

**PROCEDURAL REPORT
2004 FALL SITTING**

**YUKON
LEGISLATIVE ASSEMBLY**

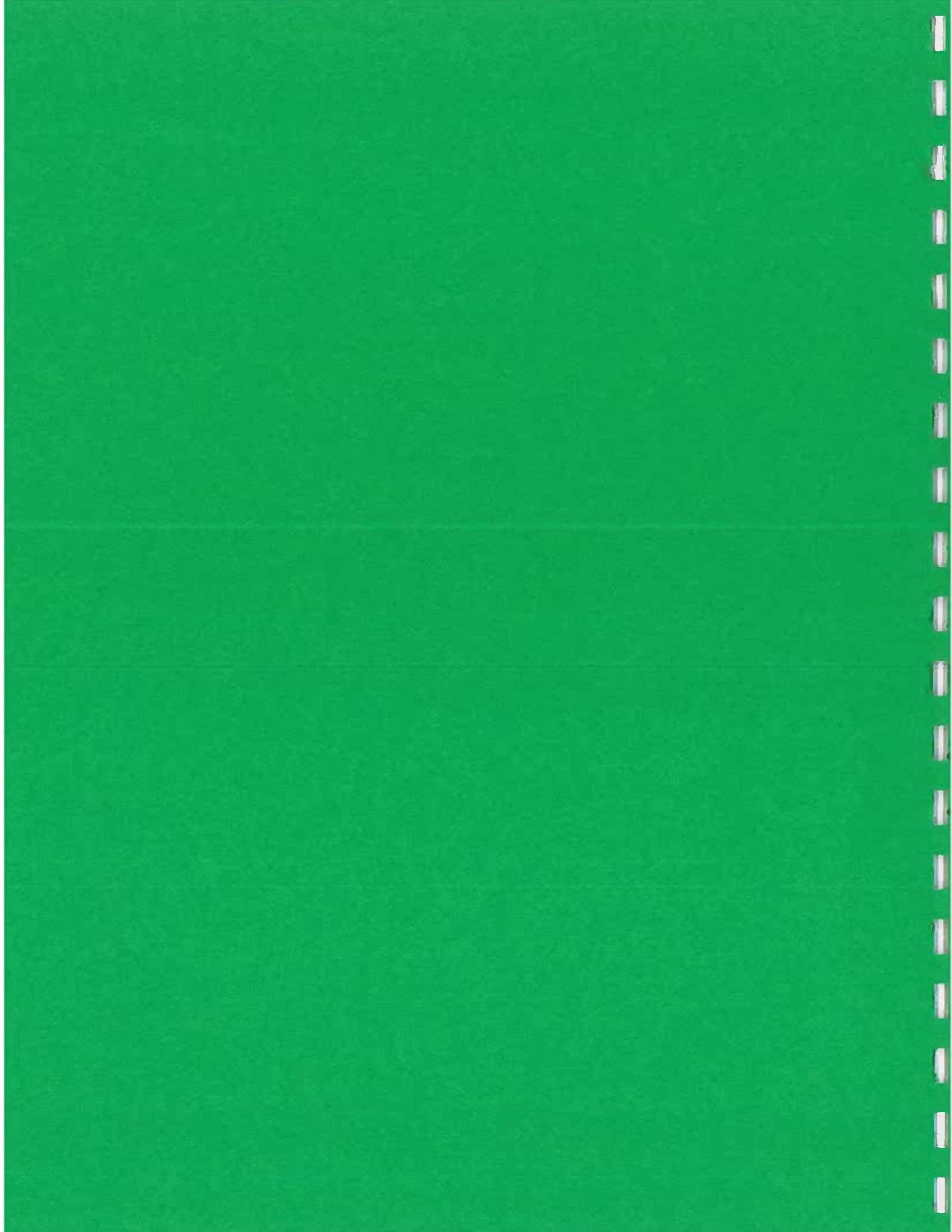


FIRST SESSION

31ST LEGISLATURE

October 21, 2004-December 14, 2004

Speaker: The Hon. Ted Staffen



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Preface

“Parliamentary procedure...is at once the “means” used to circumscribe the use of power and a “process” that legitimizes the exercise of, and opposition to power.”¹

This report documents procedural events of note that occurred during the 2004 Fall Sitting of the First Session of the 31st Yukon Legislative Assembly. It is meant to augment the *Standing Orders of the Yukon Legislative Assembly* and other procedural authorities by detailing how rules of procedure and established parliamentary practice were applied to specific incidents that arose during this Sitting. It is hoped that this report will help readers gain a deeper understanding of parliamentary procedure and practice in the Yukon Legislative Assembly.

The idea for the Procedural Report is derived from the House of Commons Procedural Digest. The Procedural Digest is issued weekly and deals with events in chronological order. However this Procedural Report takes a different approach.

The report covers the entire Sitting and deals with procedural events thematically, as certain events (seeking unanimous consent to expedite business, incidents of unparliamentary language, for example) tend to recur over the course of a Sitting. By approaching events thematically the report illustrates which kinds of incidents dominated proceedings and also the broader context of the issues involved in rulings and statements made by the Presiding Officers. Context is also provided by frequent reference to the *Standing Orders of the Yukon Legislative Assembly* and procedural authorities, particularly, *House of Commons Procedure and Practice* and *Beauchesne's Rules & Forms of the House of Commons of Canada*.

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¹ Robert Marleau and Camille Montpetit (editors), *House of Commons Procedure and Practice*, (Montréal: Chenelière and Toronto: McGraw-Hill, 2000) page 209.



Introduction

The Yukon Legislative Assembly experienced a number of unusual procedural events during the 2004 Fall Sitting. A few of these merit some comment in this introduction.

Perhaps the most disturbing procedural event of the Sitting was a comment made by one Member that questioned the impartiality of the Chair (see the entry 'Presiding Officers, Impartiality of'). In past Sittings the Presiding Officers have had to deal with situations where Members expressed disagreement with specific rulings or otherwise resisted the authority of the Chair (by, for example, not withdrawing unparliamentary remarks as fully and completely as the Chair desired). However, this was the first time in a while that there was a suggestion that the Chair was anything but neutral.

While the Speaker commonly deals with issues of order and decorum on the floor it is less usual for the Speaker to have to deal with disorder on the gallery. This event, and the context in which it occurred, is described in the entry 'Members of the public, behaviour in the Chamber.'

The Chair also had to deal with two unique issues of order that had to do with motions and amendments put before the House. Both were unusual and illustrative of larger issues.

One long-standing procedural issue involves amendments and the extent to which an amendment can alter the intent of the original motion and still be in order. This issue is dealt with in the entry 'Amendment, In Order/Out of Order.' In this case the mover of the motion was of the opinion that the amendment so changed the intent of the original motion as to be out of order. The Speaker was of a different opinion. This ruling also makes clear that when intent becomes a procedural issue it is the Presiding Officer, not the mover of the motion, who decides.

The other issue of order had to do with a Member giving notice of a motion that was, in effect, already on the Order Paper. In declaring the motion irregular the Speaker took the unusual step of ruling that the motion not be moved from the Notice Paper to the Order Paper and that it be dropped entirely.

The 2004 Fall Sitting also witnessed a number of instances where Members exhibited not only agreement, but unanimity. Most of these matters were procedural and are detailed in the entry 'Unanimous consent.' Standing Order 14.3 – Unanimous consent to waive rules – was used to call a private member's motion for debate on a day when government business had precedence (once), to deem all content of a bill read and agreed to (five times) and to deem all lines in a vote cleared or carried, as required (10 times).

There was also agreement on substantive issues. Of the 25 recorded divisions taken during the 2004 Fall Sitting 16 showed unanimous agreement of all members present for the vote. (see the Table 'Divisions' in the Statistical Summary). This list of agreement includes divisions on two bills at second reading, seven bills at third reading, and seven motions.



Procedural Issues

Absence of Member, reference to

House of Commons Procedure and Practice advises

It is unacceptable to allude to the presence or absence of a Member or Minister in the Chamber. The Speaker has traditionally discouraged Members from signalling the absence of another Member from the House because “there are many places that Members have to be in order to carry out all the obligations that go with their office.”²

This injunction was invoked three times during the 2004 Fall Sitting. The kind of language that drew the attention of the Chair included references to a Member:

- “mak(ing) a statement on the way out the door.” (November 4, 2004; *Hansard* 3040)
- “not (being) present for that vote” (November 16, 2004; *Hansard* 3205); and
- “busy in a meeting at the present time” (December 6, 2004; *Hansard* 3494)

Adjournment

Standing Order 27(3)(g) says, “No notice shall be required” for a motion “for the adjournment of the Assembly or of a debate.” Standing Order 24(2) says motions for the adjournment of debate “shall be decided without debate or amendment.”

Of the Assembly

October 21, 2004 was the first day of the 2004 Fall Sitting. It was also a day on which government business had precedence. There were no government bills on the Order Paper as all government bills introduced during the 2004 Spring Sitting had been dealt with during that Sitting. Eight government bills had been introduced and received first reading during the Daily Routine on this day. However, the government did not seek unanimous consent to have any of them brought forward for Second Reading on that day. There were a number of government motions sitting on the Order Paper for October 21. However, the government did not choose to bring any forward for debate when the Speaker called for Orders of the Day.

Instead, the government House leader, Hon. Peter Jenkins (Klondike, Yukon Party), moved the adjournment of the House. The motion was agreed to and the House adjourned at 2:16 p.m. For adjournment of the House due to lack of quorum see the entry ‘Quorum Count.’

Of Debate

Motions to adjourn debate on a bill or motion are rare. There were five instances of debate being adjourned during the 2004 Fall Sitting. On four of those occasions debate adjourned when the House reached the normal hour of adjournment (Standing Order 2(2)). On the fifth occasion debate was adjourned due to a lack of quorum (see the entry ‘Quorum Count’ below).

There was only one attempt to adjourn debate according to Standing Order 27(3)(g). This happened on November 23, 2004 during debate on Motion No. 323. At that time the government House leader, Hon. Peter Jenkins (Klondike, Yukon Party), moved that debate be now adjourned. The question was put to the House and Hon. Mr. Jenkins’ motion was negatived. Debate on the motion continued. (*Hansard* 3318; *Journals* 257)

² *House of Commons Procedure and Practice*, page 522

Of the Legislative Sitting

On November 19, 2001, pursuant to an all-party agreement, the Assembly adopted Government Motion No. 169. In so doing the Assembly amended the *Standing Orders of the Yukon Legislative Assembly*. The changes added Chapter 14 that includes, among other things, a mechanism for terminating a Sitting of the Legislative Assembly once the maximum number of sitting days has been reached and the business before the Assembly is dealt with. These new standing orders were first used in the 2002 Spring Sitting.

December 14, 2004 proved to be the final sitting day of the 2004 Fall Sitting. On that day, following the Assent to Bills by the Commissioner, Hon. Jack Cable, the Speaker adjourned the House saying

As the House has reached the maximum number of days permitted for this fall sitting, as established pursuant to Standing Order 75(3), and the House has completed consideration of the designated legislation, it is the duty of the Chair to declare that this House now stands adjourned. (*Hansard* 3666; *Journals* 286)

Amendment

In Order/Out of Order

On November 17, 2004 the Assembly debated Motion No. 275, standing in the name of Pat Duncan (Porter Creek South, Liberal). The motion read

THAT this House recognize that the Yukon Party government may use a public/private partnership to finance the construction of the Dawson bridge and urges the Government of Yukon to conduct full public consultations to develop a public/private partnership policy framework before proceeding with any such plans.

During the debate Patrick Rouble (Southern Lakes, Yukon Party) proposed

THAT Motion No. 275 be amended by deleting the expression “before proceeding with any such plans” and substituting for it the following: “while proceeding with plans to use construction of a bridge at Dawson as the pilot project for public/private partnerships involving the Yukon government.”

Upon the amendment being read Ms. Duncan rose on a point of order and said

Mr. Speaker, on a point of order, we have had several rulings in the past and discussions in this House as to whether or not an amendment changes the intent of the motion. Now, I have only had the opportunity to hear the amendment. In examining the amendment, I would ask you to consider, in light of those rulings, whether or not the amendment changes the intent of the motion — the intent of the motion being public consultation prior to the construction of the bridge. Would you consider that in your ruling on the amendment, please?”

House of Commons Procedure and Practices advises that an amendment “must not stray from the main motion but aim to further refine its meaning and intent.”³ The Speaker, Hon. Ted Staffen informed the House that he had talked “with the Table Officers with regard to the propriety of the amendment. Based on my listening to your presentation and the consultations with the Table Officers, the amendment is in order.” Ms. Duncan then asked the Speaker to elaborate on his ruling as to whether the intent of the motion had been changed. The Speaker said

You indicated in your introductory speech to the motion that if members were to amend the motion — if I’m recalling correctly — you would then urge them to maintain the public consultation perspective in the motion. That is the information I gleaned from your introductory speech to the motion. Then, in consultation with the Table Officers, we have come to a consensus that the amendment is permissible. (*Hansard* 3227-3228)

The difficult procedural question here is whether the proposed amendment changes the intent of the motion or ‘refines’ it. Ms. Duncan, the mover of the motion, was clear that in her view eliminating the requirement that consultation be completed before the bridge project is undertaken fundamentally changed the intent of the motion. However, once a motion is moved it belongs to the Assembly, not the member who moved it. As such it is the Chair who rules on the propriety of amendments. In this case the Chair considered this change to be a refinement, albeit one that the mover of the motion did not favour. The effect was to establish that the timing of consultation vis a vis bridge construction was a matter for debate, not a matter of procedure.

To the Motion for Second Reading

On December 1, 2004 Patrick Rouble (Southern Lakes, Yukon Party), spoke first in reply to Bill No. 105, *Act to Amend the Conflict of Interest (Members and Ministers) Act*. In so doing he proposed an amendment to the motion for Second Reading. Mr. Rouble proposed that the usual motion that the bill “be now read a second time” be amended by adding “and that it be referred to a select committee of the Assembly; and THAT the membership and mandate of the select committee be established by a separate motion of the Assembly following consultation among the House leaders.” (*Hansard* 3439; *Journals* 266)

This proposed amendment was procedurally unusual, but in order.⁴ Most amendments to bills are proposed in Committee of the Whole when the individual components of a bill (clauses, schedules, the title, etc.) are dealt with in detail. However, Mr. Rouble did not propose to amend the bill, just the motion for second reading.

Assent

Assent is the final stage in a bill becoming law. The Assent ceremony illustrates the agreement reached by the two components of the Legislature of Yukon, as identified in section 17 of the *Yukon Act*: the Commissioner and the Legislative Assembly. The Legislative Assembly indicates its support for a bill by passing a motion that a bill “be now read a third time and do pass.” Once the Commissioner indicates support by granting Assent the bill becomes law. The only remaining detail is the date on which the bill comes into force, which tends to be in one of three

³ *House of Commons Procedure and Practice* page 453.

⁴ See ruling by the Speaker, Hon. Ted Staffen, in Yukon Legislative Assembly, *Hansard*, First Session of the 31st Legislature, Volume 3 (March 25, 2004-May 18, 2004) page 1921 and Yukon Legislative Assembly, *Procedural Report: 2004 Spring Sitting*, page 8.

ways: (1) a specific date is set out in the bill, (2) the Commissioner in Executive Council is delegated authority to establish the date, or (3) no mention is made in the bill which results in it coming into force on assent.

For the Assent ceremony the Commissioner is escorted into the Chamber by the Sergeant-at-Arms and takes the Speaker's chair. The Speaker, standing to the right of the Chair, informs the Commissioner that "the Assembly has, at its present session, passed certain bills, to which, in the name and on behalf of this Assembly, I respectfully request your assent." The Clerk then reads out the names of the bills that have passed the Assembly. The Commissioner then says, "I hereby assent to the bills as enumerated by the Clerk."

During the 2004 Fall Sitting the Commissioner, Hon. Jack Cable, entered the Chamber on December 14 to grant assent to the following bills:

- Bill No. 46, *Act to Amend the Oil and Gas Act*;
- Bill No. 47, *Act to Amend the Financial Administration Act*;
- Bill No. 48, *Act to Amend the Elections Act*;
- Bill No. 49, *Act to Amend the Legal Profession Act*;
- Bill No. 50, *Act to Amend the Crime Prevention and Victim Services Trust Act*;
- Bill No. 51, *Act to Amend the Motor Vehicles Act*;
- Bill No. 52, *Act to Amend the Education Staff Relations Act and the Public Service Staff Relations Act*;
- Bill No. 53, *Act to Amend the Insurance Act*;
- Bill No. 54, *Act to Amend the Income Tax Act*;
- Bill No. 12, *Second Appropriation Act, 2004-05*; and
- Bill No. 11, *Fourth Appropriation Act, 2003-04*.

