

No. 38

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, October 30, 2003

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

INTRODUCTION OF PAGES

The Speaker informed the Assembly that Paul Banks, Ben Power, Charlotte Ratcliff, Kieran Slobodin and Mark Young from Vanier Catholic Secondary School and Lisa Beauchemin, Robyn Farrow and Nathan Walker from Porter Creek Secondary School would be serving as Pages during the Fall Sitting. Ben Power and Nathan Walker were introduced and welcomed to the House.

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

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

"Motion #88, standing in the name of the Minister of Health and Social Services, Motions #23, #45 and #58, standing in the name of the Member for Porter Creek South, and Motions #35 and #72, standing in the name of the Member for Lake Laberge, were removed from the Order Paper, as they were now outdated."

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Fentie, Premier

- Public Accounts of the Government of Yukon for the year ended March 31, 2003

(Sessional Paper #45)

INTRODUCTION OF BILLS

Bill #6 - Fourth Appropriation Act, 2002-03

-Hon. Mr. Fentie

Bill #37 - Statistics Act

-Hon. Mr. Fentie

Bill #35 - Act to Amend the Public Printing Act

-Hon. Mr. Hart

Bill #38 - Act to Amend the Employment Standards Act

-Hon. Mr. Hart

Bill #40 - Act to Amend the Access to Information and Protection of Privacy Act

-Hon. Mr. Hart

MONEY MESSAGE

Bill #6, *Fourth Appropriation Act, 2002-03*, was accompanied by a money message.

SPEAKER'S STATEMENT (Re: Persons in the Gallery not participating)

During Question Period the Speaker made the following statement:

"Before the Minister answers I would like to remind members of the gallery that we are delighted to have you here, but we would respectfully ask you not to participate, please."

The Assembly adjourned at 1:47 p.m. until 1:00 p.m., Monday, November 3, 2003.

No. 39

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Monday, November 3, 2003

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

TRIBUTES

In remembrance of Gordon McIntyre, Deputy Sergeant-at-Arms

The Hon. Ted Staffen, Speaker, paid tribute, on behalf of all Members, to Gordon McIntyre, Deputy Sergeant-at-Arms, who passed away on July 2, 2003. Mr. McIntyre was appointed Deputy Sergeant-at-Arms on March 19, 2003. Condolences were extended to his family and friends.

In remembrance of Max Ayers, former Deputy Sergeant-at-Arms

The Speaker paid tribute, on behalf of all Members, to Max Ayers, a former Deputy Sergeant-at-Arms, who passed away on September 27, 2003. Mr. Ayers served as Deputy Sergeant-at-Arms from 1988 to 1991. Condolences were extended to his family and friends.

In recognition of Joyce Hayden receiving Governor General's Award

The Hon. Mr. Jenkins, Government House Leader, Mrs. Peter, Member for Vuntut Gwitchin, and Ms. Duncan, Leader of the Third Party, congratulated former Member, Joyce Hayden, on receiving a Governor General's award in commemoration of the Persons case.

Crime Prevention Week and MADD

The Hon. Ms. Taylor, Minister of Justice, Mrs. Peter, Member for Vuntut Gwitchin, and Ms. Duncan, Leader of the Third Party, paid tribute to Crime Prevention Week, which was from October 24 to November 3, 2003. Members also recognized the establishment of a local chapter of Mothers Against Drunk Driving (MADD).

INTRODUCTION OF NEW DEPUTY SERGEANT-AT-ARMS (Doris McLean)

The Speaker informed the House that the new Deputy Sergeant-at-Arms would be Doris McLean. Ms. Mclean was welcomed to the House.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Staffen, Speaker

- Conflict of Interest Commission Annual Report for the period ending March 31, 2003 (dated June 16, 2003) **(Sessional Paper #46)**
- Election Financing and Political Contributions 2002: Report of the Chief Electoral Officer of Yukon (dated May 2003) **(Sessional Paper #47)**
- Absence of Members from Sitzings of the Legislative Assembly and its Committees: Report of the Clerk of the Legislative Assembly (dated October 30, 2003) **(Sessional Paper #48)**

Hon. Mr. Kenyon, Minister of Environment

- Water licenses issuance for government crown corporations or agencies: information pertaining to **(Legislative Return #18)**

SPEAKER'S STATEMENT (Re: Accusations)

Before proceeding to Question Period, the Hon. Ted Staffen, Speaker, made the following statement:

"The Chair would like to make a statement about an exchange that occurred during Question Period last Thursday. At that time the Leader of the Third Party accused the Minister of Environment of furthering his private interest by way of a letter the Minister wrote to the City of Whitehorse. Such an accusation is not in order. If a Member wishes to level an accusation against another Member, he or she has two options. If the issue relates to a potential conflict of interest, the Member may raise the issue with the Conflicts Commissioner. Members can also raise such concerns by way of a substantive motion for which proper notice is given.

The Chair has no interest in limiting the subject matter that Members wish to raise during Question Period; however, such issues must not be raised by accusation.

It must also be noted that after the accusation was made, the Minister of Environment was called to order by the Chair for questioning the motives of the Leader of the Third Party. Such accusations, therefore, lead to disorder. This is another reason Members should avoid making accusations."

GOVERNMENT BILLS (Second Reading)

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

- Bill #35 - Act to Amend the Public Printing Act
-Hon. Mr. Hart

COMMITTEE OF THE WHOLE

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

The following Bill was reported without amendment:

- Bill #35 - Act to Amend the Public Printing Act
-Hon. Mr. Hart

The report of the Chair was adopted.

GOVERNMENT BILLS (Second Reading)

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

Bill #40 - Act to Amend the Access to Information and Protection of Privacy Act
-Hon. Mr. Hart

COMMITTEE OF THE WHOLE

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

The following Bill was reported without amendment:

Bill #40 - Act to Amend the Access to Information and Protection of Privacy Act
-Hon. Mr. Hart

The report of the Chair was adopted.

GOVERNMENT BILLS (Second Reading)

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

Bill #38 - Act to Amend the Employment Standards Act
-Hon. Mr. Hart

COMMITTEE OF THE WHOLE

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

The following Bill was reported without amendment:

Bill #38 - Act to Amend the Employment Standards Act
-Hon. Mr. Hart

The report of the Chair was adopted.

GOVERNMENT BILLS (Second Reading)

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

Bill #37 - Statistics Act
-Hon. Mr. Jenkins

COMMITTEE OF THE WHOLE

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

Filed Document

During debate on Bill #37, *Statistics Act*, the Hon. Mr. Jenkins, Deputy Premier, filed the following document:

- *Statistics Act*: letter (dated October 29, 2003) from Ed Schultz, Grand Chief, Council of Yukon First Nations to Premier Dennis Fentie

(Filed Document #16)

The following Bill was reported without amendment:

Bill #37 - Statistics Act
-Hon. Mr. Jenkins

The report of the Chair was adopted.



The Assembly adjourned at 5:52 p.m. until 1:00 p.m., Tuesday, November 4, 2003.

No. 40

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, November 4, 2003

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

TRIBUTES

Women Abuse Prevention Month

The Hon. Mr. Fentie, Premier and Minister responsible for the Women's Directorate, Mrs. Peter, Member for Vuntut Gwitchin, and Ms. Duncan, Leader of the Third Party, recognized November as being Women Abuse Prevention Month.

INTRODUCTION OF BILLS (First Reading)

Bill #7 - Second Appropriation Act, 2003-04
-Hon. Mr. Fentie

MONEY MESSAGE

Bill #7, *Second Appropriation Act, 2003-04*, was accompanied by a money message.

SPEAKER'S RULING (Re: Point of Order raised on November 3, 2003)

Before proceeding to Question Period, the Speaker gave the following ruling on the Point of Order raised on November 3, 2003 by the Leader of the Third Party regarding the tabling of documents.

