

No. 166

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Thursday, October 29, 2009

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

INTRODUCTION OF PAGES

The Speaker informed the Assembly that Linnea Blum, Claire Lindsey, Meaghan O'Connor, Odette Rivard and Mikeala Shaw from F.H. Collins Secondary School and Elizabeth Magill-Schalko, Ashley Renwick and Zain Syed from Vanier Catholic Secondary School, would be serving as Pages during the Fall Sitting. Zain Syed and Elizabeth Magill-Schalko were introduced and welcomed to the House.

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

Prior to proceeding with the Daily Routine, the Speaker made the following statement regarding changes made to the Order Paper.

"The following motions have been removed from the Order Paper because they are outdated: Motions No. 11 and 704 standing in the name of the Leader of the Official Opposition; Motions No. 111 and 605 standing in the name of the Member for McIntyre-Takhini; Motion #67 standing in the name of the Member for Klondike; Motions No. 777 and 798 standing in the name of the Member for Mount Lorne; Motion #378 standing in the name of the Leader of the Third Party; Motions No. 668, 698, 801 and 806 standing in the name of the Member for Mayo-Tatchun.

The following motions have been removed from the Order Paper as the action requested in the motion has been fulfilled: Motion #10 standing in the name of the Leader of the Official Opposition; Motion #32 standing in the name of the Member for Kluane; Motions No. 171, and 351 standing in the name of the Member for Klondike; Motions No. 249 and 807 standing in the name of the Member for Mount Lorne; Motions No. 24 and 301 standing in the name of the Member for Porter Creek South.

Motions No. 194, 357, and 709, standing in the name of the Member for Lake Laberge have been removed from the Order Paper as that Member is no longer a Member of the Executive Council.

Motion #242 standing in the name of the Member for McIntyre-Takhini has been removed from the Order Paper as it refers to remarks made by a Member who is no longer a Member of the Executive Council.

Motion #128, standing in the name of the Member for Porter Creek South, has been removed from the Order Paper as it relates to a Bill that is no longer on the Order Paper.

Motion #602, standing in the name of the Member for Kluane has been removed from the Order Paper at the request of that Member.

Finally, Bill #102, standing in the name of the Member for Porter Creek South has been removed from the Order Paper as it is similar to Bill #71 that passed this House during the 2009 Spring Sitting."

TABLING RETURNS AND DOCUMENTS

Hon. Ted Staffen, Speaker

- Conflict of Interest Commission Annual Report for the period from April 1, 2008 to March 31, 2009 **(Sessional Paper #127)**
- Ombudsman 2008 Annual Report **(Sessional Paper #128)**
- Information and Privacy Commissioner 2008 Annual Report **(Sessional Paper #129)**
- Absence of Members from Sittings of the Legislative Assembly and its Committees: Report from the Clerk of the Yukon Legislative Assembly (dated October 29, 2009) **(Sessional Paper #130)**

Hon. Mr. Fentie, Premier

- Public Accounts 2008-2009 of the Government of Yukon for the year ended March 31, 2009 **(Sessional Paper #131)**
- Northern Housing Trust Funding Agreement between Yukon Government and the Liard First Nation **(Filed Document #100)**
- Northern Housing Trust Funding Agreement between Yukon Government and the First Nation of Na-Cho Nyak Dun **(Filed Document #101)**
- Northern Housing Trust Funding Agreement between Yukon Government and the Kwanlin Dun First Nation **(Filed Document #102)**
- Northern Housing Trust Funding Agreement between Yukon Government and the Selkirk First Nation **(Filed Document #103)**
- Northern Housing Trust Funding Agreement between Yukon Government and the Little Salmon / Carmacks First Nation **(Filed Document #104)**
- Northern Housing Trust Funding Agreement between Yukon Government and the Ta'an Kwach'an Council **(Filed Document #105)**
- Northern Housing Trust Funding Agreement between Yukon Government and the Kluane First Nation **(Filed Document #106)**
- Northern Housing Trust Funding Agreement between Yukon Government and the Champagne and Aishihik First Nations **(Filed Document #107)**
- Northern Housing Trust Funding Agreement between Yukon Government and the White River First Nation **(Filed Document #108)**
- Northern Housing Trust Funding Agreement between Yukon Government and the Vuntut Gwitch'in First Nation **(Filed Document #109)**
- Northern Housing Trust Funding Agreement between Yukon Government and the Ross River Dena Council **(Filed Document #110)**
- Northern Housing Trust Funding Agreement between Yukon Government and the Carcross Tagish First Nation **(Filed Document #111)**

- Northern Housing Trust Funding Agreement between Yukon Government and the Teslin Tlingit Council **(Filed Document #112)**
- Northern Housing Trust Funding Agreement between Yukon Government and the Tr'ondek Hwech'in First Nation **(Filed Document #113)**

Mr. McRobb, Member for Kluane

- Yukon Electrical Company Limited: An Unsolicited proposal to the Yukon Territorial Government (dated October, 2008) **(Filed Document #114)**
- Joint Position Paper arising from a May 12, 2009 meeting between Yukon and ATCO **(Filed Document #115)**

PRESENTING REPORTS OF COMMITTEES

Hon. Ms. Taylor, Chair, Standing Committee on Appointments to Major Government Boards and Committees

- Appointments to Major Government Boards and Committees, Standing Committee on: Ninth Report (dated June 8, 2009) **(Sessional Paper #132)**
- Appointments to Major Government Boards and Committees, Standing Committee on: Tenth Report (dated September 3, 2009) **(Sessional Paper #133)**

INTRODUCTION OF BILLS

Bill #16 - Fourth Appropriation Act, 2008-09

-Hon. Mr. Fentie

Bill #17 - Second Appropriation Act, 2009-10

-Hon. Mr. Fentie

Bill #73 - Act to Amend the Registered Nurses Profession Act

-Hon. Mr. Hart

Bill #75 - Second Miscellaneous Statute Law Amendment Act, 2009

-Hon. Ms. Horne

Bill #76 - Act to Amend the Motor Vehicles Act

-Hon. Mr. Lang

Bill #77 - Act to Amend the Public Health and Safety Act

-Hon. Mr. Hart

Bill #78 - Act to Amend the Elections Act

-Hon. Mr. Fentie

Bill #79 - Act to Amend the Medical Profession Act

-Hon. Mr. Lang

Bill #80 - Act to Amend the Access to Information and Protection of Privacy Act and the Health Act

-Hon. Mr. Lang

MONEY MESSAGE

Bill #16, Fourth Appropriation Act, 2008-09, and Bill #17, Second Appropriation Act, 2009-10, were accompanied by a money message.

QUESTION OF PRIVILEGE

Mr. Mitchell, Leader of the Official Opposition, rose on a Question of Privilege, regarding comments made by the Premier during the 2009 Spring Sitting.

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

The Assembly adjourned at 2:25 p.m. until 1:00 p.m., Monday, November 2, 2009.

No. 167

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Monday, November 2, 2009

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

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Fentie, Premier

- Yukon's electricity options: letter (dated May 26, 2006) to Mr. Doug Tenney, Yukon Electrical Co. Ltd. from Willard Phelps, Chair, Yukon Development Corporation and Yukon Energy Corporation regarding options to restructure ownership of electric power infrastructure **(Filed Document #116)**
- Yukon's electricity options: letter (dated November 7, 2008) to Ms. Nancy Southern, President and Chief Executive Officer, ATCO Group, from Premier Fentie **(Filed Document #117)**

Hon. Mr. Lang, Minister of Community Services

- Orders-in-Council (draft dated October 19, 2009) re Access to Information and Protection of Privacy Act regulations **(Filed Document #118)**

Mr. Cathers, Member for Lake Laberge

- Climate Leaders Summit invitation: letter (dated October 30, 2009) to the Hon. Elaine Taylor, Minister of Environment from Brad Cathers, MLA for Lake Laberge **(Filed Document #119)**

PRESENTING REPORTS OF COMMITTEES

Hon. Ms. Taylor, Chair, Standing Committee on Appointments to Major Government Boards and Committees

- Appointments to Major Government Boards and Committees, Standing Committee on: Eleventh Report (dated October 30, 2009) **(Sessional Paper #134)**

PETITIONS

Mr. Hardy, Member for Whitehorse Centre, presented the following Petition:

- Yukon Energy Corporation - retaining public ownership of

(Petition #8)

GOVERNMENT BILLS (Second Reading)

The following bill was called for Second Reading:

Bill #77 - Act to Amend the Public Health and Safety Act
-Hon. Mr. Hart

A debate arising on the motion for Second Reading of Bill #77, and the question being put, it was agreed to on the following recorded Division:

YEA		
Fentie	Horne	Elias
Taylor	Edzerza	Fairclough
Hart	Nordick	Hardy
Kenyon	Mitchell	Cardiff
Rouble	McRobb	Cathers
Lang		

16

NAY

0

Bill #77, entitled Act to Amend the Public Health and Safety Act, was accordingly, referred to Committee of the Whole.

COMMITTEE OF THE WHOLE

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

The following bill was reported without amendment:

Bill #77 - Act to Amend the Public Health and Safety Act
-Hon. Mr. Hart

The report of the Chair was adopted.

UNANIMOUS CONSENT TO PROCEED WITH THIRD READING OF BILL #77

The Hon. Ms. Taylor, Government House Leader, pursuant to Standing Order 14.3, requested the unanimous consent of the House to proceed with Third Reading of Bill #77, entitled Act to Amend the Public Health and Safety Act. Unanimous consent was granted.