Charge against another member

According to *Beauchesne's Parliamentary Rules & Forms* "(i)n any case where the propriety of a Member's actions is brought into question a specific charge must be made."⁵ *House of Commons Procedure and Practice* adds "a direct charge or accusation against a Member may be made only by way of a substantive motion for which notice is required."⁶ Such remarks cannot merely be injected in debate. During the 2004 Fall Sitting charges made by Members against one another fell into the categories of allegations of illegal behaviour, unethical behaviour and conflict of interest.

Allegations of illegal behaviour came up twice. A comment that drew the attention of the Chair of Committee of the Whole, Patrick Rouble, in this regard occurred during general debate on Bill No. 11, *Fourth Appropriation Act, 2003-04* on November 15, 2004. In discussing the reporting of lapsed funds the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) said "the New Democrats would probably have found a way to spend that money and probably not always in accordance with the *Financial Administration Act*." The Chair indicated his discomfort with the Premier "insinuating that an opposition party would behave in a manner that contravenes the *Financial Administration Act*." (*Hansard* 3177)

⁵ Alistair Fraser, W.F. Dawson, and John A. Holtby, *Beauchesne's Rules & Forms of the House of Commons of Canada with Annotations, Comments and Precedents* (6th edition) (Toronto: The Carswell Company Limited, 1989) §50, page 17.

⁶ *House of Commons Procedure and Practice*, page 525.

A similar event occurred during Question Period on November 30, 2004 as the Minister of Environment, Hon. Peter Jenkins (Klondike, Yukon Party), responded to questions from Lorraine Peter (Vuntut Gwitchin, NDP) regarding a vacancy on the Yukon Fish and Wildlife Management Board. In his response to Mrs. Peter's final supplementary question Hon. Mr. Jenkins said, "the member opposite is asking me to break the law." Later that day Eric Fairclough (Mayo-Tatchun, NDP) asked Hon. Mr. Jenkins questions regarding habitat protection areas. In response to Mr. Fairclough's first supplementary question Hon. Mr. Jenkins said, "earlier on in Question Period today I had the Member for Vuntut Gwitchin asking me to break the law. Now I have the Member for Mayo-Tatchun asking me to break the law. Mr. Speaker, we can't do that." At that point the Speaker, Hon. Ted Staffen, called for order and said, "I understand exactly why the opposition is looking at the Chair. The minister knows full well (he) can't accuse members of supporting the breaking of the law." (*Hansard* 3401)

Allegations of unethical behaviour also came up twice. During Question Period on November 9, 2004 the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) questioned the Minister of Education, Hon. John Edzerza (McIntyre-Takhini, Yukon Party) regarding his department's relations with the Tr'ondëk Hwëch'in First Nation. During the course of his final supplementary question Mr. Hardy said, "I would like to remind the minister that negotiations aren't all about money and giving money and expecting to buy people off." Shortly thereafter the government House leader, Hon. Mr. Jenkins, rose on a point of order. Hon. Mr. Jenkins argued that the phrase "buy people off" was not in order. The official opposition House leader, Gary McRobb (Kluane, NDP) then intervened and said, "The leader of the official opposition accused nobody of doing such a thing. He merely stated a principle. He believed it was wrong to do that." Speaker Staffen took the point of order under advisement. (*Hansard* 3088)

The Speaker gave his ruling on November 16. After recounting the events of November 9 the Speaker said

The Chair accepts that the argument may be made, as it was by the official opposition House leader, that the leader of the official opposition did not intend to make an accusation. However, as members know, context is fundamental to the application of the rules and practices regarding words and phrases that are or are not in order. In the context of that day's Question Period, the phrase "buy people off" as used by the leader of the official opposition left the impression of an accusation. Members must remember that Question Period can become confrontational at times, and they should therefore take care to avoid words and phrases that might be taken as an accusation even though that is not their intention. (*Hansard* 3182; *Journals* 247)

During Question Period on December 2, 2004 Mr. Fairclough questioned the Minister of Education, Hon. Mr. Edzerza, about the government's plan to attach the Carmacks campus of Yukon College to the new Tantalus School. In reply to Mr. Fairclough's main question Hon. Mr. Edzerza said

Since we made the offer to construct this new facility, it has become a political football, Mr. Speaker. Certain individuals are trying to put off this project for their own political gains, Mr. Speaker. That's my opinion.

One individual whom I consider to be a very credible source told me that the opposition has promised citizens in Carmacks a better deal.

At that point Mr. McRobb rose on a point of order. He argued that Hon. Mr. Edzerza imputed false or unavowed motives to Mr. Fairclough, in contravention of Standing Order 19(g).

The Speaker said although he was “not comfortable with the terminology, (he didn’t) feel that there is a point of order. However, he reserved “the right to review the Blues and come back if I feel that, upon my review, there is a different ruling.” He then allowed the Minister of Education continue with his response to the question. Hon. Mr. Edzerza then repeated his accusation, this time focusing his comments directly on Mr. Fairclough

Mr. Speaker, it has been brought to my attention from a very credible source that the Member for Mayo-Tatchun is promising people in Carmacks a better deal when they get elected into government.

At that point the Speaker called for order and said, “Now that, Minister of Education, is casting aspersions. I would ask the hon. member not to do that.” (*Hansard* 3461-3462)

A question of conflict of interest came up during Question Period on November 18, 2004. At that time the leader of the third party, Pat Duncan (Porter Creek South, Liberal) asked a question regarding a phone call the Minister of Energy, Mines and Resources, Hon. Archie Lang (Porter Creek Centre, Yukon Party), made to the owner of a Carcross hotel “months before the government was to announce a major investment in the town of Carcross.” Ms. Duncan asserted that “The public perception created by this phone call is that the minister used insider information to help a friend.” At that point the Speaker called for order saying, “If I’m understanding the question correctly, the member is implying a conflict of interest. We have mechanisms to deal with conflicts of interest. I’ve asked the member to be very careful in putting forth suggestions that there is a conflict of interest. All members are considered honourable and are taken at their word. Please carry on.” Ms. Duncan assured the Speaker that she was merely seeking an explanation and not making an accusation. (*Hansard* 3248)

Committee of the Whole

Proceeding from general debate to line-by-line

The procedure for dealing with a bill in Committee of the Whole is described in the *Chair’s Handbook: Committee of the Whole*.⁷ It is as follows:

General debate on the bill is allowed on the calling of Clause 1. Amendments cannot yet be made. On the conclusion of general debate, if Clause 1 is the short title, the Chair moves on to Clause 2 without putting the question on Clause 1. If Clause 1 is not the short title, amendments may be proposed at this time. When the clause has either been carried or stood (for later consideration), the Chair will call out the numbers of the subsequent clauses (or actually read the clause if the Members so wish) one by one. At this time, debate may take place only on the specific clause which has been called. If, however, a later clause is consequential, a Member may refer to it as it directly relates to the clause in question. Amendments may be proposed and disposed of (either carried or

⁷ Yukon Legislative Assembly, *Chair’s Handbook: Committee of the Whole* (February 2003), page 12.

negated) by motion format. Each clause is a distinct question and must be separately discussed unless otherwise agreed. When a clause has been agreed to, it is irregular to discuss it again on the consideration of another clause unless the former clause is directly tied to the later clause. It may be reopened only by unanimous consent. The sequence for reading a non-budgetary bill is:

1. Clause 1 - general debate; if short title only, question postponed.
2. Clause by clause study until consideration of the bill is complete.
3. Schedule(s) (if any)
4. Preamble (if any)
5. Clause 1 - if short title only
6. Title

On October 26, 2004 Committee of the Whole considered Bill No. 51, *Act to Amend the Motor Vehicles Act*. While in general debate on the bill the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) asked a question about a specific subsection of the bill. The Committee Chair, Patrick Rouble, then called for order saying, "the Chair recognizes that members now are asking very specific questions about specific lines and going through line by line. Is it the members' intention to go through line-by-line debate?" Members indicated that they wished to continue with general debate. The Chair then said, "Okay, we'll continue with general debate then. But I would remind members that we will eventually get through line by line where we can address some of these concerns more directly." (*Hansard* 2856-2857)

Progress, Motion to report

The motion to report progress is used in Committee of the Whole to indicate that the committee wishes to cease debate on a subject, though the committee may wish to return to it at some point in the future. This motion is commonly used when the House approaches its normal hour of adjournment, but can be used at any time. No notice is required for such a motion and it is neither debatable nor amendable. The motion to report progress is usually uncontested, but that is not always the case.

On October 26, 2004 as the normal hour of adjournment approached Hon. Mr. Hart moved that Committee of the Whole report progress on Bill No. 51, *Act to Amend the Motor Vehicles Act*. After the motion was agreed to Gary McRobb (Kluane, NDP) rose on a point of order. Mr. McRobb said, "it's highly unusual to close down the House...(at) seven minutes to six. Clearly there is another six minutes of possible discussion that could take place before we close it down...I think we should be in here doing the public's business, not trying to get out early."

Procedurally the Chair's only concern is whether the motion to report progress is in order, not whether it is being used wisely. That is up to the House to determine by its vote on the motion. The Committee Chair, Patrick Rouble, informed Mr. McRobb that the motion was in order and there was, therefore, no point of order. (*Hansard* 2859)

The motion to report progress was negated on November 16, 2004. As the hour of adjournment neared on that day Steve Cardiff (Mount Lorne, NDP) moved that the committee report progress. The Committee Chair, Mr. Rouble, put the motion to the committee and determined that the 'nays' had carried the vote. A couple of minutes later Mr. Cardiff again moved that progress be reported. Unfortunately for Mr. Cardiff Standing Order 43(2) says that if

the motion to report progress is defeated another “shall not be moved again until after some intermediate proceeding has taken place.”

The definition of ‘intermediate proceeding’ is found in *Beauchesne’s Parliamentary Rules & Forms*. Annotation 385(1) says, “The term “intermediate proceeding”...means a proceeding that can properly be entered on the *Journals*.” Annotation 385(2) adds, “It has never been understood in the House of Commons that the words “intermediate proceeding” covers speeches...it is construed as relating to procedure and not to debates.”⁸

The Chair therefore informed the committee that since debate does not constitute an intermediate proceeding the motion was not in order. As it turned out the time had reached the normal hour of adjournment while the Chair was ruling on the motion. Pursuant to Standing Order 2(4) therefore the Chair rose to report progress to the House. (*Hansard* 3209)

Witnesses, appearing in

Occasionally Committee of the Whole will call upon witnesses to contribute information regarding a matter before the Committee. Standing Order 48(1) says, “No witness shall attend before any Committee unless a written statement has first been filed with the Chair of the Committee by a member thereof, stating that the evidence to be obtained from the witness is material and important.” This standing order has recently fallen into disuse. Presently the practice is that a motion authorizing the appearance of witnesses must be made in Committee. The motions stipulate who is to appear before the Committee, the date and time at which they are to appear, and for how long. No notice is required for such a motion.

Witnesses appeared before Committee of the Whole on three occasions during the 2004 Fall Sitting. On November 9, 2004 the government House leader, Hon. Peter Jenkins (Klondike, Yukon Party), moved a motion regarding the appearances of witnesses before Committee of the Whole. The motion was debated and agreed to (*Hansard* 940; *Journals* 241.) Hon Mr. Jenkins moved similar motions on November 23 and December 13. Both motions were agreed to without debate. (*Hansard* 3319, 3615; *Journals* 257, 281)

Committees, Reports of

Standing Order 49(1) says, “A report from a Committee shall be signed by the Chair, on behalf of the Committee, and shall be presented to the Assembly by the Chair or by another member of the Committee authorized by the Chair or the Committee.” This does not require, however, that the report’s first public appearance be in the Assembly. If a report is ready for distribution to members while the House is not sitting it can be distributed to them. However the report must be given to Members before it is distributed to the public. Also, the report must be tabled in the Assembly once the House resumes sitting.

This is what occurred with the first report of the Standing Committee on Public Accounts. The report, dated July 2, 2004, was distributed to members shortly after that date. On October 25, 2004 the leader of the Official Opposition, Todd Hardy (Whitehorse Centre, NDP), in his capacity as Chair of the Standing Committee on Public Accounts, tabled the report in the Assembly. (*Hansard* 2332)

Correcting the Record

Correcting the record is never a point of order, but is taken simply as a dispute between members. For example, on November 9, 2004 Committee of the Whole considered Bill No. 48,

⁸ *Beauchesne’s Parliamentary Rules & Forms* p. 112-113.

Act to Amend the Elections Act. During debate the leader of the third party, Pat Duncan (Porter Creek South, Liberal) rose on a point of order and said

I'm sure the minister (Hon. Peter Jenkins) has erred unintentionally. He has said that there was a luncheon held for all parties to discuss the bill. My understanding from the briefing and from other political parties is that the luncheon was prior to the draft of the Chief Electoral Officer's report — prior to the draft of the report that initiated the bill. That is substantially different, and I'm sure it was an unintentional error on the part of the member.

The Chair of Committee of the Whole, Patrick Rouble, ruled that there was not point of order as the issue raised by Ms. Duncan could "be cleared up during debate." (*Hansard* 3101)

Debate, closing

Standing Order 21(1) says, "A reply shall be allowed to a member who has moved a substantive motion..."

On November 18, 2004 the Assembly debated Bill No. 47, *Act to Amend the Financial Administration Act*, at Second Reading. As debate neared its end the government House leader, Peter Jenkins, (Klondike, Yukon Party) rose on a point of order to inform the Assembly that the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), who moved the motion for Second Reading, "had to take a very important phone call and asked that Minister Hart close debate on this bill, please." The Speaker, Hon. Ted Staffen, informed the House that "(t)he Minister of Community Services (Hon. Mr. Hart) can be recognized but he will not close debate." (*Hansard* 3253)

Cabinet acts as a collegial body and it is not unusual for one minister to move a motion for second reading of a bill that had been introduced by another minister. However, once that minister opens debate on the motion for second reading only that minister can close that debate.

Documents, tabling of

Requirement for Tabling

Members regularly use documents when participating in debate. Occasionally other Members, who do not have this source of information, ask that such information be tabled so that they can, in their view, more fully participate in debate. *House of Commons Procedure and Practice* advises that "where information is given to the House, the House itself is entitled to the same information as the honourable member who may quote the document."⁹ In the Yukon Legislative Assembly this only applies to private correspondence not available to Members by other means. Documents in the public domain, or otherwise in the possession of Members, need not be tabled.

This became an issue on December 7, 2004 during Committee of the Whole consideration of Bill No. 54, *Act to Amend the Income Tax Act*. At one point in the debate the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), cited some conclusions from "the Mintz report." The leader of the third party, Pat Duncan (Porter Creek South, Liberal), then rose on a point of order and said, "it's customary in the House that, if the minister is reading from a document or quoting from a document — I heard him reference the Mintz report — copies of that information be provided." Mr. Fentie responded that "It is customary from time to time to

⁹ *House of Commons Procedure and Practice*, page 518.

quote passages from *Hansard* and other documentation in this House.” The Committee Chair, Patrick Rouble, ruled that, “If this is a document that currently exists in the public domain, there is no requirement that it be tabled; however, if this is a private document, then it would be appropriate — if it’s going to be quoted from extensively — to table the document and to provide it to all members.” Mr. Fentie then confirmed that the document was “a very public document available on the Internet across the country, probably worldwide.” There was, therefore, no need to table the document. (*Hansard* 3523)

Statutory Requirement

Standing Order 38(1) says, “Any return, report or other paper required to be tabled in the Assembly in accordance with an Act or pursuant to any resolution or Standing Order of this Assembly shall be tabled during Tabling Returns and Documents.” Required tablings are entered into the Assembly’s working papers as ‘Sessional Papers.’ Below is a list of documents tabled during the 2004 Fall Sitting and the statutory authority for their tabling. The Speaker tabled other required tablings (see Presiding Officers, tabling by).

