

PROCEDURAL REPORT
2005 SPRING SITTING

YUKON
LEGISLATIVE ASSEMBLY



FIRST SESSION

31ST LEGISLATURE

March 24, 2005-May 17, 2005

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 2005 Spring 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 when the House of Commons is sitting 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 2005 Spring Sitting of the Yukon Legislative Assembly saw four questions of privilege raised. The most procedurally interesting of these occurred on the first sitting day, March 24, 2005.

At issue was the release, by the government, of budget information prior to the tabling of the budget in the Assembly (see the entry 'Privilege, Question of'). This case bore similarities to one that arose in Ontario in 2003. The details of the Ontario case were laid out extensively by the member who raised the question of privilege, Pat Duncan (Porter Creek South, Liberal). This case, and the similarities and differences between it and the current situation in Yukon were at the core of the Speaker's ruling, delivered on April 7, 2005. The Speaker, Hon. Ted Staffen, ruled that there was no *prima facie* case of breach of privilege in this instance. Of enduring significance, however, was the Speaker's instruction that, in future, government news releases that deal with the spending of funds not yet appropriated by the legislature should mention that the spending contemplated is subject to the approval of the Assembly. This, he said would, "ensure that the Assembly's authority is respected, its dignity is protected and the public is properly informed."

On May 11, 2005 the official opposition house leader, Gary McRobb (Kluane, NDP) brought the House's attention to the fact that an individual in the public gallery was in possession of a recording device (see the entry 'Members of the Public, Behaviour in the Chamber'). This is contrary to the Assembly's rules. After speaking with the individual involved the Speaker reported to the House that a recording device was indeed present, but had not been used in the Chamber. In his statement to the House the Speaker brought members' attention to the fact that, although there are rules regarding behaviour in the public gallery, they are not posted where members of the public could read them. Further, the House does not have security personnel in the gallery to enforce these rules. The Speaker suggested that the House may wish to review its security arrangements.

On May 17, 2005 the Assembly defeated a bill at first reading (see the entry 'Bills, Introduction and First Reading, Motion for, defeated'). This is a rare occurrence. Not only was the bill defeated at first reading it was subsequently ruled out of order by the Speaker (see the entry 'Bill, Out of Order'). While these events are interesting in and of themselves, their enduring impact can be found in the Speaker's ruling later that day. At that time he stipulated that "any bills brought to the House will have to be reviewed before a motion for introduction and first reading is allowed to be put to the House."

While the procedural issues catalogued in this report are usually the product of conflict, it is worth noting that the 2005 Spring 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 recess in proceedings, for a member to continue his speech at a later time, to return to an item in the Daily Routine, to deem all content of a bill read and agreed to (twice), and to deem all lines in a vote cleared or carried, as required (13 times).

There was also some agreement on substantive issues. Of the 14 recorded divisions taken during the 2005 Spring Sitting five showed unanimous agreement of all members present for the vote. (see the Table 'Divisions' in the Statistical Summary). Agreement was achieved on two bills at second reading, two bills at third reading, and one government private member's motion.

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

On April 7, 2005 during general debate on Bill No. 15, *First Appropriation, Act, 2005-06*, Todd Hardy (Whitehorse Centre, NDP) said, “I got the message from the Acting Minister of Finance, I think, while the Finance minister is away.” Brad Cathers (Lake Laberge, Yukon Party) rose on a point of order saying, “I believe it’s out of order to refer to the absence of a member from the Assembly, and I would ask you to direct the leader of the official opposition to retract that remark.” Gary McRobb (Kluane, NDP) responded to the point of order saying, “I think this matter transcends House rules. There is a valid point that the Yukon government should be putting up the real Finance minister to speak to the budget, not the acting Finance minister.”

In fact nothing transcends the rules and practices of the Assembly in this regard. As cabinet operates in a collegial manner any minister is able to answer for another. Members must deal with issues of nomenclature on their own. With that in mind the Deputy Chair of Committee of the Whole, Dean Hassard, ruled, “There is a point of order, in the fact that we do not refer to the absence of another member.” (*Hansard* 3912)

On May 4, 2005 the Assembly debated Motion No. 459. A quorum count was called for early in the debate. Once quorum was re-established the sponsor of the motion, Brad Cathers (Lake Laberge, Yukon Party), re-started his speech by saying, “It’s disappointing to see that the opposition has so little interest in debating health care for Yukoners. I’m glad to see that at least one member opposite was interested.” While Mr. Cathers did not mention the absence of any particular member the Speaker called for order saying, “It is inappropriate to mention whether a member is or is not present in the House.” (*Hansard* 4365)

Adjournment, Of the Assembly

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.”

The motion to adjourn the Assembly is normally given near the normal hour of adjournment. On occasion, however, the House adjourns at an earlier time. One such instance occurred on March 24, 2005, the first day of the 2005 Spring Sitting. On that day the Premier and Finance Minister, Hon. Dennis Fentie (Watson Lake, Yukon Party) gave the budget address. In keeping with tradition the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP), then moved that debate be adjourned. Once that motion carried the government House leader, Hon. Peter Jenkins (Klondike, Yukon Party) moved “that the House be now adjourned.” This motion was agreed to at 4:26 p.m. (*Hansard* 3693)

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

Of Debate

Motions to adjourn debate on a bill or motion are rare. In most cases where debate is adjourned this is done pursuant to Standing Order 2(2), which gives the Chair the power to adjourn the House once the normal hour of adjournment is reached.

The only attempt to adjourn debate according to Standing Order 27(3)(g) is that referred to above.

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.

May 17, 2005 proved to be the final sitting day of the 2005 Spring Sitting. On that day, following the Assent to Bills by the Commissioner, Hon. Jack Cable, the Speaker, Hon. Ted Staffen, adjourned the House saying

As the House has reached the maximum number of days permitted for this spring sitting, as established pursuant to Standing Order 75(3), and the House has completed consideration of the designated legislation, it is the duty of the Chair to declare that this House now stands adjourned. (*Hansard* 4601; *Journals* 353)

Amendment, moving an

When a member moves an amendment to a motion, or a motion for that matter, they are to move the motion only, without any additional comment. This requirement is necessary so that members are clear as to what the member proposing the amendment is suggesting should be added or deleted. Such additional comments as are necessary to explain the amendment can be made when the member has the floor.

The House was reminded of this practice on April 13, 2005 during debate on Motion No. 426. During the course of debate Hon. Archie Lang (Porter Creek Centre, Yukon Party) proposed an amendment to the motion. In moving the amendment Hon. Mr. Lang said

THAT Motion No. 426 be amended by inserting the words “to work with the City of Whitehorse”— which is a big partner in this — “to establish a consultation process involving the Kwanlin Dun First Nation government,” because they were involved in the endowment lands and the selection process — “the Ta’an Kwach’an First Nation government,” and of course Yukon College has to be involved, “Porter Creek residents and other stakeholders” after the first appearance of the phrase “Government of Yukon”.

At that point a member alerted Hon. Mr. Lang to the fact that the amendment should be read without additional explanation. Hon. Mr. Lang then read the amendment without extraneous comment. (*Hansard* 4003)

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 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.”

The Administrator, Geraldine Van Bibber, entered the Chamber on March 31, 2005 to grant Assent to Bill No. 14, *Interim Supply Appropriation Act, 2005-06*. (*Hansard* 3773; *Journals* 294) The Commissioner, Hon. Jack Cable, entered the Chamber on May 17, 2005 to grant Assent to Bill No. 56, *Dawson Municipal Governance Restoration Act*; Bill No. 55, *Miscellaneous Statute Law Amendment Act, 2005*; Bill No. 13, *Third Appropriation Act, 2004-05*; and Bill No. 15, *First Appropriation Act, 2005-06*. (*Hansard* 4601; *Journals* 352-353)

Bills, Introduction and First Reading, Motion for, defeated

Standing Order 52(1) says, “Every bill shall be introduced upon a motion for First Reading specifying the title of the bill.” Standing Order 52(2) says, “A motion for First Reading of a bill shall be decided without introductory statement, debate or amendment.” This process is usually a formality. However, on May 17, 2005, a private member’s bill, Bill No. 109, *Financial Recovery Act* was voted down at this stage. (*Hansard* 4579) For more information on this event see the entry Bills, Out of Order, below.

Out of Order

During Introduction of Bills on May 17, 2005 Gary McRobb (Kluane, NDP) introduced a private member’s bill in the following manner.

I am very pleased on behalf of the official opposition to introduce a bill, entitled *Financial Recovery Act*. The purpose of this bill is to recover from the MLA for Klondike \$300,000 in unpaid business loans due to the Yukon taxpayers.

I move that a bill, entitled *Financial Recovery Act*, be now introduced and read a first time.

The Speaker, Hon. Ted Staffen, put the motion to the Assembly. The bill was negated at first reading.

Though the Speaker did not rule on Mr. McRobb’s introductory remarks, they were not in order, pursuant to Standing Order 52(2). The Speaker did rule on the bill in its entirety later in the sitting day. Prior to proceeding with Third Reading of Government Bills the Speaker said

Before proceeding further, the Chair wishes to draw the attention of the House to a matter that arose earlier today.

The Member for Kluane, under Introduction of Bills during the Daily Routine, moved a motion for introduction and first reading of a bill entitled *Financial Recovery Act*. This motion was put to the House by the Chair and was defeated on a voice vote.

Following the conclusion of the Daily Routine, the Chair had an opportunity to review the content of the bill brought to the House by the Member for Kluane. As the Member for Kluane is quite aware, the bill is completely out of order and should not have been brought before this House. The result is that the motion for first reading should not have been put to the House nor have come to a vote.

