

No. 122

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, March 24, 2005

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

**IN REMEMBRANCE OF RCMP MEMBERS AND YELLOWKNIFE FIREFIGHTERS -
MOMENT OF SILENCE**

The Speaker and the House paid tribute to the four members of the Royal Canadian Mounted Police and to the two Yellowknife firefighters who recently lost their lives in the line of duty.

INTRODUCTION OF PAGES

The Speaker informed the Assembly that Paul Banks, Kean Clalüna-Venasse, Scott Crawford, Noria Deacon, Brittany Pearson-Smith, Kieran Slobodin and Shaun Stinson from Vanier Catholic Secondary School and Selina MacMillan from the Individual Learning Centre would be serving as Pages during the Spring Sitting. Paul Banks and Kieran Slobodin were introduced and welcomed to the House.

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

Prior to proceeding with the Daily Routine, the Speaker informed the House of changes made to the Order Paper. Motion #76, standing in the name for the Member for Kluane, Motions #342 and #344, standing in the name of the Member for Whitehorse Centre, Motion #220, standing in the name for the Member for Pelly-Nisutlin, and Motions #39, #131 and #372 standing in the name of the Member for Porter Creek South, had been removed from the Order Paper as they were outdated. Motion #139, standing in the name of the Member for Porter Creek South was removed from the Order Paper as it related to a Bill that had passed the House and was therefore now irregular.

TRIBUTES

International Day for the Elimination of Racial Discrimination

The Hon. Mr. Edzerza, Minister of Justice, Mr. Hardy, Leader of the Official Opposition, and Ms. Duncan, Leader of the Third Party, recognized March 21, 2005 as the International Day for the Elimination of Racial Discrimination.

In recognition of the Canadian Red Cross

The Hon. Mr. Jenkins, Minister of Health and Social Services, and Mr. McRobb, Member for Kluane, paid tribute to the many people involved with the Canadian Red Cross.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Fentie, Premier

- Capital budget (2005-06 5-year) summary by community (**Sessional Paper #139**)

PETITIONS (Response to Petition #6)

The Hon. Mr. Edzerza, Minister of Education, gave an oral response to Petition #6 (received by the House on December 6, 2004) with regard to establishing a school in Burwash Landing.

INTRODUCTION OF BILLS

Bill #13 - Third Appropriation Act, 2004-05
- Hon. Mr. Fentie

Bill #14 - Interim Supply Appropriation Act, 2005-06
-Hon. Mr. Fentie

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

MONEY MESSAGE

Bill # 13, *Third Appropriation Act, 2004-05*, Bill #14, *Interim Supply Appropriation Act, 2005-06*, and Bill #15, *First Appropriation Act, 2005-06*, were accompanied by a money message.

QUESTION OF PRIVILEGE

Ms. Duncan, Leader of the Third Party, rose on a Question of Privilege, regarding release of budget information outside the House.

The Speaker heard the Question of Privilege and took it under advisement.

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

Thereupon, the Hon. Mr. Fentie delivered the 2005-06 Budget Speech.

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

THAT debate be now adjourned.

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

The Assembly adjourned at 4:26 p.m. until 1:00 p.m., Tuesday, March 29, 2005.

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VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, March 29, 2005

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

TRIBUTES

In Remembrance of Jennie Howie

The Hon. Mr. Hart, Minister of Highways and Public Works, Mr. Fairclough, Member for Mayo-Tatchun, and Ms. Duncan, Leader of the Third Party, paid tribute to former civil servant Jennie Howie who recently passed away .

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Staffen, Speaker

- Absence of Members from Sitzings of the Legislative Assembly and its Committees: Report of the Clerk of the Legislative Assembly (dated March 24, 2005) **(Sessional Paper #140)**

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Ms. Duncan, Leader of the Third Party, identified Motions #407 and #408 as being the items to be called during Opposition Private Members' Business on Wednesday, March 30, 2005.

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader, identified Motion #15 as being the item to be called during Opposition Private Members' Business on Wednesday, March 30, 2005.

UNANIMOUS CONSENT REQUESTED TO PROCEED WITH MOTION #404

The Hon. Mr. Jenkins, Government House Leader, requested unanimous consent to call Motion #404, Standing in the name of the Hon. Mr. Hart, Minister of Community Services, for debate. Unanimous consent was denied.

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #14 - Interim Supply Appropriation Act, 2005-06
-Hon. Mr. Fentie

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

YEA			
Fentie	Cathers	Cardiff	
Jenkins	Hassard	Peter	
Edzerza	Hardy	Duncan	14
Lang	McRobb	Arntzen	
Hart	Fairclough		

NAY			
			0

Bill #14, entitled *Interim Supply Appropriation Act, 2005-06*, was accordingly, referred to Committee of the Whole.

COMMITTEE OF THE WHOLE

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

The following Bill were reported without amendment:

Bill #14 - Interim Supply Appropriation Act, 2005-06
-Hon. Mr. Fentie

The report of the Chair was adopted.

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

A debate arising on the motion for Second Reading of Bill #15, entitled *First Appropriation Act, 2005-06*, and the time reaching 6:00 p.m. while Mr. Hardy was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. on Wednesday, March 30, 2005.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Wednesday, March 30, 2005.

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VOTES AND PROCEEDINGS

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YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, March 30, 2005

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

TRIBUTES

In Recognition of Yukon and Alaska Working Relationship

The Hon. Mr. Edzerza, Minister of Justice, paid tribute to the continuing working relationship between the Government of Yukon and the State of Alaska.

INTRODUCTION OF VISITORS (Alaskan Delegation)

The Speaker introduced and welcomed delegates from the Alaska State Legislature who were taking part in the annual Yukon-Alaska Parliamentary Exchange. The delegation consisted of: Senator Fred Dyson, Senator Donald Olson, Representative Berta Gardner, Representative Mark Neumann and Jeannette James representing Governor Frank Murkowski.

TABLING RETURNS AND DOCUMENTS

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

- Yukon Health Guide *Healthwise® Handbook* **(Sessional Paper #141)**

Mrs. Peter, Member for Vuntut Gwitchin

- Porcupine Caribou Herd, agreement between the Government of Canada and the Government of the United States of America on the conservation of the Porcupine Caribou Herd **(Filed Document #74)**

OPPOSITION PRIVATE MEMBERS' BUSINESS

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

THAT this House urges the Government of Yukon to cease and desist using public private partnerships (P3s) for major capital infrastructure until a proper policy framework is in place. **(Motion #407)**

A debate arising on the motion and the time reaching 6:00 p.m., while Mr. Arntzen, Member for Copperbelt, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. on Thursday, March 31, 2005.

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

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VOTES AND PROCEEDINGS

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YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, March 31, 2005

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

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Jenkins, Minister of Environment

- Northern Splendor Reindeer Farm: letter (dated February 8, 2005) to Hon. Peter Jenkins, Minister of Environment, from Johanne Koser, Chair, Yukon Fish and Wildlife Management Board **(Filed Document #75)**

INTRODUCTION OF BILLS

Bill #56 - Dawson Municipal Governance Restoration Act
-Hon. Mr. Hart

MINISTERIAL STATEMENT

Hon. Mr. Hart, Minister of Community Services
- Dawson City Governance

GOVERNMENT BILLS (Third Reading)

The following Bill was called for Third Reading:

Bill #14 - Interim Supply Appropriation Act, 2005-06
-Hon. Mr. Fentie

The question being put on the motion for Third Reading of Bill #14, it was agreed to on the following Recorded Division:

YEA

Fentie	Hart	Cardiff	
Jenkins	Cathers	Peter	
Kenyon	Hassard	Duncan	13
Edzerza	Fairclough	Arntzen	
Lang			

NAY

0

Bill #14, entitled *Interim Supply Appropriation Act, 2005-06*, accordingly, passed this House.

ASSENT TO BILL

The Assembly received the Administrator, Ms. 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. Staffen, addressed the Administrator:

"Hon. 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 #14 - Interim Supply Appropriation Act, 2005-06
-Hon. Mr. Fentie

The Administrator assented the Bill:

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

GOVERNMENT MOTIONS

Moved by the Hon. Mr. Hart, Minister of Community Services:

THAT this House orders that the March 9, 2005 "Report of Forensic Audit and Financial Review of the Town of the City of Dawson, Yukon", commissioned by Ray Hayes, the Trustee of the Town of the City of Dawson, appointed pursuant to section 336 of the *Municipal Act*, and prepared by Ian Doddington, C.A. of Doddington Advisors Inc., Certified Management Consultants, be tabled in the Assembly pursuant to section 38(1) of the Standing Orders of this Assembly and that the report be published under the authority of the Yukon Legislative Assembly. **(Motion #404)**

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

YEA			
Fentie	Edzerza	Cathers	
Jenkins	Lang	Hassard	9
Kenyon	Hart	Arntzen	
NAY			
McRobb	Cardiff	Duncan	5
Fairclough	Peter		

UNANIMOUS CONSENT TO RETURN TO DAILY ROUTINE

The Speaker, requested, and was granted, unanimous consent for the House return to Tabling Returns and Documents.

Tabling Returns and Documents

Hon. Mr. Hart, Minister of Community Services

- Dawson City: Town of the City of Dawson, Yukon, Report of Forensic Audit and Financial Review of (dated March 9, 2005), prepared by Doddington Advisors Inc. **(Sessional Paper #142)**

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #15 - First Appropriation Act, 2005-06

-Hon. Mr. Fentie

Unanimous Consent re continuation of Second Reading Debate by Mr. Hardy

The Hon. Mr. Jenkins, Government House Leader, requested and was granted unanimous consent to allow the Leader of the Official Opposition to continue debate on Bill #15 at the earliest time after he returns.

