

LEGISLATIVE COUNCIL
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JOURNALS

YUKON LEGISLATIVE ASSEMBLY

FIRST SESSION



29TH LEGISLATURE

December 4, 1996 - December 18, 1996

Speaker: The Honourable Robert Bruce

No. 1

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

29th Legislative Assembly

First Session

Wednesday, December 4, 1996

This being the first day of the first meeting of the 29th 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 or 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 Wednesday, the fourth day of December, A.D., 1996 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, Yukon, this 6th day of November, 1996.

Judy Gingell
Commissioner of the 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 thirtieth day of September, 1996. These Returns show that the following Members were duly elected:

| | |
|---------------------------|-----------------|
| Faro | Trevor Harding |
| Klondike | Peter Jenkins |
| Kluane | Gary McRobb |
| Lake Laberge | Doug Livingston |
| McIntyre-Takhini | Piers McDonald |
| Mayo-Tatchun | Eric Fairclough |
| Mount Lorne | Lois Moorcroft |
| Porter Creek North | John Ostashek |
| Porter Creek South | Pat Duncan |
| Riverdale North | Doug Phillips |
| Riverdale South | Sue Edelman |
| Riverside | Jack Cable |
| Ross River-Southern Lakes | Dave Keenan |
| Vuntut Gwich'in | Robert Bruce |
| Watson Lake | Dennis Fentie |
| Whitehorse Centre | Todd Hardy |
| Whitehorse West | David Sloan |

Patrick L. Michael
Clerk of the Yukon
Legislative Assembly

The Commissioner, Judy Gingell, entered the Chamber and took the Chair.

The Clerk of the Legislative Assembly then stated:

“I am commanded by the Commissioner, in her capacity as Lieutenant-Governor, to state that she 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 she 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. McDonald, Government Leader, and seconded by Mr. Ostashek, Member for Porter Creek North, and Mr. Cable, Member for Riverside:

“THAT Robert Bruce, Member for Vuntut Gwitchin, 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 the Assembly, declare that Robert Bruce 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 Members for Porter Creek North and Riverside shook hands with the newly-elected Speaker and offered their congratulations.

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

"I would like to express my thanks to the Assembly for the great honour it has given to me by electing me to be its Speaker."

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

"Mr. Clerk, will you please advise the Commissioner, in her 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:

"Madam:

The Members of the Legislative Assembly have elected me to be their Speaker and I recognize the important duties now given to me. If, in the performance of those duties, I should at any time make a mistake, the fault is mine and not that of the Assembly, whose servant I am. At this time, so that all Members of the Assembly can best carry out their duty to the Yukon, to their country and to the Queen, I would claim for them their undoubted rights and privileges, especially freedom of speech in their debates, access to your person when necessary, and your favourable consideration of their proceedings."

RESPONSE BY THE COMMISSIONER

The Commissioner then said:

"Mr. Speaker:

I am pleased to declare to you that I believe in the duty of the Assembly and, not doubting that the Assembly's proceedings will be conducted with wisdom, temper and care, I grant and allow the Assembly's constitutional privileges. I assure you that the Assembly shall have ready access to me and that the Assembly's proceedings, words and actions will receive from me favourable consideration."

SPEECH FROM THE THRONE

The Commissioner then read the following Speech from the Throne:

Mr. Speaker, Hon. Members, Officers of the Legislature and visitors; it is my pleasant duty to welcome you to the First Session of the Twenty-Ninth Legislative Assembly. Welcome to those who are returning to this House, and to new Members who are sitting for the first time as elected representatives of the people of the Yukon.

The people of the Yukon have placed their trust in my government and provided it with a mandate to conduct the public's business for the next four years. It is a great honour for me, as Commissioner, to open this session by indicating how my government intends to proceed with that task during the next year.

The women, men and children of the Yukon expect their government to work thoughtfully and diligently on their behalf, and to act with honesty, vision, compassion and humility. They expect to be informed of what their government is doing and planning to do, and to be treated with respect as partners in the democratic process.

These expectations are both just and fair, and my government accepts the responsibility of acting in a manner that merits public trust and confidence. My government also knows that it exists to serve all people of the Yukon, regardless of race, gender, age, economic status, religious or political beliefs, or where they live.

My Ministers and the private government Members who will serve as Cabinet Commissioners also recognize the need to hold themselves openly accountable for their actions, and to manage public finances wisely. They realize that good government requires careful long-term planning, with guidance from the people on decisions that will affect the lives of the men, women and children of the Yukon.

At the same time, Yukon people look to their government for leadership in meeting the challenges of change. My government will demonstrate that leadership by taking a measured approach to public issues, recognizing that not everything can be accomplished at once. A long-range planning process will ensure that major initiatives are integrated into the government's overall activities, and that the public is well informed in advance of such initiatives.

One of my government's first priorities will be to provide fresh efforts to settle outstanding land claims and self-government agreements. As they come into effect, these agreements form part of a new constitutional arrangement that offers tremendous challenges and opportunities for all Yukon people.

My government will be vigilant in its dealings with the federal and First Nations governments regarding the transfer of federal programs to Yukon control. In the face of continued restraints in federal spending, my government will do everything it can to ensure that program standards remain at the highest possible level.

Making Government Better

My government believes that how it does things is just as important as the things it does. It will listen to the people of the Yukon and respect their views. The spirit of partnership and consultation behind Yukon 2000 and the Education Act, for example, resulted in good and long-lasting decisions. Consultation and consensus-building will be characteristics of this new government.

We will encourage the use of modern technology to offer people in both rural and urban communities improved access to their government, to each other, and to outside world.

The composition of advisory and decision-making bodies should reflect the diversity of Yukon society. Appointments to boards and committees will be made in a way that moves toward greater balance of gender, race and geography. We intend to work with the Opposition parties to formulate ways to achieve this goal.

My government has identified four particular areas in which Yukon people have expressed a need for priority action. They are forest policy, energy, Yukon hire and the development assessment process.

Each of these important areas has been assigned to a separate Cabinet Commission under the direction of a private government Member of the Legislature. These commissions will consist of

small teams of public employees, most of whom are currently working on related matters in various departments of government. They will conduct their work using existing resources.

The mandate of each commission will include the need for public consultation and information. These commissions are action-orientated and will be accountable to the Yukon people through the Legislature. They are not intended as a permanent fixture of government; each will dissolve when its assigned tasks are completed.