"At that time the Leader of the Third Party argued that since the Leader of the Official Opposition was reading from a document, that document should be tabled.

The Point of Order raised two issues: first, whether the action of the Leader of the Official Opposition constituted quoting from the document such that the document should be tabled. The second issue is whether the document should be tabled even if the Leader of the Official Opposition was quoting from it.

As far as the Chair can determine, the Leader of the Official Opposition was reading a cover page or an inside cover page that contained the name of the document and a release date. It appears that the Leader of the Official Opposition was merely identifying the document and not quoting from it in any substantial way.

As to the second issue, the practice of the Yukon Legislative Assembly is that Members quoting from private correspondence are required to table that correspondence if so requested by another Member of the House. This is required so that all Members participating in debate may

have access to documents relevant to that debate. It is the Chair's understanding that in this case Members on both sides of the House were already in possession of the document identified by the Leader of the Official Opposition. The Chair must rule therefore that the action of the Leader of the Official Opposition does not constitute a substantial quotation of the document as it was already available to Members. There is no reason for the Chair to order that it be tabled.
“

FILED DOCUMENTS

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

- Supervisor for the Town of the City of Dawson – Instructions: letter (dated October 23, 2003) from the Hon. Glenn Hart, Minister of Community Services, to Mr. André Carrel, Official Supervisor for the Town of the City of Dawson

(Filed Document #17)

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader identified Motion #54 and Motion #103 as being the items to be called during Opposition Private Members' Business on Wednesday, November 5, 2003.

Pursuant to Standing Order 14.2(3), Ms. Duncan, Leader of the Third Party, identified Motion #109 and Motion #107 as being the items to be called during Opposition Private Members' Business on Wednesday, November 5, 2003.

GOVERNMENT MOTIONS

Moved by the Hon. Mr. Jenkins:

THAT this House shall stand adjourned from its rising on Thursday, November 6, 2003 until 1:00 p.m. on Wednesday, November 12, 2003; and

THAT this House shall meet at 1:00 p.m. on Friday, November 14, 2003 with 6:00 p.m. as the normal hour of adjournment. **(Motion #101)**

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

THAT Motion #101 be amended by replacing the final paragraph with the following:

“THAT this House shall meet at 1:00 p.m. on Monday December 15, 2003 with 6:00 p.m.. as the normal hour of adjournment.”

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

YEA

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

NAY

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A debate arising on Motion #101 as amended and the question being put, it was agreed to on the following recorded Division:

YEA

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

NAY

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GOVERNMENT BILLS (Second Reading)

Pursuant to Standing Order 55(2), the Hon. Mr. Jenkins, Government House Leader, requested unanimous consent to proceed with a motion for Second Reading of Bill #7, entitled *Second Appropriation Act, 2003-04*. Unanimous consent was denied.

The Assembly adjourned at 3:09 p.m. until 1:00 p.m., Wednesday, November 5, 2003.

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VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, November 5, 2003

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

TRIBUTES

In remembrance of Al Kapy

The Hon. Mr. Fentie, Premier, Mr. McRobb, Member for Kluane, and Ms. Duncan, Leader of the Third Party, paid tribute to aviation pioneer Al Kapy who passed away on October 23, 2003. Mr. Kapy was the founding director of the Northern Air Transport Association, founding president of the Yukon Transportation Association, owner of Trans North Turbo Air and chair of the Yukon Placer Committee. Condolences were extended to Mr. Kapy's family and friends.

Early Childhood Educator Appreciation Day

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. Cardiff, Member for Mount Lorne, and Ms. Duncan, Leader of the Third Party recognized November 5, 2003 as Early Childhood Educator Appreciation Day.

Down's Syndrome Awareness Week

The Hon. Mr. Jenkins, Minister of Health and Social Services, and Mr. Cardiff, Member for Mount Lorne, recognized Down's Syndrome Awareness Week.

TABLING RETURNS AND DOCUMENTS

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

- Yukon Public Service Staff Relations Board 2002/2003 Annual Report
(Sessional Paper #49)
- Yukon Teachers Staff Relations Board 2002/2003 Annual Report
(Sessional Paper #50)

INTRODUCTION OF BILLS (First Reading)

Bill #36 - Act to Amend the Taxpayer Protection Act
-Hon. Mr. Fentie

Bill #41 - Health Professions Act
-Hon. Mr. Hart

MINISTERIAL STATEMENT

Hon. Mr. Kenyon, Minister of Environment
- Church Report on Yukon Game Farming

Filed Document

The Hon. Mr. Kenyon, Minister of Environment tabled the following Sessional Paper while giving his Ministerial Statement:

- Church Report on Game Farming in the Yukon and other related documents **(Sessional Paper #51)**

OPPOSITION PRIVATE MEMBERS' BUSINESS
MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Hardy:

THAT it is the opinion of this House that:

- (1) the decision by the Yukon Party Government to reduce public spending by more than \$40 million in the 2003-2004 fiscal year will have a serious negative impact on the territory's economy, which will affect all Yukon communities,
- (2) direct spending by public employees is a major contributor to the economic health and stability of every Yukon community, and
- (3) cutbacks in government spending are already resulting in a loss of income for people who provide services to Yukon Government departments, agencies, or Crown Corporations, particularly in the areas of auxiliary, casual and seasonal employment; and

THAT this House urges the Yukon Party Government to honour both the letter and the spirit of its commitment not to diminish any kind of workforce within the government, in order to avoid any further erosion of the territory's economy. **(Motion #54)**

Adjourned debate: Mr. Hardy

Debate on the motion continued from April 23, 2003.

Quorum Count

At 4:26 p.m., during debate on the motion, the Hon. Mr. Jenkins, Government House Leader, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(2), the Speaker rang the bells and then did a count. A quorum was present for the count.

Debate continued on the motion and the time reaching 6:00 p.m., while Mr. Arntzen, Member for Copperbelt, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. the following day, and debate on Motion #54 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, November 6, 2003.

No. 42

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, November 6, 2003

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

REMEMBRANCE DAY OBSERVANCE - MOMENT OF SILENCE

The Speaker and the House observed Remembrance Day as follows:

“Before the House goes on to the business of today, we will honour the memory of those who gave their lives in the service of Canada.

November 11, next Tuesday, is Remembrance Day. On that day services will take place throughout the Yukon. People across the Yukon and across Canada will pay tribute to the men and women who have died defending Canada.

This year we join with jurisdictions across Canada in paying particular attention to and honouring those veterans who fought in the Korean War.

Since the Yukon Legislative Assembly will not be sitting on the 11th of November, it would be appropriate for us to observe a moment of silence today.

I would ask, therefore, that members and all others present rise, bow their heads and reflect on war and peace and those who gave up everything for us.”

TRIBUTES

In recognition of Mothers Against Drunk Driving and Red Ribbon Campaign

The Hon. Mr. Hart, Minister of Highways and Public Works, and Mr. Fairclough, Member for Mayo-Tatchun, recognized Mothers Against Drunk Driving (MADD) and their Red Ribbon Campaign, a two-month public awareness campaign to promote driving sober.

In remembrance of John Hoyt

Ms. Duncan, Leader of the Third Party paid tribute to John Hoyt who passed away on October 19, 2003. Condolences were expressed to his family.

INTRODUCTION OF BILLS (First Reading)

Bill #42 - Territorial Court Judiciary Pension Plan Act, 2003

-Hon. Ms. Taylor

Bill #39 - Decision Making, Support and Protection to Adults Act
-Hon. Mr. Jenkins

Bill #102 - An Act to Amend the Employment Standards Act
-Hon. Mr. Duncan

SPEAKER'S RULING (Re: Unavowed Motives)

Before proceeding with Question Period, the Speaker made the following ruling on a Point of Order raised on November 5, 2003 by the Member for Southern Lakes during debate on Motion #54:

“At that time, the Member for Southern Lakes argued the Leader of the Third Party had imputed an improper motive by saying, and I quote, ‘The Yukon Party Government passed a motion through the House seeking Monday, November 10, off, using a transparent excuse that it would be better for rural Members, when in fact it was about the previously planned personal schedule of the Premier.’