The debate continuing (from March 29, 2005) on the motion for Second Reading of Bill #15, entitled *First Appropriation Act, 2005-06*, and the time reaching 6:00 p.m., while the Hon. Mr. Edzerza was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House, until 1:00 p.m. on Monday, April 4, 2005 and debate on Second Reading was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Monday, April 4, 2005.

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VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Monday, April 4, 2005

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

IN REMEMBRANCE OF POPE JOHN PAUL II - MOMENT OF SILENCE

The Speaker and the House observed a moment of silence in honor of His Holiness, Pope John Paul II, who passed away on April 2, 2005.

TRIBUTES

Canadian Cancer Awareness Month

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

Biodiversity Awareness Month, National Wildlife Week and Celebration of Swans

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

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Staffen, Speaker

- Auditor General of Canada, Office of the: Report on the Energy Solutions Centre Inc. (dated February 2005) **(Sessional Paper #143)**
- Auditor General of Canada, Office of the: Report on the Mayo-Dawson City Transmission System Project (dated February 2005) **(Sessional Paper #144)**

INTRODUCTION OF BILLS

Bill #55 - Miscellaneous Statute Law Amendment Act, 2005

-Hon. Mr. Edzerza

SPEAKER'S RULING (Re: Comments made on March 29, 2005)

Prior to proceeding with Question Period, the Speaker ruled on a Point of Order raised on Tuesday, March 29 during Question Period by the Official Opposition House Leader.

"The Official Opposition House Leader raised the Point of Order in response to a remark by the Hon. Premier. The Hon. Premier had said, 'let the record show that the Official Opposition, the NDP in this House, would support the purchase of tax-exempt fuel in contravention of the laws and policies and procedures that any Government must follow.'

The Chair finds there is a Point of Order in this case. One of the principles of parliamentary democracy is that all Members should treat each other as honourable. To suggest that a Member or Members would support actions in contravention of the law is not consistent with this principle.

Similarly, I would draw the House's attention to other remarks made last week by Members. Some Members have questioned the ethics and morality of other Members; the numeracy skills of some Members have been drawn into question; and there have been some not very subtle suggestions that certain Members have not been entirely honest with this House. I have noticed during my time in the Chair that Members do not appreciate it when such remarks are made about them. I would suggest, therefore, that they not make such comments about other Members.

The Chair has been reluctant to intercede in debate and call Members to order. The Chair accepts that Members have strongly held views on the issues before this Assembly. The Chair also accepts that it is the duty of Members to express their views, and represent the view of their constituents on these matters.

However, the public interest is best served when Members focus their comments on the issues before the House. The public interest is not served when Members express themselves in a way that impugns the character of other Members.

The Chair therefore asks all Members to resist the temptation to personalize debate. I thank you in advance for your adherence to this request."

QUESTION OF PRIVILEGE

Mr. Fairclough, Member for Mayo-Tatchun, pursuant to Standing Order 7(1), rose on a Question of Privilege regarding remarks made by the Premier during Question Period on Thursday, March 31, 2005. The Speaker heard the Question of Privilege and took it under advisement.

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

Debate continued (from March 29, 2005 and March 31, 2005) on the motion for Second Reading of Bill #15, entitled *First Appropriation Act, 2005-06*, and the question being put, it was agreed to on the following recorded Division:

YEA

Fentie	Edzerza	Cathers	
Jenkins	Lang	Hassard	8
Kenyon	Hart		

NAY

McRobb	Cardiff	Duncan	5
Fairclough	Peter		

Bill #15, entitled *First Appropriation Act, 2005-06*, was accordingly, referred to Committee of the Whole.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Tuesday, April 5, 2005.

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VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, April 5, 2005

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

SPEAKER'S STATEMENT (Re: Changes to the Order Paper - Withdrawal of a Written Question)

Prior to proceeding with Daily Routing, the Speaker informed the House that Written Question #4, standing in the name of the Member for Mount Lorne, had been dropped from the Order Paper, as the document being requested in that Written Question had been tabled.

TRIBUTES

National Oral Health Month

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. McRobb, Member for Kluane, and Ms. Duncan, Leader of the Third Party, recognized April as being National Oral Health Month.

In recognition of Jason Small

Ms. Duncan, Leader of the Third Party, paid tribute to Whitehorse Star reporter Jason Small, who is leaving the territory.

SPEAKER'S RULING (Re: Comments made during Question of Privilege)

Prior to proceeding with Question Period, the Speaker gave the following ruling on a Point of Order raised on Monday, April 4, 2005, by Mr. McRobb, Official Opposition House Leader, during the time that a Question of Privilege raised by the Member for Mayo-Tatchun was being discussed.

"The Chair wishes to return to the Point of Order raised yesterday during the time that a Question of Privilege raised by the Member for Mayo-Tatchun was being discussed.

The Question of Privilege brought forward by the Member for Mayo-Tatchun pertained to the use of the expression 'beating his drum' by the Premier on the previous sitting day. As the Chair explained to the House yesterday, the use of such language, if found offensive by a Member, should be raised as a Point of Order and not under the rubric of Privilege. The Chair also noted the Premier's statement that '[i]f the Member found some comment like this or any comment that I have made toward the Member offensive in any way, I apologize publicly.'

Given the fact that this matter should have been raised as a Point of Order and given the nature of the Premier's initial remarks, the Chair informed the House that it should not expect an expanded ruling on the Question of Privilege raised by the Member for Mayo-Tatchun.

However the Chair would like to clarify the Speaker's role as regards Questions of Privilege. In his presentation yesterday the Member for Mayo-Tatchun asked me to direct the Premier to withdraw the offensive remarks and offer an apology to the Member and all Yukon First Nations persons who were insulted by them. It should be understood that the Chair does take seriously the issue raised by the Member for Mayo-Tatchun. However, the Speaker cannot do what the Member asked me to do with regard to a Question of Privilege. Only the Assembly as a whole can remedy a breach of Privilege. The most the Speaker can do is find that there is an apparent breach of Privilege and set aside the normal business of the House so the issue can be dealt with. In other words, the Chair can rule on a Point of Order but only the House can rule on a Question of Privilege.

The Chair will now turn to the Point of Order raised during the course of the Premier's subsequent remarks on the Question of Privilege. The role of the Speaker is to determine whether, on the face of it, a breach of Privilege has occurred. Members raising a Question of Privilege and those addressing the issue of whether a breach of Privilege has occurred should restrict themselves to that specific issue. Remarks by Members made on a Question of Privilege should only pertain to facts that may affect Privilege. The Official Opposition House Leader, therefore, did have a Point of Order in reference to the latter portion of the Premier's remarks beginning with the statement 'further, if we want to deal with the real issues in this Legislative Assembly, like First Nations relations, then let us debate them.' The Chair does not wish to suggest that those issues should not be debated by the Assembly. Rather, it must be understood that the consideration of a Question of Privilege is not the appropriate time for such a debate.

In future, the Chair would ask that both the Members raising Questions of Privilege and those contributing to their consideration restrict themselves to whether there is an issue regarding Privilege and not enter into debate on matters of public policy at that time.

The Chair thanks Members for their attention. The House will now proceed to orders of the day."

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Mr. Jenkins, Government House Leader, identified Motion #411 and Motion #419 as being the items to be called during Government Private Members' Business on Wednesday, April 6, 2005.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:58 p.m. until 1:00 p.m., Wednesday, April 6, 2005.

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VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, April 6, 2005

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

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Fentie, Premier

- Capital Budget (2005-06) detailed summary by community
(Sessional Paper #145)

Mr. McRobb, Member for Kluane

- Spring Sitting 2005 sitting length letter re: (dated April 6, 2005) to Hon. Ted Staffen, Speaker, from Gary McRobb, MLA, Official Opposition House Leader
(Filed Document #76)

Ms. Duncan, Leader of the Third Party

- Spring Sitting 2005 sitting length, letter re: (dated April 6, 2005) to Hon. Ted Staffen, Speaker, from Pat Duncan, MLA, Leader, Yukon Liberal Party
(Filed Document #77)

GOVERNMENT HOUSE LEADER'S REPORT (Length of Sitting)

The Hon. Mr. Jenkins, Government House Leader, rose pursuant to Standing Order 75(4) to inform the House that House Leaders had met for the purpose of reaching agreement on the number of sitting days for the current Sitting. Further, pursuant to Standing Order 75(4), the Hon. Mr. Jenkins informed the House that the House Leaders had not reached an agreement.

The Speaker, pursuant to Standing Order 75(3), declared that the current sitting would be a maximum of 30 sitting days, with the 30th sitting day being Tuesday, May 17, 2005.

GOVERNMENT PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Hassard, Member for Pelly-Nisutlin:

THAT this House urges the Department of Indian Affairs and Northern Development to fulfill its fiduciary responsibility for First Nations health care and seek a resolution to ensure that 9 year old Mackenzie Olsen, who is a Na'cho Nyak Dun citizen suffering from the rare medical condition MPS-1, continues to be provided with the medication he needs.
(Motion #411)

During debate on the motion, Mr. Hassard, Member for Pelly-Nisutlin, filed the following document:

- National Orphan Drug Policy, letter, re: (dated April 6, 2005) from Provincial-Territorial Health Ministers to Ujjal Dosanjh, Minister of Health, Government of Canada **(Filed Document #78)**

The question being put on Motion #411, it was agreed to on the following recorded Division:

YEA			
Fentie	Cathers	Fairclough	
Jenkins	Hassard	Cardiff	
Kenyon	Hardy	Peter	13
Edzerza	McRobb	Duncan	
Hart			
NAY			
			0

Moved by Mr. Cathers, Member for Lake Laberge:

THAT it is the opinion of this House that the actions by the present Yukon Government to enhance wildlife viewing opportunities through purchasing the Yukon Wildlife Preserve, finalizing two new Territorial Parks, Tombstone and Fishing Branch, and advancing the Tombstone Interpretive Program are benefiting public understanding and appreciation of wildlife and contributing to the Yukon's economic growth.