Date	Document	Authority	Reference
October 28	Public Accounts of the Government of Yukon for the year ended March 31, 2004 (Fentie)	s. 8(2), <i>Financial Administration Act</i>	<i>Hansard</i> 2894; <i>Journals</i> 226
November 3	Yukon Advisory Council on Women’s Issues 2003/2004 Report Annual Report (Taylor)	s. 15(2), <i>Yukon Advisory Council on Women’s Issues Act</i>	<i>Hansard</i> 2992; <i>Journals</i> 232
	Yukon Workers’ Compensation Health and Safety Board 2003 Annual Report (Jenkins)	s. 110(1), <i>Workers’ Compensation Act</i>	
November 4	Yukon Public Service Staff Relations Board 2003/2004 Annual Report (Taylor)	s. 101, <i>Public Service Staff Relations Act</i>	<i>Hansard</i> 3025; <i>Journals</i> 234
	Yukon Teachers Staff Relations Board 2003/2004 Annual Report (Taylor)	s. 103, <i>Education Staff Relations Act</i>	
November 17	Yukon Heritage Resources Board 2003/2004 Annual Report (Taylor)	s. 7(7), <i>Historic Resources Act</i>	<i>Hansard</i> 3212; <i>Journals</i> 249
	Yukon Arts Centre 2003/2004 Annual Report (Taylor)	s. 12, <i>Arts Centre Act</i>	
December 6	Yukon Child Care Board 2003/2004 Annual Report (Jenkins)	s. 4(11), <i>Child Care Act</i>	<i>Hansard</i> 3486; <i>Journals</i> 270
December 8	Yukon Liquor Corporation 2003/2004 Annual Report (Kenyon)	s. 16, <i>Liquor Act</i>	<i>Hansard</i> 3547; <i>Journals</i> 273

December 8	Yukon Housing Corporation 2003/2004 Annual Report (Kenyon)	s. 23(2), <i>Yukon Housing Corporation Act</i>	Hansard 3547; Journals 273
December 9	Yukon Energy Annual Report (Lang)	s. 22(3), <i>Yukon Development Corporation Act</i>	Hansard 3578; Journals 275
December 13	Yukon Development Corporation, Energy Solutions Centre 2003 Annual Report (Lang)	s. 22(3), <i>Yukon Development Corporation Act</i>	Hansard 3609; Journals 281
December 14	Public Schools Branch 2003/2004 Annual Report (Edzerza)	s. 5(h), <i>Education Act</i>	Hansard 3643; Journals 283
	State of Environment Report (2002) (Jenkins)	s. 48(1), <i>Environment Act</i>	
	Yukon Council on the Economy and the Environment 2003/2004 annual Report (Jenkins)	s. 10(1)(i), <i>Economic Development Act</i> , s. 42, <i>Environment Act</i>	

Standing Order 38(2) allows members to table documents “for the information of members.” Such documents are tabled either in support of arguments made in debate or because members believe the information contained in them should be public knowledge. These documents are entered into the Assembly’s working papers as ‘Filed Documents.’ The complete list of Sessional Papers and Filed Documents tabled during the 2004 Fall Sitting can be found in the *Hansard* index and in the *Journals* index.

Languages, other than English, use of

The working language of the Yukon Legislative Assembly is English. Simultaneous translation in other languages is not provided. Members are free, however, to speak in other languages if they so choose. Words spoken in languages other than English are not included in *Hansard* unless a transcript is provided to the *Hansard* office. If no script is provided a notation will appear in *Hansard*, i.e., [*Member spoke in...script unavailable*]. An English translation of words spoken in a language other than English is not provided.

Where members use phrases that are commonly known (i.e., Mahsi’cho, merçi) no such process is necessary.

Lorraine Peter (Vuntut Gwitchin, NDP) spoke in Gwitchin during her tribute in recognition of Women’s History Month on October 21, 2004. As the *Hansard* Office was not furnished a translation the following notation appeared in the transcript: [*Member spoke in native language. Translation unavailable.*] (*Hansard* 2790) This also occurred on November 2, 2004 during Second Reading of Bill No. 12, *Second Appropriation Act, 2004-05.* (*Hansard* 2974)

One situation where non-English words did show up in *Hansard* occurred on October 28, 2004. The leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) started the first main question in Question Period that day by saying

A couple of weeks ago, I attended a function. It was the Three Rivers event held at the Yukon Arts Centre. Now, at the end of a presentation, a Gwich’in woman made a simple

but very powerful statement about what she is hearing from the elders and other people. What she said was: "Juk Gwan doo Gwiinzii Dii Goo tha Chaa Kwaa."

I apologize if my pronunciation is not very good, but I will translate that statement. What she said was: "No one hears us any more." It was a very powerful statement on how people feel, Mr. Speaker, and I've heard those very same words spoken by many Yukoners in regard to this government. (*Hansard* 2895)

Members

Recognition of

Standing Order 17 (1) says, "Every member desiring to speak shall rise in his or her place and address the Speaker." Standing Order 17 (2) says, "When two or more members rise to speak, the Speaker shall call upon the member who, in the Speaker's opinion, first rose but a motion may be made that any member who has risen "be now heard" and the motion shall be put immediately without debate or amendment."

These rules came into play on November 3, 2004, a day when Opposition Private Members' business had precedence during Orders of the Day. On that day the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) opened debate on Bill No. 107, *Democratic Reform Act*. Upon the conclusion of Mr. Hardy's speech the leader of the third party, Pat Duncan (Porter Creek South, Liberal), rose to speak to the bill. At that point the Speaker, Hon. Ted Staffen, informed the House that he was, by practice giving the floor to a member from the government side to speak first in reply. Ms. Duncan said, "It is not spelled out. In our Standing Orders, it's whoever stands up, as I understand it. There was no speaking order agreed to at House leaders' meeting' this morning and no speaking order presented." (*Hansard* 3000)

Ms. Duncan was correct. Standing Order 17 does not require the Speaker to follow a particular rotation in recognizing members to address the business before the House. However, as the Speaker pointed out such a practice has developed and is adhered to.

References to

Beauchesne's Parliamentary Rules & Forms advises, "It is the custom in the House that no Member should refer to another by name." Instead Members should identify one another by the constituency they represent, or the ministerial portfolio or other office they hold (Premier, Leader of the Official Opposition, House Leader, etc.).¹⁰

On October 28, 2004, during debate on Bill No. 51, *Act to Amend the Motor Vehicles Act*, the Minister of Highways and Public Works, Hon. Glenn Hart (Riverdale South, Yukon Party) used the phrase "should the NDP government and Mr. McRobb get into power." At that point the Chair of Committee of the Whole, Patrick Rouble, intervened to "remind members that it is inappropriate to mention members by name in this Assembly." (*Hansard* 2908)

Along the same lines the following exchange occurred on November 1, 2004 during Second Reading of Bill No. 12, *Second Appropriation Act, 2004-05*:

Mr. Hardy: On opening day in the Legislature this fall...we had a reindeer at the door, all dressed up. A person was delivering the reindeer. It was Mr. Fentie's reindeer.

Speaker: Order please. You know —

Mr. Hardy: I know.

¹⁰ *Beauchesne's Parliamentary Rules & Forms* §484(1), page 142.

Speaker: Carry on, please.

Mr. Hardy: Okay. That was a sign I had seen, actually. I'm sorry about that, Mr. Speaker. It was the Premier's reindeer. (*Hansard* 2945)

Members of the public

Behaviour in the Chamber

While members of the public are welcome to observe proceedings in the Assembly Chamber they are not allowed to participate in any way. The Speaker, Hon. Ted Staffen, had to intervene in this regard on December 2, 2004.

On that day a number of persons from Carmacks demonstrated outside the Assembly building in opposition to the government's plan to attach the Carmacks campus of Yukon College to the new Tantalus School. These individuals then attended Assembly proceedings. During Question Period Eric Fairclough (Mayo-Tatchun, NDP) asked the Minister of Education, Hon. John Edzerza (McIntyre-Takhini, Yukon Party), about this plan. In answering Mr. Fairclough's first supplementary question Hon. Mr. Edzerza said, "When we start to have discussions around a new project and the first thing the government is slapped with is a BCR (band council resolution), I believe that that's dealing in bad faith." Mr. Fairclough began his final supplementary question by saying

Mr. Speaker, the Minister of Education still deals with band council resolutions? He's stuck in the past. Wake up. First Nations are self-governing now, Mr. Speaker.

At that point individuals in the public gallery broke into applause. Speaker Staffen, called for order saying

As delighted as we are to have everybody in the audience, we would respectfully ask the folks in the audience not to participate in the debate, please. Thank you very much. (*Hansard* 3462)

References to

House of Commons Procedure and Practice advises the following as the established practice regarding references to members of the public:

Members are discouraged from referring by name to persons who are not Members of Parliament and who do not enjoy parliamentary immunity, except in extraordinary circumstances when the national interest calls for the naming of an individual. The Speaker has ruled that Members have a responsibility to protect the innocent, not only from outright slander but from any slur directly or indirectly implied, and has stressed that Members should avoid as much as possible mentioning by name people from outside the House who are unable to reply and defend themselves against innuendo.¹¹

Essentially this practice is designed to ensure Members' freedom of speech in the Assembly is used judiciously and not to the disadvantage of persons who do not enjoy a similar privilege. It does not prevent a member from bringing up an issue of public importance. It only prevents the

¹¹ *House of Commons Procedure and Practice*, page 524.

member from naming individuals involved in the issue in a way that could cause that person injury. However the Speaker may also use his discretion to intervene even where an individual is not referred to by name, but may be identified by the context of remarks.

For example, during Question Period on November 25, 2004 Lorraine Peter (Vuntut Gwitchin, NDP) asked questions regarding a radio interview the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), conducted with the Canadian Broadcasting Corporation. During the course of the interview the Premier made what Mrs. Peter characterized as “a torrent of rude and abusive comments” toward the reporter conducting the interview. In response the Premier alleged “that this reporter has preyed on victims who have succumbed to the demons of addictions.” At that point the Speaker, Hon. Ted Staffen, called for order and said, “The Chair understands that there are conflicting views and opinions on this issue; however, I would urge all members to restrain yourselves. This is the Legislative Assembly.” (*Hansard* 3344)

Moment of silence

Tributes are the first item of business in the Daily Routine, as outlined in Standing Order 11(2). Occasionally tributes given in the Assembly include a moment of silence.

On November 10, 2004 the Legislative Assembly observed Remembrance Day. The Speaker, Hon. Ted Staffen, made remarks in honour of those who have served in Canada’s armed forces. The House then observed a moment of silence. (*Hansard* 3117; *Journals* 242)

Money Message

Standing Order 61 says

- (1) It is not lawful for the Assembly to adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue of Yukon, or of any tax or impost, to any purpose that has not been first recommended to the Assembly by message of the Commissioner in the Session in which such vote, resolution, address or bill is proposed.
- (2) Standing Order 61(1) relates only to appropriations and does not refer to the imposition of taxes. The only condition imposed on a taxation measure is that it be introduced by a Minister.

Both the appropriation acts introduced in the 2004 Fall Sitting, Bill No. 11, *Fourth Appropriation Act, 2003-04* and Bill No. 12, *Second Appropriation Act, 2004-05* were accompanied by money messages, thereby fulfilling the requirement of Standing Order 61(1).

Motions, Irregular

According to *Beauchesne’s Parliamentary Rules & Forms*, “It is the Speaker’s duty to call the attention of the mover and of the House to the irregularity of a motion; whereupon the motion is usually withdrawn or so modified as to be no longer objectionable. If the motion is of such a nature that objection cannot be removed, the Speaker may refuse to put the motion to the House.”¹²

¹² *Beauchesne’s* §566(3), pages 174-175.

Motions may become irregular for a variety of reasons. The table below lists those motions modified or removed from the Order Paper during the 2004 Fall Sitting and the reasons for doing so.

Date	Motion	Sponsor	Action	Reason	Reference
October 21	No. 75	Duncan	Removed	Action requested was done	<i>Hansard 2789; Journals 216</i>
	No. 235	Hassard	Removed	Action requested was done	
	No. 187	Duncan	Removed	Outdated	
	No. 188	Duncan	Removed	Outdated	
	No. 213	Duncan	Removed	Outdated	
	No. 150	Cardiff	Removed	Outdated	
	No. 167	Fairclough	Removed	Outdated	
	No. 55	Duncan	Modified	To make the motion current	
No. 274	Duncan	Modified	To make the motion current		
November 2	No. 183	Duncan	Removed	Outdated	<i>Hansard 2962; Journals 230</i>
	No. 307	Duncan	Removed	Outdated	
November 8	No. 327	Cardiff	Removed	Action requested was done	<i>Hansard 3057; Journals 237</i>
November 18	No. 90	Rouble	Removed	Similar to another motion which had carried	<i>Hansard 3245; Journals 251</i>

One motion ruled irregular by the Speaker, Hon. Ted Staffen but not listed in Appendix B was introduced to the Assembly on November 23, 2004. On that day Gary McRobb (Kluane, NDP) gave notice of a notice of motion that began as follows: "THAT it is the opinion of this House that the Yukon Party government should immediately begin practising the intent of the Motion No. 83, read in this House on April 8, 2003, which remains on the Order Paper and reads as follows:..." Mr. McRobb then read the text of Motion No. 83, in its entirety, into the record.

The following day, before calling Notices of Motion, Speaker Staffen ruled on the matter. He informed the House that Mr. McRobb's action presented

a procedural difficulty for the Chair. Members are aware that it is in order to have on the Order Paper notices of motion that are similar to one another. It would have been in order, therefore, for the Member for Kluane to have given notice of a motion that was similar in intent or subject matter but textually different from Motion No. 83.

However, it is not in order to have on the Order Paper two notices of motion that are exactly the same. Members will note that the version of Motion No. 367 appearing on today's Order Paper is an edited one. This editing was done by the Table Officers under my direction. Nonetheless, the notice of motion remains a problem because calling Motion No. 367 for debate would, in effect, result in a debate on Motion No. 83. Therefore, Motion No. 367 merely serves to put Motion No. 83 on the Order Paper twice. That is not in order.

Furthermore, the Chair does not wish to see a practice develop where members are using the House's limited time to place on the Order Paper notices of motion that are, in effect, already there. The Chair therefore orders Motion No. 367 not be transferred from the Notice Paper to the Order Paper. (*Hansard* 3334; *Journals* 259-260)

The House then proceeded to Notices of Motion.

While *Beauchesne's Parliamentary Rules & Forms* describes the Speaker's duty regarding irregular motions, Members may also raise a point of order if they feel a motion put before the House is irregular. On November 24, 2004 Mr. McRobb rose on a point of order and said the following

With all respect, I submit that Motion No. 322 is not debatable at the present time. Please allow me to explain. The subject matter of the motion pertains to developing a pan-northern approach to the Canada Winter Games. Earlier today I tabled a document that clearly demonstrates that the subject matter proposed for debate this afternoon is already taking place. The decision has already been made. There's nothing to debate. Therefore the motion is outdated. In fact, the three pan-northern jurisdictions issued a press release jointly on October 19 announcing the appointment of Mr. Jim Antoine as the pan-northern ambassador for the 2007 Canada Winter Games.

Given this fact, I would respectfully request that you exercise the authority that you and previous Speakers have exercised many times in the past. I am respectfully requesting that you remove Motion No. 322 from the Order Paper rather than allowing a pointless debate on a motion that is already out of date. I would be happy to provide you with another copy of this joint news release to assist you in making your ruling.

The Speaker ruled, "Although there are similarities with the press release tabled by the Member for Kluane, the Chair is unable to make a ruling. It's beyond the purview of the Chair actually to make that kind of a ruling, so I will allow the debate to go ahead." (*Hansard* 3339; *Journals* 260)

Order and Decorum

Department in the Chamber

During Second Reading of Bill No. 107, *Democratic Reform Act* on November 3, 2004, Hon. Jim Kenyon (Porter Creek North, Yukon Party) rose on a point of order regarding decorum in the Assembly. Hon. Mr. Kenyon asked the Deputy Speaker "if the rules had been changed to allow having lunch in the House." During his ruling on the point of order the Deputy Speaker, Patrick Rouble, reminded Members "of the practice of our Assembly of refraining from eating food in here and the practice of not drinking things other than water." (*Hansard* 3010)

The following day the Clerk of the Legislative Assembly, Patrick L. Michael, circulated a memorandum to all Members explaining the rules regarding order and decorum. Attached to the memo was a set of rules and practices that have developed over the years in this regard. One of the practices mentioned was "To maintain the dignity of the House, eating and chewing gum in the Chamber is prohibited. Water is the only refreshment allowed." This information has been relayed to members during previous legislatures. The Clerk also informed members that the House "is free to change these rules or to give direction that certain existing practices should or should not continue to be followed. In the absence of such decisions or direction, however, the

presiding officers of the House have no choice but to assume the rules and practices in place reflect the wishes of the House and continue to enforce them.”

