

JOURNALS

YUKON LEGISLATIVE ASSEMBLY



SECOND SESSION

30TH LEGISLATURE

April 4, 2002 – May 30, 2002

No. 96

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, April 4, 2002

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

INTRODUCTION OF PAGES

The Speaker informed the Assembly that Paula Mowat, Daniel Murray, Shirley Ng and David Warkentin from Vanier Catholic Secondary School and Rhonda Clark, Sarah Macklon, Leena Tran and Elaine Grant-Verrico from F.H. Collins Secondary School would be serving as Pages during the Spring Sitting. Rhonda Clark and Elaine Grant-Verrico were introduced and welcomed to the House.

RESIGNATION OF DEPUTY CHAIR OF COMMITTEE OF THE WHOLE

The Speaker informed the Assembly that the Hon. Cynthia Tucker, Member for Mount Lorne, had notified the Speaker, the Premier, the Leader of the Official Opposition, the Leader of the Third Party, and all House Leaders in writing that, due to her appointment to Cabinet on January 14, 2002, she had resigned from her position as Deputy Chair of Committee of the Whole.

SPEAKER'S STATEMENT (Changes to the Order Paper)

Prior to proceeding with Daily Routine, the Speaker informed the House of changes made to the Order Paper. Due to the appointment of the Members for Mount Lorne and Faro as Ministers, Motion numbers 33, 40, 47, 68, 76, 98, 100, 107, 109, 114, 122, 127, 138, 144, 147, 156, 160, 167, 171, 172 and 178 standing in their names under Motions Other Than Government Motions were removed from the Order Paper. Government Motion #78 was removed from the Order Paper following the removal from Cabinet of the Member for Porter Creek. Motion #168, standing in the name of the Member for Kluane was removed from the Order Paper as it had become outdated due to the passage of the *Parks and Lands Certainty Act*.

TRIBUTES

In remembrance of the Queen Mother

The Hon. Mr. Eftoda, Minister of Business, Tourism and Culture paid tribute, on behalf of all Yukoners, to Elizabeth Angela Marguerite Bowes-Lyon, better known as "the Queen Mum". The Queen Mother passed away at the age of 101 years on March 30, 2002.

In remembrance of Princess Margaret

The Hon. Mrs. Edelman, Minister of Health and Social Services, paid tribute, on behalf of all Members, to Princess Margaret, sister of Queen Elizabeth II, who passed away on February 9, 2002.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Schneider, Speaker

- Electoral District Boundaries Commission (Yukon) Final Report (dated January 2002) **(Sessional Paper #127)**
- Deductions from the indemnities of Members of the Legislative Assembly made pursuant to subsection 39(6) of the *Legislative Assembly Act*: Report of the Clerk of the Yukon Legislative Assembly (dated April 4, 2002) **(Sessional Paper #128)**

Hon. Ms. Duncan, Premier

- Order-in-Council 2002/42, An Act Approving Yukon Land Claims Final Agreements and First Nations (Yukon) Self-Government Act (Ta'an Kwach'an Council) (dated February 11, 2002) **(Sessional Paper #129)**
- Ta'an Kwach'an Council Self-Government Agreement and Final Agreement **(Sessional Paper #130)**

PETITIONS

The Clerk reported on Petition #5 as follows:

"Mr. Speaker and honourable Members of the Assembly:

I have had the honour to review a petition, being Petition #5 of the Second Session of the Thirtieth Legislative Assembly, as presented by the Member for Watson Lake on December 3, 2001.

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 #5 was deemed to have been read and received.

INTRODUCTION OF BILLS (First Reading)

Bill #10 - Third Appropriation Act, 2001-02
-Hon. Ms. Duncan

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

MONEY MESSAGE

Bill #10, *Third Appropriation Act, 2001-02*, Bill #9, and *Second Appropriation Act, 2002-03*, were accompanied by a money message.

UNANIMOUS CONSENT TO WAIVE NOTICE PROVISIONS

Pursuant to an agreement between the House Leaders, unanimous consent was requested by the Hon. Mr. McLachlan, Government House Leader, and granted to waive Standing Order 27(1) with regard to notice.

It was then moved by the Hon. Ms. Duncan, Premier:

That the Yukon Legislative Assembly, pursuant to sections 2 and 3 of the *Ombudsman Act*, recommends that the Commissioner in Executive Council reappoint Hendrik K. Moorlag as the Ombudsman for a term of five years commencing April 8, 2002.

(Motion #185)

Speaker's Call for Recorded Division

"Before putting the question, the Chair must draw Members' attention to Section 2 of the *Ombudsman Act*. That section requires that the recommendation of the Legislative Assembly to the Commissioner in Executive Council respecting the appointment of an Ombudsman, be supported by at least two-thirds of the Members of the Assembly. The effect of Section 2 is that, for this motion to be carried, at least twelve Members must vote for it. In order to ensure that the requirements of Section 2 of the *Ombudsman Act* are met, the Chair will now call for a recorded Division."

The motion was agreed to on the following recorded Division:

YEA

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

NAY

0

The Speaker declared Motion #185 carried by the required support of two-thirds of the Members of the Assembly.

GOVERNMENT BILLS - O&M BUDGET SPEECH

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

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

Thereupon, the Hon. Ms. Duncan delivered the 2002-03 Operation and Maintenance Budget Speech.

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

THAT debate be now adjourned.

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

The Assembly adjourned at 2:50 p.m. until 1:00 p.m., Monday, April 8, 2002.

No. 97

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, April 8, 2002

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

TRIBUTES

World Health Day

The Hon. Mrs. Edelman, Minister of Health and Social Services, Mr. Keenan, Member for Ross River-Southern Lakes, and Mr. Jenkins, Leader of the Third Party, recognized April 7 as World Health Day.

National Wildlife Week

The Hon. Mr. Eftoda, Minister of Environment, and Mr. Jenkins, Leader of the Third Party, recognized National Wildlife Week.

INTRODUCTION OF BILLS (First Reading)

Bill #63 - Act to Amend the Education Act

-Hon. Ms. Tucker

Bill #51 - Official Tree Act

-Hon. Mr. Eftoda

Bill #66 - Environmental Assessment Act

-Hon. Ms. Duncan

Bill #67 - Placer Mining Act

-Hon. Ms. Duncan

Bill #68 - Quartz Mining Act

-Hon. Ms. Duncan

Bill #69 - Territorial Lands (Yukon) Act

-Hon. Ms. Duncan

Bill #70 - Waters Act

-Hon. Ms. Duncan

SPEAKER'S RULING (Re: Matters of Order Arising from Question Period)

"Before proceeding with Question Period the Chair will return to some matters of order arising from Question Period on Thursday, April 4, 2002.

One such matter is a Point of Order raised by the Government House Leader. In doing so he expressed his belief that the Member for Whitehorse Centre had violated the rules of this Assembly in that the Member's second supplementary question addressed a different issue than his main question.

Neither our rules of debate nor our Guidelines for Oral Question Period address the issue of how close the thematic connection must be between a main question and supplementary questions. Nonetheless, the fact that supplementary questions are identified as supplementary suggests strongly that there should be some connection.

The manner in which Members can best demonstrate the connection between the main question and the supplementaries is to proceed from the general to the specific. The Member for Whitehorse Centre encountered difficulty on Thursday because he went from the specific to the general. His main question was whether the government would table an audit report on a trade and investment fund. He then, in his final supplementary, went on to ask how the government would 'achieve an open dialogue with all sides in a meaningful way to address the dire shape of this economy and lessen our dependence on governments such as this?'. The Chair is certain that the Member for Whitehorse Centre fully understood the connection he was making between the main and supplementary questions. However, the Chair would ask that he put himself in the position of the listener and he will see that the connection, during the heat of Question Period, is not as readily obvious.

If the Member for Whitehorse Centre had moved from the general question about the economy to the more specific question about tabling an audit report on a trade and investment fund, the relationship between the subjects would have been clearer and the Chair doubts any question of order would have been raised.

So, to repeat, the Chair would ask that Members asking questions ensure that the main questions address the broad central issues and then use supplementary questions to narrow the subject matter down to more specific items.

The Chair also wishes to further address two Points of Order raised last Thursday which raised the issue of disputes between Members as to facts. Though the Chair did rule on these Points of Order, it is the Chair's opinion that it would be useful to reflect upon some of the procedural issues raised.

At one point the Member for Whitehorse Centre raised a Point of Order regarding comments made by the Premier in response to a question posed by the Leader of the Third Party. The Premier stated that those Members now sitting as Independents had resigned from the caucus of the Yukon Liberal Party.

In raising the Point of Order the Member for Whitehorse Centre asserted his view that he and the other Independent Members had not voluntarily resigned from the Liberal caucus. He also said, 'since facts are being presented in this House...proof has to be provided to this House.' In fact, the most important privilege belonging to Members of this Assembly - freedom of speech - results in Members being entitled to make statements in this House without having to provide proof. As a consequence, there may well be two or more entirely different versions of events presented to the House. When that happens, the House and the Chair must accept the varying versions of events as being Members' differing conceptions as to what actually happened. It is never the duty of the Chair to determine what is factually correct and, therefore, a dispute about facts is not a basis for a Point of Order.

Later on, the Government House Leader raised a Point of Order saying the Member for Whitehorse Centre had 'imputed false and unavowed motives against another member...in his questioning on one of the investment funds.' In reviewing the Blues the Chair notes that the Member for Whitehorse Centre, while expressing criticism of the government as a whole, did not refer to any specific Member. As ruled at the time, this was also a dispute between Members about facts, not a Point of Order.

Finally, the Chair would like to draw the Assembly's attention to a comment made by the Minister responsible for the Status of Women. In response to a question from the Member for Watson Lake regarding the Women's Directorate, the Minister said, 'I want to point out to the Member opposite that his credibility on this issue is somewhat at question.' Reflections upon the credibility of Members are not conducive to order in the Assembly. The Chair asks that all Members make best efforts not to inject personal comments into the proceedings.

We will now proceed with Question Period."

QUESTION OF PRIVILEGE (Re: MLA computer files, unauthorized removal of)

Mr. McLarnon, Member for Whitehorse Centre, on behalf of the Member for Porter Creek North and the Member for McIntyre-Takhini, rose on a Question of Privilege regarding actions taken by the Liberal Government and the Members' computer files.

Speaker's Statement

"Thank you very much, Member for Whitehorse Centre. It's true what you say, that the rights of all future legislatures depend on this ruling, and it's certainly not going to be taken in haste. Therefore, I have to take what you say under advisement, and I will provide a ruling at a later date. I won't promise it will be tomorrow. It will be a later date, because this is a serious issue. With that, we'll now proceed to Orders of the Day."

GOVERNMENT BILLS

The following Bill was called for Second Reading:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The debate continuing on the motion for Second Reading of Bill #9 and the time approaching 6:00 p.m., it was moved by the Hon. Mr. McLachlan, Government House Leader:

THAT debate be now adjourned.

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

The Assembly adjourned at 5:57 p.m. until 1:00 p.m., Tuesday, April 9, 2002.

No. 98

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, April 9, 2002

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

MOMENT OF SILENCE

The Speaker requested that the House and others present stand and observe a moment of silence in memory of the late Majesty Queen Elizabeth, the Queen Mother.

TRIBUTES

International Holocaust Day

Mr. McLarnon, Member for Whitehorse Centre, recognized International Holocaust Day.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. McLachlan, Minister of Justice

- Yukon Law Foundation: audited Financial Statement for the fiscal year ending October 31, 2001 **(Sessional Paper #131)**

INTRODUCTION OF BILLS (First Reading)

Bill #55 - Act to Amend the Income Act (No. 5)

-Hon. Ms. Duncan

Bill #56 - Act to Amend the Tobacco Tax Act (No. 2)

-Hon. Ms. Duncan

SPEAKER'S STATEMENT (Re: Questions in order)

"Before proceeding with Question Period, the Chair would like to make a statement about a point of procedure arising from yesterday's proceeding.