Standing Order 19(g) says it is out of order for a Member to impute ‘false or unavowed motives to another Member.’ As the Chair recalls the debate on government Motion No. 101, the Government House Leader, who was the only government Member to speak to the motion, did not at any time say that the motive behind the motion was a desire to accommodate the Premier’s schedule. Strictly speaking, therefore, the comment by the Leader of the Third Party was out of order in that she attributed to the Government House Leader a motive he did not avow. The Leader of the Third Party is free to speak to the effect of the motion, but not to attribute false or unavowed motives to Members who speak in favour of it.

The Chair would also note that it is not accurate for a Member to state that a particular government or party passed a motion through this House. It would be accurate to note which member introduced a motion to the House. However, when motions pass this House they become resolutions or orders of the House as a whole.

During debate on the Point of Order the Member for Kluane noted that the Member for Southern Lakes did not cite a Standing Order when raising his Point of Order. It is certainly helpful for the Chair if Members refer to a specific Standing Order when raising a Point of Order. However, it is not necessary. Similarly, it is helpful to the Chair if Members raising a Point of Order are as specific as they can be about what words they found to be offensive.

In a related matter, the Chair would wish to remind Members that it is a fundamental principle of parliamentary procedure that Members treat each other honourably in this Assembly. Annotation 494 of *Beauchesne’s Parliamentary Rules and Forms* says, ‘Statements by members respecting themselves and particularly within their own knowledge must be accepted. It is not unparliamentary temperately to criticize statements made by Members as being contrary to the facts; but no imputation of intentional falsity is permissible. On rare occasions this may result in the House having to accept two contradictory accounts of the same incident.’

Members may use stronger language outside the House if they wish. However, they must abide by the Standing Orders and parliamentary practices while on the floor of this Legislature.”

FILED DOCUMENTS

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

- Humane Society Dawson: correspondence relating to funding for
(Filed Document #18)
- Dawson City Supervisor, dismissal of: email relating to
(Filed Document #19)

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Mr. Jenkins, Government House Leader identified Motion #27 and Motion #112 as being the items to be called during Government Private Members' Business on Wednesday, November 12, 2003.

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #7 - Second Appropriation Act, 2003-04
-Hon. Mr. Fentie

A debate arising on the motion for Second Reading of Bill #7, entitled Second Appropriation Act, 2003-04, and the time reaching 6:00 p.m., while Mrs. Peter, Member for Vuntut Gwitchin, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. on Wednesday, November 12, 2003 and debate on second reading was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Wednesday, November 12, 2003.

No. 43

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, November 12, 2003

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

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Staffen, Speaker

- Auditor General of Canada: Report on the Consolidated Financial Statements of the Government of the Yukon Territory for the year ended March 31, 2003

(Sessional Paper #52)

SPEAKER'S RULING (Re: Motion for the Production of Papers out of order)

Before calling Private Members' Business the Speaker delivered a ruling regarding Notices of Motion for the Production of Papers. The ruling concerns Notice of Motion for the Production of Papers #19, given by the Leader of the Third Party. The Notice read:

"That this House do issue an order for the return of records of all correspondence, including verbal, written and electronic, between the MLA for Porter Creek North and Yukon's Conflicts Commissioner regarding the Conflicts Commissioner's investigation into the proposed subdivision on Wann Road and the disposition of Verslucce Meadows in Whitehorse, Yukon."

The Speaker ruled:

"Our standing orders make mention of Motions for the Production of Papers but do not discuss them in detail. Pursuant to Standing Order 1, therefore, we refer to the practice of the House of Commons of Canada in determining what is in order and out of order regarding such motions. This information can be found in House of Commons Procedure and Practice at pages 398 to 404.

House of Commons Procedure and Practice advises that the basic purpose of Notices of Motion for the Production of Papers is to allow Members to request 'that the Government compile or produce certain papers or documents and table them in the House.' However the documents requested by the Leader of the Third Party are not in the possession of the Government.

In 1995 the Yukon legislature enacted *the Conflict of Interest (Members and Ministers) Act*. This Act established an independent Conflicts Commission to deal with issues of conflict and potential conflict. The office of the Conflict Commissioner is not

subject to the authority of any Minister of the Government. The Conflict Commissioner is subject to the authority of the Assembly as a whole. However the *Conflict of Interest (Members and Ministers) Act* establishes the kinds of information which Members may access from the Conflicts Commissioner and the process by which that information may be accessed.

It is clear, therefore, that through the *Conflict of Interest (Members and Ministers) Act* this House has already established the procedures it wishes to follow regarding requests such as that made by the Leader of the Third Party. It is not in order, therefore, for the Assembly to attempt to supersede the provisions of legislation by way of a Notice of Motion for the Production of Papers. The Chair therefore rules that Motion for the Production of Papers #19 is not in order and orders that it be removed from the Order Paper."

GOVERNMENT PRIVATE MEMBERS' BUSINESS
MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Arntzen:

THAT it is the opinion of this House that:

- (1) the Porcupine Caribou Herd is a vital part of the life, culture and heritage of the Vuntut Gwitchin people, and
- (2) drilling for oil and gas within the Arctic National Wildlife Refuge would endanger the calving areas for the Porcupine Caribou Herd, and

THAT this House supports the Vuntut Gwitchin in their efforts to prevent oil and gas exploration within the Arctic National Wildlife Refuge. **(Motion #27)**

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

THAT Motion #27 be amended in the final paragraph by replacing the words following "THAT this House..." with the following:

"...urges the Yukon Government to demonstrate its support for the Vuntut Gwitchin in their efforts to prevent oil and gas exploration within the Arctic National Wildlife Refuge by:

- (a) providing financial assistance to members of the Vuntut Gwitchin First Nation to help defray the costs of their international lobbying efforts,
- (b) designating a senior intergovernmental affairs officer in the Executive Council Office to assist the Vuntut Gwitchin First Nation on this matter, as requested,
- (c) ensuring that the Government of Yukon has a cabinet-level representative on all significant lobbying trips to Alaska, Ottawa, or Washington, D.C. on this matter
- (d) ensuring that all Ministerial speeches with respect to oil and gas include a statement opposing oil and gas exploration in the Arctic National Wildlife Refuge,
- (e) adding a message in opposition to drilling in the Arctic National Wildlife Refuge to all relevant documents, publications and displays, including the web sites of both the Department of Environment and the Department of Energy, Mines and Resources, and

- (f) ensuring that all intergovernmental accords related to economic development between the Government of Yukon and the Northwest Territories, Alaska, Alberta, British Columbia, the Government of Canada or the Government of the United States of America include a clear reference to the Yukon's opposition to oil and gas development in the Arctic National Wildlife Refuge.

A debate arising on the amendment and the time reaching 6:00 p.m., while the Hon. Ms. Taylor, Minister of Justice, 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 #27 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, November 13, 2003.

No. 44

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, November 13, 2003

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

TRIBUTES

Hockey Canada Week

The Hon. Mr. Hart, Minister of Community Services, Mr. Hardy, Leader of the Official Opposition, and Ms. Duncan, Leader of the Third Party, recognized November 8 to 15, 2003 as Hockey Canada Week.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Staffen, Speaker

- Election Financing and Other Election Matters, November 2003: Report of the Chief Electoral Officer of Yukon (Sessional Paper #53)

SPEAKER'S RULING (Re: False or Unavowed Motive and length of questions in Question Period)

Before proceeding to Question Period the Speaker gave a ruling on a Point of Order that was raised on November 12, 2003.

