

JOURNALS

**YUKON
LEGISLATIVE ASSEMBLY**

FIRST SESSION



28TH LEGISLATURE

**December 14, 1992 – December 17, 1992
March 15, 1993 – June 3, 1993**

NO. 1
VOTES AND PROCEEDINGS
of the
YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Monday, December 14, 1992

This being the first day of the first meeting of the 28th wholly-elected Legislative Assembly of Yukon for the dispatch of business and the Members, having previously been duly sworn in, having taken their seats in the House, the Clerk of the Legislative Assembly read the Proclamation as follows:

TO ALL TO WHOM these presents shall come of whom the same may in any wise concern

GREETINGS

A PROCLAMATION

KNOW YE THAT under and by virtue of the power and authority vested in the Commissioner of the Yukon Territory, the Assembly of the said Territory is summoned to meet for dispatch of business in the Yukon Legislative Assembly Chambers, Territorial Administration Building, Whitehorse, Yukon Territory, on Monday, the fourteenth day of December, A.D., 1992 at the hour of three o'clock in the afternoon.

ALL OF WHICH all persons concerned are required to take notice and to govern themselves accordingly.

GIVEN UNDER my hand and seal of the said Territory, at Whitehorse, this 1st day of December, A.D., 1992.

J.K. McKinnon
Commissioner of Yukon

The Clerk of the Legislative Assembly read a report on the Members elected as follows:

Pursuant to the provisions of the Elections Act the Commissioner has been informed of the receipt of Returns to Writs for the General Election conducted on the nineteenth day of October, 1992. These Returns show that the following Members were duly elected:

Faro	Trevor Harding
Klondike	David Millar
Kluane	Bill Brewster
Lake Laberge	Mickey Fisher
McIntyre-Takhini	Piers McDonald
Mayo-Tatchun	Danny Joe
Mount Lorne	Lois Moorcroft
Porter Creek North	John Ostashek
Porter Creek South	Alan Nordling
Riverdale North	Doug Phillips
Riverdale South	Bea Firth
Riverside	Jack Cable
Ross River-Southern Lakes	Willard Phelps
Vuntut Gwich'in	Johnny Abel
Watson Lake	John Devries
Whitehorse Centre	Margaret Joe
Whitehorse West	Tony Penikett

Patrick L. Michael
Clerk of the Yukon
Legislative Assembly

The Commissioner, the Hon. Ken McKinnon, entered the Chamber and took the Chair.

The Clerk of the Legislative Assembly then stated:

"I am commanded by the Commissioner, in his capacity as Lieutenant-Governor, to state that he does not see fit to declare the causes of the summoning of the present Assembly of this Territory until a Speaker of this Assembly shall have been chosen according to law, but today at a subsequent hour he will declare the causes of the calling of this Assembly."

The Commissioner then retired from the Chamber.

ELECTION OF SPEAKER

The Clerk addressed the House:

"Honourable Members, nominations are invited for the office of Speaker of this Assembly."

It was moved by the Hon. Mr. Ostashek, Government Leader, and seconded by Mr. Cable, Member for Riverside:

"THAT Alan Nordling, Member for Porter Creek South, do take the Chair of this Assembly as Speaker."

(Motion #1)

The Clerk, having scanned the House for further nominations, repeated the motion and called for a vote. He then stated:

"I think the 'ayes' have it, and by direction of this Assembly, declare that Alan Nordling is duly elected as Speaker of this Assembly."

SPEAKER'S ADDRESS TO THE ASSEMBLY

The Speaker retired, donned his robe and re-entered the Chamber.

The Government Leader and the Member for Riverside shook hands with the newly-elected Speaker and offered their congratulations.

Standing on the Dais, the Speaker thanked the Assembly as follows:

"I beg to express my grateful thanks and humble acknowledgement of the high honour the Assembly has been pleased to confer upon me."

The Speaker then took his seat and addressed the Clerk as follows:

"Mr. Clerk, will you please advise the Commissioner, in his capacity as Lieutenant-Governor, that the Assembly is now prepared to hear the Speech from the Throne."

The Commissioner returned to the Chamber and took the Chair.

SPEAKER'S ADDRESS TO THE COMMISSIONER

The Speaker then said:

"Sir:

The Legislative Assembly have elected me their Speaker, although I am but little able to fulfil the important duties thus assigned me. If, in the performance of these duties, I should at any time fall into error, I pray the fault may be imputed to me and not to the Assembly, whose servant I am and who, through me, the better to enable them to discharge their duty to their Queen and country, humbly claim all their undoubted rights and privileges, especially that they may have freedom of speech in their debates, access to your person at all seasonable times and that their proceedings may receive from you the most favourable construction."

RESPONSE BY THE COMMISSIONER

The Commissioner then said:

"Mr. Speaker:

I am pleased to declare to you that I freely confide in the duty and attachment of the Assembly and not doubting that the Assembly's proceedings will be conducted with wisdom, temper and prudence, I grant, and upon all occasions will recognize and allow, the Assembly's constitutional privileges. I assure you that the Assembly shall have ready access to me upon all seasonable occasions, and that the Assembly's proceedings, words and actions will constantly receive from me the most favourable construction."

SPEECH FROM THE THRONE

The Commissioner then read the following Speech from the Throne:

Honourable members, it is my pleasure to welcome you to a new legislature and a new session.

We come together at a time of the year when as Yukoners we recall the many gifts we enjoy. We live in land blessed by natural beauty, beauty we have a responsibility to protect. In contrast to many areas of the world, we enjoy a high standard of living and a quality of life few share. Yukoners are a strong, self-reliant people, who possess the ability and talents to build a self-sufficient future for this territory.

With these gifts, we can meet the challenges we face here in the Yukon. In the coming months and years, my government is committed to working with Yukoners to realize our tremendous potential and to enhance the lives of residents of this territory.

It is committed to working towards positive social change that contributes to the well-being of Yukon families and Yukon communities and to the well-being of both our aboriginal and non-aboriginal residents.

It is committed to working towards economic self-sufficiency. It will take steps to strengthen industries, such as mining and tourism, which must form the mainstay of our economy, as well as promote new opportunities to diversify the Yukon's economic base.

It is committed to protecting our northern environment and conserving its abundant resources, which are key to our continued economic, cultural, and social health.

In meeting these challenges, my government will work, with diligence, to provide good government to Yukon residents.

Good Government

My government's duty is to serve Yukoners responsibly. It must be accountable for its decisions, particularly its spending, while it is responsive to the needs of people. The recent review of the territory's finances confirms the need to spend carefully and wisely. My government is responding to this challenge and placing tighter fiscal controls on government expenditures. During this session, it will be issuing a statement on the financial health of the government and interim measures to improve it.

My government recognizes that in these tight financial times government programs must operate more efficiently and economically. It will welcome input from both within and outside government to achieve this goal.

My government will, as well, enhance accountability for its spending by making greater use of this Assembly's Public Accounts Committee. As this committee has recommended in the past, my government will implement measures to ensure that any new facilities are properly planned and built under strict financial controls. My government will also review programs it now delivers to ensure they properly reflect the needs and priorities of Yukon residents.

Advisory committees are an important means of giving Yukoners a direct voice in government decision making. It is also important that the membership of these committees is representative of Yukon society. To this end, my government will be bringing forward a motion during this session to create an all-party legislative committee to review appointments to major government boards and

committees. It is equally committed to listening to and acting on the advice of these boards.

Effective Social Programs

My government is also committed to listening to Yukoners when designing or reforming social programs. It will work with parents and teachers to ensure our school system is preparing our children for the challenges of the 21st century. Our college campuses must also address the needs of the Yukon by offering programs of relevance to the territory and its people.

My government recognizes the importance of social programs to assist people in need and will work to ensure our health care system is meeting the needs of Yukoners. It will make every effort to enhance these services for our seniors and elders and enable them to remain in their own homes as long as they are able. In conjunction with municipal governments and the private sector, it will take steps to meet community needs for adequate housing.

My government will work with First Nations and community groups on educational programs aimed at eliminating violence against women and children. It wants to ensure there is an effective justice system in the territory. This system must be responsive to the needs of all residents. It must offer rehabilitative programs that address the root causes of crimes such as vandalism, while instilling a respect for the law.

My government will also raise with the federal government concerns it has with Canada's Young Offenders Act. It believes more meaningful deterrents are needed to help reduce crime.

A Yukon Land Claims Settlement

Next year will mark twenty years since Yukon Indians tabled their land claim with the federal government. Yukoners believe the time has come to complete the work started with the claim of Yukon First Nations as outlined in Together Today For Our Children Tomorrow, presented to the federal government by the respected Indian elder Elijah Smith.

During this sitting, my government will introduce legislation to ratify the Champagne and Aishihik First Nations land claim and self-government agreements. A Select Committee of this House will be established to review this legislation and ensure the opportunity for Yukoners to comment on and understand these historic agreements, before legislation is approved by this Assembly.

With the passage of this legislation, we will achieve a critical step towards settling the claims of Yukon Indian people, which have been outstanding for too long.

Through land claim and self-government agreements, the Yukon's aboriginal peoples will gain control of their lands and their lives. They will be able to manage their own affairs, rather than have those decisions made for them by federal officials.

Through these agreements, Yukon Indian people will play a key role in working towards the goal of economic self-sufficiency for all Yukoners. My government is committed to working in partnership with Yukon First Nations to fully implement their agreements.

Greater Control Over Yukon Affairs

Just as Yukon First Nations want the ability to manage their lives, all Yukoners want more control over the affairs of this territory. My government will pursue this goal, as integral to its efforts to build a self-sufficient future for Yukon residents.

As part of this effort, we are now negotiating transfers that would see the responsibility for forests and oil and gas rest in Yukon hands. This will enable Yukoners to develop environmentally sound industries based on these natural resources. My government will also be pursuing discussions with the federal government on gaining control over Yukon lands and resources as First Nation settlements are reached.

Investments In Infrastructure

The Yukon cannot expect to continue to rely indefinitely on the federal government to fuel our economy. My government will intensify efforts to use money now received through the federal operating grant to invest in projects that will increasingly enable us to generate our own revenues.

Development projects are often hampered by a lack of adequate infrastructure and the high costs that result from this barrier. Improving our transportation and communication systems and enhancing job training will increase the viability of projects and generate wealth.

My government will also develop the Yukon's energy potential. The mandates of the Yukon Energy Corporation and the Yukon Development Corporation will be changed, so that profits go towards reducing energy costs and developing energy infrastructure. My government will also work with First Nations and other Yukoners to identify small and medium hydroelectric sites that are economically feasible and environmentally responsible. It will explore alternatives to the use of diesel, as well as promote energy conservation.

Economic Diversification

Investments in our transportation system and increasing our

energy infrastructure will help support our major industries, mining and tourism. At the same time, they will help build a positive climate for investing in the development of new economic opportunities here in the Yukon.

To encourage mining further, my government will promote the re-establishment of the flow-through share program and other tax benefits for northern Canada. It will review programs it offers to make them responsive to the industry's needs. It will work to ensure that regulatory processes fairly balance our economic and environmental needs. A climate of certainty for investment and a predictable, efficient regulatory process are essential to a strong industry.

Our mountains, rivers, lakes, and wildlife attract tourists from around the world. My government will work with industry to enhance opportunities to enjoy the natural gifts of our territory. It will also seek to identify and promote new attractions that will give visitors a chance to experience more fully our rich history and culture.

Small business is an integral component of the Yukon's economy. My government will be reviewing its business development programs to ensure they are a help, not a hindrance, to businesspeople throughout the territory. It will be exploring new opportunities to support existing businesses and to promote new ventures in the Yukon.

Environmental Stewardship

In diversifying the Yukon economy, my government is mindful of the obligation it shares with the territory's residents to protect the Yukon's environment and its resources. To act on this responsibility, it will undertake management plans to conserve our wildlife and protect their habitat. Areas of critical habitat and those that are environmentally sensitive will be examined for their suitability as parklands.

Proper sewage facilities for communities are a priority, and my government will work with the federal government, municipalities and First Nations to correct problems with sewage treatment. It will also institute a year-round anti-litter program, called "Yukon Pride". By taking responsibility for our environment, we can protect it for the use and enjoyment by our children and their children.

Honourable Members, the Yukon is a special place. We are blessed with many gifts. We can strengthen our economy and support new and existing businesses, while conserving and protecting the resources that allow us to develop a stronger economic future. We can ensure that our schools, our health care facilities, and our social programs meet the needs of residents here, while recognizing the need to spend within our means. We can rely on the strong,

independent spirit of Yukoners to build together a community that offers much to its individual members, to its families, and to aboriginal and non-aboriginal citizens alike.

My government stands ready to work with Yukoners to build a self-sufficient future for our territory.

The Commissioner then retired from the Chamber.

The Speaker resumed the Chair and called the House to order.

INTRODUCTION OF PAGES

The Speaker informed the Assembly that Andrea Edmunds, Kieran O'Donovan, Krissy Rodgers, Elizabeth Sullivan and Morgan Toombs from Christ the King Junior Secondary School would be Pages during the Session and introduced them to the Assembly.

INTRODUCTION OF BILLS (First Reading)

Bill #1 - An Act to Perpetuate a Certain Ancient Right
-Hon. Mr. Ostashek

TABLING RETURNS AND DOCUMENTS

The Speaker informed the Assembly that he had received a copy of the Speech from the Throne which he tabled.

(Sessional Paper #1)

GOVERNMENT MOTIONS

On motion of the Hon. Mr. Ostashek, Government Leader:

RESOLVED THAT the Speech from the Throne be considered on a day following.

On motion of the Hon. Mr. Phillips, Government House Leader:

RESOLVED THAT Johnny Abel, Member for Vuntut Gwich'in, be appointed Deputy Speaker and Chair of Committee of the Whole.
(Motion #2)

On motion of the Hon. Mr. Phillips, Government House Leader:

RESOLVED THAT David Millar, Member for Klondike, be appointed Deputy Chair of Committee of the Whole.

(Motion #3)

INTRODUCTION OF BILLS (First Reading)

Bill #2 - An Act Approving Yukon Land Claim Final Agreements
-Hon. Mr. Ostashek

Bill #3 - First Nations (Yukon) Self-Government Act
-Hon. Mr. Ostashek

Bill #13 - An Act to Amend the Liquor Act
-Hon. Mr. Brewster

Bill #83 - An Act to Amend the Employment Standards
Act (No. 2), 1992
-Hon. Mr. Phelps

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Ostashek, Government Leader

- Champagne and Aishihik First Nations Final Agreement between the Government of Canada, the Champagne and Aishihik First Nations and the Government of the Yukon - June 19/92

(Sessional Paper #2)

- Champagne and Aishihik First Nations Self-Government Agreement among the Champagne and Aishihik First Nations, and the Government of Canada, and the Government of the Yukon - June 19/92

(Sessional Paper #3)

- Maps comprising Appendix B of Champagne and Aishihik First Nations Final Agreement

(Sessional Paper #4)

INTRODUCTION OF BILLS (First Reading)

Bill #98 - Miscellaneous Statute Law Amendment Act (No. 2), 1992
-Hon. Mr. Phelps

The Assembly adjourned at 3:35 p.m. until 1:30 p.m., Tuesday, December 15, 1992.

NO. 2

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Tuesday, December 15, 1992

The Speaker took the Chair at 1:30 p.m.

RECOGNITION OF DEATH OF FORMER MEMBER OF THE ASSEMBLY

The Hon. Mr. Nordling, Speaker, the Hon. Mr. Ostashek, Government Leader, and Ms. Joe, member for Whitehorse Centre, noted the death in July, 1992 of Geoff Lattin, a Member of the Yukon Legislative Assembly from 1978 to 1982, and paid tribute to him.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Nordling, Speaker

- Report of the Auditor General on the examination of the accounts and financial transactions of the Yukon Government for the year ended March 31, 1992

(Sessional Paper #5)

Hon. Mr. Ostashek, Government Leader

- Consulting & Audit Canada Review of Change in Accumulated Surplus of the Government of the Yukon for the two years ended March 31, 1993 (December 4, 1992)

(Sessional Paper #6)

MINISTERIAL STATEMENTS

Hon. Mr. Ostashek, Government Leader

- Independent financial review of Yukon Government spending

Hon. Mr. Phillips, Minister of Tourism

- Holland America Lines Westours Inc. Joint Marketing Agreement

ADDRESS IN REPLY TO SPEECH FROM THE THRONE

Moved by Mr. Millar:

THAT the following Address be presented to the Commissioner of the Yukon:

MAY IT PLEASE THE COMMISSIONER:

We, the Members of the Yukon Legislative Assembly, beg leave to offer our humble thanks for the gracious Speech which you have addressed to the House.

(Motion #14)

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

THAT the motion be amended by adding after the word "House" the following words:

"but regret that the Government is already abandoning its election promises."

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

YEA

Penikett	Moorcroft	Firth	
McDonald	Harding		7
Joe, M.	Joe, D.		

NAY

Ostashek	Phelps	Abel	
Phillips	Fisher	Millar	9
Brewster	Devries	Cable	

A debate continuing on the main motion, it was moved by Mr. Cable:

THAT debate be now adjourned.

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

The Assembly adjourned at 5:06 p.m. until 1:30 p.m.,
Wednesday, December 16, 1992.

NO. 3

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Wednesday, December 16, 1992

The Speaker took the Chair at 1:30 p.m.

PETITIONS

Mr. Harding, Member for Faro, presented the following petition:

- Asking the Yukon Government to tender contracts for the completion of the Chateau Jomini project in Faro
(Petition #1)

Mrs. Firth, Member for Riverdale South, presented the following petition:

- Residents of Riverdale South against the construction of a thirty-two suite apartment building at the location of the Pentecostal Church
(Petition #2)

FILED DOCUMENTS

The following document was filed by the Hon. Mr. Ostashek, Government Leader, during Question Period:

- Letter dated December 15, 1992, to the Minister responsible for the Board from the Chair of the Yukon Workers' Compensation, Health and Safety Board regarding the appointment of an interim President of the Board
(Filed Document #1)

ADDRESS IN REPLY TO THE SPEECH FROM THE THRONE

Moved by Mr. Millar:

THAT the following Address be presented to the Commissioner of the Yukon:

MAY IT PLEASE THE COMMISSIONER:

We, the Members of the Yukon Legislative Assembly, beg leave to offer our humble thanks for the gracious Speech which you have addressed to the House.