GOVERNMENT BILLS (Third Reading)

The following bill was called for Third Reading:

Bill #77 - Act to Amend the Public Health and Safety Act
-Hon. Mr. Hart

The question being put on the motion for Third Reading of Bill #77, it was agreed to on the following recorded Division:

YEA		
Fentie	Lang	Elias
Taylor	Horne	Fairclough
Hart	Edzerza	Cardiff
Kenyon	Nordick	Cathers
Rouble	Mitchell	

14

NAY

0

Bill #77, entitled Act to Amend the Public Health and Safety Act, accordingly, passed the House.

GOVERNMENT BILLS (Second Reading)

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

Bill #16 - Fourth Appropriation Act, 2008-09
-Hon. Mr. Fentie

COMMITTEE OF THE WHOLE

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

The following bill was reported without amendment:

Bill #16 - Fourth Appropriation Act, 2008-09
-Hon. Mr. Fentie

The report of the Chair was adopted.

UNANIMOUS CONSENT TO PROCEED WITH THIRD READING OF BILL #16

The Hon. Ms. Taylor, Government House Leader, pursuant to Standing Order 14.3, requested the unanimous consent of the House to proceed with Third Reading of Bill #16, entitled Fourth Appropriation Act, 2008-09. Unanimous consent was granted.

GOVERNMENT BILLS (Third Reading)

The following bill was read a third time and passed:

Bill #16 - Fourth Appropriation Act, 2008-09
-Hon. Mr. Fentie

GOVERNMENT BILLS (Second Reading)

The following bill was called for Second Reading:

Bill #17 - Second Appropriation Act, 2009-10
-Hon. Mr. Fentie

A debate arising on the motion for Second Reading of Bill #17, entitled Second Appropriation Act, 2009-10, it was moved by the Hon. Mr. Fentie, Premier:

THAT the debate be now adjourned.

The question being put on the motion, it was agreed to, and debate on Second Reading of Bill #17 was accordingly adjourned.

The Assembly adjourned at 5:26 p.m. until 1:00 p.m., Tuesday, November 3, 2009.

No. 168

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Tuesday, November 3, 2009

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

PETITIONS

Report of the Clerk

The Clerk reported on Petition #8 as follows:

“Mr. Speaker and Honourable Members of the Assembly:

I have had the honour to review a petition, being Petition #8 of the First Session of the 32nd Legislative Assembly, as presented by the Member for Whitehorse Centre on November 2, 2009.

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

Floyd McCormick, Clerk
Yukon Legislative Assembly”

INTRODUCTION OF BILLS

Bill #110 - Yukon Energy Corporation Protection Act
-Mr. McRobb

NOTICE OF OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. Cardiff, Third Party House Leader, identified Motion #852 as being the item to be called during Opposition Private Members' Business on Wednesday, November 4, 2009.

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader, identified Bill #110 as being the item to be called during Opposition Private Members' Business on Wednesday, November 4, 2009.

ASSENT TO BILLS

The Assembly received the Commissioner, the Hon. Geraldine Van Bibber, in her capacity as Lieutenant-Governor, to give Assent to certain bills passed by the House.

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

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

“Madam 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, Floyd McCormick, then read the titles of the bills which had been passed as follows:

Act to Amend the Public Health and Safety Act

Fourth Appropriation Act, 2008-09

The Commissioner assented to the bills:

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

UNANIMOUS CONSENT TO DEBATE MOTION #857

The Hon. Ms. Taylor, Government House Leader, requested and received, the unanimous consent of the House to call Motion #857 for debate.

GOVERNMENT MOTIONS

Moved by the Hon. Ms. Taylor, Government House Leader:

THAT the membership of the Standing Committee on Public Accounts as established by Motion #8 of the First Session of the 32nd Legislative Assembly be amended by rescinding the appointment of John Edzerza and appointing Steve Cardiff to the Committee. **(Motion #857)**

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

YEA		
Fentie	Lang	McRobb
Taylor	Horne	Elias
Hart	Edzerza	Inverarity
Kenyon	Nordick	Cardiff
Rouble	Mitchell	

14

NAY

0

GOVERNMENT BILLS (Second Reading)

The following bill was called for Second Reading:

Bill #17 - Second Appropriation Act, 2009-10

-Hon. Mr. Fentie

The debate continuing (from November 2, 2009), on the motion for Second Reading of Bill #17, entitled Second Appropriation Act, 2009-10, it was moved by the Hon. Mr. Lang, Minister of Energy, Mines and Resources:

THAT, due to the Olympic torch about to arrive, the debate be now adjourned.

The question being put on the motion, it was agreed to, and debate on Second Reading of Bill #17 was accordingly adjourned.

The Assembly adjourned at 5:10 p.m. until 1:00 p.m., Wednesday, November 4, 2009.

No. 169

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Wednesday, November 4, 2009

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

TABLING RETURNS AND DOCUMENTS

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

- Yukon Teachers Labour Relations Board 2008-2009 Annual Report
(Sessional Paper #135)

- Yukon Public Service Labour Relations Board 2008-2009 Annual Report
(Sessional Paper #136)

PETITIONS

The Speaker, the Hon. Ted Staffen, informed the House of an oversight from the proceedings of Tuesday, November 3, 2009 in that the Chair should have informed the House that, based on the Clerk's report, Petition #8 is accordingly deemed to be read and received.

MINISTERIAL STATEMENT

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

- Telework Policy for Yukon Government Employees

OPPOSITION PRIVATE MEMBERS' BUSINESS

Moved by Mr. Hardy, Member for Whitehorse Centre:

THAT a Select Committee on Bill 108, Legislative Renewal Act, be established,

THAT the membership of the Committee be comprised of equal representation from the Government caucus, the Official Opposition caucus and the Third Party caucus to be determined by the Premier, the Leader of the Official Opposition and the Leader of the Third Party,

THAT the Committee conduct public consultations for the purpose of receiving the views and opinions of Yukon citizens and interested groups on the Act,

THAT the Committee report to the House its findings and recommendations no later than the 2010 Fall Sitting of the Legislative Assembly,

THAT the Government introduce in the House legislation no later than the 2010 Fall Sitting of the Legislative Assembly,

THAT the Committee have the power to call for persons, papers and records and to sit during inter-sessional periods,

THAT the Committee have the power to seek background information from experts and to be able to call and hear these experts as witnesses,

THAT if the House is not sitting at such time as the Committee is prepared to present its report, the Committee transmit its report to all Members of the Legislative Assembly, and then, not more than one day later, release the report to the public; and

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee. **(Motion #852)**

A debate arising on the motion, it was moved by the Hon. Mr. Kenyon, Minister of Economic Development, in amendment thereto:

THAT Motion #852 be amended by deleting "2010" wherever it appears, and replacing it with "2011".

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

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

	YEA			
Fentie	Lang	McRobb		
Hart	Edzerza	Inverarity	10	
Kenyon	Mitchell	Hardy		
Rouble				
	NAY			
			0	

BILLS OTHER THAN GOVERNMENT BILLS

The following bill was called for Second Reading:

Bill #110 - Yukon Energy Corporation Protection Act
-Mr. McRobb

A debate arising on the motion for Second Reading of Bill #110, entitled Yukon Energy Corporation Protection Act, it was moved by the Hon. Mr. Fentie, Premier:

THAT the debate be now adjourned.

The question being put on the motion, it was agreed to, and debate on Second Reading of Bill #110 was accordingly adjourned.

GOVERNMENT BILLS

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

Bill #78 - Act to Amend the Elections Act
-Hon. Mr. Fentie

The following Bill was called for Second Reading:

Bill #80 - Act to Amend the Access to Information and Protection of Privacy Act and
the Health Act
-Hon. Mr. Hart

A debate arising on the motion for Second Reading of Bill #80, entitled Act to Amend the Access to Information and Protection of Privacy Act and the Health Act, and the time reaching 5:30 p.m., while the Hon. Mr. Lang, Minister of Highways and Public Works, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. on Thursday, November 5, 2009, and debate on Second Reading was accordingly adjourned.

The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Thursday, November 5, 2009.

No. 170

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Thursday, November 5, 2009

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

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Lang, Minister of Community Services

- Yukon Solid Waste Action Plan

(Filed Document #120)

Hon. Mr. Fentie, Premier

- Yukon Development Corporation 2008 Annual Report and Audited Financial Statements **(Sessional Paper #137)**
- Yukon Energy Corporation 2008 Annual Report and Audited Financial Statements **(Sessional Paper #138)**

SPEAKER'S RULING (Re: Question of Privilege Raised on October 29, 2009)

"Prior to proceeding to Orders of the Day, the Chair will rule on a Question of Privilege raised last Thursday by the Leader of the Official Opposition. The Chair would like to thank the Leader of the Official Opposition for bringing this issue to the attention of the House and would also like to thank the Government House Leader and the Leader of the Third Party for their contributions last Thursday.

In raising the Question of Privilege, the Leader of the Official Opposition charged the Premier with contempt for allegedly deliberately misleading this House with a statement the Premier made during Oral Question Period on April 27 of this year.

Before ruling on the Question of Privilege, the Chair will address some procedural matters. Standing Order 7(4) says that the Speaker must rule on (a) where 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.

I shall deal with the second matter first. The Leader of the Official Opposition raised the Question of Privilege on the first day of the 2009 Fall Sitting. The statement made by the Premier occurred during the 2009 Spring Sitting. However, the Leader of the Official Opposition stated that information that allegedly impugns the Premier's statement only became public after the Spring Sitting had concluded. The Chair accepts the position of the Leader of the Official Opposition and agrees that last Thursday was his earliest opportunity to bring this issue to the attention of the House.

I shall now address the issue of breach of privilege itself. In dealing with Questions of Privilege it is not the Chair's role to rule that a breach of privilege has or has not occurred. That is a matter for the House to decide. The question for the Chair is whether there appears, on the face of it, to be a breach of privilege. Should the Chair decide that is the case, the Leader of the Official Opposition will be invited to place before the House a motion that would address this issue. All other business before the House, with the exception of the Daily Routine, would be set aside until this issue is dealt with.

