

JOURNALS

**YUKON
LEGISLATIVE ASSEMBLY**



FIRST SESSION

32nd LEGISLATURE

March 20, 2008 – May 15, 2008

Speaker: The Hon. Ted Staffen

No. 73

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Thursday, March 20, 2008

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

INTRODUCTION OF PAGES

The Speaker informed the Assembly that Annina Altherr, Aven Knutson, Taylor McIsaac and Drew Spicer from F.H. Collins Secondary School and Keely Boyko, Angellina Burns, Kelly Panchyshyn and Tessa Vibe from Vanier Catholic Secondary School would be serving as Pages during the Spring Sitting. Tessa Vibe and Keely Boyko were introduced and welcomed to the House.

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

Prior to proceeding with the Daily Routine, the Speaker informed the House of changes made to the Order Paper. Motion #224 and Motion for the Production of Papers #6, standing in the name of Mr. Mitchell, Leader of the Official Opposition, Motion Nos. 17 and 175, standing in the name of Mr. Elias, Member for Vuntut Gwitchin, and Motion Nos. 19 and 176 standing in the name of Mr. Fairclough, the Member for Mayo-Tatchun, had been removed from the Order Paper, at the request of those Members. Motion Nos. 31, 174 and 266, standing in the name of Mr. Mitchell, Motion Nos. 185 and 255 standing in the name of Mr. Hardy, Leader of the Third Party, Motion #52, standing in the name of Mr. Fairclough, Motion #79, standing in the name of Mr. Cardiff, the Member for Mount Lorne, Motion Nos. 99 and 100 standing in the name of Mr. Inverarity, and Motion #164 standing in the name of Mr. McRobb, the Member for Kluane, had been removed from the Order Paper as they were outdated. Further, Motion #199, standing in the name of Mr. Inverarity, had been removed from the Order Paper as the action requested in the motion had been fulfilled.

INTRODUCTION OF BILLS

Bill #9 - Third Appropriation Act, 2007-08
-Hon. Mr. Fentie

Bill #10 - Interim Supply Appropriation Act, 2008-09
-Hon. Mr. Fentie

Bill #11 - First Appropriation Act, 2008-09
-Hon. Mr. Fentie

Bill #53 - Act to Amend the Tobacco Tax Act
-Hon. Mr. Fentie

MONEY MESSAGE

Bill #9, Third Appropriation Act, 2007-08, Bill #10, Interim Supply Appropriation Act, 2008-09 and Bill #11, First Appropriation Act, 2008-09, were accompanied by a money message.

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #11 - First Appropriation Act, 2008-09
-Hon. Mr. Fentie

Thereupon, the Hon. Mr. Fentie delivered the 2008-09 Budget Speech.

Moved by Mr. Mitchell, Leader of the Official Opposition:
THAT debate be now adjourned.

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

The Assembly adjourned at 4:03 p.m. until 1:00 p.m., Tuesday, March 25, 2007.

No. 74

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Tuesday, March 25, 2008

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

TABLING RETURNS AND DOCUMENTS

Hon. Ted Staffen, Speaker

- Yukon Electoral District Boundaries Commission: Final Report 2008
(Sessional Paper #61)
- Auditor General of Canada, Office of the: Government of Yukon's Role in the
2007 Canada Winter Games (February 2008) (Sessional Paper #62)
- Auditor General of Canada, Office of the: Government of Yukon's Investment in
Asset-backed Commercial Paper, Department of Finance (February 2008)
(Sessional Paper #63)

INTRODUCTION OF BILLS

- Bill #46 - Act to Amend the Liquor Act
-Hon. Mr. Kenyon
- Bill #47 - Miscellaneous Statute Law Amendment Act, 2008
-Hon. Ms. Horne
- Bill #48 - Act to Amend the Summary Convictions Act
-Hon. Ms. Horne
- Bill #49 - Act to Amend the Financial Administration Act
-Hon. Mr. Fentie

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Mr. Cathers, Government House Leader, informed the House that the Government Private Member did not wish to identify any items to be called on Wednesday, March 26, 2008 under Government Private Members' Business.

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

- Bill #11 - First Appropriation Act, 2008-09
-Hon. Mr. Fentie

The debate continuing on the motion for Second Reading of Bill #11, entitled First Appropriation Act, 2008-09, and the time approaching 5:30 p.m., it was moved by the Hon. Mr. Lang, Minister of Highways and Public Works:

“THAT debate be now adjourned.”

The question being put, it was agreed to, and debate on Second Reading of Bill #11 was accordingly adjourned.

The Assembly adjourned at 5:27 p.m. until 1:00 p.m., Wednesday, March 26, 2008.

No. 75

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Wednesday, March 26, 2008

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

INTRODUCTION OF BILLS

Bill #50 - Child and Family Services Act
-Hon. Mr. Cathers

Bill #51 - International Child Abduction (Hague Convention) Act
-Hon. Mr. Cathers

Bill #52 - Workers' Compensation Act
-Hon. Mr. Cathers

SPEAKERS STATEMENT

Prior to proceeding with Question Period, the Speaker made the following statement re comments made in the House on the previous sitting day:

"During Question Period the Hon. Premier, in response to a question from the Leader of the Official Opposition, said:

'I can assure the member just one thing. If this government ever -- and I doubt it is going to happen -- has to be faced with reducing investment, the first cut we will make is the member's wages.'

The Chair realizes that Members engage rather enthusiastically in the cut and thrust of debate. Nonetheless even where Members cross swords there are lines that should not be crossed. Whether the Hon. Premier intended it or not his words imply a threat to the Leader of the Official Opposition in response to that Member's actions in this House. That is not appropriate and I would ask him to choose his words more carefully in the future.

Also, during debate on Bill #11 the Leader of the Official Opposition used the word 'arrogant' to describe the Hon. Premier and/or the Government. The Chair would remind the Leader of the Official Opposition that this word has been ruled out of order in the past, where it has been used as a personal insult, as this contravenes Standing Order 19(i).

The House will now proceed with Question Period."

UNANIMOUS CONSENT TO CALL BILL #104

The Hon. Brad Cathers, Government House Leader, pursuant to Standing Order 14.3, requested the unanimous consent of the House to call Bill #104, entitled Smoke-free Places Act, standing in the name of the Leader of the Third Party.

The Speaker, reminded the House that Bill #104 was in Committee of the Whole and should unanimous consent be granted, the House would automatically resolve into Committee of the Whole.

Unanimous consent was granted and the House resolved into Committee of the Whole.

COMMITTEE OF THE WHOLE

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

The following Bill was reported with amendments:

Bill #104 - Smoke-free Places Act
- Mr. Hardy

The report of the Chair was adopted.

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #11 - First Appropriation Act, 2008-09
-Hon. Mr. Fentie

The debate continuing (from March 25) on the motion for Second Reading of Bill #11, entitled First Appropriation Act, 2008-09, and the time approaching 5:30 p.m., it was moved by Mr. Elias, Member for Vuntut Gwitchin:

“THAT debate be now adjourned.”

The question being put, it was agreed to, and debate on Second Reading of Bill #11 was accordingly adjourned.

The Assembly adjourned at 5:27 p.m. until 1:00 p.m., Thursday, March 27, 2008.

No. 76

VOTES AND PROCEEDINGS
of the
YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Thursday, March 27, 2008

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

TABLING RETURNS AND DOCUMENTS

Hon. Ted Staffen, Speaker

- Absence of Members from Sitting so the Legislative Assembly and its Committees: Report of the Clerk of the Legislative Assembly on (dated March 27, 2008) **(Sessional Paper #64)**

Mr. Inverarity, Member for Porter Creek South

- Yukon Zone of the British Columbia and Yukon Hotels' Association Tourism Presents Election Issues and response from Dennis Fentie, Leader, Yukon Party (dated October 2002) **(Filed Document #48)**

GOVERNMENT BILLS (Second Reading)

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

Bill #10 - Interim Supply Appropriation Act, 2008-09
-Hon. Mr. Fentie

COMMITTEE OF THE WHOLE

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

The following Bill was reported without amendment:

Bill #10 - Interim Supply Appropriation Act, 2008-09
-Hon. Mr. Fentie

The report of the Chair was adopted.

UNANIMOUS CONSENT TO PROCEED WITH THIRD READING OF BILL #10

The Hon. Brad Cathers, Government House Leader, pursuant to Standing Order 14.3, requested unanimous consent of the House to proceed with Third Reading of Bill #10, entitled Interim Supply Appropriation Act, 2008-09. Unanimous consent was granted.

GOVERNMENT BILLS (Third Reading)

The following Bill was read a third time and passed:

Bill #10 - Interim Supply Appropriation Act, 2008-09
-Hon. Mr. Fentie

ASSENT TO BILL

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

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

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

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

The Clerk of the Assembly, Floyd McCormick, then read the title of the Bill which had been passed as follows:

Interim Supply Appropriation Act, 2008-09

The Commissioner assented to the Bill:

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

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #11 - First Appropriation Act, 2008-09
-Hon. Mr. Fentie

The debate continuing (from March 25 and March 26) on the motion for Second Reading of Bill #11, entitled First Appropriation Act, 2008-09, and the time approaching 5:30 p.m., it was moved by the Hon. Mr. Cathers, Minister of Health and Social Services:

"THAT debate be now adjourned."