The practices regarding food and drink in the Chamber are drawn from those of the House of Commons of Canada (as per Standing Order 1). Both *House of Commons Procedure and Practice*¹³ and *Beauchesne's Parliamentary Rules & Forms*¹⁴ reiterate that water is the only refreshment allowed in the Chamber. *Erskine May's Parliamentary Practice* indicates an even more restrictive practice in the House of Commons of the United Kingdom where no “refreshment (may) be brought into, or consumed in, the Chamber.”¹⁵

Extraneous comments

Standing Order 6(6) says, “When a member is speaking, no member shall interrupt, except to raise a point of order or a question of privilege.” The Presiding Officers intervened on numerous occasions to enforce this standing order during the 2004 Fall Sitting.

For example, during Question Period on October 25, 2004 the Speaker, Hon. Ted Staffen, reminded Members that “that extraneous chatter is not allowed. I would ask the members to restrain themselves while another member is speaking.” (*Hansard* 2334) This kind of statement is common; however, on some occasions something more detailed is required.

On November 3, 2004, during debate on Bill No. 107, *Democratic Reform Act*, Hon. Jim Kenyon rose on a point of order to inform Deputy Speaker Rouble, that “it is becoming very difficult...to listen to the debate with the chatter opposite.” The Deputy Speaker acknowledged that “the level of decorum in the Assembly has been diminishing in recent minutes. I would encourage all members to refrain from making extraneous comments and chatter (and) to put all comments through the Chair.” (*Hansard* 3010)

On November 15, 2004 the Assembly debated Bill No. 11, *Fourth Appropriation Act, 2003-04*, at Second Reading. During the debate the leader of the third party, Pat Duncan (Porter Creek South, Liberal), rose on a point of order and said to Speaker Staffen

you reminded this House last week several times that you would appreciate if members would not engage in conversations when a member has the floor — you've reminded both sides of this House. Would you please remind the members opposite of that ruling? This is the third time we've had the Premier stand up and engage in a private conversation when another member was speaking.

The Speaker responded by saying, “that ruling was specifically for members heckling each side of the House. It had nothing to do with restricting members from moving along on their own sides. All I would ask is that when members talk to their colleagues on their own sides that they maintain a quiet dignity, if that is possible.” (*Hansard* 3158)

Speaking through the Chair

Standing Order 17(1) says, “Every member desiring to speak shall rise in his or her place and address the Speaker.” In practice this requires that members address their questions through the Speaker, not directly to one another.

¹³ *House of Commons Procedure and Practice* p. 544.

¹⁴ *Beauchesne's Parliamentary Rules & Forms* §331, p. 99.

¹⁵ C.J. Boulton (ed.) et. al., *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament* (21st edition), (London: Butterworths, 1989) page 392.

On October 27, 2004, Hon. Peter Jenkins (Klondike, Yukon Party) spoke to a proposed amendment to Motion No. 328. Some members applauded him upon the conclusion of his remarks. The next member to speak to the proposed amendment was the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP). Mr. Hardy began his speech by saying, "Well, that was a little weak slapping on the desk there after your fearless Deputy Premier gave such a rousing speech. I would have assumed that you would have all leaped up, thumping the tables and jumping up and down —." At that point the Speaker, Hon. Ted Staffen, called for order and asked Mr. Hardy to direct his comments through the Chair. (*Hansard* 2889)

On November 4, 2004 Committee of the Whole considered Bill No. 12, *Second Appropriation Act, 2004-05*. During the proceedings the Premier and Finance Minister, Hon. Dennis Fentie (Watson Lake, Yukon Party) and Mr. Hardy engaged in a discussion of the finer points of the formula funding agreement between Yukon and the Government of Canada. At one point Hon. Mr. Fentie offered clarification of his comments as Mr. Hardy had the floor. The exchange appeared in *Hansard* as:

Mr. Hardy: So we're basically —

Some Hon. Member: (Inaudible)

Mr. Hardy: Hang on a sec — okay.

Chair: Mr. Hardy has the floor.

Mr. Hardy: We're having a heck of a discussion, but it's not going through the Chair, right?

Chair: If the members would wish to change the rules in our Assembly... Who would like the floor?

At that point Hon. Mr. Fentie took the floor and put on the record the clarification he was giving to Mr. Hardy. (*Hansard* 3049)

Petitions

Tabling

Standing Order 65(3) says

Every member offering a petition to the Assembly shall confine himself or herself to the statement of the parties from whom it comes, the number of signatures attached to it and the material allegations it contains. No member shall speak for more than five minutes in so doing, unless by permission of the Assembly upon question put.

On May 18, 2004 Steve Cardiff (Mount Lorne, NDP) tabled Petition No.3 (*Hansard* 2759; *Journals* 211). In the course of tabling the petition Mr. Cardiff read out the petition's statement of grievance and the remedy requested by the petitioners. Mr. Cardiff then added the following comments:

Mr. Speaker, in addition to the 161 signatures that are on this petition, I am informed that at least two pages' worth of signatures were removed from the places where signatures were being collected. I am also informed that several other people expressed support for the petition but unfortunately they declined to sign it for fear of retribution from this government. (*Hansard* 2759)

On October 21, 2004, the first sitting day following the presentation of the petition, the Speaker, Hon. Ted Staffen, made the following statement: "The Chair does wish to remind the House about the rules respecting the manner in which petitions are presented." Speaker Staffen then read Standing Order 65(3) and added

The Member for Mount Lorne, when presenting Petition No. 3 on May 18, 2004, added comments, describing why certain pages were not attached to the petition and why certain individuals did not sign it. As Standing Order 65(3) makes clear, such comments are not in order. I would ask, therefore, that members limit themselves when presenting petitions to the kinds of remarks allowed for in the Standing Orders. (*Hansard* 2323)

On November 18, 2004 Lorraine Peter (Vuntut Gwitchin, NDP) tabled Petition No. 5. In his report on the petition the Clerk of the Legislative Assembly, Patrick L. Michael, informed the Speaker and the House that

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

Petition No. 5 therefore meets the requirements as to form of the Standing Orders of the Yukon Legislative Assembly.

The Executive Council response made pursuant to Standing Order 67 should be to the version of the petition read to the House by the Member for Vuntut Gwitchin. (*Hansard* 3273; *Journals* 254)

The Speaker, therefore, deemed the petition to have been "read and received."

Received

Standing Order 66(1) says

On the sitting day following the presentation of a petition, the Clerk shall present a report upon the petition...and every petition so reported upon...which, according to the Standing Orders or practice of the Assembly, can be received, shall then be deemed to be read and received.

Response by Minister

Standing Order 67 says, "The Executive Council shall provide a response to a petition which has been received within eight sitting days of its presentation." The Assembly dealt with four petitions during the 2004 Fall Sitting. The progress of petitions is illustrated in the following table.

Petition No.	Presentation date	Presented by	Received	Response	Response by
3	May 18	Cardiff	October 21	October 27	Hart
4	October 21	Hardy	October 25	November 3	Jenkins
5	November 18	Peter	November 22	December 1	Jenkins
6	December 2	McRobb	December 6	pending	

Points of Order, raising

The Standing Orders allow members to raise a point of order where they feel parliamentary rules or practices have been infringed. It is an established practice that they should not be criticized for having done so. The Chair had to remind members of this practice on two occasions during the 2004 Fall Sitting.

The first instance occurred on November 15, 2004 during Second Reading of Bill No. 11, *Fourth Appropriation Act, 2003-04*. At one point in the debate the leader of the third party, Pat Duncan (Porter Creek South, Liberal), rose on a point of order. After the Speaker's ruling Hon. Peter Jenkins (Klondike, Yukon Party) resumed his speech by saying, "Before I was so rudely interrupted by the leader of the third party —." The Speaker, Hon. Ted Staffen, then called for order and said, "The hon. member knows full well that he cannot use that terminology and I would ask him to retract that and carry on, please." Hon. Mr. Jenkins retracted the comment and the House carried on. (*Hansard* 3158-3159)

The second instance took place on November 25, 2004 as Committee of the Whole dealt with Bill No. 12, *Second Appropriation Act, 2004-05*. After the afternoon recess the Committee dealt with three points of order in quick succession. After the third one Gary McRobb (Kluane, NDP), the member who had the floor at the time, said, "maybe we can avoid these frivolous interruptions from the side opposite." At that point the Committee Chair, Patrick Rouble, intervened and said, "As the member is well aware, it's well within members' rights and responsibilities to raise points of order in this Assembly, and I would ask members not to characterize them as frivolous. We must respect the honour and integrity of all members and recognize, I would expect, that a member would not be acting in such a manner in this Assembly." (*Hansard* 3362)

Presiding Officers

Announcements by

The Speaker does not usually pay tribute, introduce visitors or make announcements. However, as the representative of the Assembly the Speaker will occasionally do so where that is appropriate.

During the 2004 Fall Sitting the Speaker, Hon. Ted Staffen, made two announcements. The first was the introduction of pages for the Sitting (*Hansard* 2789; *Journals* 216) The second was the observance of Remembrance Day (*Hansard* 3117; *Journals* 242). More information on the latter can be found under the entry 'Moment of Silence.'

Documents tabled by

The practice of the Yukon Legislative Assembly is that the Speaker tables documents produced by House Officers - the Clerk of the Legislative Assembly, the Chief Electoral Officer, the Ombudsman and Information and Privacy Commissioner, the Auditor General and the Conflicts Commissioner. The following is the list of documents tabled by the Speaker, Hon. Ted Staffen, during the 2004 Fall Sitting.

Date	Document	Authority	Reference
October 21	Conflict of Interest Commission Annual Report for the period ending March 31, 2004	s. 19(1), <i>Conflict of Interest (Members and Ministers) Act</i>	<i>Hansard</i> 2322-2323; <i>Journals</i> 217

October 21	Absence of Members from Sitzings of the Legislative Assembly and its Committees: Report of the Clerk of the Legislative Assembly (dated October 21, 2004)	s. 39(6), <i>Legislative Assembly Act</i>	<i>Hansard</i> 2323; <i>Journals</i> 217
December 6	Yukon Human Rights Commission 2003/04 Annual Report	s. 18, <i>Human Rights Act</i>	<i>Hansard</i> 3486; <i>Journals</i> 270
December 8	Ombudsman and Information and Privacy Commission 2003 Annual Report	s. 31(1), <i>Ombudsman Act</i> and s. 47, <i>Access to Information and Protection of Privacy Act</i>	<i>Hansard</i> 3547; <i>Journals</i> 273

Impartiality of

On November 16, 2004 Committee of the Whole dealt with Bill No. 11, *Fourth Appropriation Act, 2003-04* in general debate. During debate Eric Fairclough (Mayo-Tatchun, NDP) said that the Minister of Education, Hon. John Edzerza (McIntyre-Takhini, Yukon Party), "often brings to the floor of this House information that's contrary to the facts." (*Hansard* 3198) The Committee Chair, Patrick Rouble, took this statement as an accusation that the minister deliberately misleads the House and called Mr. Fairclough to order. Mr. Fairclough took issue with the Chair's ruling, though he insisted that he did not wish to dispute it. Once the Chair called for debate to continue Mr. Fairclough said, "Thank you, Mr. Chair. Everybody's on edge. I know the Minister of Education is and the Premier is for their conduct, and I think the heat is being felt by the Chair too because he is part of the team." (*Hansard* 3199)

At that point Hon. Jim Kenyon (Porter Creek North, Yukon Party) rose on a point of order saying, "It would appear that the member opposite stated before this House that the Chair is partisan. I believe that is just completely out of order, and it's totally inappropriate." Mr. Fairclough responded by saying, "All I said was, "feeling the heat"? How do the members opposite interpret that?" The Chair closed the issue for the time being by stating, "If the member has an issue with the impartiality of the Chair, the member is well within his rights to raise that issue with the Speaker. Let's continue debate." (*Hansard* 3199)

Committee of the Whole next convened on November 18. At that time the Chair made a full statement on the events of November 16. After reviewing the events of that day he said that Mr. Fairclough's comments about the Chair being "part of the team"

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

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

There are two options for Mr. Fairclough if he has a disagreement with the actions of the Chair. The first is found in Standing Order 42(3) which states, in part: "The Chair shall maintain order in the Committee of the Whole, deciding all questions of order subject to an appeal to the Speaker."

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

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

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

The Chair thanks members for their attention to this statement. (*Hansard* 3254; *Journals* 252)

Role of

Standing Order 6(1) says, “The Speaker shall preserve order and decorum, and shall decide questions of order...”

During Question Period on November 18, 2004 the leader of the third party, Pat Duncan (Porter Creek South, Liberal) asked a question regarding a phone call the Minister of Energy, Mines and Resources, Hon. Archie Lang (Porter Creek Centre, Yukon Party), made to the owner of a Carcross hotel. The Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) responded to the question by saying

The minister that the member opposite has brought into question has no need to respond to anything here. First I’d like to point out that if you look at our Guidelines for Oral Question Period, and I refer to section 8, “The question must adhere to the proprieties of the House in that it must not contain inferences, impute motives or cast aspersions upon persons within the House or out of it.”

If this member, the member of the third party, has an accusation to make, get out of the immunity of this Legislative Assembly and make the accusation in the public. There is due process for this to be dealt with — not in here. The member is out of order in asking this question.

At that point the Speaker, Hon. Ted Staffen, intervened saying, “The Chair will decide when a member is out of order. It’s not up to the members to decide that. That’s my job and I’ll do that accordingly.” (*Hansard* 3248)

Private Members Business

The order of Private Members’ Business for the 2004 Fall Sitting was:

- October 27: Government Private Members
- November 3: Opposition Private Members
- November 10: Government Private Members
- November 17: Opposition Private Members
- November 24: Government Private Members

December 1: Opposition Private Members
 December 8: Government Private Members

Pursuant to Standing Order 14.2(2) the roster for determining the order of business on Wednesdays when Opposition Private Members' Business has precedence is:

- Position 1: Official Opposition
- Position 2: Official Opposition
- Position 3: Third Party
- Position 4: Third Party
- Position 5: Official Opposition
- Position 6: Third Party

Given the progress of private members' business in the 2004 Spring Sitting the Assembly was at position five on this roster to begin the 2004 Fall Sitting. The progress of private members' business in the 2004 Fall Sitting is illustrated below.

Date	Position	Item	Sponsor	Outcome
October 27	Government Private Members	Motion No. 332	Hassard	Agreed to.
		Motion No. 328	Cathers	Debate adjourned with Mr. Hardy speaking to it.
November 3	5. Official Opposition	Bill No. 107	Hardy	Second Reading debate adjourned with Mr. Fairclough speaking to it.
November 10	Government Private Members	Motion No. 335	Rouble	Agreed to as amended.
		Motion No. 333	Hassard	Agreed to.
November 17	6. Third Party	Motion No. 275	Duncan	Debate adjourned with Mr. Jenkins speaking to the amendment to the motion as amended.
November 23	Official Opposition ¹⁶	Motion No. 366	Hardy	Agreed to.
November 24	Government Private Members	Motion No. 322	Cathers	Debate adjourned due to lack of quorum.
December 1	1. Official Opposition	Bill No. 105	Hardy	Negatived at Second Reading.
	2. Official Opposition	Bill No. 107	Hardy	Negatived at Second Reading.
December 8	Government Private Members	Motion No. 391	Cathers	Agreed to.
		Motion No. 322	Cathers	Agreed to.

Privilege, Question of

During Question Period on November 2, 2004 the Minister of Education, Hon. John Edzerza (McIntyre-Takhini, Yukon Party) responded to questions from Eric Fairclough (Mayo-Tatchun,

¹⁶ Leave to debate the motion was granted by unanimous consent.

NDP) regarding the government's plan to attach the Carmacks campus of Yukon College to Tantalus School. During the exchange Hon. Mr. Edzerza said

I stated on the floor of this House before that the member opposite needs only to look in the mirror to understand where some of the dissension (in Carmacks) is coming from, and I stand by that comment...the member is entitled to his own opinions and that's all it is — his own opinion.

