

LEGISLATIVE & GOVERNMENT  
RELATIONS DIVISION

# JOURNALS

## YUKON LEGISLATIVE ASSEMBLY



**FIRST SESSION**  
(continuation)

**31ST LEGISLATURE**

**October 21, 2004 – December 14, 2004**

**Speaker: The Hon. Ted Staffen**

**No. 92**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

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Thursday, October 21, 2004

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

**INTRODUCTION OF PAGES**

The Speaker informed the Assembly that Aaron Holway, Colin Campbell, Coralie Ullyett and Stuart Murray from Vanier Catholic Secondary School and Aven-Lee Enzenauer, Gareth Sloan, Melissa Grimard and Santina English from Porter Creek Secondary School would be serving as Pages during the Fall Sitting. Santina English and Stuart Murray were introduced and welcomed to the House.

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

Prior to proceeding with the Daily Routine, the Speaker informed the House of changes made to the Order Paper. Motion #75, standing in the name of the Member for Porter Creek South, and Motion #235 standing in the name of the Member for Pelly-Nisutlin were removed from the Order Paper, as the actions requested in those motions had been fulfilled. Motions #187, #188 and #213, standing in the name of the Member for Porter Creek South, Motion #150, standing in the name of the Member for Mount Lorne, and Motion #167, standing in the name of the Member for Mayo-Tatchun had been removed from the Order Paper as they were outdated. Motions #55 and #274, standing in the name of the Member for Porter Creek South, were modified so that the text of the motions remained current.

**TRIBUTES**

**Women's History Month**

The Hon. Ms. Taylor, Minister responsible for the Women's Directorate, Mrs. Peter, Member for Vuntut Gwitchin, and Ms. Duncan, Leader of the Third Party, recognized October as Women's History Month.

**Foster Family Week**

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. McRobb, Member for Kluane, and Ms. Duncan, Leader of the Third Party, recognized October 19 to 25, 2004 as being Foster Family Week.

**Library Week (Yukon)**

The Hon. Mr. Hart, Minister of Community Services, and Mr. Cardiff, Member for Mount Lorne, recognized October 21 to 29, 2004 as the first Yukon Library Week.

**Small Business Week**

The Hon. Mr. Kenyon, Minister of Economic Development, Mr. McRobb, Member for Kluane, and Ms. Duncan, Leader of the Third Party, recognized October 19 to 25, 2004 as being Small Business Week.

**Waste Reduction Week**

Mr. Cardiff, Member for Mount Lorne, recognized October 18 to 24, 2004 as Waste Reduction Week.

**TABLING RETURNS AND DOCUMENTS**

Hon. Mr. Staffen, Speaker

- Conflict of Interest Commission Annual Report for the period ending March 31, 2004 **(Sessional Paper #106)**
- Absence of Members from Sittings of the Legislative Assembly and its Committees: Report of the Clerk of the Legislative Assembly (dated October 21, 2004) **(Sessional Paper #107)**

**PETITIONS**

**Report of the Clerk**

The Clerk reported on Petition #3 as follows:

“Mr. Speaker, and honourable Members of the Assembly:

I have had the honour to review a petition, being Petition #3 of the First Session of the 31<sup>st</sup> Legislative Assembly, as presented by the Member for Mount Lorne on May 18, 2004.

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 #3 was deemed to have been read and received.

**Presentation**

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

- Reaching a fair compensation agreement with the owners of Northern Splendor Reindeer farm **(Petition #4)**

**INTRODUCTION OF BILLS**

Bill #46 - Act to Amend the Oil and Gas Act  
- Hon. Mr. Lang

Bill #47 - Act to Amend the Financial Administration Act  
-Hon. Mr. Fentie

Bill #48 - Act to Amend the Elections Act  
-Hon. Mr. Fentie

- Bill #49 - Act to Amend the Legal Profession Act  
-Hon. Mr. Edzerza
- Bill #50 - Act to Amend the Crime Prevention and Victim Services Trust Act  
- Hon. Mr. Edzerza
- Bill #51 - Act to Amend the Motor Vehicles Act  
-Hon. Mr. Hart
- Bill #53 - Act to Amend the Insurance Act  
-Hon. Mr. Hart
- Bill #54 - Act to Amend the Income Tax Act  
-Hon. Mr. Fentie

### FILED DOCUMENTS

During Question Period, the following documents were filed:

Mr. Fairclough, Member for Mayo-Tatchun

- Carmacks School, construction of: letter from Hon. John Edzerza, Minister of Education (dated April 14, 2004) to Chief Eddie Skookum, Little Salmon/Carmacks First Nation with Resolution of LSCFN attached  
**(Filed Document #47)**

Mr. Hardy, Leader of the Official Opposition

- Northern Splendor Reindeer herd, resolution of situation: letter from Hon. Dennis Fentie, Premier (dated May 18, 2004) to Stella and Lloyd Gregory  
**(Filed Document #48)**
- Northern Splendor Reindeer herd, resolution of situation: letter from Hon. Dennis Fentie, Premier (dated June 4, 2004) to Stella and Lloyd Gregory  
**(Filed Document #49)**
- Northern Splendor Reindeer herd, resolution of situation: letter from Hon. Dennis Fentie, Premier (dated July 26, 2004) to Stella and Lloyd Gregory  
**(Filed Document #50)**
- Northern Splendor Reindeer herd, withdrawal of offer to resolve issue through informal process: Letter from Hon. Dennis Fentie, Premier (dated August 27, 2004) to Stella and Lloyd Gregory  
**(Filed Document #51)**
- Northern Splendor Reindeer Farm, establishment of: letter from Alan J. Hunt, PhD (dated October 24, 2004)  
**(Filed Document #52)**

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The Assembly adjourned at 2:16 p.m. until 1:00 p.m., Monday, October 25, 2004.

**No. 93**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

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Monday, October 25, 2004

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

**TRIBUTES**

**Breast Cancer Awareness Month**

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. McRobb, Member for Kluane, and Ms. Duncan, Leader of the Third Party, recognized October as Breast Cancer Awareness Month.

**World Literacy Award: Peggy Sue Schadl from Watson Lake**

The Hon. Mr. Edzerza, Minister of Education, on behalf of all Members, paid tribute to Grade 5 Johnson Elementary School student, Peggy Sue Schadl, on being the recipient of a national award from World Literacy Canada.

**TABLING RETURNS AND DOCUMENTS**

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

- Electoral Reform: Interim Report (dated July 31, 2004) by Ken McKinnon, Senior Advisor on Electoral Reform **(Sessional Paper #108)**

**PRESENTING REPORTS OF COMMITTEES**

Mr. Hardy, Chair, Public Accounts Committee

- Standing Committee on Public Accounts: First Report (dated July 2, 2004) (Vol. 14) **(Sessional Paper #109)**

**PETITIONS**

**Report of the Clerk**

The Clerk reported on Petition #4 as follows:

“Mr. Speaker, and honourable Members of the Assembly:

I have had the honour to review a petition, being Petition #4 of the First Session of the 31<sup>st</sup> Legislative Assembly, as presented by the Leader of the Official Opposition on October 21, 2004.

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 #4 was deemed to have been read and received.

### INTRODUCTION OF BILLS

Bill #52 - Act to Amend the Education Staff Relations Act and the Public Service Staff Relations Act  
- Hon. Ms. Taylor

### FILED DOCUMENTS

During Question Period, the following documents were filed:

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

- Immigration hearings for refugee claimants, letter from Hon. Peter Jenkins, Minister of Health and Social Services (dated Oct. 5, 2004) to Larry Bagnell, MP, Yukon **(Filed Document #53)**
- Immigration hearings for refugee claimants, letter from Hon. Peter Jenkins, Minister of Health and Social Services (dated Oct. 5, 2004) to Hon. Judy Sgro, Minister, Citizenship and Immigration Canada **(Filed Document #54)**

### GOVERNMENT BILLS (Second Reading)

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

Bill #46 - Act to Amend the Oil and Gas Act  
- Hon. Mr. Lang

Bill #53 - Act to Amend the Insurance Act  
-Hon. Mr. Hart

### COMMITTEE OF THE WHOLE

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

The following Bills were reported without amendment:

Bill #46 - Act to Amend the Oil and Gas Act  
- Hon. Mr. Lang

Bill #53 - Act to Amend the Insurance Act  
-Hon. Mr. Hart

The report of the Chair was adopted.

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The Assembly adjourned at 5:50 p.m. until 1:00 p.m., Tuesday, October 26, 2004.

**No. 94**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

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Tuesday, October 26, 2004

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

**TRIBUTES**

**National Students Against Impaired Driving Day**

The Hon. Mr. Hart, Minister of Highways and Public Works, paid tribute to the 6<sup>th</sup> Annual National Students Against Impaired Driving Day in Canada.

**Block Parents Week**

Mr. McRobb, Member for Kluane, and the Hon. Mr. Edzerza, Minister of Justice, recognized National Block Parents Week as being October 24 to October 30, 2004.

**TABLING RETURNS AND DOCUMENTS**

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

- Motor Vehicle Act Review Survey: conducted for Department of Highways and Public Works by DataPath Systems (Presented June 16, 2004, Updated July 5, 2004) **(Sessional Paper #110)**

**INTRODUCTION OF BILLS**

Bill #105 - Act to Amend the Conflict of Interest (Members and Ministers) Act  
- Mr. Hardy

**NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS**

Pursuant to Standing Order 14.2(7), the Hon. Mr. Jenkins, Government House Leader, identified Motion #332 and Motion #328 as being the items to be called during Government Private Members' Business on Wednesday, October 27, 2004.

**GOVERNMENT BILLS (Second Reading)**

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

Bill #51 - Act to Amend the Motor Vehicles Act  
- Hon. Mr. Hart

**COMMITTEE OF THE WHOLE**

According to Order, the Assembly resolved into Committee of the Whole.  
Progress was reported on the following Bill:

Bill #51 - Act to Amend the Motor Vehicles Act  
- Hon. Mr. Hart

The report of the Chair was adopted.

