02 Business Plan (Sessional Paper #74)
- Fleet Vehicle Agency: 2001/02 Business Plan (Sessional Paper #75)

PETITIONS

Ms. Tucker, Member for Mount Lorne, presented the following petition:

- Crematorium facility (Petition #2)

MINISTERIAL STATEMENTS

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

- Health Prevention: Sexual Health Book

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:58 p.m. until 1:00 p.m., Thursday, April 5, 2001.

No. 52

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, April 5, 2001

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

PETITIONS

The Clerk reported on Petition #2 as follows:

“Mr. Speaker and honourable Members of the Assembly:

I have had the honour to review a petition, being Petition #2 of the Second Session of the 30th Legislative Assembly, as presented by the Member for Mount Lorne on April 4, 2001.

This petition meets the requirement as to form of the Standing Orders of the Yukon Legislative Assembly.

Patrick L. Michael
Clerk of the Yukon
Legislative Assembly

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

MINISTERIAL STATEMENTS

Hon. Ms. Buckway, Minister of Community and Transportation Services
- Canada Winter Games Bid for 2007

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Monday, April 9, 2001.

No. 53

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, April 9, 2001

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

TRIBUTES

In recognition of Alex Van Bibber

The Hon. Ms. Buckway, Minister of Community and Transportation Services, Mr. Keenan, Member for Ross River-Southern Lakes, and Mr. Jenkins, Leader of the Third Party, recognized Alex Van Bibber, who recently celebrated his eighty-fifth birthday. Mr. Van Bibber is well known for his 25 years as a trapper education instructor.

Wilderness Tourism Association's Award

The Hon. Mrs. Edelman, Minister of Tourism, and Mr. McRobb, Member for Kluane, paid tribute to the Wilderness Tourism Association of the Yukon which was named runner-up for the Arctic Award for Linking Tourism and Conservation. The World Wildlife Fund announced the Award on February 24, 2001.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Jim, Minister of Government Services

- Property Management Agency: 2001/2002 Business Plan

(Sessional Paper #76)

INTRODUCTION OF BILLS (First Reading)

Bill #43 - An Act to Amend the Fuel Oil Tax Act

-Hon. Ms. Duncan

Bill #44 - An Act to Amend the Income Tax Act (No. 3)

-Hon. Ms. Duncan

Bill #37 - An Act to Amend the Territorial Court Act

-Hon. Ms. Buckway

Bill #40 - An Act to Amend the Maintenance Enforcement Act

-Hon. Ms. Buckway

MINISTERIAL STATEMENTS

Hon. Mr. Eftoda, Minister of Renewable Resources
- Yukon River Salmon Agreement

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:55 p.m. until 1:00 p.m., Tuesday, April 10, 2001.

No. 54

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, April 10, 2001

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

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02

-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Wednesday, April 11, 2001.

No. 55

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, April 11, 2001

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

TRIBUTES

National Wildlife Week

The Hon. Mr. Eftoda, Minister of Renewable Resources, Mr. McRobb, Member for Kluane, and Mr. Jenkins, Leader of the Third Party, recognized the week of April 10, 2001 as National Wildlife Week.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Eftoda, on behalf of the Premier

- Yukon Government Fund Limited: clarification on funds distribution from immigrant investors **(Legislative Return #47)**
- Tombstone Park: status of mining claims; letter (dated February 16, 2001) from Dave Jennings, Chief, Mining Land Use, Mineral Resources, NAP, to Chuck Hubert, EA Analyst, EP&A Branch **(Legislative Return #48)**
- Oil and Gas/Pipeline Database: Business Directory; connecting Yukon business to North Slope producers; training **(Legislative Return #49)**
- Kotaneelee (Yukon) gas: potential natural gas costs to consumers **(Legislative Return #50)**
- Softwood lumber exports: Canada/U.S. Softwood Agreement **(Legislative Return #51)**
- Alaska Highway Pipeline right-of-way **(Legislative Return #52)**

MINISTERIAL STATEMENTS

Hon. Mr. Eftoda, Minister of Renewable Resources

- Extended campground season

FILED DOCUMENT

During Question Period, Mr. Jenkins, Leader of the Third Party, filed the following document:

- Map showing possible Yukon land withdrawals through the Protected Areas Strategy and Special Management Areas (dated February 8, 2001)
(Filed Document #13)

SPEAKER'S STATEMENT (re reprinted Order Paper and calling of Motion #97 for debate)

"Before calling Opposition Private Members' Business, the Chair wishes to clarify which motions are to be called. Yesterday, the Leader of the Third Party, pursuant to Standing Order 14.2(3) identified Motion #96 and Motion #44 to be called for debate today.

Motion #96, pertaining to posting government contracts of government corporations on the government Web site, appeared on the Order Paper first distributed this morning. Following the distribution of the Order Paper, the Clerk's office was informed by the Third Party office that the text of Motion #96, appearing on the Order Paper, was incorrect. The Notice Paper for April 2, 2001, had been referenced by the Leader of the Third Party when identifying the motion to be called. A mistake had been made in the numbering of motions on that Notice Paper, as there were two motions numbered as 96.

The Clerk's office was informed that, when the Leader of the Third Party identified Motion #96 for debate today, he did not realize that there had been a mistake in numbering and that the motion he meant to have called was, in fact, Motion #97, which is on the subject of the Yukon Protected Areas Strategy.

The Clerk's office then produced and distributed a revised Order Paper with Motion #97 listed for debate, as the first item under Motions other than Government Motions.

The Chair has reviewed the circumstances surrounding this situation and recognizes the end result as being unfortunate. The difficulty that arises is whether to insist that the Leader of the Third Party proceed with a motion that he did not intend to call or to have a motion called that, because of the short notice, some Members may not be prepared to debate.

In this case, the Chair feels that, in light of the rule that provides the Leader of the Third Party to call a motion of his choice and that the misunderstanding about which motion was identified was clearly not the fault of the Leader of the Third Party, it is appropriate to substitute Motion #97 for Motion #96 and to permit it to be called today.

The Chair hopes the Members will not have been too greatly inconvenienced with these events and thanks them for their understanding."

OPPOSITION PRIVATE MEMBERS' BUSINESS
MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Jenkins:

THAT it is the opinion of this House that the five-point plan put forward by the resource users coalition group to correct the deficiencies in the Yukon Protected Areas Strategy should be adopted by the Yukon Liberal Government and include the following provisions:

- (1) give the secretariat supporting the Yukon Protected Areas Strategy independent status so that it is not tied to either the Department of Renewable Resources or the Department of Economic Development,
- (2) conduct full scale assessments of the economic impacts of protecting a particular area in addition to the full scale environmental assessments that are currently being done,
- (3) establish a cap on the total amount of area that can be protected under the strategy,

- (4) guarantee access to land that may be blocked through the creation of a protected area, and
- (5) create no more protected areas until the completion of the seven outstanding Yukon Indian Land Claims Agreements. **(Motion #97)**

A debate arising on the motion, it was moved by Mr. Fentie, Member for Watson Lake, in amendment thereto:

THAT Motion #97 be amended by deleting all the words from "THAT it is the opinion of this House" to the word "provisions" inclusive and substituting for them the following:

"THAT it is the opinion of this House that the Yukon Liberal Government should initiate meetings with the seven coalition members who have refused to participate in the Public Advisory Committee on the Yukon Protected Areas Strategy with a goal of establishing meaningful dialogue between all the partners in the YPAS process and to honour the commitment of the Yukon Liberal Government to give consideration to the following provisions:"

A debate arising on the amendment and the time reaching 6:00 p.m. while the Hon. Mr. Eftoda, Minister of Renewable Resources, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. the following day, and debate on the amendment and Motion #97 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, April 12, 2001.

No. 56

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, April 12, 2001

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

TABLING RETURNS AND DOCUMENTS

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

- Continuing Care Facility (new): new staffing positions; recruitment strategy; amalgamation of services **(Legislative Return #53)**
- Health and Social Services: number of FTE's in department by agencies in the 2000/01 and 2001/02 fiscal years **(Legislative Return #54)**

MINISTERIAL STATEMENTS

Hon. Ms. Duncan, Premier

- Ta'an Kwach'an Council negotiated agreement

GOVERNMENT BILLS

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

- Bill #44 - An Act to Amend the Income Tax Act (No. 3)
-Hon. Ms. Duncan

The following Bill was called for Second Reading:

- Bill #43 - An Act to Amend the Fuel Oil Tax Act
-Hon. Ms. Duncan

QUESTION OF PRIVILEGE (re organization of House business)

Mr. Fentie, Official Opposition House Leader, rose on a Question of Privilege regarding the organization of House business.