The question being put, it was agreed to, and debate on Second Reading of Bill #11 was accordingly adjourned.

The Assembly adjourned at 5:26 p.m. until 1:00 p.m., Monday, March 31, 2008.

No. 77

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Monday, March 31, 2008

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

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

Prior to proceeding with the Daily Routine, the Speaker informed the House of a change made to the Order Paper. Motion #251, standing in the name of the Hon. Mr. Cathers, had been removed from the Order Paper at the request of the Member.

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #11 - First Appropriation Act, 2008-09
-Hon. Mr. Fentie

Debate continued (from March 27, 2008) on the motion for Second Reading.

Quorum Count

At 2:08 p.m., during debate on the motion for Second Reading of Bill #11, the Hon. Mr. Cathers, Government House Leader, rose on 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 #11, and the question being put, it was agreed to on the following recorded Division:

YEA			
Fentie	Kenyon	Horne	
Cathers	Rouble	Hart	9
Taylor	Lang	Nordick	
NAY			
Mitchell	Inverarity	Edzerza	5
McRobb	Cardiff		

Bill #11, entitled First Appropriation Act, 2008-09, was accordingly referred to Committee of the Whole.

The following Bill was called for Second Reading:

Bill #9 - Third Appropriation Act, 2007-08
-Hon. Mr. Fentie

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

YEA			
Fentie	Kenyon	Horne	
Cathers	Rouble	Hart	9
Taylor	Lang	Nordick	
NAY			
Mitchell	Fairclough	Cardiff	6
McRobb	Inverarity	Edzerza	

Bill #9, entitled Third Appropriation Act, 2007-08, was accordingly referred to Committee of the Whole.

The following Bill was called for Second Reading:

Bill #53 - Act to Amend the Tobacco Tax Act
-Hon. Mr. Fentie

The debate having started on the motion for Second Reading of Bill #53, entitled Act to Amend the Tobacco Tax Act, and the time approaching 5:30 p.m., it was moved by Mr. Mitchell, Member for Copperbelt:

“THAT debate be now adjourned.”

The question being put, it was agreed to, and debate on Second Reading of Bill #53 was accordingly adjourned.

The Assembly adjourned at 5:25 p.m. until 1:00 p.m., Tuesday, April 1, 2008.

No. 78

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Tuesday, April 1, 2008

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

TABLING RETURNS AND DOCUMENTS

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

- Highways and Public Works: 2007/2008 Progress Report on Recommendations from the Auditor General and the Public Accounts Committee, Spring 2008 (dated March 2008) **(Sessional Paper #65)**

NOTICE OF OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader, identified Motion #346 and Motion #352 as being the items to be called during Opposition Private Members' Business on Wednesday, April 2, 2008.

Pursuant to Standing Order 14.2(3), Mr. Edzerza, Acting Third Party House Leader, identified Motion #355 and Motion #349 as being the items to be called during Opposition Private Members' Business on Wednesday, April 2, 2008.

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

- Bill #53 - Act to Amend the Tobacco Tax Act
-Hon. Mr. Fentie

The debate continuing (from March 31, 2008) on the motion for Second Reading and the question being put, it was agreed to and Bill #53 was referred to Committee of the Whole.

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

- Bill #48 - Act to Amend the Summary Convictions Act
-Hon. Ms. Horne
- Bill #47 - Miscellaneous Statute Law Amendment Act, 2008
-Hon. Ms. Horne

Bill #49 - Act to Amend the Financial Administration Act
-Hon. Mr. Fentie

Bill #51 - International Child Abduction (Hague Convention) Act
-Hon. Mr. Cathers

Bill #50 - Child and Family Services Act
-Hon. Mr. Cathers

The following Bill was called for Second Reading:

Bill #52 - Workers' Compensation Act
-Hon. Mr. Cathers

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

YEA			
Fentie	Lang	Mitchell	
Cathers	Horne	McRobb	12
Taylor	Hart	Fairclough	
Rouble	Nordick	Edzerza	
NAY			
			0

Bill #52, entitled Workers' Compensation Act, was accordingly, referred to Committee of the Whole.

COMMITTEE OF THE WHOLE

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

The following Bills were reported without amendment:

Bill #48 - Act to Amend the Summary Convictions Act
-Hon. Ms. Horne

Bill #47 - Miscellaneous Statute Law Amendment Act, 2008
-Hon. Ms. Horne

The report of the Chair was adopted.

The Assembly adjourned at 5:19 p.m. until 1:00 p.m., Wednesday, April 2, 2008.

No. 79

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Wednesday, April 2, 2008

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

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

Prior to proceeding with the Daily Routine, the Speaker informed the House of changes made to the Order Paper. Motion #340 and Motion for the Production of Papers #9, standing in the name of Mr. McRobb, the Member for Kluane, had been removed from the Order Paper as the action requested in those motions had been fulfilled.

TABLING RETURNS AND DOCUMENTS

Mr. Inverarity, Member for Porter Creek South

- Conflict of Interest, re Minister responsible for the Yukon Liquor Corporation: letter (dated April 1, 2008) from Premier Fentie to David Jones, Conflict of Interest Commissioner **(Filed Document #49)**

PRESENTING REPORTS OF COMMITTEES

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

- Standing Committee on Appointments to Major Government Boards and Committees: Fourth Report (dated January 18, 2008) **(Sessional Paper #66)**
- Standing Committee on Appointments to Major Government Boards and Committees: Fifth Report (dated January 28, 2008) **(Sessional Paper #67)**

GOVERNMENT HOUSE LEADER'S REPORT (Length of Sitting)

The Hon. Mr. Cathers, Government House Leader, rose pursuant to Standing Order 75(4) to inform the House that the House Leaders had met for the purpose of achieving agreement on the maximum number of sitting days for the current Sitting. Further, pursuant to Standing Order 75(4), the Hon. Mr. Cathers informed the House that the House Leaders had agreed that the current sitting should be a maximum of 32 sitting days, with the 32nd sitting day being May 15, 2008.

The Speaker, pursuant to Standing Order 75(4), declared that the current sitting shall be a maximum of 32 sitting days, with the last sitting day being May 15, 2008.

OPPOSITION PRIVATE MEMBERS' BUSINESS

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

THAT this House urges the Deputy Premier to explain to Yukoners why she said in the Legislative Assembly that \$36.5 million in investments, made by the Government of Yukon, were guaranteed by a bank when in fact they were not. **(Motion #346)**

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

YEA			
Mitchell	Fairclough	Hardy	5
McRobb	Inverarity		
NAY			
Fentie	Rouble	Hart	
Cathers	Lang	Nordick	8
Taylor	Horne		

Moved by Mr. Hardy, Leader of the Third Party:

THAT this House urges the Standing Committee on Rules, Elections and Privileges to adopt clear rules that would allow members of the Yukon public who will be directly affected by any significant new legislation that is being proposed to appear as witnesses before Committee of the Whole when that legislation is being considered; and

THAT the Government House Leader make appropriate arrangements with the Opposition House Leaders to facilitate the appearance of witnesses during Committee of the Whole debates on such legislation. **(Motion #355)**

The debate started on the motion and the time approaching 5:30 p.m., it was moved by the Hon. Ms. Taylor, Member for Whitehorse West:

“THAT debate be now adjourned.”

The question being put, it was agreed to, and debate on Motion #355 was accordingly adjourned.

The Assembly adjourned at 5:29 p.m. until 1:00 p.m., Thursday, April 3, 2008.

No. 80

VOTES AND PROCEEDINGS
of the
YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Thursday, April 3, 2008

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

SPEAKER'S STATEMENT (Re: Tabling Lapel Pins)

Prior to proceeding with the Daily Routine, the Speaker made a statement regarding an event that occurred on Wednesday, April 2, 2008 during tabling returns and documents.

"At that time, the Leader of the Third Party sent to the table a number of lapel pins that had been issued to him by the Legislative Assembly Office. That action was not in order.

Some Members may recall that on May 2, 2001, the former Member for Klondike attempted to table road fragments. The Speaker at the time ruled that the materials presented by the Member for tabling were not documents and were therefore not acceptable for placement in the working papers of the Assembly.

The Chair now reiterates that ruling for the Leader of the Third Party. The Chair appreciates that Members feel passionately about public issues, but that does not preclude them from following proper practice in this House. We will now proceed with the Order Paper."