(Motion #14)

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

Moved by the Hon. Mr. Phillips, Government House Leader:

THAT the Address in Reply to the Speech from the Throne be engrossed and presented to the Commissioner in his capacity as Lieutenant-Governor.

The question being put, it was agreed to.

GOVERNMENT BILLS

The following Bills were read a second time:

Bill #2 - An Act Approving Yukon Land Claim Final Agreements
-Hon. Mr. Ostashek

Bill #3 - First Nations (Yukon) Self-Government Act
-Hon. Mr. Ostashek

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

Bill #13 - An Act to Amend the Liquor Act
-Hon. Mr. Brewster

Bill #98 - Miscellaneous Statute Law Amendment Act (No. 2), 1992
-Hon. Mr. Phelps

COMMITTEE OF THE WHOLE

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

The following Bills were reported without amendment:

Bill #13 - An Act to Amend the Liquor Act
-Hon. Mr. Brewster

Bill #98 - Miscellaneous Statute Law Amendment Act (No. 2), 1992
-Hon. Mr. Phelps

The report of the Chair was adopted.

GOVERNMENT MOTIONS

Moved by the Hon. Mr. Phillips:

THAT this House does not recognize the Independent Alliance as a third party in this House; and

THAT this House orders that the Independent Alliance should not be accorded privileges as if it were a party in opposition to the government.

(Motion #8)

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

Moved by the Hon. Mr. Phillips:

THAT the Honourable Speaker, Hon. John Ostashek, Tony Penikett and Hon. Doug Phillips be appointed to the Members' Services Board;

THAT the Speaker be Chair of the said Board; and

THAT the said Board, on matters of Assembly organization, consider:

- (1) budget forecasts for the Legislative Assembly vote, and
- (2) policy questions concerning matters such as
 - (a) Assembly research services
 - (b) space allocation
 - (c) expansion or reduction of staffing
 - (d) caucus funding
 - (e) Press Gallery House rules
 - (f) seating in the Assembly
 - (g) Hansard
 - (h) administration of retirement allowances.

(Motion #9)

Moved by the Hon. Mr. Phelps in amendment thereto:

THAT Motion #9 be amended by deleting the first paragraph and substituting for it the following:

"THAT the Honourable Speaker, Hon. John Ostashek and Tony Penikett be appointed to the Members' Services Board;"

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

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

Moved by the Hon. Mr. Phillips:

THAT the honourable Members Willard Phelps, John Ostashek, Tony Penikett, Jack Cable, Mickey Fisher, Lois Moorcroft and David Millar be appointed to the Standing Committee on Rules, Elections and Privileges;

THAT the said Committee have the power to call for persons, papers and records and to sit during intersessional periods; and

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

(Motion #10)

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

Moved by the Hon. Mr. Phillips:

THAT the honourable Members Piers McDonald, Bill Brewster, Doug Phillips, Jack Cable, Mickey Fisher, Trevor Harding and David Millar be appointed to the Standing Committee on Public Accounts;

THAT the said Committee have the power to call for persons, papers and records and to sit during intersessional periods; and

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

(Motion #11)

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

Moved by the Hon. Mr. Phillips:

THAT the honourable Members David Millar, Margaret Joe and Johnny Abel be appointed to the Standing Committee on Statutory Instruments;

THAT the said Committee be empowered to sit during intersessional periods;

THAT the said Committee review all new regulations as they are published;

THAT the said Committee review such other existing or proposed regulations as are referred to it by the Assembly; and

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

(Motion #12)

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

Moved by the Hon. Mr. Ostashek:

THAT it is the recommendation of this Assembly that the honourable Members John Ostashek, Bill Brewster and Willard Phelps be appointed to the Advisory Committee on Finance and that the honourable Members Doug Phillips, John Devries and Mickey Fisher be appointed as alternate members of the same committee.

(Motion #5)

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

Moved by the Hon. Mr. Ostashek:

THAT a Special Committee on Land Claims and Self-Government be established;

THAT the Committee be comprised of seven members of the Legislative Assembly;

THAT Hon. John Ostashek be the Chair of the Committee;

THAT the remaining six members of the Committee are as follows: three members appointed by the Government Leader, two members appointed by the Leader of the Official Opposition and the honourable Member for Riverside;

THAT Bill #2, entitled An Act Approving Yukon Land Claim Final Agreements, and Bill #3, entitled First Nations (Yukon) Self-Government Act, be referred to the Committee;

THAT individual Yukon Land Claim Final Agreements and Yukon First Nation Self-Government Agreements be transmitted to the Committee, subsequent to First Nations ratification, by the Government Leader tabling such agreements in the Legislative Assembly or, if the Legislative Assembly is not then sitting, by the Government Leader delivering such agreements to the Speaker who shall forward copies to all Members of the Legislative Assembly;

THAT the Committee report to the Legislative Assembly no later than the fifth day of the next regular sitting of the Legislative Assembly:

- (a) its recommendation as to whether the Agreement referenced in Bill #2 and considered by the Committee should be accepted or rejected,
- (b) its recommendation as to whether the Self-Government Agreement referenced in Bill #3, and considered by the Committee should be accepted or rejected,
- (c) its findings, if any, relating to the subject matter of Bill #2 and Bill #3, and
- (d) its recommendations, if any, for amendments to the clauses of Bill #2 and Bill #3;

THAT, in the event the Legislative Assembly is not sitting at the time that the Committee is prepared to report, the Chair of the Committee forward copies of the report to all Members of the Legislative Assembly, thereafter make the report public, and subsequently present the report to the Legislative Assembly at the next sitting of the Legislative Assembly;

THAT, at such time as the Committee has reported to the Legislative Assembly, Bill #2, Bill #3, any agreements considered by the Committee and the report of the Committee stand automatically referred to the Committee of the Whole;

THAT, during its review of Bill #2 and Bill #3, the Committee be empowered:

- (a) to send for officials from the Land Claims Secretariat of the Government of the Yukon to appear as witnesses on technical matters,
- (b) to invite such other persons as it deems necessary to appear as witnesses on technical matters,
- (c) to hold public hearings,
- (d) to create a sub-committee or sub-committees which can question witnesses, receive oral submissions and conduct public hearings but which cannot make decisions on behalf of the Committee, and
- (e) to print such papers and evidence as may be ordered by it; and

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

(Motion #7)

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

Moved by the Hon. Mr. Ostashek:

THAT Standing Order 45 be amended by:

- (a) adding the following new provision:
 - "(4) At the commencement of the first session of each Legislature a Standing Committee on Appointments shall be appointed to review and report on appointments proposed by the Executive Council to those boards, commissions, councils and committees identified in the motion appointing the Committee.", and
- (b) renumbering the remainder of the Standing Order accordingly;

THAT the honourable Members Doug Phillips, Margaret Joe, John Devries, Jack Cable, Mickey Fisher, Trevor Harding and David Millar be appointed to the Standing Committee on Appointments;

and

THAT the terms of reference of the Committee be as follows:

- (1) The Committee may review appointments proposed by the Executive Council to:
 - (a) Yukon Development Corporation Board of Directors,
 - (b) Yukon Energy Corporation Board of Directors,
 - (c) Workers' Compensation, Health and Safety Board,
 - (d) Yukon Lottery Commission,
 - (e) Yukon Recreation Advisory Council,
 - (f) Yukon Fish and Wildlife Management Board,
 - (g) Yukon College Board of Governors,
 - (h) Yukon Electrical Public Utilities Board, and
 - (i) Yukon Council on the Economy and the Environment.
- (2) The Committee may also review such other appointments proposed by the Executive Council as are referred to it by the Executive Council or as are referred to it by separate motion of the Legislative Assembly.
- (3) The Committee shall prepare a report within 45 days of receipt of a proposed appointment and such report shall contain:
 - (a) the decision of the Committee as to whether it would review the proposed appointment,
 - (b) where the Committee has decided to review the proposed appointment,
 - (i) the recommendation of the Committee as to whether the proposed appointment should be made, or
 - (ii) a statement that the Committee has chosen not to make a recommendation,
 - and
 - (c) any reasoning the Committee chooses to include respecting its decisions or recommendations.
- (4) The right of the Committee to report on a proposed appointment continues in those cases where the Commissioner in Executive Council or, if applicable, a Minister has found it necessary, due to legal requirements or operational needs, to make an appointment prior to the expiration of the 45 day period.
- (5) The Chair of the Committee shall present all reports of the Committee to the Legislative Assembly; if the Legislative Assembly is not sitting at the time a report has been prepared the Chair shall forward the report to all Members of the Legislative Assembly and then release the report to the media and the public.

- (6) The Committee shall hold its meetings in camera and is empowered to call proposed appointees as witnesses; the Committee may also invite Ministers to appear as witnesses.

(Motion #4)

A debate arising on the motion, it was moved by Mr. Penikett:
THAT debate be now adjourned.

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

The Assembly adjourned at 9:29 p.m. until 1:30 p.m., Thursday, December 17, 1992.

NO. 4

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Thursday, December 17, 1992

The Speaker took the Chair at 1:30 p.m..

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Phillips, Minister of Education

- Our Land, Too: Women of Canada and the Northwest 1860-1914
(Sessional Paper #7)
- You Make the Choice: Yukon Women in Science, Trades & Technology
(Sessional Paper #8)

Hon. Mr. Ostashek, Government Leader

- Consulting and Audit Canada Review: forecast revenues for the fiscal year ended March 31, 1994; terms of reference of the study; and accuracy of projections
(Legislative Return #1)

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

- Yukon Development Corporation Annual Report for the year ended March 31, 1992
(Sessional Paper #9)
- Yukon Energy Corporation Annual Report for the Year ended December 31, 1991
(Sessional paper #10)

PETITIONS

The Clerk reported on Petition #1 as follows:

Mr. Speaker and Honourable Members of the Assembly:

I have had the honour to review a petition, being Petition #1 of the First Session of the 28th Legislative Assembly, as presented by the honourable Member for Faro on December 16, 1992. Pursuant to Standing Order 66(1) of the Yukon Legislative Assembly, it is my responsibility to report whether petitions confirm to the rules recognized by the House.

This petition does not conform in the respect that it is addressed to the Yukon Territorial Government rather than the Yukon Legislative Assembly.

Patrick L. Michael
Clerk of the Yukon
Legislative Assembly

The Speaker ruled that, accordingly, the petition could not be received.

The Clerk reported on Petition #2 as follows:

Mr. Speaker and Honourable Members of the Assembly:

I have had the honour to review a petition, being Petition #2 of the First Session of the 28th Legislative Assembly, as presented by the honourable Member for Riverdale South on December 16, 1992.

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

Patrick L. Michael
Clerk of the Yukon
Legislative Assembly

The Speaker ruled that, accordingly, the petition was deemed to be read and received.

MINISTERIAL STATEMENTS

Hon. Mr. Phillips, Minister of Education
- Yukon Writer-in-Residence Program

Hon. Mr. Phelps, Minister of Justice
- RCMP auxiliary/reserve policing

Hon. Mr. Brewster, Minister of Renewable Resources
- Transporting firearms

GOVERNMENT BILLS

The following Bills were read a third time and passed:

Bill #13 - An Act to Amend the Liquor Act
-Hon. Mr. Brewster

Bill #98 - Miscellaneous Statute Law Amendment Act (No.2), 1992
-Hon. Mr. Phelps

ASSENT TO BILLS

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

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

The Speaker addressed the Commissioner:

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

The Clerk of the Assembly then read the titles of the Bills that had been passed severally as follows:

Bill #13 - An Act to Amend the Liquor Act
-Hon. Mr. Brewster

Bill #98 - Miscellaneous Statute Law Amendment Act (No.2), 1992
-Hon. Mr. Phelps

The Commissioner assented the Bills:

"I am very pleased to give assent to the Bills as enumerated by the Clerk."

And further, the Commissioner addressed the Assembly as follows:

"May I take this opportunity, Mr. Speaker, to wish all of the Members and the staff of the Yukon Legislative Assembly a very very marvellously peaceful Christmas break."

The Commissioner then retired from the Chamber.

GOVERNMENT MOTIONS

Moved by the Hon. Mr. Ostashek:

THAT Standing Order 45 be amended by:

(a) adding the following new provision:

"(4) At the commencement of the first session of each Legislature a Standing Committee on Appointments shall be appointed to review and report on appointments proposed by the Executive Council to those boards, commissions, councils and committees identified in the motion appointing the Committee.",
and

(b) renumbering the remainder of the Standing Order accordingly;

THAT the honourable Members Doug Phillips, Margaret Joe, John Devries, Jack Cable, Mickey Fisher, Trevor Harding and David Millar be appointed to the Standing Committee on Appointments;
and

THAT the terms of reference of the Committee be as follows:

(1) The Committee may review appointments proposed by the Executive Council to:

- (a) Yukon Development Corporation Board of Directors,
- (b) Yukon Energy Corporation Board of Directors,
- (c) Workers' Compensation Health and Safety Board,
- (d) Yukon Lottery Commission,
- (e) Yukon Recreation Advisory Council,
- (f) Yukon Fish and Wildlife Management Board,
- (g) Yukon College Board of Governors,
- (h) Yukon Electrical Public Utilities Board, and
- (i) Yukon Council on the Economy and the Environment.

(2) The Committee may also review such other appointments proposed by the Executive Council as are referred to it by the Executive Council or as are referred to it by separate motion of the Legislative Assembly.

(3) The Committee shall prepare a report within 45 days of receipt of a proposed appointment and such report shall contain:

- (a) the decision of the Committee as to whether it would review the proposed appointment,
 - (b) where the Committee has decided to review the proposed appointment,
 - (i) the recommendation of the Committee as to whether the proposed appointment should be made, or
 - (ii) a statement that the Committee has chosen not to make a recommendation,
- and

- (c) any reasoning the Committee chooses to include respecting its decisions or recommendations.
- (4) The right of the Committee to report on a proposed appointment continues in those cases where the Commissioner in Executive Council or, if applicable, a Minister has found it necessary, due to legal requirements or operational needs, to make an appointment prior to the expiration of the 45 day period.
- (5) The Chair of the Committee shall present all reports of the Committee to the Legislative Assembly; if the Legislative Assembly is not sitting at the time a report has been prepared the Chair shall forward and report to all Members of the Legislative Assembly and then release the report to the media and the public.
- (6) The Committee shall hold its meetings in camera and is empowered to call proposed appointees as witnesses; the Committee may also invite Ministers to appear as witnesses.

(Motion #4)

A debate continuing, it was moved by Mr. Penikett in amendment thereto:

THAT Motion #4 be amended by:

- (1) deleting paragraph (a) in the first section of the motion and substituting for it the following:
 - "(a) adding the following new provision:
 - (4) At the commencement of the first session of each Legislature a Standing Committee on Appointments shall be appointed to review and report on appointments to boards, commissions, foundations, corporations and other similar agencies established as agents of the Government of the Yukon.";
- (2) adding the following new paragraph in the third section of the motion:
 - "(2.1) When a proposed appointment has been referred to the Committee any Member of the Legislative Assembly or any resident of the Yukon has the right to nominate any other resident of the Yukon for consideration for appointment to the position under review.";
- (3) deleting subparagraph (3)(b) in the third section of the motion and substituting for it the following:
 - "(3)(b) where the Committee has decided to review the proposed appointment,

- (i) the recommendation of the Committee as to whether the proposed appointment should be made,
 - (ii) the recommendation of the Committee as to whether a person identified by the Committee should be substituted for the proposed appointment, or
 - (iii) a statement that the Committee has chosen not to make a recommendation,";
- (4) adding the following new paragraph in the third section of the motion:
"(3.1) The Committee shall prepare an annual report to the Legislative Assembly which shall assess whether best efforts have been made to make appointments which are representative of the population of the Yukon as a whole, including:
(a) men and women,
(b) aboriginal and non-aboriginal people,
(c) individuals from all regions of the Yukon,
(d) individuals of all political persuasions."
and
- (5) deleting the expression "in camera" where it appears in paragraph (6) in the third section of the motion and substituting for it the expression "in public".

A debate arising on the amendment, it was moved by the Hon. Mr. Phelps:

THAT debate be now adjourned.

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

YEA

Ostashek	Phelps	Abel	
Phillips	Fisher	Millar	9
Brewster	Devries	Cable	

NAY

Penikett	Joe, D.	Firth	
McDonald	Moorcroft		7
Joe, M.	Harding		

SPECIAL ADJOURNMENT MOTION

Moved by the Hon. Mr. Phillips, Government House Leader:

THAT the House, at its rising, do stand adjourned until it

appears to the satisfaction of the Speaker, after consultation with the Government Leader, that the public interest requires that the House shall meet;

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

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

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

GOVERNMENT MOTIONS

Moved by the Hon. Mr. Ostashek:

THAT this House urges the Government of Yukon to immediately implement measures to control its expenditures and to ensure the proper management of the territory's finances.

(Motion #6)

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

THAT Motion #6 be amended by adding after the expression "territory's finances" the following:

"and that the "Review of the Change in the Accumulated Surplus" report be referred immediately to the Public Accounts Committee for review with Deputy Ministers as witnesses."

Debate was started on the amendment.

On a point of order, after Mr. McDonald finished speaking, at 4:59 p.m., the Hon. Mr. Phillips, Government House Leader, moved the following motion pursuant to Standing Order 2(7):

THAT the Assembly be empowered to continue sitting after 5:30 p.m. for the purpose of continuing debate on Motion #6.

