

No. 71

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, October 18, 2001

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

INTRODUCTION OF PAGES

The Speaker informed the Assembly that Amy Davignon, Alyshia Kitchen, Lucas Kitchen and Calista Morrison from Vanier Catholic Secondary School and Allison Armstrong, Lauren Chapman, Tobias Toleman and Natalie Taylor from Porter Creek Secondary School would be serving as Pages during the Fall Sitting. Amy Davignon and Alyshia Kitchen were introduced and welcomed to the House.

MOTIONS RESPECTING APPOINTMENTS OF PRESIDING OFFICERS

The Speaker informed the Assembly that the Hon. Scott Kent, Member for Riverside, had notified the Speaker, the Premier and the House Leaders in writing that, effective upon his appointment to Cabinet on June 12, 2001, he resigned from his position as Deputy Chair of Committee of the Whole.

Election of Deputy Chair of Committee of the Whole

On motion of Mr. McLachlan, Government House Leader:

THAT Cynthia Tucker, Member for Mount Lorne, be appointed Deputy Chair of Committee of the Whole. **(Motion #139)**

SPEAKER'S STATEMENT (Changes to the Order Paper)

Prior to proceeding with Daily Routine, the Speaker informed the House of changes made to the Order Paper. Due to the marriage of Ms. Netro, Member for Vuntut Gwitchin, to Ernie Peter, all items standing in the name of Ms. Netro have been changed to Mrs. Peter. Secondly, due to the appointment of the Member for Riverside as a Minister, Motion Nos. 20, 48, 58, 113 and 124 have been removed from the Order Paper.

TRIBUTES

Events of September 11, 2001

The Hon. Ms. Duncan, Premier, paid tribute, on behalf of all Members, to the victims of the terrorist attacks on New York City and Washington, D.C. on September 11, 2001, and to the police officers, fire fighters and other volunteers who responded to the emergency. The Premier also commended the RCMP, firefighters, emergency measures

personnel and others who responded to events in Whitehorse on that day. A moment of silence was observed.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Schneider, Speaker

- Electoral District Boundaries Commission (Yukon) Interim Report (dated August 2001) **(Sessional Paper #90)**
- Conflict of Interest Commission Annual Report July 2000 - June 2001 (dated June 25, 2001) **(Sessional Paper #91)**
- Ombudsman and Information and Privacy Commissioner 2000 Annual Report **(Sessional Paper #92)**
- Deductions from the indemnities of Members of the Legislative Assembly made pursuant to subsection 39(6) of the *Legislative Assembly Act*: Report of the Clerk of the Yukon Legislative Assembly (dated October 18, 2001) **(Sessional Paper #93)**

INTRODUCTION OF BILLS (First Reading)

- Bill #6 - Fourth Appropriation Act, 2000-01
-Hon. Ms. Duncan
- Bill #7 - Second Appropriation Act, 2001-02
-Hon. Ms. Duncan
- Bill #8 - First Appropriation Act, 2002-03
-Hon. Ms. Duncan
- Bill #45 - An Act to Amend the Income Tax Act (No. 4)
-Hon. Ms. Duncan

MONEY MESSAGE

Bill #6, *Fourth Appropriation Act, 2000-01*, Bill #7, *Second Appropriation Act, 2001-02*, and Bill #8, *First Appropriation Act, 2002-03*, were accompanied by a money message.

GOVERNMENT BILLS - CAPITAL BUDGET SPEECH

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

- Bill #8 - First Appropriation Act, 2002-03
-Hon. Ms. Duncan

Thereupon, the Hon. Ms. Duncan delivered the 2002-03 Capital Budget Speech.

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

THAT debate be now adjourned.

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

INTRODUCTION OF DEPUTY CLERK

The Speaker introduced Mr. Floyd McCormick as the new Deputy Clerk of the Yukon Legislative Assembly. Mr. McCormick was welcomed by all Members of the Assembly.

The Assembly adjourned at 2:28 p.m. until 1:00 p.m., Monday, October 22, 2001.

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VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, October 22, 2001

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

TRIBUTES

Person's Day and the "Famous Five"

The Hon. Mrs. Edelman, Minister responsible for the Women's Directorate, and Mrs. Peter, Member for Vuntut Gwitchin, recognized October 18, 2001 as Person's Day and paid tribute to Emily Murphy, Henrietta Muir Edwards, Nellie McClung, Louise McKinney and Irene Parlby, Canadian women known as the "Famous Five".

TABLING RETURNS AND DOCUMENTS

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

- Workers' Compensation Health and Safety Board (Yukon) Audited Financial Statements as at December 31, 2000 **(Sessional Paper #94)**

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

- Yukon Advisory Council on Women's Issues 2000/2001 Annual Report **(Sessional Paper #95)**

INTRODUCTION OF BILLS (First Reading)

Bill #46 - Parks and Land Certainty Act
-Hon. Mr. Eftoda

Bill #47 - Education Staff Relations Act
-Hon. Mr. Eftoda

Bill #48 - Wildlife Act
-Hon. Mr. Eftoda

Bill #54 - Interjurisdictional Support Orders Act
-Hon. Ms. Buckway

Bill #52 - Physiotherapists Act
-Hon. Ms. Buckway

Bill #50 - An Act to Amend the Funeral Directors Act
-Hon. Ms. Buckway

- Bill #53 - Canadian Council for Donation and Transplantation Indemnification Act
-Hon. Mr. Roberts
- Bill #49 - An Act to Amend the Medical Profession Act
-Hon. Mr. Roberts

MINISTERIAL STATEMENT

Hon. Mr. Jim, Minister responsible for the Yukon Housing Corporation
- First Nations Housing Conference

GOVERNMENT BILLS

The following Bill was called for Second Reading:

- Bill #8 - First Appropriation Act, 2002-03
-Hon. Ms. Duncan

The debate continuing on the motion for Second Reading of Bill #8 and the time approaching 6:00 p.m., it was moved by Mr. McRobb, Member for Kluane:

THAT debate be now adjourned.

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

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Tuesday, October 23, 2001.

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VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, October 23, 2001

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

TRIBUTES

National Breast Cancer Awareness Month

The Hon. Mr. Roberts, Minister of Health and Social Services, recognized October as National Breast Cancer Awareness Month.

United Nations Peacekeeper Day

Mr. McLarnon, Member for Whitehorse Centre, paid tribute to eight Yukon United Nations peacekeeping veterans and to United Nations Peacekeeper Day.

TABLING RETURNS AND DOCUMENTS

Hon. Mrs. Edelman, Minister of Tourism

- Yukon Geographical Place Names Board 1999/2000 Annual Report
(Sessional Paper #96)

PRESENTING REPORTS OF COMMITTEES

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

- Standing Committee on Rules, Elections and Privileges: Second Report (dated October 23, 2001)
(Sessional Paper #97)

MINISTERIAL STATEMENTS

Hon. Mr. Kent, Minister of Economic Development

- Yukon Mining Incentive Program

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. Fentie, Official Opposition House Leader, identified Motion #141 and Motion #143 as being the items to be called during Opposition Private Members' Business on Wednesday, October 24, 2001.

Pursuant to Standing Order 14.2(3), Mr. Jenkins, Leader of the Third Party, identified Motion #13 as being the item to be called during Opposition Private Members' Business on Wednesday, October 24, 2001.

WITHDRAWAL OF MOTIONS FROM THE ORDER PAPER

Having had discussions with the Members in whose names the following Motions were standing, and on agreement among the House Leaders, Mr. McLachlan, Government House Leader, requested unanimous consent for the following Motions to be withdrawn from the Order Paper:

Motions numbered: 4, 6, 8, 15, 16, 34, 41, 45, 53, 62, 69, 70, 73, 74, 77, 81, 86, 94, 105, 110, 116, 119, 120, 125, 126, 129, 130, 134, and 135.

Unanimous consent being granted, the Speaker asked the Clerk to drop the Motions from the Order Paper.

NOTICE OF MOTION RE COMMITTEE REPORTS

Mr. McLachlan, Government House Leader, gave notice, pursuant to Standing Order 13(3), that the motion for concurrence with the Second Report of the Standing Committee on Rules, Elections and Privileges shall be called as government-designated business.

GOVERNMENT BILLS

The following Bill was called for Second Reading:

Bill #8 - First Appropriation Act, 2002-03
-Hon. Ms. Duncan

The debate continuing on the motion for Second Reading of Bill #8 and the time reaching 6:00 p.m. while the Hon. Ms. Duncan was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House and debate on the motion for Second Reading of Bill #8 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Wednesday, October 24, 2001.

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VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, October 24, 2001

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

INTRODUCTION OF DEPUTY SERGEANT-AT-ARMS

The Hon. Mr. Schneider, Speaker, introduced to the House, Rudy Couture, who was recently appointed to the position of Deputy Sergeant-at-Arms. Mr. Couture was in the Gallery.

PETITIONS (Response to Petition #3)

The Hon. Ms. Buckway, Minister of Community and Transportation Services, gave an oral response to Petition #3 (received by the House on May 3, 2001) with regard to construction of a new Carcross Community and Curling complex.

OPPOSITION PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Fentie:

THAT it is the opinion of this House that:

- (1) the business of the Legislative Assembly anticipated for the current sitting can be properly conducted within 25 sitting days, even though consideration of a capital budget has been added to the traditional legislative agenda,
- (2) it is essential that both the budgetary and legislative matters to be brought forward be given full and appropriate scrutiny by this House on behalf of the people of the Yukon, and
- (3) the Official Opposition is prepared to conclude its analysis of these matters within the 25-day period as laid out in Addendum 2 to the Standing Orders of the Yukon Legislative Assembly; and

THAT this House urges the Yukon Liberal Government to conduct itself in an open, cooperative and forthcoming manner in responding to questions from opposition members, so that it will be possible to conclude the business at hand in a timely and effective manner, consistent with the spirit and letter of Addendum 2.

(Motion #141)

A debate arising on the motion, it was moved by Mr. McLachlan, Government House Leader, in amendment thereto:

THAT Motion #141 be amended by deleting everything after the word “period” in the 3rd paragraph and substituting the words:

THAT this House urges all Members to conduct themselves in an open, co-operative and forthcoming manner at all times in this Assembly.