During Question Period the Member for Vuntut Gwitchin addressed a question to the Minister responsible for the Status of Women regarding the Women's Directorate. The Member for Vuntut Gwitchin asked: 'Will the Minister tell us frankly, does she personally approve of these changes?'

In 1986, Speaker Bosley of the House of Commons addressed the issue of proper procedure in Question Period. In doing so he made the point that the primary purpose of Question Period must be to seek information from the government and to call the government to account for its actions.

The Chair would also draw Members' attention to our guidelines for oral Question Period, which is an addendum to our Standing Orders. The general statement says, 'A question seeking information about a matter which falls within the administrative responsibility of the Government of the Yukon is in order.' Following from this rule, no. 3 says, in part, 'A question asking for a specific statement of government policy is in order. A question which seeks an opinion about government policy is out of order.'

The Chair would ask that Members adhere to these guidelines in the future when posing questions.

We will now proceed to Question Period."

TABLED DOCUMENT

During Question Period, the Hon. Mr. Kent Minister of Energy, Mines and Resources, tabled the following document:

- Placer mining industry: letters from The Klondike Placer Miners' Association to Premier Duncan and the Hon. Mr. Kent, Minister of Energy, Mines and Resources (dated April 8, 2002) **(Sessional Paper #132)**

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. Jenkins, Leader of the Third Party, identified Motion #189 and Motion #90 as being the items to be called during Opposition Private Members' Business on Wednesday, April 10, 2002.

Pursuant to Standing Order 14.2(3), Mr. Fentie, Official Opposition House Leader, identified Motion #191 and Motion #187 as being the items to be called during Opposition Private Members' Business on Wednesday, April 10, 2002.

GOVERNMENT BILLS

The following Bill was called for Second Reading:

- Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The debate continuing on the motion for Second Reading of Bill #9 and the time reaching 6:00 p.m. while Mrs. Peter, Member for Vuntut Gwitchin, was speaking to it, the Speaker, pursuant to Standing Order 2(2) adjourned the House and debate on the motion for Second Reading of Bill #9 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Wednesday, April 10, 2002.

No. 99

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, April 10, 2002

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

TRIBUTES

In remembrance of Joe Henry

Mr. Jenkins, Leader of the Third Party, Mrs. Peter, Member for Vuntut Gwitchin, and the Hon. Mr. McLachlan, Government House Leader, paid tribute to Joe Henry, a much respected elder from Dawson City, who passed away on March 20, 2002 at the age of 103 years.

TABLING RETURNS AND DOCUMENTS

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

- Yukon Placer Authorization Review (dated March 25, 2002) by BDO Dunwoody LLP (Sessional Paper #133)

INTRODUCTION OF BILLS (First Reading)

Bill #72 - Act to Amend the Financial Administration Act
-Hon. Ms. Duncan

Bill #58 - Act to Amend the Economic Development Act
-Hon. Ms. Duncan

Bill #60 - Act to Amend the Access to Information and Protection of Privacy Act
-Hon. Ms. Duncan

Bill #71 - Corporate Governance Act
-Hon. Ms. Duncan

Bill #59 - Government Accountability Act
-Hon. Ms. Duncan

Bill #65 - Act to Amend the Dental Profession Act
-Hon. Mrs. Edelman

Bill #62 - Act to Amend the Employment Standards Act
-Hon. Ms. Buckway

OPPOSITION PRIVATE MEMBERS' BUSINESS
MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Jenkins:

THAT it is the opinion of this House that the placer mining industry has traditionally been the backbone of the Yukon economy and can continue to be a major economic contributor provided that the Yukon Placer Authorization under which the industry operates results in practical, cost effective regulations that will govern the placer mining industry in the future; and

THAT this House urges the Yukon Liberal Government of Yukon to break its silence and speak out in favour of developing practical, cost effective regulations in the Yukon Placer Authorization process that will allow the placer mining industry to continue to operate and grow. **(Motion #189)**

Tabled Document

During debate on Motion #189, the Hon. Mr. Kent, Minister of Energy, Mines and Resources, tabled the following document:

- Yukon Placer Authorization Review: letter from Grant W. Klein, KPMA Director to Premier Duncan (dated April 8, 2002)

(Sessional paper #134)

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

THAT Motion #189 be amended by adding, after the words "continue to operate and grow" the words "while achieving adequate standards for protecting fish health, fish habitat and water quality."

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

The debate continuing on the motion, it was moved by the Hon. Ms. Buckway, Minister of Community Services, in amendment thereto:

THAT Motion #189 be amended by replacing:

"THAT this House urges the Yukon Liberal Government of Yukon to break its silence and speak out in favour of developing practical, cost effective regulations in the Yukon Placer Authorization process that will allow the placer mining industry to continue to operate and grow."

with

"THAT this House urges all Yukoners to speak out in favour of developing practical, cost effective regulations in the Yukon Placer Authorization process that will allow the placer mining industry to continue to operate and grow."

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

YEA

Duncan	Edelman	Buckway	
McLachlan	Tucker	Kent	7
Eftoda			

NAY

Fairclough	McRobb	Jim	
Fentie	Peter	McLarnon	9
Keenan	Jenkins	Roberts	

The debate continuing on the main motion, and the time reaching 6:00 p.m., while the Hon. Mr. McLachlan, Government House Leader, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. the following day, and debate on Motion #189 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, April 11 , 2002.

No. 100

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, April 11, 2002

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

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Buckway, Minister responsible for the Yukon Liquor Corporation

- Yukon Lottery Commission 2000-2001 Annual Report (Sessional Paper #135)

INTRODUCTION OF BILLS (First Reading)

Bill #64 - Spousal Compensation Act

-Hon. Mrs. Edelman

Bill #61 - Electoral District Boundaries Act, 2002

-Hon. Ms. Duncan

Bill #57 - Government Organisation Act

-Hon. Ms. Duncan

Bill #73 - Act to Amend the Workers' Compensation Act

-Hon. Ms. Edelman

Bill #74 - Act to Amend the Public Service Act

-Hon. Ms. Buckway

GOVERNMENT BILLS

The following Bill was called for Second Reading:

Bill #9 - Second Appropriation Act, 2002-03

-Hon. Ms. Duncan

A debate continuing (from April 9, 2002) on the motion for Second Reading of Bill #9, and the question being put, it was agreed to on the following recorded Division:

YEA

Duncan	Tucker	Jim	
McLachlan	Buckway	McLarnon	11
Eftoda	Kent	Roberts	
Edelman	Jenkins		

NAY

Fairclough
Fentie

Keenan
McRobb

Peter

5

Bill #9, entitled *Second Appropriation Act, 2002-03*, was accordingly, referred to Committee of the Whole.

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

Bill #10 - Third Appropriation Act, 2001-02
-Hon. Ms. Duncan

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #10 - Third Appropriation Act, 2001-02
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Monday, April 15 , 2002.

No. 101

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, April 15, 2002

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

TRIBUTES

Gender Equity Awareness Week

The Hon. Ms. Tucker, Minister responsible for the Status of Women, recognized April 14 to 20, 2002 as being Gender Equity Awareness Week.

POINT OF PERSONAL PRIVILEGE

Prior to Tabling Returns and Documents, the Hon. Mrs. Edelman rose on a Point of Personal Privilege, apologized for comments made in an e-mail and informed the House of her resignation as Minister responsible for the Status of Women.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Land Inventory, review of (Government Audit Services) (January 2002)
(Sessional Paper #136)
- Fixed Assets Management Review (Government Audit Services) (January 2002)
(Sessional Paper #137)
- Investment Procedures and Trust Funds, review of (Government Audit Services) (January 2002)
(Sessional Paper #138)
- Trade and Investment Fund, evaluation of (Government Audit Services) (January 2002)
Sessional Paper #139)
- Yukon Economic Outlook 2002 (April 2002) **(Sessional Paper #140)**

SPEAKER'S RULING (Re: Question of Privilege regarding unauthorized removal of MLA computer files)

"The Chair will now deliver its ruling on the Question of Privilege raised by the Member for Whitehorse Centre on April 8, 2002.

Standing Order 7(1)(b) states that a Member wishing to raise a Question of Privilege shall provide the Speaker with written notice of the question at least two hours before the opening of the sitting. The Member for Whitehorse Centre notified the Speaker's Office prior to 11:00 a.m. on April 8, 2002 that he wished to raise a Question of Privilege but was unable to do so in writing at that time as the printer in his office was under repair. He hand delivered the

required written notice at 12:16 p.m. The Chair accepts the actions taken by the Member for Whitehorse Centre to provide notice to the Speaker as meeting the spirit and intent of Standing Order 7(1)(b).

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

The normal practice of this House has been that, to meet the 'earliest opportunity' requirement, a Question of Privilege must be raised at the time the event occurred or on the next sitting day. With respect to the matter raised by the Member for Whitehorse Centre, the Chair understands that its full particulars were not known until April 5. The next sitting day was April 8 and the matter, therefore, was raised in the House at the earliest opportunity.

The Chair must, then, decide whether there appears, on the face of it, to be a case of breach of privilege. If the Chair were to so decide, the Chair would then give priority to a motion proposing an action to deal with the *prima facie* breach of privilege. The usual motion put forward in such situations is to refer the matter to the Standing Committee on Rules, Elections and Privileges for review and recommendation.

The foundation of the Question of Privilege raised by the Member for Whitehorse Centre was that computer files on computers assigned to him, to the Member for McIntyre-Takhini and to the Member for Porter Creek North had been removed without their knowledge or approval. The Member for Whitehorse Centre said, in his statement to the House on April 8, 'The Point of Privilege focuses on the fact that this government ran roughshod over the established and well-precedented right of elected Members in any form of Parliament in the Commonwealth. The right to confidentiality with constituents is necessary to ensure fair representation. When that confidentiality is breached, it seriously affects the ability of the elected Members to do their duty in a position of trust.'

In *House of Commons Procedure and Practice*, it is stated, on page 51, that '[T]he rights and immunities accorded to Members individually are generally categorized under the following headings:

- freedom of speech;
- freedom from arrest in civil actions;
- exemption from jury duty;
- exemption from attendance as a witness.'

The privilege of freedom of speech is considered the most important and is obviously the only heading that could have possible application in this matter.

The freedom of speech enjoyed by Members may be characterized as deep but narrow. It is deep in that Members are allowed to say almost anything they wish while participating in parliamentary proceedings, such as debates in the Assembly and work in Committees. Members are bound only by the conventions of parliamentary language and the Standing Orders. That privilege is narrow in that it applies solely to a Member's participation in parliamentary proceedings and does not cover communications between Members and their constituents.

Further, it is clear that the Members in question have been able to fully exercise freedom of speech while participating in the proceedings of this Assembly despite the fact that their files were withheld from them.

The Chair must find, therefore, that there is no *prima facie* breach of privilege in this case.

In reaching this conclusion the Chair considered a 1980 report of a Special Committee on Privileges of the Yukon Legislative Assembly. That special committee was struck to investigate the wire-tapping of the phone of a Member of this Assembly.

In reaching its conclusions the Special Committee relied on an Ontario Court of Appeal decision in *Roman Corp. Ltd. et al v. Hudson's Bay Oil & Gas Co. Ltd. et al.* This decision extended proceedings in Parliament to include Members' telephone conversations in relation to activities in the Assembly or in committees of the Assembly. It might be concluded that the Special Committee's finding could now logically be found to apply to computer files and, in particular, e-mail communications. However, the court decision relied upon by the Special Committee has, in the intervening years, been rejected in court cases of a similar nature. It has also been subjected to cautionary notes in parliamentary authorities such as *Parliamentary Privilege in Canada*.

The Chair also looked beyond the usual parliamentary authorities and our own possible precedents. In preparing this ruling, jurisdictions across Canada have been surveyed to determine their experience and rules in dealing with the issue of the ownership of electronically stored information. It is an area in which there is little experience.

The only similar case that could be found occurred in the House of Commons last year. Members may be familiar with that matter as it was covered fairly extensively in the media. In that case Deborah Grey, Member of Parliament for Edmonton North, was denied access to her computer files after she left the Canadian Alliance caucus to sit with the Progressive Conservative/Democratic Representative caucus. In that case Speaker Milliken did not find that Ms. Grey's privileges had been breached.