The Chair and the Table Officers have learned from this experience that, in the future, any bills brought to the House will have to be reviewed before a motion for introduction and first reading is allowed to be put to the House.

Further, the Chair must order, in respect to this matter, that the Votes and Proceedings of the Assembly show that the bill put before the House by the Member for Kluane was ruled out of order and that the Votes and Proceedings not record a motion for first reading ever having been allowed to be put. (*Hansard* 4600; *Journals* 350-351)

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."³ *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."⁴ Such remarks cannot merely be injected in debate. During the 2005 Spring Sitting charges made by Members against one another fell into the categories of allegations of illegal behaviour, unethical behaviour and conflict of interest.

An allegation of illegal behaviour came up during Question Period on March 29, 2005. At that time Gary McRobb (Kluane, NDP) asked questions of the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) regarding a letter the Department of Finance sent to heating fuel retailers regarding their sales. In response to Mr. McRobb's final supplementary question Hon. Mr. Fentie said, "let the record show that the official opposition...would support the purchase of tax-exempt fuel in contravention of the laws and the policies and the procedures that any government must follow." At that point Mr. McRobb rose on a point of order and argued that the Premier was "misrepresenting the position of the official opposition." The leader of the third party, Pat Duncan (Porter Creek South, Liberal) intervened saying that the Premier's reference to breaking the law violated Standing Order 19(g). The Speaker, Hon. Ted Staffen, said he would review the Blues and return with a ruling if necessary. (*Hansard* 3698) Speaker Staffen returned with his ruling on April 4, 2005. At that time he said

The official opposition House leader raised the point of order in response to a remark by the Hon. Premier. The Hon. Premier had said, "Let the record show that the official

³ 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.

⁴ *House of Commons Procedure and Practice*, page 525.

opposition, the NDP in this House, would support the purchase of tax-exempt fuel in contravention of the laws and policies and procedures that any government must follow.”

The Chair finds that there is a point of order in this case. One of the principles of parliamentary democracy is that all members should treat each other as honourable. To suggest that a member or members would support actions in contravention of the law is not consistent with this principle.

Similarly I would draw the House’s attention to other remarks made last week by other members. Some members have questioned the ethics and morality of other members. The numeracy skills of some members have been drawn into question and there have been some not very subtle suggestions that certain members have not been entirely honest with the House.

I have noticed during my time in the Chair that members do not appreciate it when such remarks are made about them. I would suggest, therefore, that they not make such comments about other members. The Chair has been reluctant to intercede in debate and call members to order. The Chair accepts that members have strongly held views on the issues before this Assembly. The Chair also accepts that it is the duty of the members to express their views and represent the views of their constituents on these matters; however, the public interest is best served when members focus their comments on the issues before the House. The public interest is not served when members express themselves in a way that impugns the character of other members.

The Chair therefore asks all members to resist the temptation, if possible, to personalize debate. I thank you in advance for your adherence to this request. (*Hansard* 3801-3802; *Journals* 296-297)

During Question Period on April 19, 2005 Ms. Duncan asked questions of Premier Fentie regarding the government’s plans to replace the MDMRS radio communication system. In response to Ms. Duncan’s final supplementary question Hon. Mr. Fentie suggested when Ms. Duncan was Premier her government had “circumvent(ed) the Yukon Utilities Board on the Mayo-Dawson intertie.” Ms. Duncan rose on a point of order saying, “To suggest that the former government, or any government, or any member of this House would circumvent a quasi-judicial board, such as the Yukon Utilities Board, is suggesting false and unavowed motives, which is Standing Order 19(g). I would respectfully ask that you call the member to order.” The government House leader, Hon. Peter Jenkins (Klondike, Yukon Party) responded, “There does not appear to be a point of order here. The actual truth has been stated on the floor of this House.” Speaker Staffen, ruled that there was a point of order and reminded “the Hon. Premier of a (previous) ruling which, in part, says: “The public interest is not served when members express themselves in a way that impugns the character of other members.” So I’d ask the Hon. Premier not to do that.” (*Hansard* 4087)

Another point to consider is that Hon. Mr. Jenkins’ defence of the Premier’s statement – that he had stated the truth – is procedurally irrelevant. The Assembly is not the proper forum to determine the truth of such a charge. As such members are not to make such charges, even where they believe them to be true.

During Question Period on April 20, 2005 the Minister of Energy, Mines and Resources, Hon. Archie Lang (Porter Creek Centre, Yukon Party) responded to questions from Mr. McRobb regarding the government’s energy policy. In response to Mr. McRobb’s first supplementary question, Hon. Mr. Lang said, “I would like to remind the member opposite about his term in

office, when they burned \$4.7 million worth of diesel on not drawing down the Aishihik Lake without any science or anything else, just the word of the member opposite.” This comment referred to an allegation of conflict of interest against Mr. McRobb. Speaker Staffen had previously ruled such references out of order.⁵ He therefore called for order and asked Hon. Mr. Lang to retract the statement. Hon. Mr. Lang did so. (*Hansard* 4115)

Committee of the Whole, Debate, commencement of

The usual practice in Committee of the Whole is that debate on a department begins with a speech by the minister responsible for the department. This is not, however, a rule. On April 12, 2005 Committee of the Whole dealt with Bill No. 15, *First Appropriation Act, 2005-06*. Once the Committee had agreed to the estimates for the Office of the Ombudsman the Minister of Health and Social Services, Hon. Peter Jenkins (Klondike, Yukon Party), asked for a brief recess so that officials from that department could be present in the Chamber before debate on the department started. Unanimous consent to recess was refused. The official opposition House leader, Gary McRobb (Kluane, NDP) suggested that Hon. Mr. Jenkins proceed with his introductory remarks while officials made their way to the Chamber. Hon. Mr. Jenkins declined to do so. At that point Mr. McRobb commenced his remarks on the departmental estimates. (*Hansard* 3984)

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 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 April 5, 2005 as the normal hour of adjournment approached the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), moved that Committee of the Whole report progress on Bill No. 15, *First Appropriation Act, 2005-06*. After the motion was put Gary McRobb (Kluane, NDP) rose on a point of order. Mr. McRobb said, “Clearly there’s five minutes to go” (before the normal hour of adjournment). Mr. McRobb further suggested that, “There is no need to leave this Assembly early...Let’s make some good use of the time.”

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 Deputy Chair, Dean Hassard, informed the Committee that the motion was in order and put it to the Committee for a vote. The motion was agreed to. (*Hansard* 3863-3864)

A similar event occurred on May 10, 2005. On that day the Committee considered the estimates for the Department of Energy Mines and Resources in Bill No. 15. As the normal hour of adjournment neared the minister responsible for the department, Hon. Archie Lang (Porter Creek Centre, Yukon Party) moved that the committee report progress. Mr. McRobb rose on a point of order to object to the motion being moved because, according to Mr. McRobb, the normal hour of adjournment was still twelve minutes away. However, the Chair of Committee of

⁵ See Yukon Legislative Assembly, *Hansard: First Session of the 31st Legislature, Volume 3 (October 30, 2003 – December 16, 2003)* page 1530 (December 1, 2003) and Yukon Legislative Assembly, *Hansard: First Session of the 31st Legislature, Volume 4 (March 25, 2004 – May 18, 2004)*, pages 2077-2078 (April 8, 2004).

the Whole, Patrick Rouble, ruled the motion in order and put it to the Committee. (*Hansard* 4481)

Division, required

On April 28, 2005 the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) moved

THAT, pursuant to section 18 of the *Conflict of Interest (Members and Ministers) Act*, the Legislative Assembly reappoint David Phillip Jones, Q.C., as a member of the Conflict of Interest Commission for a three-year period. (*Hansard* 4272; *Journals* 325)

Debate ensued on the motion. At the conclusion of debate the Speaker said

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

The Clerk of the Legislative Assembly, Patrick L. Michael, then conducted a recorded division. Upon its conclusion the Speaker informed the House that, "I declare the motion carried by the required support of at least two-thirds of the members of the Assembly present for the vote and that David Phillip Jones has now been reappointed as Conflicts Commissioner." (*Hansard* 4275; *Journals* 325-326)

Documents, Requirement for Tabling

Members regularly use documents when participating in debate. Occasionally other Members, who do not have this source of information, ask that it 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."⁶ 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.

On April 21, 2005 Committee of the Whole considered the estimates for the Department of Health and Social Services in Bill No. 15, *First Appropriation Act, 2005-06*. During debate on the Insured Health and Hearing Services program the minister responsible for the department, Hon. Peter Jenkins (Klondike, Yukon Party) cited a series of dollar figures for various costs. Gary McRobb (Kluane, NDP) rose on a point of order and said, "The minister has read extensively from a document. The rules provide for us to request the tabling of a document under such circumstances, so I would request the minister to table that document, please." However the Chair of Committee of the Whole, Patrick Rouble, ruled "It would appear that the member was reading from his speaking notes, which would have been prepared for the minister for this debate. I believe it would be entirely appropriate for members to have speaking notes prepared for them that they would not want to table. I don't believe that this is a document that would be

⁶ *House of Commons Procedure and Practice*, page 518.

subject to tabling. Members are not obligated to table their own speaking notes.” (*Hansard* 4152-4153)

During Question Period on April 28, 2005 the Minister of Economic Development, Hon. Jim Kenyon (Porter Creek North, Yukon Party) began to read from a report regarding a feasibility study of a proposed Alaska/Yukon railroad. The leader of the third party, Pat Duncan (Porter Creek South, Liberal) rose on a point of order and said, “It’s customary when you’re reading or quoting at length from a document that that document be provided to all members of the Legislature, which is what I ask for.” Hon. Mr. Kenyon then informed the House that “the document is at the printer as we speak and will be tabled at the beginning of next week as soon as it’s available from the printer.” That concluded Hon. Mr. Kenyon’s remarks and the Speaker was satisfied that the matter had been dealt with. (*Hansard* 4271)

Required Tabling

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.” Documents tabled under this standing order are entered into the Assembly’s working papers as ‘Sessional Papers.’ A list of these documents is included in Table 5 of the Statistical Summary.