The structure and preliminary terms of reference of these commissions will be outlined in the Legislature in the early days of this session.

A fundamental principle of democratic society is the right of workers to free, collective bargaining. My government will introduce legislation in this sitting to repeal the Public Sector Compensation Restraint Act. Bargaining agents for public service workers and teachers have been advised that my government stands ready to begin negotiating new collective agreements.

My government values the efforts, expertise and loyalty of its public employees who provide essential services to the public on a daily basis. We believe they deserve to work in a positive environment, free of harassment and intimidation.

My government is also committed to employment equity in the public service, and will present a plan during the coming year to set direction toward a more representative public workforce.

Another matter of high priority is restoring public confidence in the Yukon Workers' Compensation Health and Safety Board. My government has begun the process of establishing an independent workers' advocate position by presenting proposals to the stakeholder groups. It is also taking steps to ensure that the board enjoys the confidence of both labour and the business community.

In this sitting, Members will be asked to approve two money bills: the final supplementary budget for 1995-96 and the first supplementary budget for 1996-97.

A key aspect of the first supplementary will be a request for additional resources to proceed with settling and implementing land claims and self-government agreements. This is a timely and prudent investment in the Yukon's future and in harmonious, productive relationships among its people.

My Government Leader has held a number of meetings with the Grand Chief of the Council of Yukon First Nations and other First Nations leaders, to embark on a new partnership among orders of government in the territory. These inter-governmental meetings will continue.

My Government Leader has also received direct assurances from the Minister of Indian Affairs and Northern Development that the timetable for transferring federal programs to Yukon control will accommodate the priority of land claims and self-government agreements. Efforts to reach a tripartite agreement on devolution are consistent with my government's belief that First Nations governments should participate in devolution discussions.

My government will work with other governments to achieve made-in-Yukon solutions to devolution matters. We recognize that the process must be open to public scrutiny, and that those most affected by devolution, including government employees, must be consulted as part of that process.

To return for a moment to budgetary matters, the new government's first full budget will be presented for consideration at the spring sitting.

Public finances are a matter of public trust. Yukon people expect their government to live within its means, without compromising the quality of public services.

The Yukon is in the enviable position of being free of public debt. Reductions in federal transfer payments, and recent difficulties facing a major Yukon mine, may present real challenges on both the revenue and expenditure sides of the ledger. Nevertheless, my Minister of Finance is committed to maintaining the territory's debt-free status while keeping a reasonable savings account for contingencies.

My government also believes in long-term financial planning to provide greater economic security and stability. It is equally important that the working people of the Yukon and their families continue to enjoy the highest possible standards of health care, education and social services.

This is not an easy task, but by careful management and by working together with those who will be most affected by the decisions, we believe the goal can be achieved.

Jobs and the Economy

Yukon women and men recently demonstrated their belief that Yukon people should be the first to benefit from jobs and other economic activity resulting from public spending. The Yukon Hire Commission will work with labour and with business to advance that goal. The government will also review its contracting and purchasing procedures to ensure that maximum advantage of Yukon public spending stays within the Yukon.

My government believes in balanced growth, and in assisting Yukon communities to work toward a positive future. Accordingly, it will work with community leaders, industry, educators, First Nations governments and the federal government to identify opportunities for upgrading, apprenticeship and training programs. The goal is to enable Yukon people to acquire the skills they need to take advantage of employment opportunities close to home.

A key feature of my government's economic program will be to restore the community development fund. My Minister of Economic Development will soon unveil a consultation process to involve communities in the development of this program. In the meantime, he will introduce a community projects initiative to operate this winter, to deal with existing community priorities.

My government will strongly support the mining industry, which is a major building block to jobs and economic strength. Nevertheless, the current situation at Faro reminds us of the need for more diversification in our economy. While my government has responded quickly to address the needs of Faro residents, we must create long-term alternatives to the boom-and-bust cycles of a resource-based economy.

Similarly in the tourism industry, our vision must extend beyond the era of centennial celebrations. My government will work with industry, communities and First Nations to develop a balanced plan for the future. The Yukon has a lot to offer, and we want to present the territory's natural beauty and cultural heritage to the world in a positive, respectful and sustainable way.

My government will also look beyond its borders and pursue relations with our Canadian and international trading partners through initiatives such as the upcoming Team Canada mission to Southeast Asia. We will exchange knowledge on circumpolar issues with our northern neighbours through organizations such as the Northern Forum and the Arctic Council. And we will maintain positive relationships with our immediate neighbours in the Northwest Territories, British Columbia and Alaska.

At the national and regional levels, we will participate actively in intergovernmental conferences and working groups, and present clear Yukon positions on important issues such as social policy reform.

Closer to home, my government has indicated support for private-sector initiatives such as the Canada/Yukon Business Information Centre, and imaginative events such as the 90th anniversary re-enactment of the Dawson City Nuggets' challenge of the Stanley Cup in Ottawa.

Through the Cabinet Commission on Energy, my government will examine the range of energy issues that affect Yukon individuals and businesses. These include the future of rate relief, management of the Yukon's energy infrastructure, power supply options and environmental considerations. Its goal is to ensure that Yukon people can derive maximum benefit from an energy supply and distribution system that is affordable, reliable and environmentally responsible.

The Yukon Forest Commission will seek to achieve consensus among industry, First Nations, conservationists, affected communities and others to develop a made-in-Yukon forest policy. It will also encourage a viable forest industry that brings maximum economic benefit to Yukon people while protecting this valuable resource for the use and enjoyment of future generations.

The Commission on the Development Assessment Process, or DAP, will provide leadership in setting a new direction in how resource projects are reviewed and approved. This is in accordance with legal requirements under the Yukon First Nations Umbrella Final Agreement. The DAP will streamline project assessment through a one-window process, to ensure economic benefits, social stability and protection of our environment.

Strong, Safe Communities

Yukon families and individuals cherish the ability to choose lifestyles that reflect their personal values. The territory provides a unique variety of opportunities, from urban living to the smaller scale atmosphere of rural communities and the rugged independence of life in the wilderness. My government is committed to preserving that diversity.

My Ministers and Commissioners believe profoundly that the Yukon must be a society that provides opportunities for the young and the elderly alike. They believe we have a special duty to those who are vulnerable due to physical or mental challenges, who are economically disadvantaged, or who are involved in relationships that pose a threat to their personal safety.