In order to rule on this Question of Privilege, the Chair must first consider the nature of contempt as an aspect of privilege. House of Commons Procedure and Practice, at page 52, defines contempt as 'any conduct which offends the authority or dignity of the House, even though no breach of any specific privilege may have been committed...'

The first question to be answered is whether the charge of misleading the House can be considered by the Chair as a matter of contempt. The answer appears clearly to be 'yes'.

The 23rd edition of Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament, at page 132, says, 'The Commons may treat the making of a deliberately misleading statement as a contempt.'

The second question is whether the Premier's statement, in the context described by the Leader of the Official Opposition, amounts to a contempt of the House. The facts, as presented by the Leader of the Official Opposition, can be summarized as follows: On April 27, the Premier told the House, in response to a question from the Leader of the Third Party, 'No, we're not involved in any process to privatize any public corporation in the Yukon, whether it be energy, hospitals or whatever the case may be.'

According to the Leader of the Official Opposition, the Premier's statement has been contradicted by the former Chair of the Yukon Energy Corporation Board of Directors and the Member for Lake Laberge, who was the Minister of Energy, Mines and Resources at the time the Premier made the statement in question.

The Premier's statement has also, allegedly, been contradicted by the Premier's own officials and government officials who handle access to information requests. The Leader of the Official Opposition asserted that the Premier was aware that negotiations to privatize all or part of Yukon Energy Corporation were ongoing when he made his statement on April 27, and that the Premier was personally involved in the negotiations.

This evidence, according to the Leader of the Official Opposition, means that the Premier's statement in the House on April 27 was not only misleading, but deliberately misleading. As a result the Leader of the Official Opposition concluded that the Premier is guilty of a contempt against this House.

The Leader of the Official Opposition, other Members of this House, members of the general public and members of the press gallery are free to use whatever criteria they wish to assess these statements and to draw their own conclusions. However, in dealing with the issue of contempt the Chair must rely on the principles of parliamentary democracy, established rules of procedure, and relevant precedents.

David McGee, the former Clerk of the New Zealand House of Representatives, has, in his book, Parliamentary Practice in New Zealand, articulated a standard for establishing a prima facie case of contempt. Mr. McGee says, 'There are two ingredients to be established when it is alleged that a Member is in contempt on this ground: the statement must, in fact, have been misleading; and it must be established that the Member making this statement knew at the time

the statement was made that it was incorrect and that, in making it, the Member intended to mislead the House.'

This standard has been cited in cases in the House of Commons of Canada, the Legislative Assembly of Alberta, and in other Canadian jurisdictions as well. It is also the standard I will follow in ruling on this matter of contempt.

McGee is not alone in focusing on the necessity of demonstrating intent. For example, in a 1987 ruling, Speaker Phillips of Manitoba said, 'A Member raising a matter of privilege which charges that another Member has misled the House, must support his or her charge with proof of intent.'

The Leader of the Official Opposition supplied evidence that he believes supports that assertion. However, the evidence offered by the Leader of the Official Opposition did not, in the Chair's view, establish a deliberate intention on the part of the Premier to mislead the House. The Chair appreciates that it is difficult to establish intent and notes that this difficulty has not been lost on other Canadian Speakers. Nonetheless, that is the standard to which the Chair must adhere.

Another factor to consider is the nature of the evidence offered by the Leader of the Official Opposition. As stated, he cited statements from a number of individuals that contradicted the statement the Premier made in the House in April. From the research conducted for this ruling it was found that in those instances where Speakers ruled that a prima facie contempt existed, the case against the Member accused of misleading the House was founded on contradictory statements – either oral or written – made by that Member. The assertions of others – including elected Members – or documents supplied by others, were not enough.

Parliamentary authorities point to the importance of self-incrimination as the means of establishing intent in the cases of contempt. Joseph Maingot, on page 224 of his second edition of Parliamentary Privilege in Canada, says, 'An admission by a Member that he misled the House would constitute a matter of disorder, and an admission of deliberately misleading the House would constitute a breach of privilege or, more properly, contempt.'

The 23rd edition of Erskine May, at page 132, cites one example where an admission of deliberately misleading the House resulted in the finding of contempt against a Member. This was the infamous case from 1963 involving a British Cabinet Minister by the name of John Profumo. In this case, the Member delivered a prepared statement to the House of Commons, which he subsequently admitted was not true. Minister Profumo's admission was the basis of the successful contempt case against him.

Members are also aware that this House, like others, operates on the basis that all Members are honourable and are to be taken at their word. Annotation 494, in the 6th edition of Beauchesne's Parliamentary Rules and Forms of the House of Commons of Canada, says, 'It has been formally ruled by Speakers that statements by Members respecting themselves and particularly within their own knowledge must be accepted.'

In the House of Commons of Canada, for instance, it is accepted that if a Member denies having misled the House, the Speaker accepts the Member's assertion and the case is closed. Similarly, in the Quebec National Assembly the President has consistently ruled that in order to open the way to a Question of Privilege, a Member must overturn the presumption established in Standing Order 35(6), according to which a Member must be taken at his word. This presumption can be overturned only when a Member, in making some statement, deliberately misleads the Assembly and thereafter acknowledges having misled it, thus placing himself or herself in contempt of Parliament.

In a ruling in 2002, Speaker Carr of the Legislative Assembly of Ontario spoke of the high threshold regarding charges of contempt. Speaker Carr said, 'The threshold for finding a prima facie case of contempt against a Member of the Legislature on the basis of deliberately misleading the House is ... set quite high and is very uncommon. It must involve a proved finding of an overt attempt to intentionally mislead the Legislature. In the absence of an admission from the Member accused of the conduct, or of tangible confirmation of the conduct independently proved, a Speaker must assume that no honourable Members would engage in such behaviour or that, at most, inconsistent statements were the result of inadvertence or honest mistake.'

As I mentioned at the beginning of this ruling, the question for the Chair is whether there appears, on the face of it, to be a breach of privilege. Based on the standards established for the Canadian Legislative Assemblies and the precedents cited above, the Chair concludes that there is no prima facie contempt in this case.

Members – and others – may ask why the threshold for demonstrating a prima facie contempt is so high. The Legislative Assembly is primarily a forum for debate on bills and public policy. Members have different and sometimes conflicting perspectives on the issues that come before them. Members will table documents or offer other evidence that supports their point of view, or counters that of other Members. If the presentation of evidence that contradicts the statements of a Member could be taken as the basis of a contempt charge, the House might find itself devoting more and more time to that issue, rather than the bills and policies it is supposed to debate.

Perhaps more importantly, Members should also keep in mind that the powers of an Assembly to discipline its Members are substantial. A Member found in contempt of the House could be censured, suspended from the service of the Assembly for a specified period of time or expelled from the House. Furthermore, the exercise of the disciplinary powers is part of the Assembly's collective privilege to control its own proceedings; therefore such decisions are not subject to judicial review. For these reasons the Chair must exercise great caution before allowing a motion based on a Question of Privilege to be placed before the House.

To quote again from Beauchesne, there are times when the House has 'to accept two contradictory accounts of the same incident.' That, in the view of the Chair, is the situation faced by the House in this instance.

Standing Order 7(5) says, 'If the Speaker rules that there is no prima facie case of breach of privilege or that the matter has not been raised at the earliest opportunity, the matter is then closed.' However, this only means that it is closed as a matter of privilege. The Leader of the Official Opposition – or any other Member – may still bring this issue before the House. This could be done by raising a question during the Oral Question Period or by giving notice of a substantive motion, which could then be called for debate using the usual rules of procedure.

The Chair thanks all Members for their attention to this ruling. We will now proceed to Orders of the Day and Government Bills."

GOVERNMENT BILLS

The following bill was called for Second Reading:

Bill #17 - Second Appropriation Act, 2009-10

-Hon. Mr. Fentie

The debate continuing (from November 2 and November 3, 2009) on the motion for Second Reading of Bill #17, and the question being put, it was agreed to.

Bill #17, entitled Second Appropriation Act, 2009-2010, was accordingly referred to Committee of the Whole.

The following Bill was called for Second Reading:

Bill #80 - Act to Amend the Access to Information and Protection of Privacy Act and the Health Act
-Hon. Mr. Lang

The debate continuing (from November 4, 2009) on the motion for Second Reading of Bill #80, and the question being put, it was agreed to.

Bill #80, entitled Act to Amend the Access to Information and Protection of Privacy Act and the Health Act, was accordingly referred to Committee of the Whole.

The following Bill was called for Second Reading:

Bill #73 - Act to Amend the Registered Nurses Profession Act
- Hon. Mr. Hart

Debate having started on the motion for Second Reading of Bill #73, entitled Act to Amend the Registered Nurses Profession Act, it was moved by the Hon. Mr. Lang:

THAT debate be now adjourned.

The question being put, it was agreed to.

The Assembly adjourned at 5:22 p.m. until 1:00 p.m., Monday, November 9, 2009.

No. 171

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Monday, November 9, 2009

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

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

Prior to proceeding with the Daily Routine, the Speaker made the following statement regarding changes made to the Order Paper.

"Motion No. 863, standing in the name of the Member for Klondike, has been removed from the Order Paper as it is outdated."

TRIBUTES

In remembrance of Robert Finlay Munroe

The Speaker, Hon. Ted Staffen, paid tribute on behalf of all Members to Robert Finlay Munroe, who passed away on October 17, 2009. Mr. Munroe served as Deputy Sergeant-at-Arms from 2000 to 2001. Condolences were extended to his family, including the Commissioner of Yukon, Hon. Geraldine Van Bibber, and friends.