That being said, Members must be aware that, although a given action may not constitute a breach of a defined privilege such as freedom of speech, it may still be considered a contempt of the Assembly.

The 22nd edition of *Erskine May's Parliamentary Practice* defines contempt, on page 108, in the following way:

'Generally speaking, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.'

The report of the 1980 Special Committee noted that the duties of today's parliamentarians have expanded far beyond just that of being a legislator. It stated that a Member 'has become a mediator between the citizen and the government, the "ombudsman" vis-à-vis the public administration, the transmitter of the electorate's grievances.'

The Special Committee expressed the view that 'quite possibly the most important duty of an MLA is to serve his constituents and that, in our present technological age, a vital tool for fulfilling this duty is telephone communication.' The Special Committee, further, was of the opinion that the fear of wiretapping had resulted in obstructing Members and their constituents in the use of the telephone as a means of communication. As a result, it found that the wiretapping of a Member's telephone constituted a contempt of the Assembly.

The Special Committee's report contains direction that we must acknowledge in today's circumstances. In 1980, that committee found that interference with a Member's telephone was a contempt. A similar committee established today would have to assess the merits of this

particular case and draw its own conclusions respecting electronic communications by way of computer between Members and their constituents.

It is clear that what occurred, and the manner in which it occurred, was unacceptable. However, the Chair is prepared to give the benefit of the doubt to the persons associated with this event and to find, at this time, that their actions may have been attributable to a lack of proper direction and a lack of appreciation of the independence of Private Members, even those in the government caucus.

In concluding this ruling, the Chair wishes to emphasize the following central points:

1. The electronic files, which had been in the possession of the Member for Whitehorse Centre, have either been returned or are in the process of being returned.
2. Arrangements have been, or are being made to review the electronic files that had been in the possession of the Members for McIntyre-Takhini and Porter Creek North with those two Members. The purpose of such review is to determine whether any of those files were Cabinet documents and, therefore, not the property of the Members. This review is to be concluded as soon as possible and all files not of a restricted nature will be returned to the Members for McIntyre-Takhini and Porter Creek North.
3. The Legislative Assembly has not, by motion nor through the Members' Services Board, taken action to establish a directive or guidelines or a protocol respecting the ownership, maintenance and disposition of electronic information and data in the possession of members of this Assembly.
4. It appears that there is no clear government procedure in place, at the time a Minister leaves office, for determining how to deal with the electronic information and data possessed by the Minister.

Following from those central points, the Chair has decided to take a similar approach to that of Speaker Milliken of the House of Commons of Canada. In dealing with the case involving Ms. Grey, Speaker Milliken concluded his ruling by directing the establishment of new protocols to ensure that the problem encountered with the files and data belonging to Ms. Grey did not reoccur.

The Chair, therefore, is directing the Clerk to develop a draft protocol covering the issues that have been brought to light by this event. The Chair further directs that the Clerk is to provide an opportunity for all Members to offer their advice on the contents of the protocol and, in due course, to present it to the Members' Services Board for review and adoption.

It must be understood that the Assembly can only put in place rules respecting Members of the Assembly and not Ministers. The Chair, therefore, recommends that the government undertake to review its own procedures in this regard and to ensure a similar protocol is in place regarding Cabinet Ministers.

The Chair appreciates the attention of Members to this rather lengthy ruling. It is very much to be hoped that the direction provided in this ruling will lead to the problems encountered by the Members for Whitehorse Centre, McIntyre-Takhini and Porter Creek North being resolved for the good of the Assembly and in the best interests of all members.

Thank you. We will now proceed to Orders of the Day."

MOTIONS RESPECTING APPOINTMENTS OF PRESIDING OFFICERS

Election of Deputy Chair of Committee of the Whole

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

RESOLVED THAT Don Roberts, Member for Porter Creek North, be appointed Deputy Chair of Committee of the Whole. **(Motion #217)**

COMMITTEE OF THE WHOLE

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

The following Bill was reported without amendment:

Bill #10 - Third Appropriation Act, 2001-02
-Hon. Ms. Duncan

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Tuesday, April 16, 2002.

No. 102

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, April 16, 2002

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

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Renewal costs and organization charts **(Legislative Return #101)**
- Conflict of Interest (Members and Ministers) Act: letter from the Yukon Conflicts Commissioner regarding possible amendments (dated March 25, 2002)
(Sessional Paper #141)

Mr. Jenkins, Leader of the Third Party

- Protected Areas Strategy: letters from Yukon Chamber of Mines to Peter Jenkins (dated April 11, 2002), The Klondike Placer Miners' Association to Yukon Legislative Assembly (dated April 10, 2002), and the Yukon Agricultural Association to Yukon Legislative Assembly (dated April 10, 2002)
(Sessional Paper #142)

WITHDRAWAL OF MOTION FROM THE ORDER PAPER

The Speaker informed the House that Motion #207, standing in the name of the Leader of the Third Party, was now outdated and had been ordered to be dropped from the Order Paper.

GOVERNMENT BILLS

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

Bill #64 - Spousal Compensation Act
-Hon. Mrs. Edelman

Bill #51 - Official Tree Act
-Hon. Mr. Eftoda

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

HOUSE LEADERS REPORT (Length of Sitting)

The Hon. Mr. McLachlan, Government House Leader, rose pursuant to Standing Order 75(2) to inform the House that House Leaders meetings have been held for the purpose of reaching agreement on the number of sitting days for the current sitting. Further, pursuant to Standing Order 75(4), the Hon. Mr. McLachlan informed the House that the House Leaders meetings had not produced an agreement.

Based on the report of the Government House Leader, the Speaker informed the House that, pursuant to Standing Order 75(3), the current sitting would be 30 days in length with the final sitting day to be Tuesday, May 28, 2002.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Wednesday, April 17, 2002.

No. 103

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, April 17, 2002

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

TRIBUTES

Law Day

The Hon. Mr. McLachlan, Minister of Justice, on behalf of all Members, recognized Law Day across Canada. This year's theme is "Freedom versus security, what's the big deal?"

Girl Guide Cookie Week

The Hon. Ms. Duncan, Premier, recognized Girl Guide Cookie Week and paid tribute, on behalf of all Members, to all the girls and women who make up the Girl Guide movement.

TABLING RETURNS AND DOCUMENTS

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

- Agricultural Risk Management: Canada-Yukon Territory Framework Agreement
(dated June 28, 2001) **(Legislative Return #102)**

PETITIONS (Response to Petition #5)

The Hon. Mr. Eftoda, Minister of Business, Tourism and Culture, gave an oral response to Petition #5 (received by the House on April 4, 2002) with regard to declaring a summer solstice statutory holiday.

GOVERNMENT BILLS

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

Bill #62 - Act to Amend the Employment Standards Act
-Hon. Ms. Buckway

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:57 p.m. until 1:00 p.m., Thursday, April 18, 2002.

No. 104

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, April 18, 2002

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

TRIBUTES

In remembrance of Princess Patricia's Canadian Light Infantry battle group soldiers

The Hon. Ms. Duncan, Premier, on behalf of all Members, paid tribute to the Princess Patricia's Canadian Light Infantry battle group soldiers in Afghanistan. Condolences were extended to the families and friends of the soldiers killed and wounded during a training accident near Kandahar, Afghanistan, and to the 3rd Battalion, of the Princess Patricia's Canadian Light Infantry battle group for their lost comrades.

Arctic National Wildlife Refuge Supporters

Mrs. Peter, Member for Vuntut Gwitchin, thanked all supporters of the Arctic National Wildlife Refuge.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Schneider, Speaker

- Yukon Human Rights Commission: Report on Activities (1999/2000 and 2000/01) **(Sessional Paper #143)**

Hon. Mrs. Edelman, Minister of Health and Social Services

- Kwanlin Dun First Nation child welfare liaison staff: funding included in 2002/03 budget **(Legislative Return #103)**

QUESTION OF PRIVILEGE

Mr. Jim, Member for McIntyre-Takhini, rose on a Question of Privilege regarding his right to speak on behalf of constituents. The Speaker heard the Question of Privilege and took it under advisement.

GOVERNMENT BILLS

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

Bill #55 - Act to Amend the Income Tax Act (No. 5)

-Hon. Ms. Duncan

APPOINTMENT OF ACTING CHAIR OF COMMITTEE OF THE WHOLE

Prior to resolving into Committee of the Whole, the Speaker made the following statement:

“Order Please. Standing Order 5(3) states that if the Chair and Deputy Chair are absent, the Speaker shall, before leaving the Chair upon the Assembly resolving into Committee of the Whole, appoint a Member to be Acting Chair. By the power vested in me as Speaker, I appoint the Member for Kluane to be the Chair.”

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole. Following the recess, the Chair of Committee took the Chair.

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:58 p.m. until 1:00 p.m., Monday, April 22, 2002.

No. 105

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, April 22, 2002

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

TRIBUTES

In recognition of the Queen's Golden Jubilee

The Hon. Ms. Duncan, Premier, on behalf of all Members, paid tribute to Her Majesty Queen Elizabeth II, on the occasion of her Golden Jubilee.

International Earth Day

Mr. McRobb, Member for Kluane, the Hon. Mr. Eftoda, Minister of the Environment, and Mr. Jenkins, Leader of the Third Party, paid tribute to International Earth Day. This year's theme is "protect our planet".

National Volunteer Week

The Hon. Ms. Buckway, Minister of Community Services, Mr. Keenan, Member for Ross River-Southern Lakes, and Mr. Jenkins, Leader of the Third Party, recognized April 21 to April 27 as National Volunteer Week and paid tribute to all volunteers.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Statistics in O&M Estimates, 2002-03 by department **(Legislative Return #104)**

Hon. Mr. McLachlan, Minister of Justice

- Yukon Judicial Compensation Commission (2001): Report and recommendations of the Commission (dated April 12, 2002) **(Sessional Paper #144)**

Mr. McLarnon, Member for Whitehorse Centre

- Spousal benefits, reinstatement of; and maximum wage rate/restoration of indexing: Memo (dated April 15, 2002) from the Executive Director of the Yukon Chamber of Commerce to members of the Yukon Chamber of Commerce **(Filed Document #19)**

GOVERNMENT BILLS

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

- Bill #56 - An Act to Amend the Tobacco Tax Act (No. 2)
-Hon. Ms. Duncan

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03

-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Tuesday, April 23, 2002.

No. 106

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, April 23, 2002

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

TRIBUTES

Goldman Environmental Prize recipients: Norma Kassi, Jonathon Solomon, and Sarah James

The Hon. Mr. Eftoda, Minister of Environment, paid tribute to Norma Kassi of Old Crow, Yukon, Jonathan Solomon of Fort Yukon, Alaska, and Sarah James of Arctic Village, Alaska who were awarded the Goldman Environmental Prize.

Canada Book Day

Mr. Jenkins, Leader of the Third Party, paid tribute to Canada Book Day, and to Yukon's libraries and librarians.

TABLING RETURNS AND DOCUMENTS

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

- Water quality: Elsa/United Keno Hill Mine site **(Legislative Return #105)**

Hon. Mrs. Edelman, Minister of Health and Social Services

- Children in care: First Nation children in treatment programmes outside the Yukon during 2001/02 fiscal year **(Legislative Return #106)**

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. Fentie, Official Opposition House Leader, identified Motion #128 and Motion #101 as being the items to be called during Opposition Private Members' Business on Wednesday, April 24, 2002.

Notice Re Opposition Private Members' Business: Clarification

Later in the day's sitting and before proceeding with Government Bills, the Speaker clarified the items to be called during Opposition Private Members' Business on Wednesday, April 24. The Chair understood those items to be Motion No. 228, which was incorrectly numbered as No. 128 on the Notice Paper, and Bill No. 101, standing in the name of the Member for Ross River-Southern Lakes, on the Order Paper.