TABLING RETURNS AND DOCUMENTS

Mr. Inverarity, Member for Porter Creek South

- Conflict of Interest, re Minister responsible for the Yukon Liquor Corporation:
letter (dated April 3, 2008) from Mr. Inverarity, MLA for Porter Creek South, to
David Jones, Conflict of Interest Commissioner **(Filed Document #50)**

COMMITTEE OF THE WHOLE

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

At 1:43 p.m., Committee of the Whole passed the following motion:

THAT, Craig Tuton, Chair of the Yukon Workers' Compensation Health and Safety Board, and Valerie Royle, President and Chief Executive Officer of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses in Committee of the Whole on Thursday, April 3, 2008, to discuss matters relating to the *Workers' Compensation Act*.

(C/W Motion #4)

Pursuant to Committee of the Whole Motion #4 passed at 1:43 p.m. this day, Craig Tuton, Chair of the Yukon Workers' Compensation Health and Safety Board, and Valerie Royle, President and Chief Executive Officer of the Yukon Workers' Compensation Health and Safety Board, appeared as witnesses in Committee of the Whole from 2:05 p.m. to 5:30 p.m.

Progress was reported on the following Bill:

Bill #52 - Workers' Compensation Act
-Hon. Mr. Cathers

The report of the Chair was adopted.

The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Monday, April 7, 2008.

No. 81

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Monday, April 7, 2008

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

COMMITTEE OF THE WHOLE

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

At 1:43 p.m., Committee of the Whole passed the following motion:

THAT, Craig Tuton, Chair of the Yukon Workers' Compensation Health and Safety Board, and Valerie Royle, President and Chief Executive Officer of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses in Committee of the Whole on Monday, April 7, 2008, to discuss matters relating to Bill #52, Workers' Compensation Act. **(C/W Motion #5)**

Pursuant to Committee of the Whole Motion #5 passed at 1:43 p.m. this day, Craig Tuton, Chair of the Yukon Workers' Compensation Health and Safety Board, and Valerie Royle, President and Chief Executive Officer of the Yukon Workers' Compensation Health and Safety Board, appeared as witnesses in Committee of the Whole from 2:04 p.m. to 5:28 p.m.

Progress was reported on the following Bill:

Bill #52 - Workers' Compensation Act
-Hon. Mr. Cathers

The report of the Chair was adopted.

The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Tuesday, April 8, 2008.

No. 82

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Tuesday, April 8, 2008

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

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Fentie, Premier

- Conflict of Interest, re Minister responsible for the Yukon Liquor Corporation: letter (dated April 8, 2008) from David Jones, Conflict of Interest Commissioner, to the Hon. Mr. Fentie, Premier **(Sessional Paper #68)**

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Mr. Cathers, Government House Leader, identified Motion #374 and Motion #234 as being the items to be called during Government Private Members' Business on Wednesday, April 9, 2008.

COMMITTEE OF THE WHOLE

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

At 1:43 p.m., the Hon. Mr. Cathers moved:

THAT pursuant to Standing Order 60(1), Bill #104, Smoke-free Places Act, be reprinted and tabled in the Legislative Assembly in its reprinted form before the House proceeds with Third Reading and the passage of said Bill. **(C/W Motion #6)**

The question being put, it was agreed to.

At 1:44 p.m., Committee of the Whole passed the following motion:

THAT, Craig Tuton, Chair of the Yukon Workers' Compensation Health and Safety Board, and Valerie Royle, President and Chief Executive Officer of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses in Committee of the Whole on Tuesday, April 8, 2008, to discuss matters relating to Bill #52, Workers' Compensation Act. **(C/W Motion #7)**

Pursuant to Committee of the Whole Motion #7 passed at 1:44 p.m. this day, Craig Tuton, Chair of the Yukon Workers' Compensation Health and Safety Board, and Valerie Royle, President and Chief Executive Officer of the Yukon Workers' Compensation Health and Safety Board, appeared as witnesses in Committee of the Whole from 2:06 p.m. to 3:28 p.m.

The following Bill was reported with amendment:

Bill #52 - Workers' Compensation Act
-Hon. Mr. Cathers

The following Bills were reported without amendment:

Bill #53 - Act to Amend the Tobacco Tax Act
-Hon. Mr. Fentie

Bill #49 - Act to Amend the Financial Administration Act
-Hon. Mr. Fentie

Progress was reported on the following Bill:

Bill #9 - Third Appropriation Act, 2007-08
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:23 p.m. until 1:00 p.m., Wednesday, April 9, 2008.

No. 83

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Wednesday, April 9, 2008

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

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Staffen, Speaker

- Conflict of Interest, re complaint by Mr. Don Inverarity, MLA about Minister Archie Lang, MLA: Report (dated April 8, 2008) of the Conflict of Interest Commissioner, David P. Jones, to the Hon. Ted Staffen, Speaker

(Sessional Paper #69)

INTRODUCTION OF BILLS

Under Introduction of Bills, Mr. Hardy, Leader of the Third Party, stated:

“Pursuant to Committee of the Whole Motion #6, I have for tabling a reprinted version of Bill #104, Smoke-free Places Act. The reprinted version is in both English and French, and incorporates the amendments agreed to in Committee of the Whole. This Bill contains what I believe to be a true translation into French of the English text of Bill #104, Smoke-free Places Act, as amended.”

- Smoke-free Places Act: reprinted English and French with amendments

(Sessional Paper #70)

GOVERNMENT PRIVATE MEMBERS' BUSINESS

Moved by Mr. Nordick, Member for Klondike:

THAT this House establish an all-party Select Committee on Human Rights,

THAT Hon. Marian Horne be the chair of the Committee,

THAT the honourable members Don Inverarity and Steve Cardiff be appointed to the Committee,

THAT Bill #102 entitled An Act to Amend the Human Rights Act be referred to the Committee,

THAT the Committee hold hearings for receiving the views and opinions of the Yukon Human Rights Commission, Yukon citizens and interested groups on legislative amendments to the *Human Rights Act*,

THAT decisions by the Committee require unanimous agreement by members of the Committee,

THAT the Committee report to the Legislative Assembly no later than the 15th sitting day of the next regular sitting of the Legislative Assembly:

- (1) its findings, if any, relating to public opinion for legislative change,
- (2) its recommendations, if any, regarding what form legislation implementing changes recommended by the Committee should take,

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

THAT during its review of public opinion on legislative options for amending the *Human Rights Act*, the Committee be empowered:

- (1) to invite the members of the Yukon Human Rights Commission to appear as witnesses,
- (2) to invite officials from the Government of Yukon to appear as witnesses on technical matters,
- (3) to engage a technical expert who is not a Member of the Legislative Assembly or an employee of the Government of Yukon to act as a facilitator in providing information at the public hearings,
- (4) to invite such other persons as it deems necessary to appear as witnesses on technical matters,
- (5) to hold public hearings,
- (6) to print such papers and evidence as may be ordered by it; and

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee. **(Motion #374)**

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

Moved by Mr. Nordick, Member for Klondike:

THAT this House urges Fisheries and Oceans Canada in conjunction with the Government of Yukon to support the implementation of the new regime for managing placer mining activity through operation of the Yukon Placer Secretariat that will:

- (1) provide ongoing oversight to the new placer mining regulatory regime,
- (2) resolve disputes,
- (3) coordinate the adaptive management process; and
- (4) provide a means for stakeholders and interested parties to continue to participate in habitat management decisions related to placer mining. **(Motion #234)**

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

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

NAY

0

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #9 - Third Appropriation Act, 2007-08
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:26 p.m. until 1:00 p.m., Thursday, April 10, 2008.

No. 84

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Thursday, April 10, 2008

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

TABLING RETURNS AND DOCUMENTS

Mr. Mitchell, Leader of the Official Opposition

- Child and Family Services Act, Bill #50: letter (dated April 10, 2008) from Chief Darren Taylor, Tr'ondëk Hwëch'in, to Premier Dennis Fentie
(Filed Document #51)

Mr. Hardy, Leader of the Third Party

- Child and Family Services Act, Bill #50: Key concerns of Carcross/Tagish First Nation, Kluane First Nation, Kwanlin Dun First Nation, Liard First Nation, Ta'an Kwäch'än Council & Tr'ondëk Hwëch'in (dated March 2008)
(Filed Document #52)

COMMITTEE OF THE WHOLE

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

At 1:40 p.m., Mr. Edzerza, Member for McIntyre-Takhini, moved:

THAT Andy Carvill, Grand Chief of the Council of the Yukon First Nations, Daryn Leas, legal counsel to the Council of Yukon First Nations, Ruth Massie, Chief of the Ta'an Kwäch'än Council and Corinne MacKay, legal counsel to Carcross/Tagish First Nation, Kluane First Nation, Kwanlin Dun First Nation, Liard First Nation, Ta'an Kwäch'än Council, and Tr'ondek Hwech'in First Nation, appear as witnesses in Committee of the Whole on Thursday, April 10, 2008, to discuss matters relating to Bill #50, Child and Family Services Act. **(C/W Motion #8)**

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

At 1:53 p.m., Mr. Cardiff, Member for Mount Lorne, moved:

THAT the letter dated April 10 to Premier Fentie from Chief Darren Taylor of Tr'ondek Hwech'in First Nation, tabled today by the Leader of the Official Opposition, and the document entitled "Key concerns of Carcross/Tagish First Nation, Kluane First Nation, Kwanlin Dun First Nation, Liard First Nation, Ta'an Kwäch'än Council and Tr'ondek

Hwech'in First Nation", tabled by the Leader of the Third Party, be accepted as briefs for the information and consideration of Committee of the Whole during debate on Bill #50, Child and Family Services Act, and duly appended to today's Hansard.