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The Assembly adjourned at 5:57 p.m. until 1:00 p.m., Wednesday, October 27, 2004.



**No. 95**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

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Wednesday, October 27, 2004

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

**TRIBUTES**

**In remembrance of Elly Porslid**

Ms. Duncan, Leader of the Third Party, on behalf of all Members, paid tribute to Elly Porslid, a long time Yukoner, who passed away on September 1, 2004.

**In recognition of Elijah Smith Elementary School**

The Hon. Mr. Edzerza, Minister of Education, paid tribute to the staff and students at Elijah Smith Elementary School on being in being featured in the "Sharing Our Success" publication.

**PETITIONS (Response to Petition #3)**

The Hon. Mr. Hart, Minister of Community Services, gave an oral response to Petition #3, (received by the House on October 21, 2004) with regard to establishing an independent commission of inquiry re the removal of Dawson City's Mayor and Council.

**INTRODUCTION OF BILLS**

Bill #106 - Act to Amend the Financial Administration Act  
- Mr. Hardy

**FILED DOCUMENTS**

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

- Intergovernmental Agreement between Little Salmon Carmacks First Nation and The Government of Yukon regarding a new school facility **(Filed Document #55)**

**GOVERNMENT PRIVATE MEMBERS' BUSINESS**  
**MOTIONS OTHER THAN GOVERNMENT MOTIONS**

Moved by Mr. Hassard, Member for Pelly-Nisutlin:

THAT this House urges the Yukon Government to work with The Royal Canadian Legion to design and develop a Veterans License Plate in recognition of Yukon veterans and their efforts to protect our country and preserve peace around the world. **(Motion # 332)**

A debate arising on Motion #332 and the question being put, it was agreed to on the following recorded Division:

YEA

Jenkins	Cathers	Fairclough	
Taylor	Rouble	Cardiff	
Edzerza	Hassard	Peter	15
Lang	Hardy	Duncan	
Hart	McRobb	Arntzen	

NAY

0

Moved by Mr. Cathers, Member for Lake Laberge:

THAT this House urges the federal Liberal Government to eliminate the Goods and Services Tax on heating fuels and electricity sold north of the sixtieth parallel in recognition of the colder climate faced in this region and in the spirit of the 1993 Liberal election promise to "scrap and abolish the GST". **(Motion #328)**

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

THAT Motion #328 be amended by adding after the word GST the following:

"and THAT this House urges the Yukon Party Government to make good on a commitment made by the MLA for Klondike to eliminate territorial taxes on gasoline and diesel."

A debate arising on the amendment, it was negatived on the following recorded Division:

YEA

Hardy	Fairclough	Duncan	5
McRobb	Peter		

NAY

Jenkins	Lang	Rouble	
Taylor	Hart	Hassard	9
Edzerza	Cathers	Arntzen	

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The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, October 28, 2004.

**No. 96**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

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Thursday, October 28, 2004

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

**TRIBUTES**

**In recognition of Yukon College Chancellors Sam Johnston and Ken McKinnon**

The Hon. Mr. Edzerza, Minister of Education, Mr. Fairclough, Member for Mayo-Tatchun, and Ms. Duncan, Leader of the Third Party, welcomed and recognized Sam Johnston, former Speaker, as the newly appointed Chancellor of Yukon College and Ken McKinnon, former Chancellor of Yukon College.

**Crime Prevention Week**

The Hon. Mr. Edzerza, Minister of Justice, and Mr. Cardiff, Member for Mount Lorne, recognized October 28 to November 4, 2004 as Crime Prevention Week.

**TABLING RETURNS AND DOCUMENTS**

Hon. Mr. Fentie, Premier

- Public Accounts of the Government of Yukon for the year ended March 31, 2004  
(Sessional Paper #111)

**INTRODUCTION OF BILLS**

Bill #107 - Democratic Reform Act  
- Mr. Hardy

Bill #11 - Fourth Appropriation Act, 2003-04  
-Hon. Mr. Fentie

Bill #12 - Second Appropriation Act, 2004-05  
-Hon. Mr. Fentie

**MONEY MESSAGE**

Bill #11, *Fourth Appropriation Act, 2003-04*, and Bill #12, *Second Appropriation Act, 2004-05*, were accompanied by a money message.

**COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

Bill #51 - Act to Amend the Motor Vehicles Act  
- Hon. Mr. Hart

The report of the Chair was adopted.

**Filed Document**

During debate, the Hon. Mr. Hart, Minister of Highways and Public Works, filed the following document:

- Impoundment of Capital Towing Services flat deck tow truck (Plate #CTB22), letter from Hon. Elaine Taylor, Minister of Justice (dated July 25, 2003) to Rodney Snow, Davis and Company

**(Filed Document #56)**

**Tributes**

**In remembrance of Bert Wybrew**

The Hon. Mr. Hart, Minister of Community Services, and Mr. McRobb, Member for Kluane, paid tribute to Bert Wybrew, a former mayor of Whitehorse, who passed away on October 16, 2004.

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The Assembly adjourned at 6:03 p.m. until 1:00 p.m., Monday, November 1, 2004.

**No. 97**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

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Monday, November 1, 2004

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

**TRIBUTES**

**Down's Syndrome Awareness Week**

Mr. McRobb, Member for Kluane, and the Hon. Mr. Jenkins, Minister of Health and Social Services, recognized November 1 to 7, 2004 as national Down's Syndrome Awareness Week

**Women Abuse Prevention Month**

Mr. McRobb, Member for Kluane, the Hon. Ms. Taylor, Minister responsible for the Women's Directorate, and Ms. Duncan, Leader of the Third Party recognized the month of November 2004 as being Women Abuse Prevention Month.

**GOVERNMENT BILLS (Second Reading)**

The following Bill was called for Second Reading:

Bill #12 - Second Appropriation Act, 2004-05  
- Hon. Mr. Fentie

A debate arising on the motion for Second Reading of Bill #12, entitled Second Appropriation Act, 2004-05, and the time reaching 6:00 p.m. while the Hon. Mr. Edzerza was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. on Tuesday, November 2, 2004, and debate on second reading was accordingly adjourned.

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The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Tuesday, November 2, 2004.

**No. 98**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

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Tuesday, November 2, 2004

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

**TRIBUTES**

**Diabetes Awareness Month**

The Hon. Mr. Jenkins, Minister of Health and Social Services, recognized November as being national Diabetes Awareness Month.

**SPEAKER'S RULING (Re: Standing Order 19(g) - Imputing False or Unavowed Motives)**

Before proceeding with Question Period, the Speaker made the following ruling on a Point of Order raised under Standing Order 19(g) on October 26, 2004 by the Member for Lake Laberge during Question Period:

"The Member for Lake Laberge argued that the Member for Kluane had imputed false or unavowed motives to him by claiming that a notice of motion tabled by the Member for Lake Laberge on October 25, 2004 expressed a desire to abolish the land application process.

The Chair notes that the notice of motion standing in the name of the Member for Lake Laberge urges the government to 'streamline' the land application process. The Member for Kluane described the term 'streamline', in the context of the notice of motion, as a code word for abolition.

The Member for Kluane's suggestion that the Member for Lake Laberge was speaking in code presents a quandary for the Chair. It does not appear that the Member for Kluane questioned the motives of the Member for Lake Laberge. A suggestion that a Member is speaking in code is not a direct accusation that a Member attempted to deliberately mislead the House. However, it appears to the Chair that the Member for Kluane suggested that the Member for Lake Laberge meant something different than he said in putting forward the motion in question. This, however inadvertently, implies some form of deception.

Members are free to express their opinions about the possible consequences of a given course of action. The Member for Kluane may state that the outcome of a streamlined land application process will be different than that imagined by the Member for Lake Laberge. That is a matter for debate. However, Members should keep in mind that all Members are to be treated as honourable in this House. They should be taken at their word without suggestion that they mean something other than they say."

### **FILED DOCUMENTS**

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

- Little Salmon Carmacks First Nation press release (dated November 2, 2004) re: letter from Lizzy Larkin to the Carmacks School Advisory Committee  
**(Filed Document #57)**
- Carmacks Campus (Yukon College), letter (dated June 25, 2004) from Sally Webber, President, Yukon College, to Chief Ed Skookum and Council members, Little Salmon Carmacks First Nations  
**(Filed Document #58)**
- Yukon College, provision of post secondary education and training in Carmacks, letter (dated November 1, 2004) from Shelagh Beairsto, Acting President, Yukon College to Chief Ed Skookum and Council members, Little Salmon Carmacks First Nations  
**(Filed Document #59)**

### **NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS**

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader, identified Bill #107 as being the item to be called during Government Private Members' Business on Wednesday, November 3, 2004.

Pursuant to Standing Order 14.2(3), Ms. Duncan, Leader of the Third Party, identified Motion #209 as being the item to be called during Government Private Members' Business on Wednesday, November 3, 2004.

### **SPEAKER'S STATEMENT (Re: Change to the Order Paper - outdated Motions removed)**

Before proceeding with Orders of the Day, the Speaker informed the House of changes that had been made to the Order Paper. Motion #183 and Motion #307, standing in the name of the Leader of the Third Party, had been removed from the Order Paper as they were now outdated.

### **GOVERNMENT BILLS (Second Reading)**

The following Bill was called for Second Reading:

Bill #12 - Second Appropriation Act, 2004-05  
- Hon. Mr. Fentie

Debate continued (from November 1, 2004) on the motion for Second Reading.

### **Quorum Count**

At 2:31 p.m., during debate on the motion for Second Reading of Bill #12, Mr. Cardiff, Member for Mount Lorne, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(2), the Speaker rang the bells and then did a count. A quorum was present for the count.

