

YUKON LEGISLATIVE ASSEMBLY
FIRST SESSION OF THE 32ND LEGISLATURE
ORDER PAPER
No. 167

Monday, November 2, 2009

PRAYERS

DAILY ROUTINE

Tributes
Introduction of Visitors
Tabling Returns and Documents
Presenting Reports of Committees
Petitions
Introduction of Bills
Notices of Motions
Ministerial Statements
Oral Question Period

ORDERS OF THE DAY

GOVERNMENT MOTIONS

1. Hon. Mr. Fentie (Motion #69)

THAT this House urges the Government of Yukon to work collaboratively with the Government of Canada, the Government of the Northwest Territories, the Porcupine Caribou Management Board, all affected First Nations in Yukon and the Northwest Territories, and stakeholders, to develop a Porcupine Caribou Herd Harvest Management Strategy that ensures to the greatest extent possible, the conservation and protection of the Porcupine Caribou Herd.

2. Hon. Mr. Fentie (Motion #167)

THAT this House urges the Government of Yukon, the Government of Canada and Yukon First Nation governments to develop a timely, inclusive process through the re-instated Intergovernmental Forum to implement the recommendations of the Nine Year Review of the Yukon Final Land Claims Agreements in order to ensure the spirit and intent of the land claims agreements are fulfilled.

3. Hon. Mr. Kenyon (Motion #239)

THAT this House urges the Government of Yukon to continue to work with the Government of Canada, First Nations, Yukon College, members of the business community and non-governmental organizations to:

- (1) enhance and develop labour market initiatives targeting First Nations, older workers, youth, persons with disabilities and immigrants through measures such as apprenticeship programs, the Youth Employment Program, the Yukon Nominee Program, the Temporary Foreign Worker Program and other programs,
- (2) develop a national recruiting campaign; and
- (3) assist in the development of retention incentives for employers.

4. Hon. Ms. Horne (Motion #713)

THAT this House urges the Government of Canada and its NATO allies to insist in the strongest possible terms that the Government of Afghanistan fully honour its human rights treaty obligations under international laws and demonstrate its commitment both in law and in practice to respect, protect and enforce the equality rights of the women of Afghanistan or face international sanctions.

5. Hon. Mr. Hart (Motion #723)

THAT this House urges the Government of Yukon to support the findings of the Motion #542 Consultation Report done by the Yukon Workers' Compensation Health and Safety Board and the Employment Standards Board, responding to Motion #542 adopted during the 2008 Fall Sitting of the Legislative Assembly, by requesting that the Yukon Workers' Compensation Health and Safety Board and the Employment Standards Board:

- (1) work together within their existing frameworks of authority to appropriately address areas of general consensus;
- (2) work together to ensure adequate training, orientation and supervision of young workers; and
- (3) conduct a review within 5 years to assess the effectiveness of any regulations resulting from this consultation and consider whether there is a need for a general minimum working age in Yukon.

GOVERNMENT BILLS**(Second Reading)**

1. Bill #16 - Fourth Appropriation Act, 2008-09
-Hon. Mr. Fentie
2. Bill #17 - Second Appropriation Act, 2009-2010
-Hon. Mr. Fentie
3. Bill #73 - Registered Nurses Profession Act, Act to Amend
-Hon. Mr. Hart
4. Bill #75 - Second Miscellaneous Statute Law Amendment Act, 2009
-Hon Ms. Horne
5. Bill #76 - Motor Vehicles Act, Act to Amend
-Hon. Mr. Lang
6. Bill #77 - Public Health and Safety Act, Act to Amend
-Hon. Mr. Hart
7. Bill #78 - Elections Act, Act to Amend
-Hon. Mr. Fentie
8. Bill #79 - Medical Profession Act, Act to Amend
-Hon. Mr. Lang
9. Bill #80 - Access to Information and Protection of Privacy Act and the Health Act,
Act to Amend
-Hon. Mr. Hart

BILLS OTHER THAN GOVERNMENT BILLS

(Second Reading)