(C/W Motion #9)

A debate on the motion and the question being put, it was carried.

At 2:20 p.m., Mr. Mitchell, Leader of the Official Opposition, moved:

THAT Committee of the Whole defer debate on Bill #50, Child and Family Services Act, to a Special Sitting to be held prior to the Fall Sitting of 2008. **(C/W Motion #10)**

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

At 5:18 p.m., Mr. Hardy, Leader of the Third Party, moved:

THAT during Committee of the Whole debate on Bill #50, Child and Family Services Act, any clause that is deemed by Yukon First Nations, or other interested parties such as the Grandparents' Rights Association of the Yukon or the Fetal Alcohol Syndrome Society of Yukon to be in need of further consultation and revision be set aside for consideration by the Committee at a later date, to allow for the necessary consultation to take place and appropriate revisions prepared as draft amendments to Bill #50.

(C/W Motion #11)

The Chair of Committee of the Whole, Mr. Nordick, ruled that Motion #11 was out of order as only Members of the Assembly, who are in the House when the Bill is being debated, can raise objections to the content of a Bill.

At 5:24 p.m., Mr. Hardy, Leader of the Third Party, moved:

THAT Committee of the Whole report progress on Bill #50, with a recommendation that the Bill be set aside until a Special Sitting of the Legislative Assembly is convened specifically for the purpose of hearing witnesses and considering amendments to the Bill that will address the outstanding concerns of Yukon First Nations and other interested parties. **(C/W Motion #12)**

A debate started on the Motion, and the time approaching 5:30 p.m., the Chair, pursuant to Standing Order 2(4) adjourned debate and the Speaker took the Chair.

Progress was reported on the following Bill:

Bill #50 - Child and Family Services Act
-Hon. Mr. Cathers

The report of the Chair was adopted.

The Assembly adjourned at 5:32 p.m. until 1:00 p.m., Monday, April 14, 2008.

No. 85

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Monday, April 14, 2008

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

TABLING RETURNS AND DOCUMENTS

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

- Yukon Lottery Commission 2006/2007 Annual Report **(Filed Document #53)**

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

- Yukon Workers' Compensation Health and Safety Board 2007 Activity Report **(Filed Document #54)**

Mr. Mitchell, Leader of the Official Opposition

- Child and Family Services Act revision consultation: letter (dated March 31, 2008) to Premier Dennis Fentie, from Yukon Métis Nation **(Filed Document #55)**

GOVERNMENT BILLS (Second Reading)

The following Bill was called for Second Reading:

Bill #46 - Act to Amend the Liquor Act

-Hon. Mr. Kenyon

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

YEA

Fentie	Rouble	Fairclough	
Cathers	Horne	Inverarity	12
Taylor	Nordick	Hardy	
Kenyon	Elias	Edzerza	

NAY

0

Bill #46, entitled Act to Amend the Liquor Act, was accordingly, referred to Committee of the Whole.

COMMITTEE OF THE WHOLE

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

Chair's Ruling

Prior to Committee of the Whole proceeding with Bill #50, Child and Family Services Act, the Chair ruled on the admissibility of Committee of the Whole Motion #12, moved on Thursday, April 10, 2008:

"Last Thursday, Members moved five motions in Committee of the Whole, each one more creative than the one before it. Three of those motions, including the one currently before the Committee, dealt in some way with the future business of the Committee.

Since last Thursday the procedural authorities - *House of Commons Procedure and Practice*, *Beauchesne's Parliamentary Rules and Forms*, and *May's Parliamentary Practice* - have been consulted regarding the proper matter for motions in Committee of the Whole.

This research has revealed certain facts about Committee of the Whole. First, Committee of the Whole has no independent power of inquiry. Motions may be moved in Committee, but only in relation to a matter placed before it by the House. Second, Committee of the Whole does not schedule its own meetings. It meets only upon a motion moved in the House that the House resolve into Committee.

In combination, these two facts reveal a third fact about Committee of the Whole: it has no power to adjourn consideration of any matter to a future Sitting. It is up to the House to decide when Committee of the Whole will deal with a matter.

This brings us to Committee of the Whole Motion #12, currently before the Committee. Mr. Hardy moved:

THAT Committee of the Whole report progress on Bill #50, with a recommendation that the Bill be set aside until a Special Sitting of the Legislative Assembly is convened specifically for the purpose of hearing witnesses and considering amendments to the Bill that will address the outstanding concerns of Yukon First Nations and other interested parties.

A motion to report progress is in order. However, the conditions attached to the reporting of progress mean the purpose of the motion is to adjourn consideration of Bill #50 to a future sitting. As stated, this is beyond the power of the Committee. The issues raised in the motion could be addressed during general debate on Bill #50. These issues could also be put before the House in the form of a substantive motion for which notice would be required. These issues cannot, however, be dealt with as a distinct motion in Committee of the Whole. The motion is, therefore, out of order and cannot be further proceeded with.

The Chair regrets having to end a debate that has already begun. However, it is more important that Committee of the Whole deal with matters that are procedurally within its purview, and not deal with matters which are not.”

The following Bill was reported without amendment:

Bill #51 - International Child Abduction (Hague Convention) Act
-Hon. Mr. Cathers

Progress was reported on the following Bill:

Bill #50 - Child and Family Services Act
-Hon. Mr. Cathers

The report of the Chair was adopted.

The Assembly adjourned at 5:32 p.m. until 1:00 p.m., Tuesday, April 15, 2008.

No. 86

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Tuesday, April 15, 2008

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

INTRODUCTION OF VISITORS

The Hon. Ted Staffen, Speaker, introduced and welcomed former Speaker, Don Taylor. Mr. Taylor represented the Electoral District of Watson Lake from 1961 to 1985 and was Speaker from 1974 to 1985.

NOTICE OF OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. Cardiff, Third Party House Leader, identified Motion #373 and Motion #376 as being the items to be called during Opposition Private Members' Business on Wednesday, April 16, 2008.

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader, identified Bill #103 and Bill #106 as being the items to be called during Opposition Private Members' Business on Wednesday, April 16, 2008.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #50 - Child and Family Services Act
-Hon. Mr. Cathers

The report of the Chair was adopted.

The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Wednesday, April 16, 2008.

No. 87

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Wednesday, April 16, 2008

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

OPPOSITION PRIVATE MEMBERS' BUSINESS

Moved by Mr. Hardy, Member for Whitehorse Centre:

THAT this House urges the Minister of Environment to uphold the *Environment Act*, and make a commitment that the Yukon Council on the Economy and the Environment will be brought up to full strength within the next six months and be given the direction and support it needs to fulfil its mandate. **(Motion #373)**

A debate started on the motion, it was moved by the Hon. Mr. Fentie, Premier, to adjourn debate. The question being put, it was agreed to and accordingly debate on Motion #373 was adjourned.

The following Bill was called for Second Reading:

Bill #103 - Apology Act
-Mr. Inverarity

A debate having started on Second Reading of Bill #103, entitled Apology Act, it was moved by the Hon. Mr. Fentie, Premier, to adjourn debate. The question being put, it was agreed to on the following recorded Division:

YEA

Fentie	Kenyon	Horne	
Cathers	Rouble	Hart	9
Taylor	Lang	Nordick	

NAY

Mitchell	Fairclough	Hardy	
McRobb	Inverarity	Cardiff	7
Elias			

Moved by Mr. Cardiff, Member for Mount Lorne:

THAT this House urges the Minister of Community Services to, as a first step in eliminating abuse and neglect of animals, implement the recommendations of the Kilpatrick Report, made public in September 2007, and provide clear parameters around policy, procedure, funding, staffing and logistical support so that the *Animal Protection Act* can function as it was intended. **(Motion #376)**

A debate having started on the motion, it was moved by the Hon. Mr. Hart, Minister of Community Services, in amendment thereto:

THAT Motion #376 be amended by:

- (1) deleting the phrase "implement the recommendations of the Kilpatrick Report, made public in September 2007, and" and substituting the phrase "begin public consultation to provide public input for amendments to the *Animal Protection Act* and to" for it; and
- (2) deleting the phrase "so that the *Animal Protection Act* can function as it was intended" and substituting the phrase "so that the new *Animal Protection Act* can function effectively" for it.

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

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

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

The following Bill was called for Second Reading:

Bill #106 - Net Metering Act
-Mr. McRobb

A debate continuing (from November 28, 2007) on the motion for Second Reading and the time approaching 5:30 p.m., it was moved by the Hon. Mr. Lang, Minister for Energy, Mines and Resources, moved:

THAT debate be now adjourned.