This week marks the National Day of Remembrance and Action on Violence Against Women. This is a time to reflect, and to rededicate ourselves to reducing all forms of violence in our society.

While we wish a need for places of refuge such as the Help and Hope Society, Kaushee's Place, or the Dawson Shelter Transition House did not exist, my government is committed to ensuring that safe places are available for women and children who are being abused at home.

Poverty and homelessness are also unfortunate realities that a caring society must address. My Minister of Health and Social Services has begun consultations with community groups to find a way to carry on the excellent work provided for many years by Maryhouse and the St. Joseph's Shelter for Men. My government will also work with the federal government to try to find solutions to child poverty.

My government has pledged to help the Victoria Faulkner Women's Centre find a suitable permanent home for its programs for women and children. This is part of a larger commitment

to work with community organizations that provide valuable essential social services, enabling them to plan their work on a long-term basis with the benefit of stable and predictable funding.

Many of the seeds of future problems are sown in a child's early days. My government will work with communities, First Nations, educators and health and social service agencies to support families at risk. We will also work with our partners in education to ensure that the highest possible quality of education is available in an atmosphere that is free from violence and conducive to positive achievement.

My government is fully committed to excellence in public education, and will renew the educational partnerships that will help prepare the territory's young people not just for jobs, but for life in the 21st century.

My government takes ongoing concerns about crime in our society seriously. The Ministers of Education, Justice and Social Services will play a lead role in pursuing community-based policing and justice initiatives. The process of exploring ways to ensure the administration of justice properly reflects the wishes of Yukon people has begun.

The goal of my government is to develop approaches that keep our communities safe, that respect the rights and needs of victims, and that encourage offenders to accept responsibility for their actions and alter their behaviour in positive ways.

While much public attention has been cast on youth crime, my government recognizes that it is unfair to characterize all young people as offenders. Most are law-abiding citizens who want to contribute positively to society. We also recognize that programs aimed at young people will have greater success if youth themselves are directly involved in designing and implementing them.

Caring for Our Resources

The Yukon is blessed with a natural environment that is second to none. My government believes it has a sacred trust to protect it for the use and enjoyment of future generations.

That is why my government remains opposed to developments beyond our borders that could endanger the calving grounds of the Porcupine caribou herd. That is why my government supports the Whitehorse mining initiative, the Yukon Conservation Strategy and Protected Spaces 2000. That is why it will work with First Nations, Canada, the resource industry and others to bring the development assessment process into being.

An example of difficult wildlife management issues is the Aishihik caribou enhancement program. My government placed a moratorium on the wolf kill, and has begun consultations with affected First Nations governments, co-management partners and the Yukon public to exchange information about the long-term impacts of the program and to seek direction on its future.

With the scientific data collected from this program and, more importantly, with proper stewardship in the future, my government hopes there will never again be a need to resort to large-scale culling of any animal species in order to protect another species.

My government is assessing options for the Tombstone Park and other protected spaces. After due consultation, we will establish a territorial park that reflects the wishes of Yukon people to protect unique ecosystems and archeological sites, and is consistent with settlement of the Tr'ondek Hwech'in First Nation land claim.

Strategic planning in the tourism sector will also recognize the economic potential of wildlife viewing and other wilderness tourism. Like the goose and the golden egg, however, it is

essential to protect the source of that economic potential by encouraging activities that will not compromise the environment.

Our Future Together

Hon. Members, this House is a place for public deliberation, debate and decision. Much work lies ahead of you as elected representatives of the people of the Yukon Territory.

Yukon women, men and children look to you for inspiration, leadership and a sense of partnership in the public life of the Yukon. If you provide those things, as my government is committed to do, the years leading to the next century will be years of hope and progress for the territory.

We have many reasons to be proud of this beautiful territory and what we have accomplished together. We also have good reason to look ahead to new challenges with confidence and determination.

May you be blessed in your deliberations. I thank you for allowing me to introduce my government's program for the first year of its mandate, and I look forward to many pleasant visits to this place.

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 Marci Davidson, Jillian Ewert, Jamie Furniss, Amy Klassen and Betsy Sinclair from Riverdale Junior Secondary School would be Pages during the Session and introduced them to the Assembly.

PRO FORMA BILL

Bill #1 - An Act to Perpetuate a Certain Ancient Right

-Hon. Mr. McDonald

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)**

SPEECH FROM THE THRONE CONSIDERED ON DAY FOLLOWING

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

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

GOVERNMENT MOTIONS

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

RESOLVED THAT Gary McRobb, Member for Kluane, be appointed Deputy Speaker and Chair of the Committee of the Whole. **(Motion #2)**

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

RESOLVED THAT Todd Hardy, Member for Whitehorse Centre, be appointed Deputy Chair of Committee of the Whole. **(Motion #3)**

The Assembly adjourned at 3:42 p.m. until 1:30 p.m., Thursday, December 5, 1996.

No. 2
VOTES AND PROCEEDINGS
of the
YUKON LEGISLATIVE ASSEMBLY

29th Legislative Assembly

First Session

Thursday, December 5, 1996

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

TRIBUTES

In Remembrance of Hilda Watson, former MLA

Mr. Ostashek, Member for Porter Creek North, Mr. McRobb, Member for Kluane, and Ms. Duncan, Member for Porter Creek South, acknowledged the passing of Hilda Watson, a former Yukon MLA, who served in the Assembly as the Member for Carmacks Kluane Lake from 1970 to 1974 and for Kluane from 1974 to 1978. Mrs. Watson passed away on July 14, 1996.

In Remembrance of Harry Allen, Grand Chief of the CYFN

The Hon. Mr. McDonald, Government Leader, Mr. Cable, Member for Riverside, Mr. Phillips, Member for Riverdale North, and the Hon. Mr. Keenan, Minister of Tourism, acknowledged the passing of Harry Allen, an honored and respected elder, who died while in office as Grand Chief of the Council of Yukon First Nations, on June 8, 1996. Mr. Allen's achievements were recognized and condolences were extended to his family.

In Remembrance of Frank Lutz, Sr.

Mr. Fentie, Member for Watson Lake, acknowledged the passing of Frank Lutz, Sr., an elder of the Kaska First Nation who died the previous weekend.