1. Bill #101 - Act to Perpetuate a Certain Ancient Right
-Mr. Nordick
2. Bill #105 - An Act to Amend the Cooperation in Governance Act
-Mr. Mitchell
Adjourned debate: Mr. Nordick
3. Bill #107 - Act to Amend the Financial Administration Act
-Mr. Hardy
4. Bill #108 - Legislative Renewal Act
-Mr. Hardy
5. Bill #109 - Young Worker Protection Act
-Mr. Cardiff
Adjourned debate: Mr. Cathers

WRITTEN QUESTIONS

1. Mr. McRobb (November 29, 2007)

Addressed to: Hon. Mr. Fentie, Minister of Finance

On what date was the Yukon Government's public web site updated to make available the internal government audit, officially entitled "Report on the Audit of Contributions" dated January 2007, prepared by the Government Audit Services Branch? **(WQ#1)**

2. Mr. Elias (December 11, 2007)

Addressed to: Minister of Environment

Does the Government of Yukon support the Kyoto Protocol? **(WQ#2)**

3. Mr. Hardy (April 29, 2008)

Addressed to the Minister responsible for the Women's Directorate

Will the Minister table the following information concerning the 2008/09 Main Estimates for the Women's Directorate:

- (1) plans for the Family Focus Housing project that include location, size, and total cost,
- (2) the type of programming and counseling support services to be offered to tenants in the Family Focus Housing,
- (3) the eligibility criteria for the project's tenancy; including family income, number of children, social conditions, criminal records, pet restrictions, and family history of violence,
- (4) the expected completion date for the Family Focus Housing; and
- (5) how the Directorate will assure tenants and the public that the project will not become a ghetto. **(WQ#5)**

4. Mr. Hardy (April 29, 2008)

Addressed to the Minister responsible for the Women's Directorate

Will the Minister please table the following information concerning the 2008/09 Main Estimates for the Women's Directorate:

- (1) a list of recipients, a breakdown of the amounts transferred, and the objectives of projects for funds transferred in the line item "Various Women's Groups",
- (2) the evaluation process used for the various women's groups for measuring success,
- (3) justification for the difference in amounts transferred to various women's groups and the amount transferred to the Victoria Faulkner Women's Centre; and,
- (4) the guidelines for transfer payments. **(WQ#6)**

5. Mr. Hardy (April 29, 2008)

Addressed to the Minister responsible for the Women's Directorate

Will the Minister table the following information concerning the 2008/09 Main Estimates for the Women's Directorate:

- (1) how the Directorate has met its program objectives over the past year, as listed on page 16-6; and

(2) how the Directorate measures its success in meeting its program objectives. **(WQ#7)**

6. Mr. Hardy (April 29, 2008)

Addressed to the Minister responsible for the Women's Directorate

Will the Minister table the following information concerning the 08/09 Main Estimates for the Women's Directorate:

- (1) a progress report on the Northern Strategy Emergency Shelter Feasibility Study,
- (2) the criteria for the evaluation of the Long Term Public Education Campaign on the Prevention of Violence Against Women and Children,
- (3) the process for evaluation and the results of the evaluations of the projects initiated by Aboriginal women to address violence prevention in their communities in 2007-08; and,
- (4) the process for evaluation and the results of the evaluations of the projects funded in 2007-08 under the Women's Equality Fund. **(WQ#8)**

7. Mr. Hardy (April 30, 2008)

Addressed to the Minister responsible for the Public Service Commission

Will the Minister please provide responses to the following questions related to the 2008/09 Main Estimates for the Public Service Commission:

- (1) what is the Public Service Commission doing to reduce workplace injuries and lower the Workers' Compensation assessment rate the Government pays,
- (2) does the Government believe it is on-track with respect to recruitment and succession planning, and that we will have enough well-trained employees to maintain excellent public services as the current employees reach retirement age,
- (3) how long is the project involving people with disabilities who look after the Government's document shredding and recycling scheduled to run, and what plans are there to provide opportunities for people with disabilities in the public service,
- (4) why has the Public Service Commission taken the position that the right to join unions doesn't extend to certain categories, such as teachers-on-call and emergency fire-fighters,
- (5) is the Minister prepared to re-visit that position - for example, if teachers-on-call make another attempt at union certification,
- (6) how many grievances are currently on the books, and what is being done to clear up any backlog? **(WQ#9)**