"At that time the Leader of the Third Party argued that the Premier had attributed to her a false or unavowed motive regarding her actions when the Leader of the Third Party was Minister of Finance. What the Premier said was that his Government would provide 'full disclosure to the Yukon public, unlike that member in hiding the liabilities of employment benefits.' The Chair does find the Premier's comments out of order, though not for the reasons stated by the Leader of the Third Party. It appears to the Chair that the Premier was not speaking to the motives of the Leader of the Third Party but rather to her actions. It is within our rules to temperately criticize other Members. However the expression used by the Premier violated Standing Order 19(i) in that it constituted abusive or insulting language likely to create disorder.

The Chair would also like to comment on a point of order raised by the Minister of Environment regarding the length of questions during Question Period. The footnote to Guideline #7 of the Guidelines for Oral Question Period says, 'Over the years a practice has developed whereby Speakers will allow questions up to approximately one minute in length, and responses of approximately one and

one-half minutes. Speakers reserve the discretion to depart from this practice from time to time should the circumstances warrant.' That is the practice that will be followed by the Chair."

FILED DOCUMENT

During Question Period, Mr. McRobb, Official Opposition House Leader, filed the following document:

- Yukon Development Corp., letters re: from Mr. McRobb to Hon. Mr. Lang, Minister responsible for Yukon Development Corporation/Yukon Energy Corporation (dated August 28, 2003) and from Hon. Mr. Lang to Mr. McRobb (dated Oct. 23, 2003)

(Filed Document #20)

GOVERNMENT MOTIONS

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

THAT this House urges the Government of Canada to recognize the contributions of Yukon aboriginal veterans and provide them with the same benefits that it provides to aboriginal veterans resident on reserves. **(Motion #104)**

A debate arising on Motion #104, and the question being put, it was agreed to on the following recorded Division:

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

NAY

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GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

- Bill #7 - Second Appropriation Act, 2003-04
-Hon. Mr. Fentie

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

YEA			
Fentie	Lang	Rouble	
Jenkins	Hart	Hassard	10
Taylor	Arntzen	Cathers	
Kenyon			

NAY			
Hardy	Fairclough	Peter	6
McRobb	Cardiff	Duncan	

Bill #7, entitled *Second Appropriation Act, 2003-04*, was accordingly, referred to Committee of the Whole.

GOVERNMENT BILLS (Third Reading)

The following Bills were read a third time and passed:

Bill #35 - Act to Amend the Public Printing Act
-Hon. Mr. Hart

Bill #38 - Act to Amend the Employment Standards Act
-Hon. Mr. Hart

The following Bill was called for Third Reading:

Bill #40 - Act to Amend the Access to Information and Protection of Privacy Act
-Hon. Mr. Hart

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

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

NAY		
		0

Bill #40, entitled *Act to Amend the Access to Information and Protection of Privacy Act*, accordingly passed the House.

The following Bill was called for Third Reading:

Bill #37 - Statistics Act
-Hon. Mr. Fentie

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

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

NAY

Duncan

1

Bill #37, entitled *Statistics Act*, accordingly passed the House.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #7 - Second Appropriation Act, 2003-04
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:02 p.m. until 1:00 p.m., Monday, November 17, 2003.

No. 45

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Monday, November 17, 2003

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

TRIBUTES

National Addictions Awareness Week

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. Fairclough, Member for Mayo-Tatchun, and Ms. Duncan, Leader of the Third Party, recognized November 16 to 23, 2003 as National Addictions Awareness Week.

In recognition of L'Aurore Boréale

The Hon. Mr. Hart, Minister of Community Services, Mr. Cardiff, Member for Mount Lorne, and Ms. Duncan, Leader of the Third Party, recognized the 20th anniversary for L'Aurore Boréale newspaper.

TABLING RETURNS AND DOCUMENTS

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

- Yukon Development Corporation 2002 Annual Report (Sessional Paper #54)
- Yukon Energy Corporation 2002 Annual Report (Sessional Paper #55)
- Energy Solutions Centre Inc. 2002 Annual Report (Sessional Paper #56)

ASSENT TO BILLS

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

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

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

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

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

- Bill #35 - Act to Amend the Public Printing Act
-Hon. Mr. Hart
- Bill #38 - Act to Amend the Employment Standards Act
-Hon. Mr. Hart
- Bill #40 - Act to Amend the Access to Information and Protection of Privacy Act
-Hon. Mr. Hart
- Bill #37 - Statistics Act
-Hon. Mr. Jenkins

The Commissioner assented the Bills:

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

The Commissioner then retired from the Chamber.

GOVERNMENT BILLS (Second Reading)

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

- Bill #39 - Decision Making, Support and Protection to Adults Act
-Hon. Mr. Jenkins

COMMITTEE OF THE WHOLE

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

The following Bill was reported without amendment:

- Bill #39 - Decision Making, Support and Protection to Adults Act
-Hon. Mr. Jenkins

The report of the Chair was adopted.

The Assembly adjourned at 5:57 p.m. until 1:00 p.m., Tuesday, November 18, 2003.

No. 46

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, November 18, 2003

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

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Ms. Duncan, Leader of the Third Party, identified Bill #101, and Bill #102 as being the items to be called during Opposition Private Members' Business on Wednesday, November 19, 2003.

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader identified Motion #103 as being the item to be called during Opposition Private Members' Business on Wednesday, November 19, 2003.

GOVERNMENT BILLS (Second Reading)

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

Bill #41 - Health Professions Act
-Hon. Mr. Jenkins

Filed Document

During debate on Bill #41, *Health Professions Act*, Ms. Duncan, Leader of the Third Party, filed the following document:

- Complaint process chart related to Bill #41, *Health Professions Act*
(Filed Document #21)

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #41 - Health Professions Act
-Hon. Mr. Jenkins

The report of the Chair was adopted.

The Assembly adjourned at 6:01 p.m. until 1:00 p.m., Wednesday, November 19, 2003.

No. 47

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, November 19, 2003

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

TRIBUTES

Geographic Information System Day

The Hon. Mr. Lang, Minister of Energy, Mines and Resources, and Mr. McRobb, Member for Kluane, paid tribute to Geographic Information System Day.

BILLS OTHER THAN GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #101 - An Act to Amend the Taxpayers Protection Act
- Ms. Duncan

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

YEA

Hardy	Fairclough	Peter	
McRobb	Cardiff	Duncan	6

NAY

Fentie	Lang	Rouble	
Jenkins	Hart	Hassard	10
Taylor	Arntzen	Cathers	
Edzerza			

The following Bill was called for Second Reading:

Bill #102 - An Act to Amend the Employment Standards Act
- Ms. Duncan

A debate arising on the motion for Second Reading of Bill #102, *An Act to Amend the Employment Standards Act*, and the time reaching 6:00 p.m., while the Hon. Mr. Jenkins was

speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. on Thursday, November 20, 2003 and debate on second reading was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, November 20, 2003.

No. 48

VOTES AND PROCEEDINGS
of the
YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, November 20, 2003

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

TRIBUTES

In recognition of Ted Harrison and the Ted Harrison Artist Retreat Society

The Hon. Ms. Taylor, Minister of Tourism and Culture, Mr. Hardy, Leader of the Official Opposition, and Ms. Duncan, Leader of the Third Party, paid tribute to Ted Harrison and the Ted Harrison Artist Retreat Society.

National Child Day

The Hon. Mr. Lang, Minister of Energy Mines and Resources, Mr. Fairclough, Member for Mayo-Tatchun, and Ms. Duncan, Leader of the Third Party, recognized November 20, 2003 as National Child Day.

In recognition of Sam Johnston being inducted into the Yukon Sports Hall of Fame

The Speaker, the Hon. Ted. Staffen, on behalf of all Members, congratulated Sam Johnston on his induction into the Yukon Sports Hall of Fame to take place on this day. Mr. Johnston was Speaker of the Yukon Legislative Assembly from 1985 to 1992.