Speaker's Ruling

"Order please. The organization of House business is, of course, a very sensitive matter. Previous and present leaders in the House have shown how seriously they take such matters as they entered into a Memorandum of Understanding in 1996 and again this Spring.

Members must understand, as was referenced by the Leader of the Third Party, that the Memorandum of Understanding is an agreement between the parties in this House. The Memorandum of Understanding is not part of the rules of this House. It was never intended that the Memorandum of Understanding should be enforced or ruled upon by the Speaker.

The rules of the House, found in the Standing Orders, state that the Government may designate the business the House is to deal with on Mondays, Tuesdays and Thursdays. The Chair, therefore, must find that the Government's designation of Government Bills for Second Reading today is in order.

The Chair would recognize the Premier to speak to the motion for Second Reading of Bill #43."

A debate arising on the motion for Second Reading of Bill #43, entitled *An Act to Amend the Fuel Oil Tax Act*, and the question being put, it was agreed to on the following recorded Division:

YEA		
Duncan	Edelman	Tucker
Eftoda	Roberts	McLarnon
Jim	Buckway	McLachlan
NAY		
0		

Bill #43 was, accordingly, referred to Committee of the Whole.

The following Bill was called for Second Reading:

Bill #42 - *An Act to Amend the Employment Standards Act*
-Hon. Ms. Buckway

A debate arising on the motion for Second Reading of Bill #42, entitled *An Act to Amend the Employment Standards 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	McLachlan	Netro
Roberts	Fairclough	Jenkins
NAY		
0		

Bill #42 was, accordingly, referred to Committee of the Whole.

The following Bill was called for Second Reading:

Bill #37 - An Act to Amend the Territorial Court Act
-Hon. Ms. Buckway

A debate arising on the motion for Second Reading of Bill #37, entitled *An Act to Amend the Territorial Court Act*, and the question being put, it was agreed to on the following recorded Division:

YEA			
Duncan	Edelman	Tucker	
Eftoda	Roberts	McLarnon	9
Jim	Buckway	McLachlan	
NAY			
0			

Bill #37 was, accordingly, referred to Committee of the Whole.

The following Bill was called for Second Reading:

Bill #36 - Territorial Court Judiciary Pension Plan Act
-Hon. Ms. Buckway

A debate arising on the motion for Second Reading of Bill #36, entitled *Territorial Court Judiciary Pension Plan 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	15
Edelman	McLachlan	Netro	
Roberts	Fairclough	Jenkins	
NAY			
0			

Bill #36 was, accordingly, referred to Committee of the Whole.

The following Bill was called for Second Reading:

Bill #40 - An Act to Amend the Maintenance Enforcement Act
-Hon. Ms. Buckway

A debate arising on the motion for Second Reading of Bill #40, entitled *An Act to Amend the Maintenance Enforcement 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	McLachlan	Netro
Roberts	Fairclough	Jenkins
NAY		
0		

Bill #40, entitled *An Act to Amend the Maintenance Enforcement Act*, was, accordingly, referred to Committee of the Whole.

The following Bill was called for Second Reading:

Bill #41 - An Act to Amend the Tobacco Tax Act
-Hon. Ms. Duncan

A debate arising on the motion for Second Reading of Bill #41, entitled *An Act to Amend the Tobacco Tax 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	McLachlan	Netro
Roberts	Fairclough	Jenkins
NAY		
0		

Bill #41 was, accordingly, referred to Committee of the Whole.

The following Bill was called for Second Reading:

Bill #39 - An Act to Amend the Jury Act
-Hon. Ms. Buckway

A debate arising on the motion for Second Reading of Bill #39, entitled *An Act to Amend the Jury Act*, and the question being put, it was agreed to on the following recorded Division:

YEA		
Duncan	Edelman	Tucker
Eftoda	Roberts	McLarnon
Jim	Buckway	McLachlan
NAY		
0		

Bill #39, entitled *An Act to Amend the Jury Act*, was, accordingly, referred to Committee of the Whole.

The following Bill was called for Second Reading:

Bill #38 - An Act to Amend the Public Utilities Act
-Hon. Ms. Buckway

A debate arising on the motion for Second Reading of Bill #38, entitled *An Act to Amend the Public Utilities Act*, and the question being put, it was agreed to on the following recorded Division:

YEA			
Duncan	Roberts	McLarnon	
Eftoda	Buckway	Kent	10
Jim	Tucker	McLachlan	
Edelman			
NAY			
			0

Bill #38 was, accordingly, referred to Committee of the Whole.

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

Bill #33 - Perpetuities and Accumulations Repeal Act
-Hon. Ms. Duncan

Bill #34 - An Act to Amend the Trustee Act
-Hon. Ms. Duncan

COMMITTEE OF THE WHOLE

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

Unanimous consent was requested by Ms. Tucker, Government House Leader, to deem all clauses of the following Bills to have been read and carried:

Bill #44 - An Act to Amend the Income Tax Act (No. 3)
-Hon. Ms. Duncan

Bill #36 - Territorial Court Judiciary Pension Plan Act
-Hon. Ms. Buckway

Bill #40 - An Act to Amend the Maintenance Enforcement Act
-Hon. Ms. Buckway

Bill #42 - An Act to Amend the Employment Standards Act
-Hon. Ms. Buckway

Bill #41 - An Act to Amend the Tobacco Tax Act
-Hon. Ms. Duncan

Unanimous consent was granted.

The following Bills were reported without amendment:

Bill #44 - An Act to Amend the Income Tax Act (No. 3)
-Hon. Ms. Duncan

Bill #36 - Territorial Court Judiciary Pension Plan Act
-Hon. Ms. Buckway

Bill #40 - An Act to Amend the Maintenance Enforcement Act
-Hon. Ms. Buckway

Bill #42 - An Act to Amend the Employment Standards Act
-Hon. Ms. Buckway

Bill #41 - An Act to Amend the Tobacco Tax Act
-Hon. Ms. Duncan

Progress was reported on the following Bill:

Bill #37 - An Act to Amend the Territorial Court Act
-Hon. Ms. Buckway

The report of the Chair was adopted.

The Assembly adjourned at 5:58 p.m. until 1:00 p.m., Tuesday, April 17, 2001.

No. 57

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, April 17, 2001

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

TABLING RETURNS AND DOCUMENTS

Hon. Mrs. Edelman, Minister of Tourism

- Klauane Region Tourism Plan Summary (December 2000) (Sessional Paper #77)

MINISTERIAL STATEMENTS

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

- Proclamation of *An Act to Amend the Children's Act* - Grandparents' rights

SPEAKER'S RULING (re Point of Order raised on April 12, 2001)

"A Point of Order was raised by the Official Opposition House Leader during Question Period on April 12, 2001 respecting the remarks of the Honourable Minister of Health and Social Services. The Member raised a concern that the Minister had, in responding to the questions of the Member for Ross River-Southern Lakes, contravened the rules of debate, and in particular the provisions of Standing Order 19(h).

That Standing Order states:

19. A Member will be called to order by the Speaker if that Member:
 - (h) imputes false or unavowed motives to another Member;

Having had an opportunity to review the Blues, the Chair finds that the remarks of the Minister included the following statements:

'...the Member opposite is great at innuendo, obviously just putting things out there without any substantial base. I would stress that there must be facts behind what the Member is saying. Otherwise it is, once again, just fanning a fire that is just not there.'

'If the Member has some statements to make - some categorical statements - about some issues that are not going well, and the Member opposite has specific incidents that the Member can cite, lay them out here in the House, instead of working on innuendo. The Member is famous for that. There's no fact behind it. Unless the Member is willing to lay the facts out, how is one to deal with it? It's just another one of those smoke-and-mirrors issues that the Member opposite is famous for.'

'Another infactual approach toward trying to present an issue where probably there isn't one.'