(Motion #419)

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

THAT Motion #419 be amended by deleting the word "finalizing" and adding in its place the following phrase: "continuing the work of previous governments to establish".

A debate arising on the amendment and the time reaching 6:00 p.m. while Mr. Cardiff, Member for Mount Lorne, 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 #419 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, April 7, 2005.

No. 129

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, April 7, 2005

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

TRIBUTES

World Health Day 2005

The Hon. Mr. Jenkins, Minister of Health and Social Services, and Mr. McRobb, Member for Kluane, recognized April 7, 2005 as World Health Day 2005.

Girl Guides in Yukon

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

TABLING RETURNS AND DOCUMENTS

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

- Yukon-Northwest Territories Sub-Agreement on Northern Oil and Gas Development under the Yukon-Northwest Territories Intergovernmental Relations Accord (Sessional Paper #146)

SPEAKER'S RULING (Re: Question of Privilege on Pre-budget Announcements)

Prior to proceeding with Orders of the Day, the Speaker gave the following ruling on the Question of Privilege raised by the Leader of the Third Party on March 24, 2005.

"Before discussing the substance of the Question of Privilege the Chair will deal with some procedural matters. The Leader of the Third Party met the notice requirement found in Standing Order 7(1)(b) by submitting a written notice to the Office of the Speaker by 11:00 a.m. on March 24, 2005. Standing Order 7(4) states that the Speaker must rule on (a) whether there appears, on the face of it, to be a case of breach of Privilege, and (b) whether the matter has been raised at the earliest opportunity.

The normal practice of this House has been that, to meet the 'earliest opportunity' requirement, a Question of Privilege must be raised at the time the event occurred or on the next sitting day. In this matter, the events in question took place when the House was not sitting. Raising the Question of Privilege on the first day of the 2005 Spring Sitting, therefore, meets the 'earliest opportunity' requirement of Standing Order 7(4)(b).

In dealing with Questions of Privilege, or in this case an alleged contempt of the Assembly, it is not the Chair's role to rule that a contempt has, or has not, occurred.

The question for the Chair to decide is whether there appears, on the face of it, to be a contempt. Should the Chair decide that is the case the Leader of the Third Party will be invited to place before the House a motion that would deal with the issue. All other business before the House, with the exception of the Daily Routine, will be set aside until the issue is dealt with.

Should the Chair decide that there does not appear to be a contempt of the Assembly the Leader of the Third Party may still bring this issue before the House. This could be done by giving notice of a substantive motion in the usual fashion, which could then be called on a day when Opposition Private Members Business has precedence.

The issue before the Chair is whether the Government's release of budget information outside this Assembly and before the Assembly is sitting constitutes a contempt of the Assembly. As the Leader of the Third Party illustrated budget information was released to the public in a systematic way through news releases, news conferences and speeches over a number of weeks before the 2005 Spring Sitting commenced. Some announcements were made before a date had been set for this sitting.

The Leader of the Third Party drew the Chair's attention to a ruling by Speaker Gary Carr of the Legislative Assembly of Ontario in May 2003.

In that ruling, Speaker Carr found an apparent case of contempt against the Government of Ontario for actions which the Leader of the Third Party argues are similar to those which occurred in Yukon last month. The Leader of the Third Party argues that the actions are so similar that they are deserving of a similar ruling from the Chair.

In this regard the Chair would remind Members of Standing Order 1 which says 'in all cases not provided for in these Standing Orders or by Sessional or other orders, the practices and procedures of the House of Commons of Canada, as in force at the time, shall be followed, so far as they may apply to this Assembly.' So while the Ontario example is instructive, it is not definitive in ruling on matters in the Yukon.

Nonetheless, the Chair did consider the Ontario example because it was the example cited by the Leader of the Third Party. However, the Chair is not obliged to follow Speaker Carr's ruling and in fact may interpret the same evidence differently, given the different contexts of events here and in Ontario.

In her submission, the Leader of the Third Party quoted a definition of contempt offered by Joseph Maingot, an acknowledged authority on Parliamentary Privilege. Maingot defines contempt as 'an offence against the authority and dignity of the House.'

The Chair accepts this definition and in ruling on the question will determine if the actions of the Government adversely affected the authority of this Assembly and whether those actions adversely affected the dignity of this House.

In order to determine whether the authority of the House has been undermined by the Government's pre-budget announcements we must first determine what the Assembly's authority is with regard to the budget. The Yukon Government's main Appropriation Act for any fiscal year is presented to this Assembly by way of a Bill. That Bill contains information about the gross amounts to be appropriated and the amount to be allocated to each Government department. The Bill is accompanied by budget books that further detail this information, showing the allocation of monies to programs and activities within Departments.

Once the Assembly is presented with the main Appropriation Bill and the other budget information the Bill is dealt with in the same fashion as any other: it receives Introduction and First Reading, Second Reading, is committed to Committee of the Whole, receives Third Reading and Assent. Through this process the Assembly's Members are able to scrutinize Government spending plans and question Government Ministers as to the uses to which appropriations will be put. Members, through the Committee of the Whole process, have the authority to reduce expenditures on individual line items.

An understanding of the Assembly's authority with regards to budget Bills reveals therefore, that this authority was not adversely affected by announcements made outside this House. No matter what announcements the Government makes outside this house all appropriations have to be submitted to, and passed by, this Assembly before they become law and the Government acquires the lawful authority to spend those appropriations.

The second issue is whether the Government's actions adversely affected the dignity of this House. This is a more complicated question to deal with because the concept of the dignity of the House is not as clearly defined as the question of its authority. It is here that Speaker Carr's ruling can prove instructive.

In the case ruled upon by Speaker Carr, the Government of Ontario divulged its entire budget outside the Assembly. The announcement, equivalent to our Finance Minister's Second Reading speech on the main Appropriation Act, was held in, and televised from, a private facility outside the Assembly. Prior to the announcement the Government also conducted a media lock-up and released the budget papers to the media and the public. Members of the Assembly were invited to the budget announcement. All this took place six weeks before the Assembly reconvened.

This, the Chair, believes lies at the heart of Speaker Carr's belief that the dignity of the Legislative Assembly of Ontario had been impugned.

The effect of these actions was to marginalize the Assembly in the budget process. Speaker Carr also noted that this process exposed the Assembly to a large volume of public ridicule. This, to Speaker Carr, added up to an apparent contempt of the Assembly.

There were some significant differences between the situations here and in Ontario. Important information about the Government's proposed appropriations were made public before the House reconvened. However, most of the spending priorities subsequently announced by the Premier had not been made public. The entire Budget Speech was delivered for the first time in this House, as it always is, and Members of the Assembly were in their places by right of their election, not as the invited guests of the Government. Also, the papers that accompany the budget Bill were not released to the public in advance of the moving of the motion for Second Reading of Bill #15. The lock-ups for Opposition Members and the media took place in the usual fashion.

If the Chair follows the view of the Leader of the Third Party correctly, the Government should be required to announce its budgetary priorities in this Assembly before any information is released to the public. While this was the practice for years it is not clear that such a practice is required. Though certain Standing Orders refer to the process for introducing and debating a main Appropriation Act, none speaks to the issue of the release of budget information outside the House before it is presented here.

So the rules have not changed. What appears to have changed is the view the Government has of its own budget. For years Governments in the Yukon and elsewhere, insisted on budget secrecy. Today more Governments make selected announcements before their budget is tabled

in their Assembly. From the research conducted for this ruling it appears that legal and procedural authorities are of the opinion – though they are not unanimous – that there is nothing in law or procedure that prevents this from happening.

As a result the Chair finds that the manner and extent of the Government actions in Ontario and Yukon are different enough to warrant a different ruling. I find that the present case does not constitute an apparent case of contempt of the Assembly.

Having so ruled, the Chair would advise Members that the issue is not settled for all time. The Chair believes that it is the extent and manner of the budget release in Ontario that inspired Speaker Carr's ruling. Should the extent and manner of pre-budget releases in Yukon become more elaborate the Chair might legitimately be called upon to revisit this issue as a matter of contempt. The Chair might reach a different conclusion at that time.

Should the Leader of the Third Party be unsatisfied by this ruling she may, as mentioned previously, bring this issue to the House's attention by way of a Substantive Motion.

We 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 #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

The report of the Chair was adopted.

SPEAKER'S RULING (Re: Question of Privilege on Pre-budget Announcements)

The Speaker made the following statement:

"Before closing the House down today, the Chair would offer a quick apology to the Members. In the Speaker's ruling I gave earlier today in regard to the Leader of the Third Party's motion, I neglected to read the last page. I would like your indulgence, and I will quickly read the last page of my ruling. My apologies."