A debate started on the amendment. Mr. McLachlan, Government House Leader, rose on a Point of Order requesting that a document that the Leader of the Official Opposition was reading and quoting from, be tabled.

Tabled Document

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

- Faro Sustainable Development Corporation: letter (dated September 28, 2000) from Trevor Harding, MLA for Faro, to the Hon. Pat Duncan, Minister of Economic Development
(Sessional Paper #98)

The debate continuing on the amendment and the time reaching 6:00 p.m. while Mr. Keenan, Member for Ross River-Southern Lakes, was speaking to it, the Speaker, pursuant to Standing Order 2(2) , adjourned the House until 1:00 p.m. the following day, and debate on the amendment and Motion #141 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, October 25, 2001.

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VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, October 25, 2001

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

TABLING RETURNS AND DOCUMENTS

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

- Yukon Public Service Staff Relations Board 2000/01 Annual Report
(Sessional Paper #99)
- Yukon Teachers Staff Relations Board 2000/01 Annual Report
(Sessional Paper #100)

MOTIONS RESPECTING COMMITTEE REPORTS

Moved by the Hon. Mr. Kent, Chair of the Standing Committee on Rules, Elections and Privileges:

THAT the Second Report of the Standing Committee on Rules, Elections and Privileges, presented to the House on October 23, 2001, be concurred with; and

THAT the amendments recommended by the Committee to Standing Orders 2, 11, 19, 42, 52 and 67 be adopted. (CRM #1)

The question being put, it was agreed to.

GOVERNMENT BILLS

The following Bill was called for Second Reading:

Bill #8 - First Appropriation Act, 2002-03
-Hon. Ms. Duncan

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

YEA

Duncan	Roberts	McLachlan	
Eftoda	Buckway	Tucker	10
Jim	Kent	McLarnon	
Edelman			

NAY

Fairclough	Keenan	Peter	6
Fentie	McRobb	Jenkins	

Bill #8, entitled *First Appropriation Act, 2002-03*, was, accordingly, referred to Committee of the Whole.

The following Bill was called for Second Reading:

Bill #6 - Fourth Appropriation Act, 2000-01
-Hon. Ms. Duncan

A debate arising on the motion for Second Reading of Bill #6, and the question being put, it was agreed to on the following recorded Division:

YEA

Duncan	Roberts	McLachlan	
Eftoda	Buckway	Tucker	10
Jim	Kent	McLarnon	
Edelman			

NAY

Fairclough	Keenan	Peter	6
Fentie	McRobb	Jenkins	

Bill #6, entitled *Fourth Appropriation Act, 2000-01*, was, accordingly, referred to Committee of the Whole.

The following Bill was called for Second Reading:

Bill #7 - Second Appropriation Act, 2001-02
-Hon. Ms. Duncan

A debate arising on the motion for Second Reading of Bill #7, and the question being put, it was agreed to on the following recorded Division:

YEA

Duncan	Roberts	McLachlan	
Eftoda	Buckway	Tucker	10
Jim	Kent	McLarnon	
Edelman			

NAY

Fairclough	Keenan	Peter	6
Fentie	McRobb	Jenkins	

Bill #7, entitled *Second Appropriation Act, 2001-02*, was, accordingly, referred to Committee of the Whole.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #6 - Fourth Appropriation Act, 2000-01
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Monday, October 29, 2001.

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VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, October 29, 2001

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

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Eftoda, Acting Premier

- Renewal of Government: Employee comments for YTG Yukon Communities for sessions to August 14, 2001 and for YTG and Federal Whitehorse for sessions to September 6, 2001 and other employee comments (Published October 1, 2001)
(Sessional Paper #101)

MINISTERIAL STATEMENTS

Hon. Mr. Kent, Minister of Economic Development

- "Youth Voices" Endowment Fund

GOVERNMENT MOTIONS

Moved by the Hon. Mrs. Edelman, Minister of Tourism

THAT the membership of the Standing Committee on Rules, Elections and Privileges, as established by Motion #22 of the First Session of the 30th Legislative Assembly and as amended by Motion #29 and Motion #87 of the Second Session of the 30th Legislative Assembly, be further amended by:

- (1) rescinding the appointment of Cynthia Tucker, and
- (2) appointing Jim McLachlan to the Committee.

(Motion #140)

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

GOVERNMENT BILLS

The following Bill was called for Second Reading:

Bill #50 - An Act to Amend the Funeral Directors Act
-Hon. Ms. Buckway

A debate arising on the motion for Second Reading of Bill #50, and the question being put, it was agreed to on the following recorded Division:

YEA

Eftoda	Kent	Fentie	
Jim	McLachlan	Keenan	
Edelman	Tucker	McRobb	15
Roberts	McLarnon	Peter	
Buckway	Fairclough	Jenkins	

NAY

0

Bill #50, entitled, *An Act to Amend the Funeral Directors Act*, was, accordingly, referred to Committee of the Whole.

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

Bill #52 - Physiotherapists Act
-Hon. Ms. Buckway

The following Bill was called for Second Reading:

Bill #54 - Interjurisdictional Support Orders Act
-Hon. Ms. Buckway

A debate arising on the motion for Second Reading of Bill #54, and the question being put, it was agreed to on the following recorded Division:

YEA

Eftoda	Kent	Fentie	
Jim	McLachlan	Keenan	
Edelman	Tucker	McRobb	15
Roberts	McLarnon	Peter	
Buckway	Fairclough	Jenkins	

NAY

0

Bill #54, entitled, *Interjurisdictional Support Orders Act*, was, accordingly, referred to Committee of the Whole.

The following Bill was called for Second Reading:

Bill #49 - An Act to Amend the Medical Profession Act
-Hon. Mr. Roberts

A debate arising on the motion for Second Reading of Bill #49, and the question being put, it was agreed to on the following recorded Division:

YEA		
Eftoda	Kent	Fentie
Jim	McLachlan	Keenan
Edelman	Tucker	McRobb
Roberts	McLarnon	Peter
Buckway	Fairclough	Jenkins

NAY

0

Bill #49, entitled, *An Act to Amend the Medical Profession 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 Bills were reported without amendment:

Bill #50 - An Act to Amend the Funeral Directors Act
-Hon. Ms. Buckway

Bill #52 - Physiotherapists Act
-Hon. Ms. Buckway

Progress was reported on the following Bills:

Bill #54 - Interjurisdictional Support Orders Act
-Hon. Ms. Buckway

Bill #49 - An Act to Amend the Medical Profession Act
-Hon. Mr. Roberts

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Tuesday, October 30, 2001.

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VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, October 30, 2001

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

TRIBUTES

In remembrance of former Member Norman Chamberlist

Mr. McLachlan, Government House Leader, paid tribute to former Member Norman Chamberlist, who recently passed away. Mr. Chamberlist was first elected to the 19th Territorial Council in 1961. He was subsequently elected to the 21st Territorial Council in 1967 and re-elected to the 22nd Territorial Council in 1970.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Schneider, Speaker

- Auditor General: Report on the Consolidated Financial Statements of the Government of the Yukon Territory for the year ended March 31, 2001
(Sessional Paper #102)

Hon. Ms. Duncan, Premier

- Public Accounts of the Government of the Yukon Territory for the year ended March 31, 2001
(Sessional Paper #103)
- Devolution Transfer Agreement (dated October 30, 2001): Yukon Northern Affairs Program working copy
(Sessional Paper #104)

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

- *Education Act* review recommendations: information pertaining to recommendation #141 and #142
(Legislative Return #78)

MINISTERIAL STATEMENTS

Hon. Ms. Duncan, Premier

- Devolution Transfer Agreement (Northern Affairs Program) formally approved

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), Mr. McLachlan, Government House Leader, identified Motion #149 as being the item to be called during Government Private Members' Business on Wednesday, October 31, 2001.

COMMITTEE OF THE WHOLE

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

The following Bills were reported without amendment:

Bill #49 - An Act to Amend the Medical Profession Act

-Hon. Mr. Roberts

Bill #6 - Fourth Appropriation Act, 2000-01

-Hon. Ms. Duncan

The following Bill was reported with amendment:

Bill #54 - Interjurisdictional Support Orders Act

-Hon. Ms. Buckway

Progress was reported on the following Bill:

Bill #7 - Second Appropriation Act, 2001-02

-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Wednesday, October 31, 2001.

No. 78

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, October 31, 2001

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

TRIBUTES

Crime Prevention Week

The Hon. Ms. Buckway, Minister of Justice, on behalf of all Members, recognized, Crime Prevention Week being October 27 to November 3, 2001. This year's theme is "Crime Prevention: A Community Responsibility".

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Renewal process: expenditures to date; summary of consultations
(Legislative Return #79)

Hon. Ms. Buckway, Minister of Justice

- Priority of maintenance orders: letter (dated October 31, 2001) to Mr. Jenkins, Member for Klondike, from Hon. Ms. Buckway, Minister of Justice responding to questions raised on October 29, 2001.
(Sessional Paper #105)

MINISTERIAL STATEMENTS

Hon. Mr. Eftoda, Minister of Education

- Teacher Mentoring Endowment Fund

TABLED DOCUMENT

During Question Period, Mr. Keenan, Member for Ross River-Southern Lakes, tabled the following document:

- Fuel Purchase Policy: letter (dated October 10, 2001) to Mr. Fentie, Member for Watson Lake, from Hon. Mr. Jim, Minister of Government Services
(Sessional Paper #106)

GOVERNMENT PRIVATE MEMBERS' BUSINESS
MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. McLarnon:

THAT it is the opinion of this House that:

- (1) the Yukon Liberal Party made a commitment to Yukoners that, if elected, a Liberal Government would replace the Grey Mountain Primary School,
- (2) the Leader of the Official Opposition has brought forward a motion encouraging the Yukon Liberal Government to replace the Grey Mountain Primary School,
- (3) while all three political parties in the Yukon have made the commitment to replace the Grey Mountain Primary School, the Yukon Liberal Government is the only government to have followed through on this commitment; and

THAT this House commends the Yukon Liberal Government for having the courage to do what they said they would do by allocating the appropriate resources in the 2002-03 capital budget this fall to begin the necessary planning and design work for this school replacement project. **(Motion #149)**

Unanimous Consent to stand down Motion #149

Mr. McLarnon, Member for Whitehorse Centre requested unanimous consent to stand down Motion #149. Unanimous consent was denied.