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

The debate continuing on the amendment to Motion #6 and the question being put, it was agreed to.

A debate arising on the main motion as amended, it was moved by Mr. Harding in amendment thereto:

THAT Motion #6 be amended by adding, after the expression "territory's finances", the following:

"and to recognize the failure of its lack of economic leadership and the consequences of that lack of leadership for:

- (1) securing the future of mining activity in Faro and Watson Lake,
- (2) ensuring the success of the Taga Ku project, and
- (3) completing the Whitehorse Hospital transfer."

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

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

FILED DOCUMENT

During debate on Motion #6, the Hon. Mr. Phelps filed the following document:

- The Future Direction of Yukon (Presentation to the Whitehorse Chamber of Commerce by Willard Phelps, February 9, 1988)

(Filed Document #2)

The Assembly adjourned at 8:00 p.m.

NO. 5

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Monday, March 15, 1993

The Speaker took the Chair at 1:30 p.m.

INTRODUCTION OF PAGES

The Speaker informed the Assembly that Evangeline Billy, Erin Briemon, Todd Cathers, Hannah Jickling, Ria Kisoun, Patrick McGovern, Heidi Meister, and Corinne Woods from G.A. Jeckell Junior Secondary School in Whitehorse and Kimberly Clark and Claire Dulac from St. Elias Community School in Haines Junction would be Pages during the Spring Session. Evangeline Billy and Corinne Woods were introduced and welcomed to the House.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Nordling, Speaker

- Report of the Auditor General of Canada entitled "Report On Other Matters" for the year ended March 31, 1992
(Sessional Paper #11)
- Annual Report of the Yukon Human Rights Commission for the year ended March 31, 1992
(Sessional Paper #12)
- Report of the Clerk of the Assembly on deductions from the indemnities of Members of the Legislative Assembly pursuant to subsection 39(6) of the Legislative Assembly Act
(Sessional Paper #13)

Hon. Mr. Ostashek, Government Leader

- Vacant positions and other expired term positions list for each department

(Legislative Return #2)

- Land Claims re: Self-Government within Whitehorse
- (Legislative Return #3)

PRESENTING REPORTS OF COMMITTEES

Hon. Mr. Ostashek, Chair, Special Committee on Land Claims and Self-Government:

- Report of the Special Committee on Land Claims and Self-Government

(Sessional Paper #14)

INTRODUCTION OF BILLS (First Reading)

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

Bill #5 - Fourth Appropriation Act, 1991-92
-Hon. Mr. Ostashek

MONEY MESSAGE

Bill #4, Second Appropriation Act, 1992-93 and Bill #5, Fourth Appropriation Act, 1991-92 were accompanied by a money message.

The Assembly adjourned at 2:22 p.m. until 1:30 p.m., Tuesday, March 16, 1992.

NO. 6

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Tuesday, March 16, 1993

The Speaker took the Chair at 1:30 p.m.

MINISTERIAL STATEMENTS

Hon. Mr. Brewster, Minister of Renewable Resources

- Carcross Caribou recovery and "specially protected wildlife" legislation

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. McDonald, Opposition House Leader, identified the items to be called during Opposition Private Members' Business on Wednesday, March 17, 1993.

COMMITTEE OF THE WHOLE

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

The following Bills were reported without amendment:

Bill #2 - An Act Approving Yukon Land Claim Final Agreements
-Hon. Mr. Ostashek

Bill #3 - First Nations (Yukon) Self-Government Act
-Hon. Mr. Ostashek

The report of the Chair was adopted.

GOVERNMENT BILLS (Third Reading)

The following Bill was read a third time and passed:

Bill #2 - An Act Approving Yukon Land Claim Final Agreements
-Hon. Mr. Ostashek

The following Bill was called for Third Reading:

Bill #3 - First Nations (Yukon) Self-Government Act
-Hon. Mr. Ostashek

A debate arising on the motion for Third Reading and the time reaching 5:30 p.m., the Speaker, pursuant to Standing Order 2(6), adjourned the House and debate on the motion for Third Reading of Bill #3 was accordingly adjourned.

The Assembly adjourned at 5:30 p.m. until 1:30 p.m.,
Wednesday, March 17, 1993.

NO. 7

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Wednesday, March 17, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Nordling, Speaker

- Report of the Chief Electoral Officer on Contributions to Candidates, 1992 General Election
(Sessional Paper #15)

Hon. Mr. Phillips, Minister of Education

- Annual report of the Department of Education for the year ended March 31, 1992
(Sessional Paper #16)

MINISTERIAL STATEMENTS

Hon. Mr. Ostashek, Government Leader

- Ride for Sight Annual Motorcycle Rally: Tribute to Leo McCormack

Hon. Mr. Phillips, Minister of Education

- Student Summer Employment Program in 1993

OPPOSITION PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Penikett:

THAT it is the opinion of this House that the Government of Yukon conditions for the Curragh loan guarantee must be tough but realistic; and

THAT the Government of Yukon must show fiscal and economic leadership when they negotiate these conditions with Curragh in order to protect the taxpayers and ensure the security of the jobs in Faro.

(Motion #17)

A debate arising on the motion and the time reaching 5:30 p.m. while Mr. Harding, Member for Faro, was speaking to it, the Speaker, pursuant to Standing Order 2(2), recessed the House until 7:30 p.m. and debate on Motion #17 was accordingly adjourned.

GOVERNMENT BILLS

The following Bill was read a third time and passed:

Bill #3 - First Nations (Yukon) Self-Government Act
-Hon. Mr. Ostashek

MOTION TO EXTEND SITTING HOURS

Pursuant to Standing Order 2(7), at 8:20 p.m., after the Hon. Mr. Brewster had finished speaking to the motion for Third Reading, the Hon. Mr. Phillips, Government House Leader, moved the following motion:

THAT the Assembly be empowered to sit after 9:30 p.m. until such time as it is agreed to adjourn for the purpose of completing debate on Third Reading of Bill #3 and for receiving the Commissioner to give assent.

The question being put, it was agreed to.

ASSENT TO BILLS

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

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

The Speaker addressed the Commissioner:

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

The Clerk of the Assembly then read the titles of the Bills that had been passed severally as follows:

Bill #2 - An Act Approving Yukon Land Claim Final Agreements
-Hon. Mr. Ostashek

Bill #3 - First Nations (Yukon) Self-Government Act
-Hon. Mr. Ostashek

The Commissioner assented the Bills:

"I am most pleased and proud to give Assent to the Bills as enumerated by the Clerk."

The Commissioner then retired from the Chamber.

The Assembly adjourned at 9:03 p.m. until 1:30 p.m., Thursday, March 18, 1993.

NO. 8

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Thursday, March 18, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Brewster, Minister of Renewable Resources

- Lake Laberge: contamination studies

(Legislative Return #4)

MINISTERIAL STATEMENTS

Hon. Mr. Ostashek, Government Leader

- 25th Anniversary of the Yukon flag

Hon. Mr. Phelps, Minister of Justice

- International Day for the elimination of racial discrimination

Hon. Mr. Brewster, Minister of Renewable Resources

- Canada-Yukon Agreement on the agri-food component of the Green Plan

SPEAKER'S STATEMENT

"On ministerial statements, I would like to bring the Ministers' attention to Standing Order 11(3), which says, "A Minister may make a short factual statement of government policy."

The ministerial statements have been short, but they are pushing the limits of statements of government policy. Yesterday, there was a ministerial statement

introducing Leo McCormack, and recognizing his accomplishments. Today, there was a ministerial statement recognizing Lynn Lambert, the designer of our flag and three challenge winners. These things may more properly have been done under "Introduction of Visitors".

I would suggest that the Ministers should use the statement by the Minister of Renewable Resources as a guide and pay attention to that Standing Order."

FILED DOCUMENT

The following document was filed by Hon. Mr. Ostashek, Government Leader, during Question Period:

- Letter dated March 18, 1993 from C.K. Benner, President, Operations, Curragh Inc. to the Government Leader re blackout on negotiations with respect to the loan guarantee to Curragh Inc.

(Filed Document #3)

GOVERNMENT MOTION

Moved by the Hon. Mr. Ostashek:

THAT this House urges the Minister of Indian Affairs and Northern Development to introduce, at the earliest opportunity, legislation in the Parliament of Canada giving effect to completed Yukon First Nations Final Agreements and Yukon First Nations Self-Government Agreements; and

THAT this House urges all Members of the Parliament of Canada to support this legislation so that it may become law prior to the next federal election.

(Motion #15)

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

YEA

Ostashek	Fisher	Penikett	Moorcroft	
Phillips	Devries	McDonald	Harding	16
Brewster	Abel	Joe, M.	Cable	
Phelps	Millar	Joe, D.	Firth	

NAY

0

Moved by the Hon. Mr. Ostashek:

THAT this House congratulates Yukon First Nation citizens, federal government and Yukon government officials, both past and present, who contributed to the settlement of the Yukon Indian Claim.

(Motion #21)

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

YEA			
Ostashek	Fisher	Penikett	Moorcroft
Phillips	Devries	McDonald	Harding
Brewster	Abel	Joe, M.	Cable
Phelps	Millar	Joe, D.	Firth
16			
NAY			
0			

Moved by the Hon. Mr. Ostashek:

THAT this House urges the Government of Canada to provide adequate resources to the Council for Yukon Indians and the Government of Yukon to enable them to implement the Yukon First Nations Final Agreements and First Nations Self-Government Agreements settling the Yukon Indian Land Claims.

(Motion #23)

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

YEA			
Ostashek	Fisher	Penikett	Moorcroft
Phillips	Devries	McDonald	Harding
Brewster	Abel	Joe, M.	Cable
Phelps	Millar	Joe, D.	Firth
16			
NAY			
0			

The Assembly adjourned at 5:12 p.m. until 1:30 p.m., Monday, March 22, 1993.

NO. 9

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Monday, March 22, 1993

The Speaker took the Chair at 1:30 p.m.

GOVERNMENT BILLS

The following Bill was called for Second Reading:

Bill #4 - Second Appropriation Act, 1992-93

-Hon. Mr. Ostashek

A debate arising on the motion for Second Reading and the time reaching 9:30 p.m. while the Hon. Mr. Ostashek was speaking to it, the Speaker, pursuant to Standing Order 2(6), adjourned the House and debate on the motion for Second Reading was accordingly adjourned.

The Assembly adjourned at 9:30 p.m. until 1:30 p.m., Tuesday, March 23, 1993.

NO. 10

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Tuesday, March 23, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

- Hon. Mr. Devries, Minister of Government Services
- Policy direction and restructuring of Government Services
(Legislative Return #5)
- Hon. Mr. Ostashek, Government Leader
- Annual Report of the Yukon Public Service Staff Relations Board for the year ended March 31, 1992
(Sessional Paper #17)
 - Annual Report of the Yukon Teachers' Staff Relations Board for the year ended March 31, 1992
(Sessional Paper #18)
 - Employment contracts: no change in number of employees hired under contract
(Legislative Return #6)
- Hon. Mr. Phillips, Minister of Education
- Employer Needs Survey Summary Report, Advanced Education, February, 1993
(Sessional Paper #19)
- Hon. Mr. Brewster, Minister of Renewable Resources
- Bonnet Plume River: Canadian Heritage Rivers System Nomination Document
(Sessional Paper #20)

- Bonnet Plume River: Background Study for the Canadian Heritage Rivers System July, 1992
(Sessional Paper #21)

Hon. Mr. Phelps, Minister of Justice

- Court Reporting Contract: bid evaluation and review process
(Legislative Return #7)

- Yukon Energy Corporation: cost of consulting contracts
(Legislative Return #8)

MINISTERIAL STATEMENTS

Hon. Mr. Phillips, Minister of Education

- Employer Needs Survey

Hon. Mr. Brewster, Minister of Renewable Resources

- Bonnet Plume River: Canadian Heritage Rivers System Nomination

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Mr. Phillips, Government House Leader, identified the order in which Government Private Members' motions were to be called on Wednesday, March 24, 1993.

GOVERNMENT BILLS

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

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

Bill #5 - Fourth Appropriation Act, 1991-92
-Hon. Mr. Ostashek

FILED DOCUMENT

During debate on the motion for Second Reading of Bill #4, the Hon. Mr. Ostashek filed the following document:

- Drawing representing perceived and actual expenditures: difference between Main and Supplementary Estimates

(Filed Document #4)

COMMITTEE OF THE WHOLE

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

The time reaching 5:30 p.m., the Chair, pursuant to Standing Order 2(5), rose and reported progress on the following Bill:

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 5:31 p.m. until 1:30 p.m.,
Wednesday, March 24, 1993.

NO. 11

VOTES AND PROCEEDINGS
of the
YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Wednesday, March 24, 1993

The Speaker took the Chair at 1:30 p.m.

MINISTERIAL STATEMENTS

Hon. Mr. Phillips, Minister of Education
- Ross River literacy project

GOVERNMENT PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Millar:

THAT this House urges the Implementation Review Committee to recommend realistic placer mining regulations that will promote the development and growth of the placer mining industry while protecting the Yukon's fishery resource.

(Motion #25)

A debate arising on the motion and the time reaching 5:30 p.m., the Speaker, pursuant to Standing Order 2(2), recessed the House until 7:30 p.m. and debate on Motion #25 was accordingly adjourned.

COMMITTEE OF THE WHOLE

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

At 8:00 p.m., the Chair made the following ruling:

"Like yesterday, there have been a lot of comments about the Consulting and Audit Canada report, which was tabled by the Government Leader in the House in December 1992. However, that report was not referred to Committee of the Whole and the Committee was not instructed to report on it.

When talking about Bill #4, Members are free to refer to any documents they have used when they were preparing to discuss the Bill or the Estimates book. They should not expect that debate can centre on any document other than the Bill or the book.

If Members want to refer to the Consulting and Audit Canada report during debate, I have no problem with that as long as they relate it directly to what the Committee has been told to talk about, that is, the Supplementary Estimates. We will now continue with general debate."

The time reaching 9:30 p.m., the Chair, pursuant to Standing Order 2(5), rose and reported progress on the following Bill:

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 9:30 p.m. until 1:30 p.m., Thursday, March 25, 1993.

NO. 12

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Thursday, March 25, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Ostashek, Government Leader

- Comparison of Employees and Full-time Equivalents
(Sessional Paper #22)

PETITIONS (Response to Petition #2)

Hon. Mr. Fisher tabled a response to Petition #2 (received by the House on December 17, 1992) regarding the Gateway housing project in Riverdale.

(Sessional Paper #23)

INTRODUCTION OF BILLS (First Reading)

Bill #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostashek

Bill #7 - Interim Supply Appropriation Act, 1993-94
-Hon. Mr. Ostashek

Bill #89 - An Act to Amend the Fuel Oil Tax Act
-Hon. Mr. Ostashek

Bill #46 - An Act to Amend the Income Tax Act
-Hon. Mr. Ostashek

Bill #29 - An Act to Amend the Tobacco Tax Act
-Hon. Mr. Ostashek

MONEY MESSAGE

Bill #6, First Appropriation Act, 1993-94 and Bill #7, Interim Supply Appropriation Act, 1993-94 were accompanied by a money message.

GOVERNMENT BILLS - BUDGET SPEECH

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

Bill #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostashek

Thereupon, the Hon. Mr. Ostashek delivered the Budget Speech.

Moved by Mr. McDonald:

THAT debate be now adjourned.

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

The Assembly adjourned at 3:15 p.m. until 1:30 p.m., Monday, March 29, 1993.

NO. 13

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Monday, March 29, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Phillips, Minister responsible for the Women's Directorate

- Annual report of the Yukon Advisory Council on Women's Issues for the year ended March 31, 1992
(Sessional Paper #24)

GOVERNMENT BILLS

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

Bill #7 - Interim Supply Appropriation Act, 1993-94
-Hon. Mr. Ostashek

COMMITTEE OF THE WHOLE

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

The following Bill was reported without amendment:

Bill #7 - Interim Supply Appropriation Act, 1993-94
-Hon. Mr. Ostashek

The report of the Chair was adopted.

GOVERNMENT BILLS

The following Bill was called for Second Reading:

Bill #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostashek

A debate continuing on the motion for Second Reading, it was moved by Mrs. Firth:

THAT debate be now adjourned.

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

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 9:26 p.m. until 1:30 p.m., Tuesday, March 30, 1993.

NO. 14

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Tuesday, March 30, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Brewster, Minister of Renewable Resources

- Yukon Farm Survey 1991

(Sessional Paper #25)

Hon. Mr. Phelps, Minister of Justice

- Report on Regulations for the period November 6, 1991 to December 23, 1992

(Sessional Paper #26)

INTRODUCTION OF BILLS (First Reading)

Bill #56 - Public Sector Compensation Restraint Act

-Hon. Mr. Ostashek

MINISTERIAL STATEMENT

Hon. Mr. Brewster, Minister of Renewable Resources

- Bright Future for Yukon Farming: Yukon Farm Survey 1991

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), the Hon. Mr. McDonald, Opposition House Leader, and Mr. Cable, Member for Riverside, identified the items to be called during Opposition Private Members' Business on Wednesday, March 31, 1993.

GOVERNMENT BILLS

The following Bill was read a third time and passed:

Bill #7 - Interim Supply Appropriation Act, 1993-94
-Hon. Mr. Ostashek

UNANIMOUS CONSENT RE BRIEF RECESS

The Speaker requested, and was granted, unanimous consent to recess the House for ten minutes.

ASSENT TO BILL

The Assembly received the Administrator to give Assent to a certain Bill passed by the House.

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

The Speaker addressed the Administrator:

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

The Clerk of Assembly then read the title of the Bill that had been passed:

Bill #7 - Interim Supply Appropriation Act, 1993-94
-Hon. Mr. Ostashek

The Administrator assented the Bill:

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

The Administrator then retired from the Chamber.