BILLS OTHER THAN GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #36 - Act to Amend the Taxpayers Protection Act
- Mr. Fentie

Debate started on the motion for Second Reading.

Quorum Count

At 4:17 p.m., during debate on the motion for Second Reading, Mr. McRobb, Official Opposition House Leader, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(2), the Speaker rang the bells and then did a count. A quorum was present for the count.

Debate continued on the motion for Second Reading of Bill #36, and the question being put, it was agreed to on the following recorded Division:

YEA

Fentie	Lang	Rouble	
Taylor	Hart	Cathers	8
Edzerza	Arntzen		

NAY

Hardy	Fairclough	Duncan	5
McRobb	Cardiff		

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #36 - Act to Amend the Taxpayers Protection Act
- Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:01 p.m. until 1:00 p.m., Tuesday, November 25, 2003.

No. 49

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, November 25, 2003

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

TRIBUTES

White Ribbon Campaign and the International Day for the Elimination of Violence Against Women

The Hon. Mr. Fentie, Premier, Mr. Hardy, Leader of the Official Opposition, and Ms. Duncan, Leader of the Third Party, recognized the White Ribbon Campaign and the International Day for the Elimination of Violence Against Women.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Fentie, Premier

- Insured Benefit and ASO Financial Report (May 1, 2002 to April 30, 2003) for the Government of Yukon by Aon Consulting Inc. **(Sessional Paper #57)**

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

- *Placer Mining Act, Quartz Mining Act, Coal Regulations and the Dredging Regulations* : staff requirements for administration of **(Legislative Return #19)**
- *Placer Mining Act*: retribution process for unreasonable delay in issuing of a grant or a renewal of a claim **(Legislative Return #20)**

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Mr. Jenkins, Government House Leader identified Motion #132 and Motion #113 as being the items to be called during Government Private Members' Business on Wednesday, November 26, 2003.

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

- Bill #6 - Fourth Appropriation Act, 2002-03
-Hon. Mr. Fentie

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

Fentie	Lang	Rouble	
Jenkins	Hart	Hassard	10
Taylor	Arntzen	Cathers	
Edzerza			

NAY

Hardy	Fairclough	Duncan	4
McRobb			

Bill #6, entitled *Fourth Appropriation Act, 2002-03*, 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 #41 - Health Professions Act
- Hon. Mr. Jenkins
- Bill #6 - Fourth Appropriation Act, 2002-03
- Hon. Mr. Fentie

Tabled Document

During debate of Bill #6, the Hon. Mr. Fentie, tabled the following document:

- Accrued Sick Leave, Vacation Leave and Severance Benefits, Accounting for (as at March 31, 2001): Report prepared by Aon Consulting Inc. for the Government of Yukon **(Sessional Paper #58)**

Progress was reported on the following Bill:

- Bill #36 - Act to Amend the Taxpayers Protection Act
- Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:01 p.m. until 1:00 p.m., Wednesday, November 26, 2003.

No. 50

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, November 26, 2003

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

GOVERNMENT PRIVATE MEMBERS' BUSINESS
MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Cathers:

THAT this House urges the Yukon Government to continue its efforts with First Nation governments, municipalities, non-government organizations, business and labour organizations to improve the investment climate within the Yukon. **(Motion #132)**

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

THAT Motion #132 be amended by removing the phrase "continue its efforts with" and substituting for it the phrase "initiate meaningful and balanced strategic efforts in co-operation with".

A debate arising on the amendment, it was moved by the Hon. Mr. Jenkins, in amendment thereto:

THAT the amendment to Motion #132 be amended by replacing the word "initiate" with "continue".

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

The debate continued on the amendment as amended, and the question being put, it was agreed to.

The question being put on Motion #132 as amended, it was agreed to on the following recorded Division:

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

NAY			
Hardy	Cardiff	Duncan	5
McRobb	Peter		

Moved by Mr. Rouble:

THAT this House urges the Yukon Government to provide funding for the upgrading of Yukon schools as needed, including upgrading the cafeteria of Porter Creek Secondary School and constructing a new school in Carmacks. **(Motion #113)**

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

THAT Motion #113 be amended by deleting the remainder of the sentence following the words "Yukon schools" and substituting for it the following:

"in accordance with a long-term capital plan based on priorities identified by school councils throughout the territory and the findings of an updated school facilities study."

A debate arising on the amendment and the time reaching 6:00 p.m. with Mrs. Peter, Member for Vuntut Gwitchin, 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 #113 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, November 27, 2003.

No. 51

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, November 27, 2003

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

SPEAKER'S STATEMENT (Re: Practices of this House with regard to notices of motion)

Before calling for Notices of Motion, the Speaker made the following statement:

"Since the end of the 2003 Spring Sitting the Chair has sent two letters to all Members regarding what is and what is not in order regarding Notices of Motion. Annotation 565 of the sixth edition of *Beauchesne's Parliamentary Rules & Forms* says, 'A motion should be neither argumentative, nor in the style of a speech, nor contain unnecessary provisions or objectionable words.' To put it succinctly, Notices of Motion that are argumentative - that is, contain argument in favour of the Motion proposed - are not in order.

Yesterday Members offered 10 Notices of Motion. Each one contained a preamble that contained words and phrases designed to support the argument in favour of the Motion. Such argument was contained in the preambles that begin, 'That it is the opinion of this House that...'.

Argumentative phrases belong in debate on the Motion and not in the text of the Motion itself. Since the beginning of the 2003 Fall Sitting, the Chair has directed the Table Officers to amend any Notices of Motion that are not in order so that they adhere to proper form once they are on the Notice Paper and the Order Paper. In keeping with this direction yesterday's Notices of Motion appear on today's Notice Paper in their amended form. The argumentative phrases in question have been removed from the Motions without depriving the Motions of their purpose. This leads to the conclusion that the phrases are unnecessary and only serve to make the Motion argumentative.

Argumentative Motions are procedurally problematic because notice is given at a time during the Daily Routine when there is no question before the House. As such there is no opportunity for Members to debate what is being said. At times like this - for example, Tributes, Introduction of Visitors, a point of personal privilege - it is expected that Members will refrain from comments that are argumentative. It is at times when Members may respond to the comments of other Members, such as Question Period, debate on Motions or Bills, and Ministerial Statements that partisan statements are allowed.

Over the years, the use of preambles has become common in the Yukon Legislative Assembly. Notwithstanding, such a practice need not continue if it stands in contradiction to established

parliamentary rules. It should also be noted that the use of preambles developed over the years and has never been explicitly authorized by way of Standing Orders or other direction from the Assembly to the Speaker.

Given the letters that I have already sent to Members on this issue, and the fact that yesterday's Notices of Motion contradicted the direction contained in those letters, the Chair can only conclude that certain Members are deliberately ignoring direction from the Chair. Members should be aware that the Chair's authority with regard to Notices of Motion goes beyond amending them so that they are in order. The Speaker also has the authority to order that Motions that are not in order not be placed on the Notice Paper, and to rule a Motion out of order at the time that notice is being given in the House.

Members may argue that such action constitutes restriction on their freedom of speech in the Assembly. Freedom of speech in the Assembly is a fundamental component of the parliamentary privileges of the House and its Members. However such freedom is restricted. As noted on page 504 of *House of Commons Procedure and Practice* freedom of speech 'is circumscribed...by the necessity of maintaining order and decorum when debate is taking place. Thus, the right to speak is tempered by the written rules of the House which are, in general, limitations on what may be said, and when, by whom and for how long.'

There are other instances where Members are restricted in their comments. In addition to those regarding the length of speeches and the use of unparliamentary language, Standing Order 52(2) says, 'A Motion for First Reading of a Bill shall be decided without introductory statement, debate or amendment.' Similarly Standing Order 65(3) says, 'Every Member offering a petition to the Assembly shall confine himself or herself to the statement of the parties from whom it comes, the number of signatures attached to it and the material allegations it contains.' No argument in favour or against the petition is allowed. Parliamentary practice in the Yukon Legislative Assembly also stipulates that Members are not to offer comments regarding documents they table, except to inform the House of the name or nature of the document.