Mr. Fentie, Official Opposition House Leader, confirmed the Speaker's correction of the record.

SPEAKER'S RULING (Question of Privilege raised on April 18, 2002)

Before proceeding to Orders of the Day, the Speaker gave the following ruling on the Question of Privilege raised on April 18, 2002, by the Member for McIntyre-Takhini regarding his right to speak of behalf of constituents.

“Standing Order 7(1)(b) states that a Member wishing to raise a Question of Privilege shall provide the Speaker with written notice of the question at least two hours before the opening of the sitting. The Member for McIntyre-Takhini hand delivered the required written notice to the Speaker's Office prior to 11:00 a.m. on April 18, 2002. In doing so the Member for McIntyre-Takhini satisfied the requirement of Standing Order 7(1)(b).

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

The normal practice of this House has been that, to meet the ‘earliest opportunity’ requirement, a Question of Privilege must be raised at the time the event occurred or on the next sitting day. With respect to the matter raised by the Member for McIntyre-Takhini, the events referred to in his representation on the Question of Privilege took place on April 17, 2002. The next sitting day was April 18 and the matter, therefore, was raised in the House at the earliest opportunity.

The Chair must, then, decide whether there appears, on the face of it, to be a case of breach of privilege. If the Chair were to so decide, the Chair would then give priority to a motion proposing an action to deal with the *prima facie* breach of privilege. The usual motion put forward in such situations is to refer the matter to the Standing Committee on Rules, Elections and Privileges for review and recommendation.

To reiterate this procedural point, it is up to the Chair to decide whether there is, on the face of it, a Question of Privilege and, therefore, a need to give priority of debate to the matter. It must be understood, however, that no matter what the Chair decides, the House itself may make a determination, through a substantive motion moved in the normal way, that something is a matter of privilege. That is the House's choice.

The Member for McIntyre-Takhini, when raising the Question of Privilege on April 18, stated that the basis of his complaint was related to a letter, dated April 17, 2002, from the Minister of Health and Social Services to the Chief of the Kwanlin Dun First Nation. The contents of the letter, which the Member for McIntyre-Takhini provided to the House, are, in parliamentary format, as follows:

‘In light of recent events surrounding child welfare, I want to be very careful to ensure that we continue to deal with each other on a respectful government-to-government basis.

‘I accept that [the Member for McIntyre-Takhini] represents his constituents, however I am unclear as to whether or not he speaks for the Kwanlin Dun First Nation Government. Could you please clarify for me whether or not [the Member for McIntyre-Takhini] is a spokesperson for the Kwanlin Dun First Nation on child welfare issues?’

The Member for McIntyre-Takhini then informed the House of his perspective of the intent and consequences of this letter. He said ‘[T]he Minister has directly attacked my right to ask questions in the House by asking if I had permission from my First Nation Government to bring forward questions on behalf of constituents who also happen to be Kwanlin Dun. The Member is also implying through this letter that I am solely representing the view of the Kwanlin Dun Government on these issues, instead of my sworn duties to all Yukoners and to this Legislature.’

The Member for McIntyre-Takhini did not identify a specific heading of privilege as having been breached. Rather, he said that while his concern 'does not fall easily under the steadfast rules of parliamentary privilege, . . . it must be addressed as a contempt of the legislature, because it affects all Members of this House.'

The 22nd edition of *Erskine May's Parliamentary Practice* defines contempt, on page 108, in the following way:

'Generally speaking, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.'

The Chair's task, then, is to determine whether the Minister's words and actions and their effect constitute a contempt of this Assembly. In doing so the Chair must consider not simply whether the Member's rights have been attacked – as he has alleged – but whether the Minister's words and actions have obstructed or impeded the Member for McIntyre-Takhini in the discharge of his duty.

In this regard, the Chair concludes, after due consideration, that the Minister's words and actions do not constitute a *prima facie* breach of privilege or a contempt of the Assembly.

The Member for McIntyre-Takhini is correct to be concerned about safeguarding his rights, and those of other members of the Assembly. However, the Chair is not convinced that the words and actions of the Minister of Health and Social Services have, directly or indirectly, had the effect of obstructing or impeding the Member in the discharge of his duties.

The Chair notes, for example, that though it may be felt by the Member for McIntyre-Takhini that the Minister questioned his right to ask the questions he did, the Minister had already answered a main question and a supplementary question on the issue. The Minister then answered the Member's second supplementary question. Also, the Minister had answered questions on a similar issue the previous day. Further, on April 18, the Minister tabled a Legislative Return that expanded upon the answers she had already provided. The Chair must conclude, therefore, that the Member has been able to fully exercise freedom of speech while participating in the proceedings of this Assembly.

While the Chair has not found a *prima facie* question of privilege, the Chair does wish to comment on the statements made in the House by the Minister of Health and Social Services when she said 'First of all, I didn't realize that the Member opposite is suddenly representing the Kwanlin Dun First Nation. Mr. Speaker we deal with the Kwanlin Dun First Nation on a government to government basis.'

Statements like that made by the Minister of Health and Social Services are not unprecedented in this Assembly and this House has ways of dealing with them. Members will recall, for example, last November 21 when the Member for Klondike utilized terminology that could have been interpreted as suggesting the Member for Kluane was acting as a spokesperson for the Canadian Parks and Wilderness Society. At that time the Chair ruled 'it isn't in order to suggest that a member is representing somebody or someone other than his constituents.' Such a suggestion is an imputation of an unavowed motive and, pursuant to Standing Order 19(g), is out of order because it is unparliamentary language.

Therefore, in reference to matters such as that raised by the Member for McIntyre-Takhini, the Chair would suggest that, in the future, Members who are concerned that the language being

used is unparliamentary raise the issue with the House as a Point of Order at the time the statements are made.

The Chair would further suggest that Members recognize the sensitivity of their colleagues to the language and tone of debate and make best efforts to obey the strictures against the use of offensive, provocative or threatening language in the House.

The Chair appreciates the attention of Members to this ruling.

Thank you. We will now proceed to Orders of the Day."

GOVERNMENT BILLS

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

Bill #72 - Act to Amend the Financial Administration Act
-Hon. Ms. Duncan

Bill #65 - Act to Amend the Dental Profession Act
-Hon. Mrs. Edelman

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Wednesday, April 24, 2002.

No. 107

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, April 24, 2002

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

TRIBUTES

In recognition of moratorium on identification of protected areas

Mr. Jenkins, Leader of the Third Party, paid tribute to the Minister of Environment and to the Minister of Energy, Mines and Resources on their announcement of a moratorium on identification of lands under the Protected Areas Strategy until the land claims Memorandums of Understanding have been ratified.

In remembrance of Annie Charlie

Mr. McRobb, Member for Kluane, paid tribute to respected elder of the Champagne-Aishihik First Nation, Annie Charlie, who passed away on December 17, 2001.

TABLING RETURNS AND DOCUMENTS

Mr. Fairclough, Leader of the Official Opposition

- Official Opposition Spring 2002 Legislative Questionnaire Results (to April 24, 2002) **(Filed Document #19)**

OPPOSITION PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Moved by Mr. Fentie, Member for Watson Lake:

THAT it is the opinion of this House that it is in the best interests of Yukon people that their elected representatives apply themselves to the task of strengthening the economy in a constructive and creative manner, in cooperation with other governments and the private sector; and

THAT this House urges the Yukon Liberal government to work with all members of this House toward the immediate adoption and implementation of a five-point economic action plan consisting of the following components:

- (1) an all-party legislative committee to develop a template of activities and timelines for the Yukon government to undertake to improve the economy in the short and medium terms;

- (2) a cross-sectoral task force of public and private sector decision makers to identify immediate steps that can be undertaken to create jobs and economic opportunities for this year;
- (3) a senior-level Yukon delegation to Ottawa, with all-party representation from the Legislative Assembly, as well as First Nations, municipal, business and labour representation, to lobby the federal government to enter into a comprehensive economic development agreement with the Yukon without delay;
- (4) immediate appropriation of \$3.5 million from the accumulated surplus to create jobs, improve safety and meet community priorities through existing vehicles such as the Fire Smart Program, the Rural Roads Upgrading Program and Project Yukon; and
- (5) immediate allocation of \$5 million from the Yukon permanent fund to invest in practical initiatives to support small business and tourism, and to encourage development of a pool of venture capital by providing seed financing to the fireweed fund. **(Motion #228)**

Debate started on the motion.

QUORUM COUNT

At 4:03 p.m., during debate on Motion #228, the Hon. Mrs. Edelman, Minister of Health and Social Services, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(2), the Speaker rang the bells and then did a count. A quorum was present for the count.

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

THAT Motion No. 228 be amended by deleting the second paragraph and substituting for it the following:

"THAT this House urges the Yukon Liberal government to continue:

- (1) its two-year long effort to convince the opposition parties that the formation of an all-party committee for the selection of persons to sit on boards and committees is in the best interests of Yukoners;
- (2) to identify steps that can be undertaken to create jobs and economic opportunities in the territory
- (3) to lobby the federal government for the Yukon's inclusion in the Western Diversification Fund; and
- (4) its practices of listening to Yukoners, spending Yukon taxpayers' money wisely and doing what it said it would do."

Amendment modified by the Speaker

Upon review of the amendment by the Speaker, it was found that clause (1) of the amendment was not pertaining to the subject matter of the original motion and the Speaker modified the amendment to read:

"THAT Motion #228 be amended by deleting the second paragraph and substituting for it the following:

"THAT this House urges the Yukon Liberal government to continue:

- (1) to identify steps that can be undertaken to create jobs and economic opportunities in the territory;
- (2) to lobby the federal government for the Yukon's inclusion in the Western Diversification Fund; and
- (3) its practices of listening to Yukoners, spending Yukon taxpayers' money wisely, and doing what it said it would do."

A debate arising on the amendment and the time reaching 6:00 p.m., while the Hon. Mr. Eftoda, Minister of Environment, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. the following day, and debate on the amendment and Motion #228 was accordingly adjourned.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, April 25, 2002.

No. 108

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, April 25, 2002

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

TABLING RETURNS AND DOCUMENTS

Hon. Mrs. Edelman, Minister of Health and Social Services

- Dawson City health services: information pertaining to

(Legislative Return #107)

GOVERNMENT BILLS

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

Bill #60 - Act to Amend the Access to Information and Protection of Privacy Act

-Hon. Ms. Duncan

Bill #58 - Act to Amend the Economic Development Act

-Hon. Ms. Duncan

Bill #59 - Government Accountability Act

-Hon. Ms. Duncan

Bill #57 - Government Organisation Act

-Hon. Ms. Duncan

Bill #71 - Corporate Governance Act

-Hon. Ms. Duncan

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03

-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Monday, April 29, 2002.

No. 109

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, April 29, 2002

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

TRIBUTES

National Day of Mourning

The Hon. Mrs. Edelman, Minister responsible for the Yukon Workers' Compensation Health and Safety Board, Mr. Keenan, Member for Ross River-Southern Lakes, Mr. Jenkins, Leader of the Third Party, and Mr. Roberts, Member for Porter Creek North, recognized Sunday, April 28, 2002 as the National Day of Mourning for workers who have died or were injured on the job. The House observed a moment of silence.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Faro mine (Anvil Range Mining Corporation) reclamation: status of; Twenty-Seventh Report of the Interim Receiver (dated November 16, 2001) attached
(Legislative Return #108)
- North American Tungsten: sums outstanding; road work
(Legislative Return #109)
- Trust Agreements: Yukon Government's contribution to Yukon Foundation and allocation to the Yukon Teacher Mentoring Endowment Fund; Trust Agreement between the Yukon Government and the Yukon Foundation attached
(Legislative Return #110)

Hon. Mr. Kent, Minister responsible for Youth

- Youth Voices Endowment Fund
(Legislative Return #111)

INTRODUCTION OF BILLS (First Reading)

Bill #103 - Electoral District Boundaries Act
-Mr. Jenkins

SPEAKER'S STATEMENT (re Tabling Documents and Raising Points of Orders)

"Before we proceed to Question Period, the Chair would like to briefly comment on two matters.