GOVERNMENT BILLS

The following Bill was called for Second Reading:

Bill #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostashek

A debate continued on the motion for Second Reading.

QUORUM COUNT

At 3:57 p.m., during Second Reading debate on Bill #6, First Appropriation Act, 1993-94, the Speaker stated that there did not appear to the Speaker to be a quorum in the House so, pursuant to Standing Order 3(2), he rang the bells and then did a count. A quorum was present for the count.

GOVERNMENT BILLS

Second Reading debate continued on the following bill:

Bill #6 - First Appropriation Act, 1993-1994

-Hon. Mr. Ostashek

The time reaching 5:30 p.m. while Mr. Harding was speaking to the motion for Second Reading of Bill #6, the Speaker, pursuant to Standing Order 2(6), adjourned the House and debate on the motion was accordingly adjourned.

The Assembly adjourned at 5:30 p.m. until 1:30 p.m.,
Wednesday, March 31, 1993.

NO. 15

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Wednesday, March 31, 1993

The Speaker took the Chair at 1:30 p.m.

RECOGNITION OF ABORIGINAL LANGUAGES DAY

Johnny Abel, Member for Vuntut Gwich'in, and Danny Joe, Member for Mayo-Tatchun, recognized Aboriginal Languages Day in Canada and briefly addressed the Assembly in their own language.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Brewster, Minister of Renewable Resources

- Charges relating to counselling use of poison for purposes of hunting wildlife; any relationship to poisoning incidents in Kluane riding in 1982 and 1983?

(Legislative Return #9)

- Game Farming Policy

(Sessional Paper #27)

MINISTERIAL STATEMENTS

Hon. Mr. Devries, Minister of Economic Development

- Curragh Inc. negotiations: progress being made but details not to be discussed publicly

Hon. Mr. Brewster, Minister of Renewable Resources

- Game Farming (revised) policy and regulation proposals

OPPOSITION PRIVATE MEMBERS' BUSINESS
MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Penikett:

THAT it is the opinion of this House that the tax increases contained in the 1993-94 budget will kill jobs.
(Motion #32)

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

THAT Motion #32 be amended by deleting the words "will kill jobs" and substituting for them the following:

"are fiscally responsible and will kill jobs in British Columbia and other jurisdictions."

A debate arising on the amendment and the time reaching 5:30 p.m. while the Hon. Mr. Ostashek was continuing to speak to it, the Speaker, pursuant to Standing Order 2(2), recessed the House until 7:30 p.m. and debate on the amendment to Motion #32 was accordingly adjourned.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 9:29 p.m. until 1:30 p.m., Thursday, April 1, 1993.

NO. 16

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Thursday, April 1, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Mr. Penikett, Leader of the Official Opposition

- Humane Society Yukon - 1992: Signatures in support of a new animal shelter

(Filed Document #5)

Hon. Mr. Fisher, Minister of Community and Transportation Services

- Wickstrom Road guard-rails: responsibility and ownership

(Legislative Return #10)

PETITIONS

Mr. Penikett, Leader of the Official Opposition, presented the following petition:

- Petition regarding provision of funding for the construction of an animal shelter in Whitehorse

(Petition #3)

MINISTERIAL STATEMENTS

Hon. Mr. Ostashek, Government Leader

- Intention to amend Fuel Oil Tax Act to exempt off-highway recreational vehicles

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

- Transfer of Whitehorse General Hospital to the Yukon

GOVERNMENT BILLS

The following Bill was called for Second Reading:

Bill #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostashek

A debate continuing on the motion for Second Reading, there were an equal number of votes on the following recorded Division:

YEA

Ostashek	Phelps	Abel	
Phillips	Fisher	Millar	8
Brewster	Devries		

NAY

Penikett	Joe, D.	Cable	
McDonald	Moorcroft	Firth	8
Joe, M.	Harding		

CASTING VOTE

There being an equal number of votes, the Speaker stated:

"Our Standing Order 4(2) states that, in the event of a tie vote, the Speaker shall cast the deciding vote. In general, decisions in this House should not be taken except by a majority. However, voting for a Bill at Second Reading allows further discussion and provides the House with another opportunity to decide the question.

As Speaker, I wish to give this House further opportunity to discuss this important Bill and, perhaps, achieve a majority. I will, therefore, vote for the motion.

At this point, my vote should be interpreted simply as a vote for further discussion. With my vote, I declare the motion for Second Reading of this Bill carried."

The Speaker then voted for the motion and the motion for Second Reading of Bill #6, entitled First Appropriation Act, 1993-94, was agreed to.

The Assembly adjourned at 4:52 p.m. until 1:30 p.m., Monday, April 5, 1993.

NO. 17

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Monday, April 5, 1993

The Speaker took the Chair at 1:30 p.m.

CONDOLENCES

Ms. Joe, Member for Whitehorse Centre, and the Hon. Mr. Devries, Member for Watson Lake, expressed condolences to the family, including former MLA Dave Porter, and friends of those people killed or injured in a tragic accident, March 30, 1993, on the Stewart-Cassiar Highway.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Nordling, Speaker

- Report of the Chief Electoral Officer of the Yukon on Contributions to Political Parties During 1992
(Sessional Paper #28)

PETITIONS

The Clerk reported on Petition #3 as follows:

"I have had the honour to review a petition, being Petition #3 of the First Session of the 28th Legislative Assembly, as presented by the honourable Leader of the Official Opposition on April 1, 1993.

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

The Speaker ruled that the petition was accordingly deemed to be read and received.

MINISTERIAL STATEMENTS

Hon. Mr. Ostashek, Government Leader

- Initiatives of Yukon Government regarding assistance to residents of Faro and Watson lake during the shut-down of Curragh Inc.

MATTER OF URGENT PUBLIC IMPORTANCE

Pursuant to Standing Order 16, and having given proper notice to the Speaker and the House Leaders with regard to the matter proposed to be discussed, Mr. Penikett, Leader of the Official Opposition, asked leave of the House to move for the adjournment of the ordinary business of the Assembly in order to discuss a matter of urgent public importance, namely, the extension of the shut-down of the mines at Faro and Sa Dena Hes and Curragh Inc.'s application for bankruptcy protection.

Pursuant to Standing Order 16(4), the Speaker heard the Member state the argument in favour of the request and then heard the Third Party House Leader and the Government House Leader state their position with respect to the request for leave.

The Speaker then made the following statement:

"It appears that the House has decided that it will debate the issue of Curragh Inc. The Speaker is not required to give a ruling because it is an agreement of the House. However, I would like to comment on the comments made by the Members with respect to this issue in an attempt to focus the debate.

The issue of Curragh Inc., and the shut-down of its operations at Faro and Sa Dena Hes, is a matter of critical importance to the Yukon economy. I think that all Yukoners are hanging on every word that comes forward and every hour is critical.

The announcement, on Friday, of a two-month shut-down at Faro and a three-month shut-down at Sa Dena Hes, followed by the announcement this morning that Curragh would be seeking protection from its creditors, is new to us and has not been debated by this House.

The other issue of ongoing negotiation has already been the subject of debate in this House and, if it was only a discussion of the negotiations that are going on, I would not have found that it complied with Standing Order 16. However, I do find the two new issues - the shut-downs of the mines for several months and the protection from creditors - is sufficiently urgent that it can be debated under Standing Order 16.

Under that Standing Order, each Member who wishes to speak has up to fifteen minutes. After that, there will not be a vote, but we will simply return to the ordinary business of the day."

Debate proceeded on the following motion:

THAT the ordinary business of the Assembly be adjourned.

Debate concluded at 4:35 p.m. and, pursuant to Standing Order 16(9), the House proceeded to Orders of the Day.

FILED DOCUMENT

The following document was filed by the Hon. Mr. Ostashek during debate on the Matter of Urgent Public Importance:

- Copy of order granting Curragh Inc. protection under the Companies' Creditors Arrangement Act

(Filed Document #6)

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 9:27 p.m. until 1:30 p.m., Tuesday, April 6, 1993.

No. 18

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Tuesday, April 6, 1993

The Speaker took the Chair at 1:30 p.m.

INTRODUCTION OF BILLS (First Reading)

Bill #101 - An Act to Amend the College Act
-Mrs. Firth

MINISTERIAL STATEMENTS

Hon. Mr. Ostashek, Government Leader
- Land Claims implementation plan and funding

Hon. Mr. Phillips, Minister of Education
- School Achievement Indicators Program

FILED DOCUMENT

The following document was filed by the Hon. Mr. Phillips,
Minister of Education, during Question Period:

- Two letters of support (from Members for McIntyre-Takhini and for Riverside) regarding the construction of a gymnasium facility to be attached to the G.A. Jeckell Junior Secondary School

(Filed Document #7)

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Mr. Phillips, Government House Leader, identified the order in which Government Private Members' motions were to be called on Wednesday, April 18, 1993.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - Second Appropriation Act, 1992-93

-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 5:26 p.m. until 1:30 p.m., Wednesday, April 7, 1993.

No. 19

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Wednesday, April 7, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Brewster, Minister of Renewable Resources

- Aishihik Lake: review of water management regime by 2002
(Legislative Return #11)

Hon. Mr. Phelps, Minister responsible for the Yukon Energy Corporation

- Memorandum dated March 30, 1993 from W.E. Byers, President, Yukon Energy Corporation re Canadian Utilities issue

(Sessional Paper #29)

Hon. Mr. Devries, Minister of Economic Development

- Faro Action Plan (dated April 5, 1993)

(Sessional Paper #30)

GOVERNMENT PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Millar:

THAT this House urges the Implementation Review Committee to recommend realistic placer mining regulations that will promote the development and growth of the placer mining industry while protecting the Yukon's fishery resource.

(Motion #25)

A debate continuing (from March 24, 1993) on the motion and the question being put, it was agreed to on the following recorded Division:

YEA

Ostashek	Abel	Joe, D	
Phillips	Millar	Moorcroft	
Brewster	Penikett	Harding	16
Phelps	McDonald	Cable	
Fisher	Joe, M	Firth	
Devries			

NAY

0

Moved by Mr. Abel:

THAT it is the opinion of this House that the Government of Yukon should support the development of a portable sawmill for the Vuntut Gwich'in riding.

(Motion #27)

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

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 9:26 p.m. until 1:30 p.m., Thursday, April 8, 1993.

No. 20

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Thursday, April 8, 1993

The Speaker took the Chair at 1:30 p.m.

RECOGNITION OF SARAH ABEL

Mr. Abel, Member for Vuntut Gwich'in, and Ms. Joe, Member for Whitehorse Centre, paid recognition to Sarah Abel, a respected Old Crow elder, to be awarded the commemorative medal for the 125th Anniversary of Canadian Confederation on April 11, 1993.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Devries, Minister of Economic Development

- Business Development Fund: listing of businesses receiving financial assistance during 1992-93

(Legislative Return #12)

INTRODUCTION OF BILLS (First Reading)

Bill #102 - An Act to Amend the Elections Act

-Mrs. Firth

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 4:44 p.m. until 1:30 p.m., Tuesday,
April 13, 1993.

No. 21

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Tuesday, April 13, 1993

The Speaker took the Chair at 1:30 p.m.

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. McDonald, Opposition House Leader, identified the items to be called during Opposition Private Members' Business on Wednesday, April 14, 1993.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 5:29 p.m. until 1:30 p.m.,
Wednesday, April 14, 1993.

No. 22

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Wednesday, April 14, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Ostashek, Government Leader

- "Transition Team" composition, responsibilities and contract costs

(Legislative Return #13)

OPPOSITION PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Cable:

THAT it is the opinion of this House that the Public Service Act should be amended to provide that the Public Service Commissioner shall be appointed by the Commissioner in Executive Council on the recommendation of the Legislative Assembly, and to further provide that the Legislative Assembly shall not recommend a person to be appointed Public Service Commissioner unless a Special Committee of the Legislative Assembly has unanimously recommended to the Legislative Assembly that the person be appointed.

(Motion #36)

UNANIMOUS CONSENT FOR BRIEF RECESS

Just after the Speaker finished reading the motion, Mr. Cable requested a brief recess. The Speaker asked

the House if there were unanimous consent for a recess, and there being no dissent, he declared a ten-minute recess.

A debate arising on the motion and the time reaching 5:30 p.m. while the Hon. Mr. Ostashek was speaking to it, the Speaker, pursuant to Standing Order 2(2), recessed the House until 7:30 p.m. and debate on Motion #36 was accordingly adjourned.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:
Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 9:27 p.m. until 1:30 p.m., Thursday, April 15, 1993.

No. 23

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Thursday, April 15, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Ostashek, Government Leader

- Government Services Deputy Minister Appointment
(Sessional Paper #31)
- Costs for briefing meetings re 1993-94 budget and loan
guarantee to Curragh
(Legislative Return #14)
- Qualifications, roles, conduct code, position
descriptions, organizational chart for various positions
in the Executive Council Office
(Legislative Return #15)

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

- Workers' Compensation, Health and Safety Board President
Appointment
(Sessional Paper #32)
- Liquor licences, fees and permits: anticipated increased
revenue
(Legislative Return #16)

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 5:27 p.m. until 1:30 p.m., Monday, April 19, 1993.

No. 24

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Monday, April 19, 1993

The Speaker took the Chair at 1:30 p.m.

TRIBUTE TO WHITEHORSE HUSKIES HOCKEY TEAM

Hon. Mr. Fisher, Minister of Community and Transportation Services and Mr. Harding, Member for Faro, congratulated the Whitehorse Huskies hockey team, 1993 winners of the Allan Cup.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Ostashek, Government Leader

- The Sluice Box: purpose of and process for approving articles

(Legislative Return #17)

- Hiring freeze: information pertaining to its effect on various categories of employees

(Legislative Return #18)

Hon. Mr. Fisher, Minister of Community and Transportation Services

- Interview process for summer employment on highway crews

(Legislative Return #19)

- Motor Transport Board Annual Report 1991/1992 (May 1992)

(Sessional Paper #33)

- Animal Shelter in Whitehorse: response to Petition #3

(Sessional Paper #35)

Hon. Mr. Phillips, Minister of Tourism

- Film Location Promotion Program pays off
(Sessional Paper #34)

PETITIONS (Response to Petition #3)

Hon. Mr. Fisher tabled a response to Petition #3 (received by the House on April 5, 1993) with regard to the construction of an animal shelter in Whitehorse. (See Sessional Paper #35).

MINISTERIAL STATEMENTS

Hon. Mr. Phillips, Minister of Tourism

- Film Location Promotion Program: Television pilot film to be shot in Yukon

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 9:28 p.m. until 1:30 p.m., Tuesday, April 20, 1993.

No. 25

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Tuesday, April 20, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Ostashek, Government Leader

- Contract listing for 1992-93 yet to be finalized:
organization charts found in Main Estimates
(Legislative Return #20)
- Yukon Council on the Economy and the Environment: current
members; mandate under review
(Legislative Return #21)
- Yukon Council on the Economy and the Environment: 1993-94
budget, secretariat support
(Legislative Return #22)

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Mr. Phillips, Government House Leader, identified the order in which Government Private Members' motions were to be called on Wednesday, April 21, 1993.

COMMITTEE OF THE WHOLE

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

- 73 -

Progress was reported on the following Bill:
Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 5:29 p.m. until 1:30 p.m.,
Wednesday, April 21, 1993.

No. 26

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Wednesday, April 21, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Ostashek, Government Leader

- Consulting and Audit Canada Report "Review of Change in Accumulated Surplus": dates of call letters for "Review" and for Variance Reports

(Legislative Return #23)

- Government not bringing Ted Gaebler to Whitehorse to give a management seminar

(Legislative Return #24)

- Premature deductions of proposed territorial tax

(Legislative Return #25)

Hon. Mr. Devries, Minister of Economic Development

- Curragh Inc.: Ontario Court documents dated April 5, 1993, related to an application under the Companies' Creditors Arrangement Act

(Sessional Paper #36)

- Business Development Fund 1992-93: recipients, project descriptions, amounts approved and expenditures to March 31, 1993

(Legislative Return #26)

GOVERNMENT PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Abel:

THAT it is the opinion of this House that trapping is an important part of life in many Yukon communities and that Yukon trappers contribute to both the economic and cultural values of Yukoners' lifestyles;

THAT this House commends Yukon trappers for their humane and wise use of wildlife resources; and

THAT this House urges the Government of Canada to continue to support the fur industry both within Canada and abroad.
(Motion #35)

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

Moved by Mr. Millar:

THAT it is the opinion of this House that the Top of the World Highway should be upgraded and that the Government of Yukon should consider upgrading the existing ferry service and should investigate the feasibility of building a bridge across the Yukon River at Dawson City in order to promote tourism and economic development in the region.
(Motion #29)

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

Moved by Mr. Millar:

THAT this House urges the Alaska State Government to fast-track its portion of construction and road improvements on the U.S. side of the Top of the World Highway in order to better accommodate the tourism industry for both the Yukon and Alaska.

(Motion #30)

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

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 9:29 p.m. until 1:30 p.m., Thursday, April 22, 1993.

No. 27

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Thursday, April 22, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Ostashek, Government Leader

- Statements of Allotments and Appropriations for the 1992-93 fiscal year

(Legislative Return #27)

Hon. Mr. Fisher, Minister of Community and Transportation Services

- 9-1-1 Emergency Service status and funding

(Legislative Return #28)

- Fire Marshal Annual Report for calendar year ending December 31, 1991

(Sessional Paper #37)

GOVERNMENT BILLS

The following Bill was called for Second Reading:

Bill #83 - An Act to Amend the Employment Standards Act
(No.2), 1992

- Hon. Mr. Phelps

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

Division:

YEA

Ostashek	Phelps	Abel	
Phillips	Fisher	Millar	9
Brewster	Devries	Firth	

NAY

Penikett	Joe, D.	Cable	
McDonald	Moorcroft		7
Joe, M.	Harding		

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #83 - An Act to Amend the Employment Standards Act
(No.2), 1992
- Hon. Mr. Phelps

The report of the Chair was adopted.