TABLING RETURNS AND DOCUMENTS

Mr. McRobb, Member for Kluane

- ATCO Discussions: Timeline of meetings and conference calls for the period of November 2, 2008 to January 21, 2009 **(Filed Document #121)**
- Yukon Energy Corporation Protection Act, Bill #10: letters (dated October 1, 2009) from Gary McRobb, MLA Kluane to the Hon. Dennis Fentie, Minister responsible for the Yukon Energy Corporation, John Edzerza, MLA, McIntyre-Takhini, Todd Hardy, YEC Critic - NDP Caucus, and David Morrison, President, Yukon Energy Corporation **(Filed Document #122)**

GOVERNMENT BILLS

The following bill was called for Second Reading:

- Bill #73 - Act to Amend the Registered Nurses Profession Act
- Hon. Mr. Hart

The debate continuing (from November 5, 2009) on the motion for Second Reading of Bill #73, and the question being put, it was agreed to on the following recorded Division:

YEA			
Fentie	Horne	McRobb	
Taylor	Edzerza	Inverarity	
Hart	Nordick	Cardiff	13
Rouble	Mitchell	Cathers	
Lang			
NAY			
			0

Bill #73, entitled Act to Amend the Registered Nurses Profession Act, was accordingly referred to Committee of the Whole.

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

Bill #75 - Second Miscellaneous Statute Law Amendment Act, 2009
-Hon. Ms. Horne

The following Bill was called for Second Reading:

Bill #76 - Act to Amend the Motor Vehicles Act
- Hon. Mr. Lang

A debate arising on the motion for Second Reading of Bill #76, and the question being put, it was agreed to on the following recorded Division:

YEA			
Fentie	Horne	McRobb	
Taylor	Edzerza	Inverarity	
Hart	Nordick	Cardiff	13
Rouble	Mitchell	Cathers	
Lang			
NAY			
			0

Bill #76, entitled Act to Amend the Motor Vehicles Act, was accordingly referred to Committee of the Whole.

The following Bill was called for Second Reading:

Bill #79 - Act to Amend the Medical Profession Act
- Hon. Mr. Lang

A debate arising on the motion for Second Reading of Bill #79, and the question being put, it was agreed to on the following recorded Division:

YEA			
Fentie	Horne	McRobb	
Taylor	Edzerza	Inverarity	
Rouble	Nordick	Cardiff	12
Lang	Mitchell	Cathers	

NAY

0

Bill #79, entitled 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.

Progress was reported on the following bill:

Bill #17 - Second Appropriation Act, 2009-10

-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Tuesday, November 10, 2009.

No. 172

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Tuesday, November 10, 2009

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

MOMENT OF SILENCE - In Recognition of Remembrance Day

The Speaker and the House observed Remembrance Day as follows:

“Before the House proceeds to the Daily Routine, I’d ask Members to remain standing while we take a few moments to honour those who have served, and continue to serve, in Canada's Armed Forces. Wednesday, November 11, is Remembrance Day. Remembrance Day marks the end of Veterans' Week and it is a time for Yukoners and other Canadians to honour the men and women who have defended Canada during times of war, and have brought peace to troubled parts of the world. The freedoms we cherish, and that are all too often taken for granted, exist largely because of the sacrifices made by these brave individuals. 2009 marks the 90th anniversary of the first observance of Remembrance Day. It also marks the 70th anniversary of the outbreak of World War II, as well as the 65th anniversary of the D-Day invasion and the Battle of Normandy. At this time of year we wear poppies, we pause for two minutes of silent tribute and attend ceremonies to honour their memory. As this is the last sitting day before Remembrance Day, it is appropriate for Members to observe a moment of silence. I would ask, therefore, that everyone present reflect on the extraordinary sacrifices of those Canadians who have served, and continue to serve, in times of war, and turmoil. We will have a moment of silence, please.”

PETITIONS

Response to Petition #8

The Hon. Mr. Fentie, Premier, gave an oral response to Petition #8 (received by the House on November 4, 2009) with regard to retaining public ownership of the Yukon Energy Corporation.

Presentation of a Petition to the House

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

- Minto Park in Dawson City **(Petition #9)**

MINISTERIAL STATEMENT

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

- Leave for the Canadian Reserve Force

COMMITTEE OF THE WHOLE

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

Progress was reported on the following bill:

Bill #17 - Second Appropriation Act, 2009-10

-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:31 p.m. until 1:00 p.m., Thursday, November 12, 2009.

No. 173

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Thursday, November 12, 2009

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

TABLING RETURNS AND DOCUMENTS

Mr. Hardy, Member for Whitehorse Centre

- Public Accounts, Standing Committee on: quorum, letter (dated November 9, 2009) from Arthur Mitchell, Chair, PAC to Steve Cardiff, NDP representative, PAC **(Filed Document #123)**

PETITIONS

Report of the Clerk

The Clerk reported on Petition #9 as follows:

“Mr. Speaker and Honourable Members of the Assembly:

I have had the honour to review a petition, being Petition #9 of the First Session of the 32nd Legislative Assembly, as presented by the Leader of the Official Opposition on November 10, 2009.

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

Floyd McCormick, Clerk
Yukon Legislative Assembly”

The Speaker ruled that, accordingly, Petition #9 was deemed to have been read and received.

UNANIMOUS CONSENT TO DEBATE MOTION #877

The Hon. Ms. Taylor, Government House Leader, requested and received, the unanimous consent of the House to call Motion #877 for debate.

GOVERNMENT MOTIONS

Moved by the Hon. Ms. Taylor, Government House Leader:

THAT, notwithstanding any other Standing Order, the first item of business under Orders of the Day on November 18, 2009, shall be Motion #850 standing in the name of the Member for Mount Lorne. **(Motion #877)**

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

COMMITTEE OF THE WHOLE

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

Progress was reported on the following bill:

Bill #17 - Second Appropriation Act, 2009-10
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:31 p.m. until 1:00 p.m., Monday, November 16, 2009.

No. 174

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Monday, November 16, 2009

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

TABLING RETURNS AND DOCUMENTS

Mr. Nordick, Member for Klondike

- Public Accounts, Standing Committee on: letter (dated November 12, 2009) from Steve Nordick, Vice-Chair, Public Accounts Committee, to Arthur Mitchell, Chair, Public Accounts Committee, regarding attendance at PAC meetings

(Filed Document #124)

Mr. McRobb, Member for Kluane

- Public Accounts, Standing Committee on: letter (dated November 13, 2009) from Gary McRobb, MLA, Kluane, to Steve Nordick, Member, Public Accounts Committee, regarding attendance at PAC meetings
- Public Accounts, Standing Committee on: letter (dated November 16, 2009) from Arthur Mitchell, Chair, Public Accounts Committee, to Steve Nordick, Member, Public Accounts Committee, re meeting date of Friday, November 20, 2009

(Filed Document #126)

COMMITTEE OF THE WHOLE

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

Progress was reported on the following bill:

Bill #17 - Second Appropriation Act, 2009-10
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Tuesday, November 17, 2009.

No. 175

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Tuesday, November 17, 2009

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

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Ms. Taylor, Government House Leader, identified Motion #834, as being the item to be called during Government Private Members' Business on Wednesday, November 18, 2009.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following bill:

Bill #17 - Second Appropriation Act, 2009-10
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:31 p.m. until 1:00 p.m., Wednesday, November 18, 2009.

No. 176

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Wednesday, November 18, 2009

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

POINT OF PERSONAL PRIVILEGE

The Hon. Mr. Hart, Member for Riverdale South, rose on a Point of Personal Privilege, regarding a remark he made to the Member for Mount Lorne in the House on Tuesday, November 17, 2009. The Hon. Mr. Hart withdrew the remark and offered his unqualified apology to the Member for Mount Lorne and to the House.

OPPOSITION PRIVATE MEMBERS' BUSINESS

Moved by Mr. Cardiff, Member for Mount Lorne:

THAT this House establish a Select Committee on the *Landlord and Tenant Act*,

THAT the membership of the Committee be comprised of equal representation from the Government caucus, the Official Opposition caucus and the Third Party caucus to be determined by the Premier, the Leader of the Official Opposition and the Leader of the Third Party,

THAT the Committee conduct public consultations for the purpose of receiving views and opinions of Yukon residents and interested groups on the Act,

THAT the Committee report to the House its findings and recommendations respecting:

- (1) changes to the regulations made pursuant to the Act,
- (2) substantive amendments to the Act, or
- (3) the introduction by the Government of a new Act,

THAT the Committee report to the House no later than the 2010 Spring Sitting of the Legislative Assembly,

THAT the Government introduce in the House legislation no later than the 2010 Spring Sitting of the Legislative Assembly,

THAT the Committee have the power to call for persons, papers and records and to sit during inter-sessional periods,

THAT the Committee have the power to seek background information from experts and to be able to call and hear these experts as witnesses,

THAT if the House is not sitting at such time as the Committee is prepared to present its report, the Committee transmit its report to all Members of the Legislative Assembly and then, not more than one day later, release the report to the public; and

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee. **(Motion #850)**

A debate arising on the motion, it was moved by Mr. Inverarity, Member for Porter Creek South, in amendment thereto:

THAT Motion #850 be amended by replacing all the words immediately after the words "THAT this House" with the following:

"urges the Yukon Government to immediately conduct public consultations on the *Landlord and Tenant Act*; and

THAT the Government introduce in the House legislation no later than the 2010 Spring Sitting of the Legislative Assembly".

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

YEA			
Elias	Fairclough	Inverarity	3
NAY			
Fentie	Rouble	Edzerza	10
Taylor	Lang	Nordick	
Hart	Horne	Cardiff	
Kenyon			

The debate continuing on the motion, it was moved by Mr. Fairclough, Member for Mayo-Tatchun, in amendment thereto:

THAT Motion #850 be amended by inserting immediately after the words "THAT the Committee conduct public consultations for the purpose of receiving views and opinions of Yukon residents and interested groups on the Act; the following:

"THAT decisions by the Committee require unanimous agreement by members of the Committee."