Following the raising of the Point of Order, the Chair finds that the Honourable Minister proceeded to make the following statements:

'It seems to me the time has come when the facts have to be presented; he can't just make innuendo comments.'

'The Members opposite keep fanning this issue like it doesn't want to go away. They don't want the issue to go away. For some reason, they don't want these children to heal.'

'That's called political hay. It's not looking at helping children; it's not looking at helping the situation; it's looking at how we play politics. ... We have very professional staff who are working very hard at trying to heal, trying to get the youth on the path of correctness, but if this keeps going, they'll never get on the path because the Members opposite want to make political hay.'

In the context of those remarks, the Chair must remind the House of a fundamental truth: all Members of this institution are honourable. Being honourable, all Members are presumed to speak the truth as they see it. Honourable Members do not, therefore, charge other Members with uttering deliberate falsehoods. Honourable Members do not ascribe to their colleagues false or unavowed motives. Being honourable, all Members are presumed to be speaking for, and acting for, the best interests of their constituents and Yukoners. It is for each Member to determine how best to fulfill their responsibilities within the context of the rules that govern this Assembly.

As is stated at page 503 of *House of Commons Procedure and Practice*,

'One of the basic principles of parliamentary procedure is that proceedings in the House of Commons are conducted in terms of a free and civil discourse. In order that debate on matters of public policy be held in a civil manner, the House has adopted rules of order and decorum for the conduct of Members towards each other and towards the institution as a whole. Members are to show respect for one another and for different viewpoints; offensive or rude behaviour or language is not tolerated. Emotions are to be expressed in words rather than acted out; opinions are to be expressed with civility and freely, without fear of punishment or reprisal.'

And at page 522, it is stated

'Remarks directed specifically at another Member which question that Member's integrity, honesty or character are not in order.'

Having reviewed the Honourable Minister's remarks, the Chair finds them to be, in their totality, troubling. While there is not a single instance of charging another Member with falsehood, the pattern of the Minister's remarks may well be interpreted as conveying that message even while avoiding the direct use of language previously found to be unparliamentary. The Chair further finds that the Minister's responses did in fact impute 'false or unavowed motives'.

The Chair therefore cautions the Honourable Minister not to attempt to convey, either directly or indirectly, a message that the Minister should well know would be ruled unparliamentary if uttered as a direct statement. The Chair further urges the Minister to refrain from making personal observations on individual Members that could be interpreted as questioning or disparaging a member's integrity or character."

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:56 p.m. until 1:00 p.m., Wednesday, April 18, 2001.

No. 58

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, April 18, 2001

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

TABLING RETURNS AND DOCUMENTS

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

- Water license requirements for construction camps: status
(Legislative Return #55)
- Motor Vehicles Branch cash handling: security procedures
(Legislative Return #56)
- Supervisor for the City of Dawson: explanation of appointment; travel costs
(Legislative Return #57)
- Land Use Permits and Water Licenses: listing and status of each
(Legislative Return #58)
- Burwash forest fire recovery: expenditures
(Legislative Return #59)
- Ministerial and MLA travel for Community and Transportation Services;
departmental FTE increases or decreases
(Legislative Return #60)
- Yukon Lottery Commission 1999-2000 Annual Report
(Sessional Paper #78)

PETITIONS (Response to Petition #2)

The Hon. Ms. Duncan, Premier, gave an oral response to Petition #2 (received by the House on April 5, 2001) with regard to the establishment of a public crematorium.

FILED DOCUMENT

During Question Period, the Hon. Ms. Duncan, Premier, filed the following document:

- Highway enforcement staff: letter (dated March 29, 2001) to Mr. Jenkins, Leader of the Third Party, from G.W. Hunter, Weigh Station Operator
(Filed Document #14)

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #37 - An Act to Amend the Territorial Court Act
-Hon. Ms. Buckway

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Thursday, April 19, 2001.

No. 59

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, April 19, 2001

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

TRIBUTES

Rotary Music Festival

The Hon. Mrs. Edelman, Minister of Tourism, on behalf of all Members, recognized the thirty-third annual Rotary Music Festival being held in Whitehorse during the week of April 22, 2001.

Gender Equity Awareness Week

The Hon. Mrs. Edelman, Minister responsible for the Women's Directorate, recognized the week of April 15, 2001 as Gender Equity Awareness Week and April 17, 2001 as Equality Day.

Birthday Greetings to Sarah Simon

Ms. Netro, Member for Vuntut Gwitchin, extended birthday greetings to Sarah Simon, a respected Gwitchin lady, who would be celebrating her one hundredth birthday on May 1, 2001.

International Earth Day

Mr. McRobb, Member for Kluane, paid tribute to International Earth Day and recognized Yukoners who will participate in planned events on April 22, 2001 throughout the Yukon.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- *Yukon Act* amendments: term of office

(Legislative Return #61)

MINISTERIAL STATEMENTS

Hon. Ms. Duncan, Premier

- Youth Directorate

Hon. Mrs. Edelman, Minister of Tourism

- Creation of Cultural Industries Secretariat

TABLED DOCUMENT

During Question Period, Mr. Jenkins, Leader of the Third Party, attempted to table a certain document.

SPEAKER'S STATEMENT (re attempted tabling of a document)

Following Question Period, the Hon. Mr. Schneider, Speaker, made the following statement:

“Order please. The Member for Klondike has attempted, during Question Period, to table a document which is an e-mail communication from an unidentified anonymous source. The content of that document, which the Member for Klondike read into the record, was offensive.

Members should recognize that they cannot bring something before the House that is unparliamentary on the basis that someone else has written it. That is out of order.

Because this has just happened and is deserving of reflection, the Chair directs that the Table not yet enter the document as a tabled paper of this House. The Chair will review the matter and report back at the next sitting day.”

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #37 - An Act to Amend the Territorial Court Act
-Hon. Ms. Buckway

The report of the Chair was adopted.

The Assembly adjourned at 5:58 p.m. until 1:00 p.m., Monday, April 23, 2001.

No. 60

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, April 23, 2001

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

TRIBUTES

International Earth Day

The Hon. Mr. Eftoda, Minister of Renewable Resources, Mr. Jenkins, Leader of the Third Party, and Mr. McRobb, Member for Kluane, paid tribute to International Earth Day.

Hubert Jay Croteau, Chief Executive Officer of Midnight Sun Plant Food

Mr. McLachlan, Member for Faro, paid tribute to Hubert "Herbie" Croteau, the Chief Executive Officer of Midnight Sun Plant Food.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Forest Management Plan for Southeast Yukon: revised draft Memorandum of Understanding provided by DIAND to Liard First Nation and Yukon Government **(Legislative Return #62)**

Hon. Ms. Buckway, Minister of Justice

- Yukon Judicial Compensation Commission: Report and Recommendations (December 1998) **(Sessional Paper #79)**

SPEAKER'S RULING (re Tabling Documents)

"Order, please. Before proceeding further the Chair will provide a ruling on the matter arising from the actions of the Member for Klondike during Question Period on April 19, 2001.

The Chair wishes Members to recognize that this most serious matter is not something that has occurred without background. It is the culmination of an ever-increasing and escalating disregard for order and decorum in this House.

Let all Members understand that the very requirement that this ruling be given obliges every Member to reflect on what has led up to it. Let every Member also understand their personal responsibility to learn from this experience and to consider how they may contribute, on a regular basis, to greater civility in this Assembly.

The central issue at hand today has to do with an e-mail communication that the Member for Klondike read to the House and attempted to table in print format. Following Question Period, the Chair informed the House that the Chair intended to review the matter and that the Chair directed the Table Officers to delay entering the document into the records of the House pending this ruling.

The Member for Klondike, in the introductory comments to his question, remarked that 'the Premier has established the practice of tabling personal correspondence in the House.' This statement was in reference to an action taken by the Premier on the previous sitting day, April 18, 2001. During Question Period, the Premier read to the House a portion of a letter written by a private citizen. The Premier, at that time, provided the letter to the House as a filed document.

The Chair has reviewed the proceedings of April 18 and studied those proceedings in the context of the direction found in various parliamentary authorities. In *House of Commons Procedure and Practice*, it is stated at page 517:

'Generally, the reading of articles from newspapers, books or other documents by a Member during debate has become an accepted practice and is not ruled out of order provided that such quotations do not reflect on past proceedings in the House, do not refer to or comment on or deny anything said by a Member, or use language which would be out of order if spoken by a Member.'