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 2005 Spring Sitting can be found in the *Hansard* index and in the *Journals* index.

Government Business, calling of

Standing Order 12(2) says, “When government business has precedence, that business may be called in such sequence as the government chooses.” *House of Commons Procedure and Practice* adds “On occasions when the Opposition has protested a change in the projected order of business for a specific sitting day, the Chair has reminded Members of the government’s prerogative.”⁷ The control the government has in calling its business is also reiterated in *Beauchesne*.⁸

The calling of government business has been a recurring issue in the 31st Legislature.⁹ Committee of the Whole considered the estimates in Bill No. 15, *First Appropriation Act, 2005-06* on April 12, 2005. Once the estimates for the Office of the Ombudsman had been agreed to the Minister of Health and Social Services, Hon. Peter Jenkins (Klondike, Yukon Party) asked for a brief recess to allow officials from his department to attend committee proceedings. At that point the leader of the third party, Pat Duncan (Porter Creek South, Liberal) rose on a point of order. Ms. Duncan said

⁷ *House of Commons Procedure and Practice*, pages 406-407

⁸ See *Beauchesne's Parliamentary Rules & Forms*, §372, page 111.

⁹ See Yukon Legislative Assembly, *Procedural Report, First Session, 31st Legislature: February 27, 2003-May 1, 2003 and June 12, 2003 (Special Sitting in Mayo)* pages 16-18; and Yukon Legislative Assembly, *Procedural Report, First Session, 31st Legislature: October 30, 2003-December 16, 2003*, pages 15-16; Yukon Legislative Assembly, *Procedural Report, First Session, 31st Legislature, 2004 Spring Sitting*, pages 17-18.

I would just like to note for the record that although this was discussed three times this morning, I have not as yet been advised what the next item to be called for debate is — although this has been asked repeatedly — and I find it truly unfortunate that, with less than five minutes' notice — not even five minutes' notice — a major department is being called for debate, without any notice whatsoever to members.

We are asked continually to come into this House prepared for debate, and we have been given no notification of what department was next. Mr. Chair, I want to be on record. I recognize it is not within your jurisdiction to rule per se; however, I do want that note on the record.

The official opposition House leader, Gary McRobb (Kluane, NDP) also intervened on the point of order. He said

I would corroborate what the leader of the third party said. We repeatedly asked the government House leader this morning to be advised on which department would follow the Ombudsman, and he told us that we would find out Thursday. We informed him that we expected to clear the Ombudsman's department before 6:00 p.m. this afternoon, and he only laughed at us, Mr. Chair.

At that point the Committee Chair, Patrick Rouble, intervened to ask Mr. McRobb if he had a specific point of order to make. Mr. McRobb indicated that the issue before the committee was probably not covered by the standing orders. At that point the Chair ruled that there was no point of order. The Committee then proceeded with the Department of Health and Social Services. (*Hansard* 3984)

Members, Recognition of

Standing Order 17(1) says, "Every member desiring to speak shall rise in his or her place and address the Speaker." However this rule does not apply in Committee of the Whole. *Beauchesne's Parliamentary Rules & Forms* advises that in Committee of the Whole "Members may occupy and speak from places other than those regularly assigned to them."¹⁰ This procedural principle came into play on May 9, 2005 when Brad Cathers (Lake Laberge, Yukon Party) rose on a point of order. In response Gary McRobb (Kluane, NDP) said, "Mr. Chair, the rules specifically prohibit recognizing a member when he or she is not in their chair. When you recognized him, he was not in his normal seat." The Committee Chair, Patrick Rouble, said, "During Committee of the Whole there are exceptions and members can be recognized when they are not in their own seats." (*Hansard* 4441-4442)

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 Standing Orders came into play on April 6, 2004 during debate on a proposed amendment to Motion No. 419. At the conclusion of remarks by the Hon. John Edzerza (McIntyre-Takhini, Yukon Party) the Speaker, Hon. Ted Staffen, recognized Hon. Archie Lang (Porter Creek Centre, Yukon Party) to continue debate. At that point Gary McRobb (Kluane, NDP) rose on a point of order. He said, "Mr. Speaker, normally in debate it goes back and forth.

¹⁰ *Beauchesne's Parliamentary Rules & Forms*, §902(5), page 250.

We had a member who was up, waiting to be recognized, and you recognized the Yukon Party member instead. I would ask you to reconsider the situation.” Speaker Staffen ruled that there was no point of order. However, the practice in this House has been government side, opposition side, government side, opposition side. I would like to take a moment to apologize to the opposition side. My eyes happened to be facing the side where (Hon. Mr. Lang) stood up. If he will acquiesce, I will go over to the Member for Mount Lorne. (Steve Cardiff)” The Speaker then asked Hon. Mr. Lang if he would cede the floor to Mr. Cardiff. Hon. Mr., Lang declined to do so. (*Hansard* 3890)

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.).¹¹

One example of referring to a member by name occurred during debate on Motion No. 435 on April 20, 2005 Mr. McRobb read from the minutes of Meeting No. 1 of the Standing Committee on Rules, Elections and Privileges. In doing so he referred to himself and the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) by name. The Speaker intervened and reminded Mr. McRobb that members are not to refer to one another, or themselves, by name. This is the case even where members are quoting from documents. (*Hansard* 4119)

Other improper references that drew the intervention of the Chair involved referring to other members in a manner that was not respectful. Examples of this include:

- Hon. Mr. Lang referring, sarcastically, to Mr. McRobb as, “The wise man from Kluane.” March 31, 2005 (*Hansard* 3784-3785)
- The leader of the third party, Pat Duncan (Porter Creek South, Liberal) referring to the Minister of Economic Development, Hon. Jim Kenyon (Porter Creek North, Yukon Party) as “the conductor over there.” April 26, 2005 (*Hansard* 4208)
- Steve Cardiff (Mount Lorne, NDP) referring to the Minister of Justice, Hon. Mr. Edzerza as “the minister of consultations.” April 28, 2005 (*Hansard* 4283)

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 March 30, 2005. On that day the Assembly welcomed a delegation from the Alaska State Legislature who were in Whitehorse for the annual legislative exchange between Yukon and Alaska. Not coincidentally a number of individuals demonstrated outside the Assembly on that day in opposition to plans to drill for oil and gas in the Arctic National Wildlife Refuge. During Introduction of Visitors that day the Speaker welcomed both the Alaska delegation and demonstrators to the public gallery. Lorraine Peter (Vuntut Gwitchin, NDP) also acknowledged those who participated in the demonstration. This drew applause from the public gallery. At that point Speaker Staffen intervened saying, “I’d like to take this opportunity to thank the members of the gallery for your participation, and I would ask from this point on that you do not participate and please respect the Legislative Assembly. We’re delighted to have you

¹¹ *Beauchesne's Parliamentary Rules & Forms* §484(1), page 142.

here and thank you for participating, but I'd ask that that would be the end of it. Thank you." (*Hansard* 3730)

On May 11, 2005 the official opposition House leader, Gary McRobb (Kluane, NDP), rose on a point of order immediately after Question Period and before Orders of the Day. Mr. McRobb said

Earlier this afternoon, there was a gentleman in the gallery and it was obvious he had a recording device in his possession — a recorder with a large microphone. I checked with the Clerk of the Assembly and clearly that is in contravention of the rules of the House.

It's also my understanding this is a person who is in the employ of the Yukon Party government and he was introduced by the Member for Lake Laberge on April 27. I would ask you to look into this matter, Mr. Speaker, and, if what I'm saying is accurate, try to prevent it from recurring.

The Speaker indicated that he would look into the matter. (*Hansard* 4489) He returned with a ruling the following day. The ruling said

The official opposition House leader is correct in stating that tape recorders are not allowed in the public gallery. This prohibition is a long-standing practice of this House that reflects practices elsewhere.

The Chair would report to the House that it has been determined that the person in question did indeed have in his possession a recorder and a microphone. The person in question has been approached about this matter and stated that at no time did he operate the recorder in this Chamber.

The person in question also stated that it was incorrect to describe him as being an employee of the Government of Yukon. This reinforces the point that members of this House should take great care when making statements about persons outside this House. Those persons do not have any right of response, either here or in the courts, to personally damaging remarks made by members.

The Chair, therefore, would state to the official opposition House leader and all members of this House that there is no need, when raising a point of order such as this, to specify the employment history of an individual. That is clearly not germane to the point of order and, as has been shown, only has the potential to cause needless harm. Rather, members, when raising points of order, are to strictly stick to the facts: that is, inform the House about what someone is doing or has done and explain how, in the view of the member, such actions are in violation of a rule or practice of the House.

When he raised this point of order, the official opposition House leader asked that the Speaker both look into this matter and "try to prevent it from recurring."

This incident has made the Chair aware that the rules respecting the public gallery are not posted in full at the gallery entrance.

The only notices posted at this time are that guests in the gallery are to be quiet, that comments and applause are not allowed and that no food or beverages are permitted in the gallery.