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

THAT Motion #149 be amended in the final clause by deleting the wording after the phrase, "THAT this House," and substituting for it the words:

"supports the Yukon Liberal Government in allocating the appropriate resources in the 2002-03 capital budget to begin the necessary planning and design work for this school replacement project, provided that elementary school enrolment in Whitehorse warrants it and no other elementary schools in Whitehorse are closed as a result."

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

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

The debate continuing on the main motion, it was moved by the Hon. Mr. Eftoda:

THAT debate be now adjourned.

The question being put on the motion to adjourn debate on Motion #149, it was agreed to.

GOVERNMENT MOTIONS

Moved by the Hon. Ms. Buckway, Minister of Justice:

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

TIME ALLOCATION

Agreement to allot time

73 (1) When the Government House Leader or designate states that there is agreement among the House Leaders or their designates to allot a specified number of sitting days or hours to the proceedings at one or more stages of any Government Bill, the Government House Leader or designate may propose a motion, without notice, setting forth the terms of such agreed allocation; and every such motion shall be decided forthwith without debate or amendment. Such motion may be moved at any time either with the Speaker in the Chair or while the Assembly is in Committee of the Whole.

Qualified agreement to allot time

- (2) (a) When the Government House Leader or designate, at the time that the Assembly proceeds to Government Designated Business, states that a majority of the House Leaders or their designates have come to an agreement in respect of a proposed allotment of sitting days or hours for the proceedings at the stage at which a Government Bill is then under consideration, the Government House Leader or designate may propose a motion, without notice, setting forth the terms of the proposed allocation. The motion shall not be subject to debate or amendment, and the Speaker shall put the question on the said motion forthwith.
- (b) If a motion pursuant to this section regarding any Government Bill is moved and carried at the beginning of Government Designated Business on any sitting day and if the order for the said bill is then called and debated for the remainder of the sitting day, the length of that debate shall be deemed to be one sitting day for the purposes of paragraph (a) of this section.

Procedure in other cases to allot time

- (3) (a) When an agreement cannot be reached under the provisions of sections (1) or (2) of this Standing Order in respect of proceedings at the stage at which a Government Bill is then under consideration, either with the Speaker in the Chair or in Committee of the Whole, the Government House Leader or designate may propose, at the time that the Assembly proceeds to Government Designated Business, a motion for the purpose of allotting a specified number of sitting days or hours for the consideration and disposal of proceedings at that stage; provided that the time allotted for any stage is not to be less than one sitting day. The motion shall not be subject to debate or amendment and the Speaker shall put the question on the said motion forthwith.
- (b) Such motion may not be proposed until the Government House Leader or designate has informed the Assembly, on a previous sitting day, either with the Speaker in the Chair or while the Assembly is in Committee of the Whole, that:
 - (i) an agreement could not be reached under the provisions of sections (1) or (2) of this Standing Order in respect of proceedings at the stage at which a Government Bill was then under consideration, and

- (ii) a motion is to be moved pursuant to this Standing Order on a future sitting day.

(Motion #155)

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

THAT Motion #155 be amended in the final clause, entitled **Procedure in other cases to allot time**, by removing the wording after the phrase, "When an agreement cannot be reached under the provisions of section (1) or (2) of this Standing Order", and substituting for them the words:

"the Memorandum of Understanding appended to the Standing Orders on February 21, 1996 as Addendum 2 shall apply."

A debate arising on the amendment and the time reaching 6:00 p.m. while Mr. McLachlan, Government House Leader, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. the following day, and debate on the amendment and on Motion #155 was accordingly adjourned.

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

No. 79

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, November 1, 2001

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

TRIBUTES

Women Abuse Prevention Month

The Hon. Mrs. Edelman, Minister responsible for the Women's Directorate, recognized November as being Women Abuse Prevention Month.

TABLING RETURNS AND DOCUMENTS

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

- Alaska Highway (Marsh Lake) reconstruction: contract amount; contract holdback; number of persons employed **(Legislative Return #80)**

Hon. Ms. Duncan, Premier

- Supplementary budget: amount spent to date **(Legislative Return #81)**

Hon. Mr. Kent, Minister of Economic Development

- Youth Investment Fund: projects funded and amounts to date **(Legislative Return #82)**

MINISTERIAL STATEMENTS

Hon. Ms. Duncan, Premier

- Bill C-39: *An Act to Replace the Yukon Act*

TABLED DOCUMENT

During Question Period, the Hon. Mr. Eftoda, Minister of Education, tabled the following document:

- First Nations Education Commission Contribution Agreement: letter (dated October 9, 1997) to Grand Chief Shirley Adamson, Council of Yukon First Nations from former Minister of Education, Lois Moorcroft **(Sessional Paper #107)**

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #7 - Second Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

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

No. 80

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, November 5, 2001

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

TRIBUTES

In remembrance of Billy Blair

Mr. McRobb, Member for Kluane, and the Hon. Ms. Duncan, Premier, paid tribute to Billy Blair, a respected elder of the White River First Nation, who passed away on August 26, 2001.

Red Ribbon Campaign - Tie One On For Safety

The Hon. Ms. Buckway, Minister of Community and Transportation Services, on behalf of all Members, paid tribute to the Red Ribbon Campaign - Tie One On For Safety. This national campaign, sponsored by Mothers Against Drunk Driving, was launched in Whitehorse on this date and continues to January 1, 2002.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Spending for Watson Lake and other Yukon communities in the 2001-02 Supplementary #1 Estimates **(Legislative Return #83)**
- First Nations Relations Liaison Cabinet position: information pertaining to **(Legislative Return #84)**

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

- Yukon Development Corporation/Yukon Energy Corporation 2000 Annual Report **(Sessional Paper #108)**

PETITIONS (Response to Petition #4)

The Hon. Mr. Roberts, Minister of Health and Services, gave an oral response to Petition #4 (received by the House on May 7, 2001) with regard to a public inquiry of the policies, procedures and practices of the Family and Children's Services Branch.

MINISTERIAL STATEMENTS

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

- Community Recreation Leadership Endowment Fund

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

"Before calling Question Period today the Chair will provide a ruling on the Point of Order raised on Thursday, November 1, 2001.

During Question Period that day the Member for Klondike made reference to a 'Minister for Parks in the Yukon'. A Point of Order was raised because other Members believed the Member for Klondike deliberately misstated the name of a Cabinet portfolio.

The events of last Thursday are of concern because the deliberate misstating of the names of ministerial portfolios has unfortunately become somewhat common. We have heard the Minister of Education called 'the Minister of Damage Control' and 'the Minister of Education for Riverdale.' The Minister of Health and Social Services has been called 'the Minister of Flip-flop.'

It is a long-standing tradition that Members are to refer to one another by their constituency, ministerial portfolio, or other position they hold in this House. While inadvertent mistakes do happen, deliberate misstatements are not acceptable.

Clearly there is no 'Minister for Parks' in the Government of Yukon. However, the Member for Klondike raised an important issue in his defence. The Member defended his use of this term on the grounds that he was not referring to another Member. The Chair thanks the Member for Klondike for providing the opportunity to address this issue.

Members are advised that the distinction made by the Member for Klondike offers Members no protection. Guideline No. 8 in our Guidelines for Oral Question Period states:

A question must adhere to the proprieties of the House in that it must not contain inferences, impute motives or cast aspersions upon persons within the House or out of it.

While the guideline refers specifically to Question Period, Members should adhere to this principle during all proceedings in this House. As *The House of Commons Procedure and Practice* notes at page 524:

The Speaker has ruled that Members have a responsibility to protect the innocent, not only from outright slander but from any slur directly or indirectly implied, and has stressed that Members should avoid as much as possible mentioning by name people from outside the House who are unable to reply and defend themselves against innuendo.

To put it simply, inventing names of portfolios to embarrass Members of this House, or persons outside this House, will not be accepted.

On a related issue the Chair has also had to intervene in clear cases of unparliamentary language. For example, we have heard words and phrases like 'bullying', 'circus clown' and 'the Hyland hyena', and a suggestion that Government Ministers have contradicted their oath of office.

These examples are only some of those that have invited interventions by the Chair. There are many other examples - phrases like 'gong show' 'pork-barrel politics' and suggestions that some Members operate on the basis of fabricated information, rumour and innuendo. These words and phrases, while not ruled unparliamentary, have clearly contributed to disorder and a lack of decorum.

As bad as the use of particular words and phrases is the general atmosphere of disrespect that seems to permeate so many of the proceedings in this House. Members frequently question the integrity and competence of other Members and the truthfulness of their statements.

Members also interrupt proceedings on Points of Order to, in their words, 'correct the record'. They do this even though the Chair has told Members repeatedly that efforts to correct the record are not Points of Order and should not be raised as such. Members will have a chance to correct the record the next time they have the floor.

The Chair would also like to remind Members of the role of the Chair and of the relationship between the Chair and Members in maintaining order and decorum in this House.

According to Standing Order 6(1) 'The Speaker shall preserve order and decorum, and shall decide questions of order.'

While the Speaker is responsible for enforcing the rules of this Assembly, all Members have a duty to preserve order and decorum and uphold the dignity of this House.

Members can fulfill this duty in two ways: first, by adhering to the Standing Orders and practices of this Assembly. Members can also fulfill this duty in the way in which they deal with Points of Order in this Chamber. In deciding questions of order, the Chair often entertains submissions from Members. Members should remember that they are to advise, and not direct, the Chair. It is not helpful to the Chair for Members to simply tell the Chair that there is, or is not, a Point of Order. In advising the Chair, Members should refer to a specific Standing Order or practice that they believe has, or has not, been violated.

Finally, the Chair assures Members that great care is taken in dealing with issues of language in this House. Freedom of speech is a fundamental parliamentary privilege and it is only with great reluctance that the Chair intervenes in debate. At the same time, Members must keep in mind that parliamentarians have historically been guaranteed freedom of speech so they could debate issues of public concern, not so they could abuse or belittle each other.