The letter filed by the Premier did contain, as was made clear by the Premier, reference to and commentary on statements made in the House by the Member for Klondike.

The concern that this raises is that quotations from private correspondence are not to be used in a manner in which unelected private citizens can enter into debate on the floor of this Assembly. This restriction has been in place for a very long time. As far back as 1877, a Speaker of the House of Commons, quoted on page 108 of W.F. Dawson's *Procedure in the House of Commons*, stated:

'I cannot imagine anything so improper as that any gentleman, no matter how eminent [who is not a Member of the House], should be allowed to take his place in the House by having his opinions or his comments introduced upon what an honourable gentleman might say in his place in the House.'

The Chair feels, on reflection, that the events which took place on April 18 should have received attention. That could have been done either through the Chair's intervention or by a Member raising a Point of Order.

The conclusion reached by the Member for Klondike that an oversight on April 18 created what he called a 'practice' leading to Members being able to read any kind of private correspondence to the House is unfortunate. It does not, however, lead to a justification for his actions of April 19.

The Chair notes that the Member for Klondike did not identify the person who was the author of the e-mail he read to the House. As the Chair informed the House, the document forwarded to the Table by the Member was from an anonymous source.

It is stated on pages 517 and 518 of *House of Commons Procedure and Practice* that:

'Members may not . . . quote from correspondence when there is no way of ensuring the authenticity of the signature. They may quote from private correspondence as long as they identify the sender by name or take full responsibility for its contents.'

The Member for Klondike, then, has two choices – he may either inform the House of the name of the person who wrote the e-mail communication that he quoted from or he must take full responsibility for its contents.

The difficulty, of course, with either option is that the unparliamentary language and the extremely serious allegations contained in the communication have been made known and widely circulated through a variety of media. This includes the Assembly's Blues which are published both in print and on the Assembly's website, the television and radio broadcasts of the proceedings of this House, and newspaper and radio reports. Even were the House to order the offending remarks expunged from Hansard, a drastic and, for this House, unprecedented action, it would accomplish little to alleviate the harm already done.

The freedom to speak freely in this House is the most important of all the privileges of Members. It is a right that this Assembly and other parliamentary institutions have diligently guarded because it is essential to Members being able to represent and speak on behalf of their constituents to the fullest degree without fear of reprisal. However, it is a humbling right that carries with it the absolute requirement that it be exercised in a careful, responsible manner because its abuse can bring great harm to others and to the reputation of this institution and all its Members. The Member for Klondike must understand that, in doing what he has done, he has lost sight of his obligations and failed to meet a standard of behaviour that can rightly be expected of Members of this Assembly.

What can be done now?

First and foremost, the Chair must, on behalf of the House, require the Member for Klondike to withdraw the offensive language that he uttered.

The Chair will also call upon the Member for Klondike to name the author of the e-mail.

Whether or not the Member for Klondike names the person, he will possess some level of responsibility for what has taken place. If he does not, the result will be that the words will be considered to be his own. If he does, he still has to take the responsibility for having uttered the words in this House. As is stated on page 387 of *Erskine May* (22nd edition):

'A Member is not allowed to use unparliamentary words by the device of putting them in somebody else's mouth.'

The Member for Klondike must be aware that this matter may not end here. The House is capable of taking such action as it may choose including censuring the Member or referring the matter to a committee for consideration.

If referred to a committee, the issue that would be under consideration would be that of the production of the e-mail communication to the House; no Member should be under any illusion that a committee would be passing judgement on the allegations contained in it.

If the Member for Klondike wishes an investigation of the allegations found in the communication, he has his own options, including private ones, for action. If he chooses to pursue the matter in this House, he must propose a motion containing the charges he is prepared to make and his proposals for dealing with those charges.

In a moment, the Chair will recognize the Member for Klondike solely for the following three purposes:

- (1) The Chair calls upon the Member to withdraw completely and unequivocally the offensive language that he used in the House last Thursday.
- (2) The Chair calls upon the Member to inform the House now of the name of the person who is the author of the e-mail communication that the Member for Klondike read to the House

on April 19, 2001. As has been stated, if the Member for Klondike is unable to provide that information, he will take full responsibility in this House for the contents of that communication. Also, as has been stated, even if he does provide the name, he continues to be responsible for having spoken the words of that communication in this House.

- (3) The Chair will also allow the Member for Klondike to speak but only for the purpose of offering an apology.

Further, the Chair directs that the document the Member for Klondike attempted to table on April 19 not be entered in the working papers of the Assembly at this time. The Chair further directs that the Clerk maintain it in a secure place and place it in the working papers or make it available only upon receiving future instruction to do so from the House or the Chair.

The Chair now recognizes the Member for Klondike.”

Withdrawal of Remarks

Mr. Jenkins, Leader of the Third Party, withdrew the remarks. The Chair accepted that the Member for Klondike withdrew the remarks.

FILED DOCUMENT

During Question Period, the Hon. Mrs. Edelman, Minister of Tourism, filed the following document:

- Apology regarding comments made at the TIAY AGM (letter dated April 23, 2001) from Dan Brennan, Deputy Minister of Tourism, to Steve Leonard, President, Tourism Industry Association, Yukon **(Filed Document #15)**

COMMITTEE OF THE WHOLE

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

The following Bills were reported without amendment:

- Bill #37 - An Act to Amend the Territorial Court Act
-Hon. Ms. Buckway
- Bill #43 - An Act to Amend the Fuel Oil Tax Act
-Hon. Ms. Duncan
- Bill #38 - An Act to Amend the Public Utilities Act
-Hon. Ms. Duncan

Progress was reported on the following Bill:

- Bill #33 - Perpetuities and Accumulations Repeal Act
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:39 p.m. until 1:00 p.m., Tuesday, April 24, 2001.

No. 61

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, April 24, 2001

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

TRIBUTES

International Year of the Volunteer and The Book of Stars

The Hon. Ms. Duncan, Premier, on behalf of all Members, paid tribute to all Yukon volunteers as part of the celebration of the International Year of the Volunteer, 2001. The *Book of Stars*, a tribute to all volunteers, will be launched by His Royal Highness the Prince of Wales in Mayo on Sunday, April 29, 2001. All Yukon volunteers are encouraged to sign the book when it visits their community.

TABLING RETURNS AND DOCUMENTS

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

- CT scan diagnostic services for Whitehorse General Hospital
(Legislative Return #63)
- Social Assistance figures (Yukon): 1998/1999, 1999/2000 and 2000/2001
(Legislative Return #64)

COMMITTEE OF THE WHOLE

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

The following Bill was reported without amendment:

Bill #33 - Perpetuities and Accumulations Repeal Act
-Hon. Ms. Duncan

Progress was reported on the following Bill:

Bill #34 - An Act to Amend the Trustee Act
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Wednesday, April 25, 2001.

No. 62

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, April 25, 2001

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

TRIBUTES

National Organ and Tissue Donor Awareness Week

The Hon. Mr. Roberts, Minister of Health and Social Services, on behalf of all Members, recognized National Organ and Tissue Donor Awareness Week.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Piped propane distribution system (proposed): information pertaining to
(Legislative Return #65)

Mr. Fairclough, Leader of the Official Opposition

- Tourism Department personnel matter: newspaper articles related to
(Sessional Paper #80)

Mr. Keenan, Member for Ross River-Southern Lakes

- Gove Inquiry into Child Protection in British Columbia: recommendations
(Sessional Paper #81)
- Children's Commission (B.C.): role
(Sessional Paper #82)

OPPOSITION PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Jenkins:

THAT it is the opinion of this House that Canada's three northern territories should be treated equally by the Government of Canada in relation to the recognition of their respective offshore boundaries; and

THAT this House urges the Government of Yukon to ensure that Yukon's northern boundary description in the draft Yukon Act (1999) should be made more consistent with those of the Northwest Territories and Nunavut by amending Schedule 1 of that draft legislation as follows:

- (1) Change “on the north, by that part of the Arctic Ocean called Beaufort Sea” to “on the north by the northern limit of Canada in that part of the Arctic Ocean called Beaufort Sea.”
- (2) Replace paragraph 2 of the definition of “Yukon “ in section 2 of the draft Yukon Act (1999) with the following paragraph:
 2. “Yukon” includes the designated area of the Yukon Territory, comprising all land and water in Yukon to the south of the northern limit described in Schedule 2.
- (3) Elsewhere in the draft Yukon Act (1999) including the heading to Schedule 2, change “adjoining area” (or “Adjoining Area”) to “designated area” (or “Designated Area”) and include a consequential amendment to the effect that any references to “adjoining” (or “Adjoining”) in the *Oil and Gas Accord* should be interpreted in light of this change. **(Motion #44)**

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

YEA

Fairclough	Keenan	Netro	6
Fentie	McRobb	Jenkins	

NAY

Duncan	Edelman	McLarnon	
Eftoda	Roberts	Kent	9
Jim	Tucker	McLachlan	

Filed Document

During debate on Motion #44, the Member for Klondike filed the following document:

- Alaska Senate Bill #164: re lands adjacent to the Beaufort Sea
(Filed Document #16)

Moved by Mr. Fentie:

THAT it is the opinion of this House that:

- (1) the Yukon Liberal Government has needlessly delayed the conduct of public business during the current legislative sitting by refusing to be open and forthcoming in response to legitimate questions from the Opposition,
- (2) the introduction of several substantive amendments to legislation, contrary to the spirit and the letter of the all-party agreement on legislative sittings, has further hampered the Opposition in its legitimate role of holding the Government accountable for its spending priorities in the biggest budget ever tabled in Yukon history,
- (3) by its actions, the Liberal Government has indicated that it considers the all-party agreement to be null and void, and
- (4) it is not in the best interests of the Yukon public to allow the Government’s budget to pass without a thorough examination of its implications; and

THAT it is the opinion of this House that the current sitting of the Yukon Legislative Assembly should be extended beyond the 35-day limit called for in the all-party Memorandum of Understanding, and should continue sitting until such time as all the

business before the House has been given thorough scrutiny and can come to a vote of the Members. **(Motion #121)**

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

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

Moved by Mr. Jenkins:

THAT it is the opinion of this House that the Yukon Economic Outlook 2001 clearly shows that the Yukon Liberal Government's efforts to rebuild Yukon's shattered economy are not working; and

THAT this House urges the Yukon Liberal Government to revitalize the Yukon economy by implementing the following actions:

- (1) amending the 2001-2002 Budget by reducing operation and maintenance expenditures and increasing capital spending to help create more private sector jobs,
- (2) recommending proposals to the Government of Canada that will enable Yukon First Nations that have yet to settle their land claims to keep a more equitable portion of their settlement money rather than having to pay between 55% to 65% of this money to cover land claim negotiation costs,
- (3) ensuring that there are no more massive withdrawals of land from all development under the Yukon Protected Areas Strategy or Special Management Areas established under land claims,
- (4) planning the construction of a resource road in southeast Yukon in conjunction with First Nation governments and the community of Watson Lake in order to provide access to timber, minerals and oil and gas resources in the area,
- (5) increase personal income tax exemption, and
- (6) eliminating the federal and territorial taxes on gasoline and diesel as well as the GST on home heating fuels and electricity. **(Motion #86)**

Unanimous Consent to move from Opposition Private Members' Business to Government Business

At the commencement of debate, Mr. Jenkins, Member for Klondike requested unanimous consent for the following:

- (1) that the House proceed no further today with Motion #86; and
- (2) that the House be automatically resolved into Committee of the Whole and that it be restricted to dealing with Bill #4 in Committee of the Whole.

Unanimous consent was granted.

SPEAKER'S STATEMENT (re House Business)

Following the granting of unanimous consent, the Speaker made the following statement:

"The House will not proceed with Motion #86 at this time. The Chair directs the Clerk to identify the Member for Klondike as having adjourned debate on Motion #86 on future Order Papers.

As we are now in Committee of the Whole, the Speaker will now leave the Chair."

COMMITTEE OF THE WHOLE

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:58 p.m. until 1:00 p.m., Thursday, April 26, 2001.

No. 63

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, April 26, 2001

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

TRIBUTES

National Day of Mourning

The Hon. Mr. Roberts, Minister responsible for the Yukon Workers' Compensation Health and Safety Board, on behalf of all Members, recognized the National Day of Mourning and remembered those workers who have died or were injured on the job. The House observed a moment of silence.

Amber Ursich - Recipient of the gold Duke of Edinburgh's Award

Mr. Kent, Member for Riverside, on behalf of all Members, paid tribute to Amber Ursich, who recently received the gold Duke of Edinburgh's Award. Ms. Ursich, the grand-daughter of former Sergeant-at-Arms, Frank Ursich Sr., will receive the official certificate from a member of the Royal family at a later date.

Law Day

Ms. Netro, Member for Vuntut Gwitchin, on behalf of all Members, recognized Law Day across Canada and around the world. This year's theme is "equal opportunity for all."

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Schneider, Speaker

- Travel Expenses of Members of the Yukon Legislative Assembly 2000-2001
(dated April 2001) **(Sessional Paper #83)**

GOVERNMENT BILLS

The following Bill was called for Third Reading:

- Bill #44 - An Act to Amend the Income Tax Act (No. 3)
-Hon. Ms. Duncan

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

YEA

Duncan	Tucker	Fentie	
Eftoda	McLarnon	Keenan	
Jim	Kent	McRobb	15
Edelman	McLachlan	Netro	
Roberts	Fairclough	Jenkins	

NAY

0

Bill #44, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #36 - Territorial Court Judiciary Pension Plan Act
-Hon. Mr. Eftoda

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

YEA

Duncan	Tucker	Fentie	
Eftoda	McLarnon	Keenan	
Jim	Kent	McRobb	15
Edelman	McLachlan	Netro	
Roberts	Fairclough	Jenkins	

NAY

0

Bill #36, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #40 - An Act to Amend the Maintenance Enforcement Act
-Hon. Mr. Eftoda

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

YEA

Duncan	Tucker	Fentie	
Eftoda	McLarnon	Keenan	
Jim	Kent	McRobb	15
Edelman	McLachlan	Netro	
Roberts	Fairclough	Jenkins	

NAY

0

Bill #40, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #42 - An Act to Amend the Employment Standards Act
-Hon. Mr. Eftoda

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

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

15

NAY

0

Bill #42, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #41 - An Act to Amend the Tobacco Tax Act
-Hon. Ms. Duncan

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

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

15

NAY

0

Bill #41, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #37 - An Act to Amend the Territorial Court Act
-Hon. Mr. Eftoda

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

YEA		
Duncan	Edelman	Kent
Eftoda	Roberts	McLachlan
Jim	Tucker	

8

NAY

Fairclough	Keenan	Netro	5
Fentie	McRobb		

Bill #37, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #43 - An Act to Amend the Fuel Oil Tax Act
-Hon. Ms. Duncan

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

YEA

Duncan	Tucker	Fentie	
Eftoda	McLarnon	Keenan	
Jim	Kent	McRobb	15
Edelman	McLachlan	Netro	
Roberts	Fairclough	Jenkins	

NAY

0

Bill #43, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #38 - An Act to Amend the Public Utilities Act
-Hon. Ms. Duncan

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

YEA

Duncan	Edelman	McLarnon	
Eftoda	Roberts	Kent	9
Jim	Tucker	McLachlan	

NAY

Fairclough	Keenan	Netro	6
Fentie	McRobb	Jenkins	

Bill #38, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #33 - Perpetuities and Accumulations Repeal Act
-Hon. Ms. Duncan

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

YEA

Duncan	Tucker	Fentie	
Eftoda	McLarnon	Keenan	
Jim	Kent	McRobb	15
Edelman	McLachlan	Netro	
Roberts	Fairclough	Jenkins	

NAY

0

Bill #33, accordingly, passed the House.

COMMITTEE OF THE WHOLE

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

The following Bill was reported with amendment:

Bill #34 - An Act to Amend the Trustee Act
-Hon. Ms. Duncan

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:56 p.m. until 1:00 p.m., Monday, April 30, 2001.