In Remembrance of Sam Williams

Mr. McRobb, Member for Kluane, acknowledged the passing of Sam Williams, an elder, who lived in Haines Junction.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Bruce, Speaker

- Auditor General: Report on Other Matters for the year ended March 31, 1995
(Sessional Paper #2)
- Auditor General: Report on Financial Statements of the Government of the Yukon for the year ended March 31, 1996
(Sessional Paper #3)
- Yukon Human Rights Commission Annual Report: for the year ended March 31, 1996
(Sessional Paper #4)

Hon. Mr. Harding, Minister of Economic Development

- Faro Mine: economic impact of temporary, partial shutdown (dated November 28, 1996) **(Sessional Paper #5)**

INTRODUCTION OF BILLS (First Reading)

Bill #21 - An Act to Amend the Public Sector Compensation Restraint Act, 1994

-Hon. Mr. Harding

Bill #2 - Fourth Appropriation Act, 1995-96

-Hon. Mr. McDonald

Bill #3 - Second Appropriation Act, 1996-97

-Hon. Mr. McDonald

MONEY MESSAGE

Bill #2, Fourth Appropriation Act, 1995-96, and Bill #3, Second Appropriation Act, 1996-97, were accompanied by a money message.

MINISTERIAL STATEMENTS

Hon. Mr. Harding, Minister of Economic Development

- Faro mine (Anvil Range) situation: Government response

Hon. Ms. Moorcroft, Minister of Justice

- National Day of Remembrance and Action on Violence Against Women - December 6, 1996

POINT OF ORDER RESPECTING OFFICIAL OPPOSITION STATUS

Mr. Cable, Member for Riverside, and Mr. Ostashek, Member for Porter Creek North, rose on a Point of Order and put forward their arguments respecting the decision to be made regarding Official Opposition status.

The Speaker took the matter under advisement and told the House he would give a ruling on Monday, December 9, 1996.

TABLED DOCUMENT

While stating the Point of Order, Mr. Cable, Member for Riverside, tabled the following document:

- Official Opposition Status: briefing notes submitted by the Member for Riverside (Jack Cable), Leader of the Liberal Party caucus **(Sessional Paper #6)**

ADDRESS IN REPLY TO THE SPEECH FROM THE THRONE

Moved by Mr. McRobb:

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 #10)**

A debate arising on the motion and the time reaching 5:30 p.m. while the Hon. Mr. Fairclough was speaking to it, the Speaker, pursuant to Standing Order 2(4),

interrupted the Member and debate on the Motion for Address in Reply was accordingly adjourned.

The Assembly adjourned at 5:31 p.m. until 1:30 p.m., Monday, December 9, 1996.

No. 3
VOTES AND PROCEEDINGS
of the
YUKON LEGISLATIVE ASSEMBLY

29th Legislative Assembly

First Session

Monday, December 9, 1996

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

TABLING RETURNS AND DOCUMENTS

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

- Yukon Housing Corporation Annual Report for the year ended March 31, 1995
(Sessional Paper #7)

Hon. Mr. McDonald, Government Leader

- Public Accounts of the Government of Yukon for the year ended March 31, 1996
(Sessional Paper #8)

MINISTERIAL STATEMENTS

Hon. Mr. Harding, Minister of Economic Development

- Community Projects initiative

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

- Family Group Conferencing for "under twelves"

SPEAKER'S RULING (regarding recognition of the Official Opposition)

"Before proceeding to Question Period, I will provide the House with my ruling on the point of order raised by the Member for Riverside on December 5, 1996.

The Member for Riverside raised the question of whether the members of the Liberal Party Caucus or the members of the Yukon Party Caucus should be the Official Opposition in this House. I thank the Member for Riverside and the Member for Porter Creek North for the advice they provided to the Chair on that question.

The Chair has relied on the following rules, precedents and laws for this ruling:

- (1) the Standing Orders of the Yukon Legislative Assembly,
- (2) the precedents of the Yukon Legislative Assembly,
- (3) the relevant Yukon Statutes, and
- (4) the precedents of the House of Commons of Canada.

The reason for using the precedents of the House of Commons is that Standing Order 1 of the Yukon Legislative Assembly states:

'In all cases not provided for in these Standing Orders or by sessional or other orders, the practices and procedures of the House of Commons of Canada, as in force at the time, shall be followed, so far as they may apply to this Assembly.'

The first basic issue to be addressed is whether there is a requirement that an Official Opposition be recognized in this House. The Yukon Legislative Assembly has given recognition to either the Official Opposition or the Leader of the Official Opposition in several places in the Standing Orders and in the **Legislative Assembly Act**. The Chair, therefore, must assume that the Assembly intends that there should be an Official Opposition. This is backed by Speaker Parent of the House of Commons in a ruling he made on February 27, 1996. Speaker Parent said:

'The position of Leader of the Official Opposition is firmly anchored in our parliamentary system of government through practice and the implementation of various statutes and rules of procedure. The importance of the Official Opposition and its leader has been commented on both in Canada and in other countries with Westminster style Parliaments for well over a century.'

The second basic issue is who makes the decision as to who the Official Opposition will be. There seems to be no disagreement that this is the responsibility of the Speaker. Both the Member for Riverside and the Member for Porter Creek North indicated they felt the Speaker should make the decision. Also, again referring to his decision of February 27, 1996, Speaker Parent said:

'The designation of the official opposition has never been decided on the floor of the House of Commons. As Speaker, I am entrusted with the responsibility of ensuring the orderly conduct of business in the House. To do so, I must now determine, in light of the tie situation and the point of order raised, which party shall form the official opposition.'

The Member for Riverside did qualify his remarks by saying that the House was not required to leave the matter up to the Speaker. He quite correctly said that the House could either deal with the matter directly or refer it to a committee such as the Standing Committee on Rules, Elections and Privileges. However, he also said that the Speaker had the option to follow the 1963 precedent of the House of Commons and to refer the matter, on his own initiative, to the Standing Committee on Rules, Elections and Privileges. This is a misinterpretation of the 1963 precedent as it is only the House itself that can make such a reference. Speaker Macnaughton, the Speaker of the House of Commons at that time, did suggest that a certain matter be referred to a committee but that reference did not occur until the House passed a motion to that effect.

The Member for Riverside asked that consideration be given to setting up a rotation of Official Opposition status between the Liberal Party Caucus and the Yukon Party Caucus. He went on to suggest that the Speaker should broker a rotational arrangement between the two caucuses.