"In closing the Chair would like to bring to the House's attention certain points:

- The Government should be aware that if it is going to progressively dismiss the idea of budget secrecy it might find it increasingly difficult to have others respect this principle.
- The Assembly is not an impediment to governing this territory. Furthermore, the Government must acknowledge that we live in a representative democracy and that all Yukoners are represented in this Chamber. The easiest way for the Government to speak to all Yukoners simultaneously is to speak to their representatives in here.
- The Government should take care in how it announces its intention for spending money that the House has yet to appropriate. In researching this ruling, the Chair noted that not all government news releases acknowledged that such spending was subject to the approval of the Legislature. The Chair believes this statement should be included in all such statements to ensure that the Assembly's authority is respected, its dignity is protected and the public is properly informed.

I thank all Members for their attention to this long and detailed ruling. "



The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Monday, April 11, 2005.

No. 130

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Monday, April 11, 2005

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

TRIBUTES

National Wildlife Week

The Hon. Mr. Jenkins, Minister of Environment, Mrs. Peter, Member for Vuntut Gwitchin, and Ms. Duncan, Leader of the Third Party, recognized April 10 to 16, 2005 as National Wildlife Week.

Education Week

The Hon. Mr. Edzerza, Minister of Education, Mr. Fairclough, Member for Mayo-Tatchun, and Ms. Duncan, Leader of the Third Party, recognized April 11 to 15, 2005 as Education Week.

TABLING RETURNS AND DOCUMENTS

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

- Yukon Minerals Advisory Board 2004 Annual Report (Sessional Paper #147)

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #15 - First Appropriation Act, 2005-06

-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:58 p.m. until 1:00 p.m., Tuesday, April 12, 2005.

No. 131

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, April 12, 2005

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

TRIBUTES

In recognition of Yukon's Information Technology Sector

The Hon. Mr. Lang, acting Minister of Community Services, paid tribute to Yukon's Information Technology Sector.

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Ms. Duncan, Leader of the Third Party, identified Motion #426 as being the item to be called during Opposition Private Members' Business on Wednesday, April 13, 2005.

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader, identified Motion #427 as being the item to be called during Opposition Private Members' Business on Wednesday, April 13, 2005.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Wednesday, April 13, 2005.

No. 132

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, April 13, 2005

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

TRIBUTES

In Recognition of the Signing of the Kwanlin Dun Final and Self-Government Agreements

The Hon. Mr. Fentie, Premier, Mr. Hardy, Leader of the Official Opposition, and Ms. Duncan, Leader of the Third Party, recognized that on February 19, 2005 the Kwanlin Dun First Nation became the 10th of Yukon's 14 First Nations to sign its final and self-government agreements.

Law Day

The Hon. Mr. Edzerza, Minister of Justice, Mr. Cardiff, Member for Mount Lorne, and Ms. Duncan, Leader of the Third Party, recognized April 15, 2005 as Law Day.

In remembrance of Peter Milner

Mr. Rouble, Member for Southern Lakes, Mr. Hardy, Leader of the Official Opposition, and Ms. Duncan, Leader of the Third Party, paid tribute to Peter Milner, who passed away on February 9, 2005. Mr. Milner, former YTG Director of Sport and Recreation, was well-known throughout the territory for his contributions to sports.

National Public Safety Telecommunications Week

The Hon. Mr. Edzerza, acting Minister of Community Services, recognized National Public Safety Telecommunications Week as being April 10 to 16, 2005.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Fentie, Premier

- Order-in-Council 2005/02, An Act Approving Yukon Land Claims Final Agreements and First Nations (Yukon) Self Government Act (Kwanlin Dun First Nation) (dated February 19, 2005) and Kwanlin Dun First Nation Final Agreement **(Sessional Paper #148)**
- Kwanlin Dun First Nation Self-Government Agreement **(Sessional Paper #149)**
- Electoral Reform: Final Report by Ken McKinnon, Senior Advisor on Electoral Reform (dated February 1, 2005) **(Sessional Paper #150)**

Mr. Fairclough, Member for Mayo-Tatchun

- Carmacks School, letter re: (undated) to Hon. Dennis Fentie, Premier, Government of Yukon **(Filed Document #79)**

Hon. Mr. Edzerza, Minister of Education

- Yukon College 2003-2004 Annual Report and audited Financial Statements (dated June 30, 2004) prepared by the Office of the Auditor General of Canada **(Sessional Paper #151)**

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

- Government Contracting Summary Report by Department (April 1, 2004 - January 31, 2005) **(Sessional Paper #152)**

OPPOSITION PRIVATE MEMBERS' BUSINESS

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

THAT this House urges the Government of Yukon to protect the natural park area bordered by Rabbits Foot Canyon on the West, Mountainview Drive on the East, and McIntyre Creek in the South, which is wholly owned by the Government of Yukon, in its natural state as a park area within the City of Whitehorse. **(Motion #426)**

A debate arising on the motion, it was moved by the Hon. Mr. Lang, Minister of Energy, Mines and Resources, in amendment thereto:

THAT Motion #426 be amended by inserting the words "to work with the City of Whitehorse to establish a consultation process involving the Kwanlin Dun First Nation Government, the Ta'an Kwach'an First Nation Government, Yukon College, Porter Creek residents and other stakeholders" after the first appearance of the phrase "Government of Yukon".

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

The debate continuing on the motion as amended and the time reaching 6:00 p.m. with Ms. Duncan, Leader of the Third Party, 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 #426 as amended was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, April 14, 2005.

No. 133

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, April 14, 2005

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

TABLING RETURNS AND DOCUMENTS

Mr. Hardy, Leader of the Official Opposition

- Swift River Lodge: non-comforming petition (undated) re **(Filed Document #80)**

INTRODUCTION OF BILLS

Bill #108 - Legislative Renewal Act

-Mr. Hardy

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #15 - First Appropriation Act, 2005-06

-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:58 p.m. until 1:00 p.m., Monday, April 18, 2005.

No. 134

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Monday, April 18, 2005

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

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Staffen, Speaker

- Political Contributions, 2004: Report of the Chief Electoral Officer of the Yukon (dated April 2005) **(Sessional Paper #153)**

Hon. Mr. Fentie, Premier

- Sovereignty and Security in the North; Developing a New Framework for Sovereignty and Security in the North: A Discussion Paper prepared by the Governments of Yukon, Northwest Territories and Nunavut (April 2005) **(Sessional Paper #154)**

SPEAKER'S RULING (Re: Comment on previous question)

Prior to proceeding with Question Period, the Speaker gave the following ruling on a Point of Order that was raised by Mr. McRobb, Official Opposition House Leader, during Question Period on Thursday, April 14, 2005.

"The Official Opposition House leader raised the Point of Order in regard to comments by the Premier. The Leader of the Official Opposition had asked the Premier a question regarding electoral reform. The Premier began his response with reference to the fiscal situation in Dawson City. The argument made by the Official Opposition House Leader was that the Premier's comments were not in order as they constituted a comment on a previous question. This would be in contravention of Guideline #9 of our Guidelines for Oral Question Period which says, in part, that 'a reply to a question should be relevant to the question asked.'

The Chair finds that there is a Point of Order. The Leader of the Official Opposition had asked a question on Dawson City earlier in that Question Period. It was not the question before the House at the time of the Premier's response. Ministers enjoy a broad latitude in responding to questions from Members. However, their responses should be relevant, in that they address the subject matter of the question.

We will now proceed with Question Period."

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Tuesday, April 19, 2005.

No. 135

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, April 19, 2005

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

TRIBUTES

National Volunteer Week

The Hon. Mr. Hart, Minister of Community Services, Mr. Cardiff, Member for Mount Lorne, and Ms. Duncan, Leader of the Third Party, paid tribute to the hundreds of Yukon residents who donate their time and energy as volunteers.

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Mr. Jenkins, Government House Leader, identified Motion #435, Motion #430 and Motion #433 as being the items to be called during Government Private Members' Business on Wednesday, April 20, 2005.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:57 p.m. until 1:00 p.m., Wednesday, April 20, 2005.

No. 136

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, April 20, 2005

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

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Taylor, Minister responsible for the Public Service Commission

- Investing in Public Service – serving Yukon people (Sessional Paper #155)

GOVERNMENT PRIVATE MEMBERS' BUSINESS

Moved by Mr. Rouble, Member for Southern Lakes:

THAT the Standing Committee on Rules, Elections and Privileges begin a process of legislative renewal for the Yukon Legislative Assembly by making recommendations to the House on a code of conduct and decorum that promotes consensus building, collaboration and compromise. (Motion #435)

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

THAT Motion #435 be amended by deleting the phrase, "the Standing Committee on Rules, Elections and Privilege" and substituting for it the phrase, "a Special Committee of the Yukon Legislative Assembly, consisting of equal representation from the three recognized political parties in the Assembly, with the Speaker of the Legislative Assembly acting as a neutral Chair"; and

THAT Motion #435 be further amended by inserting, between the word "by" and the word "making" the following phrase: "conducting meaningful public consultations with Yukon people about ways to improve the functioning of the Legislative Assembly, for the purpose of".

A debate arising on the amendment and the time reaching 6:00 p.m., while the Hon. Mr. Kenyon, Minister of Economic Development, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. on Thursday, April 21, 2005, and debate on the amendment and Motion #435 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, April 21, 2005.

No. 137

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, April 21, 2005

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

TRIBUTES

Earth Day

The Hon. Mr. Jenkins, Minister of Environment, Mrs. Peter, Member for Vuntut Gwitchin, and Ms. Duncan, Leader of the Third Party, recognized April 22, 2005 as Earth Day.

TABLING RETURNS AND DOCUMENTS

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

- Adoption: number of Yukon children available for **(Legislative Return #24)**

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #15 - First Appropriation Act, 2005-06

-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Monday, April 25, 2005.