Debate continued on the motion for Second Reading of Bill #12, and the question being put, it was agreed to on the following recorded Division:



YEA			
Fentie	Edzerza	Rouble	
Jenkins	Hart	Hassard	10
Taylor	Cathers	Arntzen	
Kenyon			
NAY			
Hardy	Cardiff	Duncan	5
Fairclough	Peter		

Bill #12, entitled *Second Appropriation Act, 2004-05*, 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 #12 - Second Appropriation Act, 2004-05

- Hon. Mr. Fentie

The report of the Chair was adopted.

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The Assembly adjourned at 6:02 p.m. until 1:00 p.m., Wednesday, November 3, 2004.

**No. 99**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Wednesday, November 3, 2004

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

**TRIBUTES**

**In remembrance of Herman Peterson**

Mr. Rouble, Member for Southern Lakes, and Mr. Hardy, Leader of the Official Opposition, paid tribute to Herman Peterson a long time Yukon aviator who passed away on October 20, 2004. Mr. Peterson was inducted into the Yukon Transportation Hall of Fame in 2003 and had been honoured by the B.C. Aviation Council.

**In recognition of Kerry Huff, principal of Porter Creek Secondary School**

The Hon. Mr. Edzerza, Minister of Education, Ms. Duncan, Leader of the Third Party, and Mr. Hardy, Leader of the Official Opposition, recognized Kerry Huff, Principal of Porter Creek Secondary School, who had received recognition from McLean's Magazine for his leadership as principal.

**Mothers Against Drunk Driving and Project Red Ribbon - Tie One On for Safety**

The Hon. Mr. Kenyon, Minister responsible for the Yukon Liquor Corporation and on behalf of the Minister of Highways and Public Works, and Mr. Fairclough, Member for Mayo-Tatchun, recognized Mothers Against Drunk Driving (MADD) and their Red Ribbon Campaign - Tie One On for Safety which runs until January 3, 2005.

**TABLING RETURNS AND DOCUMENTS**

Hon. Ms. Taylor, Minister responsible for the Women's Directorate

- Yukon Advisory Council on Women's Issues 2003/2004 Annual Report  
(Sessional Paper #112)

Hon. Mr. Jenkins, Minister responsible for Yukon Workers' Compensation Health and Safety Board

- Yukon Workers' Compensation Health and Safety Board 2003 Audited Financial Statements  
(Sessional Paper #113)
- Yukon Workers' Compensation Health and Safety Board 2003 Annual Report  
(Sessional Paper #114)

**PETITIONS (Response to Petition #4)**

The Hon. Mr. Jenkins, Minister of Environment, gave an oral response to Petition #4 (received by the House on October 25, 2004) with regard to reaching a fair compensation agreement with the owners of Northern Splendor Reindeer farm.

**FILED DOCUMENT**

During Question Period, Mr. Hardy, Leader of the Official Opposition, filed the following document:

- Carmacks Building Advisory Committee, Yukon College news release (dated November 2, 2004) "College Clarifies Operational Issues at Carmacks Campus"  
**(Filed Document #60)**

**QUESTION OF PRIVILEGE**

Mr. Fairclough, Member for Mayo-Tatchun, rose of a Question of Privilege regarding comments made by the Minister of Education during Question Period on November 2, 2004. The Speaker heard the Question of Privilege and took it under advisement.

**OPPOSITION PRIVATE MEMBERS' BUSINESS**

**BILLS OTHER THAN GOVERNMENT BILLS (Second Reading)**

The following Bill was called for Second Reading:

- Bill #107 - Democratic Reform Act  
- Mr. Hardy

A debate arising on the motion for Second Reading of Bill #107 and the time reaching 6:00 p.m. while Mr. Fairclough, Member for Mayo-Tatchun, 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 #107 was accordingly adjourned.

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The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, November 4, 2004.

**No. 100**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

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Thursday, November 4, 2004

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

**TRIBUTES**

**In recognition of Early Childhood Educator Appreciation Day**

The Hon. Mr. Jenkins, Minister of Health and Social Services, and Mr. McRobb, Member for Kluane, recognized November 5, 2004 as Early Childhood Educator Appreciation Day.

**TABLING RETURNS AND DOCUMENTS**

Hon. Mr. Edzerza, Minister of Justice

- victimLINK: information pamphlet **(Filed Document #61)**

Hon. Ms. Taylor, Minister responsible for the Public Service Commission

- Yukon Public Service Staff Relations Board 2003/2004 Annual Report **(Sessional Paper #115)**
- Yukon Teachers Staff Relations Board 2003/2004 Annual Report **(Sessional Paper #116)**

**SPEAKER'S RULING (Question of Privilege raised on November 3, 2004)**

Before proceeding to Orders of the Day, the Speaker gave the following ruling on the Question of Privilege raised on November 3, 2004 by the Member for Mayo-Tatchun regarding comments made by the Minister of Education, during Question Period on November 2, 2004 .

“The Member for Mayo-Tatchun met the notice requirement found in Standing Order 7(1)(b) by submitting a written notice to the Office of the Speaker by 11:00 a.m. yesterday. 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. In this matter, the event took place on Tuesday, November 2, 2004. It, therefore, meets the ‘earliest opportunity’ requirement by being raised as a Question of Privilege on the following day.

The question for the Chair to decide on, then, is whether the Member for Mayo-Tatchun has raised a question that appears, on the face of it, to be a breach of privilege.

During his presentation the Member for Mayo-Tatchun raised a number of concerns. At the core of his concern were words uttered by the Minister of Education during Question Period on November 2, 2004. These comments were made in response to questions from the Member for Mayo-Tatchun regarding the proposal to build a new school in Carmacks with a Yukon College campus attached to it. The words which offended the Member for Mayo-Tatchun included a reference by the Minister of Education that the Member for Mayo-Tatchun needed to 'look in the mirror to understand where some of the dissension (in the community of Carmacks) is coming from' and the Minister's assertion that the Member for Mayo-Tatchun 'probably' gave notice to the Little Salmon Carmacks First Nation that it could 'build a school anywhere they want in the country.'

The Member for Mayo-Tatchun argued that the Minister's statements were 'inaccurate' and 'inappropriate' and taken together and separately constitute a breach of the Member's privileges. As a remedy the Member for Mayo-Tatchun asked that the Chair require that the Minister withdraw those remarks and apologize for them.

According to *House of Commons Procedure and Practice* the term 'Parliamentary Privilege' refers '...to the rights and immunities that are deemed necessary for the House of Commons, as an institution, and its Members, as representatives of the electorate to fulfil their functions. It also refers to the powers possessed by the House to protect itself, its Members, and its procedures from undue interference, so that it can effectively carry out its principal functions which are to inquire, to debate and to legislate. In that sense parliamentary privilege can be viewed as special advantages which Parliament and its Members need to function unimpeded.'

*House of Commons Procedure and Practice* also informs us 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.' Of these the primary privilege of members - and the one at issue in this case - is freedom of speech in the Assembly.

The Chair finds that there is no apparent Question of Privilege in this case. In raising the Question of Privilege the Member for Mayo-Tatchun explained in detail the words he found to be offensive and why he found them offensive. However, the Member did not demonstrate how the utterance of such words by the Minister of Education negatively affected his ability to exercise his freedom of speech in this Assembly. The chair notes that the Member for Mayo-Tatchun raised a supplementary question on the Carmacks school issue immediately after the Minister's response.

Offensive words, no matter how offensive, do not constitute a breach of privilege. They may constitute a Point of Order. Raising a Point of Order on the basis of offensive language should be done at the time the offensive words are uttered.

Without attempting to rule retroactively on the words uttered by the Minister of Education, the Chair would nonetheless remind the House that he did advise Members against the use of similar expressions on November 1, 2004 during an exchange involving the Premier and the Leader of the Official Opposition.

The Chair hopes that all Members will, in future, keep in mind the kind of disorder that can occur in the House when accusations such as these are made."

**GOVERNMENT BILLS (Second Reading)**

The following Bill was called for Second Reading:

Bill #54 - Act to Amend the Income Tax Act  
- Hon. Mr. Fentie

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

YEA

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

NAY

0

Bill #54, entitled *Act to Amend the Income Tax 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 #12 - Second Appropriation Act, 2004-05  
- Hon. Mr. Fentie

The report of the Chair was adopted.

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The Assembly adjourned at 5:53 p.m. until 1:00 p.m., Monday, November 8, 2004.

**No. 101**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Monday, November 8, 2004

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

**SPEAKER'S STATEMENT (Re: Change to the Order Paper - requested action fulfilled)**

Prior to Daily Routine, the Speaker informed the House of a change that had been made to the Order Paper. Motion #327, standing in the name of the Member for Mount Lorne, had been removed from the Order Paper as the action requested had been fulfilled.

**TRIBUTES**

**Hockey Canada Week**

The Hon. Mr. Hart, Minister of Community Services, Mr. Hardy, Leader of the Official Opposition, and Ms. Duncan, Leader of the Third Party, recognized November 7 to 14, 2004 as Hockey Canada Week .

**FILED DOCUMENTS**

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

- Northern Splendor Reindeer Farm, letter (dated Oct. 25, 2004) from John Russell, Director, Conservation Officer Services, Yukon Environment, to Mr. Tim Gregory, Northern Splendor Reindeer Farm: re release of reindeer into the wild  
**(Filed Document #62)**
- Education, Sharing of responsibility as per Tr'ondëk Hwëch'in Self-Government Agreement, letter (dated Nov. 4, 2004) from Darren Taylor, Chief, Tr'ondëk Hwëch'in to Hon. Dennis Fentie, Premier  
**(Filed Document #63)**

**GOVERNMENT BILLS (Second Reading)**

The following Bill was called for Second Reading:

- Bill #50 - Act to Amend the Crime Prevention and Victim Services Trust Act  
- Hon. Mr. Edzerza

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

YEA		
Jenkins	Cathers	McRobb
Taylor	Rouble	Cardiff
Kenyon	Hassard	Duncan
Edzerza	Hardy	Arntzen
Hart		

13

NAY

0

Bill #50, entitled *Act to Amend the Crime Prevention and Victim Services Trust Act*, was accordingly, referred to Committee of the Whole.