Last Wednesday during Tabling of Returns and Documents, the Government House Leader raised a Point of Order with regard to the results of a questionnaire tabled by the Leader of the Official Opposition.

The Government House Leader stated that, 'when the Standing Orders of this Legislature were created and the slot for Tabling Returns and Documents was put in, it was with the understanding that, when Members were tabling documents, they tabled the entire results of the documents, not half a story, not part of a story that only they wanted heard.'

The practice of this Assembly is to allow all Members to table documents. The few restrictions that apply to such documents are that the author is identified and that they conform to standards of parliamentary language. No attention is paid to whether the document tabled is in any way complete. That is not for the Chair to decide.

A second issue concerns the manner in which Members raise Points of Order regarding unparliamentary language. In some cases it is clear which words or phrases are offensive. At other times it is not so clear. The Chair would appreciate it if, in future, Members would identify those words or phrases they find offensive, and which Standing Order they believe has been breached, when raising Points of Order or advising the Chair as the Chair prepares to rule on points of order. I think we recall the difficulties the Chair had last week trying to determine what the Point of Order was.

Thank you. We will now proceed with Question Period."

GOVERNMENT BILLS

The following Bill was called for Second Reading:

Bill #61 - Electoral District Boundaries Act, 2002
-Hon. Ms. Duncan

A debate arising on the motion for Second Reading of Bill #61, and the question being put, it was agreed to on the following recorded Division:

YEA

Duncan	Tucker	Keenan	
McLachlan	Buckway	McRobb	12
Eftoda	Fairclough	Peter	
Edelman	Fentie	Jenkins	

NAY

Kent	McLarnon	Roberts	4
Jim			

Bill #61, entitled *Electoral District Boundaries Act, 2002*, was accordingly, referred to Committee of the Whole.

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole. Following the recess, the Chair of Committee took the Chair.

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:56 p.m. until 1:00 p.m., Tuesday, April 30 , 2002.

No. 110

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, April 30, 2002

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

TRIBUTES

In recognition of Jane Steele, Departmental Administrator, Legislative Assembly Office

The Hon. Ms. Duncan, Premier, and Mr. McLarnon, Member for Whitehorse Centre, paid tribute to Jane Steele, Departmental Administrator, for the Legislative Assembly Office, who, at the end of the day, was retiring after 28 years of service for the government. Best wishes for her retirement were extended.

Yukon Writers Festival

The Hon. Ms. Buckway, Minister of Community Services, on behalf of all Members, recognized the Yukon Writers Festival taking place in Whitehorse and other Yukon communities.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Faro Memorandum of Understanding: allocation of funds
(Legislative Return #112)
- Faro mine site (Anvil Range Mining Corporation): information pertaining to abandonment
(Legislative Return #113)

GOVERNMENT MOTIONS (respecting an extended adjournment of the House)

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

RESOLVED THAT this House supports the Minister of Business, Tourism and Culture representing Yukon and Yukoners' interests at the Rendezvous Canada event in Halifax, Nova Scotia, during the dates of May 17 to May 22, 2002;

THAT this House, in a demonstration of that support, will stand adjourned from its rising on Thursday, May 16, 2002 until 1:00 p.m. on Thursday, May 23, 2002; and

THAT this House recognizes that this action will result in the completion date of the 2002 Spring Sitting, established pursuant to Standing Order 75, being moved from Tuesday, May 28, 2002 to Thursday, May 30, 2002.

(Motion #243)

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole. Following the recess, the Chair of Committee took the Chair.

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Wednesday, May 1, 2002.

No. 111

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, May 1, 2002

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

TRIBUTES

Sexual Assault Prevention Month

The Hon. Ms. Tucker, Minister responsible for the Status of Women, on behalf of all Members, recognized the month of May as Sexual Assault Prevention Month.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Buckway, Minister responsible for the Yukon Housing Corporation

- Yukon Housing Corporation Organizational Chart (Legislative Return #114)
- Social and Staff Housing Occupancy Rates as at March 31, 2002 by community (Legislative Return #115)
- Mayo housing units sold to Nacho Nyak Dun First Nation (Legislative Return #116)
- Mountain View Place carrying costs (Legislative Return #117)

Hon. Mr. McLachlan, Minister of Justice

- Community Justice Review: responses to questions on various issues asked during Question Period (April 30, 2002) (Legislative Return #118)

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole. Following the recess, the Chair of Committee took the Chair.

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, May 2, 2002.

No. 112

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, May 2, 2002

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

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Schneider, Speaker

- Report of the Chief Electoral Officer of the Yukon on Election Financing and Political Contributions 2000-2001 **(Sessional Paper #145)**

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

- Alaska Highway Pipeline Project: Economic Effects on the Yukon and Canada, Final Report by M.C. McCracken, Informetrica Limited (dated April 2002) **(Sessional Paper #146)**

Hon. Mr. Kent, Minister of Infrastructure

- Queen's Printer Agency 2002/03 Business Plan **(Sessional Paper #147)**
- Fleet Vehicle Agency 2002/03 Business Plan **(Sessional Paper #148)**
- Property Management Agency 2002/03 Business Plan **(Sessional Paper #149)**

Mrs. Peter, Member for Vuntut Gwitchin

- Wood Street Centre: letters respecting transfer of programs to Whitehorse Elementary School **(Filed Document #20)**

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole. Following the recess, the Chair of Committee took the Chair.

Progress was reported on the following Bill:

- Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Monday, May 6, 2002.

No. 113

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, May 6, 2002

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

TRIBUTES

National Nursing Week

The Hon. Mrs. Edelman, Minister of Health and Social Services, on behalf of all Members, recognized the week of May 6-12 as National Nursing Week.

Emergency Preparedness Week

The Hon. Ms. Buckway, Minister of Community Services, recognized the week of May 6-12 as Emergency Preparedness Week across Canada.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. McLachlan, Minister of Justice

- Crime Prevention and Victim Services Trust Fund 2000/01 Annual Report
(Sessional Paper #150)

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole. Following the recess, the Chair of Committee took the Chair.

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:57 p.m. until 1:00 p.m., Tuesday, May 7, 2002.

No. 114

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, May 7, 2002

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

TRIBUTES

International Youth Week (Bringing Youth Toward Equality in the Yukon)

The Hon. Mr. Kent, Minister responsible for Youth, and Mrs. Peter, Member for Vuntut Gwitchin, recognized the week of May 6-12 as International Youth Week. Bringing Youth Toward Equality (BYTE) organizes events in the Yukon.

National Mental Health Week

The Hon. Mrs. Edelman, Minister of Health and Social Services, recognized the week of May 6-12 as National Mental Health Week.

SPEAKER'S STATEMENT (Re: identification of members of the public or businesses during debate)

Following Question Period, the Speaker made the following statement:

"For the last few days, members of the public have been identified in this House. In previous sittings, we have ruled that that is not parliamentary. These people have absolutely no way to defend themselves. Further, it causes disorder in the House. Far be it for the Chair to try to limit debate but, out of respect for other people who cannot defend themselves, I would ask the Members if they would be judicious in their choice of words and when they decide they're going to identify a person or a business that can't defend themselves."

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader, identified Bill #101 and Motion #250 as items to be called during Opposition Private Members' Business on Wednesday, May 8, 2002.

Pursuant to Standing Order 14.2(3), Mr. Jenkins, Leader of the Third Party, identified Bill #103 and Motion #251 as items to be called during Opposition Private Members' Business on Wednesday, May 8, 2002.

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole. Following the recess, the Chair of Committee took the Chair.

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:57 p.m. until 1:00 p.m., Wednesday, May 8 , 2002.

No. 115

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, May 8, 2002

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

TRIBUTES

Prairie Northern Fetal Alcohol Syndrome Conference

The Hon. Mrs. Edelman, Minister of Health and Social Services, Mr. Jenkins, Leader of the Third Party and Mr. Roberts, Member for Porter Creek North, paid tribute to the Prairie Northern Fetal Alcohol Syndrome Conference, taking place in Whitehorse this week.

TABLED DOCUMENT

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

- Water License Application MN00-031, City of Whitehorse: letter from David Sherstone, Regional Manager, Water Resources, Indian and Northern Affairs Canada to Ms. Judi White, Secretary, Yukon Territory Water Board (dated May 3, 2002); Canadian Environmental Assessment Act Screening Report (May 3, 2002) attached **(Filed Document #21)**

OPPOSITION PRIVATE MEMBERS' BUSINESS

BILLS OTHER THAN GOVERNMENT BILLS

The following Bill was called for Second Reading:

Bill #101 - Child, Youth and Family Advocacy Act
-Mr. Keenan

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

YEA

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

NAY

0

Bill #101, entitled *Child, Youth and Family Advocacy Act*, was accordingly, referred to Committee of the Whole.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #101 - Child, Youth and Family Advocacy Act
-Mr. Keenan

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, May 9 , 2002.

No. 116

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, May 9, 2002

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

TRIBUTES

Canada Health Day

The Hon. Mrs. Edelman, Minister of Health and Social Services, recognized May 12, 2002 as Canada Health Day.

Information Technology Week

The Hon. Mr. Eftoda, Minister of Business, Tourism and Culture recognized Canada's annual Information Technology Week and paid tribute to Yukoners who have been instrumental in the development of "IT" in the territory.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Capital expenditure authority: Financial Administration Act
(Legislative Return #119)

Hon. Mr. Eftoda, Minister of the Environment

- Species at Risk Act (Bill C-5) House Standing Committee recommendations: letters (dated December 11, 2001) to the Right Hon. Jean Chrétien, Prime Minister and to the Hon. David Anderson, federal Minister of Environment, from the Hon. Dale Eftoda, Minister of Renewable Resources

(Filed Document #22)

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole. Following the recess, the Chair of Committee took the Chair.

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Monday, May 13 , 2002.

No. 117

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, May 13, 2002

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

TRIBUTES

World Road Association

The Hon. Mr. Kent, Minister of Infrastructure, recognized the World Road Association C-4 Technical Committee which was holding meetings in Whitehorse.

Police Week

The Hon. Mr. McLachlan, Minister of Justice, recognized May 12 to 18, 2002 as Police Week.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Schneider, Speaker

- Travel Expenses of Members of the Yukon Legislative Assembly 2001-02 (dated April 2002) **(Sessional Paper #151)**

SPEAKER'S STATEMENT (re: Question Period)

Before calling Question Period, the Chair made the following statement:

"During Question Period last Thursday the Minister of Business, Tourism and Culture, in response to a question from the Member for Kluane, concluded his answer to the main question with what the Minister called "an add-on." This add-on was, in fact, a comment on the previous exchange of questions and answers between the Member for Watson Lake and the Minister of Energy, Mines and Resources.

The Chair has also noticed that opposition members occasionally preface their main question with a comment on a previous exchange to which they were not a party. For example, last Wednesday the Member for Whitehorse Centre commented on the answer given by the Minister of Education in response to questions posed by the Member for Vuntut Gwitchin. The Member for Whitehorse Centre then proceeded to put his main question to the Minister of Environment.

As Guideline 2 of our Guidelines for Oral Question Period states, a question ought to seek information and should not be argumentative. Guideline 9 says, a reply to a question should be relevant to the question asked and should not provoke debate.

Comments on previous exchanges, therefore, are not in order as they do not seek information or are not relevant to the question asked. Such comments also provoke argument and debate. The Chair thanks all Members in advance for their adherence to these guidelines.”

GOVERNMENT MOTIONS

Mr. McLachlan, Government House Leader, on behalf of the House Leaders, requested unanimous consent for Motion #264 standing in the name of the Premier, to be called at this time.

Unanimous consent was granted.

Moved by the Hon. Ms. Duncan:

THAT pursuant to Section 18 of the *Conflict of Interest (Members and Ministers) Act* that the Legislative Assembly appoint David Phillip Jones, Q.C., as a member of the Conflict of Interest Commission for a three-year period. **(Motion #264)**

A debate arising on the motion and debate having been concluded, the Speaker informed the House that he would call for a recorded Division.