This government has gone far beyond trying to work in consultation with everyone in Carmacks. One of the options that the member opposite probably gave notice to his First Nation was that they can build a school anywhere they want in the country. Such a request came, one to be built about three to four kilometres out in the bush where we would have to build a road and a bridge, and you name it. (*Hansard 2959*)

Immediately after Question Period on November 3, 2004 Mr. Fairclough rose on question of privilege. Mr. Fairclough said

Mr. Speaker, I had a chance to review the Blues from yesterday. We all heard what was said by the Minister of Education, and I wanted to read it to make sure that I did hear it properly, and this is the first opportunity that I do have to respond to this. Mr. Speaker, I and members of my family have felt that the comments made by the Minister of Education were inappropriate and inaccurate, and I would like to read that out clearly for all to know, Mr. Speaker. It was in response to a question I had asked during Question Period, and a response to me, and I'll read it.

Mr. Fairclough then read Hon. Mr. Edzerza's comments into the record. He concluded his submission by saying, "This information is inaccurate and inappropriate. It certainly constitutes a breach of my privilege as a member, and I would ask you, Mr. Speaker, to ask the Minister of Education to withdraw those remarks and apologize for them." (*Hansard 2997; Journals 233*)

The Speaker, Hon. Ted Staffen, informed the House that he would return with a ruling at some point in the future. Speaker Staffen gave his ruling after Question Period the following day. He began his ruling by saying that Mr. Fairclough had met the notice requirement in Standing Order 7. He continued:

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

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

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

According to *House of Commons Procedure and Practice*, the term 'Parliamentary Privilege' "refers... to the rights and immunities that are deemed necessary for the House of Commons, as an institution, and its members, as representatives of the electorate to fulfil their functions. It also refers to the powers possessed by the House to protect itself, its members, and its procedures from undue interference, so that it can effectively carry out its principal functions which are to inquire, to debate and to legislate. In that sense parliamentary privilege can be viewed as special advantages, which Parliament and its members need to function unimpeded."¹⁷

House of Commons Procedure and Practice also informs us that "[T]he rights and immunities accorded to Members individually are generally categorized under the following headings: freedom of speech; freedom from arrest in civil actions; exemption from jury duty; exemption from attendance as a witness."¹⁸ Of these, the primary privilege of members — and the one at issue in this case — is freedom of speech in the Assembly.

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

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

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

The Chair hopes that all members will, in future, keep in mind the kind of disorder that can occur in the House when accusations such as these are made. (*Hansard* 3030; *Journals* 234-235)

The House then proceeded to Orders of the Day.

Props, use of

House of Commons Procedure and Practice advises that "Speakers have consistently ruled out of order displays or demonstrations of any kind used by Members to illustrate their remarks or emphasize their position. Similarly props of any kind, used as a way of making a silent comment on issues, have always been found unacceptable in the Chamber."¹⁹

¹⁷ *House of Commons Procedure and Practice*, page 50.

¹⁸ *House of Commons Procedure and Practice*, page 51.

¹⁹ *House of Commons Procedure and Practice*, page 520

During Question Period on November 17, 2004 Eric Fairclough (Mayo-Tatchun, NDP) questioned the government regarding an agreement it had signed with the Little Salmon-Carmacks First Nation. During the course of his first supplementary question Mr. Fairclough said, "This is what the agreement is worth now" and then tore a sheet of paper before concluding with "and that is what the government's word is worth now too." Before the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), responded the Speaker, Hon. Ted Staffen, took the opportunity to "remind members not to use props." (*Hansard* 3217)

Question Period

Extraneous comments ('add-ons')

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

On May 13, 2002, the Speaker, Hon. Dennis Schneider, elaborated on the application of these rules in Question Period. He said

Comments on previous exchanges... are not in order as they do not seek information or are not relevant to the question asked. Such comments also provoke argument and debate. The Chair thanks all members in advance for their adherence to these guidelines.²⁰

During Question Period on December 6, 2004 the leader of the third party, Pat Duncan (Porter Creek South, Liberal) asked questions of the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) regarding the government's proposal to build a bridge across the Yukon River at Dawson City. Hon. Mr. Fentie concluded his response to Ms. Duncan's final supplementary question by saying, "we are in the process of developing a policy. We accept the constructive suggestion and we've accepted it to the point where we're actually doing the work."

The next questioner was the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) who began his main question with the comment, "I wish that were true." The Speaker, Hon. Ted Staffen, then intervened saying, "I believe the terminology is "bootlegging." I would ask the leader of the official opposition not to do that." Mr. Hardy assured the Speaker he would refrain from that practice. (*Hansard* 3489)

Seeking an opinion from a minister

Beauchesne's Parliamentary Rules & Forms advises that questions directed to ministers during Question Period "ought to seek information and, therefore...cannot seek an opinion, either legal or otherwise."²¹ Similarly Guideline 3 of the Assembly's Guidelines for Oral Question Period says, "A question asking for a specific statement of government policy is in order. A question which seeks an opinion about government policy is out of order."

These rules came into play on December 1, 2004. During Question Period that day Lorraine Peter (Vuntut Gwitchin, NDP) asked the Minister of Environment, Hon. Peter Jenkins (Klondike, Yukon Party) questions about a vacancy on the Yukon Fish and Wildlife Management Board. Mrs. Peter ended her main question by asking, "In this minister's opinion, how were the federal officials not conforming to the *Umbrella Final Agreement*?" Speaker

²⁰ Yukon Legislative Assembly, *Hansard*, Second Session of the 30th Legislature, Volume 7, May 13, 2002, page 3628.

²¹ *Beauchesne's Parliamentary Rules & Forms*, §409(3), page 120

Staffen intervened at that point saying, "Before the minister answers, it is the Chair's understanding that one is not to ask for opinions." While the question had, strictly speaking, breached the rules the Speaker did not rule it out of order. In keeping with Assembly practice the Speaker brought the impropriety to the attention of the House and then let the minister answer the question as he saw fit.

Quorum Count

Section 15 of the *Yukon Act* stipulates that "A majority of the members of the Legislative Assembly, including the Speaker, constitutes a quorum." Standing Order 3(2) says that

If, at any time during a sitting of the Assembly, the Speaker's attention is drawn to the fact that there does not appear to be a quorum, the Speaker shall cause the bells to ring for four minutes and then do a count. If there is still not a quorum, the Speaker shall adjourn the Assembly until the next sitting day.

Quorum was called on November 2, 2004 as the House was debating Bill No. 12, *Second Appropriation Act, 2004-05* at Second Reading (*Hansard* 2968; *Journals* 230). The Speaker, Hon. Ted Staffen, followed the procedure laid out in Standing Order 3(2). A quorum was established. The same thing happened when a quorum count was called for on November 17 during debate on Motion No. 275.

Things transpired somewhat differently on November 24, 2004. Government private member's Motion No. 322 was the first piece of business to be dealt with under Orders of the Day. Prior to that motion being called for debate Gary McRobb (Kluane, NDP) rose on a point of order arguing the motion was irregular as the action called for had already taken place. Speaker Staffen ruled the motion in order (see the entry 'Motions, Irregular.') Shortly after debate commenced the government House leader, Hon. Peter Jenkins, called for a quorum count. The Speaker followed the procedure of Standing Order 3(2). However as a quorum was not present for the count the House adjourned at 1:59 p.m. (*Hansard* 3340; *Journals* 260-261)

Quotation, Use of in debate

It is a principle of the rules of debate that members may not do indirectly what they may not do directly. One aspect of this is that members may not evade rules regarding unparliamentary language by quoting them from another source. Members must take responsibility for the words they utter in debate, whether they originate with that member or not.

During Question Period on November 25, 2004 Lorraine Peter (Vuntut Gwitchin, NDP) asked questions regarding a radio interview the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), conducted with the Canadian Broadcasting Corporation. During her first supplementary question Mrs. Peter quoted the following sentence from an email she had received on the subject: "I do not want to be represented by a leader who is no more than a schoolyard bully." Before Premier Fentie responded the Speaker, Hon. Ted Staffen, called for order and said, "Before the government side answers that question, I would like to remind the Member for Vuntut Gwitchin that you cannot quote from sources that bring into the House words and phrases that are unparliamentary, and I would ask the Member for Vuntut Gwitchin not to do that." (*Hansard* 3344)

Speaker Staffen took a pre-emptive approach on December 13, 2004. During Tabling Returns and Documents that day the leader of the official opposition, Todd Hardy (Whitehorse

Centre, NDP), tabled “two pages from the latest edition of *Frank* magazine, the cover of which references this Yukon Premier and the article that is within it.” (*Hansard* 3610) Later, during Question Period, Mr. Hardy made reference to the magazine’s cover and began to read from it. The Speaker’s satirical magazine radar was especially fine-tuned that day and he called for order before Mr. Hardy had proceeded very far. The Speaker then said, “I am going to remind the member that a member cannot do indirectly what they can’t do directly. If a member wishes to cite or quote from a document that contains unparliamentary language or does not adhere to proper form, the member must paraphrase any offending portion so that they conform to the rules and forms of this Legislative Assembly.” Mr. Hardy then continued without quoting any material that offended the rules and practices of the Assembly. (*Hansard* 3612)

Relevance

House of Commons Procedure and Practice advises that “The requirement of relevance is necessary in order that the House might exercise its right to reach a decision and to exclude from debate any discussion which does not contribute to that process.”²² Nonetheless the procedural authorities acknowledge the difficulty in defining and enforcing rules against irrelevant content. According to *House of Commons Procedure and Practice*, “It is not always possible to judge the relevance...of a Member’s remarks until he or she has made some progress in or completed his or her remarks.”²³ In most cases where this issue is raised Members’ remarks are not so off topic as to warrant a Member being called to order. To keep debate on topic the Chair will often remind members as to the subject matter before them and ask them to adhere to it. In some cases, however, a different response is called for. The following are examples where a different response was called for.

In debate

Standing Order 19(b)(i) says, “A member shall be called to order by the Speaker if that member speaks to matters other than the question under discussion.”

The first item for debate during Orders of the Day on November 2, 2004 was Second Reading of Bill No. 12, *Second Appropriation Act, 2004-05*. The first member to speak to that item on that day was the Minister of Education, Hon. John Edzerza (McIntyre-Takhini, Yukon Party). During his remarks Hon. Mr. Edzerza spoke of education issues and the appropriations for his department enumerated in Bill No. 12. The next member to speak was Eric Fairclough (Mayo-Tatchun, NDP). In opening his remarks Mr. Fairclough made reference to certain education issues that arose during Question Period that day. After some time the Speaker, Hon. Ted Staffen, called for order and said, “I allowed the minister to carry on for a brief period of time after Question Period with regard to the issues that arose during the day. I have allowed the Member for Mayo-Tatchun the same privilege, but now I would ask that you go on to your supplementary budget debate, please.” (*Hansard* 2964)

On November 3, 2004, during debate on Bill No. 107, *Democratic Reform Act*, the Deputy Speaker, Patrick Rouble, called for order during remarks by Brad Cathers (Lake Laberge, Yukon Party). The Deputy Speaker said

The Chair has given the Member for Lake Laberge a significant amount of latitude in this discussion and debate today; however, the Chair is failing to make the connection

²² *House of Commons Procedure and Practice*, page 527

²³ *House of Commons Procedure and Practice*, pages 527-528.

between property rights [the topic most recently mentioned by Mr. Cathers] and democratic reform. I would urge the member to speak to the bill and to continue debate, please.

Mr. Cathers responded to the Deputy Speaker's remarks by saying, "I apologize if that was not clear. As I see it, the connection is very strong. The fundamental rights and freedoms of our system are absolutely necessary to be recognised —." At that point Gary McRobb (Kluane, NDP) rose on a point of order saying he believed Mr. Cathers' remarks constituted a challenge of the Deputy Speaker's ruling. However the Deputy Speaker said he "did not interpret that as a challenge. The Chair recognized that the member was drawing the conclusion or drawing the connection between the matter he was discussing and the bill." Debate then continued. (*Hansard* 3011-3012)

In debate on an amendment

Standing Order 35 says, "When taking part in a debate on an amendment to a motion:

- (a) the member moving an amendment has the right to speak both to the main question and the amendment in one speech;
- (b) a member, other than the mover, shall confine debate to the subject of the amendment.

On November 10, 2004 the Assembly debated Motion No. 335 and a proposed amendment to it. Brad Cathers (Lake Laberge, Yukon Party), who had moved the amendment, spoke to it. After a time the Speaker, Hon. Ted Staffen, called for order. The Speaker noted that Mr. Cathers was speaking to the amendment but the Chair failed to see the connection between the member's words and the amendment. He then asked Mr. Cathers to confine his remarks to the amendment. (*Hansard* 3132)

In Committee of the Whole

Standing Order 42(2) says, "Speeches in Committee of the Whole shall be strictly relevant to the item or clause under consideration."

The Chair's Handbook for Committee of the Whole advises: "When the Chair first calls a Departmental Vote for debate, a wide-ranging debate on the whole department is allowed. Basically all matters can be raised."²⁴ What this means is that general debate on a department can also include a discussion of policy issues in addition to the specific appropriations laid out in the bill. The Handbook also says, "The Chair would usually not interfere in general debate unless he/she was of the opinion that it was completely off topic or might better be covered within a specific Program."²⁵

However, there are limits to debate, even to general debate on an appropriation bill. On November 15, 2004 Committee of the Whole was engaged in general debate on Bill No. 11, *Fourth Appropriation Act, 2003-04*. At one point Mr. McRobb commented that the government's agenda was "embarrassing" because it "has very little in the way of legislation" before the House. In response the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) proceeded to detail what he felt were significant aspects of the legislation before the House in this Sitting. Eventually the Committee Chair, Patrick Rouble, intervened to

²⁴ *Chair's Handbook Committee of the Whole*, page 16.

²⁵ *Chair's Handbook Committee of the Whole*, page 16.

remind members that, according to Standing Order 42(2), speeches in Committee of the Whole shall be strictly relevant to the item or clause under consideration. The matter before the Committee today is Bill No. 11, *Fourth Appropriation Act, 2003-04*, and I would encourage members to focus their debate on the matter at hand. The Chair has given a significant amount of latitude to members today; however, I am becoming quite concerned about the lack of decorum in the Assembly this afternoon. Please continue. (Hansard 3175)

The Chair's intervention was not entirely successful, however. Mr. McRobb felt he had the right to respond to the entirety of Hon. Mr. Fentie's remarks, not just those that were relevant to the bill currently before the Committee. Another statement and ruling regarding relevance came in short order and the Chair had to remain vigilant in this regard for the rest of the debate.

On December 1, 2004 Committee of the Whole considered the estimates for the Department of Health and Social Services in Bill No. 12. The Minister of Health and Social Services, Hon. Peter Jenkins (Klondike, Yukon Party) began his remarks by referring to "the comparable health and health system indicators for this last period." Shortly thereafter the official opposition House leader, Mr. McRobb rose on a point of order and said to the Committee Chair, "I seem to recall you have been frequently reminding members to try to focus on the supplementary budget. And what we have here is a case of a Health minister re-announcing a press release on an entirely different matter from this morning, and I don't think it should be allowed." The Chair ruled in favour of Mr. McRobb and asked Hon. Mr. Jenkins "to please stay on the topic." (Hansard 3451)

Sitting days, number of

On November 19, 2001, pursuant to an all-party agreement, the Assembly adopted Government Motion No. 169. In so doing the Assembly amended the standing orders by adding Chapter 14 which outlines, among other things, a procedure whereby members would determine the length of each sitting. These new standing orders were first used in the 2002 Spring Sitting.

As the 2004 Spring Sitting lasted 30 sitting days the 2004 Fall Sitting would last a maximum of 30 sitting days the final sitting day being December 14, 2004.

Speeches, Length of

Standing Order 20(1) says, "Unless otherwise provided for in these Standing Orders, when the Speaker is in the Chair, no member, except a member moving a motion and the member speaking in reply immediately thereafter, shall speak for more than twenty minutes." The Presiding Officers have adopted the practice of giving the member speaking an warning regarding how much time they have remaining to make their remarks.

On November 1, 2004 the following exchange took place as the Minister of Highways and Public Works, Hon. Glenn Hart (Riverdale South, Yukon Party), was speaking to Bill No.12, *Second Appropriation Act, 2004-05*, at Second Reading:

Hon. Mr. Hart: I would like to take a few minutes to tell the House about the capital investments my department has made —

Speaker: Order please. The member doesn't have two minutes; he has one minute left.