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

The question being put on Motion #850, it was agreed to on the following recorded Division:

YEA			
Fentie	Rouble	Nordick	12
Taylor	Lang	Fairclough	
Hart	Horne	Inverarity	
Kenyon	Edzerza	Cardiff	

NAY

0

GOVERNMENT PRIVATE MEMBERS' BUSINESS

Moved by Mr. Nordick, Member for Klondike:

THAT a Select Committee on the Safe Operation and Use of Off Road Vehicles be established,

THAT the membership of the Committee be comprised of equal representation from the Government Caucus, the Official Opposition Caucus, Third Party Caucus and include the Independent Member,

THAT the Premier, the Leader of the Official Opposition, and the Leader of the Third Party name their respective caucus member(s) to the Committee,

THAT the Committee conduct public consultations for the purpose of receiving the views and opinions of Yukon residents and prepare a report making recommendations on the safe operation and use of all terrain vehicles and snowmobiles in the territory,

THAT the Committee report its findings and recommendations in the 2010 Fall Sitting of the Legislative Assembly,

THAT the Committee have the power to seek background information from experts and to call and hear these expert witnesses; and

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee. **(Motion #834)**

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

YEA		
Fentie	Horne	Elias
Taylor	Edzerza	Fairclough
Hart	Nordick	Inverarity
Kenyon	Mitchell	Cardiff
Rouble	McRobb	Cathers
Lang		

NAY		
		0

The Assembly adjourned at 5:26 p.m. until 1:00 p.m., Thursday, November 19, 2009.

No. 177

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Thursday, November 19, 2009

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

TABLING RETURNS AND DOCUMENTS

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

- Queen's Printer Agency 2008-2009 Annual Report **(Filed Document #127)**
- Fleet Vehicle Agency 2008-2009 Annual Report **(Filed Document #128)**

COMMITTEE OF THE WHOLE

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

Progress was reported on the following bill:

Bill #17 - Second Appropriation Act, 2009-10

-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Monday, November 23, 2009.

No. 178

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Monday, November 23, 2009

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

GOVERNMENT MOTIONS

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

THAT it is the opinion of this House that:

- (1) climate change is one of the greatest challenges facing the world today,
- (2) in Yukon and across the circumpolar north the effects of climate change are occurring at a rapid rate and are impacting forests, wildlife, transportation corridors, infrastructure, water, food security and traditional ways of life, and
- (3) addressing climate change requires collaboration and action at all levels of government;

THAT this House recognizes the role of subnational governments' experience and expertise in informing and supporting national governments in achieving a global climate agreement at the upcoming Conference of the Parties to the United Nations Framework Convention on Climate Change in Copenhagen, December 2009; and

THAT this House urges the Government of Canada and all national governments to make every effort to reach an international agreement on climate change. **(Motion #890)**

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

YEA

Fentie	Lang	McRobb	
Taylor	Horne	Elias	
Hart	Edzerza	Fairclough	14
Kenyon	Nordick	Cardiff	
Rouble	Mitchell		

NAY

0

COMMITTEE OF THE WHOLE

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

Progress was reported on the following bill:

Bill #17 - Second Appropriation Act, 2009-10
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:29 p.m. until 1:00 p.m., Tuesday, November 24, 2009.

No. 179

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Tuesday, November 24, 2009

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

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

Prior to proceeding with the Daily Routine, the Speaker made the following statement regarding changes made to the Order Paper.

"Motion #87 and Motion #477 standing in the name of the Member for Mount Lorne have been removed from the Order Paper as they are similar to Motion #850 which was adopted by the House on November 18, 2009."

PETITIONS

Mr. Cathers, Member for Lake Laberge, presented the following Petition:

- Canadian Broadcasting Corporation, AM radio transmission **(Petition #10)**

NOTICE OF OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader, identified Motion #844 as being the item to be called during Opposition Private Members' Business on Wednesday, November 25, 2009.

Pursuant to Standing Order 14.2(3), Mr. Cardiff, Third Party House Leader, identified Motion #851 as being the item to be called during Opposition Private Members' Business on Wednesday, November 25, 2009.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following bill:

Bill #17 - Second Appropriation Act, 2009-10
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Wednesday, November 25, 2009.

No. 180

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Wednesday, November 25, 2009

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

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Horne, Minister of Justice

- Yukon Judicial Council 2008 Annual Report

(Sessional Paper #139)

PETITIONS

Response to Petition #9

The Hon. Mr. Hart, Minister of Health and Social Services, gave an oral response to Petition #9 (deemed to have been read and received by the House on November 12, 2009) with regard to Minto Park in Dawson City.

Report of the Clerk on Petition #10

The Clerk reported on Petition #10 as follows:

“Mr. Speaker and Honourable Members of the Assembly:

I have had the honour to review a petition, being Petition #10 of the First Session of the 32nd Legislative Assembly, as presented by the Member for Lake Laberge on November 24, 2009.

The Petition presented by the Member for Lake Laberge appears in two forms. The first is addressed to the Legislative Assembly, contains a prayer and concludes with the following request:

‘Therefore, the undersigned ask the Legislative Assembly to ensure that every Yukon resident continue to be able to receive CBC radio on an AM or FM frequency.’

The second form of the Petition contains only the request.

The wording of the request in both versions is, in all regards, identical. However, the request is vague; it is not clear that it falls within the powers of the Legislative Assembly as enumerated in the *Yukon Act*, given that broadcasting regulation is a responsibility of the Parliament of Canada. On the other hand the petitioners do not clearly ask the Legislative Assembly to act outside its powers under the *Yukon Act*.

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

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

Floyd W. McCormick, Clerk
Yukon Legislative Assembly"

The Speaker, ruled that, accordingly, Petition #10 was deemed to have been read and received.

OPPOSITION PRIVATE MEMBERS' BUSINESS

Moved by Mr. Mitchell, Member for Copperbelt:

THAT this House has lost confidence in the Premier and in his capacity to govern.

(Motion #844)

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

YEA			
Mitchell	Fairclough	Hardy	
McRobb	Inverarity	Cardiff	7
Elias			
NAY			
Fentie	Rouble	Edzerza	
Hart	Lang	Nordick	8
Kenyon	Horne		

Moved by Mr. Hardy, Member for Whitehorse Centre:

THAT this House urges the Yukon Government as part of its social inclusion initiative to host a major summit in Whitehorse in early 2010, similar in structure and scope to the Yukon Substance Abuse Summit of 2005, to bring together all levels of government, including federal, territorial, First Nations, municipal, as well as non-government organizations, the private sector, people living in poverty and acknowledged experts in the field, for a focused discussion to examine effective strategies to respond to poverty and other factors, such as inadequate housing, education and employment, that exclude people from participating in healthy and productive living.

(Motion #851)

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

YEA			
Fentie	Horne	Elias	
Hart	Edzerza	Fairclough	
Kenyon	Nordick	Hardy	14
Rouble	Mitchell	Cardiff	
Lang	McRobb		
NAY			
			0

The Assembly adjourned at 5:20 p.m. until 1:00 p.m., Thursday, November 26, 2009.

No. 181

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Thursday, November 26, 2009

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

POINT OF PERSONAL PRIVILEGE

Mr. McRobb, Member for Kluane, rose on a Point of Personal Privilege, to correct a comment that he made on November 25, 2009 during debate on Motion #844.

TABLING RETURNS AND DOCUMENTS

Mr. Hardy, Member for Whitehorse Centre

- Yukoners Attitudes on the Environment and Peel Watershed, Final Report (dated September 15, 2009): prepared for Canadian Parks and Wilderness Society, Yukon Chapter; Yukon Conservation Society; and Tourism Industry Association of the Yukon by DataPath Systems **(Filed Document #129)**

COMMITTEE OF THE WHOLE

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

Progress was reported on the following bill:

Bill #17 - Second Appropriation Act, 2009-10
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Monday, November 30, 2009.

No. 182

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Monday, November 30, 2009

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

TABLING RETURNS AND DOCUMENTS

Mr. Hardy, Member for Whitehorse Centre

- Credit Unions in Yukon: letters of support to the Members of the Yukon Legislative Assembly, from Rick Karp, President of the Whitehorse Chamber of Commerce (dated November 18, 2009); Jerome Babyn, Chair of the Yukon Chamber of Commerce (dated November 20, 2009); and Alex Furlong, President of the Yukon Federation of Labour (dated November 26, 2009)

(Filed Document #130)

PETITIONS

Mr. Hardy, Member for Whitehorse Centre, presented the following Petition:

- Establishing a Credit Union in Yukon

(Petition #11)

COMMITTEE OF THE WHOLE

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

Progress was reported on the following bill:

Bill #17 - Second Appropriation Act, 2009-10

-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Tuesday, December 1, 2009.

No. 183

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Tuesday, December 1, 2009

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

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

Prior to Daily Routine, the Speaker informed the House of the following changes to the Order Paper:

"The Chair wishes to inform the House of changes that have been made to the Order Paper. Motion #274 and Motion #712, standing in the name of the Leader of the Third Party, have been removed from the Order Paper, as they are similar to Motion #852, which was adopted by the House on November 4, 2009."

PETITIONS

Report of the Clerk

The Clerk reported on Petition #11 as follows:

"Mr. Speaker and Honourable Members of the Assembly:

I have had the honour to review a petition, being Petition #11 of the First Session of the 32nd Legislative Assembly, as presented by the Member for Whitehorse Centre on November 30, 2009.