Speaker’s Call for Recorded Division

“Before putting the Question, the Chair must draw Members’ attention to section 18(4) of the *Conflict of Interest (Members and Ministers) Act*. That section requires that the motion appointing a Conflicts Commissioner be supported by at least two-thirds of the Members of the Assembly present for the vote. In order to ensure that the requirements of section 18 of the *Conflict of Interest (Members and Ministers) Act* are met, the Chair will now call for a recorded division.”

The motion was agreed to on the following recorded Division:

YEA

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

NAY

0

The Speaker declared Motion #264 carried by the required two-thirds of the Members of the Assembly present for the vote.

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole. Following the recess, the Chair of Committee took the Chair.

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Tuesday, May 14 , 2002.

No. 118

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, May 14, 2002

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

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Buckway, Minister of Community Services

- Tax lien procedure: information pertaining to **(Legislative Return #120)**
- Property tax administration for First Nations: explanation
(Legislative Return #121)

Hon. Mr. Kent, Minister of Infrastructure

- Air Travel, Yukon Government Committee: Anti-Competition Guidelines (dated March, 2002); Terms of Reference (dated March, 2002) **(Sessional Paper #152)**
- Air Travel Policy, Government of Yukon (effective April 1, 2002)
(Sessional Paper #153)

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole. Following the recess, the Chair of Committee took the Chair.

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Wednesday, May 15, 2002.

No. 119

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, May 15, 2002

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

TRIBUTES

International Hospice Month

The Hon. Mrs. Edelman, Minister of Health and Social Services, recognized May as International Hospice Month and paid tribute to the volunteers and staff of Hospice Yukon.

SPEAKER'S STATEMENT (Questions and Answers)

Before proceeding with Orders of the Day, the Speaker made the following statement:

"Earlier, I briefly spoke on the choice of words and so on in the House. With the recently amended seating order in the House, the Chair is endeavouring to get as many questions in as we can so that all Members have a chance to ask questions. If the Chair is going to interrupt each time a Member asking a question uses personal accusations or language that may cause disorder, then the Chair will be interfering with debate, and we certainly will get one fewer question, if not two fewer questions, in. Additional to that, I would ask the Members to – and it's getting pretty good. Members are pretty much getting their questions in within a minute. Some members are running over time and that, again, is going to impact in the end. We could end up with one fewer question. So, the answers are within the allotted time limit.

Order please. The Member for Whitehorse Centre – do you care to challenge the Chair? The Chair is keeping track of the answers here, and the time. I also have two assistants keeping track of the time. The answers are within the time limit.

After having said that, I'm trying to get a bit of cooperation in here, and it's coming from most Members, so that we can get as many questions in here and have the opposition keep the government accountable. But I can't do this without the cooperation of all Members.

With that, we will proceed to Orders of the Day."

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole. Following the recess, the Chair of Committee took the Chair.

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Thursday, May 16, 2002.

No. 120

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, May 16, 2002

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

TRIBUTES

16th International Gold Show (Dawson City)

The Hon. Mr. Kent, Minister Energy, Mines and Resources, recognized the 16th International Gold Show being held in Dawson City May 17 to 18, 2002.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Buckway, Minister responsible for Yukon Housing Corporation

- Yukon Housing Corporation Maintenance and Service Contracts: administration and listing of **(Legislative Return #122)**
- Yukon Housing Corporation mobile home purchases: contract of Purchase and Sale and Agreement for Sale of Land **(Legislative Return #123)**

COMMITTEE OF THE WHOLE

According to Order, the Assembly resolved into Committee of the Whole. Following the recess, the Chair of Committee took the Chair.

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:58 p.m. until 1:00 p.m., Thursday, May 23, 2002.

No. 121

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, May 23, 2002

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

TRIBUTES

Yukon Geology Program and staff

The Hon. Mr. Kent, Minister Energy, Mines and Resources, paid tribute to the Yukon Geology Program and staff.

Child Care Awareness Day

The Hon. Mrs. Edelman, Minister of Health and Social Services, and Mr. Keenan, Member for Ross River-Southern Lakes, recognized May 24, 2002 as Child Care Awareness Day.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Kent, Minister of Infrastructure

- Government Contracting Summary Report by Department (April 1, 2001 - February 28, 2002) **(Sessional Paper #154)**

Hon. Ms. Duncan, Premier

- Banking services expenditures: explanation of **(Legislative Return #124)**

GOVERNMENT BILLS

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

Bill #73 - Act to Amend the Workers' Compensation Act

-Hon. Mrs. Edelman

COMMITTEE OF THE WHOLE

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

THAT the Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

The motion to resolve into Committee of the Whole was agreed to on the following recorded Division:

YEA

Duncan	Tucker	Keenan	
McLachlan	Buckway	McRobb	11
Eftoda	Kent	Peter	
Edelman	Fairclough		

NAY

Jenkins	Jim	Roberts	
Fentie	McLarnon		5

According to Order, the Assembly resolved into Committee of the Whole. Following the recess, the Chair of Committee took the Chair.

The following Bill was reported with amendment:

Bill #73 - Act to Amend the Workers' Compensation Act
-Hon. Mrs. Edelman

The following Bills were reported without amendment:

Bill #64 - Spousal Compensation Act
-Hon. Mrs. Edelman

Bill #51 - Official Tree Act
-Hon. Mr. Eftoda

Bill #55 - Act to Amend the Income Tax Act (No. 5)
-Hon. Ms. Duncan

Bill #72 - Act to Amend the Financial Administration Act
-Hon. Ms. Duncan

Bill #56 - Act to Amend the Tobacco Tax Act (No. 2)
-Hon. Ms. Duncan

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:58 p.m. until 1:00 p.m., Monday, May 27, 2002.

No. 122

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Monday, May 27, 2002

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

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan, Premier

- Banking agreement with TD Canada Trust: Yukon Government obligations re
loss or theft **(Legislative Return #125)**

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 5:59 p.m. until 1:00 p.m., Tuesday, May 28, 2002.

No. 123

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Tuesday, May 28, 2002

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

TRIBUTES

Rescue of Constable David Wallace, RCMP

Mrs. Peter, Member for Vuntut Gwitchin, paid tribute to the members of the community of Old Crow who assisted in the rescue of RCMP Constable David Wallace after a boating accident.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Eftoda, Minister of Environment

- Yukon Geographical Place Names Board 2000/01 Annual Report
(Sessional Paper #155)

Hon. Mr. Kent, Minister of Infrastructure

- Motor Transport Board 2000/01 Annual Report (Sessional Paper #156)
- Rural Roads Upgrade Projects: project amounts (by community) approved 1998 to 2001 (Legislative Return #126)

Hon. Mrs. Edelman, Minister responsible for Yukon Workers' Compensation Health and Safety Board

- Yukon Workers' Compensation Health and Safety Board: Report by Ted Hughes, Q.C, requested by the President and Chief Executive Officer of the YWH&SB regarding a statement made on April 17, 2002 in the Yukon Legislative Assembly (dated May 23, 2002) (Sessional Paper #157)

NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. Jenkins, Leader of the Third Party, identified Bill #103 and Motion #273 as items to be called during Opposition Private Members' Business on Wednesday, May 29, 2002.

GOVERNMENT MOTIONS

Moved by the Hon. Ms. Duncan, Premier:

THAT in celebration of the 100th anniversary of the incorporation of the Town of Dawson City, this Assembly supports the designation of Dawson City as honorary capital of the Yukon for the duration of the centennial year commencing June 4, 2002.

(Motion #248)

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

MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE

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

THAT the Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

The motion to resolve into Committee of the Whole was negated on the following recorded Division:

YEA

Duncan	Edelman	Buckway	
McLachlan	Tucker	Kent	7
Eftoda			

NAY

Fairclough	Peter	Jim	
Keenan	Jenkins	McLarnon	9
McRobb	Fentie	Roberts	

GOVERNMENT BILLS

The following Bill was called for Third Reading:

Bill #10 - Third Appropriation Act, 2001-02
-Hon. Ms. Duncan

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

YEA

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

NAY

0

Bill #10, entitled *Third Appropriation Act, 2001-02*, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #73 - Act to Amend the Workers' Compensation Act
-Hon. Mrs. Edelman

Unanimous Consent to expedite business

Mr. McRobb, Official Opposition House Leader rose and requested unanimous consent to give Third Reading to Bill #73, Bill #64, Bill #72, Bill #56, Bill #55, and Bill #51.

Speaker's Ruling

"The Chair is informed the Official Opposition House Leader cannot ask for unanimous consent respecting all the noted Bills that were mentioned and are on the Order Paper. We are on Bill #73. The accepted practice is to deal with each Bill individually; therefore, I believe the correct procedure now is to continue on with Bill #73. The Official Opposition House Leader has the floor."

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

YEA

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

NAY

0

Bill #73, entitled *Act to Amend the Workers' Compensation Act*, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #64 - Spousal Compensation Act
-Hon. Mrs. Edelman

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

YEA

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

NAY

0

Bill #64, entitled *Spousal Compensation Act*, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #51 - Official Tree Act
-Hon. Mr. Eftoda

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

YEA

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

NAY

0

Bill #51, entitled *Official Tree Act*, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #55 - Act to Amend the Income Tax Act (No. 5)
-Hon. Ms. Duncan

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

YEA

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

NAY

0

Bill #55, entitled *Act to Amend the Income Tax Act (No.5)*, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #72 - Act to Amend the Financial Administration Act
-Hon. Ms. Duncan

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

YEA		
Duncan	Buckway	Peter
McLachlan	Kent	Jenkins
Eftoda	Fairclough	Fentie
Edelman	Keenan	Jim
Tucker	McRobb	Roberts
15		
NAY		
0		

Bill #72, entitled *Act to Amend the Financial Administration Act*, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #56 - *Act to Amend the Tobacco Tax Act (No.2)*
-Hon. Ms. Duncan

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

YEA		
Duncan	Buckway	Peter
McLachlan	Kent	Jenkins
Eftoda	Fairclough	Fentie
Edelman	Keenan	Jim
Tucker	McRobb	Roberts
15		
NAY		
McLarnon		
1		

Bill #56, entitled *Act to Amend the Tobacco Tax Act*, accordingly, passed the House.

REQUEST FOR RECESS

The Hon. Mr. McLachlan, Government House Leader, requested that the House take a brief recess in order to permit the House Leaders to meet to establish the business of the House.

The Speaker heard from the Opposition House Leaders and recessed the House in order that the House Leaders could meet.

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion nos. 5, 7, 11, 12, 13, 17, 18, 19, 22, 23, 24, 25, and 30 were called and deferred to the next sitting day:

Moved by Mr. Keenan:

THAT it is the opinion of this House that:

- (1) like most parts of Canada, especially northern Canada, the Yukon is facing a possible shortage of doctors and other medical personnel; and

- (2) such shortages could pose a serious hardship for Yukon people, both in the City of Whitehorse and in rural communities; and
- (3) this is an issue that requires thoughtful, long-term planning that should not be limited by partisan political considerations; and

THAT this House urges the Yukon Government to continue working to solve the ongoing problem of recruiting and retaining medical personnel throughout the territory.

(Motion #31 as amended)

The debate continuing from March 28, 2001, it was moved by Mr. Fairclough, Leader of the Official Opposition:

THAT debate be now adjourned.

The question being put on the motion to adjourn debate on Motion #31 as amended, it was agreed to on the following recorded Division:

YEA

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

NAY

0

Motion nos. 37, 50, 54, 64, 80, 83, and 89 were called and deferred to the next sitting day:

Moved by Mr. Jenkins:

THAT it is the opinion of this House that the five-point plan put forward by the resource users coalition group to correct the deficiencies in the Yukon Protected Areas Strategy should be adopted by the Yukon Liberal Government and include the following provisions:

- (1) give the secretariat supporting the Yukon Protected Areas Strategy independent status so that it is not tied to either the Department of Renewable Resources or the Department of Economic Development,
- (2) conduct full scale assessments of the economic impacts of protecting a particular area in addition to the full scale environmental assessments that are currently being done,
- (3) establish a cap on the total amount of area that can be protected under the strategy,
- (4) guarantee access to land that may be blocked through the creation of a protected area, and
- (5) create no more protected areas until the completion of the seven outstanding Yukon Indian Land Claims Agreements.