8. Mr. Edzerza (November 18, 2008)

Addressed to the Minister of Education

Will the Minister of Education table all documentation dealing with the Destruction Bay school which pertains to the presence or not of moisture and mould in the building and all other Departmental investigations into the safety and health of students attending the school? **(WQ #10)**

9. Mr. Cardiff (December 1, 2008)

Addressed to the Premier

Will the Premier provide responses to the following questions:

- (1) what is the status of each recommendation made in the Audit of Contracts including:

- (a) what recommendations has the government adopted to date?;
- (b) what recommendations does the government plan to adopt at a later date?; and
- (c) what recommendations does the government not plan to adopt? **(WQ #11)**

10. Mr. Cardiff (December 10, 2008)

Addressed to the Minister responsible for the Yukon Housing Corporation

Will the Minister please provide the following information:

- (1) the detailed total amount expended by the Yukon Housing Corporation for litigation with the Whitehorse Housing Co-operative; and
- (2) the detailed total amount expended in fulfilling the Yukon Housing Corporation's duties as receiver responsible for the Whitehorse Housing Co-operative, including expenses for management and maintenance of the property and infrastructure. **(WQ#12)**

11. Mr. Cardiff (May 4, 2009)

Addressed to the Minister responsible for the Yukon Housing Corporation

What is the process for distributing the \$50 million in housing funding that Yukon is to receive from the Federal Government including:

- (1) the criteria for determining which projects will qualify for funding?;
- (2) the criteria for determining which projects are priorities?; and
- (3) the timeframe for determining which projects will receive funding? **(WQ#13)**

12. Mr. Cardiff (May 13, 2009)

Addressed to the Minister of Community Services

Will the Minister provide the House with the following information concerning implementing measures to protect young workers in the workplace:

- (1) an update on progress in implementing of changes to the *Employment Standards Act* and related regulations in response to the findings of the Motion 542 Consultation Report,
- (2) a timeline for when legislative changes will come before the Legislative Assembly for First Reading; and
- (3) a timeline for when regulatory changes will come into effect. **(WQ #14)**

NOTICE PAPER

GOVERNMENT MOTIONS

1. Hon. Ms. Taylor (Motion #831)

THAT this House urges one member of the Official Opposition Caucus, one member of the Third Party Caucus and the Independent Member to accept the Yukon Government's invitation to attend the Climate Leaders Summit at COP15 in Copenhagen, Denmark, as observers from December 13-20, 2009.

2. Hon. Ms. Horne (Motion #832)

THAT this House urges the Government of Yukon to explore the concept of a multidisciplinary approach to dealing with the complex needs of chronic substance abusers.

MOTIONS OTHER THAN GOVERNMENT MOTIONS

1. Mr. Nordick (Motion #833)

THAT this House urges the Public Accounts Committee to exercise its rights and its obligation by calling officials as witnesses from the Department of Energy, Mines and Resources and the Yukon Development Corporation to appear before the Committee, to answer questions on discussions with ATCO and efforts to develop an improved approach to managing electricity generation and distribution in Yukon.

2. Mr. Nordick (Motion #834)

THAT a Select Committee on the Safe Operation and Use of Off Road Vehicles be established,

THAT the membership of the Committee be comprised of equal representation from the Government Caucus, the Official Opposition Caucus, Third Party Caucus and include the Independent Member,

THAT the Premier, the Leader of the Official Opposition, and the Leader of the Third Party name their respective caucus member(s) to the Committee,

THAT the Committee conduct public consultations for the purpose of receiving the views and opinions of Yukon residents and prepare a report making recommendations on the safe operation and use of all terrain vehicles and snowmobiles in the territory,

THAT the Committee report its findings and recommendations in the 2010 Fall Sitting of the Legislative Assembly,

THAT the Committee have the power to seek background information from experts and to call and hear these expert witnesses; and

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

3. Mr. Nordick (Motion #835)

THAT a Select Committee on the Prohibition of Discharging a Firearm within a Road Corridor be established,

THAT the membership of the Committee be comprised of equal representation from the Government Caucus, the Official Opposition Caucus, the Third Party Caucus and include the Independent Member.