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

Bill #49 - Act to Amend the Legal Profession Act  
- Hon. Mr. Edzerza

#### **COMMITTEE OF THE WHOLE**

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

The following Bills were reported without amendment:

Bill #50 - Act to Amend the Crime Prevention and Victim Services Trust Act  
- Hon. Mr. Edzerza

Bill #49 - Act to Amend the Legal Profession Act  
- Hon. Mr. Edzerza

The report of the Chair was adopted.

#### **GOVERNMENT BILLS (Second Reading)**

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

Bill #52 - Act to Amend the Education Staff Relations Act and the Public Service Staff Relations Act  
- Hon. Ms. Taylor

#### **COMMITTEE OF THE WHOLE**

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

The following Bill was reported without amendment:

Bill #52 - Act to Amend the Education Staff Relations Act and the Public Service Staff Relations Act  
- Hon. Ms. Taylor

Progress was reported on the following Bill:



Bill #51 - Act to Amend the Motor Vehicles Act  
- Hon. Mr. Hart

The report of the Chair was adopted.

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The Assembly adjourned at 5:53 p.m. until 1:00 p.m., Tuesday, November 9, 2004.

**No. 102**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Tuesday, November 9, 2004

---

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

**TRIBUTES**

**In recognition of Marsh Lake Volunteer Department Fire Chief Dennis Levy**

The Hon. Mr. Hart, Minister of Community Services, on behalf of all Members, congratulated Marsh Lake Volunteer Fire Department Chief Dennis Levy on his receiving the Canadian Volunteer Fire Chief of the Year award.

**TABLING RETURNS AND DOCUMENTS**

Hon. Mr. Hart, Minister of Community Services

- Fire Marshal 2003 Annual Report

**(Sessional Paper #117)**

**NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS**

Pursuant to Standing Order 14.2(7), the Hon. Mr. Jenkins, Government House Leader, identified Motion #335 and Motion #333 as being the items to be called during Government Private Members' Business on Wednesday, November 10, 2004.

**GOVERNMENT BILLS (Second Reading)**

The following Bill was called for Second Reading:

Bill #48 - Act to Amend the Elections Act

- Hon. Mr. Jenkins

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

YEA

Taylor	Cathers	Hassard	
Kenyon	Rouble	Arntzen	7
Edzerza			

NAY

Hardy	Peter	Duncan	5
McRobb	Cardiff		

Bill #48, entitled *Act to Amend the Elections Act*, was accordingly, referred to Committee of the Whole.

**COMMITTEE OF THE WHOLE**

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

At 2:56 p.m., the Hon. Mr. Jenkins moved:

THAT the Chief Electoral Officer and the Assistant Chief Electoral Officer be called as witnesses before the Committee of the Whole on November 9, 2004 during consideration of Bill #48, *Act to Amend the Elections Act*.

**(C/W Motion #4)**

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

Pursuant to Committee of the Whole Motion #4, Patrick L. Michael, Chief Electoral Officer, and Jo-Ann Waugh, Assistant Chief Electoral Officer, appeared before Committee during debate on Bill #48 entitled *Act to Amend the Elections Act*.

The following Bill was reported without amendment:

Bill #48 - *Act to Amend the Elections Act*  
- Hon. Mr. Jenkins

Progress was reported on the following Bill:

Bill #51 - *Act to Amend the Motor Vehicles Act*  
- Hon. Mr. Hart

The report of the Chair was adopted.

---

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Wednesday, November 10, 2004.

**No. 103**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Wednesday, November 10, 2004

---

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

**REMEMBRANCE DAY OBSERVANCE - MOMENT OF SILENCE**

The Speaker and the House observed Remembrance Day as follows:

“Before the House goes on to the business of today, we’ll take a few moments to honour the memory of those who gave their lives in the service of Canada. Tomorrow, November 11, is Remembrance Day. On that day services will take place throughout Canada where Yukoners and other Canadians will pay tribute to the men and women who gave their lives defending Canada.

Recently, our Governor General, the Right Honourable Adrienne Clarkson, led a delegation of veterans overseas to commemorate the 60<sup>th</sup> anniversary of the battle for Italy. Almost 100,000 Canadians served in the Italian campaign. Almost 6,000 of them lie buried in war cemeteries in Agira, Cassino and at the Moro River.

While we honour those who served in wartime, the recent death of Lieutenant Chris Saunders on the HMCS Chicoutimi should also serve to remind us that sacrifices borne by our military personnel are not a thing of the past.

As the Yukon Legislative Assembly will not sit tomorrow, it is appropriate for us to observe a moment of silence today. I would ask, therefore, that Members and all others present rise and bow their heads and reflect on the sacrifices of those who gave up everything for us.”

**TRIBUTES**

**In remembrance of Alfred Olsen**

Mr. McRobb, Member for Kluane, paid tribute to Alfred Olsen, who worked for the White Pass and Yukon Route for 23 years. Mr. Olsen passed away on October 19, 2004.

**FILED DOCUMENT**

During Question Period, Mrs. Peter, Member for Vuntut Gwitchin filed the following document:

- Arctic National Wildlife Refuge, protection of: letter (dated November 10, 2004) from Todd Hardy, Leader of the Official Opposition, and Pat Duncan, Liberal Party Leader to George W. Bush, President of the United States

(Filed Document #64)

**GOVERNMENT PRIVATE MEMBERS' BUSINESS**  
**MOTIONS OTHER THAN GOVERNMENT MOTIONS**

Moved by Mr. Rouble, Member for Southern Lakes:

That this House urges the federal Liberal Government to reinstate its funding to the Committee on Abuse in Residential Schools Society. **(Motion #335)**

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

THAT Motion #335 be amended by replacing the wording after the phrase "federal Liberal Government" with the following:

"to ensure that funding is available through the Aboriginal Healing Foundation to continue the positive work of Yukon-based programs such as the Committee on Abuse in Residential Schools Society."

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

A debate arising on the Motion #335 as amended, and the question being put, it was agreed to on the following recorded Division:

YEA

Fentie	Lang	McRobb	
Jenkins	Cathers	Cardiff	
Taylor	Rouble	Duncan	14
Kenyon	Hassard	Arntzen	
Edzerza	Hardy		

NAY

0

Moved by Mr. Hassard, Member for Pelly-Nisutlin:

THAT this House urges the federal Liberal Government to reinstate its funding to Skills Canada. **(Motion #333)**

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

YEA

Fentie	Cathers	Cardiff	
Taylor	Rouble	Peter	
Kenyon	Hassard	Duncan	14
Edzerza	Hardy	Arntzen	
Lang	McRobb		

NAY

0

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Monday, November 15, 2004.

**No. 104**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

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Monday, November 15, 2004

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

**TRIBUTES**

**National Addictions Awareness Week**

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. McRobb, Member for Kluane, and Ms. Duncan, Leader of the Third Party, recognized November 14 to 20, 2004 as being National Addictions Awareness Week.

**Restorative Justice Week**

The Hon. Mr. Edzerza, Minister of Justice, Mr. Cardiff, Member for Mount Lorne, and Ms. Duncan, Leader of the Third Party, recognized November 14 to 21, as being Restorative Justice Week in Canada.

**GOVERNMENT BILLS (Second Reading)**

The following Bill was called for Second Reading:

Bill #11 - Fourth Appropriation Act, 2003-04  
- Hon. Mr. Fentie

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

YEA

Fentie	Hart	McRobb	
Jenkins	Cathers	Fairclough	
Taylor	Rouble	Cardiff	15
Kenyon	Hassard	Peter	
Edzerza	Hardy	Arntzen	

NAY

Duncan			1
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Bill #11, entitled *Fourth Appropriation Act, 2003-04*, 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 #11 - Fourth Appropriation Act, 2003-04  
- Hon. Mr. Fentie

The report of the Chair was adopted.

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The Assembly adjourned at 5:58 p.m. until 1:00 p.m., Tuesday, November 16, 2004.



**No. 105**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Tuesday, November 16, 2004

---

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

**TRIBUTES**

**2004 Canada Senior Games - recognition of the participants and organizers**

The Hon. Mr. Hart, Minister of Community Services, Mr. McRobb, Member for Kluane, and Ms. Duncan, Leader of the Third Party, paid tribute to the participants, volunteers and organizers of the 2004 Canada Senior Games that were held in Whitehorse from September 1 to 5, 2004.

**SPEAKER'S RULING (Re: Accusations)**

Prior to proceeding with Question Period the Speaker, made the following ruling on a Point of Order raised by the Government House Leader on November 9, 2004.

"During Question Period on that day the Leader of the Official Opposition said to the Minister of Education, 'I would like to remind the Minister that negotiations aren't all about money and giving money and expecting to buy people off.' Shortly thereafter, the Government House Leader rose on a Point of Order arguing that the phrase 'buy people off' was not in order. In response the Official Opposition House Leader said, 'The Leader of the Official Opposition accused nobody of doing such a thing. He merely stated a principle. He believed it was wrong to do that.'

The Chair accepts that the argument may be made, as it was by the Official Opposition House Leader, that the Leader of the Official Opposition did not intend to make an accusation.

However, as Members know, context is fundamental to the application of rules and practices regarding words and phrases that are, or are not, in order. In the context of that day's Question Period the phrase 'buy people off' as used by the Leader of the Official Opposition left the impression of an accusation. Members must remember that Question Period can, at times, become confrontational and they should therefore take care to avoid words and phrases that might be taken as an accusation even though that is not their intention."

**NOTICE RE OPPOSITION PRIVATE MEMBERS' BUSINESS**

Pursuant to Standing Order 14.2(3), Ms. Duncan, Leader of the Third Party, identified Motion #275 as being the item to be called during Opposition Private Members' Business on Wednesday, November 17, 2004.

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader, identified Bill #107 as being the item to be called during Opposition Private Members' Business on Wednesday, November 17, 2004.

**COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

Bill #11 - Fourth Appropriation Act, 2003-04  
- Hon. Mr. Fentie

The report of the Chair was adopted.

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The Assembly adjourned at 6:01 p.m. until 1:00 p.m., Wednesday, November 17, 2004.

**No. 106**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Wednesday, November 17, 2004

---

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

**TRIBUTES**

**In recognition of firefighting success**

The Hon. Mr. Hart, Minister of Community Services, on behalf of the Government and the Third Party, and Mr. Cardiff, Member for Mount Lorne, paid tribute to all those who were involved in fire fighting during the 2004 fire season.

**Children's Book Week**

The Hon. Mr. Edzerzra, Minister of Education, and Ms. Duncan, Leader of the Third Party recognized October 30 to November 6, 2004 as being Children's Book Week.

**National Osteoporosis Month**

The Hon. Mr. Jenkins, Minister of Health and Social Services, and Mr. McRobb, Member for Kluane, recognized November as National Osteoporosis Month.

**TABLING RETURNS AND DOCUMENTS**

Hon. Ms. Taylor, Minister of Tourism and Culture

- Yukon Heritage Resources Board 2003/2004 Annual Report (Sessional Paper #118)
- Yukon Geographical Place Names Board 2002/2003 Annual Report (Sessional Paper #119)
- Yukon Arts Centre 2003/2004 Annual Report (Sessional Paper #120)

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

- Fleet Vehicle Agency 2003/2004 Annual Report (Sessional Paper #121)
- Queen's Printer Agency 2003/2004 Annual Report (Sessional Paper #122)

**OPPOSITION PRIVATE MEMBERS BUSINESS**

**MOTIONS OTHER THAN GOVERNMENT MOTIONS**

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

THAT this House recognizes that the Yukon Party Government may use a public-private partnership to finance the construction of the Dawson bridge and urges the

Government of Yukon to conduct full public consultations to develop a public-private partnership policy framework before proceeding with any such plans.

**(Motion #275)**

Debate started on the motion.

**Quorum Count**

At 3:00 p.m., during debate on the motion, Mr. Cathers, Member for Lake Laberge, 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 Mr. Rouble, Member for Southern Lakes, in amendment thereto:

THAT Motion #275 be amended by deleting the expression "before proceeding with any such plans" and substituting for it the following:

"while proceeding with plans to use construction of a bridge at Dawson as the pilot project for public-private partnerships involving the Yukon Government."

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

A debate arising on Motion #275 as amended, it was moved by Mr. Hardy, Leader of the Official Opposition, in amendment thereto:

THAT Motion #275 be amended by replacing the words after the phrase "full public consultations" with the following words:

"to determine if it is in the public interest to pursue a policy of public-private partnerships for this or any other public infrastructure project."

A debate arising on the amendment and the time reaching 6:00 p.m., while the Hon. Mr. Jenkins, Minister of Health and Social Services, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1:00 p.m. on Thursday, November 18, 2004, and debate on the amendment and Motion #275 as amended was accordingly adjourned.

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The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Thursday, November 18, 2004.

**No. 107**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Thursday, November 18, 2004

---

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

**SPEAKER'S STATEMENT (Re: Changes to the Order Paper - removal of Motion)**

Prior to proceeding with the Daily Routine, the Speaker informed the House of a change made to the Order Paper. Motion #90, standing in the name of the Member for Southern Lakes, had been removed from the Order Paper, as it was similar in intent to Motion #335 which was carried on November 10, 2004.

**TRIBUTES**

**National Child Day**

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. McRobb, Member for Kluane, and Ms. Duncan, Leader of the Third Party, recognized November 20, 2004 as National Child Day.

**32<sup>nd</sup> Annual Yukon Geoscience Forum**

The Hon. Mr. Lang, Minister of Energy, Mines and Resources, and Ms. Duncan, Leader of the Third Party, recognized the 32<sup>nd</sup> Yukon Annual Yukon Geoscience Forum taking place in Whitehorse from November 21 to November 24, 2004.

**PETITIONS**

Mrs. Peter, Member for Vuntut Gwitchin, presented the following Petition:

- Wildlife, human conflict

**(Petition #5)**

**GOVERNMENT BILLS (Second Reading)**

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

- Bill #47 - Act to Amend the Financial Administration Act
- Hon. Mr. Fentie

**COMMITTEE OF THE WHOLE**

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

**Chairs Statement (Re: comments made on November 16, 2004)**

Before proceeding to debate on Bill #47, entitled, *Act to Amend the Financial Administration Act*, the Chair gave the following statement:

“The Chair wishes to revisit an issue that came up in Committee of the Whole proceedings on November 16, 2004. The Chair would refer Members to pages 3198 and 3199 of the Blues for that day.

The Committee was continuing general debate on Bill #11, *Fourth Appropriation Act, 2003-2004*. During a speech by Mr. Fairclough, the Chair called Mr. Fairclough to order for using unparliamentary language. Following a brief exchange between Mr. Fairclough and the Chair, Mr. Fairclough said the following:

‘Thank you, Mr. Chair. Everybody's on edge. I know the Minister of Education is and the Premier is for their conduct, and I think the heat is being felt by the Chair too because he is part of the team.’

Those remarks create a problem for the House because they convey the obvious accusation that the Chair is not impartial in his conduct of the business of the Committee.

If Mr. Fairclough has a concern in this regard, he is dealing with it in a way that is procedurally incorrect. It is not in order to reflect on the character or actions of a Presiding Officer during the course of debate. Such reflections could be ruled as being unparliamentary language. Further, the House may take them even more seriously. There are precedents where a House has found such reflections to be a breach of its privileges.

There are two options for Mr. Fairclough if he has a disagreement with the actions of the Chair. The first is found in Standing Order 42(3) which states, in part:

‘The Chair shall maintain order in the Committee of the Whole, deciding all questions of order subject to an appeal to the Speaker.’

This course of action is most likely to be followed if a Member feels the Chair has erred in interpreting or applying the rules of the House.

The language used by Mr. Fairclough, however, indicates something far more serious. His statement that the Chair is ‘part of the team’ indicates a concern that the Chair is not impartial when in the Chair. The proper way to deal with this concern is to bring a substantive motion to the House which would most likely have as its effect, if carried, an expression of non-confidence in the Member in the Chair and the removal of the Member from that position.

The Chair would invite Mr. Fairclough and, indeed, all Members to familiarize themselves with the rules and practices in this regard. In particular, the Chair would wish Members to avoid making casual remarks that reflect on the Presiding Officers of this House. Such remarks undoubtedly lower the public's estimation of not only the Presiding Officer in question but of the Legislative Assembly itself.

The Chair thanks Members for their attention to this statement. Thank you.”

The following Bill was reported without amendment:

Bill #47 - Act to Amend the Financial Administration Act  
- Hon. Mr. Hart

Progress was reported on the following Bill:

Bill #51 - Act to Amend the Motor Vehicles Act  
- Hon. Mr. Hart

The report of the Chair was adopted.

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The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Monday, November 22, 2004.

**No. 108**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Monday, November 22, 2004

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

**PETITIONS**

**Report of the Clerk**

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 First Session of the 31<sup>st</sup> Legislative Assembly, as presented by the Member for Vuntut Gwitchin on November 18, 2004.

It was found when this petition was sent to the Table that two versions of it had been provided. The first is that read to the House by the Member for Vuntut Gwitchin. The second varies from the first in a manner that is significant but not sufficient to affect the validity of the petition.

Petition #5 therefore, meets the requirements as to form of the Standing Orders of the Yukon Legislative Assembly.

The Executive Council response made pursuant to Standing Order 67 should be to the version of the petition read to the House by the Member for Vuntut Gwitchin.

Patrick L. Michael  
Clerk of the Yukon  
Legislative Assembly”

The Speaker ruled that, accordingly, Petition #5 was deemed to have been read and received.

**COMMITTEE OF THE WHOLE**

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

The following Bill was reported without amendment:

Bill #51 - Act to Amend the Motor Vehicles Act  
- Hon. Mr. Hart

Progress was reported on the following Bill:



Bill #12 - Second Appropriation Act, 2004-05  
- Hon. Mr. Hart

The report of the Chair was adopted.

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The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Tuesday, November 23, 2004.

**No. 109**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Tuesday, November 23, 2004

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

**NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS**

Pursuant to Standing Order 14.2(7), the Hon. Mr. Jenkins, Government House Leader, identified Motion #322 and Motion #137 as being the items to be called during Government Private Members' Business on Wednesday, November 24, 2004.

**UNANIMOUS CONSENT REQUESTED TO PROCEED WITH MOTION #366**

The Hon. Mr. Jenkins, Government House Leader, requested, on behalf of the House Leaders, and received unanimous consent to call Motion #366, which the Leader of the Official Opposition gave notice of today, for debate.

**MOTIONS OTHER THAN GOVERNMENT MOTIONS**

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

THAT this House call upon the Government of Yukon to work in conjunction with all other levels of government in the Yukon to convene a territory-wide summit to develop a comprehensive action plan to combat substance abuse, which is a destructive and growing force in both urban and rural areas of the Yukon. **(Motion #366)**

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

YEA

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

NAY

0



**No. 110**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Wednesday, November 24, 2004

---

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

**TRIBUTES**

**In recognition of the Fight Against Child Poverty**

Mr. McRobb, Member for Kluane, on behalf of the Official Opposition and the Third Party, and the Hon. Mr. Jenkins, Minister of Health and Social Services, paid tribute to all who work to fight against child poverty in the Yukon and across Canada.