No. 64

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, April 30, 2001

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

TRIBUTES

In recognition of the visit by HRH The Prince of Wales

The Hon. Ms. Duncan, Premier, on behalf of all Members, paid tribute to all who helped make the visit to the Yukon by His Royal Highness The Prince of Wales, from April 28 to 30, 2001, a success.

National Forest Week

The Hon. Mr. Eftoda, Minister of Renewable Resources, recognized National Forest Week. A campaign to select the Yukon's official tree is underway, with a selection to be made during Environment Week, June 3 to 9, 2001.

MINISTERIAL STATEMENTS

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

- Yukon Housing Corporation's initiatives for Faro

GOVERNMENT BILLS

The following Bill was called for Third Reading:

Bill #34 - An Act to Amend the Trustee Act

-Hon. Ms. Duncan

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

YEA

Duncan	Buckway	Kent	
Eftoda	Tucker	McLachlan	10
Jim	McLarnon	Jenkins	
Edelman			

NAY

Fairclough	Keenan	Netro	5
Fentie	McRobb		

Bill #34, accordingly, passed the House.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:55 p.m. until 1:00 p.m., Tuesday, May 1, 2001.

No. 65

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, May 1, 2001

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

TRIBUTES

Young Authors Conference

The Hon. Mr. Eftoda, Minister responsible for the Public Service Commission, paid tribute to the Yukon writers and to the organizers who took part in the 23rd annual Young Authors Conference. Congratulations were extended to the Yukon students who received special awards.

Governor General's "Caring Canadian Award" recipient - Lance Koschzeck

Mr. Kent, Member for Riverside, paid tribute to Lance Koschzeck, who recently received the Governor General's "Caring Canadian Award".

Sexual Assault Prevention Month

Ms. Netro, Member for Vuntut Gwitchin, Mr. Jenkins, Leader of the Third Party, and the Hon. Mrs. Edelman, Minister responsible for the Women's Directorate, recognized the month of May as Sexual Assault Prevention Month.

TABLING RETURNS AND DOCUMENTS

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

- Connect Yukon - 19596 Yukon Inc.: information pertaining to Immigrant Investor Fund loan **(Legislative Return #66)**

Hon. Mr. Jim, Minister of Government Services

- Internet Statement of Use: computer tips **(Legislative Return #67)**
- E-mail Statement of Use: computer tips **(Legislative Return #68)**

Hon. Mr. Roberts, Minister responsible for the Workers' Compensation Health and Safety Board

- Workers' Compensation Health and Safety Board (Yukon) 2000 Annual Report **(Sessional Paper #84)**
- Workers' Compensation Appeal Tribunal Annual Report (dated February 12, 2001): report to the Minister under section 18.2(c), *Workers' Compensation Act* **(Sessional Paper #85)**

MINISTERIAL STATEMENTS

Hon. Ms. Buckway, Minister of Community and Transportation Services
- Strategic Highway Infrastructure Program

QUESTION OF PRIVILEGE (re Organization of House Business)

Mr. Fentie, Official Opposition House Leader, rose on a Question of Privilege relating to organization of House Business.

Speaker's Ruling on the Question of Privilege

"The Chair will now provide 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 10:59 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, a Question of Privilege must be raised at the time the event occurred or on the next sitting day. With respect to the matter raised by the Official Opposition House Leader, the event has not taken place. The Official Opposition House Leader has informed the House of information provided to him during a House Leaders' meeting. He has stated that the Government House Leader notified the other House Leaders of an intention to move a motion to extend sitting hours.

The Chair must inform the House that discussions which occur in private between House Leaders do not have a formal place within the proceedings of the House. Members, therefore, should not expect the Chair to provide rulings based on information on what takes place in such meetings.

Further, in his written notice to the Chair, the Official Opposition House Leader made reference to the Memorandum of Understanding reached between Leaders in this House.

The Chair must inform the House, as has been done in the past, that the Memorandum of Understanding is an agreement between Leaders. It does not form part of the rules of this House and the Speaker has not been provided direction by the House to take notice of or to enforce its provisions.

With respect to the question raised today by the Official Opposition House Leader, the most important point is that the event that the Official Opposition House Leader objects to has not occurred. The Chair cannot make findings or rulings in advance of events because there is no certainty the events will occur at all. Even if certain events should occur, no one can be aware now of all the circumstances that would apply.

Keeping that caution in mind, this is a situation where the House has provided an explicit rule, being Standing Order 2(6), which identifies the procedure for extending sitting hours. Since the House has done that, it must be concluded

that the House itself has already determined that a motion to extend sitting hours would not be in violation of any perceived privileges.

The Chair, therefore, does not find there to be a *prima facie* breach of privilege.

This concludes the ruling. The House will now proceed to Orders of the Day.”

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:48 p.m. until 1:00 p.m., Wednesday, May 2, 2001.

No. 66

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, May 2, 2001

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

TABLING RETURNS AND DOCUMENTS

During Tabling Returns and Documents, the Member for Klondike attempted to table fragments from the Dawson Dome Road. The Speaker reserved his decision on accepting the materials as a tabled document.

Hon. Ms. Duncan, Premier

- Northern offshore boundaries (Yukon): Yukon Government representations to federal government **(Legislative Return #69)**
- Computer equipment expenditures for Executive Council Office: explanation of capital expenses **(Legislative Return #70)**
- Oil and Gas (Yukon) 2001: economic development information document **(Sessional Paper #86)**

PETITIONS

Mr. Keenan, Member for Ross River-Southern Lakes, presented the following petition:

- Carcross Community and Curling complex: construction of a new facility **(Petition #3)**

MINISTERIAL STATEMENTS

Hon. Ms. Duncan, Premier

- Restoring confidence in government

MOTION TO SIT BEYOND NORMAL HOUR OF ADJOURNMENT

At 2:06 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 #4, entitled *First Appropriation Act, 2001-2002*, in Committee of the Whole; and for permitting the House to consider Third Reading of Bill #4; and for receiving the Commissioner to give Assent to the Bills passed by the House.

Debate started on the motion.

Quorum

At approximately 3:00 p.m., during debate on the motion to sit beyond the normal hour of adjournment, Mr. McRobb, Member for Kluane, rose on a Point of Order to state that there did not appear to be a quorum present. The Speaker found that, contrary to the view of the Member for Kluane, there was, in fact, a quorum present and ordered debate to continue on the motion.

Debate continued on the motion.

Quorum Count

At approximately 3:15 p.m., during debate on the motion to sit beyond the normal hour of adjournment, 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 to sit beyond the normal hour of adjournment, at 4:20 p.m., it was moved by Mr. Fentie, Official Opposition House Leader, in amendment thereto:

THAT the Motion currently under debate, entitled Motion to Sit Beyond Normal Hour of Adjournment, be amended by deleting the words "be empowered to sit beyond 6:00 p.m." and substituting for them the words "extend the current sitting beyond the 35 days stipulated in the Memorandum of Agreement signed by the three party leaders and continue to sit until no later than 6:00 p.m. on Thursday, May 10, 2001."

Speaker's Ruling

"The Official Opposition House Leader has proposed an amendment to the motion to extend hours moved by the Government House Leader.

The amendment is not in order because the motion to extend hours only applies to this sitting.

The content of the amendment proposed by the Official Opposition House Leader can only be presented as a substantive motion. It must, therefore, be given notice and appear on the Order Paper. As I have said, the amendment is out of order and if the Official Opposition House Leader wishes to continue with debate on the main motion, I will now recognize him."

The debate continuing on the motion to sit beyond the normal hour of adjournment and the time reaching 6:00 p.m. while Mr. Keenan, Member for Ross River-Southern Lakes, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. the following day, and proceedings on the motion to sit beyond the normal hour of adjournment were accordingly concluded.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, May 3, 2001.

No. 67

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, May 3, 2001

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

TRIBUTES

Youth Week

Mr. Kent, Member for Riverside, on behalf of all Members, recognized May 6 to 12, 2001 as Youth Week.

World Press Freedom Day

Mr. McRobb, Member for Kluane, and the Hon. Ms. Duncan, Premier, on behalf of all Members, paid tribute to World Press Freedom Day.

SPEAKER'S RULING (re tabling of road fragments)

"Before proceeding further the Chair will provide a ruling on the attempt by the Member for Klondike to table road fragments during Tabling Returns and Documents on Wednesday, May 2, 2001.