No. 138

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Monday, April 25, 2005

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

TRIBUTES

National Organ Donor and Tissue Donation Awareness Week

Mr. McRobb, Member for Kluane, and Ms. Duncan, Leader of the Third Party, recognized April 22, 2005 to April 29, 2005 as National Organ Donor and Tissue Donation Awareness Week.

Administrative Professionals Week

The Hon. Ms. Taylor, Minister responsible for the Public Service Commission, Mr. Fairclough, Member for Mayo-Tatchun, and Ms. Duncan, Leader of the Third Party, recognized April 24, 2005 to April 30, 2005 as Administrative Professionals Week.

QUESTION OF PRIVILEGE

Mr. Hardy, Leader of the Official Opposition, pursuant to Standing Order 7(1), rose on a Question of Privilege, regarding remarks made by the Hon. Mr. Kenyon as Minister responsible for the Yukon Housing Corporation, during Question Period.

The Speaker, heard the Question of Privilege and took it under advisement.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Tuesday, April 26, 2005.

No. 139

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, April 26, 2005

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

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Kenyon, Minister of Economic Development

- Alaska-Canada Rail Link Feasibility Study: Memorandum of Understanding between the Government of Yukon and the State of Alaska

(Sessional Paper #156)

SPEAKER'S RULING (Re: issues arising in Question Period on April 25, 2005)

Prior to proceeding with Question Period, the Chair made the following ruling on two issues that arose during Question Period on April 25, 2005.

"The first was a Point of Order raised by the Official Opposition House Leader who objected to a comment by the Minister of Health and Social Services. The Minister had said that an agreement for funding the Signpost Seniors in Watson Lake had initially been entered into by a previous NDP government. The Official Opposition House Leader disputed this claim.

There is no Point of Order in this case; it is a dispute between Members about the facts surrounding a funding agreement. The Chair would note, however, that while raising the Point of Order the Official Opposition House Leader said the Minister was 'misleading the House.' That language is not parliamentary and I would ask all Members to refrain from making such statements.

The second issue was a Question of Privilege raised at the end of Question Period by the Leader of the Official Opposition in response to a comment made earlier by the Minister responsible for the Yukon Housing Corporation. The Leader of the Official Opposition objected to what he believed was an accusation by the Minister that a question asked by the Leader of the Official Opposition was, in effect, an attack on public servants.

The Minister's comment does not, in the Chair's opinion, constitute a *prima facie* breach of privilege. It could be argued that such a comment was unparliamentary. However, Points of Order regarding unparliamentary language must be raised when the statement is made, not later. Having said that, the Chair would remind the House that asking questions and providing answers are integral to the role of Members of this Assembly and they should be free to do so without being accused of attacking anyone, either inside or outside of this House. We will now proceed to Question Period."

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader, identified Motion #427 as being the item to be called during Opposition Private Members' Business on Wednesday, April 27, 2005.

Pursuant to Standing Order 14.2(3), Ms. Duncan, Leader of the Third Party, identified Motion #408 as being the item to be called during Opposition Private Members' Business on Wednesday, April 27, 2005.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:58 p.m. until 1:00 p.m., Wednesday, April 27, 2005.

No. 140

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, April 27, 2005

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

TRIBUTES

National Immunization Awareness Week

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. McRobb, Member for Kluane, and Ms. Duncan, Leader of the Third Party, recognized April 24, 2005 to April 30, 2005 as National Immunization Awareness Week.

National Day of Mourning

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. Cardiff, Member for Mount Lorne, and Ms. Duncan, Leader of the Third Party, recognized April 28, 2005 as being National Day of Mourning.

National Organ Donor and Tissue Donation Awareness Week

The Hon. Mr. Jenkins, Minister of Health and Social Services, recognized April 22, 2005 to April 29, 2005 as National Organ Donor and Tissue Donation Awareness Week.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Fentie, Premier

- Northern Strategy, Yukon Chapter **(Sessional Paper #157)**

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

- Yukon Family Services Association Financial Statements for the year ended March 31, 2004 **(Sessional Paper #158)**

Hon. Mr. Kenyon, Minister responsible for Yukon Liquor Corporation

- Yukon Lottery Commission 2003/2004 Annual Report **(Sessional Paper #159)**

Mr. McRobb, Member for Kluane

- Protection for Persons in Care Act, The: Statute of the Province of Manitoba **(Filed Document #81)**

FILED DOCUMENT

During Question Period, Ms. Duncan, Leader of the Third Party, filed the following document:

- Rail Link, Alaska-Yukon-British Columbia; feasibility study for: Correspondence between Pat Duncan, MLA, and Hon. Kevin Falcon, Minister of Transportation, Government of British Columbia **(Filed Document #82)**

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Hardy, Member for Whitehorse Centre:

THAT this House calls upon the Yukon Government to assign top priority status to the development of an effective, comprehensive Anti-Poverty Strategy that will, within a decade, eliminate the need for any Yukon person, regardless of age, gender, cultural background, or employment status, to live in a condition of poverty. **(Motion #427)**

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

THAT Motion #427 be amended by:

- (1) replacing the words "the development" with the words "continuing the implementation"; and
- (2) replacing with words "that will, within a decade" with the words "centered on creating the conditions for sustained private sector economic growth, investing in providing skills training for Yukoners to facilitate opportunities for employment, working with employers to eliminate impediments to those with disabilities and maintaining the social safety net for those who are unable to work to"; and
- (3) inserting the word "disability" between the phrase "cultural background" and the phrase "or employment status".

A debate arising on the amendment and the time reaching 6:00 p.m., while Mr. McRobb, Member for Kluane, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. on Thursday, April 28, 2005, and debate on the amendment and Motion #427 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, April 28, 2005.

No. 141

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, April 28, 2005

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

TRIBUTES

Yukon Writer's Festival and Young Authors Conference

The Hon. Ms. Taylor, Minister of Tourism and Culture, and Mr. Fairclough, Member for Mayo-Tatchun, recognized the 15th annual Yukon Writer's Festival taking place from April 28, 2005 to May 2, 2005 in Whitehorse and Haines Junction and the 26th Yukon Young Authors' Conference taking place April 28, 2005 and April 29, 2005.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Taylor, acting Minister of Community Services

- Dawson City, Town of the City of Dawson, Yukon: Supplementary Report Addressing Responses to the Report of Forensic Audit and Financial Review, prepared by Doddington Advisors Inc. (dated April 26, 2005)

(Sessional Paper #160)

Mr. McRobb, Member for Kluane

- Seniors funding, letter (dated April 28, 2005) from Joann Graham and Marion Wakefield to Hon. Peter Jenkins, Minister of Health and Social Services, Government of Yukon

(Filed Document #83)

GOVERNMENT MOTIONS

Moved by the Hon. Mr. Fentie, Premier:

THAT, pursuant to section 18 of the *Conflict of Interest (Members and Ministers) Act*, the Legislative Assembly reappoint David Phillip Jones, Q.C., as a member of the Conflict of Interest Commission for a three-year period. **(Motion #451)**

A debate arising on the motion and debate having been concluded, the Speaker informed the House that he would call for a recorded Division.

Speaker's Call for Recorded Division

"Before putting the Question, the Chair must draw Members' attention to section 18(4) of the *Conflict of Interest (Members and Ministers) Act*. That section requires that the motion appointing a Conflicts Commissioner be supported by at least

two-thirds of the Members of the Assembly present for the vote. In order to ensure that the requirements of section 18 of the *Conflict of Interest (Members and Ministers) Act* are met, the Chair will now call for a recorded Division."

The motion was agreed to on the following recorded Division:

YEA			
Fentie	Lang	Fairclough	
Jenkins	Cathers	Cardiff	
Taylor	Rouble	Peter	14
Kenyon	Hardy	Arntzen	
Edzerza	McRobb		
NAY			
Duncan			1

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Monday, May 2, 2005.

No. 142

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Monday, May 2, 2005

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

TRIBUTES

Year of the Veteran

The Hon. Mr. Fentie, Premier, Mr. Hardy, Leader of the Official Opposition, and Ms. Duncan, Leader of the Third Party, recognized 2005 as the official Year of the Veteran.

Sexual Assault Prevention Month

The Hon. Ms. Taylor, Minister responsible for the Women's Directorate, and Mr. Cardiff, Member for Mount Lorne, recognized the month of May as being Sexual Assault Prevention Month.

International Youth Week

The Hon. Mr. Fentie, Minister responsible for the Youth Directorate, and Mrs. Peter, Member for Vuntut Gwitchin, recognized May 1 to May 7 as International Youth Week.

International Workers' Day

Mr. Cardiff, Member for Mount Lorne, and the Hon. Mr. Hart, Minister of Highways and Public Works, recognized May 1, 2005 as being International Workers' Day.

Emergency Preparedness Week

The Hon. Mr. Hart, Minister of Community Services recognized May 2 to May 8, 2005 as Emergency Preparedness Week.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Kenyon, Minister of Economic Development

- Alaska-Canada Rail Link, proposed, A review of Potential Benefits (dated March 2005) : Final Report **(Sessional Paper #161)**
- Alaska-Canada Rail Link, proposed, A review of Potential Benefits (dated March 2005) : Executive Summary **(Sessional Paper #162)**

Hon. Mr. Taylor, Minister responsible for the Women's Directorate
- Yukon Family Violence Resource Directory 2005, 8th Edition

(Sessional Paper #163)

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #55 - Miscellaneous Statute Law Amendment Act, 2005
-Hon. Mr. Edzerza

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

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

15

NAY

0

Bill #55, entitled *Miscellaneous Statute Law Amendment Act, 2005*, was accordingly, referred to Committee of the Whole.