The Chair would agree to respect an arrangement made between the two caucuses but it would be up to the two caucuses themselves to come to an agreement - it would not be appropriate for the Chair to take an active role in negotiations between the caucuses. During the time that the Member for Riverside and the Member for Porter Creek North were discussing the point of order on December 5, the Chair did not hear either member indicate that they had reached or were working to reach an agreement on rotating Official Opposition status.

To repeat, if the two opposition caucuses make some kind of arrangement that does not violate any rules of the House, the Chair will respect that arrangement. However, no member should expect that the Chair will take on the role of a negotiator.

The result is that the Chair must select one of the opposition caucuses as the Official Opposition.

The problem which arises is that there are few criteria for making such a decision.

The standard deciding factor, of course, is the number of seats; however, here both parties in opposition have the same number of seats.

Another factor sometimes relied on is party status - members who were elected as nominees of a registered political party are more likely to receive official opposition status than a group of independents. In this case, both the Yukon Party Caucus and the Liberal Party Caucus are equal.

Assessments of party policies cannot be used to make this decision. Speaker Parent of the House of Commons was very clear on this point when asked to select the Reform Party over the Bloc Quebecois as the Official Opposition in the House of Commons.

Popular vote has been suggested by some as being a logical factor for the Chair to consider. It has been rejected by most Speakers required to make rulings similar to this one. For example, Speaker Parent quoted Speaker Dysart of New Brunswick. On December 16, 1994, she said:

'Basing a decision on factors outside Parliament opens the door or invites future decisions with no basis in parliamentary precedents or practice. With the one noted exception, the Official Opposition has been determined by the number of seats held by the party, not by the popular vote.'

The exception was a decision of Speaker Amerongen in Alberta in 1983 when, immediately following a general election, he paid some heed to popular vote in making a decision about who would be the Official Opposition. Although popular vote has been rejected as a factor in every Speaker's decision after 1983, there are some who say it may have its place. For example, Professor Stewart Hyson, in the Autumn 1996 edition of the **Canadian Parliamentary Review**, wrote:

'But popular vote is limited at best to the start of a legislature following a general election and then only as a supplemental factor. That is, if two or more parties are tied in standing, the Speaker may turn to the popular vote as the tie-breaker.'

The Chair cannot take popular vote into account because the direction to the Chair is that, in the absence of Yukon rules or precedents, direction should be taken from House of Commons practices and precedents. If the House wishes to develop any guidelines for future Speakers to follow in similar situations it might give consideration to whether, as a last resort, popular vote could be considered as a deciding factor when a decision is required immediately following a general election.

There are a number of other factors which have been suggested for the Chair to consider including the gender of the members in each caucus, the mixture of rural and urban members and the presence or absence of leaders of registered political parties in the opposition caucuses. These kinds of factors cannot be relied upon by the Chair because their use would mean making political judgments about the qualities of various members and that would endanger the impartial position of the Chair.

In many other jurisdictions, including the House of Commons, incumbency has been a key factor in Speakers' decisions. The difficulty in applying it to the situation now before the Yukon Legislative Assembly is that these precedents are not totally comparable. They deal with situations in which a party with Official Opposition status falls into a tie with another party during the lifetime of a Parliament or Legislature.

In the Yukon Legislative Assembly today, there is one opposition party caucus which, prior to the election, formed the government. There is another opposition party caucus which, prior to the election, was a third party in the House. Neither are incumbents as the Official Opposition.

The Chair, then, has determined to make a decision in this matter which reflects the spirit and intent of the House of Commons' reliance on incumbency as a deciding factor. It is the Chair's judgment that that spirit and intent is best satisfied by selecting an opposition party caucus which formed the government prior to an election to be the Official Opposition over an opposition party caucus that was a third party in the House prior to the election. That means that the Yukon Party Caucus will be the Official Opposition and that the Member for Porter Creek North will be the Leader of the Official Opposition.

This decision is made in respect to the proceedings in this Chamber. Decisions on matters such as caucus funding and space allocation are made in another forum.

The Chair wishes the House to recognize that, although the Yukon Party Caucus is now recognized as the Official Opposition, it still must be kept in mind that there are two caucuses in opposition with three members apiece. The Chair will ensure that both opposition caucuses and all members in both opposition caucuses are treated appropriately in such matters as order of speaking. As an example, during Question Period, the Leader of the Official Opposition will continue to be given the first two questions each day but the Leader of the Third Party will now be given the next two questions rather than just one.

The Chair urges the House to give consideration to certain Standing Orders which clearly do not reflect the current makeup of the House. In particular, Standing Order 14.2 must be reviewed and amended to ensure that both opposition caucuses receive equitable treatment on private members' day.

That concludes my comments on the point of order."

ADDRESS IN REPLY TO THE SPEECH FROM THE THRONE

Moved by Mr. McRobb:

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 #10)**

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

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

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

The question being put, it was agreed to.

GOVERNMENT BILLS

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

Bill #2 - Fourth Appropriation Act, 1995-96

-Hon. Mr. McDonald

Bill #3 - Second Appropriation Act, 1996-97
-Hon. Mr. McDonald

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #2 - Fourth Appropriation Act, 1995-96
-Hon. Mr. McDonald

The report of the Chair was adopted.

The Assembly adjourned at 9:28 p.m. until 1:30 p.m., Tuesday, December 10, 1996.

No. 4
VOTES AND PROCEEDINGS
of the
YUKON LEGISLATIVE ASSEMBLY

29th Legislative Assembly

First Session

Tuesday, December 10, 1996

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

TRIBUTES

Recognition of Universal Declaration of Human Rights

The Hon. Ms. Moorcroft, Minister of Justice, Mr. Phillips, Member for Riverdale North, and Mr. Cable, Member for Riverside, recognized the anniversary of the signing of the Universal Declaration of Human Rights.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. McDonald, Government Leader

- Yukon Public Service Staff Relations Board 26th Annual Report 1995-96
(Sessional Paper #9)
- Yukon Teachers' Staff Relations Board 22nd Annual Report
1995-96 (Sessional Paper #10)

MINISTERIAL STATEMENTS

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

- Highway maintenance camp at Destruction Bay to remain open

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

- Ministerial Council on Social Policy Renewal: report on

GOVERNMENT BILLS

The following Bill was called for Second Reading:

Bill #21 - An Act to Amend the Public Sector Compensation Restraint Act, 1994

-Hon. Mr. Harding

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

| | | | | |
|------------|------------|---------|----|--|
| | YEA | | | |
| McDonald | McRobb | Jenkins | | |
| Harding | Fentie | Cable | | |
| Moorcroft | Hardy | Duncan | 16 | |
| Keenan | Livingston | Edelman | | |
| Sloan | Ostashek | | | |
| Fairclough | Phillips | | | |
| | NAY | | | |
| | | | 0 | |

GOVERNMENT MOTIONS

Unanimous consent having been requested by the Hon. Mr. Harding, Government House Leader, and granted to waive the provisions of Standing Order 27(1) with regard to notice, it was moved by the Hon. Mr. Keenan:

THAT it is the opinion of this House:

- (1) That the radio and television programming of the Canadian Broadcasting Corporation plays a unifying role in Canada,
 - (2) That Yukon and other Northern Canadian people rely more on the CBC for basic communication services than southern Canadians, and
 - (3) That federal cutbacks to the CBC northern service will mean a significant reduction in basic communication services to Yukon people;
- and

THAT this House urges the federal government to reverse its decision to cut CBC funding with the view to preserving communication services for all Canadians and northern people in particular. **(Motion #19)**

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 #21 - An Act to Amend the Public Sector Compensation Restraint Act, 1994
-Hon. Mr. Harding

The report of the Chair was adopted.

The Assembly adjourned at 5:30 p.m. until 1:30 p.m., Wednesday, December 11, 1996.

No. 5

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

29th Legislative Assembly

First Session

Wednesday, December 11, 1996

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

TABLING RETURNS AND DOCUMENTS

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

- Yukon Health and Social Services Council Annual Report 1995-96
(Sessional Paper #11)
- Yukon Child Care Board Annual Report 1995-1996
(Sessional Paper #12)

OPPOSITION PRIVATE MEMBERS' BUSINESS
MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Ostashek:

THAT this House recognizes the importance of the family in Yukon society and the need for Yukon families to better spend their money on what they need than having government spend it for them on something they might not need; and

THAT it is the opinion of this House that the Government of Yukon should introduce and implement a child tax credit that will be of particular benefit to low income Yukon families.
(Motion #12)

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

THAT Motion #12 be amended in the first paragraph by deleting everything following the word "society" and be amended in the second paragraph by deleting everything after the expression "Government of Yukon should" and by substituting the following:

"work with provincial, territorial and federal governments to develop effective means of addressing child poverty and supporting families, and that, within this process, an integrated child benefit be considered."

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

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

THAT Motion #12 be amended by adding the following paragraph after the second paragraph:

“THAT it is the opinion of this House, that, in the event the Government of Canada has not developed a National Child Benefit Proposal within the next 12 months, the Government of Yukon should proceed to implement a Child Tax Credit Program.”

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

| YEA | | | |
|-----------|------------|------------|----|
| McDonald | Sloan | Hardy | |
| Harding | Fairclough | Livingston | 10 |
| Moorcroft | McRobb | | |
| Keenan | Fentie | | |
| NAY | | | |
| Ostashek | Jenkins | Duncan | |
| Phillips | Cable | Edelman | 6 |

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

| YEA | | | |
|------------|------------|---------|----|
| McDonald | McRobb | Jenkins | |
| Harding | Fentie | Cable | 16 |
| Moorcroft | Hardy | Duncan | |
| Keenan | Livingston | Edelman | |
| Sloan | Ostashek | | |
| Fairclough | Phillips | | |
| NAY | | | |
| | | | 0 |

Moved by Mr. Phillips:

THAT it is the opinion of this House that the universal licensing and registration associated with the Liberal Federal Government's Firearms Act (Bill C-68) will be costly and intrusive on property and civil rights, and will have little impact, if any, on reducing the criminal use of guns; and

THAT this House urges the New Democratic Party Government to continue the work of the previous Yukon Party Government in opposing Bill C-68 and join Ontario, Saskatchewan, the Northwest Territories and Manitoba in the province of Alberta's constitutional challenge of the new gun control law and opt out of the administration of this law if the challenge fails. **(Motion #13)**

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

THAT Motion #13 be amended by:

- (1) in the first paragraph, deleting all words after the expression "civil rights" and substituting for them the following:

"and the rights of First Nations people pursuant to their Self-Government Agreements, and is not an effective measure for reducing the criminal use of firearms;"

and

- (2) deleting the second paragraph and substituting for it the following:

"THAT this House commends the Yukon government's position to participate in the province of Alberta's constitutional challenge of the new gun control law, along with the governments of Ontario, Saskatchewan, the Northwest Territories and Manitoba."

A debate arising on the amendment and the time reaching 5:30 p.m. while the Hon. Ms. Moorcroft was still speaking to it, the Speaker, pursuant to Standing Order 2(2), recessed the House until 7:30 p.m. and debate on the amendment and on Motion #13 was accordingly adjourned.

COMMITTEE OF THE WHOLE

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

With regard to Bill #21, the Chair reported as follows:

"During consideration of the Bill, the title was amended. The title of Bill #21 now reads **An Act to Repeal the Public Sector Compensation Restraint Act, 1994**".

The following Bill was reported with amendment:

Bill #21 - An Act to Repeal the Public Sector Compensation Restraint Act, 1994
-Hon. Mr. Harding

The following Bill was reported without amendment:

Bill #2 - Fourth Appropriation Act, 1995-96
-Hon Mr. McDonald

Progress was reported on the following Bill:

Bill #3 - Second Appropriation Act, 1996-97
-Hon. Mr. McDonald

FILED DOCUMENT

During general debate on Bill #21, Mr. Cable, Member for Riverside, tabled the following document:

- Letters (dated December 11, 1996) from and to Jack Cable, Member for Riverside, and Trevor Harding, Minister responsible for the Public Service Commission, regarding the effect of Bill #21 entitled **An Act to Repeal the Public Sector Compensation Restraint Act, 1994**.

(Filed Document #1)

TABLED DOCUMENT

During general debate on Bill #2, the Hon. Mr. McDonald tabled the following document:

- Taga Ku settlement details **(Legislative Return #1)**

The report of the Chair was adopted.

The Assembly adjourned at 9:32 p.m. until 1:30 p.m., Thursday, December 12, 1996.