The people entering the gallery, therefore, may not be aware that the rules common to legislative assemblies across this country also apply here. For example, they are not allowed to tape record the proceedings nor take pictures or film the proceedings

without the permission of the Speaker nor to bring signs into the gallery nor to wear clothing on which political messages are displayed.

In response to the official opposition House leader's request that the Speaker try to prevent the reoccurrence of events such as took place yesterday, the Chair will be looking into ways by which people in the public gallery can be more fully informed about the rules governing their behaviour.

It is difficult, however, to provide an assurance that such an incident can be prevented from recurring in the future unless the House is willing to support the posting of security personnel in the public gallery of this Chamber. Those members of this House who were here in 2001 may recall that they received, in a security review, a recommendation that a security officer be posted at the public gallery entrance. It was further recommended that this officer would be responsible for, among other things, controlling access to the public gallery and for enforcing compliance with gallery rules.

The House did not choose to take the action found in those recommendations. If members wish to receive greater assurance that the rules governing visitors to the gallery are enforced, the Chair would suggest that the security review and the recommendations found therein should be revisited. This could possibly be done through the initiative of House leaders or, perhaps, by the Members' Services Board.

The House then proceeded to Orders of the Day. (*Hansard* 4519-4520; *Journals* 344-346)

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.¹²

Essentially this practice is designed to ensure the Member's of 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 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 April 14, 2005 the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP), asked the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), questions regarding the process by which an individual was contracted to write an electoral reform report for the government. During the course of his first supplementary question Mr. Hardy said, "The person who brought in this report admits that he's one of the old boys and that's one of the reasons he probably got the contract. Now, one of the

¹² *House of Commons Procedure and Practice*, page 524.

weaknesses —.” At that point the Speaker, Hon. Ted Staffen, intervened and ruled the comment out of order. He added that Mr. Hardy’s comment was “a personal slur upon an individual who is not here to defend himself, and I would ask you to retract that, please.” Mr. Hardy withdrew the remark and Question Period continued. (*Hansard* 4025-4026)

On May 10, 2005 the Assembly debated Bill No. 56, *Dawson Municipal Governance Restoration Act* at Third Reading. During debate Hon. Peter Jenkins (Klondike, Yukon Party) said, “the message that has been conveyed to me by a great number of my constituents is: “You know, it’s working pretty good with the trustee in place. Why not just leave the trustee? We trust him. We didn’t trust our previous elected council.”

The Gary McRobb (Kluane, NDP) then rose on a point of order and said,

a moment ago, I heard the Member for Klondike relate something someone told him, where he said that that person did not trust the elected council in Dawson City....I seem to recall that there are rules preventing us from slandering people in the public who aren’t able to be in this Assembly to defend themselves. The Member for Klondike identified the previous council. We all know who the mayor and councillors were, so I would suggest that the Member for Klondike has slandered those people who are not here to defend themselves. He should be called to order for doing that.

Brad Cathers (Lake Laberge, Yukon Party) argued that “The Member for Klondike was not stating a fact; he was merely expressing the views brought forward to him by a constituent, which is his duty as an MLA. There is no point of order; there is merely a dispute among members.”

The Speaker, Hon. Ted Staffen, ruled there was no point of order but added, “Every member in this House should be very cognizant of the fact that when you mention others who are not here, you should do so very carefully.” (*Hansard* 4460)

Moment of silence

The Legislative Assembly observed a moment of silence on three occasions during the 2005 Spring Sitting. On March 24, 2005 the Legislative Assembly observed a moment of silence in honour of four RCMP officers and two Yellowknife firefighters who had lost their lives in the line of duty since the Assembly had last met. (*Hansard* 3669; *Journals* 287) On April 4, 2005 the Assembly observed a moment of silence in honour of Pope John Paul II, who passed away on April 2, 2005. (*Hansard* 3799; *Journals* 296) On April 27, 2005 members gave tributes in honour of the National Day of Mourning for workers killed or injured on the job. The following day members observed a moment of silence. (*Hansard* 4267)

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.¹³

- (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.

The three appropriation acts introduced in the 2005 Spring Sitting – Bill No. 13, *Third Appropriation Act, 2004-05*; Bill No. 14, *Interim Supply Appropriation Act, 2005-06*; and Bill No. 15, *First Appropriation Act, 2005-06* – 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."¹⁴

Motions may become irregular for a variety of reasons. Of the eight motions withdrawn from the Order Paper during the 2005 Spring Sitting, seven had become outdated. The most common reason that a motion becomes outdated is that it urges the government to take a certain action by a certain date. Once that date passes the motion becomes irregular and must be withdrawn from the Order Paper. The other motion was withdrawn as the action it requested was fulfilled by Bill No. 54, *Act to Amend the Income Tax Act*, which was assented to on December 14, 2004. Once the bill was passed the motion became irregular. A detailed list of irregular motions is included in Table 11 of the Statistical Summary appended to this report.

Order and Decorum, 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 2005 Spring Sitting. A few of these interventions merit further attention.

On April 5, 2005 during general debate in Committee of the Whole on Bill No. 15, *First Appropriation Act, 2005-06*, the Deputy Chair of the Committee, Dean Hassard, intervened while Hon. Archie Lang (Porter Creek Centre, Yukon Party) had the floor. The Deputy Chair called for order and said, "As much as I enjoy the extraneous comments, I would like to ask all members to please respect the member who is speaking, and if you wish to join in the discussion, you will have to rise and be recognized." Hon. Mr. Lang thanked the Chair for his intervention, adding, "I appreciate the fact that you're easily amused." (*Hansard* 3853)

Committee of the Whole continued its consideration of Bill No. 15 on April 11, 2005. At one point during debate the Committee Chair, Patrick Rouble, called for order to address extraneous comments being made. He said

Before debate continues, the Chair recognizes and appreciates that members are very anxious and eager to contribute to the debate. But in order that all comments are recorded

¹³ The wording of this Standing Order is exactly the same as section 29 of the *Yukon Act*.

¹⁴ *Beauchesne's Parliamentary Rules & Forms* §566(3), pages 174-175.

in *Hansard*, I would please encourage members to wait until they are recognized before they participate in the debate. (*Hansard* 3939)

Later in the same debate the Chair informed members that he was “having a challenge listening to the person who has the floor due to the extraneous chatter. I would again ask members to hold their comments until they are recognized.” (*Hansard* 3946)

And again in the same debate the Chair called for order and said, “Honourable members, I must remind you that we need to have you recognized so that your comments can be recorded in *Hansard*. Ms. Duncan, you have the floor.” (*Hansard* 3955)

As debate moved into the Department of Finance on April 12, 2005 the Chair once again had to intervene to “ensure that all comments are recorded in *Hansard*, I would again ask all members to refrain from the chatter and discussion across the table.” (*Hansard* 3969)

By April 14, 2005 debate on bill No. 15 had progressed to the Department of Health and Social Services. At one point during the debate the minister responsible for the department, Hon. Peter Jenkins (Klondike, Yukon Party), in responding to a comment by Gary McRobb (Kluane, NDP) about the government’s medical travel policy, said, “If the member opposite felt that there was a need to enhance this area of the health care program, why wasn’t it done under the NDP watch? They had four years to address it, and they never addressed it.” Mr. McRobb responded to Hon. Mr. Jenkins’ question, though he did not have the floor at the time. This caused the Committee Chair, Patrick Rouble, to intervene and say

A member might have rhetorically asked another member a question, but that member should then wait until the member is recognized by the Chair in order to answer it. It is important that we have a good and open debate in this Assembly, and it’s equally important that members are recorded in *Hansard*. Once again, I’ll just ask members to refrain from making extraneous comments during debate and to wait until they are recognized before they respond. (*Hansard* 4031)

The Speaker, Hon. Ted Staffen also had to intervene in this manner during Question Period on April 19, 2005. As the Minister of Justice, Hon. John Edzerza (McIntyre-Takhini, Yukon Party) responded to a question from Steve Cardiff (Mount Lorne, NDP) about the Whitehorse Correctional Centre the Speaker intervened and said, “Before the member asks his final question here, the extraneous chatter is getting to the point where the Chair cannot establish who is speaking at what point in time, so I would ask all members to refrain from extraneous chatter.” The Speaker had to intervene again as Hon. Mr. Edzerza responded to Mr. Cardiff’s final supplementary question. He called for order and said, “Did we not just discuss extraneous chatter? Was that an echo here? Please, allow the member to speak.” (*Hansard* 4087-4088)

The Speaker again intervened during Question Period on May 4, 2005. In reminding members to maintain order and decorum he said, “I understand you need to talk among your own caucuses, but I ask that across-the-floor comments not be made while another member is speaking.” (*Hansard* 4359-4360) Of course even intra-caucus discussions that disturb proceedings may draw the attention of the Chair.

Petitions, Presenting

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.

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 following table illustrates the progress of petitions dealt with during the 2005 Spring Sitting.

| Petition No. | Presentation date | Presented by | Received | Response | Response by |
|--------------|-------------------|--------------|------------------|----------------|-------------|
| 6 | December 2, 2004 | McRobb | December 6, 2004 | March 24, 2005 | Edzerza |
| 7 | May 16, 2005 | Duncan | May 17, 2005 | pending | |
| 8 | May 17, 2005 | McRobb | pending | pending | |

Petitions that do not satisfy the above criteria may be presented to the Assembly under Tabling Returns and Documents. But as these petitions are not officially received by the Assembly there is no requirement that the government respond to them. The leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) tabled such a petition on April 14, 2005. (*Hansard* 4023; *Journals* 313)

Point of Order, Raising

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 proper way of raising a point of order is for the member to stand, call for a point of order and then wait to be recognized by the Chair before bringing the point of order to the attention of the Assembly or Committee.