The question being put, it was agreed to.

The Assembly adjourned at 5:28 p.m. until 1:00 p.m., Thursday, April 17, 2008.

No. 88

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Thursday, April 17, 2008

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

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

Prior to proceeding with the Daily Routine, the Speaker informed the House of changes made to the Order Paper. Motion #168, standing in the name of the Hon. Mr. Hart, Minister of Community Services, had been removed from the Order Paper at the request of the Minister, and Motion #394, standing in the name of Mr. Mitchell, Leader of the Official Opposition, had been removed from the Order Paper as the action requested in the motion had been fulfilled.

INTRODUCTION OF VISITORS

The Speaker introduced and welcomed the 2008 Yukon Youth Parliament participants from Haines Junction, Watson Lake, Dawson City, Mayo and Whitehorse.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Staffen, Speaker

- Child and Family Services Act (Bill #50): letter (dated April 16, 2008) to the Speaker, the Hon. Ted Staffen, from Tracy-Anne McPhee, Ombudsman and Information & Privacy Commissioner **(Sessional Paper #71)**

COMMITTEE OF THE WHOLE

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

At 4:31 p.m., Mr. McRobb, Member for Kluane moved:

THAT Tracy-Anne McPhee, the Yukon's Information and Privacy Commissioner appear as a witness in Committee of the Whole on Thursday, April 17, 2008 to discuss clause 28 of Bill #50, Child and Family Services Act. **(C/W Motion #13)**

The question being put on the motion, it was negatived.

Progress was reported on the following Bill:

Bill #50 - Child and Family Services Act
-Hon. Mr. Cathers

The report of the Chair was adopted.

The Assembly adjourned at 5:31 p.m. until 1:00 p.m., Monday, April 21, 2008.

No. 89

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Monday, April 21, 2008

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

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #50 - Child and Family Services Act
-Hon. Mr. Cathers

The report of the Chair was adopted.

The Assembly adjourned at 5:32 p.m. until 1:00 p.m., Tuesday, April 22, 2008.

No. 90

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Tuesday, April 22, 2008

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

TABLING RETURNS AND DOCUMENTS

Mr. Edzerza, Member for McIntyre-Takhini

- Child and Family Services Act, Bill #50: Summary of Consultation Meetings (2004-2008) **(Filed Document #56)**

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Mr. Cathers, Government House Leader, identified Motion #276 as being the item to be called during Government Private Members' Business on Wednesday, April 23, 2008.

UNANIMOUS CONSENT RE THIRD READING OF BILL #104

The Hon. Mr. Cathers, Government House Leader, requested and received unanimous consent to proceed with Third Reading of Bill #104, entitled Smoke-free Places Act.

BILLS OTHER THAN GOVERNMENT BILLS (Third Reading)

The following Bill was called for Third Reading:

Bill #104 - Smoke-free Places Act

-Mr. Hardy

The question being put on the motion for Third Reading of Bill #104, it was agreed to on the following recorded Division:

YEA

Fentie	Horne	Fairclough	
Cathers	Hart	Inverarity	
Taylor	Nordick	Hardy	16
Kenyon	Mitchell	Cardiff	
Rouble	Elias	Edzerza	
Lang			

NAY

McRobb			1
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COMMITTEE OF THE WHOLE

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

The following Bill was reported without amendment:

Bill #50 - Child and Family Services Act
-Hon. Mr. Cathers

The report of the Chair was adopted.

GOVERNMENT BILLS (Third Reading)

The following Bill was called for Third Reading:

Bill #50 - Child and Family Services Act
-Hon. Mr. Cathers

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

YEA		
Fentie	Kenyon	Horne
Cathers	Rouble	Hart
Taylor	Lang	Nordick
9		
NAY		
Mitchell	Fairclough	Cardiff
McRobb	Inverarity	Edzerza
Elias	Hardy	
8		

ASSENT TO BILLS

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

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

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

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

The Clerk of the Assembly, Floyd McCormick, then read the titles of the Bills which had been passed severally as follows:

Smoke-free Places Act
Child and Family Services Act

The Commissioner assented the Bills:

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

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #11 - First Appropriation Act, 2008-09
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:31 p.m. until 1:00 p.m., Wednesday, April 23, 2008.

No. 91

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Wednesday, April 23, 2008

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

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

Prior to proceeding with the Daily Routine, the Speaker informed the House of changes made to the Order Paper. Motion Nos. 26, 189, 329 and 347, standing in the name of Mr. Edzerza, Member for McIntyre-Takhini; Motion #37, standing in the name of Mr. Fairclough, Member for Mayo-Tatchun; Motion #345, standing in the name of Mr. Nordick, Member for Klondike; and Motion Nos. 375 and 387, standing in the name of Mr. Mitchell, Leader of the Official Opposition, had been removed from the Order Paper as they related to the Child and Family Services Act which had passed the House. Motion #300 standing in the name of Mr. Elias, Member for Vuntut Gwitchin, had also been removed from the Order Paper because it related to the *Smoke-free Places Act*, which had also passed the House.

SPEAKER'S RULING (Re: Motion #410 ruled out of order)

Prior to proceeding with Notices of Motion the Chair ruled on Motion #410, notice of which was given on Tuesday, April 22, 2008 by Mr. Nordick, Member for Klondike.

“According to annotation 565 of Beauchesne’s Parliamentary Rules and Forms, ‘A Motion should be neither argumentative, nor in the style of a speech, nor contain unnecessary provisions or objectionable words.’

Motion #410 was argumentative and written in the style of a speech. However, of particular concern to the Chair is the Motion’s wording. Specifically, the Chair is concerned by the suggestion in Motion #410 that the Member for McIntyre-Takhini should retract a statement made in this House or resign his seat. This is a concern because the House does have the power, by resolution, to declare a Member’s seat vacant. As such, the mere suggestion, by Motion, that a Member should resign should not be made lightly.

Historically, legislative assemblies have been reluctant to use this power – and for good reason. There is, perhaps, no more serious a decision that an assembly can make than to remove a Member who has been duly elected. To suggest a Member resign for statements made in this House falls below the historic standard used in Canada. Therefore, Motion #410 is not in order and was not placed on today’s Notice Paper.

Motion #410 is the latest example of an unwelcome pattern that the Chair has observed during this Sitting. Since the beginning of this Sitting, Members have given notice of a number of Motions that single out other Members, urging that Member to explain some statement made or action taken in this House or in a Committee. While these Motions have been in order Members might wish to re-think this approach. These Notices of Motion have added to the personalization of proceedings in this House. The Chair recognizes that there are important public issues raised in motions. The Chair would only suggest that the wording of motions focus on those issues, not other Members. We will now proceed to Notices of Motion."

GOVERNMENT PRIVATE MEMBERS' BUSINESS

Moved by Mr. Nordick, Member for Klondike:

THAT this House urges the Government of Yukon to continue expanding education and training programs in areas of particular relevance to the North, such as First Nation governance, mining, tourism, resource management, construction north of 60, health care professionals, care providers and teachers. **(Motion #276)**

A debate arising on the motion, it was moved by Mr. Cardiff, Member for Mount Lorne, in amendment thereto:

THAT Motion #276 be amended by adding, immediately after the expression "resource management" the expression "climate change mitigation and adaptation,".

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

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

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

NAY

0

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #11 - First Appropriation Act, 2008-09
-Hon. Mr. Fentie

The report of the Chair was adopted.

No. 92

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Thursday, April 24, 2008

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

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #11 - First Appropriation Act, 2008-09
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:31 p.m. until 1:00 p.m., Monday, April 28, 2008.

No. 93

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Monday, April 28, 2008

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

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #11 - First Appropriation Act, 2008-09
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:31 p.m. until 1:00 p.m., Tuesday, April 29, 2008.

No. 94

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Tuesday, April 29, 2008

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 #103 and Bill #106 as being the items to be called during Opposition Private Members' Business on Wednesday, April 30, 2008.

Pursuant to Standing Order 14.2(3), Mr. Cardiff, Third Party House Leader, identified Motion #245 and Motion #243 as being the items to be called during Opposition Private Members' Business on Wednesday, April 30, 2008.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #11 - First Appropriation Act, 2008-09
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:32 p.m. until 1:00 p.m., Wednesday, April 30, 2008.

No. 95

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Wednesday, April 30, 2008

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

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

Prior to proceeding with the Daily Routine, the Speaker informed the House of changes made to the Order Paper. Written Question #3, tabled by Mr. Hardy, Leader of the Third Party, and Written Question #4, tabled by Mr. Edzerza, Member for McIntyre-Takhini, were removed from the Order Paper at the request of those Members.