The Assembly adjourned at 5:29 p.m. until 1:30 p.m. Monday,
April 26, 1993.

No. 28

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Monday, April 26, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Brewster, Minister of Renewable Resources

- Summary Convictions Act regulations regarding litter: amendments prepared to implement a ticketing scheme for littering infractions

(Legislative Return #29)

Hon. Mr. Fisher, Minister of Community and Transportation Services

- Casual and auxiliary employees: definitions; number of positions for 1992 and 1993; George Black ferry workers

(Legislative Return #30)

MINISTERIAL STATEMENTS

Hon. Mr. Ostashek, Government Leader

- Taxation measures to be phased in; amendments to be proposed to reduce 1993-94 spending accordingly

COMMITTEE OF THE WHOLE

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

At 7:30 p.m., the Chair made the following ruling:

Before proceeding with tonight's business, I will now give my ruling on the Point of Order raised just before 5:30. The Chair believes that there is a lot of connection between Bill #83 which is now before Committee and Bill #13, which was passed by the last Legislature. This does not mean that the Committee can debate all over again each section in Bill #13. However, the general contents of Bill #13 can be raised in discussing Bill #83. The Chair would ask, when members refer to Bill #13, that they help the Chair and the Committee by making sure their comments are clearly related to the contents of Bill #83.

The following Bill was reported without amendment:

Bill #83 - An Act to Amend the Employment Standards Act
(No. 2), 1992
-Hon. Mr. Phelps

Progress was reported on the following Bill:

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 9:27 p.m. until 1:30 p.m., Tuesday,
April 27, 1993.

No. 29

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Tuesday, April 27, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Devries, Minister of Economic Development

- "Selling to the Yukon Government", 1993 revised edition:
Guide for selling products or services to the Yukon
Government

(Sessional Paper #38)

- Computers/laptops purchased in 1992-93: numbers, types,
suppliers and costs

(Legislative Return #31)

Mr. McDonald, Member for McIntyre-Takhini

- Memorandum from Acting Deputy Minister of Government
Services dated March 29, 1993, re 1993-94 Budget
Implications - Government Services' service cuts to
clients

(Sessional Paper #39)

INTRODUCTION OF BILLS (First Reading)

Bill #8 - Interim Supply Appropriation Act, 1993-94 (No. 2)

-Hon. Mr. Ostashek

MONEY MESSAGE

Bill #8, Interim Supply Appropriation Act, 1993-94 (No. 2),
was accompanied by a money message.

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. McDonald, Opposition House Leader, identified the item to be called during Opposition Private Members' Business on Wednesday, April 28, 1993.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 5:28 p.m. until 1:30 p.m.,
Wednesday, April 28, 1993.

No. 30

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Wednesday, April 28, 1993

The Speaker took the Chair at 1:30 p.m.

TRIBUTE TO WORKERS - NATIONAL DAY OF MOURNING

Hon. Mr. Brewster, Minister responsible for the Workers' Compensation Health and Safety Board, paid tribute to workers who had died, been injured or suffered from diseases due to workplace hazards. The House observed a moment of silence.

OPPOSITION PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Harding:

THAT it is the opinion of this House that the Government of Yukon should show economic leadership by actively supporting the immediate stripping of the Grum ore deposit in the vicinity of Faro as an infrastructure investment to stimulate economic activity, to keep thousands of Yukon people working and to stave off private sector economic collapse due to the lack of any other immediate private sector opportunities of comparable scale.

(Motion #38)

A debate arising on the motion, it was moved by the Hon. Mr. Phelps:

THAT Motion #38 be amended by deleting all words after the word "Yukon" in the second line and replacing them with the following:

"is showing economic leadership by actively supporting the stripping of the Grum ore deposit in the vicinity of Faro as an investment to stimulate economic activity, to keep Yukon people working and to stave off private sector economic collapse due to the lack of any other immediate private sector opportunities of comparable scale."

A debate arising on the amendment and the time reaching 5:30 p.m. while the Hon. Mr. Phelps was continuing to speak to it, the Speaker, pursuant to Standing Order 2(2), recessed the House until 7:30 p.m. and debate on the amendment to Motion #38 was accordingly adjourned.

GOVERNMENT BILLS

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

Bill #8 - Interim Supply Appropriation Act, 1993-94 (No. 2)
-Hon. Mr. Ostashek

The following Bill was called for Third Reading:

Bill #83 - An Act to Amend the Employment Standards Act
(No.2), 1992
-Hon. Mr. Phelps

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

YEA

Ostashek	Phelps	Abel	
Phillips	Fisher	Millar	9
Brewster	Devries	Firth	

NAY

McDonald	Joe,D	Harding	6
Joe, M	Moorcroft	Cable	

COMMITTEE OF THE WHOLE

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

The following Bill was reported with amendment:

Bill #8 - Interim Supply Appropriation Act, 1993-94 (No. 2)
-Hon. Mr. Ostashek

Progress was reported on the following Bill:

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 9:29 p.m. until 1:30 p.m., Thursday, April 29, 1993.

No. 31

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Thursday, April 29, 1993

The Speaker took the Chair at 1:30 p.m.

TRIBUTE TO GORDON ARMSTRONG

Hon. Mr. Phillips, Government House Leader, and Mr. Penikett, Member for Whitehorse West, paid tribute to Gordon Armstrong who passed away on April 28, 1993. Mr. Armstrong, born in 1905, was the first Mayor of Whitehorse and served for four terms, starting in 1950. He was made Mayor emeritus of Whitehorse in 1987.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Nordling, Speaker

- Report of the Chief Electoral Officer of the Yukon on the 1992 General Election

(Sessional Paper #40)

Hon. Mr. Ostashek, Government Leader

- Essential "Outside" travel: guidelines, approval

(Legislative Return #32)

- Comparison of women to men in management positions in Yukon government between March 18, 1992 and March 31, 1993

(Legislative Return #33)

Hon. Mr. Fisher, Minister of Community and Transportation Services

- List of contracts issued by the Department of Community and Transportation Services between November 1, 1992 and March 31, 1993
(Legislative Return #34)
- Golden Horn Area Development Regulations: may be necessary to amend them
(Legislative Return #35)
- Yukon Government involvement in controlling subdivision development within the City of Whitehorse
(Legislative Return #36)

Hon. Mr. Devries, Minister of Economic Development

- Yukon Economic Forecast, Winter 1993 (prepared by Department of Economic Development, January 19, 1993)
(Sessional Paper #41)
- Government Contracts 1992-93 by Department
(Sessional Paper #42)
- Government Contracts 1992-93 by type
(Sessional Paper #43)
- Yukon Economic Forecast - Winter 1993 (dated January 19, 1993)
(Legislative Return #37)
- Annual Report of the government's contracting activities for the 1992-93 fiscal year titled: Government Contracts 1992-93 by Department and Government Contracts 1992-93 by type
(Legislative Return #38)

MINISTERIAL STATEMENTS

Hon. Mr. Phillips, Minister responsible for the Women's Directorate

- Sexual Assault Prevention Month

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

- Continuing Care/Rehabilitation Facility to open September 1, 1993

GOVERNMENT BILLS

The following Bill was read a third time and passed:

Bill #8 - Interim Supply Appropriation Act, 1993-94 (No. 2)
-Hon. Mr. Ostashek

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

ASSENT TO BILLS

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

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

The Speaker addressed the Commissioner:

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

The Clerk of the Assembly then read the titles of the Bills that had been passed as follows:

Bill #83 - An Act to Amend the Employment Standards Act
(No.2), 1992
-Hon. Mr. Phelps

Bill #8 - Interim Supply Appropriation Act, 1993-94 (No. 2)
-Hon. Mr. Ostashek

The Commissioner assented the Bills:

"Thank you very much, Mr. Clerk. Mr. Speaker, I hereby assent to the Bills as enumerated by the Clerk."

The Commissioner then retired from the Chamber.

The Assembly adjourned at 5:20 p.m. until 1:30 p.m., Monday, May 3, 1993.

No. 32

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Monday, May 3, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Ostashek, Government Leader

- Government of the Yukon Annual Report 1991-92
(Sessional Paper #44)
- Liquor license fee increases reflected in the 1993-94
Main Estimates
Legislative Return #39)
- Policy and Intergovernmental Relations Officer, Executive
Council Office: justification of position, salary range
(Legislative Return #40)
- Government-financed travel between November 9, 1992 and
March 31, 1993 by Department showing a breakdown by
category of official: Ministers, Deputy Ministers,
political staff, other Yukon Government officials and
representatives
(Legislative Return #41)

Hon. Mr. Fisher, Minister of Community and Transportation
Services

- Outside travel costs for Community and Transportation
Services for November 10, 1992 to March 31, 1993 compared
to April 1, 1992 to November 9, 1992
(Legislative Return #42)

- Hon. Mr. Devries, Minister of Economic Development
- Business Development Fund, Community Development Fund, and the Economic Development Agreement: amounts allocated, jobs created by funded businesses or projects, monitoring of businesses to determine the operational status of the business and employment situation
(Legislative Return #43)
- Hon. Mr. Brewster, Minister of Renewable Resources
- Agreement reached to move Bison off the Alaska Highway
(News Release dated May 3, 1993)
(Sessional Paper #45)

INTRODUCTION OF BILLS (First Reading)

- Bill #24 - An Act to Amend the Municipal Act
-Hon. Mr. Fisher
- Bill #92 - An Act to Amend the Assessment and Taxation Act
-Hon. Mr. Fisher

COMMITTEE OF THE WHOLE

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

- Progress was reported on the following Bill:
- Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 9:25 p.m. until 1:30 p.m., Tuesday, May 4, 1993.

No. 33

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Tuesday, May 4, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Ostashek, Government Leader

- Balanced land selection: Champagne and Aishihik First Nations Final Agreement: Chapter 9 - Settlement Land Amount

(Legislative Return #44)

Mr. Penikett, Leader of the Official Opposition

- City of Whitehorse Bylaw 89-34 to amend Official Community Plan Bylaw to change the designated land use for the McLean Lake area from Country Residential to Urban Residential

(Sessional Paper #46)

Hon. Mr. Fisher, Minister of Community and Transportation Services

- Emergency calling made easier through standardized numbers

(Sessional Paper #47)

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

- Suicide prevention in northern communities: protocol for coordinating responses to suicide, suicide prevention training workshop, programs for detection and treatment of potential suicide

(Legislative Return #45)

- Faro Contingency Plan re assistance with relocation costs and agreement to repay if recipient returns to Yukon
(Legislative Return #46)

Hon. Mr. Phillips, Minister of Tourism

- Evaluation of the 1992 Alaska Highway Anniversary prepared for Yukon Anniversaries Commission by the ARA Consulting Group Inc in association with Inukshuk Planning and Development Ltd. (dated March, 1993)
(Sessional Paper #48)

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Mr. Phillips, Government House Leader, informed the House that the Government Private Members did not wish to identify any items standing under the heading "Government Private Members' Business" to be called on Wednesday, May 5, 1993.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 5:28 p.m. until 1:30 p.m.,
Wednesday, May 5, 1993.

No. 34

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Wednesday, May 5, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Ostashek, Government Leader

- Decentralization: no positions targeted for 1993-94
(Legislative Return #47)
- Land Claims: response to questions asked during Estimates
debate on Executive Council Office
(Legislative Return #48)
- Transition team member's actual costs for services
(Legislative Return #49)

Hon. Mr. Devries, Minister of Economic Development

- Whitehorse General Hospital: contract costs for site
preparation
(Legislative Return #50)

MINISTERIAL STATEMENTS

Hon. Mr. Brewster, Minister of Renewable Resources

- Poisoned wildlife in Kusawa and Dezadeash Lake area:
public safety/assistance alert

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 9:27 p.m. until 1:30 p.m., Thursday, May 6, 1993.

No. 35

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Thursday, May 6, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Ostashek, Government Leader

- Executive Council Office: response to questions asked during 1992-93 Supplementary Estimates debate on various line items

(Legislative Return #51)

- Appointments to the Public Service without competition: appointments by direct hire in March 1992 and in March 1993; reasons for appointing without competition

(Legislative Return #52)

Hon. Mr. Phelps, Minister responsible for the Yukon Energy Corporation

- Yukon Energy Corporation: power rate relief during Curragh shutdown

(Legislative Return #53)

Mrs. Firth, Member for Riverdale South, presented a goldfish to the Hon. Mr. Brewster, Minister of Renewable Resources

INTRODUCTION OF BILLS (First Reading)

Bill #20 - An Act to Amend the Income Tax Act

-Hon. Mr. Ostashek

MINISTERIAL STATEMENTS

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

- Alcohol and Drug strategy: initiatives and discussion paper

QUESTION OF PRIVILEGE

Mr. Penikett, Leader of the Official Opposition, rose on a question of privilege related to discussing the 1993-94 Main Estimates in Committee of the Whole without knowing the Government's specific intentions with regard to reducing the expenditures, by way of amendment, in several departments.

SPEAKER'S RULING

The Speaker ruled on the question of privilege as follows:

"On the question of privilege, I would thank the Leader of the Official Opposition for giving me notice that this would be raised pursuant to Standing Order 7(1).

A review of the Leader of the Official Opposition's concern indicates that it is not "privilege", in that the essential element of privilege is the right of free speech in this House. More accurately, I would think that the Leader of the Official Opposition would have brought this under a point of order. As I was given notice of this potential point of order, parliamentary authorities were reviewed and the Table Research Branch of the House of Commons was consulted. There are no rules or precedents that we were able to find that would stop the Government from introducing amendments to reduce a number of line items in the Main Estimates it presented to the House in March of this year.

Clearly, this is an unusual approach. The lack of precedent cannot be taken to imply that the Government cannot introduce these amendments. In a minority situation, as the Leader of the Official Opposition has said, it should be expected that some unique procedures may be utilized as the Government seeks to obtain the support of a majority of the Members in the House.

Therefore, I find that it is not a question of privilege nor a point of order. I cannot provide the Leader of the Official Opposition with the remedy he seeks; however, I should say that I have great sympathy for the Leader of the Official Opposition's point of concern. I hope that it has been satisfied by the Government Leader offering to provide a list immediately of those items that are anticipated to

be changed in the Main Estimates so that the Opposition has them before we begin debate on the budget and there can be full and informed debate on those items."

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Phelps, Minister of Health and Social Services, asked permission of the House to return to Tabling Returns and Documents in order to table a document he had neglected to table earlier. Permission was granted and he tabled the following document:

- The Yukon Alcohol and Drug Strategy: paper for public discussion and consultation

(Sessional Paper #49)

COMMITTEE OF THE WHOLE

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

FILED DOCUMENT

Just after the Chair called Committee of the Whole to order, the Hon. Mr. Ostashek filed the following document:

- Summary of proposed amendments to the 1993-94 Main Estimates, Bill #6, First Appropriation Act, 1993-94

(Filed Document #8)

Progress was reported on the following Bill:

Bill #4 - Second Appropriation Act, 1992-93

-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 5:27 p.m. until 1:30 p.m., Monday, May 10, 1993.

No. 36

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Monday, May 10, 1993

The Speaker took the Chair at 1:30 p.m.

TRIBUTE TO JOAN VEINOTT

Hon. Mr. Phillips, Government House Leader, Ms. Joe, Member for Whitehorse Centre, and Mr. Cable, Member for Riverside, expressed regrets at the passing away on May 9, 1993, of Joan Veinott, Chief Coroner and Public Administrator, and expressed condolences to the family.

INTRODUCTION OF PAGES

The Speaker informed the Assembly that G.A. Jeckell School had selected two additional Pages to serve the House for the remainder of the Spring Session. They are Nicole Johnston and Mary Finch.

TABLING RETURNS AND DOCUMENTS

Mr. Penikett, Leader of the Official Opposition

- Information related to the salary of the Cabinet Communications Advisor to the former New Democrat Government

(Sessional Paper #50)

Hon. Mr. Devries, Minister of Economic Development

- Financial assistance through the Business Assistance Program to the hotel industry in the Yukon, 1985-1992

(Legislative Return #54)

MINISTERIAL STATEMENTS

Hon. Mr. Brewster, Minister of Renewable Resources
- Yukon Elk export protocol with Alberta

GOVERNMENT BILLS

The following Bill was called for Second Reading:

Bill #20 - An Act to Amend the Income Tax Act
-Hon. Mr. Ostashek

A debate arising on the motion for Second Reading, there were an equal number of votes on the following recorded Division:

YEA

Ostashek	Phelps	Abel	
Phillips	Fisher	Millar	8
Brewster	Devries		

NAY

Penikett	Joe, D.	Cable	
McDonald	Moorcroft	Firth	8
Joe, M.	Harding		

CASTING VOTE

There being an equal number of votes, the Speaker stated:

"Because there is a tie vote, pursuant to Standing Order 4(2) I shall cast the deciding vote. Voting for a Bill at Second Reading provides the House with another opportunity to discuss and decide the question. I therefore vote for the motion and declare the motion for Second Reading of this Bill carried."

COMMITTEE OF THE WHOLE

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

The following Bill was reported without amendment:

Bill #20 - An Act to Amend the Income Tax Act
-Hon. Mr. Ostashek

Progress was reported on the following Bill:

Bill #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 9:29 p.m. until 1:30 p.m., Tuesday,
May 11, 1993.

No.37

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Tuesday, May 11, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Ostashek, Government Leader

- Extended Care Facility: questions related to costing and financing

(Legislative Return #55)

Hon. Mr. Devries, Minister of Economic Development

- Contract Review Committee: recommendations resulting from hearings held to date

(Legislative Return #56)

- Department of Government Services: mandate review progress evaluation

(Legislative Return #57)

- Department of Government Services: response to questions asked on renovations to public buildings and on energy conservation during debate of the Supplementary Estimates, 1992-93

(Legislative Return #58)

MINISTERIAL STATEMENTS

Hon. Mr. Ostashek, Government Leader

- Government Leader travelling to Korea re Curragh Inc.