In the rules adopted by this House to govern its proceedings, Standing Order 11(2) sets out the order of the Daily Routine and provides the formal opportunity for any Member of this House to table a document, and for Ministers to submit Legislative Returns. Standing Orders 37 and 38 provide more detailed guidance to govern the tabling of documents.

The Chair would draw the attention of Members to Standing Order 38(2) in particular, which states:

'Any document presented to the Assembly by a member for the information of members may be tabled if accompanied by sufficient copies for distribution to all House Leaders and to the Table for placement in the working papers of the Assembly.'

While the Chair recognizes that the Member for Klondike kindly provided sufficient pieces for House Leaders, the Table and indeed all Members, it must be stated that the materials presented by the Member for tabling are not documents and therefore are not acceptable for placement in the working papers of the Assembly."

PETITIONS

Presentation

Mr. Keenan, Member for Ross River-Southern Lakes, presented the following petition:

- Public inquiry regarding policies, procedures and practices of Family and Children's Services Branch **(Petition #4)**

Report of the Clerk

The Clerk reported on Petition #3 as follows:

"Mr. Speaker and honourable Members of the Assembly:

I have had the honour to review a petition, being Petition #3 of the Second Session of the 30th Legislative Assembly, as presented by the Member for Ross River-Southern Lakes on May 2, 2001.

This petition meets the requirement as to form of the Standing Orders of the Yukon Legislative Assembly."

Patrick L. Michael
Clerk of the Yukon
Legislative Assembly

The Speaker ruled that, accordingly, Petition #3 was deemed to be read and received.

MOTION TO SIT BEYOND NORMAL HOUR OF ADJOURNMENT

Unanimous consent having been requested by Ms. Tucker, Government House Leader, and granted to waive Standing Order 27(1) with regard to notice, it was moved by Ms. Tucker, Government House Leader:

THAT, to fulfill the agreement reached between House Leaders on behalf of their caucuses, this House orders:

- (1) the time for the sittings of the Assembly for the remainder of the 2001 spring sitting shall be as follows:
 - (a) Thursday, May 3, 2001 - 1:00 p.m. to 6:00 p.m.,
 - (b) Monday, May 7, 2001 - 1:00 p.m. to 6:00 p.m. and 7:00 p.m. to 9:00 p.m.,
 - (c) Tuesday, May 8, 2001 - 1:00 p.m. to 6:00 p.m. and 7:00 p.m. to 9:00 p.m., and
 - (d) Wednesday, May 9, 2001 - 1:00 p.m. to 6:00 p.m.;
- (2) the business to be considered under Orders of the Day on those sitting days shall be restricted to Bill #4, *First Appropriation Act, 2001-02*;
- (3) if Bill #4 should still be under consideration in the Committee of the Whole at 4:30 p.m. on Wednesday, May 9, 2001, the Chair shall interrupt proceedings and immediately put all questions necessary to conclude consideration of Bill #4 and then report to the Assembly;
- (4) a motion for Third Reading of Bill #4 shall be moved immediately after Bill #4 has been reported from Committee of the Whole;
- (5) each of the Leaders in the House shall be given a maximum of 20 minutes to speak to the motion for Third Reading of Bill #4;
- (6) if debate is continuing on the motion for Third Reading of Bill #4 at 5:45 p.m. on Wednesday, May 9, 2001, the Speaker shall interrupt the debate and put the question on the motion;
- (7) the House shall then receive the Commissioner to grant Assent to the bills which have passed the House; and
- (8) the House shall then adjourn.

(Motion #128)

The question being put on Motion #128, it was agreed to.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

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 2001 spring sitting.

The Assembly adjourned at 6:04 p.m. until 1:00 p.m., Monday, May 7, 2001.

No. 68

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, May 7, 2001

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

TRIBUTES

National Nursing Week

The Hon. Mr. Roberts, Minister of Health and Social Services, and Mr. Keenan, Member for Ross River-Southern Lakes, recognized May 7 to 13, 2001 as National Nursing Week.

Information Technology Week

The Hon. Mr. Jim, Minister of Government Services, recognized Canada's first annual Information Technology Week and paid tribute to Yukoners who have been instrumental in the development of "IT" in the territory.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Jim, Minister of Government Services

- Government Services: response to questions asked during 2001-02 budget debate re fuel purchase for fleet vehicles; French Language Services transfer payments; and sole-sourced contracts **(Legislative Return #71)**
- Government Services: response to questions asked during 2001-02 budget debate re special purpose buildings; and transfer of French Language Services and photography unit from Executive Council Office to Government Services **(Legislative Return #72)**

PETITIONS

The Clerk reported on Petition #4 as follows:

"Mr. Speaker and honourable Members of the Assembly:

I have had the honour to review a petition, being Petition #4 of the Second Session of the 30th Legislative Assembly, as presented by the Member for Ross River-Southern Lakes on May 3, 2001.

The first page of the petition contains the following prayer:

'Therefore, the undersigned ask the Legislative Assembly to urge the Commissioner in Executive Council to immediately commission a public inquiry under the *Public*

Inquiries Act into the policies, procedures and practices of Family and Children's Services.'

The prayer on the remaining pages of the petition is worded as follows:

'Therefore, the undersigned ask the Legislative Assembly to immediately commission a public inquiry under the *Public Inquiries Act* into the policies, procedures and practices of Family and Children's Services.'

As the Legislative Assembly is not capable of commissioning a public inquiry under the *Public Inquiries Act*, the portion of the petition that contains the prayer asking the Assembly to commission a public inquiry does not conform with the requirements respecting petitions.

However, the first page does contain a proper prayer asking the Legislative Assembly to do something which it is capable of doing. The wording of the petition text in both versions is, in all other regards, identical.

Whenever the Assembly has given consideration in the past to the rules governing petitions, the clear indication received is that, in cases where there is doubt, the Assembly would prefer the benefit of that doubt be provided to the petitioners.

Therefore, it is found that this petition meets the requirements as to form of the Standing Orders of the Yukon Legislative Assembly."

Patrick L. Michael
Clerk of the Yukon
Legislative Assembly

The Speaker ruled that, accordingly, Petition #4 was deemed to be read and received.

FILED DOCUMENT

During Question Period, Mr. Jenkins, Leader of the Third Party, filed the following document:

- Personal income tax savings to Yukoners (2002-2003): page 9 from 2001-2002 budget
(Filed Document #17)

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 9:00 p.m. until 1:00 p.m., Tuesday, May 8, 2001.

No. 69

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, May 8, 2001

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

TRIBUTES

North American Occupational Safety and Health Week

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, recognized May 6 to 12, 2001 as North American Occupational Safety and Health Week.

National Young Women's Day

The Hon. Mrs. Edelman, Minister responsible for the Women's Directorate, recognized May 11, 2001 as National Young Women's Day.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Schneider, Speaker

- Auditor General: Report on Other Matters for 1998 and 1999
(Sessional Paper #87)

Hon. Ms. Duncan, Premier

- Yukon State of the Environment Report (1999): review by the Yukon Council on the Economy and the Environment (April 2001) (Sessional Paper #88)
- Yukon Council on the Economy and the Environment term report (April 1999 - December 2000) (Sessional Paper #89)

Hon. Mr. Jim, Minister of Government Services

- Government Services: response to questions asked during 2001-02 budget debate re Electronic Contract Registry; and Connect Yukon (Legislative Return #73)

MINISTERIAL STATEMENTS

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

- Dawson City Airport air tanker base

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 9:00 p.m. until 1:00 p.m., Wednesday, May 9, 2001.

No. 70

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, May 9 , 2001

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

TRIBUTES

Governor General's Silver Medal of Bravery recipient - Thane Phillips

The Hon. Mr. Eftoda, Minister of Education, paid tribute to Thane Phillips, in recognition of the impending presentation of the Governor General's Silver Medal of Bravery on June 22, 2001. Mr. Phillips rescued three individuals from the Yukon River in the spring of 2000.