OPPOSITION PRIVATE MEMBERS' BUSINESS

The following Bill was called for Second Reading:

Bill #103 - Apology Act
-Mr. Inverarity

The debate continuing (from April 16, 2008) on the motion for Second Reading of Bill #103, and the question being put, it was negatived on the following recorded Division:

YEA			
Mitchell	Fairclough	Cardiff	
McRobb	Inverarity	Edzerza	8
Elias	Hardy		
NAY			
Fentie	Kenyon	Horne	
Cathers	Rouble	Hart	9
Taylor	Lang	Nordick	

Moved by Mr. Hardy, Member for Whitehorse Centre:

THAT this House urges the Government of Yukon to impose a moratorium on any uranium exploration or development activity, including the development of roads or other infrastructure to facilitate exploration, until Yukon people have been fully informed about the environmental, social and health impacts of uranium mining, and

have been properly consulted about whether or not uranium mining should be permitted in the territory. **(Motion #245)**

A debate arising on the motion and the time reaching 5:30 p.m., while the Hon. Mr. Kenyon, Minister of Economic Development, was speaking to it, the Speaker, pursuant to Standing Order 2(2), adjourned the House until 1 p.m. on Thursday, May 1, 2008, and debate on Motion #245 was accordingly adjourned.

The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Thursday, May 1, 2008.

No. 96

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Thursday, May 1, 2008

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

PETITIONS

Mr. Nordick, Member for Klondike, presented the following Petition:

- Support for the people of Tibet

(Petition #5)

GOVERNMENT BILLS (Third Reading)

The following Bill was called for Third Reading:

- Bill #53 - Act to Amend the Tobacco Tax Act
-Hon. Mr. Fentie

A debate arising on the motion for Third Reading of Bill #53, and the question being put, it was agreed to. Bill #53, entitled Act to Amend the Tobacco Tax Act, accordingly passed the House.

The following Bill was called for Third Reading:

- Bill #47 - Miscellaneous Statute Law Amendment Act, 2008
-Hon. Ms. Horne

A debate arising on the motion for Third Reading of Bill #47, and the question being put, it was agreed to. Bill #47, entitled Miscellaneous Statute Law Amendment Act, accordingly passed the House.

The following Bill was called for Third Reading:

- Bill #48 - Act to Amend the Summary Convictions Act
-Hon. Ms. Horne

A debate arising on the motion for Third Reading of Bill #48, and the question being put, it was agreed to. Bill #48, entitled Act to Amend the Summary Convictions Act, accordingly passed the House.

The following Bill was called for Third Reading:

Bill #49 - Act to Amend the Financial Administration Act
-Hon. Mr. Fentie

A debate arising on the motion for Third Reading of Bill #49, and the question being put, it was agreed to. Bill #49, entitled Act to Amend the Financial Administration 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 #11 - First Appropriation Act, 2008-09
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:22 p.m. until 1:00 p.m., Monday, May 5, 2008.

No. 97

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Monday, May 5, 2008

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

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Staffen, Speaker

- Travel Expenses of Members of the Yukon Legislative Assembly 2007-2008, Report on (dated May, 2008) **(Sessional Paper #72)**
- Political Contributions 2007: Report of the Chief Electoral Officer of Yukon **(Sessional Paper #73)**

Mr. Hardy, Leader of the Third Party

- Energy, Mines & Resources, letter (dated May 5, 2008) re, questions to the Minister, Hon. Archie Lang, re 2008-09 Main Estimates from Todd Hardy, MLA, Whitehorse Centre **(Filed Document #57)**

Mr. Mitchell, Leader of the Official Opposition

- Arctic National Wildlife Refuge, letter (dated May 2, 2008) re, to the Prime Minister of Canada Rt. Hon. Stephen Harper from Arthur Mitchell, Leader, Yukon Liberal Party, MLA, Copperbelt **(Filed Document #58)**

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 32nd Legislative Assembly, as presented by the Member for Klondike on May 1, 2008.

This Petition was found to be comprised of two different versions. The model petition which is appended to the Standing Orders indicates that to meet the requirements as to form a petition must be addressed to the Legislative Assembly and must ask the Legislative Assembly to take an action. One version of the petition meets the requirements as to form of the Standing Orders of the Yukon Legislative Assembly and will be retained in the working papers of the Legislative Assembly. The Executive

Council response, made pursuant to Standing Order 67, should be to this version of Petition #5.

The other version of Petition #5 does not meet the requirements as to form of the Standing Orders and will be returned to the Member for Klondike.

Floyd McCormick, Clerk
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.

Progress was reported on the following Bill:

Bill #11 - First Appropriation Act, 2008-09

-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:31 p.m. until 1:00 p.m., Tuesday, May 6, 2008.

No. 98

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Tuesday, May 6, 2008

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

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Rouble, Minister of Education

- Yukon College 2006/2007 Annual Report and audited Financial Statements (dated October 26, 2007) prepared by the Office of the Auditor General of Canada **(Sessional Paper #74)**

NOTICE RE GOVERNMENT PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(7), the Hon. Mr. Cathers, Government House Leader, identified Motion #441 as being the item to be called during Government Private Members' Business on Wednesday, May 7, 2008.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #11 - First Appropriation Act, 2008-09
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Wednesday, May 7, 2008.

No. 99

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Wednesday, May 7, 2008

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

GOVERNMENT PRIVATE MEMBERS' BUSINESS

Moved by Mr. Nordick, Member for Klondike:

THAT this House urges the Government of Yukon to work with the Government of the Northwest Territories and the Government of Nunavut to lobby the Government of Canada to remove the GST on home heating fuel and power-generation North of 60°.

(Motion #441)

A debate arising on the motion, it was moved by Mr. Hardy, Member for Whitehorse Centre, in amendment thereto:

THAT Motion #441 be amended by deleting the word "and" after the word "fuel" and by adding the expression "and the transportation of essential goods" after the express "North of 60°".

The question being put on the amendment to Motion #441, it was agreed to.

The question being put on Motion #441 as amended, and the question being put, it was agreed to on the following recorded Division:

YEA

Fentie	Lang	Elias	
Cathers	Horne	Fairclough	
Taylor	Hart	Hardy	14
Kenyon	Nordick	Cardiff	
Rouble	Mitchell		

NAY

0

GOVERNMENT MOTIONS

Moved by the Hon. Ms. Taylor, Member for Whitehorse West:

THAT this House urges the Government of Canada to recognize that the unilateral decision in 1966 to integrate the Canadian Forces Superannuation and the Royal Canadian Mounted Police Superannuation with the Canada Pension Plan contributions imposed an injustice and unfairness upon members and retirees of the Canadian Forces and the Royal Canadian Mounted Police, and therefore should take action to remedy that injustice. **(Motion #233)**

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

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

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #11 - First Appropriation Act, 2008-09
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:31 p.m. until 1:00 p.m., Thursday, May 8, 2008.

No. 100

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Thursday, May 8, 2008

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

INTRODUCTION OF BILLS

Under Introduction of Bills, the Hon. Mr. Cathers, Minister responsible for Yukon Workers' Compensation Health and Safety Board stated:

"I'm tabling a Bill and amendments that contain what I believe to be a true translation of the English text into French of Bill #52, Workers' Compensation Act, and amendments to the Act agreed to in Committee of the Whole on April 8, 2008."

- Workers Compensation Act (Bill #52) and amendments to: French version
(Sessional Paper #75)

MOTION OF URGENT AND PRESSING NECESSITY (No. 1)

Prior to proceeding with Question Period, Mr. Mitchell, Leader of the Official Opposition, pursuant to Standing Order 28, rose and asked for unanimous consent to debate a matter of urgent and pressing necessity. Unanimous consent was granted.

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

THAT this House urges the Yukon Government to send aid through the Canadian International Development Agency to help rebuild Myanmar (formerly known as Burma) from the devastating effects of the May 2008 cyclone. **(Motion under SO 28 #1)**

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

THAT Motion of Urgent and Pressing Necessity #1 be amended by: Replacing the words: "International Development Agency", with the words "Red Cross".

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

A debate arising on the motion as amended, it was moved by Mr. Cardiff, Member for Mount Lorne, in amendment thereto:

THAT Motion of Urgent and Pressing Necessity #1 as amended be further amended by :

Adding after the word "cyclone" the following: "and that all Yukon MLAs show leadership in this regard by making a personal financial contribution to the relief effort".

A debate started on the amendment to the amended Motion of Urgent and Pressing Necessity #1.

Unanimous Consent to withdraw the Amendment to the Amended Motion

Mr. Cardiff, Member for Mount Lorne, requested and received unanimous consent to withdraw the amendment to Motion of Urgent and Pressing Necessity #1 as amended.

The debate continued on Motion of Urgent and Pressing Necessity #1 as amended, and the question being put, it was agreed to on the following recorded Division:

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

15

NAY

0

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #11 - First Appropriation Act, 2008-09
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:29 p.m. until 1:00 p.m., Monday, May 12, 2008.