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), the Hon. Mr. McDonald, Opposition House Leader identified the item to be called during Opposition Private Members' Business on Wednesday, May 12, 1993.

GOVERNMENT BILLS

The following Bill was called for Third Reading:

Bill #20 - An Act to Amend the Income Tax Act
-Hon. Mr. Ostashek

The question being put on the motion for Third Reading, there were an equal number of votes on the following recorded Division:

YEA

Ostashek	Phelps	Abel	
Phillips	Fisher	Millar	8
Brewster	Devries		

NAY

Penikett	Joe, D.	Cable	
McDonald	Moorcroft	Firth	8
Joe, M.	Harding		

CASTING VOTE

There being equal number of votes, the Speaker stated:

"Our Standing Orders require that in the event of a tie vote the Speaker shall cast the deciding vote.

It has been generally accepted, and is set out in Beauchesne, that when a tie-breaking or casting vote is necessary, the Speaker is entitled to vote, like any other Member, according to conscience. Beauchesne goes on to say that the Speaker votes in such a manner as to leave the House another opportunity to decide the question.

Normally, a vote at Third Reading is a final decision and leaves the House no opportunity for further debate; however, the situation with Bill #20 is rather unique in that it is not, in a sense, a stand-alone Bill; it is part of the Government's

budget package, which also includes Bill #6, the Main Estimates.

The Main Estimates are presently in Committee of the Whole and the House has just begun to debate the Capital and the Operation and Maintenance Estimates for 1993-94. Bill #20 is simply part of the revenue side of that total budget package.

However Bill #20 is also critical because it is a tax Bill. As such, it is a question of confidence. As a question of confidence, the Government will stand or fall based on the passage or defeat of the Bill.

This, then puts the Speaker in somewhat of a dilemma. If I support this Bill, I am offending the principle that significant decisions should not be taken except by a clear majority of the House. However, if I vote against the Bill, the Government will fall and the House will not have the opportunity to further debate the more significant and more complete decision, which is the main budget itself.

My conscience tells me that the House should have the opportunity to fully debate and vote on the complete budget. On that basis, I will vote for the motion and declare the motion for Third Reading carried and that Bill #20 has passed this House."

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostrashek

TABLED DOCUMENT

When Mr. Cable, Member for Riverside, cited a document, Mr. Penikett, Leader of the Official Opposition asked that it be tabled. Mr. Cable complied and, at 3:15 p.m., tabled the following document:

- Government revenue streams for 1993-94: letter to Mr. Cable from Government Leader dated May 5, 1993 showing most recent calculation of best and worst case scenario
(Sessional Paper #51)

The report of the Chair was adopted.

ASSENT TO BILLS

The Assembly received the Commissioner in his capacity as Lieutenant-Governor to give Assent to a Bill passed by the House.

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

The Speaker addressed the Commissioner.

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

The Clerk of the Assembly then read the title of the Bill that had been passed:

Bill #20 - An Act to Amend the Income Tax Act
-Hon. Mr. Ostashek

The Commissioner assented the Bill:

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

The Commissioner then retired from the Chamber.

The Assembly adjourned at 5:22 p.m. until 1:30 p.m.,
Wednesday, May 12, 1993.

No. 38

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Wednesday, May 12, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Fisher, Minister of Community and Transportation Services

- Organ donor consent cards: available from Health Services (Legislative Return #59)

SPEAKER'S RULING

Before proceeding to Orders of the Day, the Speaker made the following ruling:

"Prior to proceeding to Orders of the Day, I would like to state to the House that Bill #20, entitled An Act to Amend the Income Tax Act, passed this House yesterday. The Government Leader, in bringing Bill #20 to the House, stated that Bill was a substitute for Bill #46, which was also titled An Act to Amend the Income Tax Act.

I would, therefore, inform the House that I have ordered that Bill #46 be dropped from the Order Paper."

OPPOSITION PRIVATE MEMBERS' BUSINESS
MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Ms. Moorcroft:

THAT it is the opinion of this House:

- (1) That the proposed North American Free Trade Agreement will seriously erode Canada's economic and political sovereignty;
- (2) That both the Yukon and Canadian economy will suffer because of the further loss of jobs and employment opportunities to a low wage American and Mexican labour force; and
- (3) That the North American Free Trade Agreement will cause the deterioration of the living standards of working people, the erosion of Canadian social programs, and curtail the ability of the Yukon Legislative Assembly to enact improved environmental and health and safety standards;

and

THAT this House urges the Federal Government to abandon its plans to endorse the North American Free Trade Agreement.
(Motion #18)

A debate was started on the motion.

QUORUM COUNT

At 2:35 p.m., during debate on Motion #18, the Speaker stated:

"Before the Minister of Economic Development speaks, it has been drawn to my attention that we do not have a quorum. I will therefore ring the bells for four minutes or until a quorum is re-established."

Pursuant to Standing Order 3(2), he rang the bells and then did a count. A quorum was present for the count.

TABLED DOCUMENT

During debate on Motion #18, the Hon. Mr. Phillips tabled the following document:

- The North American Free Trade Agreement: Implications for the Yukon. Prepared by J. Alec Macpherson (Sept/92)
(Sessional Paper #52)

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

YEA

McDonald	Joe, D.	Harding	
Joe, M.	Moorcroft		5

NAY

Phillips	Fisher	Millar	
Brewster	Devries	Firth	8
Phelps	Abel		

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 9:27 p.m. until 1:30 p.m., Thursday,
May 13, 1993.

No. 39

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Thursday, May 13, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Brewster, Minister of Renewable Resources

- Draft pesticides regulation released for public comment
(Sessional Paper #53)

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

- Respite care for special needs children: annual budget, application approval, homecare program
(Legislative Return #60)
- Transfer of Regional Health Services: update on progress
(Legislative Return #61)
- Mental health patients: number of bed days allotted in the 1992-93 fiscal year; number of admissions
(Legislative Return #62)
- Pharmaceutical prescriptions: automated system not in place; breakdown of transactions and dollar amount for the Seniors Pharmacare Program and the Chronic Disease Program
(Legislative Return #63)
- Out-of-territory hospital costs: amounts spent for medical care in the 1992-93 fiscal year
(Legislative Return #64)

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 5:30 p.m. until 1:30 p.m., Monday, May 17, 1993.

No. 40

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Monday, May 17, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Ostashek, Government Leader

- Public Service Commissioner, Ms. Pat Cumming, appointed for ten-year term

(Sessional Paper #54)

- Contract for advertising placement and production: current status

(Legislative Return #65)

- Municipal lands: question of third party interest by the City of Whitehorse re Land Claims

(Legislative Return #66)

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

- Employment Equity: Yukon Party's timeline for achieving full employment equity

(Legislative Return #67)

- Continuing Care/Rehabilitation Facility: services included; second phase services; 1993-94 O&M budget; recruitment plan; admission criteria

(Legislative Return #68)

- Family support workers: number of contracts and auxiliary positions in 1992-93

(Legislative Return #69)

- Health Act: implementation
(Legislative Return #70)
- Young Offenders Facility: workplace harassment review of
the secure and open custody program and recommendations
(Legislative Return #71)
- Drinking water tests for Giardiasis (Beaver Fever):
number of cases by community in 1991; statistics not
available for 1992
(Legislative Return #72)

INTRODUCTION OF BILLS (First Reading)

Bill #71 - An Act to Amend the Jury Act
-Hon. Mr. Phelps

Bill #76 - An Act to Amend the Judicature Act
-Hon. Mr. Phelps

Bill #62 - An Act to Amend the Yukon Development Corporation
Act
-Hon. Mr. Phelps

MOTION TO EXTEND SITTING HOURS

Pursuant to Standing Order 2(7), the Hon. Mr. Phillips,
Government House Leader, moved the following motion at 2:15 p.m.:

THAT Committee of the Whole be empowered to sit from 9:30 p.m.
until 10:30 p.m. tonight for the purpose of continuing
consideration of Bill #6, entitled First Appropriation Act,
1993-94.

(Procedural Motion)

The question being put on the motion to extend the sitting
hours, 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 #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostrashek

FILED DOCUMENT

During general debate on the Estimates of the Yukon Legislative Assembly, Mr. Penikett filed the following document:

- a) Government Leader announces moves on reducing Government expenditures: reduction in salaries of MLAs and political staff (News Release dated January 29, 1993);
- b) Indemnities, Expense Allowances and Salaries of Members of the Assembly

(Filed Document #9)

The report of the Chair was adopted.

The Assembly adjourned at 10:27 p.m. until 1:30 p.m., Tuesday, May 18, 1993.

No. 41

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Tuesday, May 18, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Brewster, Minister of Renewable Resources

- Campgrounds to be opened gradually (News Release dated May 18, 1993)

(Sessional Paper #55)

Hon. Mr. Phillips, Minister of Education

- Ecole Emile Tremblay: no funding in 1993-94 budget for capital improvements; funds available to help alleviate air quality concerns

(Legislative Return #73)

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Mr. Phillips, Government House Leader, informed the House that the Government Private Members did not wish to identify any items standing under the heading "Government Private Members' Business" to be called on Wednesday, May 19, 1993, and that when Orders of the Day were called a motion would be moved to resolve into Committee of the Whole.

GOVERNMENT BILLS

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

Bill #24 - An Act to Amend the Municipal Act
-Hon. Mr. Fisher

Bill #92 - An Act to Amend the Assessment and Taxation Act
-Hon. Mr. Fisher

Bill #71 - An Act to Amend the Jury Act
-Hon. Mr. Phelps

Bill #76 - An Act to Amend the Judicature Act
-Hon. Mr. Phelps

Bill #62 - An Act to Amend the Yukon Development
Corporation Act
-Hon. Mr. Phelps

GOVERNMENT MOTIONS

Moved by the Hon. Mr. Phelps:

THAT the Yukon Legislative Assembly, pursuant to Section 16 of the Human Rights Act, appoint Ms. Debra Lynn Fendrick and Mr. Jon Breen to be members of the Yukon Human Rights Commission.

(Motion #45)

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 Bills:

Bill #62 - An Act to Amend the Yukon Development
Corporation Act
-Hon. Mr. Phelps

Bill #24 - An Act to Amend the Municipal Act
-Hon. Mr. Fisher

The report of the Chair was adopted.

The Assembly adjourned at 5:31 p.m. until 1:30 p.m.,
Wednesday, May 19, 1993.

No. 42

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Wednesday, May 19, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

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

- Yukon Liquor Corporation Annual Report year ending March 31, 1992

(Sessional Paper #56)

Hon. Mr. Phillips, Minister of Education

- Post-secondary education: comparison of percentage of Grade 12 students proceeding to post-secondary education over the past ten years

(Legislative Return #74)

- Granger School (Elijah Smith Elementary): project budget, total project cost and breakdown of expenditures

(Legislative Return #75)

- Whitehorse Public Library: breakdown of renovation expenditures

(Legislative Return #76)

- Grey Mountain Primary School: expected completion date for tender documents

(Legislative Return #77)

Hon. Mr. Fisher, Minister of Community and Transportation Services

- Maintained roads in the Yukon: list of

(Legislative Return #78)

Hon. Mr. Phelps, Minister of Health and Social Services
- Health Services Branch: personnel budget and number of employees

(Legislative Return #79)

- Whitehorse General Hospital construction: number of jobs that will be created

(Legislative Return #80)

FILED DOCUMENT

During Question Period, the Hon. Mr. Brewster filed the following document:

- Yukon Wolf Conservation and Management Plan: Council for Yukon Indian's review and recommendations (letter to Minister of Renewable Resources from CYI dated March 18, 1993)

(Filed Document #10)

COMMITTEE OF THE WHOLE

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

The following Bill was reported with amendment:

Bill #24 - An Act to Amend the Municipal Act
-Hon. Mr. Fisher

The following Bills were reported without amendment:

Bill #92 - An Act to Amend the Assessment and Taxation Act
-Hon. Mr. Fisher

Bill #76 - An Act to Amend the Judicature Act
-Hon. Mr. Phelps

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

Bill #5 - Fourth Appropriation Act, 1991-92
-Hon. Mr. Ostashek

Progress was reported on the following Bills:

Bill #71 - An Act to Amend the Jury Act
-Hon. Mr. Phelps

Bill #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 9:27 p.m. until 1:30 p.m., Thursday,
May 20, 1993.

No. 43

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Thursday, May 20, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Brewster, Minister of Renewable Resources

- "Sluice Box": Public Service Commissioner makes final decisions on contents

(Legislative Return #81)

- Beverage container regulations: status of development of regulations, including initiatives

(Legislative Return #82)

- Government responds to Fish and Wildlife Management Board recommendations (News Release dated May 20, 1993 and attachments)

(Sessional Paper #57)

Hon. Mr. Phillips, Minister of Education

- Department of Education: responses to several questions asked by the Member for McIntyre-Takhini (Mr. McDonald) on May 3, 1993

(Legislative Return #83)

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

- Report on Social Assistance prepared by Analysis Subcommittee of Interdepartmental Committee

(Sessional Paper #58)

- Report on Social Assistance - A Reader's Guide

(Sessional Paper #59)

Hon. Mr. Fisher, Minister of Community and Transportation Services

- Letter dated May 17, 1993 to Lena Johns, Chief, Kwanlin Dun First Nation from Hon. Mr. Fisher, Minister of Community and Transportation Services re First Nation's concerns with development projects in the area and establishment of working group to deal with those concerns

(Sessional Paper #60)

MINISTERIAL STATEMENTS

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

- Social Assistance reform initiatives

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #6 - First Appropriation Act, 1993-94

-Hon. Mr. Ostashek

TABLED DOCUMENT

During General Debate on Vote 7, Department of Economic Development, Bill #6, the Hon. Mr. Devries tabled the following document:

- Department of Economic Development: answers to questions raised during debate of Bill #4, entitled Second Appropriation Act, 1992-93

(Legislative Return #84)

The report of the Chair was adopted.

The Assembly adjourned at 5:28 p.m. until 1:30 p.m., Tuesday, May 25, 1993.

No. 44

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Tuesday, May 25, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Ostashek, Government Leader

- Executive Council Office: response to questions asked May 17, 1993, during discussion of the ECO Main Estimates, 1993-94

(Legislative Return #85)

INTRODUCTION OF BILLS (First Reading)

Bill #9 - Interim Supply Appropriation Act, 1993-94
(No. 3)

-Hon. Mr. Ostashek

MONEY MESSAGE

Bill #9, Interim Supply Appropriation Act, 1993-94 (No. 3), was accompanied by a money message.

MINISTERIAL STATEMENTS

Hon. Mr. Ostashek, Government Leader

- Report on meetings in Korea re Curragh Inc.

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. McDonald, Opposition House Leader, informed the House that the Opposition Private Members did not wish to identify any items standing under the heading "Opposition Private Members' Business" to be called on Wednesday, May 26, 1993.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 5:28 p.m. until 1:30 p.m., Wednesday, May 26, 1993.

No. 45

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Wednesday, May 26, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Ostashek, Government Leader

- Managerial wage cuts: two months' notice given
(Legislative Return #86)
- MLAs and Cabinet staff wage restraint measures
(Legislative Return #87)

Hon. Mr. Fisher, Minister of Community and Transportation Services

- Purchase price and appraised value of property purchased for Two Mile Hill reconstruction
(Legislative Return #88)
- Whitehorse sewage system: job creation generated for 1993-94
(Legislative Return #89)

Hon. Mr. Doug Phillips, Minister of Education

- Protocol Agreement between the Departments of Education, Health and Social Services, and Justice re interdepartmental information exchange on children and their families
(Sessional Paper #61)

MINISTERIAL STATEMENTS

Hon. Mr. Phillips, Minister of Education

- Protocol regarding interdepartmental information exchange on children and their families

GOVERNMENT BILLS

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

Bill #9 - Interim Supply Appropriation Act, 1993-94
(No. 3)
-Hon. Mr. Ostashek

Bill #56 - Public Sector Compensation Restraint Act
-Hon. Mr. Ostashek

TABLED DOCUMENT

During debate on the motion for Second Reading of Bill #9, the Hon. Mr. Ostashek tabled the following document:

- Notes to draft unconsolidated Financial Statements dated May 26, 1993
- (Sessional Paper #62)

The following Bill was called for Second Reading:

Bill #89 - An Act to Amend the Fuel Oil Tax Act
-Hon. Mr. Ostashek

A debate arising on the motion for Second Reading there were an equal number of votes on the following recorded Division:

YEA

Ostashek	Phelps	Abel	
Phillips	Fisher	Millar	8
Brewster	Devries		

NAY

Penikett	Joe, D.	Cable	
McDonald	Moorcroft	Firth	8
Joe, M.	Harding		

CASTING VOTE

There being an equal number of votes, the Speaker stated:

"As the vote is tied, pursuant to Standing Order 4(2), I must cast the deciding vote. Voting for a Bill at Second Reading provides the House another opportunity to decide the question. I therefore vote for the motion and declare the motion for Second Reading of this Bill carried."

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

Bill #29 - An Act to Amend the Tobacco Tax Act
-Hon. Mr. Ostashek

COMMITTEE OF THE WHOLE

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

The following Bills were reported without amendment:

Bill #9 - Interim Supply Appropriation Act, 1993-94
(No. 3)
-Hon. Mr. Ostashek

Bill #89 - An Act to Amend the Fuel Oil Tax Act
-Hon. Mr. Ostashek

Bill #29 - An Act to Amend the Tobacco Tax Act
-Hon. Mr. Ostashek

The following Bill was reported with amendment:

Bill #56 - Public Sector Compensation Restraint Act
-Hon. Mr. Ostashek

Progress was reported on the following Bill:

Bill #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 9:30 p.m. until 1:30 p.m., Thursday,
May 27, 1993.