THAT the Premier, Leader of the Official Opposition and the Leader of the Third Party name, their respective member(s) to the Committee;

THAT the Committee conduct public consultations for the purpose of receiving the views and opinions of Yukon residents and prepare a report making recommendations regarding public safety for prohibiting the discharge of a firearm within a road corridor,

THAT the Committee report its findings and recommendations in the 2010 Fall Sitting of the Legislative Assembly,

THAT the Committee have the power to seek background information from experts and to be able to call and hear these experts witnesses; and

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

4. Mr. Nordick (Motion #836)

THAT this House urges the Government of Yukon to introduce amendments to the *Motor Vehicles Act* to prohibit the use of hand-held cell phones and other similar electronic devices while driving or operating a motor vehicle on a highway, except as provided for by law.

5. Mr. Nordick (Motion #837)

THAT this House urges the Government of Canada to work in a trilateral partnership with the Government of Yukon and Yukon First Nation governments to implement the Northern Economic Development Agency in Yukon in accordance with the following principles:

- (1) all matters with respect to the Agency will be dealt with on a government to government basis between Canada, Yukon and Yukon First Nation governments,
- (2) the Yukon Final and Self-Government Agreements are to be honoured in every respect without derogation of First Nation rights and responsibilities under these agreements,
- (3) the Agency's implementation and the delivery of northern economic development programming will not absolve Canada of its economic obligations under the Yukon Final and Self-Government Agreements or affect Yukon First Nations' on-going access to other current or new federal government programs and services,
- (4) the implementation of the Agency needs to be responsive to the unique circumstances and strategic priorities of Yukon with programming that is flexible and able to invest in a range of initiatives, including people, enterprises, economic infrastructure, research, promotion and planning,
- (5) the Agency's decision-making process regarding projects in Yukon needs to be collaborative with Yukon and Yukon First Nation governments, and be implemented in a way that reflects the unique social, economic, and political environments of Yukon,
- (6) the decision-making and administration of the Agency's Yukon-specific program should be based in Yukon and staffed by resident employees who are familiar with the operations and economies of the territory, including an appropriate cultural focus,
- (7) Yukon First Nations traditional knowledge and accepted customary practices will be applied to projects where appropriate,

- (8) in implementing the Agency in Yukon, Indian and Northern Affairs Canada, the Government of Yukon and Yukon First Nations agree that investments will be incremental to base budgets and that existing programs and responsibilities will not be offloaded to this new program,
- (9) the Agency will use an application and evaluation process that reasonably assures access to Yukon-specific funds administered by the Agency by Yukon First Nations development corporations and companies, and by First Nation citizen community-based entrepreneurs,
- (10) an accountability and performance measurement framework will be developed to assess the effectiveness of the economic development activities of the Agency,
- (11) in the administration of this program the Agency needs to recognize that:
 - (a) the Government of Yukon and Yukon First Nations have roles, responsibilities and expertise in the economic development in Yukon,
 - (b) a partnership approach at the strategic planning and operational levels will be used to ensure a collaborative approach to achieve our shared objectives, and
 - (c) the Agency will complement and not duplicate programs provided by the other partners; and
- (12) program delivery by the Agency will add to the investment in Yukon's economy and not limit the obligations of the federal government to provide access and allow the participation of Yukon residents to existing federal programs.

6. Mr. Edzerza (Motion #838)

THAT, the Standing Committee on Rules, Elections and Privileges examine the Standing Orders of the Yukon Legislative Assembly that determine the roster for Opposition Private Members' Business on Wednesdays, and report to this House its recommendations for changes to those Standing Orders that would permit Independent Members to be included in that roster.

7. Mr. Edzerza (Motion #839)

THAT this House recognizes that the Porcupine Caribou Herd is of "special" relevance to the community of Old Crow as identified in the Porcupine Caribou Agreement, and the leadership role the Vuntut Gwitchin First Nation is taking to conserve the herd and its habitat; and

THAT this House urges the Government of Yukon to support a Leaders Summit being hosted by the Vuntut Gwitchin Government to discuss and consider the conservation of the Porcupine Caribou Herd.