(Motion #97)

Amendment moved by Mr. Fentie:

THAT Motion #97 be amended by deleting all the words from "THAT it is the opinion of this House" to the word "provisions" inclusive and substituting for them the following:

"THAT it is the opinion of this House that the Yukon Liberal Government should initiate meetings with the seven coalition members who have refused to participate in the Public Advisory Committee on the Yukon Protected Areas Strategy with a goal of establishing meaningful dialogue between all the partners in the YPAS process and to honour the commitment of the Yukon Liberal Government to give consideration to the following provisions:"

The question being put on the amendment, it was agreed to on the following Recorded Division:

YEA

Fairclough	Peter	Jim	
Keenan	Jenkins	McLarnon	9
McRobb	Fentie	Roberts	

NAY

Duncan	Edelman	Buckway	
McLachlan	Tucker	Kent	7
Eftoda			

Debate starting on the motion as amended, it was moved by Mr. McLarnon:

THAT debate be now adjourned.

The question being put, it was agreed to, and Motion #97 as amended was, accordingly, adjourned.

Motion nos. 102, 115, 118, and 131 were called and deferred to the next sitting day.

Withdrawal of Motion #141

The Speaker ordered that Motion #141 be dropped from the Order Paper as it was obsolete.

Motion nos. 143 and 145 were called and deferred to the next sitting day.

Moved by Mr. McLarnon:

THAT it is the opinion of this House that:

- (1) the Yukon Liberal Party made a commitment to Yukoners that, if elected, a Liberal Government would replace the Grey Mountain Primary School,
- (2) the Leader of the Official Opposition has brought forward a motion encouraging the Yukon Liberal Government to replace the Grey Mountain Primary School,

- (3) while all three political parties in the Yukon have made the commitment to replace the Grey Mountain Primary School, the Yukon Liberal Government is the only government to have followed through on this commitment; and

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

Amendment moved by Mr. Fairclough:

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

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

Adjourned debate: Hon. Mr. Eftoda

Debate started on the amendment.

Quorum Count

At 5:26 p.m., during debate on the amendment to Motion #149, the Hon. Mr. McLachlan, Government House Leader, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(2), the Speaker rang the bells and then did a count. A quorum was present for the count.

Request For Recess

The Hon. Mr. McLachlan, Government House Leader, requested that the House take a brief recess in order to permit the House Leaders to meet to establish the business of the House.

The Speaker heard from the Opposition House Leaders and recessed the House in order that the House Leaders could meet.

Clarification re Motion #149

The Speaker clarified to the House that an error on the Order Paper did not show that the amendment had been previously negatived. Therefore, it was the motion, not the amendment, that was being debated.

Motion To Adjourn

The Hon. Ms. Duncan, Premier, moved that the House do now adjourn.

In order to adjourn the House, debate on Motion #149 would have to first be adjourned.

The Order Paper showed that the Hon. Mr. Eftoda had previously adjourned debate on Motion #149.

The Speaker, therefore, requested unanimous consent from the House to permit the Minister of Environment to adjourn debate on Motion #149 a second time. Unanimous consent was granted and debate on Motion #149 was accordingly adjourned.

The Assembly adjourned at 5:53 p.m. until 1:00 p.m., Wednesday, May 29, 2002.

No. 124

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Wednesday, May 29, 2002

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

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Buckway, Minister of Community Services

- Infrastructure Status Report - 2002: Community Services

(Sessional Paper #158)

Hon. Ms. Duncan, Premier

- Electoral District Boundaries Act, 2002 (Bill #61): letter from Premier Pat Duncan to Eric Fairclough, Leader of the Official Opposition (dated May 29, 2002) confirming their agreement made on this date

(Sessional Paper #159)

OPPOSITION PRIVATE MEMBERS' BUSINESS
BILLS OTHER THAN GOVERNMENT BILLS

The following Bill was called for Second Reading:

Bill #103 - Electoral District Boundaries Act

-Mr. Jenkins

A debate arising on the motion for Second Reading of Bill #103, it was moved by Mr. Jenkins to adjourn debate.

Speaker's Ruling

"Order please. The Chair has been advised that the mover of the motion is not entitled to move adjournment of debate in this proceeding; therefore, the Chair will rule that the leader of the third party can take the floor and continue. If he chooses not to, the Chair will ask for any other members who wish to be heard. Normal procedure would be that we go from one side to the other. If the leader of the third party chooses not to retain the floor, then I will give the government the opportunity to rebut."

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

THAT debate do now adjourn.

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

MOTIONS OTHER THAN MOTIONS

Moved by Mr. Fentie:

THAT it is the opinion of this House that:

- (1) the Premier of Yukon, in advancing the argument that two pipelines, the Alaska Highway Natural Gas Pipeline and the Mackenzie Valley Pipeline Route, are better than one, has dismissed the Dempster Lateral as being a viable alternative for transporting Canadian natural gas to market,
- (2) because of this fundamental error, the Alaska Highway Natural Gas Pipeline is being perceived by some in the Government of Canada as a pipeline that would transport only Alaskan natural gas and leave Canadian natural gas stranded in the Mackenzie Delta, and
- (3) the construction of the Mackenzie Valley Pipeline Route and its gathering lines, one of which could be built to siphon off Yukon natural gas located in the Eagle Plains basin, will result in promoting economic benefits in the Northwest Territories rather than Yukon; and

THAT this House urges the Yukon Premier to break her silence and speak out in favour of building the Dempster Lateral to allow Canadian natural gas located in the Northwest Territories and Yukon to be transported to market by the Alaska Highway Natural Gas Pipeline. **(Motion #273)**

Unanimous Consent to defer debate on Motion #273

Mr. Fentie, Member for Watson Lake, requested unanimous consent not to proceed with Motion #273 at this time. Unanimous consent was granted.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

The report of the Chair was adopted.

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, May 30, 2002.

No. 125

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

30th Legislative Assembly

Second Session

Thursday, May 30, 2002

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

TRIBUTES

In recognition of Father Jean-Marie Mouchet

Mr. Roberts, Member for Porter Creek North, and Mrs. Peter, Member for Vuntut Gwitchin, recognized Father Jean-Marie Mouchet who was inducted into the Yukon Hall of Fame in 1980, received the Commissioner's Award in 1981, the Award Chevalier de l'Ordre National du Mérite from the French government and the Order of Canada from the Governor General in 1993. During his 25 years in Old Crow, Fr. Mouchet established a health and fitness program and was the main founder of the TEST program in the Yukon. Congratulations were extended to Fr. Mouchet on his book "*Men and Women of the Tundra*".

World No Tobacco Day

The Hon. Mrs. Edelman, Minister of Health and Social Services, recognized May 31 as being World No Tobacco Day.

In recognition of Ken MacGillivray

Mr. McLarnon, Member for Whitehorse Centre, paid tribute to Ken MacGillivray, Press Secretary for the Liberal Party, who was leaving the Yukon to relocate in the lower mainland of B.C.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Tucker, Minister of Education

- Yukon Education, Public Schools Branch 2000-01 School Year Annual Report
(Sessional Paper #160)

Hon. Ms. Buckway, Minister of Community Services

- Property taxes: list of outstanding property taxes owed to the Yukon Government by mining companies (Legislative Return #127)
- Property taxes: outstanding amount owed on Elsa mine properties (Legislative Return #128)

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

- Natural gas distribution utility franchise: Letter dated (May 7, 2002) from Mayor Bourassa, City of Whitehorse to the Hon. Mr. Kent, Minister of Energy Mines and Resources and Minister Kent's response letter (dated May 15, 2002)
(Legislative Return #129)
- Energy policy of the Yukon Government: information pertaining to
(Legislative Return #130)
- Pipeline unit: list of contract staff and contract costs
(Legislative Return #131)
- Dempster Lite Pipeline cost: estimates and explanation
(Legislative Return #132)
- Dawson Airport construction contract: explanation of compensation to the contractor
(Legislative Return #133)

Hon. Mr. McLachlan, Minister of Justice

- Whitehorse Correctional Centre: explanation of policy and procedure regarding return of inmates upon release
(Legislative Return #134)

TABLED DOCUMENT

During Question Period, the Hon. Mrs. Edelman, Minister responsible for the Yukon Workers' Compensation Health and Safety Board, tabled the following document:

- Yukon Workers' Compensation Health and Safety Board: letter (dated April 18, 2002) from James E. Brohman, Vice-Chair, Workers' Task Force to Hon. Sue Edelman, Minister responsible for the Yukon Workers' Compensation Health and Safety Board regarding comments made on April 17, 2002 in the Yukon Legislative Assembly
(Sessional Paper #161)

COMMITTEE OF THE WHOLE

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

The following Bills were reported without amendment:

- Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan
- Bill #65 - Act to Amend the Dental Profession Act
-Hon. Mrs. Edelman
- Bill #62 - Act to Amend the Employment Standards Act
-Hon. Ms. Buckway
- Bill #60 - Act to Amend the Access to Information and Protection of Privacy Act
-Hon. Ms. Duncan
- Bill #58 - Act to Amend the Economic Development Act
-Hon. Mr. Duncan
- Bill #59 - Government Accountability Act
-Hon. Ms. Duncan
- Bill #57 - Government Organisation Act
-Hon. Ms. Duncan
- Bill #71 - Corporate Governance Act
-Hon. Ms. Duncan

Bill #61 - Electoral District Boundaries Act, 2002
-Hon. Ms. Duncan

The report of the Chair was adopted.

GOVERNMENT BILLS

The following Bill was called for Third Reading:

Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan

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

YEA

Duncan	Edelman	Kent	
McLachlan	Tucker	McLarnon	9
Eftoda	Buckway	Roberts	

NAY

Fairclough	Peter	Fentie	
Keenan	Jenkins	Jim	7
McRobb			

Bill #9, entitled *Second Appropriation Act, 2002-03*, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #62 - Act to Amend the Employment Standards Act
-Hon. Ms. Buckway

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

YEA

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

NAY

0

Bill #62, entitled *Act to Amend the Employment Standards Act*, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #65 - Act to Amend the Dental Profession Act
-Hon. Mrs. Edelman

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

YEA

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

NAY

0

Bill #65, entitled *Act to Amend the Dental Profession Act*, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #60 - Act to Amend the Access to Information and Protection of Privacy Act
-Hon. Ms. Duncan

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

YEA

Duncan	Edelman	Kent	
McLachlan	Tucker	Roberts	8
Eftoda	Buckway		

NAY

Fairclough	Peter	Jim	
Keenan	Jenkins	McLarnon	8
McRobb	Fentie		

CASTING VOTE

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

“Standing Order 4(2) states that in the case of an equality of votes, the Speaker shall give a casting vote. In general, the principle applied to motions and bills is that decisions should not be taken except by a majority. In this case, however, the Chair is aware that the passage of this Bill is a test of the confidence of the Assembly in the government. It is my view that questions of confidence are of such importance that an expression of non-confidence should be clearly stated by a majority. The Chair, therefore, votes for the motion. The motion for Third Reading of Bill No. 60 is carried.”

Bill #60, entitled *Act to Amend the Access to Information and Protection of Privacy Act*, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #58 - Act to Amend the Economic Development Act
-Hon. Ms. Duncan

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

YEA

Duncan	Edelman	Kent	
McLachlan	Tucker	Roberts	8
Eftoda	Buckway		

NAY

Fairclough	Peter	Jim	
Keenan	Jenkins	McLarnon	8
McRobb	Fentie		

CASTING VOTE

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

“Standing Order 4(2) states that in the case of an equality of votes, the Speaker shall give a casting vote. In general, the principle applied to motions and bills is that decisions should not be taken except by a majority. In this case, however, the Chair is aware that the passage of this Bill is a test of the confidence of the Assembly in the government. It is my view that questions of confidence are of such importance that an expression of non-confidence should be clearly stated by a majority. The Chair, therefore, votes for the motion. The motion for Third Reading of Bill No. 58 is carried.”