Members on both sides of the House should remember that dealing with the public's business is difficult at the best of times. Members will do both themselves and all Yukoners a favour by striving to create and maintain an atmosphere of civility and mature decorum in this Legislative Assembly. I thank Members in advance for making the efforts I know they are capable of in this regard.

This then brings us to the 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 #7 - Second Appropriation Act, 2001-02

-Hon. Ms. Duncan

The report of the Deputy Chair was adopted.

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

No. 81

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, November 6, 2001

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

TRIBUTES

In remembrance of John Ferbey

Mr. Fairclough, Leader of the Official Opposition, and the Hon. Ms. Duncan, Premier, paid tribute to well known Yukoner, John Ferbey, who passed away on November 1, 2001.

TABLING RETURNS AND DOCUMENTS

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

- North American Tungsten agreement (dated July 27th, 2001): Memorandum of Understanding signed between the Government of Yukon and North American Tungsten Corporation Ltd. **(Legislative Return #85)**
- Rural Electrification and Telecommunications program: no policy changes and listing of approved projects 2001-02 fiscal year **(Legislative Return #86)**
- Arctic Winter Games 2002: status of transportation of dog-mushing teams and equipment to Iqaluit **(Legislative Return #87)**

MINISTERIAL STATEMENTS

Hon. Ms. Duncan, Premier

- Renewal - Government Accountability

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. Fentie, Official Opposition House Leader, identified Motion #159 as being the item to be called during Opposition Private Members' Business on Wednesday, November 7, 2001.

Pursuant to Standing Order 14.2(3), Mr. Jenkins, Leader of the Third Party, identified Motion #152 and Motion #153 as being the items to be called during Opposition Private Members' Business on Wednesday, November 7, 2001.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #7 - Second Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Deputy Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Wednesday, November 7, 2001.

No. 82

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, November 7, 2001

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

MINISTERIAL STATEMENTS

Hon. Ms. Duncan, Premier

- Yukon Foundation Endowment

QUESTION OF PRIVILEGE (re clarification of Speaker's ruling on November 6, 2001)

Mr. Fentie, Official Opposition House Leader, rose on a Question of Privilege regarding clarification of the Speaker's ruling on November 6, 2001, in the Assembly.

Speaker's Ruling (re unparliamentary language)

"The Chair is prepared to give a ruling on the Question of Privilege raised by the Official Opposition House Leader.

The Official Opposition House Leader met the notice requirement found in Standing Order 7(1)(b) by submitting a written notice to the Office of the Speaker by 11:00 a.m. on today's date.

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

The normal practice of this House has been that, to meet the 'earliest opportunity' requirement, a Question of Privilege must be raised at the time the event occurred or on the next sitting day. In this matter, the event took place on Tuesday, November 6, 2001. It, therefore, meets the 'earliest opportunity' requirement by being raised as a Question of Privilege today.

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

The written notice from the Official Opposition House Leader did not identify the basis of the breach of privilege that he was raising. Rather, he stated 'The purpose of my Question will be to seek clarification of your rulings on Tuesday, November 6 during my question on the Whitehorse school busing contract, as reflected on pages 2520 and 2521 of the Blues.' The Official Opposition House

Leader then went on in his written notice, and as he has explained to the House just now, to explain the specific points on which he was seeking clarification.

In reviewing the Standing Orders of this Assembly and the parliamentary authorities, including Beauchesne, the Chair has not found any basis for the matter raised by the Official Opposition House Leader to be found a breach of privilege.

Rather, as stated by the Official Opposition House Leader, he is seeking clarification of a Speaker's ruling. Although the Chair does plan to address the point raised by the Official Opposition House Leader in a moment, the point needs to be made at the start that it should not be a normal practice of the House to seek clarification of Speaker's rulings under the guise of Questions of Privilege.

The primary privilege of Members in the Assembly is freedom of speech. It is a well established practice that a Speaker's ruling on language is not a violation of that privilege, even if the ruling is contentious or in error.

Standing Order 6(1) states, in reference to Speaker's decisions, that 'No debate shall be permitted on any such decision, and no decision shall be subject to an appeal to the Assembly.' Therefore, the normal way for members to deal with a Speaker's decision that they disagree with and want overturned is to move a substantive motion to that effect.

The Chair, in this case, though, will attempt to provide assistance to the House in dealing with the current matter without insisting that it go through such procedures.

The Chair, in reference to the events of yesterday, has reviewed the Blues and discussed this matter with our Table Officers. On reflection, the Chair feels the Opposition House Leader has made a legitimate point and that yesterday's decisions by the Chair could be seen to be inconsistent. The Chair would assure the Official Opposition House Leader and all Members of the House that any error in judgement by the Chair was not due to any bias; rather, it should be attributed to making a decision on the matter in haste.

With regard to the specific issue raised by the Official Opposition House Leader, he is quite right in arguing that, in the context they were used yesterday, the terms 'smear campaign' and 'cover-up' belong in the same category and both were equally deserving of being ruled unparliamentary. The Official Opposition House Leader is also correct in questioning the need to cite any specific rule when raising a point of order about unparliamentary language. Doing so is helpful to the Chair but it is not essential when requesting a ruling on language.

I hope this will prove satisfactory to members in respect to the matters raised by the Official Opposition House Leader. The House will now proceed to the Orders of the Day."

OPPOSITION PRIVATE MEMBERS' BUSINESS
MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Keenan:

THAT it is the opinion of this House that:

- (1) the *Child, Youth and Family Advocacy Act* tabled almost a year ago as a Private Member's Bill was designed to protect and advance the rights and interests of Yukon children, youths and their families relating to designated services,
- (2) the Yukon Liberal Government has had more than enough time to make changes it deems necessary in order to bring a Bill forward for debate in the Legislative Assembly,
- (3) in spite of the reluctance by the Minister of Health and Social Services to acknowledge ongoing problems in the area of children and youth in government care, the Liberal Government did eventually undertake to commission a two-phase review of that issue; and

THAT this House urges the Government to take its responsibilities to Yukon children, youth and families seriously and to bring forward a *Child, Youth and Family Advocacy Act* for debate and passage by this House during the current legislative sitting.

(Motion #159)

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

YEA			
Fairclough	Keenan	Peter	5
Fentie	McRobb		
NAY			
Duncan	Roberts	McLachlan	
Eftoda	Buckway	Tucker	10
Jim	Kent	McLarnon	
Edelman			

Moved by Mr. Jenkins:

THAT it is the opinion of this House that the Whitehorse Trolley has helped preserve the railway history of the Whitehorse waterfront because if it were not for the trolley the railway tracks would likely have been removed by now;

THAT this House recognizes that the White Pass & Yukon Route roundhouse, which currently houses the Whitehorse Trolley, is now being threatened by demolition; and

THAT this House urges the Yukon Liberal Government to work with the City of Whitehorse and the Miles Canyon Historical Railway Society to preserve the White Pass & Yukon Route roundhouse and to expand the trolley service from the Wal-Mart site to Schwatka Lake.

(Motion #152)

A debate arising on the motion, it was moved by the Hon. Mrs. Edelman, Minister of Tourism, in amendment thereto:

THAT Motion #152 be amended by deleting the word "roundhouse" in the 2nd and 3rd paragraphs and substituting the words:
"locomotive repair shed".

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

A debate arising on Motion #152 as amended and the question being put, it was agreed to on the following recorded Division:

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

NAY		
		0

Moved by Mr. Jenkins:

THAT this House urges the Yukon Liberal Government, in particular the Minister of Health and Social Services, to utilize a small portion of the Yukon Liberal Government's \$99 million surplus to pay the full cost of acquiring a computerized axial tomography scanner for the Whitehorse General Hospital and forgo the requirement for the Whitehorse General Hospital to contribute \$150,000 through fund raising towards the cost of the purchase price in order to enable the CT scanner to be made operational sooner. **(Motion #153)**

A debate arising on Motion #153 and the question being put, it was negatived on the following recorded Division:

YEA		
Fairclough	Keenan	Peter
Fentie	McRobb	Jenkins

NAY		
Duncan	Roberts	McLachlan
Eftoda	Buckway	Tucker
Jim	Kent	McLarnon
Edelman		

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Thursday, November 8, 2001.

No. 83

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, November 8, 2001

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

TRIBUTES

Remembrance Day

The Hon. Ms. Duncan, Premier, on behalf of all Members, recognized Sunday, November 11, 2001 as being Remembrance Day.

Canada's Air Cadets' 60th Anniversary

Mr. Jenkins, Leader of the Third Party, on behalf of all Members, recognized the sixtieth anniversary of Canada's Air Cadet movement.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #7 - Second Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:58 p.m. until 1:00 p.m., Tuesday, November 13, 2001.

No. 84

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, November 13, 2001

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

TABLING RETURNS AND DOCUMENTS

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

- Whitehorse International Airport Emergency on September 11, 2001: Public Findings Report **(Sessional Paper #109)**

MINISTERIAL STATEMENTS

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

- Whitehorse International Airport Emergency on September 11, 2001: Public Findings Report

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), Mr. McLachlan, Government House Leader, informed the House that the Government Private Members did not wish to identify any items standing under the heading "Government Private Members' Business" to be called on Wednesday, November 14, 2001.

GOVERNMENT BILLS

The following Bill was called for Second Reading:

- Bill #46 - Parks and Land Certainty Act
-Hon. Mr. Eftoda

A debate arising on the motion for Second Reading of Bill #46, and the question being put, it was agreed to on the following recorded Division:

YEA

Duncan	Roberts	McLachlan	
Eftoda	Buckway	Tucker	
Jim	Kent	McLarnon	10
Edelman			

NAY

Fairclough	Keenan	Peter	6
Fentie	McRobb	Jenkins	

Bill #46, entitled, *Parks and Land Certainty Act*, was accordingly, referred to Committee of the Whole.

The following Bill was called for Second Reading:

Bill #48 - Wildlife Act

-Hon. Mr. Eftoda

A debate arising on the motion for Second Reading of Bill #48, and the question being put, it was agreed to on the following recorded Division:

YEA

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

NAY

0

Bill #48, entitled, *Wildlife Act*, was accordingly, referred to Committee of the Whole.