Hon. Mr. Hart: Okay. I will just do a quick wrap.

Hon. Mr. Hart then concluded his remarks. (*Hansard* 2952)

On November 3, 2004 during Second Reading of Bill No. 107, *Democratic Reform Act*, Gary McRobb (Kluane, NDP) rose on a point of order during remarks by Brad Cathers (Lake Laberge, Yukon Party). Mr. McRobb said

the Member for Lake Laberge has been talking now for an hour and a half and his points are starting to revolve. We're hearing nothing new. There are many members in here who want an opportunity to speak and, Mr. Speaker, I know according to the rules he has unlimited time but this is a case in point on why the public wants us to review these very rules, because it's an abuse of this Legislature.

In accordance with Standing Order 20(1) the Deputy Speaker, Patrick Rouble, ruled that there was no point of order. (*Hansard* 3009)

Tributes

Standing Order 11(2) indicates that Tributes are the first item in the Assembly's Daily Routine. On October 28, 2004, during debate on Bill No. 51, *Act to Amend the Motor Vehicles Act*, the Minister of Highways and Public Works, Hon. Glenn Hart (Riverdale South, Yukon Party) rose on a point of order to offer a tribute in remembrance of Bert Wybrew, a former Whitehorse mayor. The official opposition House leader, Gary McRobb (Kluane, NDP), also participated in the tribute. (*Hansard* 2903)

Though this was procedurally unusual, reverting to a previous item on the order paper is permissible if there is unanimous consent to do so. Unanimous consent to revert to a previous item was not requested in this case. It is preferable that procedure is followed, however in this case it did not prove problematic.

Unanimous consent

Standing Order 14.3 says, "The Assembly may, by unanimous consent, suspend its Standing Orders or waive procedural requirements and precedents." Examples of the use of this standing order during the 2004 Fall Sitting include:

To call a private member's motion for debate

Standing Order 14 outlines the method by which private members' business is called for debate. The usual procedure is for private members' business to be called on Wednesdays, with opposition private members' business and government private members' business having precedence on alternating Wednesdays. Notice of business to be called is given on the sitting day preceding the Wednesday in question. In addition Standing Order 27 outlines the notice required for the consideration of different kinds of motions. Standing Order 27(1)(a) says, "One clear day's notice shall be given of a motion... for a resolution or address."

On November 23, 2004 the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP), gave notice of a motion calling "upon the Government of Yukon to work in conjunction with all other levels of government in the Yukon to convene a territory-wide summit to develop a comprehensive action plan to combat substance abuse, which is a destructive and growing force in both urban and rural areas of the Yukon." (*Hansard* 3301)

Later that same day, under Orders of the Day, the government House leader, Hon. Peter Jenkins (Klondike, Yukon Party) rose and requested "the unanimous consent (of the House) for

Motion No. 366, which the leader of the official opposition gave notice of today, to be called at this time.” The Speaker, Hon. Ted Staffen, then put the request to the Assembly. Unanimous consent was granted. (*Hansard* 3305-3306; *Journals* 256) The Speaker then put the motion before the House and debate proceeded.

To deem all content of a bill read and agreed to

In dealing with bills the normal process in Committee of the Whole is to first debate the bill in general and then proceed to read each clause individually. Occasionally the Committee will consider the bill to have been thoroughly debated once general debate in Committee of the Whole is complete. On those occasions a member will request unanimous consent to deem all clauses and the title (and schedules, if necessary) of the bill read and carried. The bill is then reported with or without amendment as the case may be. The following table lists instances of this request being made during the 2004 Fall Sitting. All five requests were granted.

Date	Member	Bill	Reference
November 8	Duncan	No. 50, <i>Act to Amend the Crime Prevention and Victim Services Trust Act</i>	<i>Hansard</i> 3080
	Cardiff	No. 49, <i>Act to Amend the Legal Profession Act</i>	<i>Hansard</i> 3081
	Duncan	No. 52, <i>Act to Amend the Education Staff Relations Act and the Public Service Staff Relations Act</i>	<i>Hansard</i> 3082
November 18	Duncan	No. 47, <i>Act to Amend the Financial Administration Act</i>	<i>Hansard</i> 3258
December 7	Duncan	No. 54, <i>Act to Amend the Income Tax Act</i>	<i>Hansard</i> 3526

To deem all lines in a vote cleared or carried as required

In dealing with appropriation bills the normal process in Committee of the Whole is to first have general debate on the bill as a whole, then general debate on each department (also referred to as a ‘vote’). Once general debate on a vote is concluded the Committee will proceed through the departmental appropriation line-by-line. Occasionally the Committee will consider the departmental appropriation to have been thoroughly dealt with in general debate. On such occasions a member will request unanimous consent to deem all lines in that vote cleared or carried, as required. Appendix G lists instances of such a request being made, all being granted, during debate on Bill No. 12, *Second Appropriation Act, 2004-05* during the 2004 Fall Sitting.

Date	Member	Vote	Reference
December 2	Peter	11. Women’s Directorate	<i>Hansard</i> 3479
December 9	Duncan	54. Tourism & Culture	<i>Hansard</i> 3589
	Hardy	7. Economic Development	<i>Hansard</i> 3598
	Duncan	52. Environment	<i>Hansard</i> 3605
December 13	Duncan	12. Finance	<i>Hansard</i> 3623
December 14	Duncan	3. Education	<i>Hansard</i> 3654
	Duncan	51. Community Services	<i>Hansard</i> 3656
	Cardiff	8. Justice	<i>Hansard</i> 3658
	Duncan	2. Executive Council Office	
	Cardiff	18. Yukon Housing Corporation	<i>Hansard</i> 3662

Unparliamentary Language

House of Commons Procedure and Practice advises, "By far, the most important right accorded to Members of the House is the exercise of freedom of speech in parliamentary proceedings."²⁶ However, this right is limited. Rules against the use of unparliamentary language are one limit on this right:

The proceedings of the House are based on a long-standing tradition of respect for the integrity of all Members. Thus, the use of offensive, provocative or threatening language in the House is strictly forbidden. Personal attacks, insults and obscene language or words are not in order. A direct charge or accusation against a Member may only be made by way of a substantive motion for which notice is required.²⁷

In the Yukon Legislative Assembly language is generally regulated by Standing Order 19 that outlines when the Speaker may call a member to order during debate. The same rules apply in Committee of the Whole. In addition to the standing orders discussed below Standing Order 19(j) forbids Members from speaking "disrespectfully of Her Majesty or any of the Royal Family." This standing order was not invoked in the 2004 Fall Sitting.

The application of standing orders against unparliamentary language is highly contextual and the Presiding Officers reserve the right to exercise discretion in applying the rules of debate.

Imputing false or unavowed motives

Standing Order 19(g) says, "A member shall be called to order by the Speaker if that member imputes false or unavowed motives to another member." This rule is supplemented by Guideline No. 8 of the Assembly's Guidelines for Oral Question Period, which is an addendum to the Standing Orders. Guideline No. 8 says, "A question must adhere to the proprieties of the House in that it must not contain inferences, impute motives, or cast aspersions upon persons within the House or out of it." Responses to questions should also adhere to this guideline.

On October 25, 2004 Committee of the Whole considered Bill No. 46, *Act to Amend the Oil and Gas Act*. During the debate the Minister of Energy, Mines and Resources, Hon. Archie Lang (Porter Creek Centre, Yukon Party) said Gary McRobb (Kluane, NDP) was "grandstanding for political reasons." (*Hansard* 2814) Later, Mr. McRobb suggested Hon. Mr. Lang's responses to his questions might have been an attempt "to muddy the waters." (*Hansard* 2823) Subsequently the Chair of Committee of the Whole, Patrick Rouble, called for order and said

Before the debate continues, the Chair would just like to take an opportunity to remind members that commenting on the motives behind a decision when they have not been stated is contrary to our Standing Orders. I refer to Standing Order 19(g)...I recognize that we have been away from the Assembly for some time and we may be a bit out of practice, but I would just like to remind all members of that and encourage healthy debate. (*Hansard* 2823)

During Question Period on October 26, 2004 Mr. McRobb questioned Hon. Mr. Lang regarding the government's land applications policy. During the course of his main question Mr. McRobb said, "the Member for Lake Laberge yesterday tabled a motion to streamline the land application

²⁶ *House of Commons Procedure and Practice*, page 71.

²⁷ *House of Commons Procedure and Practice*, page 525.

process. "Streamline" is code word for "abolish" to this Yukon Party." At that point the Member for Lake Laberge, Brad Cathers (Yukon Party) rose on a point of order. Mr. Cathers said, "Pursuant to Standing Order 19(g), the Member for Kluane is imputing false or unavowed motives to me in claiming that the motion tabled yesterday was expressing a desire to abolish the land process." The Speaker, Hon. Ted Staffen, said he would review the transcript and return with a ruling. (*Hansard* 2836-2837)

On November 2, 2004 the Speaker ruled on the matter. His ruling said, in part

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

Members are free to express their opinions about the possible consequences of a given course of action. The Member for Kluane may state that the outcome of a streamlined land application process will be different from that imagined by the Member for Lake Laberge. That is a matter for debate; however, members should keep in mind that all members are to be treated as honourable in this House. They should be taken at their word without suggestion that they mean something other than they say. (*Hansard* 2957; *Journals* 229)

The Assembly then proceeded to Question Period.

During Question Period on November 16, 2004 Mr. McRobb asked the Minister of Health and Social Services, Hon. Peter Jenkins (Klondike, Yukon Party) questions regarding the confidentiality of health records. In response to Mr. McRobb's final supplementary question Hon. Mr. Jenkins said, "This is fearmongering by the official opposition. There are quite a number of programs here in use in the Yukon that are U.S.-based and U.S.-supported. The information that is contained within the medical fraternity is, to the best of my knowledge, well secured. The member opposite is fearmongering as to the potential —." At that point Speaker Staffen intervened and said, "The term "fear-mongering" in the first context was barely skating out of order. The second context was absolutely out of order. I'd ask the member to retract that and carry on, please." (*Hansard* 3183)

The Speaker's reasoning can be traced back to the wording of Standing Order 19(g) which says, "A member shall be called to order by the Speaker if that member imputes false or unavowed motives to another member." In the first instance fear-mongering was attributed to "the official opposition", in the second instance to "the member opposite." However, context is always crucial to the application of standing orders so there is no guarantee that a more general comment will be in order in every circumstance.

Later that day Committee of the Whole considered Bill No. 11, *Fourth Appropriation Act, 2003-04* in general debate. At one point in the debate the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), said, "The official opposition is trying to waste time in this Legislature. In doing so, they are wasting the taxpayers' money..." Shortly thereafter the Committee Chair, Patrick Rouble, intervened and said

Before debate continues, the Chair is becoming uncomfortable with the trend that I have recognized. Members on both sides of the Legislature today, and in recent debate, have questioned the motivation behind several actions, questioned motive, questioned intent. The Chair has heard the phrase “the member is trying to” on several occasions, and I would like to remind members of our Standing Order 19(g)... I ask members to respect the Standing Orders and not to impute motives on others. (*Hansard* 3194)

Later in the same debate Premier Fentie said

I think the Member for Mayo-Tatchun has a lot to be accountable to the Yukon public for. It's a well-known fact that in the issue around the Carmacks school, it's the MLA — the member himself — informing people such as the First Nation, “Why take \$8 million or \$9 million for a school? Get \$12 million or \$15 million; build it over here; build it over there.”

The member in question, Eric Fairclough then rose on a point of order saying

Mr. Chair, the Premier's totally out of order on this, and I direct you to the Standing Orders... The member opposite is on a fishing trip. He has given incorrect information, and I'm hoping that the Premier is not spreading out in public what he is saying in this House, because it is incorrect.

The government House leader, Hon. Mr. Jenkins, intervened saying

the member cites 19(g), but there are no unavowed motives being imputed by the Premier. The member opposite is suggesting a whole bunch of other motives that are totally irrelevant. This is simply a dispute between members.

The Deputy Chair, Dean Hassard, ruled that he had “no knowledge as to the facts around what goes on in Carmacks, and it would be hard to know whether in fact what is being said is imputing false or unavowed motives. However, I would encourage all members to refrain from speculating about members' motives.” (*Hansard* 3195)

In fact while the Premier made certain statements (which may or may not be factual) he did not attribute motive to Mr. Fairclough for these alleged actions. However members must also be careful that in citing ‘facts’ that they do not suggest other members are engaged in discreditable conduct.

On November 29, 2004 Committee of the Whole continued its consideration of the estimates for the Department of Health and Social Services in Bill No. 12, *Second Appropriation Act, 2004-05*. At one point in the debate Mr. McRobb said, “Maybe the minister thinks he's in Ukraine or something where he can engineer the election results, but I remind him this is the Yukon.” At this point Hon. Mr. Jenkins rose on a point of order and said Mr. McRobb had attributed false or unavowed motives to him. While the Committee Chair did not call Mr. McRobb to order he said, “Once again, I would ask members to act in the manner that Yukoners expect them to act, and casting aspersions upon one's character or creating an innuendo that they

are going to act above the law in the next election certainly is not casting good characteristics upon a member.” (*Hansard* 3378-3379) The Committee then continued with debate.

On November 30, 2004 Committee of the Whole continued its consideration of the estimates for the Department of Community Services in Bill No. 12, *Second Appropriation Act, 2004-05*. At one point in the debate Mr. Fairclough referred to the development of infrastructure in Carmacks and said, “It is a big issue in that community if this government wants to start splitting the community apart.” Brad Cathers (Lake Laberge, Yukon Party) then rose on a point of order and argued that Mr. Fairclough had contravened Standing Order 19(g) “by his suggestion that the government was trying to split the community of Carmacks in two.” The Chair did not find a point of order but “caution(ed) members against implying or imputing motives on others. The phrase “wants to start splitting the community apart” is very close to that line.” (*Hansard* 3420-3421)

Other words and statements that drew the intervention of the Chair in this regard include:

- “The opposition, I feel, are just beginning to use the First Nations to their advantage.” Hon. John Edzerza (McIntyre-Takhini, Yukon Party), November 3, 2004 (*Hansard* 2993)
- “these fearmongering approaches by the official opposition, (are) nothing more than speculation”, Premier Fentie, November 10, 2004 (*Hansard* 3121)
- “In my opinion, the member is merely grandstanding.”, Hon. Mr. Edzerza, December 2, 2004, (*Hansard* 3462)
- “the Minister of Health and Social Services doesn’t have much to say when the camera is not on.” Mr. McRobb, December 2, 2004 (*Hansard* 3464)
- “the member opposite doesn’t want Yukoners to have land. She doesn’t want Yukoners to have land. They don’t want Yukoners to have a mining industry.” Hon. Mr. Lang. December 7, 2004 (*Hansard* 3541)

Charging a Member with uttering a deliberate falsehood

Standing Order 19(h) says, “A member shall be called to order by the Speaker if that member charges another member with uttering a deliberate falsehood.” It is fundamental to orderly debate that members be taken at their word. As *Beauchesne’s Parliamentary Rules & Forms* puts it

It has been formally ruled by Speakers that statements by Members respecting themselves and particularly within their own knowledge must be accepted. It is not unparliamentary to temperately criticize statements made by Members as being contrary to the facts; but no imputation of intentional falsehood is permissible. On rare occasions this may result in the house having to accept two contradictory accounts of the same incident.²⁸

During Question Period on November 2, 2004 Steve Cardiff (Mount Lorne, NDP) posed questions regarding repairs to the Whitehorse Correctional Centre. In response to his first supplementary question the Minister of Justice, Hon. John Edzerza (McIntyre-Takhini, Yukon Party), said, “the member opposite is really exaggerating the condition of the correctional facility.” Subsequently the Speaker, Hon. Ted Staffen, intervened saying, “Before the final supplementary, the Chair is uncomfortable with some of the terminology being used today. I am concerned that it will lead to discord, so I would ask all members to just focus a little bit more on

²⁸ *Beauchesne’s* §494, page 151.

the questions and the answers.” Speaker Staffen then invited Mr. Cardiff to pose his final supplementary question. In posing his final supplementary question Mr. Cardiff said, “I think that they’re the ones who are exaggerating the work that they’re doing.” The Speaker subsequently intervened saying, “Before the minister answers, obviously you misinterpreted my earlier interruption. The term “exaggerating” is, in effect, intimating that the members are not telling the truth. That will not be allowed any more, on either side.” (*Hansard* 2961-2962)

During Question Period on December 2, 2004 the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) raised questions regarding Bill No. 105, *Act to Amend the Conflict of Interest (Members and Ministers) Act*, a private member’s bill the Assembly had debated at Second Reading the day before. In disputing the government’s version of what had transpired during that debate Mr. Hardy said Hon. Elaine Taylor (Whitehorse West, Yukon Party) was “trying to re-write history.” Before Hon. Ms. Taylor answered Mr. Hardy’s final supplementary question the Speaker intervened saying

Before the acting minister answers the question — although I’m not going to rule members out of order because I understand that this is a very passionate debate — terms like “rewriting history” — the implication of course is that all members aren’t telling the truth and that, of course, is out of order. I’d ask the members just to focus a little bit closer on the debate. (*Hansard* 3459)

Other words and statements that drew the intervention of the Chair in this regard include:

- “doublespeak” Mr. Hardy, October 25, 2004 (*Hansard* 2807)
- “for (the Member) to...stand up and make comments that are misleading...” Hon. Archie Lang (Porter Creek Centre, Yukon Party), October 25, 2004 (*Hansard* 2814)
- “the Premier continually tries to twist the situation around.” Mr. Hardy, November 15, 2004 (*Hansard* 3156)
- “the Minister of Education often brings to the floor of this House information that’s contrary to the facts.” Eric Fairclough (Mayo-Tatchun, NDP), November 16, 2004 (*Hansard* 3198).
- “It is...incumbent upon the opposition to be factual...we have seen incorrect information being brought forward.” Hon. Dennis Fentie (Watson Lake, Yukon Party), November 24, 2004 (*Hansard* 3336)
- “I believe I heard a misrepresentation on the numbers.” Gary McRobb (Kluane, NDP), December 1, 2004 (*Hansard* 3452)
- “a couple of things the minister has alluded to and misrepresented.” Mr. Hardy, December 7, 2004 (*Hansard* 3525)

Abusive or insulting language

Standing Order 19(i) says, “A member shall be called to order by the Speaker if that member uses abusive or insulting language, including sexist or violent language, in a context likely to create disorder.” This standing order was invoked most often to deal with insulting characterizations of a member.