**TABLING RETURNS AND DOCUMENTS**

Mr. Fairclough, Member for Mayo-Tatchun

- Carmacks, Village of, Open letter to Eric Fairclough, MLA for Mayo-Tatchun (dated November 18, 2004) **(Filed Document #65)**
- Carmacks Campus of Yukon College, letter (dated May 18, 2004) from Lizza Larkin, instructor, to Michael Vance, Chairperson, School Planning Committee **(Filed Document #66)**
- Carmacks Campus of Yukon College, Press Release (dated November 23, 2004) from Cathy Cochrane, citizen of Carmacks **(Filed Document #67)**
- Carmacks Campus of Yukon College, letter to the editor (undated) from Karen Gage, Community Representative, Carmacks School Advisory Committee **(Filed Document #68)**
- Carmacks, Village of, Media Release (undated) Minister bypasses residents on Carmacks School question **(Filed Document #69)**
- Carmacks Campus of Yukon College, Open letter to Mick Larkin (dated November 23, 2004) from Viola Mullett **(Filed Document #70)**

**SPEAKER'S RULING (Re: Notice of Motion by the Member for Kluane)**

Prior to calling Notices of Motion, the Speaker ruled on a Notice of Motion given on November 23, 2004 by the Member for Kluane as follows:

"The Member for Kluane gave notice of Motion #367. As given by the Member, this notice of motion contained in full the text of Motion #83, which, as the Member stated, was given in this House on April 8, 2003.

This presents a procedural difficulty for the Chair. Members are aware that it is in order to have on the Order Paper notices of motion that are similar to one another. It would have been in order, therefore, for the Member for Kluane to have given notice of a motion that was similar in intent or subject matter but textually different from Motion #83.

However, it is not in order to have on the Order Paper two notices of motion that are exactly the same. Members will note that the version of Motion #367 appearing on today's Order Paper is an edited one. This editing was done by the Table Officers under my direction. Nonetheless, the notice of motion remains a problem because calling Motion #367 for debate would, in effect, result in a debate on Motion #83. Therefore, Motion #367 merely serves to put Motion #83 on the Order Paper twice. That is not in order.

Furthermore, the Chair does not wish to see a practice develop where Members are using the House's limited time to place on the Order Paper notices of motion that are, in effect, already there. The Chair therefore orders Motion #367 not be transferred from the Notice Paper to the Order Paper."

**POINT OF ORDER (Re: Content of Motion had already been dealt with)**

Prior to the Speaker calling for Government Private Members' Business, Mr. McRobb, Official Opposition House Leader, rose on a Point of Order. Mr. McRobb stated that the content of Motion #322 which was to be called for debate, had already been dealt with and therefore the motion was outdated.

**SPEAKER'S RULING**

After conferring with the Table Officers, the Speaker made the following ruling:

"Although there are similarities with the Press Release tabled by the Member for Kluane, the Chair is unable to make a ruling. It's beyond the purview of the Chair actually to make that kind of a ruling, so I will allow the debate to go ahead."

**GOVERNMENT PRIVATE MEMBERS' BUSINESS**  
**MOTIONS OTHER THAN GOVERNMENT MOTIONS**

Moved by Mr. Cathers, Member for Lake Laberge:

THAT this House urges the Sport and Culture Ministers of the Yukon Government to work in cooperation with their counterparts from the Northwest Territories and Nunavut and the 2007 Canada Winter Games Host Society to develop a pan-Northern approach to sharing unique northern sports and cultures when the Canada Winter Games come "North of Sixty" for the first time. **(Motion #322)**

Debate started on the motion.

**Quorum Count**

At 1:55 p.m., during debate on Motion #322, the Hon. Mr. Jenkins, Government House Leader, rose on a Point of Order to state that there did not appear to be a quorum present. Pursuant to Standing Order 3(2), the Speaker rang the bells for four minutes and then did a count. A quorum was not present for the count.

Thereupon, the Speaker, pursuant to Standing Order 3(1), adjourned the House at 1:59 p.m. The Members present at the time were: Hon. Mr. Staffen (Speaker in the Chair), Hon. Mr. Jenkins, Hon. Ms. Taylor, Hon. Mr. Kenyon, Hon. Mr. Hart, Mr. Cathers, Mr. Rouble, Mr. Hassard and Mr. Cardiff.

Debate on Motion #322 was accordingly adjourned.

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The Assembly adjourned due to a lack of quorum at 1:59 p.m. until 1:00 p.m., Thursday, November 25, 2004.

**No. 111**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Thursday, November 25, 2004

---

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

**TRIBUTES**

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

The Hon. Mr. Fentie, Premier, Mr. Hardy, Leader of the Official Opposition, and Mrs. Peter, Member for Vuntut Gwitchin, recognized this day as the launch of the White Ribbon Campaign and the International Day for the Elimination of Violence Against Women.

**TABLING RETURNS AND DOCUMENTS**

Mr. Hardy, Leader of the Official Opposition

- Western College of Veterinary Medicine, letter from Todd Hardy (dated November 25, 2004) to Hon. Jim Kenyon re securing a seat for student  
(Filed Document #71)

**COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

Bill #12 - Second Appropriation Act, 2004-05  
- Hon. Mr. Fentie

The report of the Chair was adopted.

---

The Assembly adjourned at 5:56 p.m. until 1:00 p.m., Monday, November 29, 2004.

**No. 112**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Monday, November 29, 2004

---

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

**TABLING RETURNS AND DOCUMENTS**

Mr. Hardy, Leader of the Official Opposition

- Dawson City bridge, letters re: Yukon Government's plan to build a bridge across the Yukon River **(Filed Document #72)**

**COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

- Bill #12 - Second Appropriation Act, 2004-05
- Hon. Mr. Fentie

The report of the Chair was adopted.

---

The Assembly adjourned at 5:52 p.m. until 1:00 p.m., Tuesday, November 30, 2004.



**No. 113**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Tuesday, November 30, 2004

---

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

**NOTICE OF OPPOSITION PRIVATE MEMBERS' BUSINESS**

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader, identified Bill #105 and Bill #107 as being the items to be called during Opposition Private Members' Business on Wednesday, December 1, 2004.

Pursuant to Standing Order 14.2(3), Ms. Duncan, Leader of the Third Party, informed the House that the Third Party Member did not wish to identify any items to be called during Opposition Private Members' Business on Wednesday, December 1, 2004.

**COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

Bill #12 - Second Appropriation Act, 2004-05  
- Hon. Mr. Fentie

The report of the Chair was adopted.

---

The Assembly adjourned at 6:02 p.m. until 1:00 p.m., Wednesday, December 1, 2004.

**No. 114**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Wednesday, December 1, 2004

---

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

**TRIBUTES**

**In remembrance of Pierre Berton**

The Hon. Mr. Jenkins, MLA for Klondike, Mr. Hardy, Leader of the Official Opposition, and Ms. Duncan, Leader of the Third Party, paid tribute to former Yukoner, Pierre Berton who passed away on November 30, 2004. Mr. Berton was well known as an author, historian and a television personality on Front Page Challenge.

**Canada Millennium Scholarship Foundation – recipient Catherine O’Donovan**

The Hon. Mr. Edzerza, Minister of Education, and Mr. Hardy, Leader of the Official Opposition, congratulated Catherine O’Donovan on being a recipient of a first-level excellence award from the Canada Millennium Scholarship Foundation.

**World AIDS Day and Canadian HIV/AIDS Awareness Week**

The Hon. Mr. Jenkins, Minister of Health and Social Services, Mr. McRobb, Member for Kluane, and Ms. Duncan, Leader of the Third Party, recognized December 1, 2004 as World AIDS Day and November 24 to December 1, 2004 as Canadian HIV/AIDS Awareness Week.

**National Safe Driving Week**

The Hon. Mr. Hart, Minister of Highways and Public Works recognized December 1 to 7, 2004 as National Safe Driving Week.

**TABLING RETURNS AND DOCUMENTS**

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

- Yukon Hospital Corporation Financial Statements (dated March 31, 2004)

**(Sessional Paper #123)**

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

- Motor Transport Board 2003/2004 Annual Report

**(Sessional Paper #124)**

**PETITIONS (Response to Petition #5)**

The Hon. Mr. Jenkins, Minister of Environment, gave an oral response to Petition #5 (received by the House on November 22, 2004) with regard to the department's wildlife- human conflict policy.

**OPPOSITION PRIVATE MEMBERS' BUSINESS**  
**BILLS OTHER THAN GOVERNMENT BILLS**

The following Bill was called for Second Reading:

Bill #105 - Democratic Reform Act  
- Mr. Hardy

A debate arising on the motion for Second Reading, it was moved by Mr. Rouble, Member for Southern Lakes in amendment thereto:

THAT the motion for Second Reading of Bill #105 be amended by adding the following:  
"and that it be referred to a Select Committee of the Assembly; and

THAT the membership and mandate of the Select Committee be established by a separate motion of the Assembly following consultation among the House Leaders."

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

YEA

Taylor	Lang	Cathers	
Edzerza	Hart	Rouble	7
		Hassard	

NAY

Hardy	Fairclough	Peter	6
McRobb	Cardiff	Duncan	

Debate arising on the motion for Second Reading as amended, and the question being put, it was negated.

The following Bill was called for Second Reading:

Bill #107 - Democratic Reform Act  
- Mr. Hardy

The debate continuing (from November 3, 2004) on the motion for Second Reading of Bill #107 and the question being put, it was negated.

**COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:  
Bill #12 - Second Appropriation Act, 2004-05  
- Hon. Mr. Fentie

The report of the Chair was adopted.

---

The Assembly adjourned at 5:56 p.m. until 1:00 p.m., Thursday, December 2, 2004.

**No. 115**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Thursday, December 2, 2004

---

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

**TRIBUTES**

**International Day of Disabled Persons**

The Hon. Ms. Taylor, Acting Premier, Mr. McRobb, Official Opposition House Leader, and Ms. Duncan, Leader of the Third Party, recognized Friday, December 3, 2004 as the International Day of Disabled Persons.

**International Volunteer Day**

The Hon. Mr. Hart, Minister of Community Services, Mr. Cardiff, Member for Mount Lorne, and Ms. Duncan, Leader of the Third Party, recognized Sunday, December 5, 2004 as the International Volunteer Day.