The petition presented by the Member for Whitehorse Centre appears in three versions. The first meets the requirements as to form of the Standing Orders of the Yukon Legislative Assembly.

The second version of the petition is addressed to the Legislative Assembly, and contains a proper prayer and request for action. However, while this version of the petition contains many names, it contains no original signatures. The practice of the Yukon Legislative Assembly regarding petitions requires original signatures and so this version of the petition cannot be received.

The third version of the petition contains original signatures; however, the prayer and the request for action are different from the first version. Further, the prayer and the request for action do not meet the requirements as to form outlined in the Standing Orders and the Model Petition appended to the Standing Orders.

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

of the petition to which the Government should respond. The other two versions of the petition will be returned to the Member for Whitehorse Centre.

Floyd W. McCormick, Clerk
Yukon Legislative Assembly

The Speaker ruled that subject to the conditions laid out by the Clerk, Petition #11 is, accordingly, deemed to be read and received.

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Ms. Taylor, Government House Leader, identified Motion #836, and Motion #835, as being the items to be called during Government Private Members' Business on Wednesday, December 2, 2009.

GOVERNMENT MOTIONS

Moved by the Hon. Ms. Taylor, Government House Leader:

THAT the membership of the Members' Services Board, as established by Motion #7 of the First Session of the 32nd Legislative Assembly, be amended by rescinding the appointment of Brad Cathers and appointing the Hon. Glenn Hart to the Board. **(Motion #887)**

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

Moved by the Hon. Ms. Taylor, Government House Leader:

THAT the membership of the Standing Committee on Rules, Elections and Privileges, as established by Motion #6 of the First Session of the 32nd Legislative Assembly, be amended by rescinding the appointment of Brad Cathers and appointing John Edzerza to the Committee. **(Motion #888)**

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

Moved by the Hon. Ms. Taylor, Government House Leader:

THAT the membership of the Standing Committee on Statutory Instruments, as established by Motion #9 of the First Session of the 32nd Legislative Assembly, be amended by rescinding the appointments of Brad Cathers and John Edzerza and appointing the Hon. Patrick Rouble and Steve Cardiff to the Committee. **(Motion #889)**

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

COMMITTEE OF THE WHOLE

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

Quorum Count

At 3:01 p.m., the Hon. Ms. Taylor, 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(4), the Chair of Committee of the Whole rang the bells and then did a count. A quorum was present for the count.

Progress was reported on the following bill:

Bill #17 - Second Appropriation Act, 2009-10
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:27 p.m. until 1:00 p.m., Wednesday, December 2, 2009.

No. 184

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Wednesday, December 2, 2009

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

TRIBUTES

In remembrance of Bea Firth, former Yukon MLA

The Hon. Ted Staffen, Speaker, paid tribute on behalf of all Members to Beatrice Ann Firth, who passed away on June 20, 2008. Mrs. Firth represented Whitehorse Riverdale South from 1982 to 1992 and Riverdale South from 1992 to 1996. Mrs. Firth was instrumental in having the 911 emergency phone service brought to Whitehorse and having the first mammography machine installed at the Whitehorse General Hospital as well as introducing in the Legislative Assembly, the *Access to Information Act*. Condolences were extended to her husband Tom, her family, and many friends.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Staffen, Speaker

- Yukon Human Rights Commission April 1, 2008 – March 31, 2009 Annual Report **(Sessional Paper #140)**

GOVERNMENT PRIVATE MEMBERS' BUSINESS

Moved by Mr. Nordick, Member for Klondike:

THAT this House urges the Government of Yukon to introduce amendments to the *Motor Vehicles Act* to prohibit the use of hand-held cell phones and other similar electronic devices while driving or operating a motor vehicle on a highway, except as provided for by law. **(Motion #836)**

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

THAT Motion #836 be amended by immediately after the words "THAT this House urges the Government of Yukon to" deleting the word "introduce" and replacing it with the following: "consult with Yukoners before introducing".

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

YEA			
Fentie	Horne	Elias	
Taylor	Edzerza	Fairclough	
Kenyon	Nordick	Inverarity	15
Rouble	Mitchell	Cardiff	
Lang	McRobb	Cathers	
NAY			
			0

A debate arising on the motion as amended, it was moved by Mr. Cathers, Member for Lake Laberge, in amendment thereto:

THAT Motion #836 as amended be amended by inserting after the phrase "urges the Government of Yukon to" the following:

"evaluate, over the next 12 months, successes and failures of recently implemented legislation in other Canadian jurisdictions, and subsequently"

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

A debate arising on Motion #836 as amended and the question being put, it was agreed to on the following recorded Division:

YEA			
Fentie	Horne	Elias	
Taylor	Edzerza	Fairclough	
Kenyon	Nordick	Inverarity	14
Rouble	Mitchell	Cardiff	
Lang	McRobb		
NAY			
Cathers			1

Moved by Mr. Nordick, Member for Klondike:

THAT a Select Committee on the Prohibition of Discharging a Firearm within a Road Corridor be established,

THAT the membership of the Committee be comprised of equal representation from the Government Caucus, the Official Opposition Caucus, the Third Party Caucus and include the Independent Member.

THAT the Premier, Leader of the Official Opposition and the Leader of the Third Party name, their respective member(s) to the Committee;

THAT the Committee conduct public consultations for the purpose of receiving the views and opinions of Yukon residents and prepare a report making recommendations regarding public safety for prohibiting the discharge of a firearm within a road corridor,

THAT the Committee report its findings and recommendations in the 2010 Fall Sitting of the Legislative Assembly,

THAT the Committee have the power to seek background information from experts and to be able to call and hear these experts witnesses; and

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee. **(Motion #835)**

A debate having started on the motion, it was moved by Mr. Fairclough, Member for Mayo-Tatchun, in amendment thereto:

THAT Motion #835 be amended by replacing all the words immediately after the words "THAT" with the following;

"this House urges the Government of Yukon to initiate a public consultation process on the prohibition of discharging a firearm within a road corridor,

THAT, as part of this consultation process, the Government of Yukon receive the views and opinions of Yukon residents and prepare a report containing recommendations regarding public safety and wildlife conservation; and

THAT the Government of Yukon report its findings and recommendations to this House during the 2010 Fall Sitting of the Legislative Assembly."

A debate arising on the amendment to Motion #835, and the time reaching 5:30 p.m., the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m., Thursday, December 3, 2009 and debate on the amendment and on Motion #835 was accordingly adjourned.

The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Thursday, December 3, 2009.

No. 185

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Thursday, December 3, 2009

FILED DOCUMENT

During Question Period, Mr. Hardy, Member for Whitehorse Centre, filed the following document:

- Climate change action by Government of Canada: letter (dated December 3, 2009) to the Right Hon. Stephen Harper, Prime Minister of Canada, from Yukon politicians, signed by Todd Hardy, Leader, Third Party **(Filed Document #131)**

COMMITTEE OF THE WHOLE

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

At 2:05 p.m., Committee of the Whole passed the following motion:

THAT, Craig Tuton, Chair of the Yukon Workers' Compensation Health and Safety Board, and Valerie Royle, President and Chief Executive Officer of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses in Committee of the Whole on Thursday, December 10, 2009, from 3:30 p.m. to 5:30 p.m. to discuss matters relating to the Yukon Workers' Compensation Health and Safety Board. **(C/W Motion #16)**

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

Quorum Count

At 3:15 p.m., the Hon. Ms. Taylor, 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(4), the Chair of Committee of the Whole rang the bells and then did a count. A quorum was present for the count.

Quorum Count

At 3:47 p.m., the Hon. Ms. Taylor, 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(4), the Chair of Committee of the Whole rang the bells and then did a count. A quorum was present for the count.

Quorum Count

At 4:54 p.m., the Hon. Ms. Taylor, 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(4), the Chair of Committee of the Whole rang the bells and then did a count. A quorum was present for the count.

Progress was reported on the following bill:

Bill #17 - Second Appropriation Act, 2009-10

-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Monday, December 7, 2009.

No. 186

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Monday, December 7, 2009

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

CHANGES TO THE ORDER PAPER (Withdrawal of Motions)

Prior to Daily Routine, the Speaker informed the House of the following change to the Order Paper:

“The Chair wishes to inform the House of a change which has been made to the Order Paper. Motion #847, standing in the name of the Member for Vuntut Gwitchin, has been removed from the Order Paper, as it is similar to Motion #836, which was adopted by this House, as amended, on December 2, 2009.”

PETITIONS (Response to Petition #10)

The Hon. Mr. Lang, Minister of Community Services, gave an oral response to Petition #10 (received by the House on November 25, 2009) with regard to AM radio transmission by the Canadian Broadcasting Corporation.

COMMITTEE OF THE WHOLE

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

Quorum Count

At 2:38 p.m., Mr. Edzerza, Member for McIntyre-Takhini, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(4), the Chair of Committee of the Whole rang the bells and then did a count. A quorum was present for the count.

Quorum Count

At 3:40 p.m., the Hon. Mr. Fentie, Premier, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(4), the Chair of Committee of the Whole rang the bells and then did a count. A quorum was present for the count.

Progress was reported on the following bill:

Bill #17 - Second Appropriation Act, 2009-10

-Hon. Mr. Fentie

The report of the Chair was adopted.



The Assembly adjourned at 5:31 p.m. until 1:00 p.m., Tuesday, December 8, 2009.

No. 187

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Tuesday, December 8, 2009

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

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

Prior to Daily Routine, the Speaker informed the House of the following change to the Order Paper:

"The Chair wishes to inform the House of a change which has been made to the Order Paper. Motion #362, standing in the name of the Member for Porter Creek South, has been removed from the Order Paper, as it is outdated."

NOTICE OF OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. Cardiff, Third Party House Leader, identified Motion #932 as being the item to be called during Opposition Private Members' Business on Wednesday, December 9, 2009.