COMMITTEE OF THE WHOLE

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

The following Bill was reported without amendment:

Bill #55 - Miscellaneous Statute Law Amendment Act, 2005
-Hon. Mr. Edzerza

Progress was reported on the following Bill:

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Tuesday, May 3, 2005.

No. 143

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, May 3, 2005

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

TRIBUTES

National Forest Week

The Hon. Mr. Fentie, Premier, on behalf of all Members of the Legislative Assembly, recognized May 1 to May 7, 2005 as National Forest Week

National Mental Health Week

Mr. McRobb, Member for Kluane, and the Hon. Mr. Jenkins, Minister of Health and Social Services, recognized May 2 to May 8, 2005 as National Mental Health Week.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Staffen, Speaker

- Travel Expenses of Members of the Yukon Legislative Assembly 2004-2005
(dated April 2005) **(Sessional Paper #164)**

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

- Fleet Vehicle Agency 2005-2006 Business Plan **(Sessional Paper #165)**
- Queen's Printer Agency 2005-2006 Business Plan **(Sessional Paper #166)**

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Mr. Jenkins, Government House Leader, identified Motion #459, Motion #430 and Motion #421 as being the items to be called during Government Private Members' Business on Wednesday, May 4, 2005.

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

- Bill #13 - Third Appropriation Act, 2004-05
-Hon. Mr. Fentie

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

YEA			
Fentie	Hart	McRobb	
Jenkins	Cathers	Fairclough	
Taylor	Rouble	Cardiff	14
Kenyon	Hassard	Peter	
Edzerza	Hardy		
NAY			
Duncan			1

Bill #13, entitled *Third Appropriation Act, 2004-05*, was accordingly, referred to Committee of the Whole.

COMMITTEE OF THE WHOLE

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

The following Bill was reported without amendment:

Bill #13 - Third Appropriation Act, 2004-05
-Hon. Mr. Fentie

Progress was reported on the following Bill:

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Wednesday, May 4, 2005.

No. 144

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, May 4, 2005

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

TRIBUTES

Hepatitis C Awareness Month

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. McRobb, Member for Kluane, and Ms. Duncan, Leader of the Third Party, recognized the month of May as Hepatitis C Awareness Month in Canada.

In Recognition of Sandra Henderson

The Hon. Mr. Edzerza, Minister of Education, Mr. Fairclough, Member for Mayo-Tatchun, and Ms. Duncan, Leader of the Third Party, paid tribute to Sandra Henderson, a former educator, who was recently elected President of the Yukon Teachers Association.

TABLING RETURNS AND DOCUMENTS

Mr. McRobb

- Kluane region display at Tok, Alaska visitor centre; information re: including letter (dated May 2, 2005) from Gary McRobb, MLA to Hon. Elaine Taylor, Minister of Tourism, Government of Yukon **(Filed Document #84)**

GOVERNMENT PRIVATE MEMBERS' BUSINESS

Moved by Mr. Cathers, Member for Lake Laberge:

THAT this House urges the Yukon Government to continue spending its \$20 million share of the initial three-year Health Care Accord funding on addressing the health care needs of Yukoners through programs and services such as:

- (1) Pharmacare and chronic disease programs including programming specific to seniors and children,
- (2) specialized medical services including internal medicine, cardiac testing, replacement knee surgery, increased orthopaedic visits and increased visits by ear, nose and throat specialists,
- (3) funding for the Child Development Centre to assist with assessment and support for children with developmental delays and to assist with the five-step FASD program,
- (4) support for families and children with autism,

- (5) providing money for additional family support workers,
- (6) meeting increased costs for out-of-territory hospital and physician services,
- (7) funding recruitment and retention initiatives for family physicians to improve Yukoners' access to a family doctor, and
- (8) enhancing home care services to assist seniors in remaining in their own homes longer while still receiving needed assistance. **(Motion #459)**

Debate started on the motion.

Quorum Count

At 1:57 p.m., during debate on the motion, the Hon. Mr. Jenkins, Government House Leader, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(2), the Speaker rang the bells and then did a count. A quorum was present for the count.

The debate continued on the motion.

Quorum Count

At 2:14 p.m., during debate on the motion, the Hon. Mr. Jenkins, Government House Leader, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(2), the Speaker rang the bells and then did a count. A quorum was present for the count.

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

THAT Motion #459 be amended by adding the following:

- "(9) increasing medical travel allowances for Yukon outpatients, starting on day one, and providing funding for their medical escorts,
- (10) investigating the feasibility of a stay-over lodge in Vancouver for outpatients,
- (11) increasing the capacity in Whitehorse to accommodate expectant mothers from the communities,
- (12) expanding mental health services to decrease wait times for diagnosis and treatment,
- (13) establishing a collaborative health clinic with nurse practitioners and other health professionals,
- (14) expanding medical services to include First Nation's traditional healing practices,
- (15) incorporating alternative health care methods into the public health system
- (16) developing effective recruitment and retention strategies for nurses, nurse practitioners and other health care providers,
- (17) providing expanded home care services in all Yukon communities on a fair and consistent basis,
- (18) making a full range of kidney dialysis services available in the Yukon,
- (19) providing ongoing funding for the CHIP program and other programs to promote healthy lifestyles, and introducing such programs into the school curriculum, as appropriate,
- (20) make a healthy lunch program available for all schools,
- (21) investigating and establishing programs that prevent childhood obesity,

- (22) establishing street-level health clinics for homeless youth and others for whom conventional treatment facilities do not present the most appropriate venue for seeking help,
- (23) lobbying Ottawa to pass legislation to reduce pharmaceutical costs,
- (24) implementing a confidential, effective prescription monitoring system,
- (25) including adults in programming for Fetal Alcohol Spectrum Disorder,
- (26) expanding palliative care programs to rural communities,
- (27) providing stable and predictable funding to Non-Governmental Organizations that promote health, such as Blood Ties Four Directions,
- (28) making the full scope of services of dental therapists available in rural communities where needed,
- (29) providing the resources to ensure an appropriate level of community nursing services is available in all Yukon communities at all times,
- (30) increasing the number of permanent positions in the Emergency Medical Services, while maintaining an appropriate level of auxiliary on-call positions,
- (31) providing full training for EMS staff in Whitehorse and volunteers in the communities,
- (32) establishing a credible medical detoxification unit in Whitehorse, and expanding detox services in rural communities,
- (33) increasing investment in health-education measures, with a view to prevention,
- (34) reducing injuries by expanding the PARTY Program, and by funding the Safe Community initiative,
- (35) funding the Red Cross to establish an expanded Medical Equipment Loans project,
- (36) working in cooperation with the federal government to expand optometric and dental programs in all communities, with particular emphasis on the needs of people 55 years of age and older, and
- (37) such other measures as will allow all Yukon people to meet the World Health Organization's definition of health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity."

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

YEA			
Hardy	Fairclough	Peter	6
McRobb	Peter	Duncan	
NAY			
Jenkins	Edzerza	Cathers	
Taylor	Lang	Rouble	8
Kenyon	Hart		

The debate continuing on the motion and the time reaching 6:00 p.m. with the Hon. Mr. Edzerza, Minister of Justice, 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 #459 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, May 5, 2005.

No. 145

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, May 5, 2005

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

TRIBUTES

Speech and Hearing Awareness Month

The Hon. Mr. Jenkins, Minister of Health and Social Services, and Mr. McRobb, Member for Kluane, recognized the month of May as Speech and Hearing Awareness Month.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Kenyon, Minister of Economic Development

- Alaska-Canada Rail Link, proposed: Issues Identification Report on the Canada-Alaska Rail Link (Transport Canada), Final Report (dated August 2, 2001)
(Sessional Paper #167)
- Alaska-Canada Rail Link, proposed: Request for Proposals (dated October 28, 2004) from the Department of Economic Development, *Development of Rationale: Alaska-Canada Rail Link*
(Sessional Paper #168)
- Alaska-Canada Rail Link, proposed: Transmittal letter (dated November 4, 2004) re proposal in response to Yukon Government's Request for Proposals - *Development of Rationale: Alaska-Canada Rail Link*
(Sessional Paper #169)

FILED DOCUMENTS

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

- Housing Manufacturing Joint Venture Corp. (letter dated January 20, 2005) from Hon. Dennis Fentie, Premier of Yukon, to Hon. Andy Scott, Minister of Indian Affairs and Northern Development, Government of Canada
(Filed Document #85)
- Housing Manufacturing Proposal (letter dated April 11, 2005) from Hon. Dennis Fentie, Premier of Yukon, to Darla Lindstrom, Grey Mountain Housing Society
(Filed Document #86)

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Monday, May 9, 2005.

No. 146

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Monday, May 9, 2005

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

TRIBUTES

Multiple Sclerosis Awareness Month

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. McRobb, Member for Kluane, and Ms. Duncan, Leader of the Third Party, recognized the month of May as Multiple Sclerosis Awareness Month.

International Building Safety Week

The Hon. Mr. Hart, Minister of Community Services, on behalf of all Members, recognized May 8 to 14, 2005 as International Building Safety Week.

TABLING RETURNS AND DOCUMENTS

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

- Driving Yukon Highways 2005, information regarding: published by the Department of Highways and Public Works **(Filed Document #87)**

PRESENTING REPORTS OF COMMITTEES

Mr. Hardy, Chair, Public Accounts Committee

- Public Accounts, Standing Committee on: Second Report (dated April 2005) (Vol. 15) **(Sessional Paper #170)**

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #56 - Dawson Municipal Governance Restoration Act
-Hon. Mr. Hart

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

YEA

Jenkins	Lang	Rouble	
Taylor	Hart	Hassard	8
Edzerza	Cathers		

NAY

Hardy
McRobb

Fairclough
Cardiff

Peter
Duncan

6

Bill #56, entitled *Dawson Municipal Governance Restoration Act*, was accordingly, referred to Committee of the Whole.