The purpose of Notices of Motion is to allow Members to inform the House of business they intend to put on the Order Paper. The purpose is not to argue for those Motions. It is clear, therefore, that restricting the use of argumentative language in the text of Motions is consistent with rules and practices regarding Motions and other rules and practices that circumscribe freedom of speech in the Assembly.

Explicit direction, perhaps in the form of new Standing Orders, will have to be adopted by the House if Members wish to have argumentative Notices of Motion accepted. Barring such explicit direction it is the Chair's intention to follow the rules of procedure as stipulated in *Beauchesne* and other parliamentary authorities.

It is not the Chair's intention to impede Members in their work. However, the Chair has the ultimate responsibility in ensuring that matters placed before the House are in order and that direction from the Chair is adhered to. We will now proceed with Notices of Motion."

COMMITTEE OF THE WHOLE

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

During debate on Bill #36, *Act to Amend the Taxpayer Protection Act*, Mr. Hardy, Leader of the Official Opposition moved:

THAT, prior to the Committee of the Whole reporting Bill #36, entitled *Act to Amend the Taxpayer Protection Act*, the following persons or their designates be requested to appear before Committee of the Whole to discuss matters relating to Bill #36:

- (1) Sheila Fraser, Auditor General of Canada,
- (2) Walter Robinson, Canadian Taxpayers' Federation,
- (3) Charles Sanderson, former Deputy Minister of Finance, Government of Yukon,
- (4) John Ostashek, former Minister of Finance, Government of Yukon.

(C/W Motion #3)

The time reaching 6:00 p.m., the Chair reported progress while the Hon. Mr. Fentie, was speaking to the motion and accordingly debate on Committee of the Whole Motion #3 was adjourned.

Progress was reported on the following Bill:

Bill #36 - Act to Amend the Taxpayer Protection Act
- Hon. Mr. Fentie

The report of the Chair was adopted.

SPEAKER'S RULING (Re: Notices of Motion)

Before adjourning the House for the day, the Speaker made the following ruling:

"During today's Daily Routine, the Chair provided the House with a statement respecting Notices of Motion. The Chair explained the need for the wording of Motions to conform to the rules of this House. In particular, a Motion should not contain argument respecting the proposal being made.

Members will be aware that the Speaker has authority to modify Motions with respect to form. A good example of the utilization of this authority appears in today's Notice Paper. On November 26, 2003, Members gave notice of 10 Motions that began with a preamble introduced by the expression 'That it is the opinion of this House that'.

In each of those Motions the final paragraph provided the distinct proposition for which the Member was requesting the approval of the House. Those Motions were easily brought into conformity with the rules by dropping the paragraphs carrying arguments respecting the proposition contained in the final paragraph. Members will note that is what has been done in respect to the Motions on the Notice Paper of today's date, November 27, 2003.

Nine of the Motions given notice today contain preambles. The Chair recognizes that the Members who gave Notice of Motion today would have prepared the text of those Motions prior to hearing the Speaker's statement.

The Chair, therefore, has given direction in respect to eight of those Motions that the preamble be dropped and, along with needed editorial changes in two cases, the final paragraph be approved as the text of the Motion to appear on the Notice Paper for Monday, December 1.

In one other instance, that being the Motion of the Member for Kluane respecting a security release policy for Type II mine sites, the Motion contained seven statements and then concluded with a paragraph stating 'That this House urges the Yukon Government to adopt the preceding items.' The Chair found that it was not possible to modify the Motion in the straightforward

fashion used in respect to the other Motions and, therefore, due to its irregularity, has given direction that it not be placed on the Notice Paper.

The Chair thanks all Members for their attention. “

The Assembly adjourned at 6:03 p.m. until 1:00 p.m., Monday, December 1, 2003.

No. 52

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Monday, December 1, 2003

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

INTRODUCTION OF VISITORS - Alaska Governor Frank Murkowski and officials

The Hon. Mr. Fentie, Premier, introduced and welcomed Alaska Governor Frank Murkowski, Senator Fred Dyson, Commissioner Edgar Blatchford, Commissioner Tom Irwin, and other Alaskan officials to the House.

TRIBUTES

World AIDS Day

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. Hardy, Leader of the Official Opposition, and Ms. Duncan, Leader of the Third Party, recognized December 1, 2003 as World AIDS Day.

GOVERNMENT BILLS (Second Reading)

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

Bill #42 - Territorial Court Judiciary Pension Plan Act, 2003
- Hon. Ms. Taylor

COMMITTEE OF THE WHOLE

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

The following Bill was reported without amendment:

Bill #42 - Territorial Court Judiciary Pension Plan Act, 2003
- Hon. Ms. Taylor

During debate on Bill #36, *Act to Amend the Taxpayer Protection Act*, Committee of the Whole Motion #3 was negated.

Progress was reported on the following Bill:

Bill #36 - Act to Amend the Taxpayer Protection Act
- Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:02 p.m. until 1:00 p.m., Tuesday, December 2, 2003.

No. 53

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, December 2, 2003

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

FILED DOCUMENTS

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

- Aboriginal Rights, infringement of; letter re: from Chief and Council White River First Nation to all Federal and Territorial Departments and Agencies (dated November 24, 2003) **(Filed Document #22)**

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader, identified Motion #105 and Motion for the Production of Papers #15 as being the items to be called during Opposition Private Members' Business on Wednesday, December 3, 2003.

Pursuant to Standing Order 14.2(3), Ms. Duncan, Leader of the Third Party, identified Motion for the Production of Papers #18 as being the item to be called during Opposition Private Members' Business on Wednesday, December 3, 2003.

COMMITTEE OF THE WHOLE

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

The following Bill was reported without amendment:

- Bill #36 - Act to Amend the Taxpayer Protection Act
- Hon. Mr. Fentie

Progress was reported on the following Bill:

- Bill #7 - Second Appropriation Act, 2003-04
- Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:02 p.m. until 1:00 p.m., Wednesday, December 3, 2003.

No. 54

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, December 3, 2003

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

TRIBUTES

National Safe Driving Week

The Hon. Mr. Hart, Minister of Highways and Public Works, Mr. McRobb, Member for Kluane, and Ms. Duncan, Leader of the Third Party, recognized National Safe Driving Week being December 3 to 7, 2003.

International Day of Disabled Persons

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. Fairclough, Member for Mayo-Tatchun, and Ms. Duncan, Leader of the Third Party, recognized December 3, 2003 as International Day of Disabled Persons.

TABLING RETURNS AND DOCUMENTS

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

- Queen's Printer Agency 2002/2003 Annual Report (Sessional Paper #59)

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

- "Services for People with Disabilities: A Yukon Guide Book" (Sessional Paper #60)

OPPOSITION PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Hardy:

THAT this House directs the Government of Yukon to prepare and table amendments to the *Conflict of Interest (Members and Ministers) Act* that would prohibit any person from serving as a Cabinet Minister of the Government of Yukon if that person individually, or as a principal of a business or corporation, is more than one year in arrears in payment of any debt owing to the Government of Yukon. (Motion #105)

Debate started on the motion. It was moved by Mr. Arntzen, Member for Copperbelt:

THAT debate be now adjourned.

The question being put, it was agreed to, and Motion #105 was, accordingly, adjourned.

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

THAT this House do issue an order for the return of the following correspondence from the Minister of Justice:

- (1) the letter from the RCMP which the Minister of Justice publicly stated existed, saying the RCMP agreed with her decision to release a tow truck from impound, and
- (2) the legal case that was presented to the Minister by the lawyer acting for the tow truck company. **(M.P.P. #18)**

A debate arising on the Motion for the Production of Papers and the time reaching 6:00 p.m. while the Hon. Mr. Lang was speaking to it the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. the following day, and debate on Motion for the Production of Papers #18 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, December 4, 2003.