References to seasonal events do not protect a member who makes unflattering remarks about another. For example, On November 1, 2004, during Second Reading of Bill No. 12, *Second Appropriation Act, 2004-05*, the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) made reference to a member saying, “he seems to have this party viewpoint that was pumped into his head at some point and, like a jack-o’-lantern, he jumps up

and barks out every once in awhile.” The Deputy Speaker, Patrick Rouble, then called for order saying, “Relating the member’s head to a jack-o’-lantern is out of order and inappropriate, and I’d ask the member to retract that characterization.” Mr. Hardy explained, “I didn’t relate his head to the jack-o’-lantern. I related his whole body, and I do apologize. I do retract that. It’s Hallowe’en and that was on my mind, maybe, or my subconscious. However, I do retract that. Sorry, Mr. Deputy Speaker.” (*Hansard* 2936)

Later during the same debate Mr. Hardy accused the Minister of Health and Social Services, Hon. Peter Jenkins (Klondike, Yukon Party) of “mak(ing) comments about refugees...and they’re very crude, rude comments that are hurtful.” At that point the Speaker called for order and said, “To describe another member’s comments as “crude and rude” is unparliamentary, and I’d ask the member to retract that, please.” Mr. Hardy retracted the comment. (*Hansard* 2944)

During Question Period on November 4, 2004 the leader of the third party, Pat Duncan (Porter Creek South, Liberal) asked the minister responsible for the Yukon Liquor Corporation, Hon. Jim Kenyon (Porter Creek North, Yukon Party) questions regarding revision of the *Liquor Act*. In response to Ms. Duncan’s first supplementary question Hon. Mr. Kenyon made reference to accounting principles and added, “Yukon College does offer some very good accounting courses, and I suggest that the member opposite take them.” At that point Speaker Staffen called for order saying, “It’s out of order that you are intimating that the member needs education. Each member has the fair right to ask questions and receive the answers the government chooses to give them. That’s the right of each member. I would ask the member not to diminish the questioner.” (*Hansard* 3028)

On November 29, 2004 Committee of the Whole considered estimates for the Department of Health and Social Services in Bill No. 12. At one point during the debate Gary McRobb (Kluane, NDP) asked the minister responsible, Hon. Mr. Jenkins for “an update on what is happening with respect to the seniors facilities in Haines Junction and Teslin”. Hon. Mr. Jenkins responded by saying, “As the member opposite knows — he was in attendance, I am given to understand, not in a constructive manner in a number of the meetings in Haines Junction. That said — .” At that point Mr. McRobb rose on a point of order and argued that the language used by Hon. Mr. Jenkins “is not consistent with the House rules.” The Committee Chair, Patrick Rouble, ruled that he had “no knowledge as to what happened at the meeting or how people behaved, but I would ask that members not characterize other members as acting in an unflattering manner.” With that he asked that debate continue. Rather than moving on, however, Hon. Mr. Jenkins referred to his previous remark saying, “I didn’t say his manner was unflattering; it’s just that he didn’t add to the debate in a constructive manner.” The Chair again intervened reminding Members that he had given “the member a considerable amount of latitude, and I’d ask the members to respect that latitude and not take advantage of it. I would also, once again, ask members not to make unparliamentary or unflattering references about the hon. members in our Assembly.” (*Hansard* 3393)

During Question Period on December 7 Mr. McRobb said of Hon. Mr. Jenkins, “This minister needs to demonstrate some principles. I’m not talking about the Peter Principle.” Shortly thereafter Hon. Mr. Jenkins rose on a point of order saying, “Mr. Speaker, my name associated with the Peter Principle is a derogatory remark, and I would ask the Speaker to rule on its implications and the context it was used in here today.” The Speaker said he would “review the Blues, and we will discuss it at a later date.” (*Hansard* 3515) He ruled on this point of order prior to Question Period on December 8. He said

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

If we do not keep this in mind and we come to think it acceptable that we can insult others or accuse them of not acting honourably, we may find we have done damage to this most valuable of democratic institutions. I would therefore ask all members to keep this in mind when they are framing their remarks. (*Hansard* 3547; *Journals* 273-274)

The House then proceeded to Question Period.

Other words and statements that drew the intervention of the Chair as insulting included:

- Characterizing another member's comments as "hysterics." Hon. Archie Lang (Porter Creek Centre, Yukon Party) October 26, 2004 (*Hansard* 2836)
- An accusation that a minister had "pompously brushed off" questions asked of him in a public letter. Mr. McRobb, October 27, 2004 (*Hansard* 2864)
- "not everybody out there is as naïve as the Member for Laberge wants us to believe." Mr. McRobb, November 3, 2004 (*Hansard* 3020).
- Characterizing another member's actions as "despicable." Mr. McRobb, November 9, 2004 (*Hansard* 3100-3101)
- "For the life of me, I can't understand the Member for Kluane missing out on a free lunch..." Hon. Mr. Jenkins, November 9, 2004 (*Hansard* 3101)
- Reference to a member as "the Ayatollah Complaini of Kluane", Hon. Mr. Fentie, November 15, 2004 (*Hansard* 3167)
- "the beauty of what (the member) has put on record (is that it) reads as crazy as is sounds." Hon. Mr. Fentie, November 16, 2004 (*Hansard* 3192)
- A member encouraging "the official opposition to sit down with some of their officials in-house and get a better understanding of basic accounting practices and principles and/or take a course at perhaps Yukon College. I don't know where they start there, maybe Accounting 101, or maybe it's basically arithmetic, but the concepts are very, very simple here." Hon. Mr. Jenkins, November 16, 2004 (*Hansard* 3206)
- "we hear that rant yesterday about accusations being made outside the House." Mr. Hardy, November 24, 2004 (*Hansard* 3335)
- (The member) "is never at a loss of words no matter how inane." Mr. Hardy, December 2, 2004 (*Hansard* 3460)
- "it sounds like we have a migration of trans fats to brain cells." Hon. Mr. Jenkins, December 2, 2004 (*Hansard* 3467)
- "the Premier's temper tantrums when he doesn't like a given line of questioning." Mr. Hardy, December 13, 2004 (*Hansard* 3610)

The Presiding Officers were also called up to rule on language considered violent. For example, during Question Period on October 28, 2004 the Premier and Finance Minister, Hon. Mr. Fentie

said of Pat Duncan (Porter Creek South, Liberal), "I know the member opposite has great zeal to attack the Member for Klondike because apparently she —." At that point Ms. Duncan rose on a point of order, saying, "I would suggest that the Finance minister's comments are casting aspersions and implying motives upon this member and I would ask you, Mr. Speaker, to direct him to withdraw them." Premier Fentie responded by saying, "When I say "attack", it is meant that the member opposite is trying to set on stage here the Member of Klondike for a specific reason, and the point I was going to make —. There are many other reasons that the member opposite, the member of the third party, could focus her attention on and I would get to that in a moment, Mr. Speaker, upon your ruling."

The Speaker ruled there was "no point of order." However, he also informed the House that the Chair "does not condone the use of suggestively violent language and I would ask the hon. Premier to curtail that." (*Hansard* 2897)

The Chair of Committee of the Whole, Patrick Rouble, made a statement about violent language on November 4, 2004. During general debate on Bill No. 12 Hon. Mr. Fentie used the phrase, "I think we've about beat this issue to death." Ms. Duncan commented on this phrase when she gained the floor. Though Ms. Duncan did not raise a point of order she said, "We will, given the hour of the day, excuse the Finance minister's violent references. Again, we make the point that the Finance minister beating the issue to death is not something that we consider appropriate in our rules." (*Hansard* 3054) Before the committee adjourned for the day the Chair said

Earlier in this discussion, there was some comment made about a reference to violent language, and the reference to violent language in our Standing Orders is meant to prevent members from using language that threatens other members or persons.

The interpretation of this Standing Order has been that members are not to make threats of bodily harm against one another or another person. Neither should members threaten retribution against other constituents.

I'd also like to remind members that it's contextual and that it's taken into context whether or not it's likely to create disorder. When the comment was made earlier that did not create any disorder, it appeared that it was just a colloquialism that fell into use.

If the situation arises in the future and members take offence or take issue with it, I would encourage them to raise it as a point of order. (*Hansard* 3055)

Offending the practices and precedents of the Assembly

Standing Order 19(k) says, "A member shall be called to order...if that member introduces any matter in debate that...offends the practices and precedents of the Assembly." One category of offensive matter is that which questions a Member's ability or inclination to do the job they were elected to do, or a suggestion that a Member would behave in a dishonourable way in doing so.

On October 27, 2004, during debate on Motion No. 328, Gary McRobb (Kluane, NDP) commented that he believed "the mover of the motion (was) asleep." The Speaker, Hon. Ted Staffen, called for order and said, "It is inappropriate, as we have pointed out in the past, for a member to mention how another member is concentrating on your eloquent words, so I would ask that you not make reference to any other member and just carry on, please." (*Hansard* 2882)

During Question Period on November 1, 2004 the Assembly's attention turned to the government's plans regarding locating Yukon College's Carmacks campus in the new school to be built in that community. During his final supplementary question Eric Fairclough (Mayo-Tatchun, NDP) accused the government of having "a take-it-or-leave-it attitude and way of doing

things, and that is shameful." Mr. Fairclough likened this attitude to those who were responsible for residential and mission school policies of the past. In response the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), said, "division in the community...is being exacerbated by this type of comment coming forward from the Member for Mayo-Tatchun." In posing a second question on the same subject the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) said, "Maybe that Premier better think very carefully about what he's saying, because that kind of language goes back 40 or 50 years in the white man's way of looking at how you treat First Nations." Once Mr. Hardy had posed his question Speaker Staffen intervened saying he was, "uncomfortable with the nature of the innuendo on each side of the floor, and I would ask all members of the House to respect each other." (*Hansard* 2923-2924)

During Question Period on November 17, 2004 Mr. Hardy asked Premier Fentie why he would not sign a letter regarding the Arctic National Wildlife Refuge. This letter, already signed by Mr. Hardy and the leader of the third party, Pat Duncan (Porter Creek South, Liberal) was to be sent to George W. Bush, President of the United States of America. During the course of his response to the main question Hon. Mr. Fentie said that his actions "represent(ed) a position that was requested by the Vuntut Gwitchin First Nation." Hon. Mr. Fentie also said the insistence that he sign the letter showed, "a lack of respect by the official opposition to another order of government." At that point Speaker Staffen called for order saying, "Those words will lead to discord, and I would ask the hon. Premier not to indicate or imply that either side has a lack of respect. Each side has their opinion; they may differ. I ask all members to respect that." (*Hansard* 3213)

During Question Period on December 6, 2004 Mr. Fairclough asked questions of the Minister of Education, Hon. John Edzerza (McIntyre-Takhini, Yukon Party) regarding the proposal to attach the Carmacks Campus of Yukon College to the new Tantalus School. At one point Hon. Mr. Edzerza said, "it certainly is a pleasure to notice that the Member for Mayo-Tatchun appears to have turned over a new leaf here and is willing to start working for the best interests of all the citizens in Carmacks — all of the citizens." The official opposition House leader, Mr. McRobb then rose on a point of order saying, "Mr. Speaker, that minister is out of control...We all know the Member for Mayo-Tatchun represents all his constituents. He has sworn an oath to that effect." The government House leader, Hon. Mr. Jenkins argued that there was no point of order, merely a dispute about interpretation. The leader of the third party, Ms. Duncan expressed her view that Hon. Mr. Edzerza had

implie(d) that the Member for Mayo-Tatchun has not previously been representing his constituents, which, as has been noted, we all swear to do and we all have been upholding our oaths. So if I might, I would strongly suggest that there is a point of order and that you, at a minimum, review the Blues on this issue.

Speaker Staffen asked for "the House's indulgence to do exactly that, to review the Blues and come back with a decision." (*Hansard* 3490-3491) The Speaker ruled on this point of order prior to Question Period on December 8. He said

The Chair has reviewed the remarks made by the minister and agrees that there is a point of order. It is unparliamentary to suggest in any way that a Member of this Legislative Assembly does not represent that member's constituents or that a member is not acting in the best interests of his or her constituents. (*Hansard* 3547 *Journals* 273-274)

A second category of offensive matter is language considered beneath the dignity of the House. On November 15, 2004 Committee of the Whole started its consideration of Bill No. 11, *Fourth Appropriation Act, 2003-04*. Early on in the debate Premier Fentie said Mr. McRobb was filling the pages of *Hansard* with “twaddle.” McRobb rose on a point of order and said

I think I heard something that was strictly unparliamentary from the Premier and I would call upon you to demand he retract that. While he’s on his feet, he should apologize to all Yukoners for the use of such language.

Hon. Mr. Fentie, responded that the word in question is “an adjective used to reflect debate that is nonsensical in nature. Isn’t it?” The Committee Chair, Patrick Rouble, responded by saying

It has just been commented to the Chair that one would never find that word in the dictionary, and I would encourage members to enter into debate words that we are all familiar with, that can be found in the dictionary and not to use words that would have an implied derogatory meaning and that are beneath the dignity of this Assembly. (*Hansard* 3165)

On November 29, 2004 Committee of the Whole considered Bill No. 12, *Second Appropriation Act, 2003-04*. As the Assembly neared the normal hour of adjournment Hon. Mr. Jenkins said, “if you want to look at the analogy I’ve used before in this House, the NDP put the Yukon economy in the toilet, the Yukon Liberal Party came along and they flushed it —.” The Committee Chair, Patrick Rouble, immediately called for order and said, “The member is well aware of the discussion that we have had on that reference in the past and I would ask the member to refrain from using that.” (*Hansard* 3396)

During Question Period on November 30, 2004 Ms. Duncan asked the Minister of Energy, Mines and Resources, Hon. Archie Lang (Porter Creek Centre, Yukon Party) questions regarding a treaty between Canada and the United States regarding the route for a natural gas pipeline from Alaska. In responding to Ms. Duncan’s final supplementary question Hon. Mr. Lang said, “why doesn’t she get in contact with her Liberal counterparts in Ottawa and see what they are going to do about their damn treaty?” The Speaker immediately called for order and said, “I can appreciate that this debate involves a certain amount of passion on each side, but I would ask the minister not to use swear words in the House, and retract that, please.” Hon. Mr. Lang retracted the comment. (*Hansard* 3399)

Vote, Reflection upon a

Standing Order 19(e) says, “A member shall be called to order by the Speaker if that member reflects upon any vote of the Assembly unless it is that member’s intention to move that it be rescinded.” This little used standing order was raised during Question Period on December 7, 2004. At that time Gary McRobb (Kluane, NDP) was questioning the Minister of Health and Social Services, Hon. Peter Jenkins (Klondike, Yukon Party) about wage increases for childcare workers. In response to Mr. McRobb’s final supplementary question Hon. Mr. Jenkins said, “I’m sure when the budget next spring is tabled, the member opposite will vote against it, as he did this last cycle.” At that point Mr. McRobb rose on a point of order and cited Standing Order 19(e). (*Hansard* 3516)

Before Question Period on December 9 the Speaker, Hon. Ted Staffen, gave the following ruling:

After consulting a variety of procedural authorities, including *Beauchesne's Parliamentary Rules and Forms*, *House of Commons Procedure and Practice* and *Erskine May's Parliamentary Practice*, the Chair has concluded that there is no point of order.