No. 6
VOTES AND PROCEEDINGS
of the
YUKON LEGISLATIVE ASSEMBLY

29th Legislative Assembly

First Session

Thursday, December 12, 1996

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

TRIBUTES

Congratulations to Gina Nagano for RCMP promotion

Ms. Duncan, Member for Porter Creek South, recognized Gina Nagano as the first female Yukon aboriginal to be promoted to Corporal within the RCMP (effective February 15, 1997).

TABLING RETURNS AND DOCUMENTS

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

- Yukon Hospital Corporation Financial Statements for the year ending March 31, 1996 **(Sessional Paper #13)**

Hon. Mr. Harding, Minister of Economic Development

- Business Development Advisory Board Annual Report 1995-1996 **(Sessional Paper #14)**

PETITIONS

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

- regarding rate relief **(Petition #1)**

MINISTERIAL STATEMENTS

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

- Rate relief program

Hon. Ms. Moorcroft, Minister of Education

- "Yukon Quest" student homepage

Hon. Mr. Harding, Minister of Economic Development

- Timber regulations: changes to

GOVERNMENT BILLS

The following Bills were read a third time and passed:

Bill #21 - An Act to Repeal the Public Sector Compensation Restraint Act, 1994

-Hon. Mr. Harding

Bill #2 - Fourth Appropriation Act, 1995-96
-Hon. Mr. McDonald

GOVERNMENT MOTIONS

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

THAT the Honourable Speaker, pursuant to Standing Order 45(2), be appointed Chair of the Members' Services Board;

THAT Hon. Piers McDonald, Hon. Trevor Harding, Jack Cable and John Ostashek be appointed to the Members' Services Board;

THAT the Board consider:

(1) budget submissions for the following Votes:

- (a) Legislative Assembly,
 - (b) Ombudsman (including Information and Privacy Commissioner), and
 - (c) Conflicts Commission,
- and

(2) policy questions concerning matters such as:

- (a) space allocation,
- (b) staffing,
- (c) caucus funding,
- (d) Media Gallery House rules,
- (e) seating in the Assembly, and
- (f) Hansard,

and

THAT the Board fulfil its statutory responsibilities including those in the **Ombudsman Act**, the **Conflict of Interest (Members and Ministers) Act**, and the **Legislative Assembly Retirement Allowances Act, 1991**. **(Motion #4)**

The question being put, it was agreed to.

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

THAT the honourable Members Trevor Harding, Sue Edelman, Doug Livingston, Gary McRobb and Doug Phillips 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 #5)**

The question being put, it was agreed to.

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

THAT the honourable Members John Ostashek, Eric Fairclough, Todd Hardy, Gary McRobb and Pat Duncan 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 #6)**

The question being put, it was agreed to.

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

THAT the honourable Members Dave Keenan, Peter Jenkins, Trevor Harding, and Jack Cable 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 #7)**

The question being put, it was agreed to.

Moved by the Hon. Mr. McDonald, Government Leader:

THAT it is the recommendation of this Assembly that the honourable Members Piers McDonald, Trevor Harding and Lois Moorcroft be appointed to the Advisory Committee on Finance and that the honourable Members David Sloan, David Keenan and Eric Fairclough be appointed as alternate members of the same committee. **(Motion #8)**

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 #3 - Second Appropriation Act, 1996-97

-Hon. Mr. McDonald

The report of the Chair was adopted.

The Assembly adjourned at 5:30 p.m. until 1:30 p.m., Monday, December 16, 1996.

No. 7
VOTES AND PROCEEDINGS
of the
YUKON LEGISLATIVE ASSEMBLY

29th Legislative Assembly

First Session

Monday, December 16, 1996

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

TABLING RETURNS AND DOCUMENTS

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

- Yukon Lottery Commission Annual Report 1995-1996 (Sessional Paper #15)

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

- Yukon Liquor Corporation Annual Report 1995-1996 (Sessional Paper #16)

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 29th Legislative Assembly, as presented by the honourable Member for Kluane on December 12, 1996.

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

Patrick L. Michael
Clerk of the Yukon
Legislative Assembly

The Speaker ruled that, accordingly, Petition #1 was deemed to be read and received.

MINISTERIAL STATEMENTS

Hon. Mr. Fairclough, Minister of Renewable Resources

- Caribou recovery program in Aishihik/Kluane to be completed

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

- **Recreation Act** regulations: amendments to

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #3 - Second Appropriation Act, 1996-97

-Hon. Mr. McDonald

The report of the Chair was adopted.

The Assembly adjourned at 9:29 p.m. until 1:30 p.m., Tuesday, December 17, 1996.

No. 8

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

29th Legislative Assembly

First Session

Tuesday, December 17, 1996

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

TABLING RETURNS AND DOCUMENTS

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

- Health Care Insurance Programs: Statement of Revenue and Expenditures (1990/91 -1995/96), Health Services Branch **(Sessional Paper #17)**

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

- Yukon Housing Corporation Annual Report for the year ended March 31, 1996 **(Sessional Paper #18)**

PETITIONS

Mr. Fentie, Member for Watson Lake, presented the following petition:

- regarding land assessment on properties in Marsh Lake area **(Petition #2)**

MINISTERIAL STATEMENTS

Hon. Mr. Fairclough, Minister of Renewable Resources

- **Environment Act** regulations: re contaminated site

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #3 - Second Appropriation Act, 1996-97

-Hon. Mr. McDonald

The report of the Chair was adopted.

The Assembly adjourned at 5:27 p.m. until 1:30 p.m., Wednesday, December 18, 1997.

No. 9
VOTES AND PROCEEDINGS
of the
YUKON LEGISLATIVE ASSEMBLY

29th Legislative Assembly

First Session

Wednesday, December 18, 1996

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

TRIBUTES

In Remembrance of Les Butterworth

Mr. Jenkins, Member for Klondike, acknowledged the passing of long-time Dawson resident, Les Butterworth, who passed away December 17, 1996. Condolences were extended to his family.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Moorcroft, Minister of Education

- Safety audits in schools: Porter Creek Secondary School and Whitehorse Elementary School; many recommendations being implemented
(Legislative Return #2)
- Security at Porter Creek Secondary School: status of initiatives
(Legislative Return #3)

PETITIONS

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 29th Legislative Assembly, as presented by the honourable Member for Watson Lake on December 17, 1996.

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

Patrick L. Michael
Clerk of the Yukon
Legislative Assembly

The Speaker ruled that, accordingly, Petition #1 was deemed to be read and received.