COMMITTEE OF THE WHOLE

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

The following Bill was reported without amendment:

Bill #56 - Dawson Municipal Governance Restoration Act
-Hon. Mr. Hart

Progress was reported on the following Bill:

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Tuesday, May 10, 2005.

No. 147

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, May 10, 2005

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

TRIBUTES

National Nursing Week

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. McRobb, Member for Kluane, and Ms. Duncan, Leader of the Third Party, recognized May 9 to 15, 2005 as National Nursing Week.

World Fair Trade Day

Mr. Hardy, Leader of the Official Opposition, recognized May 14, 2005 as being World Fair Trade Day.

TABLING RETURNS AND DOCUMENTS

Mr. Hardy, Leader of the Official Opposition

- Public Private Partnerships, open letter (dated May 9, 2005) to Hon. Dennis Fentie, Premier of Yukon, signed by 64 Yukoners and 10 signatories from the Northwest Territories and Nunavut **(Filed Document #88)**
- Crossing Canada's Other Border: report prepared by PROLOG Canada Inc, (dated April 15, 2004) **(Filed Document #89)**

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Ms. Duncan, Leader of the Third Party, informed the House that the Third Party Member did not wish to identify any items to be called during Opposition Private Members' Business on Wednesday, May 11, 2005.

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader, informed the House that the Official Opposition did not wish to identify any items to be called during Opposition Private Members' Business on Wednesday, May 11, 2005.

GOVERNMENT BILLS (Third Reading)

The following Bill was called for Third Reading:

Bill #56 - Dawson Municipal Governance Restoration Act
-Hon. Mr. Hart

Question of Privilege

Mr. McRobb, Official Opposition House Leader, pursuant to Standing Order 7(2), rose on a Question of Privilege regarding Government Bill #56, entitled *Dawson Municipal Governance Restoration Act*, being called for Third Reading.

After hearing from Mr. McRobb, Official Opposition House Leader, the Hon. Mr. Jenkins, Government House Leader, and Ms. Duncan, Leader of the Third Party, the Speaker, made the following ruling:

"As the Members well know, the Chair has no jurisdiction in the House Leaders' meetings, nor would any Chair in his right mind want any jurisdiction in the House Leaders' meetings.

The Official Opposition House Leader has not raised a Question of Privilege. Also, he has not raised a Point of Order, as the Standing Orders clearly permit the Government to call the business standing in its name in the order it wishes. Also, it is not within the purview of the Speaker to make recommendations respecting the Standing Orders. That is the responsibility of the House.

We will now proceed with the motion for Third Reading of Bill #56."

A debate arising on the motion for Third Reading of Bill #56 and the question being put, it was agreed to on the following recorded Division:

YEA

Fentie	Edzerza	Rouble	
Jenkins	Lang	Hassard	10
Taylor	Hart		
Kenyon	Cathers		

NAY

Hardy	Fairclough	Peter	6
McRobb	Cardiff	Duncan	

Bill #56, entitled *Dawson Municipal Governance Restoration Act*, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #55 - Miscellaneous Statute Law Amendment Act, 2005
-Hon. Mr. Edzerza

The question being put on the motion for Third Reading of Bill #55, it was agreed to on the following recorded Division:

YEA

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

NAY

0

Bill #55, entitled *Miscellaneous Statute Law Amendment Act, 2005*, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #13 - Third Appropriation Act, 2004-05
-Hon. Mr. Fentie

The question being put on the motion for Third Reading of Bill #13, it was agreed to on the following recorded Division:

YEA

Fentie	Edzerza	Cathers	
Jenkins	Lang	Rouble	10
Taylor	Hart	Hassard	
Kenyon			

NAY

Hardy	Fairclough	Peter	0
McRobb	Cardiff	Duncan	

Bill #13, entitled *Third Appropriation Act, 2004-05*, 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 #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:53 p.m. until 1:00 p.m., Wednesday, May 11, 2005.

No. 148

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, May 11, 2005

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

TRIBUTES

In Remembrance of Linda MacDonald

The Hon. Mr. Kenyon, Minister of Economic Development, Mr. Fairclough, Member for Mayo-Tatchun, and Ms. Duncan, Leader of the Third Party, paid tribute to Linda MacDonald, who passed away on March 26, 2005. Ms. MacDonald, was well known for her contributions to the production of Mayo Historical Society's book *Gold and Galena*.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Edzerza, Minister of Justice

- Crime Prevention and Victim Services Trust Fund 2002/2003 Annual Report
(Sessional Paper #171)
- Crime Prevention and Victim Services Trust Fund 2003/2004 Annual Report
(Sessional Paper #172)

Hon. Mr. Kenyon, Minister of Economic Development

- Economic Development, contracts for: April 1, 2004 to March 31, 2005; prepared by Corporate Services, Highways and Public Works (Sessional Paper #173)

SPEAKER'S RULING (Re: Imputing false or unavowed motives)

Before proceeding to Question Period, the Speaker made the following ruling on a Point of Order raised during Question Period on May 10, 2005.

"During his first supplementary question regarding the Kwanlin Dun First Nation Memorandum of Understanding the Member for Mount Lorne said, 'The commitments made by this Government are not worth the paper they're printed on.' In response the Honourable Premier said, 'The Member opposite has just alluded to the fact that the land claims agreements are worthless.' The Official Opposition House Leader then rose on a Point of Order, citing Standing Order 19(g) which says, 'A Member shall be called to order by the Speaker if that Member imputes false or unavowed motives to another Member.'

From the Chair's perspective there is no Point of Order here. The Premier reinterpreted the words of the Member for Mount Lorne. The accuracy of the Premier's reinterpretation was obviously in dispute. However, the Chair cannot find in the Premier's words any attribution of motive to the Member for Mount Lorne.

Disagreements over the interpretation Members put on each other's words will, depending on the context, usually constitute a dispute between Members. However, Members must take care that their paraphrasing of other Members' statements adhere to other proprieties of the House and are not insulting, do not cast aspersions, or suggest a Member is deliberately misleading the House.

We will now proceed to Question Period."

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:58 p.m. until 1:00 p.m., Thursday, May 12, 2005.

No. 149

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, May 12, 2005

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

TRIBUTES

Canada Health Day

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. McRobb, Member for Kluane, and Ms. Duncan, Leader of the Third Party, recognized May 12, 2005 as Canada Health Day.

TABLING RETURNS AND DOCUMENTS

Mr. Hardy, Leader of the Official Opposition

- Economic Development, Department of; letter re (dated April 13, 2005) to Hon. Jim Kenyon, Minister of Economic Development, Government of Yukon from 13 signatories **(Filed Document #90)**

Mr. McRobb, Member for Kluane

- "Services for People with Disabilities: A Yukon Guide Book - 2005 Edition" (English and French versions) **(Filed Document #91)**

SPEAKER'S RULING (Re: Recording device in the Public Gallery)

Before proceeding to Orders of the Day, the Speaker ruled on a Point of Order raised by the Official Opposition House Leader at the conclusion of Question Period on Wednesday, May 11, 2005.

"At that time the Official Opposition House Leader said:

'Earlier this afternoon, there was a gentleman in the gallery and it was obvious he had a recording device in his possession — a recorder with a large microphone. I checked with the Clerk of the Assembly and clearly that is in contravention of the rules of the House.

It is also my understanding this is a person who is in the employ of the Yukon Party Government and he was introduced by the Member for Lake Laberge on April 27. I would ask you to look into this matter, Mr. Speaker, and, if what I'm saying is accurate, try to prevent it from recurring.'

The Official Opposition House Leader is correct in stating that tape recorders are not allowed in the public gallery. This prohibition is a long standing practice of this House that reflects practices elsewhere.

The Chair would report to the House that it has been determined that the person in question did, indeed, have in his possession a recorder and a microphone. The person in question has been approached about this matter and has stated that, at no time, did he operate the recorder in the Chamber.

The person in question also stated that it was incorrect to describe him as being an employee of the Government of Yukon. This reinforces the point that the Members of this House should take great care when making statements about persons outside this House. Those persons do not have any right of response, either here or in the courts, to personally damaging remarks made by Members.

The Chair, therefore, would state to the Official Opposition House Leader and all Members of this House that there is no need, when raising a Point of Order such as this, to specify the employment history of any individual. That is clearly not germane to the Point of Order and, as has been shown, only has the potential to cause needless harm. Rather, Members, when raising Points of Order, are to stick strictly to the facts. That is, inform the House about what someone is doing or has done and explain how, in the view of the Member, such actions are in violation of a rule or practice of the House.

When he raised this Point of Order, the Official Opposition House Leader asked that the Speaker both look into this matter and 'try to prevent it from recurring.'

This incident has made the Chair aware that the rules respecting the public gallery are not posted in full at the gallery entrance.

The only notices posted at this time are that guests in the gallery are to be quiet, that comments and applause are not allowed and that no food nor beverages are permitted in the gallery.

The people entering the gallery, therefore, may not be aware that rules common to Legislative Assemblies across this country also apply here. For example, they are not allowed to tape record the proceedings nor to take pictures or film the proceedings without the permission of the Speaker nor to bring signs into the gallery nor to wear clothing on which political messages are displayed.