No. 46

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Thursday, May 27, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Fisher, Minister of Community and Transportation Services

- Safety aspects of school buses: protocol being developed because of Carcross "van" complaint in 1991
(Legislative Return #90)

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

- Extended Care facility: electrical costs per month; security measures; per diem rate for Macaulay Lodge residents

(Legislative Return #91)

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 5:29 p.m. until 1:30 p.m., Monday, May 31, 1993.

No. 47

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Monday, May 31, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Phillips, Minister of Education

- Department of Education: B.C. Year 2000 curriculum and its adaption to Yukon

(Legislative Return #92)

- Department of Education: answers to questions regarding revotes raised during debate of the 1992-93 Supplementary Estimates

(Legislative Return #93)

Hon. Mr. Fisher, Minister of Community and Transportation Services

- Multi-department Mobile Radio System: Dempster Highway coverage

(Legislative Return #94)

- Second channel for television in the communities: no plans for this provision through the community television program

(Legislative Return #95)

TABLED DOCUMENT

The following document was tabled by Hon. Mr. Devries, Minister of Economic Development, during Question Period:

- Synopsis of Yukon Government's involvement of the Council for Yukon Indians in discussions/negotiations on the Canada/Yukon Oil and Gas Energy Accord - 1988-1993
(Sessional Paper #63)

QUESTION OF PRIVILEGE

Mrs. Firth, Member for Riverside South, rose on a question of privilege and stated:

"As a Member of this House I feel that I must put my comments on the record as other parties and representatives of this Legislature have done.

I believe the remarks made by the Leader of the Official Opposition on Wednesday, May 26, were a breach of privilege, and I believe the House should debate the following motion:

THAT this House continues to support the long-standing parliamentary principle that the actions of the Speaker cannot be criticized incidentally in debate or upon any form of proceeding except by way of a substantive motion."

The Speaker allowed some debate to assist him with his decision and then took the question of privilege under advisement.

GOVERNMENT BILLS

The following Bill was read a third time and passed:

Bill #9 - Interim Supply Appropriation Act, 1993-94
(No. 3)

-Hon. Mr. Ostashek

ASSENT TO BILLS

The Assembly received the Commissioner in his capacity as Lieutenant-Governor to give Assent to a Bill passed by the House.

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

The Speaker addressed the Commissioner:

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

The Clerk of the Assembly then read the title of the Bill that had been passed:

Bill #9 - Interim Supply Appropriation Act, 1993-94 (No. 3)
-Hon. Mr. Ostashek

The Commissioner assented the Bill:

"Thank you, Mr. Clerk. Mr. Speaker, I hereby assent to the Bill as enumerated by the Clerk."

The Commissioner then retired from the Chamber.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 9:29 p.m. until 1:30 p.m., Tuesday, June 1, 1993.

No. 48

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Tuesday, June 1, 1993

The Speaker took the Chair at 1:30 p.m.

TRIBUTE TO TOMMY MCGINTY

Mr. Joe, Member for Mayo-Tatchun, and the Hon. Mr. Phillips, Government House Leader, paid tribute to Tommy McGinty, a respected elder from Pelly Crossing who passed away this day.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Ostashek, Government Leader

- Finance Ministers committed to deficit and debt reduction and to creating jobs (News Release dated June 1, 1993)
(Sessional Paper #64)

Hon. Mr. Phelps, Minister of Justice

- Department of Justice: answers to questions arising during debate of the 1992-93 Supplementary Estimates
(Legislative Return #96)
- Justices of the Peace (JP): training and appointment of JPs in 1992-93; First Nation JPs
(Legislative Return #97)
- Whitehorse Correctional Centre: number of employees and budget allotment for staff for 1992-93 and 1993-94
(Legislative Return #98)

Hon. Mr. Fisher, Minister of Community and Transportation Services

- Signage for Judas Creek/Constabulary Beach area: signs to be in place within one month of receipt of road names desired by residents

(Legislative Return #99)

- Private and commercial vehicles: actual revenue from commercial vehicle licence fees for 1992-93; 1993-94 revenue forecast

(Legislative Return #100)

- Two Mile Hill expenditures for 1993-94: moneys from "Other Roads" budget and Alaska Highway budget

(Legislative Return #101)

Hon. Mr. Devries, Minister of Economic Development

- Placer mining industry: breakdown of dollar contribution to the Yukon Gross Domestic Product, number of jobs, revenues paid to the Yukon Government, summary of expenditures through RTAP and highway maintenance costs on mining roads, yearly since 1988

(Legislative Return #102)

- Purchase of computers by the Government of Yukon: detailed listing of all purchases approved by Management Board and Systems Priorities Committee by department, cost and funding source

(Legislative Return #103)

INTRODUCTION OF BILLS (First Reading)

Bill #37 - An Act to Repeal the Compensation for Victims of Crime Act

-Hon. Mr. Phelps

SPEAKER'S RULING ON QUESTION OF PRIVILEGE

"I will now rule on the question of privilege raised by the Member for Riverdale South yesterday.

When a question of privilege is raised by a Member, the responsibility of the Speaker is set out in Standing Order 7(3) which states, 'The Speaker may allow such debate as is necessary to assist in the determination of whether there appears to be a prima facie case of breach of privilege and whether the matter is being raised at the earliest opportunity.'

The Member for Riverdale South, pursuant to the requirements of Standing Order 7(1), provided written notice of the question of privilege which she has raised.

Her oral remarks did not cover all the points identified in the written notice so I will now table a copy of that notice.

The written notice provides the reasoning behind the Member for Riverdale South's submission that there was a breach of privilege.

To determine whether there is a prima facie breach of privilege, I have considered the written notice, the oral remarks of the Members when the question of privilege was raised, and I have reviewed the comments made by the Leader of the Official Opposition, at page 1077 of Hansard, and also remarks by other Members who spoke immediately after the Leader of the Official Opposition.

The Member for Riverdale South, in a portion of her written notice, said the following and I quote, 'On Wednesday, May 26, the Leader of the Official Opposition, in his speech on Second Reading of Bill #89, made some very serious allegations concerning the Speaker.' Later on she concludes, 'It is my feeling that the statements of the Official Opposition on May 26 were in the nature of a breach of privilege, because they contained reflections upon the character and actions of the Speaker. According to parliamentary practice, the Leader of the Official Opposition should have brought forward a substantive motion if he has a specific charge to level.'

In support of her position, the Member for Riverdale South cites a portion of annotation 168 in Beauchesne's Sixth Edition which states: 'Reflections upon the character or actions of the Speaker may be punished as breaches of privilege. The actions of the Speaker cannot be criticized incidentally in debate or upon any form of proceeding except by way of a substantive motion.'

During the Second Reading debate on the Bill, entitled An Act to Amend the Fuel Oil Tax Act, the Leader of the Official Opposition at one point stated, 'We have learned today one dimension of an understanding that obviously exists to secure passage of this legislation. Members in this party, the Official Opposition, are quite appalled and scandalized by those arrangements.'

He then went on to discuss the selection of the Speaker as the Yukon Branch delegate to the annual conference of the Commonwealth Parliamentary Association. He then concluded that portion of his speech with the following remarks: 'The Government Leader told us today that there were no deals to guarantee the passage of his

budget and I am going to stand here on my feet in this House and say that I find that statement incredible. What has transpired, Mr. Speaker, I want to say frankly, dishonours this House, dishonours all Members of this House and demeans the budget debate.'

It is apparent, upon reflection, that not only was the Leader of the Official Opposition in breach of our Standing Order 57(2), which requires that the debate on a motion for Second Reading must be limited to the object, expediency, principles and merits of the Bill or to alternative methods of obtaining its purpose but the remarks were, in my determination, clearly reflections upon the character and actions of the Speaker.

From the speeches on the tax Bill that followed the Leader of the Official Opposition's remarks, it is apparent that other Members also interpreted the remarks made by the Leader of the Official Opposition as an attack on the Speaker.

The Member for Riverside spoke immediately after the Leader of the Official Opposition. He said, 'I had not intended to speak but I cannot believe my ears. The word 'scandalous' was used. The suggestion that a Member of this House would trade off some travel budget for support of a Bill, I think is, in fact, scandalous. If in fact I have appreciated those allegations correctly, they should either be proven or withdrawn in order that the Speaker's position can be protected.'

The Minister of Justice, in his remarks said, 'Let us look at the attack on the Speaker by the Leader of the Official Opposition. In my view, that was unparliamentary. Attacking the Chair, as he has during this Session, is unparliamentary. Attacking the officials of this Legislature is unparliamentary. There are other forums in which to discuss these things. They should not be brought out here in the first instance. That is, simply, my position.'

The Government House Leader in his speech stated 'The issue has also come up where one Member attacked the Speaker today in the House. I am disappointed about that. I am not going to say much more than that. That particular Member has taken leave of the standard rules of this House and consistently attacked the Speaker, Table Officers, Government officials and others in here. That is sad for our House, and it really lowers the level of debate in our Legislature.'

The Government House Leader went on to say, 'I know that, if I were taking that approach, that particular Member would be the first Member to stand in his place and chastise me for attacking people who cannot defend themselves.'

I, therefore, find that the remarks made by the Leader of the Official Opposition constitute a prima facie breach of privilege; however, the Member, in bringing a question of privilege, must also clear two further hurdles. The matter must be raised at the earliest opportunity and quoting from annotation 118 in Beauchesne's Sixth Edition, 'A complaint of a breach of privilege must conclude with a motion providing the House an opportunity to take some action. That action is normally the reference of the matter to the Standing Committee on Elections, Privileges, and Procedure for examination. It may, however, be a statement of condemnation for a breach of privilege or an order for an individual to appear at the Bar.'

Maingot, in "Parliamentary Privilege in Canada", states that one of the facets of an acceptable motion on a question of privilege is that the motion should refer to the complaint raised by the Member.

The motion proposed in the written notice reads as follows: 'THAT this House finds that the Leader of the Official Opposition, in his remarks about the Speaker on May 26, 1993, as found on page 1077 of Hansard, has committed a breach of privilege; and

'THAT this House continues to support the long-standing parliamentary principle that the actions of the Speaker cannot be criticized incidentally in debate or upon any form of proceeding except by way of a substantive motion.'

The motion that the Member for Riverdale South informed the House that she wished to debate included only the second paragraph of the motion found in her written notice. Obviously, the motion intended by the Member must be taken to be the one she provided to the House in her oral presentation. By dropping the first paragraph of the motion, the Member for Riverdale South has eliminated any reference to her specific complaint. She therefore, has not brought forward a motion that could be considered to be in order.

On that point, though, issues as important as questions of privilege ought not to fail based on form

alone. I have therefore, considered whether the matter is being raised at the earliest opportunity. In the absence of extenuating circumstances, the matter should be raised either at the time of the alleged breach or on the next sitting day.

Extenuating circumstances were not argued by the Member and are not obvious to me.

Based on the fact that the Member is asking the House to debate a very general motion, which does not refer to a specific complaint, or give specific direction for action to be taken, and also the fact that no argument was made with respect to the delay in bringing the question, I cannot justify setting aside all other business of the House to debate this motion. I would suggest that if Members wish to proceed with the motion, that it be brought forward again in the normal course of business. We will now proceed to Orders of the Day."

TABLED DOCUMENT

While giving the ruling on the question of privilege, Hon. Mr. Nordling, Speaker, tabled the following document:

- Question of Privilege: letter of notice dated May 31, 1993 to Hon. Mr. Nordling, Speaker, from Mrs. Firth, Member for Riverdale South, regarding allegations concerning the Speaker made by Mr. Penikett, Leader of the Official Opposition, on May 26, 1993

(Sessional Paper #65)

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Mr. Phillips, Government House Leader, informed the House that the Government Private Members did not wish to identify any items standing under the heading "Government Private Members' Business" to be called on Wednesday, June 2, 1993.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:
Bill #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 5:29 p.m. until 1:30 p.m.,
Wednesday, June 2, 1993.

No. 49

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Wednesday, June 2, 1993

The Speaker took the Chair at 1:30 p.m.

TRIBUTE TO WILFRED GORDON

Danny Joe, Member for Mayo-Tatchun, paid tribute to Wilfred Gordon, a long-time resident of Mayo, who passed away Monday, May 31, 1993.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Ostashek, Government Leader

- Employment Equity Corporate Report: Yukon Government
1991-1992

(Sessional Paper #66)

- Public Service Commission: answers to questions arising
from debate of the Supplementary Estimates, 1992-93

(Legislative Return #104)

- Policy regarding auxiliary and term employee lay-offs

(Legislative Return #105)

Hon. Mr. Fisher, Minister of Community and Transportation
Services

- Lots developed and sold within the Yukon over the past
five years

(Legislative Return #106)

- Kopper King Commercial Development: status, cost per lot, subdivision design revision costs
(Legislative Return #107)
 - Homestead Policy: objective, provisions, changes for road construction standards
(Legislative Return #108)
 - Quarry development and royalty fees
(Legislative Return #109)
 - Old Crow skating rink: estimated costs for completion
(Legislative Return #110)
 - Roads/streets upgrade: 1992-93 forecast and 1993-94 budget
(Legislative Return #111)
 - Northwestel telephone rate increases: Yukon Government's position and intervention at the CRTC hearing August 30, 1993
(Legislative Return #112)
 - Highway Maintenance positions in Faro: recruitment process, geographic preference, criteria for short-listing applicants
(Legislative Return #113)
 - Porter Creek sewage lagoon and effluent testing: update re failure on April 19, 1993, repair work done, effluent testing on April 21, 1993
(Legislative Return #114)
- Hon. Mr. Phelps, Minister of Health and Social Services
- Health and Social Services Council Annual Report 1991-92
(Sessional Paper #67)
 - Department of Health and Social Services consultations: plan, meeting schedule for Yukon communities, cost of consultation meetings
(Legislative Return #115)
 - Social Assistance Recipients Agreement: all Yukon social assistance recipients eligible
(Legislative Return #116)
 - Federal Child Care Initiative Fund (CCIF): no costs to students
(Legislative Return #117)

- Health and Social Services Council Report: 1992-93 Annual Report expected to be released in fall/winter of 1993
(Legislative Return #118)

Hon. Mr. Devries, Minister of Economic Development

- Project Planning and Implementation Directive (M.B.D. #21/92)

(Legislative Return #119)

GOVERNMENT BILLS

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

Bill #37 - An Act to Repeal the Compensation for Victims of Crime Act

-Hon. Mr. Phelps

The following Bill was called for Third Reading:

Bill #76 - An Act to Amend the Judicature Act

-Hon. Mr. Phelps

Moved by the Hon. Mr. Phelps:

THAT Bill #76, entitled An Act to Amend the Judicature Act, be not now read a third time but be referred back to Committee of the Whole for the purpose of reconsidering subsection 35.1(9) found in clause 4.

The question being put on the motion, it was agreed to and Bill #76 was referred back to Committee of the Whole.

The following Bill was called for Third Reading:

Bill #56 - Public Sector Compensation Restraint Act

-Hon. Mr. Ostashek

Moved by the Hon. Mr. Ostashek:

THAT Bill #56, entitled Public Sector Compensation Restraint Act, be not now read a third time but be referred back to Committee of the Whole for the purpose of reconsidering the amendment adding clause 3.1.

The question being put on the motion, it was agreed to and Bill #56 was referred back to Committee of the Whole.

COMMITTEE OF THE WHOLE

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

The following Bills were reported with amendment:

Bill #71 - An Act to Amend the Jury Act
-Hon. Mr. Phelps

Bill #76 - An Act to Amend the Judicature Act
-Hon. Mr. Phelps

Bill #56 - Public Sector Compensation Restraint Act
-Hon. Mr. Ostashek

Bill #62 - An Act to Amend the Yukon Development
Corporation Act
-Hon. Mr. Phelps

The following Bill was reported without amendment:

Bill #37 - An Act to Repeal the Compensation for Victims of
Crime Act
-Hon. Mr. Phelps

Progress was reported on the following Bill:

Bill #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostashek

The report of the Chair was adopted.

The Assembly adjourned at 9:30 p.m. until 1:30 p.m., Thursday,
June 3, 1993.