MINISTERIAL STATEMENTS

Hon. Mr. Sloan, Minister of Government Services

- Human Resource Information Management System (HRIS)

GOVERNMENT PRIVATE MEMBERS' BUSINESS
MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Fentie:

THAT it is the opinion of this House that the Government of Yukon should be commended for its new approach to resolve important forest policy issues through the creation of the Forest Cabinet Commission; and

THAT this House commend the government for adopting an approach to resolving difficult policy issues based on the principles of public involvement and consultation, and respect for First Nation governments. **(Motion #27)**

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

| | | | | |
|-----------|------------|------------|----|--|
| | YEA | | | |
| McDonald | Sloan | Hardy | | |
| Harding | Fairclough | Livingston | 10 | |
| Moorcroft | McRobb | | | |
| Keenan | Fentie | | | |
| | NAY | | | |
| Ostashek | Jenkins | Duncan | | |
| Phillips | Cable | Edelman | 6 | |

SPEAKER'S RULING

"Before proceeding to the next motion on the Order Paper, the Chair wishes to draw Members' attention to the second paragraph of Motion #27 which has now passed this House and Motion #28, #30 and #31. The wording of this paragraph is the same in each case.

Annotation 558 in **Beauchesne's Parliamentary Rules and Forms** states:

'An old rule of Parliament reads: 'That a question being once made and carried in the affirmative or negative, cannot be questioned again but must stand as the judgment of the House.' Unless such a rule were in existence, the time of the House might be used in the discussion of a motion of the same nature and contradictory decisions would be sometimes arrived at in the course of the same session.'

The House has reached a decision on the question that reads:

'THAT this House commend the government for adopting an approach to resolving difficult policy issues based on the principles of public involvement and consultation, and respect for First Nation governments.'

It would, therefore, not be in order to place that question before the House again during this session.

Annotation 566(4) in **Beauchesne** states that:

'The Speaker has the unquestioned authority to modify motions with respect to form.'

The Chair, therefore, orders that the second paragraph be dropped from Motion #28, #30 and #31. With that deletion, those motions may be called for debate.”

MOTIONS OTHER THAN GOVERNMENT MOTIONS (continued)

Moved by Mr. Hardy:

THAT it is the opinion of this House that the Government of Yukon should be commended for its new approach to resolve important local hire policy issues through the creation of the Cabinet Commission on Yukon Hire. **(Motion #28)**

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

Moved by Mr. McRobb:

THAT it is the opinion of this House that the Government of Yukon should be commended for its new approach to resolve important energy policy issues through the creation of the Cabinet Commission on Energy. **(Motion #31)**

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

Moved by Mr. Livingston:

THAT it is the opinion of this House that the Government of Yukon should be commended for its new approach to resolve important policy issues through the creation of the Cabinet Commission on the Development Assessment Process. **(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.

The following motion was passed by Committee of the Whole at 8:45 p.m.:

THAT the Committee of the Whole and the Assembly be empowered to sit beyond 9:30 p.m., if necessary, for the purpose of completing consideration of Bill #3 in Committee; for permitting the House to consider Third Reading of that Bill and Motion #9; and, for receiving the Commissioner to give assent to the Bills passed by the House this session.

The following Bill was reported without amendment

Bill #3 - Second Appropriation Act, 1996-97
-Hon. Mr. McDonald

The report of the Chair was adopted.

GOVERNMENT BILLS

The following Bill was read a third time and passed:

Bill #3 - Second Appropriation Act, 1996-97
-Hon. Mr. McDonald

GOVERNMENT MOTIONS

Moved by the Hon. Mr. Harding:

THAT the Standing Committee on Rules, Elections and Privileges:

- (1) consider the recognition that should be provided to Cabinet commissioners in the Standing Orders of the Assembly;
- (2) report to the House any recommended amendments to the Standing Orders in reference to Cabinet commissioners;
- (3) review the current use of gender-inclusive language in the Legislative Assembly; and
- (4) make recommendations to the House that reflect the wishes of Yukoners who want their elected Members to use inclusive, non-sexist language. **(Motion #9)**

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

THAT Motion #9 be amended by adding after the words "inclusive, non-sexist" the words "and non-violent" and by adding the following new paragraph:

- (5) review Standing Orders 14.2, 38(2) and 44.1 and make recommendations for any amendments it considers necessary."

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

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

ASSENT TO BILLS

The Assembly received the Commissioner to give Assent to certain Bills passed by the House.

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

The Speaker addressed the Commissioner:

"Madam Commissioner, the Assembly has, at this 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 which had been passed severally as follows:

Bill #21 - An Act to Repeal the Public Sector Compensation Restraint Act, 1994

-Hon. Mr. Harding

Bill #2 - Fourth Appropriation Act, 1995-96

-Hon. Mr. McDonald

Bill #3- Second Appropriation Act, 1996-97

-Hon. Mr. McDonald

The Commissioner assented the Bills:

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

The Commissioner then retired from the Chamber.

SPECIAL ADJOURNMENT MOTION

Moved by the Hon. Mr. Harding, 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.

The Assembly adjourned at 10:32 p.m., Wednesday, December 18, 1996.

INDEX TO JOURNALS

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Twenty-Ninth Legislature

December 4, 1996 - December 18, 1996

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 | | |

A

| | <u>PAGE</u> |
|--|-------------|
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| (See Motion #10)..... | 14,19 |
| Be engrossed and presented to Commissioner | 20 |
| <u>ADJOURNMENT OF THE HOUSE</u> (See Motions, Procedural) | |
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BILLS

(For Progress of Bills chart see Appendix A)

Bills, Government

| Bill # | Title | 1R | 2R | C/W * with amendment | 3R | A |
|--------|--|----------|----------|------------------------------|----------|----------|
| 2 | Fourth Appropriation Act, 1995-96 | 96-12-05 | 96-12-09 | 96-12-11 | 96-12-12 | 96-12-18 |
| 21 | Public Sector Compensation Restraint Act, 1994, An Act to Repeal the | 96-12-05 | 96-12-10 | *96-12-11 (Title amended) | 96-12-12 | 96-12-18 |
| 3 | Second Appropriation Act, 1996-97 | 96-12-05 | 96-12-09 | 96-12-18 | 96-12-18 | 96-12-18 |

C

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| | |
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