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader, identified Motion #848 as being the item to be called during Opposition Private Members' Business on Wednesday, December 9, 2009.

COMMITTEE OF THE WHOLE

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

Quorum Count

At 4:48 p.m., the Hon. Mr. Rouble, Minister of Education, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(4), the Chair of Committee of the Whole rang the bells and then did a count. A quorum was present for the count.

Progress was reported on the following bill:

Bill #17 - Second Appropriation Act, 2009-10
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:31 p.m. until 1:00 p.m., Wednesday, December 9, 2009.

No. 188

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Wednesday, December 9, 2009

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

PETITIONS (Response to Petition #11)

The Hon. Mr. Lang, Minister of Community Services, gave an oral response to Petition #11 (received by the House on December 1, 2009) with regard to establishing a credit union in Yukon.

OPPOSITION PRIVATE MEMBERS' BUSINESS

Moved by Mr. Hardy, Member for Whitehorse Centre

THAT this House urges the Yukon Government to introduce legislation in the Legislative Assembly by November 30, 2010, enabling the establishment of credit unions in the Territory. **(Motion #932)**

A debate started on the motion.

Quorum Count

At 2:35 p.m., Mr. Edzerza, Member for McIntyre-Takhini, 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 Deputy Speaker rang the bells. The Speaker then did a count. A quorum was present for the count.

The debate continuing on the motion, it was moved by the Hon. Mr. Fentie, Premier, in amendment thereto:

THAT Motion #932 be amended by deleting the word "introduce" and replacing it with the words:

"establish a committee comprised of representatives of the Government, the Official Opposition, the Third Party, labour, business and Credit Union Yukon to study and report on introducing"

and by deleting the period after the word "territory" replacing it with a semi-colon and adding the clause:

"and

THAT the proposed legislation make provision for allowing a credit union incorporated in a province to operate in Yukon subject to the same limitations and protection of members and other investors as under the law of the province in which it is incorporated."

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

A debate arising on Motion #932 as amended, and the question being put, it was agreed to on the following recorded Division:

YEA		
Fentie	Horne	Fairclough
Hart	Edzerza	Inverarity
Kenyon	Nordick	Hardy
Rouble	Mitchell	Cardiff
Lang	Elias	

NAY

14
0

Moved by Mr. Elias, Member for Vuntut Gwitchin:

THAT this House establish an independent, non-partisan Commission on Yukon Aboriginal Language Protection,

THAT the Commission be comprised of four Yukon residents, one to be appointed by the Premier, one to be appointed by the Leader of the Official Opposition, one to be appointed by the Leader of the Third Party and a non-voting chair to be appointed by the Standing Committee on Appointments to Major Government Boards and Committees,

THAT the Commission receive the views and opinions of Yukoners, interested groups and stakeholders on legislative amendments to Yukon's Languages Act that include granting rights in respect of, or providing services in any Yukon aboriginal language in addition to the rights and services provided in the Act, as well as other matters,

THAT the Commission shall develop terms of reference before receiving the views and opinions of Yukon residents,

THAT the Languages Act be referred to the Commission,

THAT the decisions by the Commission require majority support by members of the Commission,

THAT the Commission report to the Legislative Assembly no later than two years after its establishment:

- (1) its findings relating to public opinion for the protection of Yukon Aboriginal languages,
- (2) its recommendations regarding what form legislation implementing changes recommended by the Commission should take,

THAT in the event the Legislative Assembly is not sitting at the time the Commission is prepared to report, the Chair of the Commission shall forward copies of the report to all Members of the Legislative Assembly, and thereafter make the report public,

THAT the Speaker of the Legislative Assembly shall table the report in the Legislative Assembly on the first sitting day following the release of the report,

THAT during its review of public opinion on legislative options for Yukon Aboriginal Language Protection, the Commission shall be empowered:

- (1) to invite officials from the Government of Yukon, the Government of Nunavut, the Government of the Northwest Territories, the Government of Canada and Yukon First Nations to appear as witnesses,
- (2) to invite such other persons as it deems necessary to appear as witnesses on technical matters,
- (3) to invite a designate of the Yukon Native Language Centre to appear as a witness,
- (4) to hold public hearings, meetings with individuals, focus groups and town hall type meetings,
- (5) to print such papers and evidence as may be ordered by it, and

THAT the Commissioners shall be paid a daily honorarium,

THAT the Chair shall receive an additional honorarium; and

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Commission. **(Motion #848)**

A debate arising on the motion, and the time reaching 5:30 p.m., while Mr. Elias, Member for Vuntut Gwitchin was speaking, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m., Thursday, December 10, 2009 and debate on the motion was accordingly adjourned.

The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Thursday, December 10, 2009.

No. 189

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Thursday, December 10, 2009

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

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

Prior to Daily Routine, the Speaker informed the House of the following change to the Order Paper:

"The Chair wishes to inform the House of a change that has been made to the Order Paper. Motion #870, standing in the name of the Leader of the Official Opposition, has been removed from the Order Paper, as it is similar to Motion #932, which the House adopted, as amended, on December 9, 2009."

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Taylor, Minister of Tourism and Culture

- Yukon Arts Centre 2008/2009 Annual Report **(Sessional Paper #141)**
- Yukon Heritage Resources Board April 1, 2008 – March 31, 2009 Annual Report **(Sessional Paper #142)**

PRESENTING REPORTS OF COMMITTEES

Mr. Mitchell, Chair, Standing Committee on Public Accounts

- Public Accounts, Standing Committee on: Third Report (dated December 2009) **(Sessional Paper #143)**
(Vol. 19)

GOVERNMENT MOTIONS

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

THAT the Yukon Legislative Assembly, pursuant to section 17(1) of the *Human Rights Act*, appoint Gloria Baldwin Schultz and Jean-Sébastien Blais as members of the Yukon Human Rights Commission for terms of three years effective December 12, 2009.

(Motion #954)

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

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

THAT the Yukon Legislative Assembly, pursuant to section 22(2) of the *Human Rights Act*, appoint Sue Bogle, Renzo Ordonez and Max Rispin as members of the panel of adjudicators for terms of three years effective December 12, 2009. **(Motion #955)**

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

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

THAT the Yukon Legislative Assembly, pursuant to section 4(1) of the *Child and Youth Advocate Act*, recommend that the Commissioner in Executive Council appoint Andrew Nieman as the Child and Youth Advocate for Yukon for a term of five years, effective December 10, 2009. **(Motion #960)**

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

YEA		
Fentie	Horne	Fairclough
Taylor	Edzerza	Inverarity
Hart	Nordick	Hardy
Kenyon	Mitchell	Cardiff
Rouble	Elias	Cathers
Lang		
NAY		
		0

Introduction of Visitors

The Speaker, on behalf of all Members, introduced to the House, Mr. Andrew Nieman, who was sitting in the public gallery.

COMMITTEE OF THE WHOLE

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

Recess

[At 3:54 p.m., during the appearance of the witnesses in Committee of the Whole, the Chair of Committee of the Whole, recessed Committee due to a power outage. Committee was called to order at 4:36 p.m.]

Progress was reported on the following bill:

Bill #17 - Second Appropriation Act, 2009-10
-Hon. Mr. Fentie

The Chair also reported that pursuant to section 109 of the *Workers' Compensation Act* and Committee of the Whole Motion #16 adopted on December 3, 2009, Craig Tuton, Chair of the Yukon Workers' Compensation Health and Safety Board, and Valerie Royle, President and Chief Executive Officer of the Yukon Workers' Compensation Health and Safety Board, appeared as witnesses in Committee of the Whole from 3:30 p.m. to 5:30 p.m.

The report of the Chair was adopted.



The Assembly adjourned at 5:32 p.m. until 1:00 p.m., Monday, December 14, 2009.

No. 190

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Monday, December 14, 2009

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

COMMITTEE OF THE WHOLE

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

The following bill was reported without amendment:

Bill #80 - Act to Amend the Access to Information and Protection of Privacy Act and
the Health Act
-Hon. Mr. Lang

The report of the Chair was adopted.

GOVERNMENT BILLS (Third Reading)

The following bill was called for Third Reading:

Bill #80 - Act to Amend the Access to Information and Protection of Privacy Act and
the Health Act
-Hon. Mr. Lang

The question being put on the motion for Third Reading of Bill #80, it was agreed to on
the following recorded Division:

	YEA			
Fentie	Horne	McRobb		
Hart	Edzerza	Elias		
Kenyon	Nordick	Inverarity	13	
Rouble	Mitchell	Hardy		
Lang				
	NAY			
			0	

Bill #80, entitled Act to Amend the Access to Information and Protection of Privacy Act
and the Health Act, accordingly, passed the House.

COMMITTEE OF THE WHOLE

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

The following bill was reported without amendment:

Bill #73 - Act to Amend the Registered Nurses Profession Act

-Hon. Mr. Hart

The report of the Chair was adopted.

GOVERNMENT BILLS (Third Reading)

The following bill was called for Third Reading:

Bill #73 - Act to Amend the Registered Nurses Profession Act

-Hon. Mr. Hart

The question being put on the motion for Third Reading of Bill #73, it was agreed to on the following recorded Division:

			YEA	
Fentie	Horne	McRobb		
Hart	Edzerza	Elias		
Kenyon	Nordick	Inverarity	13	
Rouble	Mitchell	Cathers		
Lang				
			NAY	
				0

Bill #73, entitled Act to Amend the Registered Nurses Profession 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 #17 - Second Appropriation Act, 2009-10

-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Tuesday, December 15, 2009.