During Committee of the Whole debate on Bill No. 15, *First Appropriation Act, 2005-06* Steve Cardiff (Mount Lorne, NDP) commented that the government was "ramming (land development) down the throats of my constituents." A member on the government side took exception to his remarks and made a comment. The Committee Chair, Patrick Rouble, called for order and reminded members that "If the member wishes to raise a point of order, the member knows full well how to do it." (*Hansard* 3942)

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 during the 2005 Spring Sitting.

The first instance occurred on April 20, 2005 during debate on Motion No. 435. At one point in the debate Gary McRobb (Kluane, NDP) rose on a point of order during the speech by

the mover of the motion, Patrick Rouble (Southern Lakes, Yukon Party). The Speaker, Hon. Ted Staffen, ruled there was no point of order. In resuming his speech Mr. Rouble referred to "needless or inappropriate points of order." The Speaker reminded Mr. Rouble that, "The Chair will decide when there is a point of order." (*Hansard* 4117)

A second instance occurred during Third Reading of Bill No. 56, *Dawson Municipal Governance Restoration Act* on May 10, 2005. After Speaker Staffen, ruled on a point of order the member who had the floor, Hon. Peter Jenkins (Klondike, Yukon Party), resumed his speech by saying, "Now, Mr. Speaker, before I was rudely interrupted, —." The Speaker then called for order and said, "That characterization has been ruled out of order before. We all understand that, and I would ask the member not to use it." (*Hansard* 4455)

Resolving

In almost all cases where a point of order is raised it is up to the Presiding Officer to resolve the issue with a ruling, either immediately or at a later date. Sometimes, however, members resolve matters of order in the House.

For example, on April 27, 2005 the Assembly debated Motion No. 427, standing in the name of the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP). At a point during his speech Mr. Hardy said he was worried by derogatory comments made by cabinet ministers about people receiving low incomes "because they stigmatize people; they target people who are unable to defend themselves." At that point Hon. John Edzerza (McIntyre-Takhini, Yukon Party) rose on a point of order and said, "I believe the member opposite, by stating that this government targets people, is imputing false or unavowed motives according to Standing Order 19(g)." The Speaker, Hon. Ted Staffen, said he would "review the Blues because it doesn't stick in my mind as a point of order, so if the minister would allow me to review the Blues, I'll give a ruling at a later date." However, Mr. Hardy intervened and said he was "quite willing to retract that statement if the member opposite felt I was indicating that the government had targeted refugees, immigrants, single males under the age of 40 who are able to work. I will retract that if he felt I was implying that the government was targeting them. I was basically just referring to debates that have happened in the House earlier about some comments that were made." It appeared to the Speaker that Mr. Hardy's retraction and explanation satisfied the House, so he therefore considered the matter as having been dealt with. (*Hansard* 4246)

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 2005 Spring Sitting the Speaker, Hon. Ted Staffen, made four announcements. The first was the introduction of Pages for the Sitting on March 24, 2005. (*Hansard* 3669; *Journals* 287) The second was the introduction of the Alaska delegation that was in the House on March 30, 2005 as part of the annual legislative exchange between Yukon and Alaska. (*Hansard* 3729-3730) The third announcement was the introduction of former Speaker John Devries. (*Hansard* 4175) The fourth announcement was made during Introduction of Visitors on May 17, 2005. At that time the Speaker drew the House's attention to the fact that five former Members of the Yukon Legislative Assembly and one former Yukon Member of Parliament were in the gallery during Tributes. (*Hansard* 4578)

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. Many of these are tabled pursuant to Standing Order 38(1) and are listed in Table 5 of the Statistical Summary. Other documents tabled by the Speaker, Hon. Ted Staffen, during the 2005 Spring Sitting include:

| Date | Document | Sessional Paper |
|----------------|---|------------------------|
| March 29, 2005 | Absence of Members from Sitzings of the Legislative Assembly and its Committees; Report of the Clerk of the Legislative Assembly (dated March 24, 2005) | 05-1-140 |
| May 3, 2005 | Travel Expenses of Members of the Yukon Legislative Assembly, 2004-05 (dated April 2005), Report of the Clerk of the Legislative Assembly | 05-1-164 |

Impartiality of

On May 5, 2005 Committee of the Whole considered the estimates for the Department of Education in Bill No. 15, *First Appropriation Act, 2005-06*. In response to a comment from Eric Fairclough (Mayo-Tatchun, NDP) the Minister of Education, Hon. John Edzerza (McIntyre-Takhini, Yukon Party), said he “did talk to a lot of people in Carmacks, unlike the Member for Mayo-Tatchun, who refused to talk to a lot of the non-native people.” Mr. Fairclough then rose on a point of order and said, “The minister is clearly in violation of 19(g). I know that you’re probably going to say this is a dispute between members, but I believe that the minister —.” At that point the Chair of Committee of the Whole, Patrick Rouble, called for order and said, “You are correct; it is a dispute among members.” Mr. Fairclough then responded “How touchy you are, Mr. Chair. You’re supposed to be neutral.” In response to that comment the Chair said

If the member wishes to dispute the Chair’s ruling, he is well within his responsibilities and his role to raise it with the Speaker. The member, while raising his point of order, pointed out the likely conclusion that the Chair would reach and the Chair did reach that conclusion. Debate can continue, please.

The Chair’s statement about raising the issue with the Speaker is a reference to 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.” In this case, however, it was not a ruling by the Chair, but the Chair’s neutrality that was at issue. The Committee Chair had dealt with this issue in detail in a statement on November 18, 2004.¹⁵ In that statement the Chair said

¹⁵ See Yukon Legislative Assembly, *Hansard: First Session of the 31st Legislature, Volume 6 (October 21, 2004 – November 18, 2004)*, page 3254; Yukon Legislative Assembly, *Journals: First Session of the 31st Legislature (October 21, 2004 – December 14, 2004)*, page 252; or Yukon Legislative Assembly, *Procedural Report: 2004 Fall Sitting, First Session of the 31st Legislature*, page 27-28.

The proper way to deal with...concern(s) (about the neutrality of the Chair) 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...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.

Participation in debate

Standing Order 4(1) says, "The Speaker shall not participate as a private member in any business before the Assembly." This rule is in place to safeguard the neutrality that is at the core of the Speaker's authority in the Chamber. However, Standing Order 4(3) says, "The Speaker may participate as a private member in the business of Committee of the Whole."

Just as the Speaker tables reports from House Officers, the Speaker also speaks on their behalf in budget deliberations regarding their entities. In that role the Speaker, Hon. Ted Staffen, took part in Committee of the Whole debate on April 12, to explain the estimates for the Yukon Legislative Assembly, the Elections Office and the Office of the Ombudsman in Bill No. 15, *First Appropriation Act, 2005-06*. (Hansard 3981-3984).

No restrictions comparable to Standing Order 4(1) apply to the Deputy Speaker or the Deputy Chair of Committee of the Whole. They are free to participate in debate as private members in the Assembly.

References to, in debate

On April 14, 2005 Committee of the Whole debated the estimates for the department of Health and Social Services in Bill No. 15, *First Appropriation Act, 2005-06*. At a point in the debate Gary McRobb (Kluane, NDP) referred to the Standing Committee on Rules, Elections and Privileges and the Chair's membership on that committee. Brad Cathers (Lake Laberge, Yukon Party) then rose on a point of order, saying, "I just heard the Member for Kluane appearing to cast aspersions on the Chair while sitting in a neutral role. I don't believe that comment is appropriate." The Chair, Patrick Rouble, found no point of order. However he did "ask the honourable member not to involve the neutral Chair in the debate." (Hansard 4036)

Private Members Business

The order of Private Members' Business for the 2005 Spring Sitting was:

March 30: Opposition Private Members
April 6: Government Private Members
April 13: Opposition Private Members
April 20: Government Private Members

April 27: Opposition Private Members
May 4: Government Private Members
May 11: 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

The Assembly was at position three on this roster to begin the 2005 Spring Sitting. The progress of private members business in the 2005 Spring Sitting is illustrated by the following table:

| Date | Position | Item | Sponsor | Outcome |
|----------|----------------------------|---|---------|---|
| March 30 | 3. Third Party | Motion #407 | Duncan | Debate adjourned |
| April 6 | Government Private Members | Motion #411 | Hassard | Agreed to |
| | | Motion #419 | Cathers | Debate adjourned on the amendment. |
| April 13 | 4. Third Party | Motion #426 | Duncan | Debate adjourned on the motion as amended |
| April 20 | Government Private Members | Motion #435 | Rouble | Debate adjourned on the amendment. |
| April 27 | 5. Official Opposition | Motion #427 | Hardy | Debate adjourned on the amendment |
| May 4 | Government Private Members | Motion #459 | Cathers | Debate adjourned |
| May 11 | 6. Third Party | The Third Party and Official Opposition declined the opportunity to call private members' business. | | |
| | 1. Official Opposition | | | |

Privilege, Question of

Release of Budget Information

Immediately after Question Period on March 24, 2005 the leader of the third party, Pat Duncan (Porter Creek South, Liberal) rose on a Question of Privilege. At that time she said

I rise this afternoon pursuant to Standing Order No. 7 on a question of privilege regarding what I believe to have been, and to be, a serious contempt and hence a question of privilege of the Yukon Legislative Assembly. I appreciate your indulgence, Mr. Speaker, to take a few minutes this afternoon to make my submission to you.