In response to the Official Opposition House Leader's request that the Speaker try to prevent the recurrence of events such as took place yesterday, the Chair will be looking into ways by which people in the public gallery can be more fully informed about the rules governing their behaviour.

It is difficult, however, to provide an assurance that such an incident can be prevented from recurring in the future unless the House is willing to support the posting of security personnel in the public gallery of this Chamber. Those Members of the House who were here in 2001 may recall that they received, in a security review, a recommendation that a security officer be posted at the public gallery entrance. It was further recommended that this officer would be responsible for, among other things, controlling access to the public gallery and for enforcing compliance with gallery rules.

The House did not choose to take the action found in those recommendations. If Members wish to receive greater assurance that the rules governing visitors to the gallery are enforced, the Chair would suggest that the security review and the recommendations found therein should

be revisited. This could possibly be done through the initiative of House Leaders or, perhaps, by the Members' Services Board.

The Chair thanks Members for their attention.

We 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 #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Monday, May 16, 2005.

No. 150

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Monday, May 16, 2005

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

TRIBUTES

In Remembrance of Pete Sudeyko

Ms. Duncan, Leader of the Third Party, the Hon. Ms. Taylor, Minister of Tourism and Culture, and Mr. Hardy, Leader of the Official Opposition, paid tribute to Pete Sudeyko, a long-time Yukoner, who passed away on May 10, 2005. Pete was well known as the Fuller Brush salesman and in 1963 he was named Canadian salesman of the year.

Aboriginal Awareness Week

The Hon. Mr. Fentie, Premier, and Mr. Hardy, Leader of the Official Opposition, recognized May 24 to 27, 2005 as Aboriginal Awareness Week in Canada.

National Police Week

The Hon. Mr. Edzerza, Minister of Justice, and Ms. Duncan, Leader of the Third Party, recognized May 15 to 21, 2005 as National Police Week.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Kenyon, Minister of Economic Development

- Micro Loan Report (Yukon) for year ending March 31, 2005
(Filed Document #92)
- Economic Development Funding and In-Kind Contributions to Yukon First Nations (as of April 1, 2005)
(Filed Document #93)
- Business Incentive Program statistics for the years 2002/03 and 2003/04
(Filed Document #94)

Mr. Hardy, Leader of the Official Opposition

- Alaska-Canada Rail Link, proposed: pp. 92-106 of a draft copy of *A Review of Potential Benefits*, re: Relevant Policy Issues and Assessment of Potential Public Benefits
(Filed Document #95)

PETITIONS

Ms. Duncan, Leader of the Third Party, presented the following Petition:

- Territorial Park in Porter Creek: creation of
(Petition #7)

MINISTERIAL STATEMENT

Hon. Mr. Hart, Minister of Community Services
- Fire Suppression Contingency Fund

MOTION OF URGENT AND PRESSING NECESSITY (Standing Order 28)

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

THAT it is the opinion of this House that:

- (1) the sexual exploitation of children, or adults, cannot be tolerated in any society,
- (2) all Members of the Legislative Assembly have an obligation to demonstrate ethical leadership, and
- (3) the residents of Copperbelt constituency have a right to full-time representation from an elected Member they can respect and trust; and

THAT this House calls upon the Member for Copperbelt to resign his seat immediately, so that the residents of the electoral district of Copperbelt can elect a new representative before the next sitting of this Assembly.

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

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:01 p.m. until 1:00 p.m., Tuesday, May 17, 2005.

No. 151

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, May 17, 2005

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

TRIBUTES

In Remembrance of Ralph "Buzz" Hudson

The Hon. Ms. Taylor, Acting Minister of Justice, Mr. Hardy, Leader of the Official Opposition, and Ms. Duncan, Leader of the Third Party, paid tribute to the late Ralph "Buzz" Hudson of the Supreme Court of Yukon who passed away on January 14, 2005.

In recognition of Jim Robb - appointed to the Order of Canada

The Hon. Ms. Taylor, Minister of Tourism and Culture, Mrs. Peter, Member for Vuntut Gwitchin, and Ms. Duncan, Leader of the Third Party, paid tribute to Yukon artist Jim Robb, who was recently appointed to the Order of Canada.

In recognition of Sandra Gabb

Mr. Rouble, Member for Southern Lakes, paid tribute to teacher Sandra Gabb, who recently was the recipient of the Alice Elston award from the Yukon Teachers Association.

In remembrance of Aylie Sparkes

Mr. Cardiff, Member for Mount Lorne, paid tribute to Yukon musician Aylie Sparkes, who passed away on May 8, 2005.

National Road Safety Week

The Hon. Mr. Hart, Minister of Highways and Public Works, on behalf of all Members, recognized May 17 to 23, 2005 as National Road Safety Week.

Emergency Medical Services Week

The Hon. Mr. Jenkins, Minister of Health and Social Services, and Mr. McRobb, Member for Kluane, recognized May 15 to 21, 2005 as Emergency Medical Services Week in Canada.

International Museum Day

The Hon. Ms. Taylor, Minister of Tourism and Culture, recognized May 18, 2005 as International Museum Day.

National Public Works Week

The Hon. Mr. Hart, Minister of Highways and Public Works, on behalf of all Members, recognized May 15 to 21, 2005 as National Public Works Week.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Fentie, Premier

- *Environment Act*: Report on the Audit of the Yukon Government's Performance under the *Environment Act* (dated March 2005) **(Sessional Paper #174)**

Hon. Mr. Kenyon, Minister of Economic Development

- Conflict of Interest Commission, cost of providing opinion: email correspondence between the Hon. Jim Kenyon, MLA for Porter Creek North, and David Phillip Jones, Q.C., Conflict of Interest Commissioner (Yukon) **(Sessional Paper #175)**

PETITIONS

Presentation

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

- Fuel sales information **(Petition #8)**

Report of the Clerk

The Clerk reported on Petition #7 as follows:

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

I have had the honour to review a petition, being Petition #7 of the First Session of the 31st Legislative Assembly, as presented by the Leader of the Third Party on May 16, 2005.

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 #7 was deemed to have been read and received.

INTRODUCTION OF BILLS

Bill #109 - Financial Recovery Act (negatived)

-Mr. McRobb

SPEAKER' S RULING (Re: Introduction and First Reading of a Bill)

Prior to proceeding with Third Reading of Government Bills, the Speaker made the following ruling regarding a matter that arose earlier in the day:

"The Member for Kluane, under Introduction of Bills during the Daily Routine, moved a motion for Introduction and First Reading of a Bill entitled '*Financial Recovery Act*'. This motion was put to the House by the Chair and was defeated on a voice vote.

Following the conclusion of the Daily Routine, the Chair had an opportunity to review the content of the Bill brought to the House by the Member for Kluane. As the Member for Kluane is quite aware, the Bill is completely out of order and

should not have been brought before this House. The result is that the motion for First Reading should not have been put to the House nor have come to a vote.

The Chair and the Table Officers have learned from this experience that, in the future, any Bills brought to the House will have to be reviewed before a motion for Introduction and First Reading is allowed to be put to the House.

Further, the Chair must order, in respect to this matter, that the Votes and Proceedings of the Assembly show that the Bill put before the House by the Member for Kluane was ruled out of order and that the Votes and Proceedings not record a motion for First Reading ever having been allowed to be put."

COMMITTEE OF THE WHOLE

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

Termination of Committee Proceedings as per Standing Order 76(1)

The Chair made the following statement:

"Order please. The time has reached 5:00 p.m. on this the 30th day of the 2005 Spring Sitting. Standing Order 76(1) states: 'On the day that the Assembly has reached the maximum number of sitting days allocated for that Sitting pursuant to Standing Order 75, the Chair of the Committee of the Whole, if the Assembly is in Committee of the Whole at the time, shall interrupt proceedings at 5:00 p.m. and, with respect to each Government Bill before Committee that the Government House Leader directs to be called, shall:

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

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

The Chair would now ask the Government House Leader to indicate whether Bill #15, the only Bill now before the Committee of the Whole, should be called."

The Hon. Mr. Jenkins, Government House Leader, identified Bill #15, entitled *First Appropriation Act, 2005-06* to be called at this time.

The following Bill was reported without amendment:

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

The report of the Chair was adopted.

SPEAKER'S STATEMENT

THIRD READING OF BILLS AS PER STANDING ORDER 76(2)

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

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

I shall, therefore, ask the Government House Leader to identify whether Bill #15, the only Bill now standing at Third Reading, should be called."

GOVERNMENT BILLS (Third Reading)

The following Bill was called for Third Reading:

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

The question being put on the motion for Third Reading of Bill #15, it was agreed to on the following recorded Division:

YEA			
Fentie	Kenyon	Cathers	
Jenkins	Lang	Rouble	9
Taylor	Hart	Hassard	
NAY			
Hardy	Fairclough	Peter	
McRobb	Cardiff	Duncan	6

Bill #15, entitled *First Appropriation Act, 2005-06*, accordingly passed the House.

ASSENT TO BILLS

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

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

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

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

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

Bill #56 - Dawson Municipal Governance Restoration Act
-Hon. Mr. Hart

Bill #55 - Miscellaneous Statute Law Amendment Act, 2005
-Hon. Mr. Edzerza

Bill #13 - Third Appropriation Act, 2004-05
-Hon. Mr. Fentie

Bill #15 - First Appropriation Act, 2005-06
-Hon. Mr. Fentie

The Commissioner assented the Bills:

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

The Commissioner then retired from the Chamber.

ADJOURNMENT OF THE SITTING

The Speaker stated:

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

The Assembly adjourned at 5:16 p.m.