No. 191

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Tuesday, December 15, 2009

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

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

Prior to the Daily Routine, the Speaker informed the House of the following changes to the Order Paper:

"The Chair wishes to inform the House of changes that have been made to the Order Paper. Motion #953, standing in the name of the Minister of Justice, has been removed from the Order Paper, as the action requested in the motion has been fulfilled. Also Motion #975, notice of which was given yesterday by the Member for Lake Laberge, was not placed on today's Notice Paper as it relates to Bill #80, which passed this House yesterday."

POINT OF PERSONAL PRIVILEGE

Mr. Mitchell, Leader of the Official Opposition, rose on a Point of Personal Privilege, to correct a comment that he made on December 14, 2009 during Question Period.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Fentie, Premier

- Yukon Development Corporation Dividend Policy (dated October 15, 2009)
(Filed Document #132)
- Shareholder Letter of Expectations 2009-2010 from the Minister responsible for the Yukon Development Corporation to the Yukon Development Corporation and Yukon Energy Corporation
(Sessional Paper #144)
- Canada-Yukon Energy Corporation Green Infrastructure Fund: Agreement for the Yukon Green Energy Legacy Project 2009-2010/2011-2012 between Her Majesty the Queen in Right of Canada and Yukon Energy Corporation
(Filed Document #133)

PRESENTING REPORTS OF COMMITTEES

Mr. Nordick, Member, Standing Committee on Appointments to Major Government Boards and Committees

- Appointments to Major Government Boards and Committees, Standing Committee on: Twelfth Report (dated December 10, 2009)
(Sessional Paper #145)

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), Mr. Nordick, Acting Government House Leader, identified Motion #842, and Motion #970, as being the items to be called during Government Private Members' Business on Wednesday, December 16, 2009.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following bill:

Bill #17 - Second Appropriation Act, 2009-10
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:28 p.m. until 1:00 p.m., Wednesday, December 16, 2009.

No. 192

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Wednesday, December 16, 2009

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

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

Prior to Daily Routine, the Speaker informed the House of the following changes to the Order Paper:

"The Chair wishes to inform the House of changes which have been made to the Order Paper. Motion #831, standing in the name of the Minister of Environment, has been removed from the Order Paper, as the action requested in the motion has been fulfilled. Also, Motion #963, standing in the name of the Leader of the Official Opposition, has been removed from the Order Paper, as it is now outdated."

TABLING RETURNS AND DOCUMENTS

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

- Yukon Health and Social Services Council 2007-2008 Annual Report
(Sessional Paper #146)
- Yukon Child Care Board April 1, 2008 - March 31, 2009 Annual Report
(Sessional Paper #147)

Hon. Mr. Rouble, Minister of Education

- Yukon Government Department of Education 2008-09 Academic Year Annual Report
(Sessional Paper #148)

GOVERNMENT PRIVATE MEMBERS' BUSINESS

Moved by Mr. Edzerza, Member for McIntyre-Takhini:

THAT this House urges the Government of Yukon to explore and bring forward civil forfeiture legislation that would allow the Government to seize the proceeds of criminal activity.
(Motion #842)

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

YEA			
Fentie	Horne	McRobb	
Hart	Edzerza	Elias	
Kenyon	Nordick	Inverarity	13
Rouble	Mitchell	Cathers	
Lang			
NAY			
			0

Moved by Mr. Edzerza, Member for McIntyre-Takhini:

THAT this House urges the Government of Yukon to ensure that Yukoners gain benefits from economic activity in the territory through the development of a locally-based skilled workforce in different disciplines of particular importance to Yukon relating to economic development, education, First Nation capacity building, health and social services and social justice by working in partnership with communities, Yukon First Nations, business and industry and Yukon College. **(Motion #970)**

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

YEA			
Fentie	Lang	Mitchell	
Hart	Horne	McRobb	
Kenyon	Edzerza	Elias	12
Rouble	Nordick	Inverarity	
NAY			
			0

COMMITTEE OF THE WHOLE

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

Progress was reported on the following bill:

Bill #17 - Second Appropriation Act, 2009-10
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Thursday, December 17, 2009.

No. 193

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Thursday, December 17, 2009

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

SPEAKER'S STATEMENT (Re Point of Personal Privilege on December 15, 2009)

Prior to proceeding with the Order Paper the Speaker made the following statement regarding the Point of Personal Privilege offered by the Leader of the Official Opposition on Tuesday, December 15, 2009.

"Upon reviewing the Blues, it appears to the Chair that some of the Member's comments constituted an explanation for a statement he made in the House on Monday.

The Chair would take this opportunity to remind Members of our practices regarding points of personal privilege. House of Commons Procedure and Practice, Second Edition, at page 631, describes a point of personal privilege as an opportunity, granted to a Member by the Chair 'to explain a matter of a personal nature although there is no question before the House.' A point of personal privilege is an indulgence granted by the Chair. There is no connection to a question of privilege, and one Speaker noted: 'There is no legal authority, procedural or otherwise, historic or precedential, that allows this.' Consequently, such occasions are not meant to be used for general debate, and Members have been cautioned to confine their remarks to the point they wish to make.

Therefore, a Member speaking on a point of personal privilege to correct a comment he or she made in the House should simply provide the House with the correction without offering an explanation as to why they said what they said. The Member should not say anything that might incite debate because there is no opportunity for other Members to respond. "

TABLING RETURNS AND DOCUMENTS

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

- Health Care Insurance Programs, Health Services Branch: Statement of Revenue and Expenditures for Fiscal Years 1997/98 to 2008/09
(Filed Document #134)
- Yukon Health Status Report, 2009
(Filed Document #135)

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

- Yukon Liquor Corporation April 1, 2008 - March 31, 2009 Annual Report
(Sessional Paper #149)

Mr. McRobb, Member for Kluane

- Speaker's impartiality, letter (dated December 17, 2009) and supporting documents from Gary McRobb, MLA to Speaker Staffen

(Filed Document #136)

COMMITTEE OF THE WHOLE

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

The Committee resumed consideration (from December 16, 2009) of the following bill:

Bill #17 - Second Appropriation Act, 2009-10

-Hon. Mr. Fentie

Quorum Count

At 2:24 p.m., the Hon. Ms. Horne, Minister of Justice, 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 Deputy Speaker rang the bells. The Speaker then did a count. A quorum was present for the count.

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 28th day of the 2009 Fall Sitting. Standing Order 76(1) states: 'On the sitting day that the Assembly has reached the maximum number of sitting days allocated for that Sitting pursuant to Standing Order 75, the Chair of the Committee of the Whole, if the Assembly is in Committee of the Whole at the time, shall interrupt proceedings at 5:00 p.m. and, with respect to each Government Bill before Committee that the Government House Leader directs to be called, shall:

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

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

The Chair would now ask the Acting Government House Leader to indicate whether Bill #17, Bill #75, Bill #76, Bill #78, and Bill #79, the Government Bills now before the Committee of the Whole, should be called."

The Hon. Mr. Rouble, Acting Government House Leader, directed that Bill Nos. 17, 75, 76, 78 and 79, be called.

The Committee agreed to report the following bills without amendment:

Bill #17 - Second Appropriation Act, 2009-10

-Hon. Mr. Fentie

Bill #75 - Second Miscellaneous Statute Law Amendment Act, 2009

-Hon. Ms. Horne

Bill #76 - Act to Amend the Motor Vehicles Act

-Hon. Mr. Lang

Bill #78 - Act to Amend the Elections Act

-Hon. Mr. Fentie

Bill #79 - Act to Amend the Medical Profession Act

-Hon. Mr. Lang

The report of the Chair was adopted.

SPEAKER'S STATEMENT

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

"Standing Order 76(2) states: 'On the sitting day that the Assembly has reached the maximum number of sitting days allocated for 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:

- (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.'

I shall, therefore, ask the Acting Government House Leader to identify which of the bills now standing at Third Reading should be called."

Mr. Nordick, Acting Government House Leader, directed that Bill Nos. 17, 75, 76, 78 and 79 be called at this time.

GOVERNMENT BILLS (Third Reading)

The following bill was called for Third Reading:

Bill #17 - Second Appropriation Act, 2009-10

-Hon. Mr. Fentie

The question being put on the motion for Third Reading of Bill #17, it was agreed to on the following recorded Division:

YEA

Fentie	Rouble	Edzerza	
Hart	Lang	Nordick	9
Kenyon	Horne	Cathers	

NAY

Mitchell	Elias	Hardy	
McRobb	Inverarity		5

Bill #17, entitled Third Appropriation Act, 2009-10, accordingly, passed the House.

The following bills were read a third time and passed:

Bill #75 - Second Miscellaneous Statute Law Amendment Act, 2009
-Hon. Ms. Horne

Bill #76 - Act to Amend the Motor Vehicles Act
-Hon. Mr. Lang

Bill #78 - Act to Amend the Elections Act
-Hon. Mr. Fentie

Bill #79 - Act to Amend the Medical Profession Act
-Hon. Mr. Lang

ASSENT TO BILLS

The Assembly received the Commissioner, the Hon. Geraldine Van Bibber, in her capacity as Lieutenant-Governor, to give Assent to certain bills passed by the House.

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

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

"Madam 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, Floyd McCormick, then read the titles of the bills which had been passed severally as follows:

Act to Amend the Access to Information and Protection of Privacy Act and the Health Act

Act to Amend the Registered Nurses Profession Act

Second Appropriation Act, 2009-10

Second Miscellaneous Statute Law Amendment Act, 2009

Act to Amend the Motor Vehicles Act

Act to Amend the Elections Act

Act to Amend the Medical Profession Act

The Commissioner assented to the bills:

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

ADJOURNMENT OF THE SITTING

The Speaker called the House to order and stated:

"As the House has reached the maximum number of days permitted for the 2009 Fall Sitting, as established pursuant to Standing Order 75, 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 5:25 p.m.