In saying that, I want to say to you, Mr. Speaker, and to my colleagues in this Legislative Assembly that I am very mindful that this is the first day back and that important public business awaits. I also speak this afternoon as a member of the Legislative Assembly to other members of this Legislative Assembly about what I really do believe to be a matter of very serious importance to each and every one of us as members of this Legislative Assembly representing Yukoners.

I'd like to begin by pointing out that the so-called budgetary process that was engaged in by the Yukon Party government in the month of March 2005 is, in my view, at its core the contempt about which I will now complain as a question of privilege. A great deal of the budget has been released outside of this Legislative Assembly, and it has been a conscious decision of the government to do so. There's a recent example of this in Canadian history. The Ontario government of Ernie Eves delivered the entire 2003 budget outside of that legislature. In that case the government was found in contempt of the legislature.

As our practices in this House are based on the House of Commons and other legislatures, I have relied on that situation that occurred in Ontario. I'd like to point to the

second edition of Joseph Maingot's *Parliamentary Privilege in Canada* very quickly to establish what we understand, or at least what the authorities have told us, represents contempt in Canadian parliamentary tradition.

Quoting from page 225 of the second edition of *Parliamentary Privilege in Canada*, I read: "Contempt is more aptly described as an offence against the authority and dignity of the House."

That demonstrates a lack of respect. He goes on to observe something that was highlighted in a ruling by Madame Speaker Sauvé in the Canadian Parliament in 1980. That ruling read, in part, as follows: "Privilege may be codified; contempt may not because new forms of obstruction are constantly being devised, and Parliament must be able to invoke its penal jurisdiction to protect itself against these new forms. There's no closed list of classes of offences punishable as contempts of Parliament." That is Speaker Sauvé. I want to make that point again: contempt, we are told, I think rightly so, is an offence against the authority and dignity of Parliament.

In making a ruling in 1989, Mr. Speaker Fraser made it clear to the Parliament and the Public Service of Canada that in Canada we have a parliamentary democracy, not an executive democracy and not an administrative democracy. This is a very important point. Speaker Fraser was concerned that there's a clear pattern of encroachment upon the authority of Parliament. The question has to be asked: how is it that what I believe about March 2005 in the Yukon represents contempt and hence a question of privilege? I'd like to very quickly deal with events of the last few weeks.

On March 12, 2005, the Minister of Highways and Public Works held a news conference in the foyer of this building outside of this House and announced the spending for his entire department — some \$70 million. I want to say to all honourable members on both sides of the aisle that this was a clear, deliberate choice made by the minister, the leader of the government, and his colleagues in Cabinet. It's not as though there was a significant happening such as the extraordinary fire season of last year — not at all. It was a clear, conscious choice that a significant portion of the territorial budget — so-called — would be presented outside of the Legislature and outside of this legislative session.

Again, on March 14, the Minister of Community Services announced his entire \$45-million department in much the same fashion. Since then, there have been numerous other examples with specific dollar amounts being announced for the Department of Tourism, the Department of Justice, and the Premier and Minister of Finance telling a luncheon this week that the capital portion of the budget would be precisely \$206.4 million — all of these announcements outside of this Legislature. There was no question about what the government planned to do. It was not accidental. It was not driven by circumstances that were well beyond the control of the government. It was a clear, deliberate, conscious choice to do this, for no reason other than advancing the partisan position of the current government. That's what happened over the last month, and that is about what I wish to complain most seriously.

What happened in March is, in my view, a very serious matter and it is a very, very serious contempt. Why? Because it goes to the core of who we are, as members of this Legislature, and what it is we do in this Legislature.

Eugene Forsey told a federal parliamentary committee in 1985 that responsible government is the term we use to describe the harmony between the executive and the

Legislature that we have already achieved. It is the essential and distinctive feature of the British parliamentary system. In essence, it is simple: the executive is accountable and owes its continuing existence to Parliament. The executive is accountable and answerable, not only for its budget, its money measures and its legislative proposals, but also for the whole range of its activities.

The servants of the sovereign can continue in office only so long as they retain the confidence of the Legislature, which means only so long as they can secure that grant of supply, the making of appropriations from the consolidated revenue fund necessary to carry on the important business of government.

Eugene Forsey was addressing the constitutional notion of responsible government. Yukoners, in all Yukon political parties, have spoken about the idea of responsible government for Yukoners. To us, it means such important steps as the formula financing arrangement reached in 1985 and devolution, the transfer of authority over land and resources.

The cornerstone of these responsibilities and the exercise of them is the constitutional notion spoken about by Eugene Forsey's action. The spending of money has to come before the Parliament of the Yukon — the Yukon Legislative Assembly — first.

There are numerous responses and information available. I'd just like to mention a few of them that support the argument I have just made.

Norman Ward, in *The Public Purse: A Study in Canadian Democracy*, makes the following observation. Very briefly, underlying our system are the fundamental core values. "The Executive" — the Cabinet — "shall have no income which is not granted to it or otherwise sanctioned by Parliament." And secondly, "The Cabinet shall make no expenditure, except those approved by Parliament, in ways determined by Parliament."

The notion that you could take a significant portion of a budget — a real budget — away from the only place where it becomes legitimate is unacceptable, and it is contemptible. Only this place can grant the government the aids and supplies that make it work.

Ned Franks, who is a Queen's University professor, tells his students that parliament has four functions to make government work. Parliament makes government work; it gives it supply, gives it the air to breathe, and only parliament can do that. Parliament makes the government behave and, finally and hopefully, parliament produces an alternative government.

At the core of our system of responsible parliamentary government is the notion that only parliament — only this place — can grant supply, can vote money, and only for those purposes that parliament, in its wisdom or lack thereof, decides should attract the money.

Some could ask, "Where is that written down? Show me the law that says we have to come here first." There are practices that guide the way we do business. We follow the British system of parliamentary government. The question of convention arises because it has been argued by some that, "Well, show me where I am required to come here?" There is a very clear convention at work here.

When we test conventions, there are three tests: what is the precedent? Did the actors in those precedents feel they were governed by a rule and is there a reason for a rule? A similar situation, as I've noted, happened in Ontario in 2003. The Eves

government brought forward its entire budget outside the legislature. MPP Sean Conway raised a point of privilege when the legislature sat shortly thereafter. A key question in the point of privilege, a question of privilege, was: was it raised as soon as possible?

As part of that point, he described how he had conducted another little test. He talked to ministers of finance for Canada and for Ontario on both sides of the political aisle. Some of them said it publicly and some of them, for obvious and understandable reasons, said it privately. The quote is, "It's unthinkable that I would have taken my budget someplace other than parliament."

There is an article that I would commend to the members opposite, in the *Kingston Whig-Standard*, by Arthur Milnes, March 19. He wrote that he had contacted Baroness Boothroyd of Sandwell, who is a distinguished, very long-time Speaker of the British House of Commons, upon which, of course, our parliamentary tradition is based. He asked Madam Speaker Boothroyd what her thought and opinion was about the novel way of presenting a budget in the British system of responsible parliamentary government. What did she say? "That's a very strange way of doing things. There would be an uproar in the British Parliament." She added, "The budget speech could only be done through the House of Commons, and there would be great demand for recall of parliament if it wasn't."

In the article, Boothroyd went on to say that opposition members are key to the functioning of parliamentary democracy, especially in matters of oversight of government spending. Quoting her again, "It's the questioning of that budget statement that is so central to our democracy. The elected representatives of the people get the right to question. I'm adamant that that's the way parliament works."

Mr. Conway also referred to a letter written by the former Clerk of the Canadian Parliament, Robert Marleau. He said that this decision to take the budget outside of parliament, outside of the legislature, if allowed to proceed unchallenged, is, quoting Mr. [Marleau], "a gross affront to parliamentary democracy." He goes on to observe, "Budgets are about levying taxes and spending the proceeds. Over the centuries, we the people have acquired rights from the Crown to scrutinize government policies, especially spending policies through well-established and time-honoured parliamentary processes." That is [Marleau].

Professor Michael Bliss, in a March 17, 2003 story for the *National Post*, said about this business of announcing the budget outside of the legislature — and I'm quoting him — it "is a contempt for our political heritage and our elected institutions" and is, — again, I'm quoting — "a nearly mindless disregard for the legislature."

He also noted it as a contempt for the people. I'm sure that the government will argue that the situation in Ontario is different. That was the whole budget, not just a few departments. It's not the same, they will say. This is a question about principle. It is wrong to announce \$70 million of one budget, \$100 million in another, the precise figure of capital spending, or an entire budget. It demonstrates the same contempt.

In Ontario, Speaker Carr had this to say in ruling on Mr. Conway's question of privilege: "Many Ontarians from all walks of life have complained in an overwhelmingly negative way to my office, to members directly, through various media, and to the government itself that the government's approach to communicating the 2003 budget to Ontarians has undermined parliamentary institutions and processes." He also noted that the government indicated that the desire to present the budget outside the legislature was

motivated by a desire to have a direct conversation with the people of Ontario. There was a decision made to bypass the legislature.

Similarly, the Minister of Community Services remarked in the Yukon when presenting his budget outside the Yukon Legislative Assembly, "What I want to do is stress to people, give them a very good understanding of where we are, what we plan to do as far as our budget goes, and give them an idea of what's coming out as far as work goes." He also said, "I'm trying to indicate to the contracting community what's coming available to them." The minister could have and should have made that announcement in the Yukon Legislature; he chose not to do so.

Speaker Carr said, "To the extent that these statements imply that parliamentary institutions and processes tend to interfere with the government's message to the public, such statements tend to reflect adversely on those institutions and processes."