**In remembrance of John Anton**

The Hon. Mr. Jenkins, Minister of Health and Social Services, paid tribute to John Anton, a long time Yukon barrister and solicitor, who passed away on November 2, 2004.

**PETITIONS**

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

- Establishing a school in Burwash Landing **(Petition #6)**

**GOVERNMENT MOTIONS**

Moved by the Hon. Mr. Edzerza, Minister of Justice:

THAT the Yukon Legislative Assembly, pursuant to Section 17(1) of the *Human Rights Act*, appoint Melissa Atkinson to be a member of the Yukon Human Rights Commission.  
**(Motion #383)**

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

Moved by the Hon. Mr. Edzerza, Minister of Justice:

THAT the Yukon Legislative Assembly, pursuant to Section 22(2) of the *Human Rights Act*, reappoint Barbara Evans as Chief Adjudicator of the Yukon Human Rights Panel of

Adjudicators, and reappoint Michael Dougherty and Renzo Ordenez de Leon to be members of the Yukon Human Rights Panel of Adjudicators. **(Motion #384)**

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

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

THAT the membership of the Standing Committee on Public Accounts as established by Motion #21 on March 25, 2003, and amended by Motion #301 on May 17, 2004, be further amended by rescinding the appointment of Eric Fairclough and appointing Steve Cardiff to the Committee. **(Motion #348)**

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

### COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #12 - Second Appropriation Act, 2004-05  
- Hon. Mr. Fentie

The report of the Chair was adopted.

---

The Assembly adjourned at 6:02 p.m. until 1:00 p.m., Monday, December 6, 2004.

**No. 116**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Monday, December 6, 2004

---

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

**TRIBUTES**

**National Day of Remembrance and Action on Violence Against Women**

The Hon. Ms. Taylor, Minister responsible for the Womens' Directorate, Mrs. Peter, Member for Vuntut Gwitchin, and Ms. Duncan, Leader of the Third Party, recognized Monday, December 6, 2004 as the National Day of Remembrance and Action on Violence Against Women.

**TABLING RETURNS AND DOCUMENTS**

Hon. Mr. Staffen, Speaker

- Yukon Human Rights Commission 2003/2004 Annual Report  
(Sessional Paper #125)

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

- Yukon Child Care Board 2003/2004 Annual Report (Sessional Paper #126)
- Health Care Insurance Programs, Health Services Branch: Statement of Revenue and Expenditures for the fiscal years 1999/2000 to 2003/04  
(Sessional Paper #127)

**PETITIONS**

The Clerk reported on Petition #6 as follows:

"Mr. Speaker and Honourable Members of the Assembly:

I have had the honour to review a petition, being Petition #6 of the First Session of the 31st Legislative Assembly, as presented by the Member for Kluane on December 2, 2004.

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 #6 was deemed to have been read and received.

**COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:

Bill #12 - Second Appropriation Act, 2004-05  
- Hon. Mr. Fentie

The report of the Chair was adopted.

---

The Assembly adjourned at 6:01 p.m. until 1:00 p.m., Tuesday, December 7, 2004.



**No. 117**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Tuesday, December 7, 2004

---

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

**NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS**

Pursuant to Standing Order 14.2(7), the Hon. Mr. Jenkins, Government House Leader, identified Motion #391 and Motion #322 as being the items to be called during Government Private Members' Business on Wednesday, December 8, 2004.

**COMMITTEE OF THE WHOLE**

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

The following Bill was reported without amendment:

Bill #54 - Act to Amend the Income Tax Act  
-Hon. Mr. Fentie

Progress was reported on the following Bill:

Bill #12 - Second Appropriation Act, 2004-05  
- Hon. Mr. Fentie

The report of the Chair was adopted.

---

The Assembly adjourned at 6:00 p.m. until 1:00 p.m., Wednesday, December 8, 2004.

**No. 118**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Wednesday, December 8, 2004

---

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

**TABLING RETURNS AND DOCUMENTS**

Hon. Mr. Staffen, Speaker

- Ombudsman and Information and Privacy Commission 2003 Annual Report  
(Sessional Paper #128)

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

- Yukon Liquor Corporation 2003/2004 Annual Report (Sessional Paper #129)
- Yukon Housing Corporation 2003/2004 Annual Report (Sessional Paper #130)

**SPEAKER'S RULING**

Prior to proceeding to Question Period, the Speaker provided a ruling on a Point of Order that was raised on December 6 by Mr. McRobb, Official Opposition House Leader, about comments made by the Minister of Education.

"The Chair has reviewed the remarks made by the Minister and agrees that there is a Point of Order. It is unparliamentary to suggest in any way that a Member of this Legislative Assembly does not represent that Member's constituents or that a Member is not acting in the best interests of his or her constituents.

The Chair will also rule on a Point of Order raised yesterday by the Minister of Health and Social Services regarding the use of the phrase 'Peter Principle' by the Member for Kluane. The Chair concurs with the Minister of Health and Social Services that the term, as used in the context it was by the Member for Kluane, was demeaning, and therefore not in order.

The Chair would remind all Members that the very basis of this Legislative Assembly is the belief that all Members are acting honourably. We may disagree, and that disagreement may be very intense, but we must not, and cannot, go down the road of questioning the motives of the colleagues with whom we are disagreeing or making insulting remarks about them. We must always realize that in this democracy others are entitled to their views and positions, no matter how mistaken we believe them to be.

If we do not keep them in mind and we come to think it acceptable that we can insult others or accuse them of not acting honourably, we may find we have done damage to this most valuable

of democratic institutions. I would therefore ask all Members to keep this in mind when they are framing their remarks.”

**GOVERNMENT PRIVATE MEMBERS BUSINESS**  
**MOTIONS OTHER THAN GOVERNMENT MOTIONS**

Moved by Mr. Cathers, Member for Lake Laberge:

THAT this House urges Canada’s Minister for Immigration, Hon. Judy Sgro, to direct her department to fulfill its responsibility to deal with the refugees currently living in the Yukon in a manner that is fair and equitable. **(Motion #391)**

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

YEA		
Fentie	Lang	Cardiff
Jenkins	Cathers	Peter
Taylor	Hassard	Duncan
Kenyon	Hardy	Arntzen
Edzerza	McRobb	

14

NAY

0

Moved by Mr. Cathers, Member for Lake Laberge:

THAT this House urges the Sport and Culture Ministers of the Yukon Government to work in cooperation with their counterparts from the Northwest Territories and Nunavut and the 2007 Canada Winter Games Host Society to develop a pan-Northern approach to sharing unique northern sports and cultures when the Canada Winter Games come “North of Sixty” for the first time. **(Motion #322)**

A debate continuing (from November 24, 2004), on Motion #322, it was agreed to on the following recorded Division:

YEA		
Fentie	Lang	Cardiff
Jenkins	Cathers	Peter
Taylor	Hassard	Duncan
Kenyon	Hardy	Arntzen
Edzerza		

13

NAY

0

**No. 119**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Thursday, December 9, 2004

---

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

**TRIBUTES**

**International Human Rights Day**

The Hon. Mr. Edzerza, Minister of Justice, and Mr. Cardiff, Member for Mount Lorne, recognized Friday, December 10, 2004 as International Human Rights Day.

**In remembrance of Laurel Baldwin**

Ms. Duncan, Leader of the Third Party, paid tribute to long-time Whitehorse General Hospital employee, Laurel Baldwin who passed away on Sunday, June 20, 2004.

**Meritorious Service Decoration – Charlene Alexander as recipient**

The Hon. Ms. Taylor, Minister responsible for the Womens' Directorate, paid tribute to Charlene Alexander on being awarded a Meritorious Service Decoration for founding the Great Northern Arts Festival in 1989.

**TABLING RETURNS AND DOCUMENTS**

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

- Yukon Energy 2003 Annual Report **(Sessional Paper #131)**

**SPEAKER'S RULING (Re: Comments made on December 7, 2004)**

Prior to proceeding with Question Period the Speaker ruled on a Point of Order that was raised by the Member for Kluane on December 7, 2004:

“During Question Period on that day the Minister of Health and Social Services said, ‘I’m sure when the budget next spring is tabled, the Member opposite will vote against it, as he did this last cycle.’ At that point the Member for Kluane raised the Point of Order citing Standing Order 19(e) which says, ‘A Member shall be called to order by the Speaker if that Member reflects upon any vote of the Assembly unless it is that Member’s intention to move that it be rescinded.’

After consulting a variety of procedural authorities, including Beausnesne’s Parliamentary Rules and Forms, House of Commons Procedure and Practice and Erskine May’s Parliamentary Practice, the Chair has concluded that there is no Point of Order.

The term 'vote of the Assembly' as used in Standing Order 19(e) refers to a decision taken by the Assembly as a whole, not the vote of an individual Member of this Assembly on a Bill or motion. The key to understanding the intent of Standing Order 19(e) is in the phrase that refers to a Member intending that the vote in question be rescinded. The vote of an individual Member, on a question already decided, cannot be rescinded. Only a decision of the Assembly as a whole can be rescinded and only if a motion to that effect is put before the Assembly."

**FILED DOCUMENT**

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

- Fish and Wildlife Management Board, letter re appointment to (dated November 29, 2004) from Peter Jenkins, Minister of Environment, Government of Yukon to Hon. Geoff Regan, Minister, Department of Fisheries and Oceans, Government of Canada  
**(Filed Document #73)**

**GOVERNMENT BILLS (Third Reading)**

The following Bill was called for Third Reading:

Bill #46 - Act to Amend the Oil and Gas Act  
-Hon. Mr. Lang

The question being put on the motion for Third Reading of Bill #46, it was agreed to on the following recorded Division:

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

NAY			
			0

Bill #46, entitled, *Act to Amend the Oil and Gas Act*, accordingly passed the House.