No. 55

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, December 4, 2003

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

TRIBUTES

In remembrance of Sarah Gaunt

Mr. McRobb, Member for Kluane, paid tribute to Sarah Gaunt, who passed away on May 26, 2003.

In remembrance of Adam Morrison

Ms. Duncan, Leader of the Third Party, paid tribute to Adam Morrison, who passed away on October 13, 2002.

National Day of Remembrance and Action on Violence Against Women

The Hon. Ms. Taylor, Minister of Justice, Mrs. Peter, Member for Vuntut Gwitchin, and Ms. Duncan, Leader of the Third Party, recognized December 6, 2003 as National Day of Remembrance and Action on Violence Against Women.

International Volunteer Day

The Hon. Mr. Hart, Minister of Community Services, on behalf of all Members, recognized International Volunteer Day as being December 5, 2003.

TABLING RETURNS AND DOCUMENTS

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

- Health Care Insurance Programs, Health Services Branch: Statement of Revenue and Expenditures for the fiscal years 1997/98 to 2002/03 **(Sessional Paper #61)**
- Yukon Child Care Board 2002/2003 Annual Report **(Sessional Paper #62)**
- Yukon Health and Social Services Council 2001/2002 Annual Report **(Sessional Paper #63)**
- Yukon Hospital Corporation Financial Statements for the year ended March 31, 2003 **(Sessional Paper #64)**

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

- Government Contracting Summary Report by Department (April 1, 2003 - September 31, 2003) **(Sessional Paper #65)**

SPEAKER'S RULING (Re: Relevance and Repetition)

"Before proceeding to Orders of the Day the Chair will deliver a ruling on a Point of Order raised yesterday by the Member for Mayo-Tatchun during debate on Motion for the Production of Papers #18, standing in the name of the Member for Porter Creek South. At that time the Member for Mayo-Tatchun argued that certain remarks by the Member for Lake Laberge were not in order in that they violated Standing Orders 19(b)(i), 19(b)(ii) and 19(c). The Chair said he would review the Blues and return with a ruling today.

After reviewing the Blues the Chair finds that there was a Point of Order. Certain remarks by the Member for Lake Laberge did violate Standing Order 19(b)(i) in that they addressed matters other than the question under discussion. The scope of the motion was whether the House should order the return of certain documents related to a decision by the Minister of Justice to release a commercial vehicle from impoundment. The Member for Lake Laberge introduced many other subjects into debate which he spoke at for too great a length and did not connect to the motion on the floor.

Certain remarks by the Member for Lake Laberge also violated Standing Order 19(c) in that they were needlessly repetitious. Early in his remarks the Member said that all the information needed to judge the actions of the Minister of Justice had already been made public and that there was no need to, in his words, 'start digging through the Whitehorse dump to see if there's an old Post-it note referring to the issue.' He then proceeded to use the term 'phantom Post-it note' twenty-four times during the rest of his remarks.

It should also be noted that the nature of the speech by the Member for Lake Laberge led to disorder in the House, including Points of Order being raised and extraneous comments by Members who could not gain the floor.

The Chair realizes that this ruling does not remedy what occurred yesterday. However, it could serve to prevent such occurrences in the future.

In dealing with these concerns the Chair is restricted to the rules and practices of the House. The Standing Orders and the procedural authorities enable the Speaker to restrict comments that are irrelevant or repetitious. However, recent practice in this Assembly is that such rules have not been strictly enforced. On the other hand, the Chair notes that during this Sitting Members on both sides of the House have expressed concerns about relevance and repetition, usually through points of order and most often during consideration of Private Members' Business on Wednesdays. The Chair, then, takes this as an indication that Members desire a more orthodox interpretation of the rules and practices. The Chair can and will, therefore, place increasing emphasis on enforcing the rules respecting relevance and repetition in debate.

If Members desire to see proceedings on Wednesdays reviewed and, perhaps, changed, that is for them and not the Chair to decide. The Chair encourages Members, if that is their desire, to follow the usual practice for reviewing the rules and procedures of this House, that is by referring the matter to the Standing Committee on Rules, Elections and Privileges.

The Chair thanks Members for their attention."

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #7 - Second Appropriation Act, 2003-04
- Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Monday, December 8, 2003.

No. 56

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Monday, December 8, 2003

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

TABLING RETURNS AND DOCUMENTS

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

- *Quartz Mining Act*, section 147: information pertaining to Mine reclamation security **(Legislative Return #21)**

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

- Fleet Vehicle Agency 2002/2003 Annual Report **(Sessional Paper #66)**
- Property Management Agency 2002/2003 Annual Report **(Sessional Paper #67)**

FILED DOCUMENT

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

- Farmer of the Year Award, letter re: (dated Dec. 3/03) from Wild Blue Yonder Herbs and Vegetables to Hon. Archie Lang **(Filed Document #23)**

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, 2003-04
- Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Tuesday, December 9, 2003.

No. 57

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, December 9, 2003

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

TABLING RETURNS AND DOCUMENTS

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

- Motor Transport Board (Yukon) 2002/2003 Annual Report

(Sessional Paper #68)

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Mr. Jenkins, Government House Leader informed the House that the Government Private Members did not wish to identify any items to be called under the heading "Government Private Members' Business" on Wednesday, December 10, 2003.

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, 2003-04
- Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Wednesday, December 10, 2003.

No. 58

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Wednesday, December 10, 2003

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

TRIBUTES

International Human Rights Day

The Hon. Ms. Taylor, Minister of Justice, Mr. Hardy, Leader of the Official Opposition, and Ms. Duncan, Leader of the Third Party, recognized December 10, 2003 as International Human Rights Day.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Kenyon, Minister of Environment

- *Environment Act*: Report on the Audit of the Yukon Government's Performance under the Environment Act by Government Audit Services (dated September 19, 2002) **(Sessional Paper #69)**

Hon. Ms. Taylor, Minister of Tourism

- Yukon Heritage Resources Board 2002/2003 Annual Report **(Sessional Paper #70)**
- Yukon Arts Centre 2002-2003 Annual Report and Financial Statements for the year ended March 31, 2003 **(Sessional Paper #71)**
- Yukon Geographical Place Names Board 2001/2002 Annual Report **(Sessional Paper #72)**

FILED DOCUMENT

During Question Period, Mr. Fairclough, Member for Mayo-Tatchun, filed the following document:

- Extended Health Benefits – Medical Travel Rates for Reimbursement (Government of the Northwest Territories) **(Filed Document #24)**

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, 2003-04
- Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:01 p.m. until 1:00 p.m., Thursday, December 11, 2003.

No. 59

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Thursday, December 11, 2003

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

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Lang, Minister responsible for Yukon Development Corporation

- Yukon Development Corporation: responses to questions asked on April 28, 2003 to witnesses in Committee of the Whole **(Legislative Return #22)**

Hon. Mr. Fentie, Premier

- Yukon Advisory Council on Women's Issues 2002/2003 Annual Report **(Sessional Paper #73)**

Hon. Mr. Edzerza, Minister of Education

- Education, Department of: Public Schools Branch 2002/2003 School Year Annual Report **(Sessional Paper #74)**

Hon. Mr. Hart, Minister responsible for Yukon Housing Corporation

- Yukon Housing Corporation 2002/2003 Annual Report **(Sessional Paper #75)**

FILED DOCUMENT

During Question Period, Mr. Fairclough, Member for Mayo-Tatchun, filed the following document:

- Government accomplishments, email re (dated December 10, 2003) from Dale Kozmen, Director, Corporate and Communications, Department of Community Services to various departmental employees **(Filed Document #25)**

GOVERNMENT MOTIONS

Moved by the Hon. Mr. Fentie, Premier

THAT this House urges the Government of Yukon to present to the Legislative Assembly a permanent resolution to the outstanding government loans issue.