Speaker Carr went on to say, "I think Ontarians are rather fond of their traditional parliamentary institutions and parliamentary processes, and they want a greater deference to be shown toward the traditional parliamentary forum in which public policies are proposed, thoroughly debated and voted on."

From the people I have spoken to and the number who have called my office and who have stopped me on the street, Yukoners agree.

In his conclusion to his decision, Speaker Carr said the following: "When the government or any member claims that a budget presentation is needed outside the House well before it happens inside the House in order to communicate directly with the people or because of a perceived flaw in a parliamentary institution, there's a danger that the representative role of each and every member of this House is undermined and respect for the institution is diminished, and that parliament is rendered irrelevant. Parliamentary democracy is not vindicated by the government conducting a generally one-sided public relations event on the budget well in advance of members having an opportunity to hold the government to account for the budget in this chamber."

Speaker Carr went on to pose several questions. First, what does the planned presentation of a budget speech outside the House suggest about the relevancy and primacy of parliament? Minister Hart did the same thing. He made a budget speech in the foyer of the building. It's one thing not to make the traditional budget speech in the House because the government is backed into a decision by a budget leak; it's quite another for the government to have a very deliberate plan to do so.

Second, Speaker Carr asked: if left unchallenged, will this incident not embolden future governments to create parallel extra-parliamentary processes for other kinds of events that traditionally occur in the House?

Third, why is an extraordinary parliamentary process needed, if there is already a process in the House? If the answer is that it enables direct communication with the public, to what extent does such an answer undermine the representative scrutiny and accountability functions of parliament?

The Speaker went on to conclude: "From where I stand, the 2003 budget process has raised too many questions for the House not to reflect on them." In order to facilitate that exercise, the Speaker said, "I'm finding that a prima facie case of contempt has been established. I want to reiterate that while I have found sufficient evidence to make such a finding, it's now up to the House to decide what to do." That was Speaker Carr of the Ontario Legislature.

I want to move to a conclusion, Mr. Speaker. I'm asking you, Mr. Speaker, to find, on a prima facie case basis, that there is contempt here. I hope I have established that there is. The question before all of us as members is: what is to be done?

In bringing this issue forward, I also believe it's important that I bring forward solutions. I would suggest that whether this issue is debated today or subsequent to your ruling, Mr. Speaker, perhaps the remedy is a motion before the House that the Legislative Assembly has the undisputed right to be the first recipients of the budget of the Yukon.

If we can't affirm that — a fundamental cornerstone of responsible constitutional government for the people of the Yukon — then why are we here? It's especially distressing to me that this has occurred when the Yukon has made such tremendous strides toward responsible government.

Over the last number of years, we have seen the formula financing arrangements, which have given us unprecedented financial independence. We have experienced devolution and gained control over our natural resources.

The decision to announce major portions of the budget outside of the Legislative Assembly — outside the scrutiny of this place — has reversed that trend. It has made the government less — not more — responsible to the Yukon people.

That's why what we do here today — and I know business has to proceed and I'm prepared to conclude. It's a very important thing that has happened over the last few weeks. I believe very strongly as a member of this Legislative Assembly that we have a duty to stand in our places today and affirm why this was so serious and why it is so important and fundamental to responsible constitutional government, to democracy, to respect for this Legislative Assembly.

I thank you, Mr. Speaker, for the opportunity to raise this question of privilege, and I thank you for your consideration of it.

The Speaker, Hon. Ted Staffen, then asked if “any other member wish(ed) to speak to the question of privilege?” No other member sought the floor. The Speaker then asked “the House's indulgence to allow the Chair to review the member's points, and I will take that under advisement and report back to the House.” The House then proceeded to Orders of the Day. (*Hansard* 3676-3679) The Speaker ruled on the question privilege on April 7, 2005. He said

Before discussing the substance of the question of privilege, the Chair will deal with some procedural matters. The leader of the third party met the notice requirement found in Standing Order 7(1)(b) by submitting a written notice to the Office of the Speaker by 11:00 a.m. on March 24, 2005. Standing Order 7(4) states that the Speaker must rule on: (a) whether there appears, on the face of it, to be a case of breach of privilege; and (b) whether the matter has been raised at the earliest opportunity.

The normal practice of this House has been that, to meet the “earliest opportunity” requirement, a question of privilege must be raised at the time the event occurred or on the next sitting day. In this matter, the events in question took place when the House was not sitting. Raising the question of privilege on the first day of the 2005 spring sitting, therefore, meets the “earliest opportunity” requirement of Standing Order 7(4)(b).

In dealing with questions of privilege, or in this case an alleged contempt of the Assembly, it is not the Chair's role to rule that a contempt has, or has not, occurred.

The question for the Chair to decide is whether there appears, on the face of it, to be a contempt. Should the Chair decide that is the case, the leader of the third party will be invited to place before the House a motion that would deal with the issue. All other business before the House, with the exception of the Daily Routine, will be set aside until the issue is dealt with.

Should the Chair decide that there does not appear to be a contempt of the Assembly, the leader of the third party may still bring this issue before the House. This could be done by giving notice of a substantive motion in the usual fashion, which could then be called on a day when opposition private members business has precedence.

The issue before the Chair is whether the government's release of budget information outside this Assembly and before the Assembly is sitting constitutes a contempt of the Assembly. As the leader of the third party illustrated, budget information was released to the public in a systematic way through news releases, news conferences and speeches over a number of weeks before the 2005 spring sitting commenced. Some announcements were made before a date had been set for this sitting.

The leader of the third party drew the Chair's attention to a ruling by Speaker Gary Carr of the Legislative Assembly of Ontario in May 2003.

In that ruling Speaker Carr found an apparent case of contempt against the Government of Ontario for actions that the leader of the third party argues are similar to those which occurred in Yukon last month. The leader of the third party argues that the actions are so similar that they are deserving of a similar ruling from the Chair.

In this regard the Chair would remind members of Standing Order 1, which says "In all cases not provided for in these Standing Orders or by sessional or other orders, the practices and procedures of the House of Commons of Canada, as in force at the time, shall be followed, so far as they may apply to this Assembly." So while the Ontario example is instructive, it is not definitive in ruling on matters in the Yukon.

Nonetheless the Chair did consider the Ontario example because it was the example cited by the leader of the third party. However, the Chair is not obliged to follow Speaker Carr's ruling and in fact may interpret the same evidence differently, given the different contexts of events here and in Ontario.

In her submission the leader of the third party quoted a definition of "contempt" offered by Joseph Maingot, an acknowledged authority on parliamentary privilege. Maingot defines "contempt" as "an offence against the authority and dignity of the House."

The Chair accepts this definition and in ruling on the question will determine if the actions of the government adversely affected the authority of this Assembly and whether those actions adversely affected the dignity of this House.

In order to determine whether the authority of the House has been undermined by the government's pre-budget announcements, we must first determine what the Assembly's authority is with regard to the budget. The Yukon government's main appropriation act for any fiscal year is presented to this Assembly by way of a bill. That bill contains information about the gross amounts to be appropriated and the amount to be allocated to each government department. The bill is accompanied by budget books that further detail this information, showing the allocation of monies to programs and activities within departments.

Once the Assembly is presented with the main appropriation bill and the other budget information, the bill is dealt with in the same fashion as any other: it receives introduction and first reading, second reading, is committed to Committee of the Whole, and receives third reading and assent. Through this process the Assembly's members are able to scrutinize government spending plans and question government ministers as to the uses to which appropriations will be put. Members, through the Committee of the Whole process, have the authority to reduce expenditures on individual line items.

An understanding of the Assembly's authority with regard to budget bills reveals, therefore, that this authority was not adversely affected by announcements made outside this House. No matter what announcements the government makes outside this House, all appropriations have to be submitted to, and passed by, this Assembly before they become law and the government acquires the lawful authority to spend those appropriations.

The second issue is whether the government's actions adversely affected the dignity of this House. This is a more complicated question to deal with because the concept of the dignity of the House is not as clearly defined as the question of its authority. It is here that Speaker Carr's ruling can prove instructive.

In the case ruled upon by Speaker Carr, the Government of Ontario divulged its entire budget outside the Assembly. The announcement, equivalent to our Finance minister's second reading speech on the main appropriation act, was held in, and televised from, a private facility outside the Assembly. Prior to the announcement the government also conducted a media lock-up and released the budget papers to the media and the public. Members of the Assembly were invited to the budget announcement. All this took place six weeks before the Assembly reconvened.

This, the Chair believes, lies at the heart of Speaker Carr's belief that the dignity of the Legislative Assembly of Ontario had been impugned.

The effect of these actions was to marginalize the Assembly in the budget process. Speaker Carr also noted that this process exposed the Assembly to a large volume of public ridicule. This, to Speaker Carr, added up to an apparent contempt of the Assembly.

There were some significant differences between the situations here and in Ontario. Important information about the government's proposed appropriations was made public before the House reconvened. However, most of the spending priorities subsequently announced by the Premier had not been made public. The entire budget speech was delivered for the first time in this House, as it always is, and members of the Assembly were in their places by right of their election, not as the invited guests of the government. Also, the papers that accompany the budget bill were not released to the public in advance of the moving of the motion for second reading of Bill No. 15. The lock-ups for opposition members and the media took place in the usual fashion.

If the Chair follows the view of the leader of the third party correctly, the government should be required to announce its budgetary priorities in this Assembly before any information is released to the public. While this was the practice for years, it is not clear that such a practice is required. Though certain Standing Orders refer to the process for introducing and debating a main appropriation act, none speaks to the issue of the release of budget information outside the House before it is presented here.