Bill #58, entitled *Act to Amend the Economic Development Act*, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #59 - Government Accountability Act
-Hon. Ms. Duncan

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

YEA

Duncan	Edelman	Kent	
McLachlan	Tucker	McLarnon	9
Eftoda	Buckway	Roberts	

NAY

Fairclough	Peter	Fentie	
Keenan	Jenkins	Jim	7
McRobb			

Bill #59, entitled *Government Accountability Act*, accordingly, passed the House.
The following Bill was called for Third Reading:

Bill #57 - Government Organisation Act
-Hon. Ms. Duncan

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

YEA

Duncan	Edelman	Kent	
McLachlan	Tucker	Roberts	8
Eftoda	Buckway		

NAY

Fairclough	Peter	Jim	
Keenan	Jenkins	McLarnon	8
McRobb	Fentie		

CASTING VOTE

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

“Standing Order 4(2) states that in the case of an equality of votes, the Speaker shall give a casting vote. In general, the principle applied to motions and bills is that decisions should not be taken except by a majority. In this case, however, the Chair is aware that the passage of this Bill is a test of the confidence of the Assembly in the government. It is my view that questions of confidence are of such importance that an expression of non-confidence should be clearly stated by a majority. The Chair, therefore, votes for the motion. The motion for Third Reading of Bill No. 57 is carried.”

Bill #57, entitled *Government Organisation Act*, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #71 - Corporate Governance Act
-Hon. Ms. Duncan

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

YEA

Duncan	Edelman	Kent	
McLachlan	Tucker	Roberts	8
Eftoda	Buckway		

NAY

Fairclough	Peter	Jim	
Keenan	Jenkins	McLarnon	8
McRobb	Fentie		

CASTING VOTE

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

“Standing Order 4(2) states that in the case of an equality of votes, the Speaker shall give a casting vote. In general, the principle applied to motions and bills is that decisions should not be taken except by a majority. In this case, however, the Chair is aware that the passage of this Bill is a test of the confidence of the Assembly in the government. It is my view that questions of confidence are of such importance that an expression of non-confidence should be clearly stated by a majority. The Chair, therefore, votes for the motion. The motion for Third Reading of Bill No. 71 is carried.”

Bill #71, entitled *Corporate Governance Act*, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #61 - Electoral District Boundaries Act, 2002
-Hon. Ms. Duncan

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

YEA			
Duncan	Buckway	Peter	
McLachlan	Fairclough	Jenkins	11
Eftoda	Keenan	Fentie	
Edelman	McRobb		
NAY			
Tucker	Jim	Roberts	
Kent	McLarnon		5

Bill #61, entitled *Electoral District Boundaries Act, 2000*, accordingly, passed the House.

WITHDRAWAL OF BILL

The Speaker informed the House that Bill #103, entitled *Electoral District Boundaries Act*, standing in the name of the Leader of the Third Party, would be dropped from the Order Paper, as it was similar in intent and subject matter to Bill #61, entitled *Electoral District Boundaries Act, 2002*, which had passed the House.

ASSENT TO BILLS

The Assembly received the Administrator, Ms. Van Bibber, to give Assent to certain Bills passed by the House.

The Administrator, having entered the Chamber, took her seat in the Speaker’s chair.

The Speaker, the Hon. Mr. Schneider, addressed the Administrator:

“Madame Administrator, the Assembly has, as its present session, passed certain Bills to which, in the name and on behalf of the Assembly, I respectfully request your Assent.”

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

- Bill #10 - Third Appropriation Act, 2001-02
-Hon. Ms. Duncan
- Bill #73 - Act to Amend the Workers' Compensation Act
-Hon. Mrs. Edelman
- Bill #64 - Spousal Compensation Act
-Hon. Mrs. Edelman
- Bill #51 - Official Tree Act
-Hon. Mr. Eftoda
- Bill #55 - Act to Amend the Income Tax (No. 5)
-Hon. Ms. Duncan
- Bill #72 - Act to Amend the Financial Administration Act
-Hon. Ms. Duncan
- Bill #56 - Act to Amend the Tobacco Tax Act (No. 2)
-Hon. Ms. Duncan
- Bill #9 - Second Appropriation Act, 2002-03
-Hon. Ms. Duncan
- Bill #62 - Act to Amend the Employment Standards Act
-Hon. Ms. Buckway
- Bill #65 - Act to Amend the Dental Profession Act
-Hon. Mrs. Edelman
- Bill #60 - Act to Amend the Access to Information and Protection of Privacy Act
-Hon. Ms. Duncan
- Bill #58 - Act to Amend the Economic Development Act
-Hon. Mr. McLachlan
- Bill #59 - Government Accountability Act
-Hon. Ms. Duncan
- Bill #57 - Government Organisation Act
-Hon. Ms. Duncan
- Bill #71 - Corporate Governance Act
-Hon. Ms. Duncan
- Bill #61 - Electoral District Boundaries Act, 2002
-Hon. Ms. Duncan

The Administrator assented the Bills:

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

The Administrator then retired from the Chamber.

ADJOURNMENT OF SITTING

As the House had reached the maximum number of days permitted for the Spring Sitting, as established pursuant to Standing Order 75(3), and the House had completed consideration of the designated legislation, the Speaker declared that the House was now adjourned.

The Assembly adjourned at 5:35 p.m.

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ASSENT TO BILLS

Assent to Bill Nos. 10, 73, 64, 51, 55, 72, 56, 9, 62, 65, 60, 58, 59, 57, 71, 61319-320

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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

BILLS

(For Progress of Bills chart see Appendix A)

Bills, Government

Bill #	Title	1R	2R	C/W * with amendment	3R&P	A
60	Access to Information and Protection of Privacy Act, Act to Amend the	02-04-10	02-04-25	02-05-30	02-05-30	02-05-30 (continued)

Bill #	Title	1R	2R	C/W * with amendment	3R&P	A
71	Corporate Governance Act	02-04-10	02-04-25	02-05-30	02-05-30	02-05-30
65	Dental Profession Act, Act to Amend the	02-04-10	02-04-23	02-05-30	02-05-30	02-05-30
58	Economic Development Act, Act to Amend the	02-04-10	02-04-25	02-05-30	02-05-30	02-05-30
63	Education Act, Act to Amend the	02-04-08				
61	Electoral District Boundaries Act, 2002	02-04-11	02-04-29	02-05-30	02-05-30	02-05-30
62	Employment Standards Act, Act to Amend the	02-04-10	02-04-17	02-05-30	02-05-30	02-05-30
66	Environmental Assessment Act	02-04-08				
72	Financial Administration Act, Act to Amend the	02-04-10	02-04-23	02-05-23	02-05-28	02-05-30
59	Government Accountability Act	02-04-10	02-04-25	02-05-30	02-05-30	02-05-30
57	Government Organisation Act	02-04-11	02-04-25	02-05-30	02-05-30	02-05-30
55	Income Tax Act (No. 5), Act to Amend the	02-04-09	02-04-18	02-05-23	02-05-28	02-05-30
51	Official Tree Act	02-04-08	02-04-16	02-05-23	02-05-28	02-05-30
67	Placer Mining Act	02-04-08				
74	Public Service Act, Act to Amend the	02-04-11				
68	Quartz Mining Act	02-04-08				
9	Second Appropriation Act, 2002-03	02-04-04	02-04-11	02-05-30	02-05-30	02-05-30
64	Spousal Compensation Act	02-04-11	02-04-16	02-05-23	02-05-28	02-05-30
69	Territorial Lands (Yukon) Act	02-04-08				
10	Third Appropriation Act, 2001-02	02-04-04	02-04-11	02-04-15	02-05-28	02-05-30
56	Tobacco Tax Act (No. 2), Act to Amend the	02-04-09	02-04-22	02-05-23	02-05-28	02-05-30
70	Waters Act	02-04-08				
73	Workers' Compensation Act, Act to Amend the	02-04-11	02-05-23	* 02-05-23	02-05-28	02-05-30

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Bill #	Title	1R	2R	C/W	3R&P	A
101	Child, Youth and Family Advocacy Act	00-11-20	02-05-08			
103	Electoral District Boundaries Act	02-04-29	Adjourned debate 02-05-29	Dropped from Order paper 02-05-30 (similar to Bill #61 which passed the House.)		

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MOTIONS – APPOINTMENT OF HOUSE OFFICERS

	<u>Member</u>	<u>Page</u>	<u>Amendment</u>	<u>Disposition</u>
Deputy Chair, Committee of the Whole, Don Roberts (#217)	McLachlan	261		Carried

MOTIONS – GOVERNMENT

	<u>Member</u>	<u>Page</u>	<u>Amendment</u>	<u>Disposition</u>
Conflicts Commission: appointment of David Phillip Jones, Q.C. for a three-year period (#264)	Duncan	293		Carried
Dawson City to be designated as honorary capital of the Yukon for the duration of the centennial year commencing June 4, 2002 (#248)	Duncan	303		Carried
Extended adjournment of the House from May 17 to May 22, 2002 (#243)	McLachlan	281-282		Carried
Ombudsman: reappointment of Hendrik K. Moorlag for a 5 year term commencing April 8, 2002 (#185)	Duncan	245		Carried

MOTIONS - OTHER THAN GOVERNMENT

	<u>Member</u>	<u>Page</u>	<u>Amendment</u>	<u>Disposition</u>
Alcohol and drug rehabilitation centre: establishing an (#18)	Jenkins	306		Deferred to next sitting day
Amend Standing Orders by deleting “ A Standing Committee on Rules, Elections and Privileges” (#25)	McRobb	306		Deferred to next sitting day
Application of federal gun legislation being tied to northern allowances section of the <i>Income Tax Act</i> (#30)	Jenkins	306		Deferred to next sitting day
Clean-up process for abandoned mine sites (#83)	McRobb	307		Deferred to next sitting day
Clean-up of abandoned military sites and abandoned mines prior to Earth Day, 2002 (#118)	McRobb	308		Deferred to next sitting day
Conduct of un-elected political staff (#11)	McRobb	306		Deferred to next sitting day (continued)

**MOTIONS - OTHER THAN GOVERNMENT
(continued)**

	<u>Member</u>	<u>Page</u>	<u>Amendment</u>	<u>Disposition</u>
Connect Yukon Program: implementation of (#5)	McRobb	306		Deferred to next sitting day
Dempster Lateral: government to promote the building of (#273)	Fentie	312		Unanimous consent not to proceed with
Electrical energy rate relief (#102)	McRobb	308		Deferred to next sitting day
Electrical rates: elimination of "Clawback" on consumption in excess of 1,500 kwh per month (#13)	Jenkins	306		Deferred to next sitting day
Eliminate GST on heating fuels and electricity: urge Government of Canada to (#7)	Jenkins	306		Deferred to next sitting day
Establishment of an intergovernmental task force to address proposed pipeline issues (#54)	Fentie	307		Deferred to next sitting day
FAS/FAE action plan (#17)	Jenkins	306		Deferred to next sitting day
Five-Point Economic Action Plan: development and implementation of (#228)	Fentie	274-275	275 Amended by Speaker 275-276	Adjourned debate
Forestry issues: urge federal government to resolve outstanding issues and to develop policies to support Yukon forestry (#115)	Fentie	308		Deferred to next sitting day
Formation of an all-party committee to examine options regarding recruiting and training medical personnel (#31)	Keenan	306-307	March 28, 2001 (Roberts) Carried	Debate adjourned
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<u>MOTIONS - OTHER THAN GOVERNMENT (continued)</u>	<u>Member</u>	<u>Page</u>	<u>Amendment</u>	<u>Disposition</u>
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Grey Mountain Primary School replacement (#149)	McLarnon	308-309		Adjourned debate
Health care standards in the Yukon (#143)	McRobb	308		Deferred to next sitting day
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