No. 50

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

28th Legislative Assembly

First Session

Thursday, June 3, 1993

The Speaker took the Chair at 1:30 p.m.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Ostashek, Government Leader

- Hydro proposals: process of handling future proposals
(Legislative Return #120)
- Travel by public servants: bookings by department for the
fiscal years 1990-91, 1991-92, and 1992-93
(Legislative Return #121)
- Public Service Commission: response to questions raised
June 2, 1993 during debate of Main Estimates, 1993-94
(Legislative Return #122)

Hon. Mr. Fisher, Minister of Community and Transportation
Services

- Standardized and 9-1-1 emergency telephone numbers:
advertising costs for standardized emergency numbers and
estimated costs for public education and awareness
campaign of the use of 9-1-1
(Legislative Return #123)
- McLean Lake area squatter status: applicants received
country residential zoning; low density residential
zoning permits country residential zoning
(Legislative Return #124)
- \$10 million from Federal government: agreement under
review, program details to be announced once agreement is
signed
(Legislative Return #125)

Hon. Mr. Phelps, Minister of Justice

- Health and Social Services Annual Report for the year ended March 31, 1991

(Sessional Paper #68)

- Open and secure custody -- new service initiatives: Probation Services - Options Programs, Adolescent Sex Offender Treatment Program; Residential Services - Northern Network of Services Treatment Centre, Klondike Group Home, Receiving Home; Programming Unit

(Legislative Return #126)

- Vocational Rehabilitation Services (VRS): scope of service being reviewed

(Legislative Return #127)

- Open and secure custody facilities: First Nation Cultural Programming Committee, young offender participation in activities, family visitations

(Legislative Return #128)

- Department of Health and Social Services: responses to questions on Macaulay Lodge and Continuing Care/Rehabilitation Facility (CCRF) raised during debate of Main Estimates, 1993-94 on May 31, 1993

(Legislative Return #129)

- Health and Social Services involvement in National Access Awareness Week (NAAW)

(Legislative Return #130)

- Department of Justice: responses to questions on uncollected wages raised during debate of Main Estimates, 1993-94 on June 2, 1993

(Legislative Return #131)

- Aboriginal Justice Coordinator position in Teslin: new position to develop and initiate programs for the Teslin Community Correctional Facility

(Legislative Return #132)

- Electronic Home Monitoring Program: 25 applications received, 14 approved, 6 under consideration

(Legislative Return #133)

Hon. Mr. Devries, Minister of Government Services

- Yukon Government Administration Building: identified barrier free (handicapped) access issues and possible solutions

(Legislative Return #134)

Hon. Mr. Phillips, Minister of Education

- Teen Parent Program: number of participants, feasibility study on the expansion of existing building to be completed by the end of summer
(Legislative Return #135)
- School busing contract budget increase
(Legislative Return #136)
- Department of Education: responses to questions on the French Language Program raised on May 31, 1993 during debate of the Main Estimates, 1993-94
(Legislative Return #137)
- Native language instruction in Yukon schools
(Legislative Return #138)
- Department of Education: reasons for the Facilities Manager position being transferred to Finance and Administration
(Legislative Return #139)
- Faro teachers: transfer approval and re-assignment to other Yukon schools
(Legislative Return #140)
- First Nations curriculum development and aboriginal language education: projects currently underway and initiatives for 1993-94
(Legislative Return #141)
- Education Appeal Tribunal members
(Legislative Return #142)
- Department of Education, Program support and development: explanation of budget
(Legislative Return #143)

MINISTERIAL STATEMENTS

Hon. Mr. Phillips, Minister responsible for the Women's Directorate

- Gender equity in the education system

COMMITTEE OF THE WHOLE

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

The following motion was passed by Committee of the Whole at 4:45 p.m.:

That Committee of the Whole and the Assembly be empowered to continue sitting beyond 5:30 p.m., if necessary, for the purpose of completing consideration of Bill #6 in Committee of the Whole and permitting the House to consider motions for Third Reading of all Government Bills on the Order Paper, and, if unanimous consent is granted, dealing with Motion #47 of which the Government Leader gave notice earlier today.

The following Bill was reported with amendment:

Bill #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostashek

The report of the Chair was adopted.

GOVERNMENT BILLS

Unanimous consent having been requested by the Hon. Mr. Phillips, Government House Leader, and granted to waive Standing Order 59(2) with regard to reporting a Bill with amendment (Bill #6), the following Bill was called for Third Reading:

Bill #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostashek

The question being put on the motion for Third Reading, there were an equal number of votes on the following recorded Division:

YEA

Ostashek	Phelps	Devries	
Phillips	Fisher	Abel	7
Brewster			

NAY

Penikett	Moorcroft	Cable	
McDonald	Harding	Firth	7
Joe, M.			

CASTING VOTE

There being an equal number of votes, the Speaker made the following statement before giving the casting vote:

"There is a tie vote on the motion for Third Reading of this bill.

The Standing Orders of the Yukon Legislative Assembly state at 4(2): 'In the event of a tie vote, the Speaker shall cast the deciding vote and any reasons stated shall be entered in the Votes and Proceedings.'

Further, the Legislative Assembly Act states at section 29: 'When the number of votes cast for and against a motion are equal, the Speaker shall give the casting vote.'

Neither our Standing Orders nor the Legislative Assembly Act provide direction to the Speaker on the use of the casting vote. Rather, they specify only that the Speaker must vote in the event of a tie.

Parliamentary authorities and the precedents of this Assembly provide some assistance as to how the Speaker should exercise this responsibility.

Annotation 310(1) of Beauchesne's Sixth Edition states: 'When a tie-breaking or casting vote is necessary, the Speaker is entitled to vote like any other Member, according to conscience, without assigning a reason; but in order to avoid the least suggestion of partiality, it is usual when practicable, to vote in such a manner as not to make the decision of the House final, and to give reasons which are entered in the Journals. The Speaker votes in such a manner as to leave the House another opportunity of deciding the question.'

A useful document in this respect is a procedural paper entitled "The Casting Vote of the Chair" prepared by the Table Research Branch of the House of Commons.

In the introduction of this procedural paper the following general statement is made: 'Since the exercise of this responsibility (i.e., the use of the casting vote) could involve the Chair implicitly in partisan debate and thus weaken confidence in the Chair's impartiality, certain conventions have developed to guide Speakers and Chairmen in the exercise of the casting vote.'

The paper quotes John George Bourinot, a former Clerk of the House of Commons of Canada, who wrote, in his book

"Parliamentary Procedure and Practice in the Dominion of Canada", that 'it will be found that the general principle which guides a speaker or chairman of committee of the whole on such occasions is to vote, when practicable, in such a manner as not to make the decision of the house final.'

The procedural paper also reviews the experience of the Speakers of the British House of Commons in the use of the casting vote. The paper states: 'From an analysis of the instances in which the casting vote of the Chair has been exercised at Westminster, the following principles emerge:

- (1) The Chair should always vote for further discussion.
- (2) Where no further discussion is possible, important decisions should not be taken except by a majority.
- (3) Cognate to (2) above, where legislation is concerned, the bill should be left in its existing form.

Simply put, the Chair should always vote for the status quo.'

The principle that the Chair should always vote for further discussion and not make the decision of the House final was cited by me during this Session when casting the deciding vote on the motions for Second Reading of Bill #20, An Act to Amend the Income Tax Act, and of Bill #6, First Appropriation Act, 1993-94. It was also cited when I cast the deciding vote for Third Reading and passage of Bill #20, An Act to Amend the Income Tax Act. At that time I made it clear that the vote to pass Bill #20 was cast for the purpose of allowing the House to 'fully debate and vote on the complete budget' which has, as a central component, Bill #6, First Appropriation Act, 1993-94, which we are now dealing with.

In the procedural paper quoted, not a single reference is made to an occasion on which a Speaker has been required to cast the deciding vote in a situation like the one I am faced with today.

The question now before the House is clearly one on which the fate of the Government hinges. It is a matter of confidence and, if the motion does not carry, the Government will fall.

The principle that the Speaker should always vote for further discussion cannot be relied upon as this is the final vote on this budget; it either passes or fails.

The second principle is that, where no further discussion is possible, important decisions should not be

taken except by a majority. The dilemma that I face, if I rely on that principle, is that the deciding vote, by necessity, creates a majority for one side or the other. If I vote in favour of the motion, it passes the budget -- a most important decision. On the other hand, if I vote against the budget, my vote will cause an election -- again, a most important decision.

An argument can be made that it is the responsibility of the House and not the Speaker to support a government. This idea is explained by John Stewart in his book "The Canadian House of Commons". Mr. Stewart states, 'Obviously, when we say that one function of the House is to support a government, we are not saying that the House never should defeat a government. Ordinarily, if the government is in a minority position it will be defeated just as soon as the third party decides that, all things considered, including the public reaction, its own partisan commitments require it to bring the government down, and not before.

But the members always have an obligation to act primarily as good members of the House, that is, to put the maintenance of the constitutional system ahead of personal and party interests. This obligation is honoured every day in diverse ways --- by consultation over the order of business, by waiving the rules when to do so is desirable, . . . , etc. The obligation becomes most obvious and important when it has been demonstrated - two general elections in close proximity suffice - that no party can obtain a majority. In that situation, I suggest, all members are under an obligation to moderate their party loyalties, whether based on religion, race, region, class, or tradition, or all these mixed, to permit Responsible Government to work. Compromises by both the government and the opposition will be required. The government will have to accept minor defeats in the House without resigning, and without calling an election. The opposition will have to meet the government half way.'

The point which must be made is that the House, including both the Government and the Opposition, should not come to rely on the vote of the Speaker. That would do a disservice to both the House and the Speaker. This House, too, should support the principle of an impartial Speaker. If it insists on making the Speaker part of the decision-making process, it risks doing harm to the position.

In considering how to vote on Bill #6, I have taken careful account of the fact that the House has not been able to achieve a majority either supporting or opposing

the Bill and of the effect that this deciding vote will have upon the position of the Speaker.

I would point out the obvious. Excluding Porter Creek South, representatives of half of the electoral districts of the Yukon support this budget and representatives of the other half do not.

In our system, the Speaker is also a representative of the constituents who elected him or her. My situation as Speaker is somewhat unique in that I was elected in Porter Creek South as an Independent. I say that so it is clear that this decision has not been influenced in any way by loyalty or allegiance to a political party.

I will also say for the record that I have not entered into any prior arrangements or agreements with either the Government side to support this budget or with the Opposition to defeat it.

In the role of a constituency representative, and, as the possibility of a tie vote existed due to the make up of this House, I attempted to contact all my constituents to obtain their opinion. I canvassed the constituents of Porter Creek South to determine their views on the budget, the performance of the Government and the desirability of a general election.

I apologize to those we never got hold of and to those who wanted to speak with me personally that I was unable to call back.

Many of my constituents do not like this budget. They are especially upset about the tax increases which were not only unwelcome but also unexpected.

I do not hesitate to state clearly on the record that I do not like this budget.

The clear majority of my constituents, at the same time, believe that the Government deserves more time to prove whether or not it can provide good government and that the majority of my constituents do not want to see a general election at this time.

That is the larger issue to be considered --- whether or not the Government should be defeated, sending Yukoners back to the polls.

We are presently seven months into the mandate of a new Government which has replaced the seven year reign of the previous Government.

Although I have not conducted a survey of the entire Yukon, I believe that the response received from the constituents of Porter Creek South to be representative of the views of a majority of Yukoners.

In reaching a decision, I felt it necessary to make a general assessment of the "mood" of the elected representatives as well as the electorate. As Speaker, I, first and foremost, must be concerned with the activities which take place within this Chamber. Although debate on some measures has been quite extensive, every Bill introduced by the Government has, at this point, been passed or reached the Third Reading stage. Those debates have not been so obstructionist as to cause the Government to be unable to get its legislative program through the House nor have unceasing demands been made for the Government to go to the people. I must conclude that, by carrying on business, the Members are reflecting the mood expressed by their constituents and that the desire of this House is to allow this Government to remain in office for the time being.

In conclusion, I return to the simple fact that the Speaker is entitled to vote, like any other member, according to conscience.

In reaching a decision on how to cast the deciding vote I have considered my duty to this House as Speaker, my duty to my constituents as their representative and my duty to all Yukoners as an elected Member of this Legislative Assembly.

I do not sense a strong feeling that Yukoners are ready for and want an election.

For that reason and those previously mentioned, I vote for the motion and declare that Bill #6 has passed this House."

The following Bills were read a third time and passed:

Bill #24 - An Act to Amend the Municipal Act
-Hon. Mr. Fisher

Bill #92 - An Act to Amend the Assessment and Taxation Act
-Hon. Mr. Fisher

Bill #76 - An Act to Amend the Judicature Act
-Hon. Mr. Phelps

The following Bill was called for Third Reading:

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

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

YEA

Ostashek	Phelps	Abel	
Phillips	Fisher	Cable	8
Brewster	Devries		

NAY

Penikett	Joe, M.	Harding	
McDonald	Moorcroft	Firth	6

The following Bills were read a third time and passed:

Bill #5 - Fourth Appropriation Act, 1991-92
-Hon. Mr. Ostashek

Bill #56 - Public Sector Compensation Restraint Act
-Hon. Mr. Ostashek

The following Bill was called for Third Reading:

Bill #89 - An Act to Amend the Fuel Oil Tax Act
-Hon. Mr. Ostashek

The question being put on the motion for Third Reading, there were an equal number of votes on the following recorded Division:

YEA

Ostashek	Phelps	Devries	
Phillips	Fisher	Abel	7
Brewster			

NAY

Penikett	Moorcroft	Cable	
McDonald	Harding	Firth	7
Joe, M.			

CASTING VOTE

There being an equal number of votes, the Speaker stated:

"As Speaker, I am required to cast the deciding vote. For the reasons outlined in my casting vote on Bill #6, I vote for the motion and declare that Bill #89 has passed this House."

The following Bills were read a third time and passed:

Bill #29 - An Act to Amend the Tobacco Tax Act
-Hon. Mr. Ostashek

Bill #37 - An Act to Repeal the Compensation for Victims
of Crime Act
-Hon. Mr. Phelps

Bill #71 - An Act to Amend the Jury Act
-Hon. Mr. Phelps

Bill #62 - An Act to Amend the Yukon Development Corporation
Act
-Hon. Mr. Phelps

GOVERNMENT MOTIONS

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

THAT the Yukon Legislative Assembly, pursuant to section eight of the Northern Inland Waters Act, nominate Jean Gordon to the Yukon Territory Water Board.

(Motion #47)

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

ASSENT TO BILLS

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

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

The Speaker addressed the Commissioner:

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

The Clerk of the Assembly then read the titles of the Bills that had been passed severally as follows:

Bill #6 - First Appropriation Act, 1993-94
-Hon. Mr. Ostashek

Bill #24 - An Act to Amend the Municipal Act
-Hon. Mr. Fisher

Bill #92 - An Act to Amend the Assessment and Taxation Act
-Hon. Mr. Fisher

Bill #76 - An Act to amend the Judicature Act
-Hon. Mr. Phelps

Bill #4 - Second Appropriation Act, 1992-93
-Hon. Mr. Ostashek

Bill #5 - Fourth Appropriation Act, 1991-92
-Hon. Mr. Ostashek

Bill #56 - Public Sector Compensation Restraint Act
-Hon. Mr. Ostashek

Bill #89 - An Act to Amend the Fuel Oil Tax Act
-Hon. Mr. Ostashek

Bill #29 - An Act to Amend the Tobacco Tax Act
-Hon. Mr. Ostashek

Bill #37 - An Act to Repeal the Compensation for Victims of Crime Act
-Hon. Mr. Phelps

Bill #71 - An Act to Amend the Jury Act
-Hon. Mr. Phelps

Bill #62 - An Act to Amend the Yukon Development Corporation Act
-Hon. Mr. Phelps

The Commissioner assented the Bills:

"Thank you, Mr. Clerk. Mr. Speaker, Members of this Assembly, I hereby assent to the Bills as enumerated by the Clerk, and I take this opportunity to wish you all a very happy, productive and peaceful summer."

The Commissioner then retired from the Chamber.

SPECIAL ADJOURNMENT MOTION

Moved by the Hon. Mr. Phillips:

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

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

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

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

The Assembly adjourned at 7:03 p.m.

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YUKON LEGISLATIVE ASSEMBLY

Abbreviations

1R – First Reading of Bill	C/W – (Reported out of) Committee of the Whole	P – Passed
2R – Second Reading		A – Assent
3R – Third Reading		

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37	Compensation for Victims of Crime Act, An Act to Repeal	93-06-01	93-06-02	93-06-02	93-06-03	93-06-03
83	Employment Standards Act (No. 2), 1992, An Act to Amend	92-12-14	93-04-22	93-04-26	93-04-28	93-04-29
6	First Appropriation Act, 1993-94	93-03-25	93-04-01	93-06-03	93-06-03	93-06-03
3	First Nations (Yukon) Self-Government Act	92-12-14	92-12-16	93-03-16	93-03-17	93-03-17
5	Fourth Appropriation Act, 1991-92	93-03-15	93-03-23	93-05-19	93-06-03	93-06-03
89	Fuel Oil Tax Act, An Act to Amend	93-03-25	93-05-26	93-05-26	93-06-03	93-06-03
20	Income Tax Act, An Act to Amend	93-05-06	93-05-10	93-05-10	93-05-11	93-05-11
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7	Interim Supply Appropriation Act, 1993-94	93-03-25	93-03-29	93-03-29	93-03-30	93-03-30
8	Interim Supply Appropriation Act, 1993-94 (No. 2)	93-04-27	93-04-28	93-04-28	93-04-29	93-04-29
9	Interim Supply Appropriation Act, 1993-94 (No. 3)	93-05-25	93-05-26	93-05-26	93-05-31	93-05-31
76	Judicature Act, An Act to Amend	93-05-17	93-05-18	93-05-19 [recommitted] 93-06-02	93-06-03	93-06-03
71	Jury Act, An Act to Amend	93-05-17	93-05-18	93-06-02	93-06-03	93-06-03
13	Liquor Act, An Act to Amend	92-12-14	92-12-16	92-12-16	92-12-17	92-12-17
98	Miscellaneous Statute Law Amendment Act (No. 2), 1992	92-12-14	92-12-16	92-12-16	92-12-17	92-12-17
24	Municipal Act, An Act to Amend	93-05-03	93-05-18	93-05-19	93-06-03	93-06-03
56	Public Sector Compensation Restraint Act	93-03-30	93-05-26	93-05-26 [recommitted] 93-06-02	93-06-03	93-06-03
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62	Yukon Development Corporation Act, An Act to Amend	93-05-17	93-05-18	93-06-02	93-06-03	93-06-03
2	Yukon Land Claim Final Agreements, An Act Approving	92-12-14	92-12-16	93-03-16	93-03-16	93-03-17

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Federal funding for implementation of Land Claim agreements (#23)	Ostashek	38		Agreed
Federal Government legislating approval of First Nation Final Agreements (#15)	Ostashek	37		Agreed
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			28 Negatived (re lack of leadership)	
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Public Accounts, Standing Committee on: McDonald, Brewster, Phillips, Cable, Fisher, Harding and Millar be appointed and terms of reference (#11)	Phillips	16		Agreed
Rules, Elections and Privileges, Standing Committee on: Phelps, Ostashek, Penikett, Cable, Fisher, Moorcroft and Miller be appointed and terms of reference (#10)	Phillips	16		Agreed
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Tax increases in 1993/94 budget will kill jobs (#32)	Penikett	53	53 Adjourned debate on amendment	
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Trapping and fur industry: support for (#35)	Abel	75		Agreed

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