(Motion #186)

Unanimous consent re recess

Pursuant to Standing Order 14.3, the Official Opposition House Leader, Mr. McRobb, requested unanimous consent to recess so Members could consider

remarks made by Hon. Mr. Fentie, Premier, before resuming debate. Unanimous consent was granted.

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

THAT Motion #186 be amended by adding after the words "loans issue" the following phrase:

"that does not allow sitting Cabinet ministers to avoid repaying all or any portion of their outstanding government loans, and that will not result in any Yukon-owned business being forced into bankruptcy."

A debate arising on the amendment, it was moved by the Hon. Mr. Fentie, Premier, in amendment thereto:

THAT the amendment to Motion #186 moved by the Leader of the Official Opposition be amended by deleting all the words after the word "repaying" and substituting for them the following:

"their outstanding government loans and, to the extent possible, will not result in any Yukon-owned business being forced into bankruptcy given full consideration of all the relevant factors including the issues of security and collectability."

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

YEA			
Fentie	Edzerza	Rouble	
Taylor	Hart	Cathers	8
Kenyon	Arntzen		
NAY			
Hardy	Fairclough	Peter	6
McRobb	Cardiff	Duncan	

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

THAT the amendment to Motion #186 as amended be amended by the following:

- (a) inserting the words "to the Government of Yukon" between the word "repaying" and the word "their", and
- (b) inserting the words "in full" after the words "outstanding government loans", and
- (c) by deleting all the words after the phrase "forced into bankruptcy".

A debate arising on sub-amendment #2 and the time reaching 6:00 p.m., while the Hon. Mr. Fentie, Premier, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. on Monday, December 15, 2003, and debate on sub-amendment #2, the amendment as amended, and Motion #186 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Monday, December 15, 2003.

No. 60

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Monday, December 15, 2003

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

FILED DOCUMENTS

During Question Period, the following documents were filed:

Mr. Cardiff, Member for Mount Lorne

- Dawson City supervisor, attendance in Dawson, emails from Scott Colson, CAO Dawson City to Andre Carrel, Dawson City supervisor and from Mr. Carrel to Mr. Colson (both dated Dec. 1, 2003) **(Filed Document #26)**

Mr. McRobb, Member for Kluane

- Forest Stewardship Council Certification process: Yukon Forest Management Branch comments on the FSC NBS Draft 2.1 (including table of specific comments) from Gary Miltenberger, Director, Forest Management, Energy, Mines and Resources (dated Oct. 22/03) **(Filed Document #27)**

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, 2003-04
- Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 6:02 p.m. until 1:00 p.m., Tuesday, December 16, 2003.

No. 61

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

31st Legislative Assembly

First Session

Tuesday, December 16, 2003

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

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Staffen, Speaker

- Yukon Human Rights Commission 2002/03 Annual Report
(Sessional Paper #76)

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

- Yukon Health and Social Services Council 2002/03 Annual Report
(Sessional Paper #77)

Hon. Mr. Kenyon, Minister of the Environment

- Yukon Council on the Economy & Environment 2002/03 Annual Report
(Sessional Paper #78)

PETITIONS

Mr. Hardy, Leader of the Official Opposition, presented the following Petition:

- Cabinet Minister loans (Petition #2)

MINISTERIAL STATEMENT

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

- Social Housing Rent Assessment

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, 2003-04
- Hon. Mr. Fentie

The report of the Chair was adopted.

GOVERNMENT MOTIONS

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

THAT the Yukon Legislative Assembly, pursuant to section 17(1) of the *Human Rights Act*, appoint Jasbir Randhawa and Brian MacDonald to be members of the Yukon Human Rights Commission. **(Motion #193)**

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

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

THAT the Yukon Legislative Assembly, pursuant to section 22(2) of the *Human Rights Act*, appoint Vicki Wilson and Donna Mercier to the Yukon Human Rights Panel of Adjudicators. **(Motion #194)**

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

COMMITTEE OF THE WHOLE

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

Termination of Sitting as per Standing Order 76(1)

The Chair made the following statement:

“Order please. The time has reached 5:00 p.m. on this the 24th day of the 2003 Fall Sitting. Standing Order 76(1) states: ‘On the day that the Assembly has reached the maximum number of sitting days allocated for that Sitting pursuant to Standing Order 75, the Chair of the Committee of the Whole, if the Assembly is in Committee of the Whole at the time, shall interrupt proceedings at 5:00 p.m. and, with respect to each Government Bill before Committee that the Government House Leader directs to be called, shall:

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

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

There is only one Bill before the Committee of the Whole, that is, Bill #7, *Second Appropriation Act, 2003-04*, which we are dealing with now. The Chair will now recognize Mr. Fentie as the sponsor of Bill #7 for the purpose of moving a motion pursuant to Standing Order 76(1)(b).”

The following Bill was reported without amendment:

Bill #7 - Second Appropriation Act, 2003-04
- Hon. Mr. Fentie

The report of the Chair was adopted.

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

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

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

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

GOVERNMENT BILLS (Third Reading)

The following Bill was called for Third Reading:

Bill #39 - Decision Making, Support and Protection to Adults Act
-Hon. Mr. Jenkins

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

YEA			
Fentie	Hart	McRobb	
Jenkins	Arntzen	Fairclough	
Taylor	Rouble	Cardiff	17
Kenyon	Hassard	Peter	
Edzerza	Cathers	Duncan	
Lang	Hardy		
NAY			
			0

Bill #39, entitled *Decision Making, Support and Protection to Adults Act*, accordingly passed the House.

The following Bill was read a third time and passed:

Bill #41 - Health Professions Act
-Hon. Mr. Jenkins

The following Bill was called for Third Reading:

Bill #6 - Fourth Appropriation Act, 2002-03
- Hon. Mr. Fentie

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

YEA

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

NAY

Hardy	Fairclough	Peter	
McRobb	Cardiff	Duncan	6

Bill #6, entitled *Fourth Appropriation Act, 2002-03*, accordingly passed the House.

The following Bill was read a third time and passed:

Bill #42 - Territorial Court Judiciary Pension Plan Act, 2003
-Hon. Ms. Taylor

The following Bill was called for Third Reading:

Bill #36 - Act to Amend the Taxpayer Protection Act
- Hon. Mr. Fentie

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

YEA

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

NAY

Hardy	Fairclough	Peter	
McRobb	Cardiff	Duncan	6

Bill #36, entitled *Act to Amend the Taxpayer Protection Act*, accordingly passed the House.

The following Bill was called for Third Reading:

Bill #7 - Second Appropriation Act, 2003-04
- Hon. Mr. Fentie

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

YEA

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

NAY

Hardy	Fairclough	Peter	
McRobb	Cardiff	Duncan	6

Bill #7, entitled *Second Appropriation Act, 2003-04*, accordingly passed the House.

ASSENT TO BILLS

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

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

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

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

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

- Bill #39 - Decision Making, Support and Protection to Adults Act
-Hon. Mr. Jenkins
- Bill #41 - Health Professions Act
-Hon. Mr. Jenkins
- Bill #6 - Fourth Appropriation Act, 2002-03
- Hon. Mr. Fentie
- Bill #42 - Territorial Court Judiciary Pension Plan Act, 2003
-Hon. Ms. Taylor
- Bill #36 - Act to Amend the Taxpayer Protection Act
- Hon. Mr. Fentie
- Bill #7 - Second Appropriation Act, 2003-04
- Hon. Mr. Fentie

The Commissioner assented the Bills:

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

The Commissioner then retired from the Chamber.

ADJOURNMENT OF THE HOUSE

The Speaker stated:

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

The Assembly adjourned at 5:23 p.m..