No. 101

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Monday, May 12, 2008

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

SPEAKER'S STATEMENT (Re: Change to the Order Paper- removal of Motion #449)

Prior to proceeding with the Daily Routine, the Speaker informed the House of a change made to the Order Paper. Motion #449, standing in the name of the Leader of the Official Opposition, had been removed from the Order Paper as it was dealt with as Motion of Urgent and Pressing Necessity #1 on May 8, 2008.

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Fentie, Premier

- Climate Change Action Plan, Yukon Government: Draft for Public Consultation
(Filed Document #59)
- Yukon State of the Environment Report 2005
(Sessional Paper #76)

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

- Energy Strategy for Yukon, An: Draft for Public Consultation (dated May 2008)
(Filed Document #60)

MOTION OF URGENT AND PRESSING NECESSITY (No. 2)

Prior to proceeding with Question Period, Mr. Hardy, Leader of the Third Party, pursuant to Standing Order 28, rose and asked for unanimous consent to debate a matter of urgent and pressing necessity. Unanimous consent was denied.

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #11 - First Appropriation Act, 2008-09
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:26 p.m. until 1:00 p.m., Tuesday, May 13, 2008.

No. 102

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Tuesday, May 13, 2008

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

SPEAKER'S STATEMENT (Re: Ruling on Standing Order 28 Motion – May 12, 2008)

Prior to proceeding with the Daily Routine, the Speaker made the following statement about events that occurred on May 12, 2008.

“Members will recall that during yesterday’s Daily Routine the Leader of the Third Party rose pursuant to Standing Order 28 to request unanimous consent of the House to move a motion of urgent and pressing necessity. The Chair intervened during the course of those remarks. This intervention led the Leader of the Third Party to end his remarks. The House did not grant unanimous consent to the request made by the Leader of the Third Party.

Later yesterday the Chair received a letter from the Leader of the Third Party in which he questioned how the Chair handled this event. The Leader of the Third Party paid particular attention to what he saw as inconsistencies between the ways the Chair handled yesterday’s proceeding and those of last Thursday’s when the Leader of the Official Opposition rose pursuant to Standing Order 28.

The process for debating a motion of urgent and pressing necessity consists of two parts. The first is the request for unanimous consent. The second is the debate on the substantive motion, should unanimous consent be granted. During the request for unanimous consent the Members should confine themselves to explaining to the House why the ordinary business of the House should be set aside for the motion they proposed. They are not to argue the substance of the motion they propose to move.

The reason for this is clear: during the request for unanimous consent only the Member making the request is allowed to address the House. As such, the Chair must ensure that the Member does not, in effect, debate an issue that other Members will not have an opportunity to debate if unanimous consent is not granted.

In reviewing the remarks made by the Leader of the Official Opposition last Thursday, the Chair concluded that certain statements made by that Member in requesting unanimous consent would have been more appropriately made during the subsequent debate on the motion itself.

In intervening yesterday, the Chair was not seeking to end the Leader of the Third Party’s request for unanimous consent. The Chair was trying to ensure that the Member focused his

comments on why the matter was one of urgent and pressing necessity, rather than debating the motion itself. Obviously that point was not clearly made and the Leader of the Third Party ended his remarks prematurely.

Members, and others, will draw their own conclusions about whether the Chair's intervention was warranted. There will always be differences of opinion about the application of rules and practices, particularly when the House is dealing with procedures that are rarely used. The Chair expects this kind of exchange to take place and in fact has had many discussions with Members over the years regarding House procedures.

What the Chair did not expect to read in the letter were personal remarks about the Chair, particularly remarks that questioned the Chair's impartiality. Members will appreciate that the Chair is not in a position to respond in kind.

The Chair is, however, in a position to inform the House that criticizing the Chair in this way is not in keeping with accepted parliamentary practice. There are ways of dealing with disputed rulings from the Chair, but a widely circulated letter containing a suggestion of bias is not one of them. As *House of Commons Procedure and Practice* says, 'The actions of the Speaker are not to be criticized in debate or by any means except by way of a substantive motion. Such motions have been moved against the Speaker or other presiding officers on rare occasions. Reflections on the character or actions of the Speaker – an allegation of bias, for example – could be taken by the House as breaches of privilege and punished accordingly.'

The Leader of the Third Party, and all Members, have to keep in mind that the Speaker is elected by the House and is the servant of the House that elected him. When the impartiality of the Chair is questioned, this not only reflects upon the Speaker, but upon all proceedings of the House over which he presides. That is why questions about the impartiality of the Chair are matters for the House to decide, and not for individual Members to comment on at will.

Having reviewed the Blues from yesterday, I understand why the Leader of the Third Party feels aggrieved and it was not my intention to limit his debate. "

TABLING RETURNS AND DOCUMENTS

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

- Queen's Printer Agency 2008/2009 Business Plan (Filed Document #61)
- Yukon Minerals Advisory Board 2006/2007 Annual Report

(Filed Document #62)

NOTICE OF OPPOSITION PRIVATE MEMBERS' BUSINESS

Pursuant to Standing Order 14.2(3), Mr. Cardiff, Third Party House Leader, informed the House that the Third Party Members did not wish to identify any items to be called during Opposition Private Members' Business on Wednesday, May 14, 2008.

Pursuant to Standing Order 14.2(3), Mr. McRobb, Official Opposition House Leader, identified Bill #106 as being the item to be called during Opposition Private Members' Business on Wednesday, May 14, 2008.

GOVERNMENT MOTIONS

Moved by the Hon. Mr. Fentie, Premier:

THAT, pursuant to section 18 of the *Conflict of Interest (Members and Ministers) Act*, the Legislative Assembly reappoint David Phillip Jones, Q.C., as a member of the Conflict of Interest Commission for a three-year period. (Motion #457)

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

Speaker's Call for Recorded Division

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

The motion was agreed to on the following recorded Division:

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

NAY

0

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #11 - First Appropriation Act, 2008-09
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Wednesday, May 14, 2008.

No. 103

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Wednesday, May 14, 2008

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

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Taylor, Minister of Tourism and Culture

- Yukon Geographical Places Name Board 2006/2007 Annual Report
(Filed Document #63)

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

- Fleet Vehicle Agency 2008-2009 Business Plan (Filed Document #64)
- *Area Development Act* regulations (OIC Nos.: 2007/203, 2008/21, 2008/22, and 2008/37) (Sessional Paper #77)

Hon. Mr. Cardiff, Member for Mount Lorne

- Yukon Housing Corporation 2008-09 Main Estimates, questions re: letter (dated May 14, 2008) from Steve Cardiff, MLA, Mount Lorne to Minister Jim Kenyon, Minister responsible for Yukon Housing Corporation (Filed Document #65)

SPEAKER'S RULING (Re: Point of Order - May 13, 2008)

Prior to proceeding with the Daily Routine, the Speaker gave the following ruling on a Point of Order that was raised on May 13, 2008 by Mr. McRobb, Official Opposition House Leader.

"The Member raised this Point of Order in response to a comment by the Minister of Justice. The Minister of Justice began a response to a question by saying, 'It is obvious the opposition's *raison d'être* is to complain and criticize.' The Official Opposition House Leader argued that the use of this phrase was contrary to rules of the House.

The Chair does not believe there is a Point of Order. There are limits to the kinds of unflattering characterizations that Members can make of one another and each other's parties and positions that they hold in this House. However, the Chair does not believe that the comments by the Minister of Justice in the context in which they were made yesterday exceeded those limits.

On a related note, the Chair would ask Members who wish to intervene on a Point of Order to restrict their comments to procedural information that may be useful for the Chair in reaching a

decision. Negative reflections on Points of Order are not helpful and the Chair would appreciate it if Members contained the urge to offer up such comments.”

OPPOSITION PRIVATE MEMBERS' BUSINESS

The following Bill was called for Second Reading:

Bill #106 - Net Metering Act
-Mr. McRobb

A debate continuing (from November 28, 2007 and April 16, 2008) on the motion for Second Reading of Bill #106, entitled Net Metering Act, it was moved by Mr. Cardiff, Member for Mount Lorne:

THAT debate be now adjourned.

The question being put, it was negatived.

The debate continued on the motion for Second Reading of Bill #106. The question being put on the motion for Second Reading, it was negatived on the following recorded Division:

YEA			
Mitchell	Fairclough	Cardiff	
McRobb	Inverarity	Edzerza	7
Elias			
NAY			
Fentie	Kenyon	Horne	
Cathers	Rouble	Hart	9
Taylor	Lang	Nordick	

COMMITTEE OF THE WHOLE

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

Progress was reported on the following Bill:

Bill #11 - First Appropriation Act, 2008-09
-Hon. Mr. Fentie

The report of the Chair was adopted.

The Assembly adjourned at 5:30 p.m. until 1:00 p.m., Thursday, May 15, 2008.