8. Mr. Edzerza (Motion #840)

THAT this House urges the Government of Yukon to explore additional measures to address the concerns of victims of crime including the following:

- (1) developing a victims bill of rights that ensures that all victims are treated with courtesy, compassion and respect,
- (2) ensuring that victims receive information about the investigation, prosecution and sentencing decisions regarding criminal offences that concern them,
- (3) having officials employed in the criminal justice system consider the rights and views of victims when making decisions about a particular case,
- (4) exploring innovative programming options to address the needs of victims, especially women, children, youth and people who have FASD,

- (5) developing a comprehensive, focused training plan to address the needs of existing victim services workers and to support initiatives that will allow further development of community based resources, particularly in rural Yukon communities; and
- (6) consulting with Yukoners regarding the development of a Victims of Crime Act.

9. Mr. Edzerza (Motion #841)

THAT this House urges the Government of Yukon to work with Kaushee's Place to address the need for second-stage housing.

10. Mr. Edzerza (Motion #842)

THAT this House urges the Government of Yukon to explore and bring forward civil forfeiture legislation that would allow the Government to seize the proceeds of criminal activity.

11. Mr. Edzerza (Motion #843)

THAT this House urges the Government of Yukon to introduce amendments to the *Motor Vehicle Act* and amend its appropriate regulations to lower the allowable blood alcohol level when driving from .08 to .05.

12. Mr. Mitchell (Motion #844)

THAT this House has lost confidence in the Premier and in his capacity to govern.

13. Mr. Mitchell (Motion #845)

THAT this House urges the Government of Yukon:

- (1) to implement without further delay a comprehensive strategy to reduce poverty and homelessness in the Yukon,
- (2) that this strategy be developed in consultation with the Yukon Anti-Poverty Coalition and its member non-governmental organizations; and
- (3) that this strategy address the underlying determinants of poverty including:
 - (a) substandard, unstable, and unaffordable housing,
 - (b) insufficient education and job skills among many Yukoners,
 - (c) inadequate support for the challenges faced by the working poor,
 - (d) inadequate support for the challenges faced by many people with disabilities; and
 - (e) nonexistent residential treatment options for mental health patients.

14. Mr. McRobb (Motion #846)

THAT this House urges the Yukon Government to uphold the promise it made three years ago and without further delay, work with all elected members to develop legislative reforms for application in this Assembly, to allow each and every member to work more productively in serving the public.

15. Mr. Elias (Motion #847)

THAT this House urges the Yukon Government to immediately conduct public consultations to examine the public safety issue of using hand held cellular phones and other devices while driving a motor vehicle on a Yukon highway.

16. Mr. Elias (Motion #848)

THAT this House establish an independent, non-partisan Commission on Yukon Aboriginal Language Protection,

THAT the Commission be comprised of four Yukon residents, one to be appointed by the Premier, one to be appointed by the Leader of the Official Opposition, one to be appointed by the Leader of the Third Party and a non-voting chair to be appointed by the Standing Committee on Appointments to Major Government Boards and Committees,

THAT the Commission receive the views and opinions of Yukoners, interested groups and stakeholders on legislative amendments to Yukon's *Languages Act* that include granting rights in respect of, or providing services in any Yukon aboriginal language in addition to the rights and services provided in the Act, as well as other matters,

THAT the Commission shall develop terms of reference before receiving the views and opinions of Yukon residents,

THAT the *Languages Act* be referred to the Commission,

THAT the decisions by the Commission require majority support by members of the Commission,

THAT the Commission report to the Legislative Assembly no later than two years after its establishment:

- (1) its findings relating to public opinion for the protection of Yukon Aboriginal languages,
- (2) its recommendations regarding what form legislation implementing changes recommended by the Commission should take,

THAT in the event the Legislative Assembly is not sitting at the time the Commission is prepared to report, the Chair of the Commission shall forward copies of the report to all Members of the Legislative Assembly, and thereafter make the report public,

THAT the Speaker of the Legislative Assembly shall table the report in the Legislative Assembly on the first sitting day following the release of the report,