COMMITTEE OF THE WHOLE

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

Before proceeding to debate on Bill #7, entitled, *Second Appropriation Act, 2001-02*, the Chair gave the following ruling:

“Before beginning Committee of the Whole today, the Chair would like to comment on the events that transpired in Committee last Thursday.

During Committee of the Whole last Thursday, Members raised several points of order. One statement that caused Ms. Buckway to raise a Point of Order was not heard by the Chair, as he was conferring with table officers on another point at the time.

The Chair said he would review the record as to what was said and get back to the Committee with a ruling. The Chair has now had the opportunity to review the Blues and will rule on the Point of Order in question.

Ms. Buckway raised the Point of Order in response to Mr. Jenkins' assertion that issues surrounding the Deep Creek community plan 'had all to do with the support that this Minister is providing to a constituent for land'.

Ms. Buckway argued that Mr. Jenkins' statement was out of order because it expressed as fact something that was clearly Mr. Jenkins' opinion. Confusion over whether there was a Point of Order may have resulted from the comments by me earlier on Thursday. At one point Ms. Buckway, in reference to Mr. Jenkins, said, 'This Member is well known for inventing situations out of nothing.'

In ruling on that statement, the Chair made the point that the Legislature is a forum for opinion. The Chair advised Members that if they made it clear their comments were meant as expressions of opinion, rather than statements of fact, they would be in order. After reviewing the Blues of last Thursday, it is clear that this rephrasing is not getting us where we need to be in terms of the tone and content of debate, as well as demeanour.

I refer Members to Standing Order 19(g), which directs the Chair to call to order any Member who 'imputes false or unavowed motives to another Member.'

On more than one occasion, Ms. Buckway explained the delay related to the Deep Creek community plan in terms of the need to update some of the material in it. Also, on more than one occasion, Mr. Jenkins suggested that the delay was in fact due to the relationship between Ms. Buckway and a constituent and that the community plan would be held up until this constituent got the land he desired.

In doing so, Mr. Jenkins attributed to Ms. Buckway a motive that Ms. Buckway did not avow. The Chair rules therefore that Mr. Jenkins' assertion that issues surrounding the Deep Creek community plan 'had all to do with the support that this Minister is providing to a constituent for land' was unparliamentary, and would be so whether it was expressed as an opinion or a fact.

At the same time the Chair would also make the point that Ms. Buckway's claim about Mr. Jenkins - that he is well known for inventing situations out of nothing - was also unparliamentary whether it is expressed as opinion or fact.

In debating issues, Members are free to offer their own version of events. This version may clash with those presented by others. As *Beauchesne's* tells us, 'this may result in the House having to accept two contradictory accounts of the same incident.' That is the essence of a dispute as to facts between Members. It is not the Chair's responsibility to sort out those facts. What Members can not do during debate is question the motives of another Member in doing what they have done. Further, Members cannot question the character of other Members during debate.

When a Member has concluded, as did Mr. Jenkins on November 8, that the facts in his possession lead to a charge against another Member being justified, that Member has two options. First, the Member may take action, pursuant to the *Conflict of Interest (Members and Ministers) Act*, to lay a complaint with the Conflicts Commissioner.

Second, the Member may bring the matter before the House in a substantive motion specifying the charge and the remedy to be made.

This ruling is consistent with rulings made by Speaker Bruce, Speaker Johnston and Speaker Devries. It does stem from a ruling by Speaker Michener in 1959. Speaker Michener said that simple justice requires that no Member should have to submit to investigation of his or her conduct by the House or a committee until he or she has been charged with an offence. The proper procedure for charging a Member with an offence is to move a substantive motion containing the charge and a proposal for dealing with it.

As a result, I will now place before the House how I will be ruling on this. Members are free to offer their version of events. This version may clash with others. That's a dispute between facts. Members cannot question the motives of another Member in doing what they have done. That is not allowed under our Standing Orders and it will now be consistent with rulings. Changing of phrases, if it still contains an accusation, is not allowed under the rules of this House."

Progress was reported on the following Bill:

Bill #7 - Second Appropriation Act, 2001-02

-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:58 p.m. until 1:00 p.m., Wednesday, November 14, 2001.

No. 85

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, November 14, 2001

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

TRIBUTES

DC-3 Weathervane

The Hon. Ms. Duncan, Premier, paid tribute, on behalf of all Members, to the many volunteers who refurbished the DC-3 weathervane that is mounted on a pivot pedestal at the Whitehorse International Airport.

International Geographic Information Systems Day

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

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Kent, Minister of Economic Development

- Yukon Mining Incentives Program: responses to questions asked on Ministerial Statement given on October 23, 2001 **(Legislative Return #88)**

GOVERNMENT BILLS

The following Bill was called for Second Reading:

Bill #47 - Education Staff Relations Act

-Hon. Mr. Eftoda

A debate arising on the motion for Second Reading of Bill #47, and the question being put, it was agreed to on the following recorded Division:

YEA

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

NAY

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Bill #47, entitled, *Education Staff Relations Act*, was accordingly, referred to Committee of the Whole.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #7 - Second Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Thursday, November 15, 2001.

No. 86

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, November 15, 2001

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

TRIBUTES

In remembrance of Chitzoo Sarah Simon

Mrs. Peter, Member for Vuntut Gwitchin, and the Hon. Ms. Buckway, Minister of Community and Transportation Services, paid tribute to much respected Gwitchin elder, Chitzoo Sarah Simon, who passed away on November 2, 2001 at the age of 100 years.

In remembrance of Charlotte Williams

The Hon. Ms. Buckway, Minister of Community and Transportation Services, paid tribute to life-time Yukoner, Charlotte Williams, who passed away on November 8, 2001 at the age of 91 years.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Travel (Ministerial and Cabinet staff) in-territory and out-of-territory: detailed breakdown for period ending September 30, 2001 **(Legislative Return #89)**
- Renewal process: policy framework for workforce support initiatives **(Legislative Return #90)**

Hon. Mr. Eftoda, Minister of Renewable Resources

- Yukon State of the Environment Interim Report (2000): An Update of Environmental Indicators **(Sessional Paper #110)**

GOVERNMENT BILLS

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

Bill #45 - An Act to Amend the Income Tax Act (No. 4)
-Hon. Ms. Duncan

Bill #53 - Canadian Council for Donation and Transplantation Indemnification Act
-Hon. Mr. Roberts

COMMITTEE OF THE WHOLE

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

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

Bill #45 - An Act to Amend the Income Tax Act (No. 4)
-Hon. Ms. Duncan

Bill #53 - Canadian Council for Donation and Transplantation Indemnification Act
-Hon. Mr. Roberts

Unanimous consent was granted.

The following Bills were reported without amendment:

Bill #45 - An Act to Amend the Income Tax Act (No. 4)
-Hon. Ms. Duncan

Bill #53 - Canadian Council for Donation and Transplantation Indemnification Act
-Hon. Mr. Roberts

Progress was reported on the following Bill:

Bill #7 - Second Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Monday, November 19, 2001.

No. 87

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, November 19, 2001

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

TRIBUTES

Louis Riel Day

The Hon. Mrs. Edelman, Minister of Tourism, recognized November 16, 2001 as being Louis Riel Day.

National Addictions Awareness Week

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

TABLING RETURNS AND DOCUMENTS

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

- Group home at 16 Klondike Road: cost of operation before and after government takeover in fiscal year 2000-01 **(Legislative Return #91)**

INTRODUCTION OF BILLS

Under Introduction of Bills, the Hon. Ms. Buckway, Minister of Justice, stated:

"I am tabling a Bill which contains what I believe to be a true translation into French of the English text of Bill # 48, entitled *Wildlife Act*."

- *Wildlife Act* (Bill #48): French text **(French Text: Sessional Paper #111)**

MINISTERIAL STATEMENTS

Hon. Mrs. Edelman, Minister of Tourism

- Air Access

GOVERNMENT MOTIONS

Moved by the Hon. Ms. Buckway:

THAT the Yukon Legislative Assembly, pursuant to subsection 16(1) of the *Human Rights Act*, reappoint Mary Kane to the Yukon Human Rights Commission.

(Motion #165)

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

Moved by the Hon. Ms. Buckway:

THAT the Yukon Legislative Assembly, pursuant to section 21 of the *Human Rights Act*, effective immediately:

- (1) appoint Michael Dougherty, Barbara Evans, Claudia Lowry and reappoint Erwin Ordonez de Leon to the Yukon Human Rights Panel of Adjudicators, and
- (2) designate Barbara Evans as Chief Adjudicator.

(Motion #166)

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

Unanimous Consent

Mr. McLachlan, Government House Leader requested unanimous consent for Motion #169 standing in the name of the Premier on today's Notice Paper to be called at this time. Further, in recognition of the length of the motion, Mr. McLachlan requested the unanimous consent of the House for the motion to be taken as having been read from the Chair and for it to appear in Hansard as having been read.

Unanimous consent was granted.

Moved by the Hon. Ms. Duncan, Premier:

THAT the Standing Orders of the Yukon Legislative Assembly be amended, effective immediately prior to the adjournment of the Assembly on the final sitting day of the 2001 Fall Sitting, by:

(A) adding the following new Standing Orders:

"CHAPTER 14

[SPECIAL STANDING ORDERS RESULTING FROM
LEADERS' AGREEMENT OF
NOVEMBER 8, 2001]

SITTINGS OF THE ASSEMBLY

Giving two weeks notice of Assembly being called into session

- 73 (1) Whenever the House stands adjourned for an indefinite or extended period of time and the Premier advises the Speaker that the public interest requires the House to meet or to meet at an earlier time than that established by motion of the House, the Speaker shall give notice that the House shall meet at that time and, thereupon, the House shall meet to transact its business as if it had been duly adjourned to that time.
- (2) The Premier shall advise the Speaker under this Standing Order in sufficient time to allow the Speaker opportunity to give a minimum of two weeks notice of the date on which the House shall meet.
- (3) If the Premier advises that the House should meet due to a matter of urgent and pressing necessity without two weeks notice being provided, and the Speaker is satisfied that at least one of the other Leaders in the Assembly is in agreement as to the date of reconvening, the Speaker shall cause the House to meet with less than two weeks notice.