No. 104

VOTES AND PROCEEDINGS

of the

YUKON LEGISLATIVE ASSEMBLY

32nd Legislative Assembly

First Session

Thursday, May 15, 2008

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

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

Prior to proceeding with the Daily Routine, the Speaker informed the House of changes made to the Order Paper. Motion #327, standing in the name of Mr. Inverarity, Member for Porter Creek South, had been removed from the Order Paper as it related to Bill #106, Net Metering Act, which was negatived at Second Reading on Wednesday, May 14, 2008. Motion #473 standing in the name of Mr. McRobb, Member for Kluane, was not placed on the Notice Paper for Thursday, May 15, 2008 as it was also related to Bill #106.

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Taylor, Minister of Tourism and Culture

- Yukon Advisory Council on Women's Issues 2007/2008 Annual Report
(Sessional Paper #78)

PETITIONS (Response to Petition #5)

The Hon. Mr. Fentie, Premier, gave an oral response to Petition #5 (received by the House on May 5, 2008) with regard to support for the people of Tibet.

UNANIMOUS CONSENT PURSUANT TO STANDING ORDER 14.3

Mr. Hardy, Leader of the Third Party, rose pursuant to Standing Order 14.3 to request unanimous consent of the House to suspend Standing Orders 75 and 76 and to rescind the Speaker's declaration of April 2 designating May 15 as the final sitting day of the 2008 Spring Sitting.

Unanimous consent was denied.

SPEAKER'S RULING (Re: Point of Order - May 14, 2008)

Prior to proceeding with Orders of the Day, the Speaker gave the following ruling on a Point of Order that was raised on May 14, 2008 by Mr. Cardiff, Member for Mount Lorne during the debate on second reading of Bill #106, Net Metering Act.

"In raising the Point of Order the Member for Mount Lorne cited Standing Order 19(c), suggesting that the Minister of Energy, Mines and Resources had persisted in needless repetition. Specifically, the Member for Mount Lorne said he believed that this was the third

time the Minister had informed the House about wiring permits and how net metering operates in the Province of Nova Scotia.

The Chair indicated that he could not verify that repetition had taken place. Members will appreciate that it's difficult for the Chair to keep track of what statements a Member has made in debate when the Member's speech took place over three sitting days, the first of which was almost six months ago. The Chair did, however, commit to have the Table Officers research the Point of Order and report the results.

Based on the report of the Table Officers, the Chair finds there was a Point of Order. During the debate on Bill #106 on November 28, 2007, the Minister used the sentence, 'People wishing to become net metering clients of Nova Scotia Power must file an application with their address and installation and wiring drawings of their plant.' The Minister used the same sentence – verbatim – during debate on April 16, 2008, and again with only slight modification during debate yesterday. The use of one sentence would not constitute needless repetition if it were used in a different context on the three days in question. However, much of the information surrounding that sentence was the same, or similar, on those three dates.

All Members may wish to contemplate the significance of this ruling. Over the past several years, the House has adopted Standing Orders that limit the number of sitting days per calendar year and have reduced the number of hours in a sitting day. The House now has a finite amount of time to deal with the business placed before it. This makes it increasingly important that Members do their utmost to adhere to the rules regarding repetition – as well as the rules regarding relevance – so the House may use its time as efficiently as possible."

COMMITTEE OF THE WHOLE

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

Termination of Sitting as per Standing Order 76(1)

The Chair made the following statement:

"Order please. The time has reached 5:00 p.m. on this the 32nd day of the 2008 Spring Sitting. Standing Order 76(1) states: 'On the day that the Assembly has reached the maximum number of sitting days allocated for that Sitting pursuant to Standing Order 75, the Chair of the Committee of the Whole, if the Assembly is in Committee of the Whole at the time, shall interrupt proceedings at 5:00 p.m. and, with respect to each Government Bill before Committee that the Government House Leader directs to be called, shall:

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

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

The Chair would now ask the Government House Leader to indicate whether Bill #9, Bill #11 and Bill #46 the three Government Bills now before the Committee of the Whole, should be called."

The Hon. Mr. Cathers, Government House Leader, directed that Bill #9, Bill #11 and Bill #46, be called.

The Committee agreed to report the following Bills without amendment:

Bill #11 - First Appropriation Act, 2008-09

-Hon. Mr. Fentie

Bill #9 - Third Appropriation Act, 2007-08

-Hon. Mr. Fentie

Bill #46 - Act to Amend the Liquor Act

-Hon. Mr. Kenyon

The report of the Chair was adopted.

SPEAKER'S STATEMENT

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

"Standing Order 76(2) states: 'On the sitting day that the Assembly has reached the maximum number of sitting days allocated for the Sitting pursuant to Standing Order 75, the Speaker of the Assembly, when recalled to the Chair after the House has been in Committee of the Whole, shall:

- (d) with respect to each Government Bill standing on the Order Paper for Third Reading and designated to be called by the Government House Leader,
 - (i) receive a motion for a Third Reading and passage of the Bill, and
 - (ii) put the question, without debate or amendment, on that motion.'

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

The Hon. Mr. Cathers, Government House Leader, directed that Bill Nos. 9, 11, 52, 51 and 46 be called.

GOVERNMENT BILLS (Third Reading)

The following Bill was called for Third Reading:

Bill #9 - Third Appropriation Act, 2007-08

-Hon. Mr. Fentie

The question being put on the motion for Third Reading of Bill #9, it was agreed to on the following recorded Division:

YEA

Fentie	Horne	Fairclough	
Cathers	Hart	Inverarity	
Taylor	Nordick	Hardy	17
Kenyon	Mitchell	Cardiff	
Rouble	McRobb	Edzerza	
Lang	Elias		

NAY

0

Bill #9, entitled Third Appropriation Act, 2007-08, accordingly, passed the House.

The following Bill was called for Third Reading:

Bill #11 - First Appropriation Act, 2008-09
-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	Kenyon	Horne	
Cathers	Rouble	Hart	9
Taylor	Lang	Nordick	

NAY

Mitchell	Fairclough	Cardiff	
McRobb	Inverarity	Edzerza	8
Elias	Hardy		

Bill #11, entitled First Appropriation Act, 2008-09, accordingly, passed the House.

The following Bills were read a third time and passed:

Bill #52 - Workers' Compensation Act
-Hon. Mr. Cathers

Bill #51 - International Child Abduction (Hague Convention) Act
-Hon. Mr. Cathers

The following Bill was called for Third Reading:

Bill #46 - Act to Amend the Liquor Act
-Hon. Mr. Kenyon

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

YEA

Fentie	Rouble	Elias	
Cathers	Horne	Fairclough	10
Taylor	Nordick	Inverarity	
Kenyon			

NAY

Hardy	Cardiff	Edzerza	3
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Bill #46, entitled Act to Amend the Liquor Act, accordingly, passed the House.

ASSENT TO BILLS

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

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

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

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

The Clerk of the Assembly, Floyd McCormick, then read the titles of the Bills which had been passed severally as follows:

Act to Amend the Tobacco Tax Act
Miscellaneous Statute Law Amendment Act, 2008
Act to Amend the Summary Convictions Act
Act to Amend the Financial Administration Act
Third Appropriation Act, 2007-08
First Appropriation Act, 2008-09
Act to Amend the Liquor Act
Workers' Compensation Act
International Child Abduction (Hague Convention) Act

The Commissioner assented to the Bills:

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

ADJOURNMENT OF THE SITTING

The Speaker called the House to order and stated:

"As the House has reached the maximum number of days permitted for the Spring 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 5:24 p.m.

Bill #	Title	1R	2R	C/W	3R&P	A
51	International Child Abduction (Hague Convention) Act	08-03-26	08-04-01	08-04-14	08-05-15	08-05-15
46	Liquor Act, Act to Amend the	08-03-25	08-04-14	08-05-15	08-05-15	08-05-15
47	Miscellaneous Statute Law Amendment Act, 2008	08-03-25	08-04-01	08-04-01	08-05-01	08-05-15
48	Summary Convictions Act, Act to Amend the	08-03-25	08-04-01	08-04-01	08-05-01	08-05-15
9	Third Appropriation Act, 2007-08	08-03-20	08-03-31	08-05-15	08-05-15	08-05-15
53	Tobacco Tax Act, Act to Amend the	08-03-20	08-04-01	08-04-08	08-05-01	08-05-15
52	Workers' Compensation Act	08-03-26	08-04-01	08-04-08 with amendment	08-05-15	08-05-15

Bills, Other Than Government

Bill #	Title	1R	2R	C/W	3R&P	A
101	Act to Perpetuate a Certain Ancient Right	06-11-23				
103	Apology Act	07-04-24	08-04-30 negative d			
105	Cooperation in Governance Act, An Act to Amend the	07-10-31				
107	Financial Administration Act, Act to Amend the	07-11-15				
102	Human Rights Act, Act to Amend the	07-04-23				
108	Legislative Renewal Act	07-11-29				
106	Net Metering Act	07-10-31	08-05-14 negative d			
104	Smoke-free Places Act	07-04-30	07-05-09	08-03-26 with amendments	08-04-22	08-04-22

C

CHAIR, COMMITTEE OF THE WHOLE

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