THAT during its review of public opinion on legislative options for Yukon Aboriginal Language Protection, the Commission shall be empowered:

- (1) to invite officials from the Government of Yukon, the Government of Nunavut, the Government of the Northwest Territories, the Government of Canada and Yukon First Nations to appear as witnesses,
- (2) to invite such other persons as it deems necessary to appear as witnesses on technical matters,
- (3) to invite a designate of the Yukon Native Language Centre to appear as a witness,
- (4) to hold public hearings, meetings with individuals, focus groups and town hall type meetings,
- (5) to print such papers and evidence as may be ordered by it, and

THAT the Commissioners shall be paid a daily honorarium,

THAT the Chair shall receive an additional honorarium; and

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

17. Mr. Fairclough (Motion #849)

THAT this House amend the *Access to Information and Privacy Protection Act* (ATIPP) and any other relevant Acts as required to ensure that the following corporations are subject to ATIPP;

- (1) Yukon Hospital Corporation,
- (2) Yukon Workers Compensation, Health and Safety Board; and
- (3) Yukon Energy Corporation.

18. Mr. Cardiff (Motion #850)

THAT this House urges the Yukon Government to establish a Select Committee on the *Landlord and Tenant Act*,

THAT the membership of the Committee be comprised of equal representation from the Government caucus, the Official Opposition caucus and the Third Party caucus to be determined by the Premier, the Leader of the Official Opposition and the Leader of the Third Party,

THAT the Committee conduct public consultations for the purpose of receiving views and opinions of Yukon residents and interested groups on the Act,

THAT the Committee report to the House its findings and recommendations respecting:

- (1) changes to the regulations made pursuant to the Act,
- (2) substantive amendments to the Act, or
- (3) the introduction by the Government of a new Act,

THAT the Committee report to the House no later than the 2010 Spring Sitting of the Legislative Assembly,

THAT the Government introduce in the House legislation no later than the 2010 Spring Sitting of the Legislative Assembly,

THAT the Committee have the power to call for persons, papers and records and to sit during inter-sessional periods,

THAT the Committee have the power to seek background information from experts and to be able to call and hear these experts as witnesses,

THAT if the House is not sitting at such time as the Committee is prepared to present its report, the Committee transmit its report to all Members of the Legislative Assembly and then, not more than one day later, release the report to the public; and

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

19. Mr. Hardy (Motion #851)

THAT this House urges the Yukon Government as part of its social inclusion initiative to host a major summit in Whitehorse in early 2010, similar in structure and scope to the Yukon Substance Abuse Summit of 2005, to bring together all levels of government, including federal, territorial, First Nations, municipal, as well as non-government organizations, the private sector, people living in poverty and acknowledged experts in the field, for a focused discussion to examine effective strategies to respond to poverty and other factors, such as inadequate housing, education and employment, that exclude people from participating in healthy and productive living.

20. Mr. Hardy (Motion #852)

THAT a Select Committee on Bill 108, Legislative Renewal Act, be established,

THAT the membership of the Committee be comprised of equal representation from the Government caucus, the Official Opposition caucus and the Third Party caucus to be determined by the Premier, the Leader of the Official Opposition and the Leader of the Third Party,

THAT the Committee conduct public consultations for the purpose of receiving the views and opinions of Yukon citizens and interested groups on the Act,

THAT the Committee report to the House its findings and recommendations no later than the 2010 Fall Sitting of the Legislative Assembly,

THAT the Government introduce in the House legislation no later than the 2010 Fall Sitting of the Legislative Assembly,

THAT the Committee have the power to call for persons, papers and records and to sit during inter-sessional periods,

THAT the Committee have the power to seek background information from experts and to be able to call and hear these experts as witnesses,

THAT if the House is not sitting at such time as the Committee is prepared to present its report, the Committee transmit its report to all Members of the Legislative Assembly, and then, not more than one day later, release the report to the public; and

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

21. Mr. Cathers (Motion #853)

THAT this House urges the Premier to respect the principle of Ministerial accountability and the fundamental principles of the Westminster system of democracy by immediately ending his practice of giving orders to departments behind the back of the Minister responsible.