Business when session of Assembly opens or is reconvened

74 When a session of the Assembly has opened or been reconvened, the Government shall introduce all legislation, including Appropriation Bills, to be dealt with during that Sitting by the fifth sitting day.

Length of Sittings of the Assembly

- 75 (1) There shall be a maximum of 60 sitting days per calendar year.
- (2) When the Government has introduced all legislation, including Appropriation Bills, to be dealt with during a Sitting, the House Leaders shall meet for the purpose of achieving agreement upon the number of sitting days for that Sitting. The minimum number of sitting days for any Sitting shall be 20. The maximum number of sitting days for any Sitting shall be 40.
- (3) When, pursuant to Standing Order 75(2), an agreement cannot be reached between the Government House Leader and at least one other House Leader representing a majority of the members of the Assembly, each of the Spring and Fall Sittings shall be a maximum of 30 sitting days.
- (4) The Government House Leader shall inform the Assembly of the results of the House Leaders' meetings, held pursuant to Standing Order 75(2), within two sitting days of all Government legislation having been introduced.
- (5) The Government House Leader, with notice, may move a motion to sit beyond the agreed upon number of sitting days in the Spring Sitting or the Fall Sitting. Such motion, which is subject to debate and amendment, shall specify the business to be dealt with during any additional sitting days.
- (6) Sitting days added pursuant to Standing Order 75(5) shall be in addition to the maximum number of sitting days stipulated in Standing Order 75(1).
- (7) The Standing Orders in this Chapter do not apply to Special Sittings of the Assembly that are called in addition to Spring and Fall Sittings.
- (8) The maximum number of sitting days per calendar year or per Sitting may be adjusted in any year in which a general election takes place. In the absence of an agreement between House Leaders, the maximum number of sitting days for any Sitting which takes place following a general election shall be 30 sitting days.
- (9) When there is agreement respecting the maximum number of days in any Sitting, these Standing Orders do not preclude the House from sitting fewer days than the maximum specified in the agreement.

Procedures at conclusion of a Sitting

- 76 (1) On the day that the Assembly has reached the maximum number of 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.
- (2) On the day that the Assembly has reached the maximum number of days allocated for that Sitting pursuant to Standing Order 75, the Speaker of the Assembly, when recalled to the Chair after the House has been in the Committee of the Whole, shall:
 - (a) call for the report from the Chair of the Committee of the Whole,
 - (b) put the question, in the usual fashion, on the motion to concur in the Chair's report on the proceedings of Committee of the Whole,
 - (c) with respect to each Government Bill on which debate has been adjourned at the Second Reading stage and designated to be called by the Government House Leader, put the question, without further debate, on the motion that the bill be read a second time, and, if that motion is carried, order that the bill stand immediately ordered for Third Reading, and
 - (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 Third Reading and passage of the bill, and
 - (ii) put the question, without debate or amendment, on that motion.
- (3) On the day that the Assembly has reached the maximum number of days allocated for that Sitting pursuant to Standing Order 75, the Speaker of the Assembly, if in the Chair at the time, shall interrupt proceedings at 5:30 p.m. and shall:
 - (a) with respect to each Government Bill on which debate has been adjourned at the Second Reading stage and designated to be called by the Government House Leader, put the question, without further debate, on the motion that the bill be read a second time, and, if that motion is carried, order that the bill stand immediately ordered for Third Reading, and
 - (b) 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 Third Reading and passage of the bill, and
 - (ii) put the question, without debate or amendment, on that motion.
- (4) The Assembly shall then proceed with any routine business associated with the end of a Sitting including receiving the Commissioner to grant assent to bills and passing an end-of-Sitting adjournment motion.
- (5) The normal time of adjournment shall not apply if it is reached during the course of the proceedings identified in this Standing Order. Further, a motion to adjourn the House shall not be permitted on the last day of a Sitting until such time as all business identified in this Standing Order has been completed.
- (6) The provisions of this Standing Order shall apply in any situation in which this Standing Order may be found to be in conflict with any other Standing Order.

Miscellaneous

- 77 (1) Any reference to a position or office such as House Leader shall, in these Standing Orders, be deemed, in the absence of the person occupying that position or office, to apply to the designate of the person holding that position or office.

(2) In these Standing Orders, "sitting" refers to a sitting day and "Sitting" refers to a block of sitting days with the common Sittings being the Spring Sitting and the Fall Sitting."

(B) deleting Standing Orders 2(7) and 45(3.5); and

(C) deleting Standing Order 45(3.1) and substituting the following:

"45(3.1) A Standing Committee on Appointments to Major Government Boards and Committees may be appointed."

(Motion #169)

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

WITHDRAWAL OF MOTION #155 FROM THE ORDER PAPER

Mr. McLachlan, Government House Leader, based on the agreement of the Minister of Justice in whose name Motion #155 stands on the Order Paper, and on an agreement among the House Leaders, requested unanimous consent for Motion #155 to be withdrawn from the Order Paper.

Unanimous consent being granted, the Speaker directed the Clerk to drop the Motion from the Order Paper.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #7 - Second Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Tuesday, November 20, 2001.

No. 88

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, November 20, 2001

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

TRIBUTES

Geoscience Forum

The Hon. Mr. Kent, Minister of Economic Development, and Mr. Jenkins, Leader of the Third Party, recognized the Geoscience Forum and its participants. Mr. Jim Dodge was recognized as the Prospector of the Year, and Mr. Norm Ross was recognized for his long-time achievement in mining reclamation.

National Child's Day

The Hon. Mr. Eftoda, Minister of Education, Mr. Keenan, Member for Ross River-Southern Lakes, and Mr. Jenkins, Leader of the Third Party, paid tribute to National Child's Day.

MINISTERIAL STATEMENTS

Hon. Mr. Eftoda, Minister of Renewable Resources

- State of Yukon campgrounds

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. Fentie, Official Opposition House Leader, identified Motion #168 as being the item to be called during Opposition Private Members' Business on Wednesday, November 21, 2001.

Pursuant to Standing Order 14.2(3), Mr. Jenkins, Leader of the Third Party, identified Motion #108 as being the item to be called during Opposition Private Members' Business on Wednesday, November 21, 2001.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #7 - Second Appropriation Act, 2001-02

-Hon. Ms. Duncan

The report of the Chair was adopted.



The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Wednesday, November 21, 2001.

No. 89

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, November 21, 2001

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

TABLING RETURNS AND DOCUMENTS

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

- *Canadian Council for Donation and Transplantation Indemnification Act*: indemnification cost allocation to Federal and Territorial/Provincial Governments **(Legislative Return #92)**

MINISTERIAL STATEMENTS

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

- Early Childhood Development Ministerial Advisory Committee

OPPOSITION PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. McRobb:

THAT it is the opinion of this House that:

- (1) the Yukon Protected Areas Strategy was the result of thousands of hours of work by Yukon people,
- (2) that Strategy fulfilled commitments made by two previous Yukon Governments to set aside representative areas of each of the Yukon's distinctive eco-regions,
- (3) that Strategy was also consistent with the legal obligations of the Government of Yukon under the Yukon First Nations Umbrella Final Agreement,
- (4) during the last territorial election campaign, the Yukon Liberals promised to enshrine the Yukon Protected Areas Strategy in law,
- (5) the *Parks and Land Certainty Act* currently under debate has not had the benefit of public review and consultation, it fails to honour the Yukon Liberal Government's commitment to enshrine the Yukon Protected Areas Strategy in law, and it ascribes powers to the Minister and Cabinet that are contrary to the intent of the Yukon Protected Areas Strategy; and

THAT this House urges the Yukon Liberal Government to honour its commitment to Yukon people by setting aside the *Parks and Land Certainty Act* until such time as the appropriate public consultation has taken place, and by bringing it forward for debate only

when it is accompanied by separate, stand-alone legislation that clearly enshrines the Yukon Protected Areas Strategy in law. **(Motion #168)**

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

THAT Motion #168 be amended by deleting everything after the word "law" in paragraph #4, and substituting the following words:

- "(5) the completion of the Yukon Protected Area Strategy will protect the biological diversity and ecological integrity of the Yukon, as well as provide new long-term economic opportunities for Yukoners,
- (6) the resource extraction industries such as mineral, forestry, and oil and gas are all equally critical to the Yukon's economic future,
- (7) the government has removed three of the Yukon's remaining sixteen unprotected eco-regions from the YPAS that lie almost entirely outside of the Yukon's borders, leaving a total of thirteen unprotected eco-regions,
- (8) the Yukon Liberal Government has provided leadership and certainty to Yukoners by implementing changes to the YPAS process to ensure that *areas of interest* to be considered for Goal 1 protection under the YPAS are identified and made public by April 30, 2003,
- (9) the government has heeded the recommendation of the Public Advisory Committee and those of industry by ensuring that resource assessments will be an integral part of identifying an area for protection under the YPAS,
- (10) the government has committed that where a Special Management Area meets the criteria of a Goal 1 protected area, that there will *not* be an additional Goal 1 protected area created under the YPAS; and

THAT this House agrees that it is completely unnecessary to delay consideration of the *Parks and Land Certainty Act* as the Yukon Liberal Government has lived up to its commitment of balancing environmental and economic interests by enshrining the goals and principles of the Yukon Protected Areas Strategy in the preamble of the *Parks and Land Certainty Act*."

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

THAT the amendment to Motion #168 be amended by deleting everything after the word "future" in paragraph #6 and substituting the following:

- "(7) the *Parks and Land Certainty Act* currently under debate has not had the benefit of public review and consultation, it fails to honour the Yukon Liberal Government's commitment to enshrine the Yukon Protected Areas Strategy in law, and it ascribes powers to the Minister and Cabinet that are contrary to the intent of the Yukon Protected Areas Strategy; and

THAT this House urges the Yukon Liberal Government to honour its commitment to Yukon people by setting aside the *Parks and Land Certainty Act* until such time as the appropriate public consultation has taken place, and by bringing it forward for debate only when it is accompanied by separate, stand-alone legislation that clearly enshrines the Yukon Protected Areas Strategy in law."