Emergency Preparedness Week

The Hon. Ms. Buckway, Minister of Community and Transportation Services, recognized May 7 to 13, 2001 as Emergency Preparedness Week in Canada.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Buckway, Minister of Justice

- Crime Statistics - current trends: background; Crime in the Yukon -Third Quarter 2000 - Highlights; Yukon Crime Statistics, 1995-1999 - Highlights
(Legislative Return #74)
- Legal Aid trends: applications for fiscal years (1997 - 2001); initiatives increasing legal services provided by Legal Aid
(Legislative Return #75)
- *Territorial Court Act* changes: three cases taken into account
(Legislative Return #76)
- Cabinet Commission on Energy recommendations undertaken: residential; commercial; community energy management; in-government operations; transportation; energy supply planning; climate change; electricity pricing and regulatory issues
(Legislative Return #77)

MINISTERIAL STATEMENTS

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

- Yukon Hire policy changes

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 the 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.

COMMITTEE OF THE WHOLE

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

Application of House Order re Bill #4

At 4:30 p.m. the Chair interrupted proceedings and stated:

“Order please. The time being 4:30, under the instructions of the House, if Bill #4 should still be under consideration in Committee of the Whole at 4:30 p.m. on Wednesday, May 9, 2001, the Chair shall interrupt proceedings and immediately put all questions necessary to conclude consideration of Bill #4 and then report to the Assembly.”

The Chair then put all questions remaining on Bill #4.

The following Bill was reported without amendment:

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

GOVERNMENT BILLS

The following Bill was called for Third Reading:

Bill #4 - First Appropriation Act, 2001-02
-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
Fentie

Keenan
McRobb

Netro
Jenkins

6

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:

"Sir, 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 #44 - An Act to Amend the Income Tax Act (No. 3)
-Hon. Ms. Duncan

Bill #36 - Territorial Court Judiciary Pension Plan Act
-Hon. Mr. Eftoda

Bill #40 - An Act to Amend the Maintenance Enforcement Act
-Hon. Mr. Eftoda

Bill #42 - An Act to Amend the Employment Standards Act
-Hon. Mr. Eftoda

Bill #41 - An Act to Amend the Tobacco Tax Act
-Hon. Ms. Duncan

Bill #37 - An Act to Amend the Territorial Court Act
-Hon. Mr. Eftoda

Bill #43 - An Act to Amend the Fuel Oil Tax Act
-Hon. Ms. Duncan

Bill #38 - An Act to Amend the Public Utilities Act
-Hon. Ms. Duncan

Bill #33 - Perpetuities and Accumulations Repeal Act
-Hon. Ms. Duncan

Bill #34 - An Act to Amend the Trustee Act
-Hon. Ms. Duncan

Bill #4 - First Appropriation Act, 2001-02
-Hon. Ms. Duncan

The Commissioner assented the Bills:

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

The Commissioner then retired from the Chamber.

The Assembly adjourned at 5:30 p.m.

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ADMINISTRATOR (Geraldine Van Bibber)

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ASSENT TO BILLS

Assent to Bill No. 5..... 115

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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

BILLS

(For Progress of Bills chart see Appendix A)

Bills, Government

Bill #	Title	1R	2R	C/W * with amendment	3R&P	A
42	Employment Standards Act, An Act to Amend the	01-03-26	01-04-12	01-04-12	01-04-26	01-05-09
4	First Appropriation Act, 2001-02	01-02-22	01-05-09	01-05-09	01-05-09	01-05-09
						(continued)

Bills, Government (continued)

Bill #	Title	1R	2R	C/W	3R&P	A
43	Fuel Oil Tax Act, An Act to Amend the	01-04-09	01-04-12	01-04-23	01-04-26	01-05-09
44	Income Tax Act (No. 3), An Act to Amend the	01-04-09	01-04-12	01-04-12	01-04-26	01-05-09
5	Interim Supply Appropriation Act, 2001-02	01-03-26	01-03-27	Stood ordered for 3 rd Reading	01-03-27	01-03-27
39	Jury Act, An Act to Amend the	01-03-26	01-04-12			
40	Maintenance Enforcement Act, An Act to Amend the	01-04-09	01-04-12	01-04-12	01-04-26	01-05-09
33	Perpetuities and Accumulations Repeal Act	00-11-06	01-04-12	01-04-33	01-04-26	01-05-09
38	Public Utilities Act, An Act to Amend the	01-04-02	01-04-12	01-04-23	01-04-26	01-05-09
37	Territorial Court Act, An Act to Amend the	01-04-09	01-04-12	01-04-23	01-04-26	01-05-09
36	Territorial Court Judiciary Pension Plan Act	01-03-26	01-04-12	01-04-12	01-04-26	01-05-09
41	Tobacco Tax Act, An Act to Amend the	01-03-27	01-04-12	01-04-12	01-04-26	01-05-09
34	Trustee Act, An Act to Amend the	00-11-06	01-04-12	01-04-26	01-03-30	01-05-09

Bills, Other Than Government

Bill #	Title	1R	2R	C/W	3R&P	A
101	Child, Youth and Family Advocacy Act	00-11-20				
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YUKON LEGISLATIVE ASSEMBLY

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

February 22, 2001 – May 9, 2001

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**

February 22, 2001 – May 9, 2001

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YUKON LEGISLATIVE ASSEMBLY

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

February 22, 2001 – May 9, 2001

Substantive Motions

1. Motion #93- Mr. Fentie
Debated March 28, 2001
Carried March 28, 2001

THAT it is the opinion of this House that:

- (1) the development of a stable, sustainable forest industry in the Yukon could provide a major economic engine in the territory,
- (2) the Yukon Forest Strategy was developed through extensive public consultation to serve as a made-in-Yukon model for the management of this important resource following devolution of the Northern Affairs program to the Yukon is a good start,
- (3) the development of a stable, sustainable forest industry that respects the Yukon's environmental and social values has been severely impeded by ongoing mismanagement of the forest resource by the federal government,
- (4) this mismanagement has recently been demonstrated again with the inappropriate issuance of timber permits in the LaBiche area of southeast Yukon, and
- (5) the federal government's mismanagement of Yukon forest resources has hampered the territory's economic development, has failed to provide the necessary environmental safeguards, and has contributed to the delay in settling outstanding Yukon First Nations land claims; and

THAT this House urges the federal government not to proceed with any further forestry activity in the LaBiche area until the necessary resource assessments and required data are supplied by the federal government, so that Yukon people can make informed decisions respecting the forest.

2. Motion #87 – Ms. Tucker, Government House Leader
Debated March 12, 2001
Carried March 12, 2001

THAT the honourable Members Dennis Fentie, Peter Jenkins and Gary McRobb be appointed to the Standing Committee on Rules, Elections and Privileges.

3. Motion #128 – Ms. Tucker, Government House Leader
Debated May 3, 2001
Carried May 3, 2001

THAT, to fulfill the agreement reached between House Leaders on behalf of their caucuses, this House orders:

- (1) the time for the sittings of the Assembly for the remainder of the 2001 spring sitting shall be as follows:
 - (a) Thursday, May 3, 2001 – 1:00 p.m. to 6:00 p.m.,

- (b) Monday, May 7, 2001 – 1:00 p.m. to 6:00 p.m. and 7:00 p.m. to 9:00 p.m.,
 - (c) Tuesday, May 8, 2001 – 1:00 p.m. to 6:00 p.m. and 7:00 p.m. to 9:00 p.m., and
 - (d) Wednesday, May 9, 2001 – 1:00 p.m. to 6:00 p.m.;
- (2) the business to be considered under Orders of the Day on those sitting days shall be restricted to Bill #4, *First Appropriation Act, 2001-02*;
 - (3) if Bill #4 should still be under consideration in the Committee of the Whole at 4:30 p.m. on Wednesday, May 9, 2001, the Chair shall interrupt proceedings and immediately put all questions necessary to conclude consideration of Bill #4 and then report to the Assembly;
 - (4) a motion for Third Reading of Bill #4 shall be moved immediately after Bill #4 has been reported from Committee of the Whole;
 - (5) each of the Leaders in the House shall be given a maximum of 20 minutes to speak to the motion for Third Reading of Bill #4;
 - (6) if debate is continuing on the motion for Third Reading of Bill #4 at 5:45 p.m. on Wednesday, May 9, 2001, the Speaker shall interrupt the debate and put the question on the motion;
 - (7) the House shall then receive the Commissioner to grant Assent to the bills which have passed the House; and
 - (8) the House shall then adjourn.