The term "vote of the Assembly" as used in Standing Order 19(e) refers to a decision taken by the Assembly as a whole, not the vote of an individual member of this Assembly on a bill or motion. The key to understanding the intent of Standing Order 19(e) is in the phrase that refers to a member intending that the vote in question be rescinded. The vote of an individual member, on a question already decided, cannot be rescinded. Only a decision of the Assembly as a whole can be rescinded and only if a motion to that effect is put before the Assembly. (*Hansard* 3579; *Journals* 275-276)

The House then proceeded with Question Period.

Statistical Summary

Table 1: Sitting Days

	Monday	Tuesday	Wednesday	Thursday	Total
October	1	1	1	2	5
November	5	5	4	3	17
December	2	2	2	2	8
Total	8	8	7	7	30

Table 2: Allocation of Sitting Time

	Number	Time consumed	Percentage of sitting time
Debate on Bills	13	80 hours 55 minutes	57.7%
Debate on Motions	15	19 hours 8 minutes	13.6%
Question Period	30	16 hours 10 minutes	11.5%
Witnesses	1	3 hours 48 minutes	2.8%
Other	n.a.	20 hours 13 minutes	14.4%
Total	n.a.	140 hours 14 minutes	

Note: In this case 'Other' includes elements of the Daily Routine other than Question Period, prepared statements and rulings by the Speaker and the Chair of Committee of the Whole, and recesses. Time for witnesses appearing pursuant to Committee of the Whole Motion No. 4 is included under Bill No. 48, *Act to Amend the Elections Act*.

Table 3: Documents Tabled

Type	#
Legislative Returns	0
Sessional Papers	33
Filed Documents	27
Total	60

Table 4: Daily Routine

Item	#
Tributes	50
Visitor Introductions	57
Ministerial Statements	0
Written Questions	3
Committee Reports	1
Petitions Presented	3
Responses to Petitions	3

Table 5: Bills

Bills	Government	Private Members	Total
Introduced	11	3	14
Debated	11	2	13
Passed	11	0	11
Negatived	0	2	2
Assented to	11	0	11

Table 6: Time devoted to individual bills

Bill No.	Name	Second Reading	Committee of the Whole	Third Reading	Total
12	<i>Second Appropriation Act, 2004-05</i>	7 hours 16 minutes	32 hours 51 minutes	2 minutes (division)	40 hours 9 minutes
51	<i>Act to Amend the Motor Vehicles Act</i>	44 minutes	11 hours 4 minutes	1 minute (division)	11 hours 49 minutes
11	<i>Fourth Appropriation Act, 2003-04</i>	50 minutes	6 hours 53 minutes	4 minutes (division)	7 hours 47 minutes
107	<i>Democratic Reform Act</i>	5 hours 9 minutes	Defeated at Second Reading		5 hours 9 minutes
46	<i>Act to Amend the Oil and Gas Act</i>	38 minutes	2 hours 12 minutes	1 minute (division)	2 hours 51 minutes
48	<i>Act to Amend the Elections Act</i>	1 hour 1 minute	1 hour 45 minutes	1 minute (division)	2 hours 47 minutes
50	<i>Act to Amend the Crime Prevention and Victim Services Trust Act</i>	1 hour 46 minutes	47 minutes	1 minute (division)	2 hours 34 minutes
54	<i>Act to Amend the Income Tax Act</i>	2 hours 30 minutes	1 hour 1 minute	1 minute (division)	3 hours 32 minutes
105	<i>Act to Amend the Conflict of Interest (Members and Ministers) Act</i>	1 hour 40 minutes	Defeated at Second Reading		1 hour 40 minutes
47	<i>Act to Amend the Financial Administration Act</i>	22 minutes	47 minutes	2 minutes (division)	1 hour 11 minutes
49	<i>Act to Amend the Legal Profession Act</i>	27 minutes	10 minutes	2 minutes (division)	39 minutes
53	<i>Act to Amend the Insurance Act</i>	15 minutes	19 minutes	1 minute (division)	35 minutes
52	<i>Act to Amend the Education Staff Relations Act and the Public Service Staff Relations Act</i>	9 minutes	2 minutes	1 minute (division)	12 minutes
	Total (13)	22 hours 47 minutes	57 hours 51 minutes	17 minutes	80 hours 55 minutes

Notes on bills: Introduction and First Reading is not included as Standing Order 52(2) says, "A motion for First Reading of a bill shall be decided without introductory statement, debate or amendment."

Table 7: Appropriation Bills, Committee of the Whole debate by department

Department	Bill No. 11		Bill No. 12		Total	
	hours	minutes	hours	minutes	hours	minutes
General debate	6	28	7	31	13	59
Health & Social Services		23	6	20	6	43
Community Services		none	4	41	4	23
Highways & Public Works		none	3	5	3	5
Energy, Mines & Resources		none	2	44	2	44
Environment		none	1	25	1	25
Economic Development		none	1	6	1	6
Education		none	1	4	1	4
Finance		none	1	3	1	3
Women's Directorate		none		53		53
Tourism & Culture		none		50		50
Executive Council Office		none		45		45
Justice		none		37		37
Yukon Housing Corporation		none		36		36
Public Service Commission		2		none		2
Total	6	53	32	40	39	33

Notes on departments:

1. Both bills were supplementary appropriation acts.
2. The term 'none' refers to those departments or corporations that did not have an appropriation.
3. 'Loan Capital & Amortization' is only applicable to main appropriation acts.

Table 8: Motions

Motions	Government	Private Members	Total
Notice of	7	71	78
For the Production of Papers	n.a.	2	2
Committee of the Whole	3	0	3
Debated	7	8	15
Adjourned Debate	0	2	2
Agreed to	7	6	13
Negatived	0	0	0
Withdrawn	0	0	0
Ordered Removed ²⁹	0	11	11
Not placed on Order Paper	0	1	1

²⁹ See 'Motions, Irregular' for further information.

Table 9: Time devoted to debate on motions

Motion No. & Subject	Debate		Disposition
	hours	minutes	
275. Re Consultation prior to establishing a public-private partnership for construction of the Dawson bridge	4	14	Debate adjourned on the motion as amended.
335. Re Federal Government reinstating its funding to the Committee on Abuse in Residential Schools Society	2	44	Agreed to as amended
322. Re Three Northern Territorial Governments Working in Co-operation with the 2007 Canada Winter Games Host Society to Develop a Pan-Northern Approach to Northern Sports and Culture	2	10	Debate adjourned for lack of quorum on November 24; Agreed to on December 8.
328. That the federal government eliminate the GST on heating fuels and electricity north of 60	2	18	Debate adjourned
332. That the Yukon Government design a Veteran's License plate	1	58	Agreed to
391. Re Minister of Citizenship and Immigration Judy Sgro Fulfilling Responsibility to Refugees Living in Yukon	1	44	Agreed to
333. Re Federal Government reinstating its funding to Skills Canada	1	30	Agreed to
323. Re Educational public awareness campaign focusing on zero tolerance of violence against women	1	9	Agreed to
366. Re Action plan to combat substance abuse	1	5	Agreed to
Committee of the Whole Motion #4 re appearance of witnesses		8	Agreed to
384. Re Reappointments to Yukon Human Rights Panel of Adjudicators		3	Agreed to
383. Re Appointment to Yukon Human Rights Commission		2	Agreed to
348. Re Appointment of Eric Fairclough rescinded and Steve Cardiff be appointed to the Standing Committee on Public Accounts		1	Agreed to without debate
Committee of the Whole Motion #5 re appearance of witnesses		1	Agreed to without debate
Committee of the Whole Motion #6 re appearance of witness		1	Agreed to without debate.
Total (16: 13 agreed to, 2 debate adjourned)	19	8	

Note: Debate on Committee of the Whole Motion No. 4 took place during discussion of Bill No. 48, *Act to Amend the Elections Act*. Time is included in Table 6.

Table 10: Statistical Review of Question Period

Sitting Day/Date	Main Questions	First Supp.	Final Supp.	Total Questions	Total Time	Question Time	Response Time	Points of Order	Questions over limit	Responses over limit
1. October 21	6	6	6	18	33:40	16:45	16:55	0:00	6	2
2. October 25	6	6	6	18	33:30	17:25	16:05	0:00	6	1
3. October 26	6	6	5	17	34:35	15:40	18:20	0:35	6	0
4. October 27	6	6	6	18	31:30	16:05	15:25	0:00	4	0
5. October 28	7	7	3	17	30:00	13:50	15:20	0:50	3	0
6. November 1	5	5	4	14	31:25	14:05	17:05	0:15	4	2
7. November 2	6	6	4	16	36:35	15:45	20:05	0:45	10	2
8. November 3	6	6	6	18	34:30	17:30	16:35	0:25	9	0
9. November 4	5	5	5	15	29:40	15:15	14:00	0:25	6	0
10. November 8	6	6	6	18	32:00	15:30	16:30	0:00	1	0
11. November 9	5	5	5	15	30:10	14:35	15:00	0:35	5	0
12. November 10	6	6	5	17	32:35	14:35	17:15	0:45	4	0
13. November 15	6	6	4	16	30:20	15:00	14:35	0:45	2	1
14. November 16	7	7	6	20	31:00	16:35	14:05	0:20	5	0
15. November 17	6	6	2	14	30:45	14:10	15:40	0:55	7	0
16. November 18	6	6	5	17	33:20	16:15	15:55	1:10	8	1
17. November 22	9	9	7	25	29:45	19:40	10:05	0:00	1	0
18. November 23	6	6	6	18	33:20	15:50	17:30	0:00	4	0
19. November 24	5	5	5	15	31:25	13:15	17:45	0:25	4	2
20. November 25	6	6	5	17	34:15	14:00	18:55	1:20	3	0
21. November 29	7	7	6	20	31:40	16:35	14:15	0:10	3	0
22. November 30	6	6	5	17	31:30	14:55	15:00	1:35	3	0
23. December 1	7	7	6	20	32:10	17:55	14:05	0:10	4	0
24. December 2	5	5	5	15	32:05	13:55	16:00	2:10	5	0
25. December 6	6	6	6	18	33:00	15:30	15:40	1:50	4	0
26. December 7	6	6	5	17	30:40	15:20	14:05	1:15	4	0
27. December 8	7	7	7	21	32:55	17:05	15:20	0:30	4	0
28. December 9	7	7	5	19	32:55	17:00	15:55	0:00	3	1
29. December 13	8	8	7	23	35:10	17:55	16:45	0:30	2	0
30. December 14	22	1	1	24	33:45	12:05	21:40	0:00	0	2
Total	202	181	154	537	16:10:10	7:50:00	8:02:40	17:40	130	14

Numbers in bold represent high totals, numbers in *italics* represent low totals.

Table 11: Questions posed in Question Period by Caucus

	Main	First Supp.	Final Supp.	Total
Official Opposition (NDP)	163	146	120	429
Third Party (Liberal)	34	30	30	94
Independent member	5	5	4	14

Table 12: Divisions

Date	Item	Decision	References
October 27	Motion No. 332	Agreed to, 15-0	<i>Journals 224; Hansard 2878</i>
	Motion No. 328 (amendment)	Negatived, 5-9	<i>Journals 224; Hansard 2890</i>
November 2	Bill No. 12 (2 nd Reading)	Agreed to, 10-5	<i>Journals 231; Hansard 2981</i>
November 4	Bill No. 54 (2 nd Reading)	Agreed to, 17-0	<i>Journals 236; Hansard 3047</i>
November 8	Bill No. 50 (2 nd Reading)	Agreed to, 13-0	<i>Journals 238; Hansard 3073</i>
November 9	Bill No. 48 (2 nd Reading)	Agreed to, 7-5	<i>Journals 240; Hansard 3098</i>
November 10	Motion No. 335 (as amended)	Agreed to, 14-0	<i>Journals 243; Hansard 3138</i>
	Motion No. 333	Agreed to, 14-0	<i>Journals 243; Hansard 3147</i>
November 15	Bill No. 11 (2 nd Reading)	Agreed to, 15-1	<i>Journals 245; Hansard 3161</i>
November 23	Motion No. 366	Agreed to, 16-0	<i>Journals 256; Hansard 3312</i>
	Motion No. 323	Agreed to, 15-0	<i>Journals 257; Hansard 3318</i>
December 1	Bill No. 105 (2 nd Reading) (amendment)	Agreed to, 7-6	<i>Journals 265; Hansard 3443</i>
December 8	Motion No. 391	Agreed to, 14-0	<i>Journals 274; Hansard 3562</i>
	Motion No. 322	Agreed to, 13-0	<i>Journals 274; Hansard 3574</i>
December 9	Bill No. 46 (3 rd Reading)	Agreed to, 16-0	<i>Journals 276; Hansard 3583</i>
	Bill No. 47 (3 rd Reading)	Agreed to, 16-0	<i>Journals 276; Hansard 3584</i>
	Bill No. 48 (3 rd Reading)	Agreed to, 15-1	<i>Journals 277; Hansard 3584</i>
	Bill No. 49 (3 rd Reading)	Agreed to, 16-0	<i>Journals 277; Hansard 3584</i>
	Bill No. 50 (3 rd Reading)	Agreed to, 16-0	<i>Journals 277; Hansard 3585</i>
	Bill No. 51 (3 rd Reading)	Agreed to, 10-6	<i>Journals 278; Hansard 3585</i>
	Bill No. 52 (3 rd Reading)	Agreed to, 16-0	<i>Journals 278; Hansard 3585</i>
	Bill No. 53 (3 rd Reading)	Agreed to, 16-0	<i>Journals 279; Hansard 3586</i>
December 14	Bill No. 54 (3 rd Reading)	Agreed to, 16-0	<i>Journals 279; Hansard 3586</i>
	Bill No. 11 (3 rd Reading)	Agreed to, 10-6	<i>Journals 284; Hansard 3666</i>
	Bill No. 12 (3 rd Reading)	Agreed to, 10-6	<i>Journals 284; Hansard 3666</i>
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References

- Boulton, C.J. (ed.) et. al., *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament* (21st edition), London. Butterworths. 1989.
- Canada. *Yukon Act*. 2002, c.7.
- Fraser, Alistair; W.F. Dawson and John A. Holtby, *Beauchesne's Rules & Forms of the House of Commons of Canada with Annotations, Comments and Precedents* (6th edition). Toronto. Carswell. 1989.
- Marleau, Robert, and Camille Montpetit (editors), *House of Commons Procedure and Practice*. Ottawa: House of Commons, Montreal: Chenelière, and Toronto: McGraw-Hill. 2000.
- Yukon, *Revised Statutes of the Yukon, 2002*. Whitehorse. The Queen's Printer for the Yukon. 2002.
- Yukon Legislative Assembly. *Chair's Handbook: Committee of the Whole*. February 2003.
- Yukon Legislative Assembly. *Hansard*. First Session of the 31st Legislature, Volumes 3 and 4 (March 25, 2004-May 18, 2004). 2004.
- Yukon Legislative Assembly. *Journals*. First Session of the 31st Legislature (October 21, 2004-December 14, 2004). 2004.
- Yukon Legislative Assembly. *Standing Orders of the Yukon Legislative Assembly*. April 4, 2002.

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