A debate arising on the sub-amendment and the time reaching 6:00 p.m. while the Hon. Mr. Eftoda, Minister of Renewable Resources, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. the following day, and debate on the sub-amendment, the amendment and Motion #168 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, November 22, 2001.

No. 90

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, November 22, 2001

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

TRIBUTES

Yukon Science Fair and Yukon Energy Fair

The Hon. Mr. Roberts, Minister responsible for the Yukon Development Corporation and the Yukon Energy Corporation, on behalf of all Members, recognized the Yukon Science Fair and Yukon Energy Fair being held in Whitehorse November 23 to 24, 2001. Congratulations were extended to the participants and organizers of the events.

National Housing Strategy Day

The Hon. Mr. Kent, Minister of Economic Development, and the Hon. Mr. Jim, Minister responsible for the Yukon Housing Corporation, paid tribute to National Housing Strategy Day.

SPEAKER'S RULING (re Unparliamentary language and Documents, quoting from)

"Before proceeding to Orders of the Day, the Chair wishes to report to the House on a few matters that arose during yesterday's proceedings.

The first relates to the requirement for documents that are being quoted from to be tabled. It is well accepted that, when a Member chooses to quote from or to cite directly a document, a requirement may arise for the Member to table the document. That requirement, as followed in the precedents of this House, normally applies to such things as private letters, which may not be generally available to all Members.

Yesterday, the tabling of documents was requested twice through Points of Order. During Question Period, the Member for Whitehorse Centre, on a Point of Order, stated: '[W]hen facts introduced in this House are contrary to any publicly documented process, it's normal that those facts are tabled.' The Chair has reviewed the comments of the Member for Watson Lake, who was speaking when the Point of Order was raised, and notes that the Member did not, during his question, quote from or directly cite any particular document. It is clear, then, in this instance, that there was simply a dispute between Members about the facts of a matter and that there could be no requirement for the tabling of a document.

The second instance of this being raised took place during debate on Motion #168 when the Member for Kluane was making his initial remarks. The Member was quoting from a review of Bill #46 prepared by the Sierra Legal Defence Fund when the Government House Leader rose

on a Point of Order and stated: '[T]he rules of the debate in the Legislature clearly spell out that, when a Member is quoting from a document, he provide sufficient copies for all Members in the Legislature from which to review the legal opinion the Member is quoting.' The Official Opposition House Leader, in speaking to the Point of Order, stated: 'It is not a standard practice that we table all those documents unless we are referring to the document that's being spoken to in its entirety.' The Chair notes that the Member for Kluane, when quoting from the document, said that the Minister of Renewable Resources had been provided this material. The Chair, therefore, concluded that the document being quoted from was not private in nature and that it was not necessary to order its tabling. In reference to the comment of the Official Opposition House Leader, the rule requiring tabling is, of course, not based on it being quoted from in its entirety. In fact, the need for a document to be tabled is often related to the fact that it is not being quoted from in its entirety and it is only fair that the House should be able to reflect on the limited quotations being made in the context of the whole document.

The remainder of the procedural matters the Chair wishes to raise has to do with the rules of debate and parliamentary language.

During Question Period, the Member for Whitehorse Centre objected to the Member for Watson Lake making statements, which included the use of the grammatical second person. The exact statements objected to were: 'If you cut 175 public service jobs, you're taking millions of dollars out of the Yukon economy at a time when it is needed. You're taking it right out of the cash registers of Yukon businesses. Instead of improving services to the public, you are jeopardizing those services to the public.' It is a standard requirement of our rules of debate that all remarks be addressed through the Chair. This normally leads to speaking in the third person and not using the word 'you'. In this instance, though, there is some doubt as to the necessity of having the Chair step in because it appeared that the Member for Watson Lake was using the word in a more general sense than intending that it apply directly to a particular Member or body. The test that can be applied is to ask whether the statements would make sense if the word 'one' were substituted for the word 'you'; if so, then using the second person is usually acceptable.

A second matter pertaining to parliamentary language took place during debate on Motion #168 when the Member for Kluane stated '[I]t's very unfortunate the Minister has spent his time firing off media releases, spreading falsehoods and speculation about NDP caucus discussions.' Standing Order 19(h) states that 'A Member will be called to order by the Speaker if that Member . . . charges another Member with uttering a deliberate falsehood.' It is obvious, then, that the accusation made by the Member for Kluane that the Minister of Renewable Resources was 'spreading falsehoods' was unparliamentary. This was raised as a Point of Order by the Minister of Renewable Resources at the time and the Member for Kluane, on order of the Chair, withdrew the remark. The Official Opposition House Leader, when speaking to the Point of Order, stated 'It is customary, when giving direction to the Chair, to make reference to the Standing Order that has been contravened.' In most cases, it is most helpful to the House if a Member cites a rule or a precedent relevant to the Point of Order being raised. However, often when dealing with unparliamentary language and, in particular, in situations as obvious as this, it is not essential to make reference to specific rules.

The Chair wishes to note that violations of Standing Order 19(h) are much too common and that all parties in the House are guilty. As an example from yesterday's proceedings, the Acting Premier said '[T]hey should be ashamed of themselves for spreading information that they know is wrong.' To say that a Member is spreading information they know to be wrong is to accuse a Member of uttering a deliberate falsehood and is, therefore, using unparliamentary language.

Another issue that came up occurred when the Leader of the Third Party was participating in the debate on Motion #168. During his remarks, he stated '[T]he Member for Kluane, who seems to be very much a representative of the Sierra Legal Defence Fund or CPAWS – very much a spokesperson for these two groups.' At this point the Leader of the Third Party was interrupted on a Point of Order by the Member for Kluane objecting to characterization of himself in that fashion. The Chair ruled that it is not in order to suggest that a Member is representing somebody or someone other than his constituents. To make such a suggestion is to impute unavowed motives to another Member and contrary to Standing Order 19(g).

Further Points of Order were raised when the Member for Whitehorse Centre was participating in the debate on Motion #168. The Chair took a couple of those points under advisement and said that the Chair would report back. The Chair has reviewed the Points of Order raised by the Official Opposition House Leader and the Member for Ross River-Southern Lakes and reviewed the comments of the Member for Whitehorse Centre leading up to those Points of Order. The central thesis of the Points of Order was that the Member for Whitehorse Centre was disregarding the direction of the Chair that the Member should refrain from making his remarks overly personal. In this regard the Chair would draw Members attention to Standing Order 6(1) which states, in part, 'The Speaker shall preserve order and decorum....' It goes on to say 'No debate shall be permitted on any such decision, and no decision shall be subject to an appeal to the Assembly.' On review of the remarks of the Member for Whitehorse Centre and taking into account the tone and temper of yesterday's debate, the Chair can see how an impression was left that the Chair was being challenged. That should not happen and the Chair must ask that all Members pay greater heed to the respect required of the Chair's authority and of the decorum required in this Assembly.

I thank Members for their attention."

COMMITTEE OF THE WHOLE

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

The following Bill was reported without amendment:

Bill #7 - Second Appropriation Act, 2001-02
-Hon. Ms. Duncan

Progress was reported on the following Bill:

Bill #46 - Parks and Land Certainty Act
-Hon. Mr. Eftoda

The report of the Chair was adopted.

The Assembly adjourned at 5:57 p.m. until 1:00 p.m., Monday, November 26, 2001.

No. 91

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, November 26, 2001

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

TABLING RETURNS AND DOCUMENTS

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

- Community and Transportation Services: responses to questions asked November 5 - 8, 2001 on transportation matters, during debate on the 2001-02 Supplementary Estimates **(Legislative Return #93)**
- Recreation services for the Village of Teslin: responsibility for providing services **(Legislative Return #94)**

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #46 - Parks and Land Certainty Act
-Hon. Mr. Eftoda

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Tuesday, November 27, 2001.

No. 92

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, November 27, 2001

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

TABLING RETURNS AND DOCUMENTS

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

- Yukon Child Care Board 2000/01 Annual Report (Sessional Paper #112)

Mr. Fairclough, Leader of the Official Opposition

- *Parks and Land Certainty Act*: proposed amendments (Sessional Paper #113)

MOTION OF URGENT AND PRESSING NECESSITY (Standing Order 28)

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

THAT it is the opinion of this House that:

- (1) it is the right and duty of opposition members of the Legislative Assembly to act on behalf of all Yukon people by carefully scrutinizing the legislative proposals and spending plans of the government of the day,
- (2) it is the responsibility of the Minister of Finance to explain and defend the government's spending priorities to the satisfaction of Yukon people through their elected representatives in the Legislative Assembly,
- (3) this responsibility should not be assigned to another minister without clear and compelling reasons for doing so,
- (4) during the sitting now in progress, the Minister of Finance is seeking legislative authority for the expenditure of over \$172-million worth of taxpayers' money to support her government's activities,
- (5) under the proposed capital budget for 2002-03, a significant amount of the spending authority being requested has been allocated to departments that will no longer exist in the 2002-03 fiscal year; and

THAT, in the interests of public accountability, this House orders the Speaker to adjourn the current sitting of the Yukon Legislative Assembly at the conclusion of Committee consideration of Bill No. 46 until such time as the Minister of Finance is in a position to give her full care and attention to the important matter of explaining and defending her government's capital spending proposals for the fiscal year 2002-03.

Point of Order (re speaking to the Motion)

Mr. McLachlan, Government House Leader, rose on a Point of Order regarding speaking to the Motion.

Speaker's Ruling

"Standing Order 28(1) allows the mover to give a brief explanation of the motion. It is the Chair's belief that we must allow the Member for Watson Lake to give that explanation. Please continue."

Mr. Fentie, Official Opposition House Leader, concluded his remarks on the motion.

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

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), Mr. McLachlan, Government House Leader, informed the House that the Government Private Members did not wish to identify any items standing under the heading "Government Private Members' Business" to be called on Wednesday, November 28, 2001.