The following Bill was called for Third Reading:

Bill #47 - Act to Amend the Financial Administration Act  
-Hon. Mr. Fentie

The question being put on the motion for Third Reading of Bill #47, it was agreed to on the following recorded Division:

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

NAY

0

Bill #47, entitled, *Act to Amend the Financial Administration Act*, accordingly passed the House.

The following Bill was called for Third Reading:

Bill #48 - Act to Amend the Elections Act  
-Hon. Mr. Jenkins

The question being put on the motion for Third Reading of Bill #48, it was agreed to on the following recorded Division:

YEA

Fentie	Lang	McRobb	
Jenkins	Cathers	Fairclough	
Taylor	Rouble	Cardiff	15
Kenyon	Hassard	Peter	
Edzerza	Hardy	Arntzen	

NAY

Duncan			1
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Bill #48, entitled, *Act to Amend the Elections Act*, accordingly passed the House.

The following Bill was called for Third Reading:

Bill #49 - Act to Amend the Legal Profession Act  
-Hon. Mr. Edzerza

The question being put on the motion for Third Reading of Bill #49, it was agreed to on the following recorded Division:

YEA

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

NAY

0

Bill #49, entitled, *Act to Amend the Legal Profession Act*, accordingly passed the House.

The following Bill was called for Third Reading:

Bill #50 - Act to Amend the Crime Prevention and Victim Services Trust Act  
-Hon. Mr. Edzerza

The question being put on the motion for Third Reading of Bill #50, it was agreed to on the following recorded Division:

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

NAY

0

Bill #50, entitled, *Act to Amend the Crime Prevention and Victim Services Trust Act*, accordingly passed the House.

The following Bill was called for Third Reading:

Bill #51 - Act to Amend the Motor Vehicles Act  
-Hon. Mr. Lang

The question being put on the motion for Third Reading of Bill #51, it was agreed to on the following recorded Division:

YEA		
Fentie	Edzerza	Rouble
Jenkins	Lang	Hassard
Taylor	Cathers	Arntzen
Kenyon		

NAY

Hardy	Fairclough	Peter
McRobb	Cardiff	Duncan

Bill #51, entitled, *Act to Amend the Motor Vehicles Act*, accordingly passed the House.

The following Bill was called for Third Reading:

Bill #52 - Act to Amend the Education Staff Relations Act and the Public Service Staff Act  
-Hon. Ms. Taylor

The question being put on the motion for Third Reading of Bill #52, it was agreed to on the following recorded Division:

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

NAY

0

Bill #52, entitled, *Act to Amend the Education Staff Relations Act and the Public Service Staff Relations Act*, accordingly passed the House.

The following Bill was called for Third Reading:

Bill #53 - Act to Amend the Insurance Act  
-Hon. Ms. Taylor

The question being put on the motion for Third Reading of Bill #53, it was agreed to on the following recorded Division:

YEA

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

NAY

0

Bill #53, entitled, *Act to Amend the Insurance Act*, accordingly passed the House.

The following Bill was called for Third Reading:

Bill #54 - Act to Amend the Income Tax Act  
-Hon. Mr. Fentie

The question being put on the motion for Third Reading of Bill #54, it was agreed to on the following recorded Division:

YEA

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

NAY

0

Bill #54, entitled, *Act to Amend the Income Tax Act*, accordingly passed the House.

**COMMITTEE OF THE WHOLE**

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

Progress was reported on the following Bill:



Bill #12 - Second Appropriation Act, 2004-05  
- Hon. Mr. Fentie

The report of the Chair was adopted.



The Assembly adjourned at 6:02 p.m. until 1:00 p.m., Monday, December 13, 2004.

**No. 120**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Monday, December 13, 2004

---

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

**TRIBUTES**

**In remembrance of Jim Slater**

Ms. Duncan, Leader of the Third Party, paid tribute to well-known Yukoner, Jim Slater who passed away on September 23, 2004. Condolences were extended to family and friends.

**Yukon/Stikine Regional Science Fair**

The Hon. Mr. Edzerza, Minister of Education, paid tribute to all students who participated in the Yukon/Stikine Regional Science Fair.

**TABLING RETURNS AND DOCUMENTS**

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

- Yukon Development Corporation, Energy Solutions Centre 2003 Annual Report  
(Sessional Paper #132)

**COMMITTEE OF THE WHOLE**

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

At 1:47 p.m., Committee of the Whole passed the following motion:

THAT David Morrison, President and Chief Executive Officer of Yukon Energy Corporation, appear as a witness in Committee of the Whole from 4:00 p.m. to 6:00 p.m. on Monday, December 13, 2004, to discuss matters relating to the Yukon Energy Corporation. (C/W Motion #6)

Pursuant to Committee of the Whole Motion #6 passed at 1:47 p.m. this day, David Morrison, President and Chief Executive Officer of Yukon Energy Corporation, appeared as a witness before Committee of the Whole from 4:02 p.m. to 5:59 p.m..

Progress was reported on the following Bill:

- Bill #12 - Second Appropriation Act, 2004-05
- Hon. Mr. Fentie

The report of the Chair was adopted.

---

The Assembly adjourned at 6:01 p.m. until 1:00 p.m., Tuesday, December 14, 2004.

**No. 121**

**VOTES AND PROCEEDINGS**

**of the**

**YUKON LEGISLATIVE ASSEMBLY**

**31st Legislative Assembly**

**First Session**

---

Tuesday, December 14, 2004

---

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

**TRIBUTES**

**In recognition of Members of Service and Fraternal Orders**

The Hon. Mr. Jenkins, Minister of Health and Social Services, paid tribute to the service of the many Yukoners who are members of service and fraternal orders.

**TABLING RETURNS AND DOCUMENTS**

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

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Hon. Mr. Edzerza, Minister of Education

- Education, Department of: Public Schools Branch 2003/2004 School Year Annual Report **(Sessional Paper #134)**

Hon. Mr. Lang, Minister responsible for the Property Management Agency

- Property Management Agency 2003/2004 Annual Report **(Sessional Paper #135)**

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

- Government Contracting Summary Report by Department (April 1, 2004 - September 30, 2004) **(Sessional Paper #136)**

Hon. Mr. Jenkins, Minister of Environment

- State of the Environment Report (Yukon) 2002 **(Sessional Paper #137)**
- Yukon Council on the Economy and Environment 2003/2004 Annual Report **(Sessional Paper #138)**

**COMMITTEE OF THE WHOLE**

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

The following Bills were reported without amendment:

- Bill #12 - Second Appropriation Act, 2004-05
- Hon. Mr. Fentie

Bill #11 - Fourth Appropriation Act, 2003-04  
- Hon. Mr. Fentie

The report of the Chair was adopted.

**GOVERNMENT BILLS (Third Reading)**

The following Bill was called for Third Reading:

Bill #11 - Fourth Appropriation Act, 2003-04  
-Hon. Mr. Fentie

The question being put on the motion for Third Reading of Bill #11, it was agreed to on the following recorded Division:

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

NAY			
Hardy	Fairclough	Peter	
McRobb	Cardiff	Duncan	6

Bill #11, entitled *Fourth Appropriation Act, 2003-04*, accordingly passed the House.

The following Bill was called for Third Reading:

Bill #12 - Second Appropriation Act, 2004-05  
-Hon. Mr. Fentie

The question being put on the motion for Third Reading of Bill #12, it was agreed to on the following recorded Division:

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

NAY			
Hardy	Fairclough	Peter	
McRobb	Cardiff	Duncan	6

Bill #12, entitled *Second Appropriation Act, 2004-05*, accordingly passed the House.

**ASSENT TO BILLS**

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

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

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

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

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

- Bill #46 - Act to Amend the Oil and Gas Act  
-Hon. Mr.Lang
- Bill #47 - Act to Amend the Financial Administration Act  
-Hon. Mr. Fentie
- Bill #48 - Act to Amend the Elections Act  
-Hon. Mr. Jenkins
- Bill #49 - Act to Amend the Legal Profession Act  
-Hon. Mr. Edzerza
- Bill #50 - Act to Amend the Assessment and Taxation Act  
-Hon. Mr. Edzerza
- Bill #51 - Act to Amend the Motor Vehicles Act  
-Hon. Mr. Lang
- Bill #52 - Act to Amend the Education Staff Relations Act and the Public Service Staff Relations Act  
-Hon. Ms. Taylor
- Bill #53 - Act to Amend the Insurance Act  
-Hon. Ms. Taylor
- Bill #54 - Act to Amend the Income Tax Act  
-Hon. Mr. Fentie
- Bill #11 - Fourth Appropriation Act, 2003-04  
- Hon. Mr. Fentie
- Bill #12 - Second Appropriation Act, 2004-05  
-Hon. Mr. Fentie

The Commissioner assented the Bills:

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

The Commissioner then retired from the Chamber.

#### **ADJOURNMENT OF THE HOUSE**

The Speaker stated:

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

---

The Assembly adjourned at 5:07 p.m..

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**Thirty-first Legislature**

**October 21, 2004 – December 14, 2004**

## YUKON LEGISLATIVE ASSEMBLY

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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

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52	Education Staff Relations Act and the Public Service Staff Relations Act, Act to Amend the	04-10-25	04-11-08	04-11-08	04-12-09	04-12-14
48	Elections Act, Act to Amend the	04-10-21	04-11-09	04-11-09	04-12-09	04-12-14
47	Financial Administration Act	04-10-21	04-11-18	04-11-18	04-12-09	04-12-14
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53	Insurance Act, Act to Amend the	04-10-21	04-10-25	04-11-08	04-12-09	04-12-14
49	Legal Profession Act, Act to Amend the	04-10-21	04-11-08	04-11-08	04-12-09	04-12-14
51	Motor Vehicles Act, Act to Amend the	04-10-21	04-10-26	04-11-22	04-12-09	04-12-14
46	Oil and Gas Act, Act to Amend the	04-10-21	04-10-25	04-11-25	04-12-09	04-12-14
12	Second Appropriation Act, 2004-05	04-10-28	04-11-02	04-12-14	04-12-14	04-12-14

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