COMMITTEE OF THE WHOLE

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

At 1:45 p.m., Committee of the Whole passed the following motion:

THAT Arthur Mitchell, Alternate Chair of the Yukon Workers' Compensation Health and Safety Board, and Tony Armstrong, President and Chief Executive Officer of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses before Committee of the Whole from 5:00 p.m. to 6:00 p.m. on Wednesday, November 28, 2001, to discuss matters relating to the Yukon Workers' Compensation Health and Safety Board. **(C/W Motion #3)**

The following Bills were reported with amendment:

- Bill #46 - Parks and Land Certainty Act
-Hon. Mr. Eftoda
- Bill #48 - Wildlife Act
-Hon. Mr. Eftoda
- Bill #47 - Education Staff Relations Act
-Hon. Mr. Eftoda

Progress was reported on the following Bill:

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

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Wednesday, November 28, 2001.

No. 93

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, November 28, 2001

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

TABLING RETURNS AND DOCUMENTS

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

- Community and Transportation Services: training provisions in O&M budget
(Legislative Return #95)
- George Black Ferry: O&M costs for fiscal years 1991/92 to 2000/01
(Legislative Return #96)
- Whitehorse Waterfront Relocation Program: expenditures
(Legislative Return #97)
- Community and Transportation Services: responses to the Auditor General's
98/99 Report on Other Matters
(Legislative Return #98)

Hon. Mrs. Edelman, Minister of Tourism

- Yukon Heritage Resources Board 2000/01 Annual Report
(Sessional Paper #114)

GOVERNMENT BILLS

The following Bills were read a third time and passed:

Bill #49 - An Act to Amend the Medical Profession Act
-Hon. Mr. Roberts

Bill #53 - Canadian Council for Donation and Transplantation Indemnification Act
-Hon. Mr. Roberts

The following Bill was called for Third Reading:

Bill #54 - Interjurisdictional Support Orders Act
-Hon. Ms. Buckway

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

YEA

Eftoda	McLachlan	Fentie	
Jim	Tucker	Keenan	
Edelman	McLarnon	Peter	13
Roberts	Fairclough	Jenkins	
Buckway			

NAY

0

Bill #54, entitled *Interjurisdictional Support Orders Act*, accordingly, passed the House.

The following Bill was read a third time and passed:

Bill #52 - Physiotherapists Act
-Hon. Ms. Buckway

COMMITTEE OF THE WHOLE

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

Arthur Mitchell, Alternate Chair of the Yukon Workers' Compensation Health and Safety Board and Tony Armstrong, President and Chief Executive Officer of the Yukon Workers' Compensation Health and Safety Board, appeared as witnesses before Committee of the Whole from 5:00 p.m. to 6:00 p.m., pursuant to Committee of the Whole Motion #3 passed on November 27, 2001.

The Chair of Committee of the Whole reported as follows:

Mr. Mitchell and Mr. Armstrong, appeared as witnesses before Committee from 5:00 p.m. to 6:00 p.m. this day, pursuant to Committee of the Whole Motion #3 passed on November 27, 2001.

Progress was reported on the following Bill:

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

The report of the Chair was adopted.

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

No. 94

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, November 29, 2001

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

TRIBUTES

World AIDS Day

The Hon. Mr. Eftoda, Minister of Education, Mr. Keenan, Member for Ross River-Southern Lakes, and Mr. Jenkins, Leader of the Third Party, recognized December 1, 2001 as World AIDS Day.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Schneider, Speaker

- Conflict of Interest Commission: Report of the Conflicts Commissioner - Decision pursuant to Section 17 of the *Conflict of Interest (Members and Ministers) Act* (dated November 29, 2001) **(Sessional Paper #115)**

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

- Yukon Workers' Compensation Health and Safety Board Stakeholder Review (dated November 2001) **(Sessional Paper #116)**

MINISTERIAL STATEMENTS

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

- Yukon Workers' Compensation Health and Safety Board stakeholder survey results

GOVERNMENT BILLS

The following Bill was read a third time and passed:

Bill #50 - An Act to Amend the Funeral Directors Act
-Hon. Ms. Buckway

The following Bill was called for Third Reading:

Bill #46 - Parks and Land Certainty Act
-Hon. Mr. Eftoda

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

YEA		
Eftoda	Roberts	Tucker
Jim	Buckway	McLarnon
Edelman	McLachlan	8

NAY		
Fairclough	Keenan	Peter
Fentie	McRobb	Jenkins
		6

Bill #46, entitled *Parks and Land Certainty Act*, accordingly, passed the House.

The following Bills were read a third time and passed:

Bill #48 - Wildlife Act

-Hon. Mr. Eftoda

Bill #47 - Education Staff Relations Act

-Hon. Mr. Eftoda

COMMITTEE OF THE WHOLE

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

The following Bill was reported without amendment:

Bill #39 - An Act to Amend the Jury Act

-Hon. Ms. Buckway

Progress was reported on the following Bill:

Bill #8 - First Appropriation Act, 2002-03

-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Monday, December 3, 2001.

No. 95

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, December 3, 2001

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

TRIBUTES

In remembrance of Jim Close

Mr. Fentie, Member for Watson Lake, paid tribute to well known Yukon-born businessman, Jim Close, who passed away on August 3, 2001.

National Day of Remembrance and Action on Violence Against Women

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

POINT OF PERSONAL PRIVILEGE (re the Report of the Conflicts Commissioner)

Prior to Tabling Returns and Documents, Mr. Jenkins, Leader of the Third Party, rose on a Point of Personal Privilege regarding the Report of the Conflicts Commissioner that was tabled in the House on November 29, 2001.

TABLING RETURNS AND DOCUMENTS

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

- Yukon Liquor Corporation 2000/01 Annual Report (Sessional Paper #117)

Hon. Mr. Eftoda, Minister of Education

- Department of Education 1998/99 and 1999/2000 Annual Report (Sessional Paper #118)

Hon. Mr. Jim, Minister of Government Services

- Fleet Vehicle Agency 2000/01 Annual Report (Sessional Paper #119)
- Property Management Agency 2000/01 Annual Report (Sessional Paper #120)
- Queen's Printer Agency 2000/01 Annual Report (Sessional Paper #121)
- Government Contracting Summary Report by Department (April 1, 2001 - September 30, 2001) (Sessional Paper #122)

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

- Yukon Housing Corporation 2000/01 Annual Report (Sessional Paper #123)

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

- Health Care Insurance Programs, Health Services Branch: Statement of Revenue and Expenditures for the fiscal years 1998/99 to 2000/01 **(Sessional Paper #124)**
- Yukon Hospital Corporation Financial Statements for the year ended March 31, 2001 **(Sessional Paper #125)**

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

- Transportation engineering: construction industry skills training and local hire **(Legislative Return #99)**
- Community and Transportation Services: responses to questions asked November 8 - 13, 2001, on municipal matters during debate on the 2001-02 Supplementary Estimates **(Legislative Return #100)**

Mr. Jenkins, Leader of the Third Party

- Conflicts Commission Report: explanation of actions by MLA for Klondike; communications between MLA for Klondike and Conflicts Commissioner **(Sessional Paper #126)**

PETITIONS

Mr. Fentie, Official Opposition House Leader, presented the following petition:

- Declaring a summer solstice statutory holiday **(Petition #5)**

COMMITTEE OF THE WHOLE

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

The following Bill was reported without amendment:

Bill #8 - First Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

GOVERNMENT BILLS

The following Bills were read a third time and passed:

Bill #6 - Fourth Appropriation Act, 2000-01
-Hon. Ms. Duncan

Bill #45 - An Act to Amend the Income Tax Act (No. 4)
-Hon. Ms. Duncan

The following Bill was called for Third Reading:

Bill #7 - Second Appropriation Act, 2001-02
-Hon. Ms. Duncan

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

YEA

Duncan	Roberts	McLachlan	
Eftoda	Buckway	Tucker	10
Jim	Kent	McLarnon	
Edelman			

NAY

Fairclough	Keenan	Peter	6
Fentie	McRobb	Jenkins	

Bill #7, entitled *Second Appropriation Act, 2001-02*, accordingly, passed the House.

The following Bill was called for Third Reading:

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

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

YEA

Duncan	Roberts	McLachlan	
Eftoda	Buckway	Tucker	10
Jim	Kent	McLarnon	
Edelman			

NAY

Fairclough	Keenan	Peter	6
Fentie	McRobb	Jenkins	

Bill #39, entitled *An Act to Amend the Jury Act*, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #8 - First Appropriation Act, 2002-03
-Hon. Ms. Duncan

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

YEA

Duncan	Roberts	McLachlan	
Eftoda	Buckway	Tucker	10
Jim	Kent	McLarnon	
Edelman			

NAY

Fairclough	Keenan	Peter	6
Fentie	McRobb	Jenkins	

Bill #8, entitled *First Appropriation Act, 2002-03*, 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. Schneider, addressed the Commissioner:

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

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

- Bill #49 - An Act to Amend the Medical Profession Act
-Hon. Mr. Roberts
- Bill #53 - Canadian Council for Donation and Transplantation Indemnification Act
-Hon. Mr. Roberts
- Bill #54 - Interjurisdictional Support Orders Act
-Hon. Ms. Buckway
- Bill #52 - Physiotherapists Act
-Hon. Ms. Buckway
- Bill #50 - An Act to Amend the Funeral Directors Act
-Hon. Ms. Buckway
- Bill #46 - Parks and Land Certainty Act
-Hon. Mr. Eftoda
- Bill #48 - Wildlife Act
-Hon. Mr. Eftoda
- Bill #47 - Education Staff Relations Act
-Hon. Mr. Eftoda
- Bill #6 - Fourth Appropriation Act, 2000-01
-Hon. Ms. Duncan
- Bill #45 - An Act to Amend the Income Tax Act (No. 4)
-Hon. Ms. Duncan
- Bill #7 - Second Appropriation Act, 2001-02
-Hon. Ms. Duncan
- Bill #39 - An Act to Amend the Jury Act
-Hon. Ms. Buckway
- Bill #8 - First Appropriation Act, 2002-03
-Hon. Ms. Duncan

The Commissioner assented the Bills:

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

The Commissioner then retired from the Chamber.

SPECIAL ADJOURNMENT MOTION

Moved by Mr. McLachlan, Government House Leader:

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

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

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

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

The Assembly adjourned at 3:59 p.m.