So the rules have not changed. What appears to have changed is the view the government has of its own budget. For years, governments in the Yukon and elsewhere

insisted on budget secrecy. Today more governments make selected announcements before their budget is tabled in their Assembly. From the research conducted for this ruling it appears that legal and procedural authorities are of the opinion — though they are not unanimous — that there is nothing in law or procedure that prevents this from happening.

As a result the Chair finds that the manner and extent of the government actions in Ontario and Yukon are different enough to warrant a different ruling. I find that the present case does not constitute an apparent case of contempt of the Assembly.

Having so ruled, the Chair would advise members that the issue is not settled for all time. The Chair believes that it is the extent and manner of the budget release in Ontario that inspired Speaker Carr's ruling. Should the extent and manner of pre-budget releases in Yukon become more elaborate, the Chair might legitimately be called upon to revisit this issue as a matter of contempt. The Chair might reach a different conclusion at that time.

Should the leader of the third party be unsatisfied by this ruling she may, as mentioned previously, bring this issue to the House's attention by way of a substantive motion...

In closing the Chair would like to bring to the House's attention certain points. The government should be aware that if it is going to progressively dismiss the idea of budget secrecy it might find it increasingly difficult to have others respect this principle.

The Assembly is not an impediment to governing this territory. Furthermore the government must acknowledge that we live in a representative democracy and that all Yukoners are represented in this Chamber. The easiest way for the government to speak to all Yukoners simultaneously is to speak to their representatives in here.

The government should take care in how it announces its intention for spending money that the House has yet to appropriate. In researching this ruling the Chair noted that not all government news releases acknowledged that such spending was subject to the approval of the Legislature. The Chair believes this statement should be included in all such statements to ensure that the Assembly's authority is respected, its dignity is protected and the public is properly informed.

I thank all members for their attention to this long and detailed ruling. (*Hansard* 3903-3904, 3927; *Journals* 304-307, 307)

Insulting Language

On April 4, 2005 Eric Fairclough (Mayo-Tatchun, NDP) rose on a question of privilege. The question of privilege pertained to comments made by the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), on the previous sitting day – Thursday, March 31, 2005. Mr. Fairclough informed the Assembly that

After reviewing the Blues for that day, I informed the Speaker in writing of my intention to raise this point today. During a relatively low-key exchange regarding the issue of Dawson City bridge, the Premier used the following expression: "Before the member stands up and starts beating his drum on First Nation relations...". The expression "beating his drum" is a common expression and is not objectionable by itself; however, the way the Premier used this expression placed it directly in the context of First Nation relationships. All members of this House must be aware that the drum is a sacred cultural

symbol for First Nation people because it relates to the heartbeat of Mother Earth. To use such a symbol in a careless or derogatory fashion, as the Premier did, is insulting and demeaning to First Nation people.

As one of three First Nation members of this Assembly, I believe the Premier's comment might have the effect of diminishing my right to represent the people of Mayo-Tatchun, both First Nation and non-First Nation.

If comments of this nature are permitted in this House and even applauded by members of the government caucus, this would cause great discomfort for any First Nation MLAs and the people they represent. This would be a clear abuse of our rights and privileges as members of the Assembly.

Mr. Speaker, the kind of language the Premier used has no place in the civilized forum where the public business is conducted. I'm asking you to direct the Premier to withdraw the remarks he made last Thursday and apologize, not just to me but to all Yukon First Nation people who were insulted by those remarks.

Premier Fentie intervened on the question of privilege. He said

You know, Mr. Speaker, it's unfortunate that we're even having this discussion today on the floor of this Assembly. I think if we reflect back, we will quickly realize that there was no intent, no motivation, and nothing of what the member opposite is suggesting had anything to do with the debate or the discussion.

I went further in the public domain to respond to the member opposite by clearly stating to the member that if the member found some comment like this or any comment that I have made toward the member offensive in any way, I apologize publicly. That's an important fact in this matter, Mr. Speaker.

Further, if we want to deal with the real issues in this Legislative Assembly, like First Nation relations, then let us debate them. Let us debate the Yukon Forum and what we've committed to do in building a relationship with First Nations. Let us debate the partnership in the *Children's Act* review. Let us debate the partnership in educational reform. Let us debate the partnership in correctional reform. Let us debate the north Yukon economic development agreement that we've structured with First Nations in north Yukon. Let us discuss and debate our capital funding arrangement with the Vuntut Gwitchin. Let us debate the bilateral. Let us discuss First Nation relations constructively.

At that point Gary McRobb (Kluane, NDP) rose on a point of order. He suggested that

the Premier has gone way off the issue of the point of privilege and is expounding some of the accomplishments that he perceives his government has done. That is completely out of line with the matter at hand. The Member for Mayo-Tatchun felt offended. Many other people in the territory contacted our offices about this matter. The Premier takes it too lightly. He's using this as an opportunity to advertise his government to Yukoners, and that is wrong.

Hon. Peter Jenkins (Klondike, Yukon Party) also intervened. He said:

On the point of order, Mr. Speaker, pursuant to Standing Order 7(2), "A member may always raise a question of privilege in the Assembly immediately after the words are spoken or the events occur that give rise to the question." And the part 3, is "The Speaker may allow such a debate as is necessary to insist on the determination of whether there appears to be a prima facie case of breach of privilege and whether the matter is being raised at the earliest opportunity." Pursuant to the Standing Orders, there was a suggestion of wrongdoing and there was a response made by those who were involved.

Speaker Staffen dealt with both the question of privilege and the point of order simultaneously. He said:

The Chair has heard enough for today. I will take this under advisement. I want a chance to review what everybody has said here.

However, the Member for Mayo-Tatchun did meet the notice of requirement found in Standing Order 7(1) by submitting a written notice to the office of the Speaker at 10:00 a.m. on today's date. The Standing Order 7(4), as you know, states that the Speaker must rule on whether there appears to be, on the face of it, a case of breach of privilege and whether the matter has been raised at the earliest opportunity. The normal practice of this House is to meet the earliest opportunity requirement. The question of privilege must be raised at the time the event occurred or on the next sitting day. The Member for Mayo-Tatchun, by raising this matter today, has met that requirement. However, given the remarks of the Premier just now, the Chair feels that this matter has been dealt with and will not be providing a full ruling on this point of privilege.

I will, however, come back on the opposition House leader's point of order and the government House leader's perspective as well. (*Hansard* 3806-3807; *Journals* 297)

Speaker Staffen delivered his ruling prior to Question Period on April 5, 2005. He said

the Chair wishes to return to the point of order raised yesterday during the time that a question of privilege raised by the Member for Mayo-Tatchun was being discussed.

The question of privilege brought forward by the Member for Mayo-Tatchun pertained to the use of the expression "beating his drum" by the Premier on the previous sitting day.

As the Chair explained to the House yesterday, the use of such language, if found offensive by a member, should be raised as a point of order and not under the rubric of privilege. The Chair also noted that the Premier's statement that "if the member found some comment like this or any comment that I have made toward the member offensive in any way, I apologize publicly." Given the fact that this matter should have been raised as a point of order and given the nature of the Premier's initial remarks, the Chair informed the House that it should not expect an expanded ruling on the question of privilege raised by the Member for Mayo-Tatchun.

However, the Chair would like to clarify the Speaker's role as regards questions of privilege. In his presentation yesterday, the Member for Mayo-Tatchun asked me to direct the Premier to withdraw the offensive remarks and offer an apology to the member and to all Yukon First Nations persons who were insulted by them. It should be understood that the Chair does take seriously the issue raised by the Member for Mayo-

Tatchun — and I emphasize “does take seriously”. However, the Speaker cannot do what the member asked me to do with regard to a question of privilege. Only the Assembly as a whole can remedy a breach of privilege. The most that the Speaker can do is find that there is an apparent breach of privilege and set aside the normal business of the House so the issue can be dealt with. In other words, the Chair can rule on a point of order, but only the House can rule on a question of privilege.

If the Member for Mayo-Tatchun is not satisfied with the Chair’s ruling, he does have another avenue open to him. The member may choose to bring the matter before the House by way of a substantive motion. Notice of such motion can be given to the House in the usual way and called for debate on the opposition private members’ day.

The Chair will now turn to the point of order raised during the course of the Premier’s subsequent remarks on the question of privilege. The role of the Speaker is to determine whether, on the face of it, a breach of privilege has occurred. Members raising a question of privilege and those addressing the issue of whether a breach of privilege has occurred should restrict themselves to that specific issue. Remarks by members made on a question of privilege should only pertain to facts that may affect privilege. The official opposition House leader, therefore, did have a point of order in reference to the latter portion of the Premier’s remarks beginning with the statement, “Further, if we want to deal with the real issues in this Legislative Assembly, like First Nations relations, then let us debate them.” The Chair does not wish to suggest that those issues should not be debated by the Assembly. Rather, it must be understood that the consideration of a question of privilege is not the appropriate time for such a debate.

In future, the Chair would ask that both members raising questions of privilege and those contributing to their consideration restrict themselves to whether there is an issue regarding privilege and not enter into debate on matters of public policy at that time. (*Hansard* 3834; *Journals* 299-300)

Accusation Against A Member

During Question Period on April 25, 2005 the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) questioned the Minister responsible for the Yukon Housing Corporation, Hon. Jim Kenyon (Porter Creek North, Yukon Party) about the funding of affordable housing. The minister responded that

The applications were then sent to the project review committee, consisting of the President of the Yukon Housing Corporation, the Deputy Minister of Health and Social Services, the Yukon Council on Aging and the Yukon Council on Disability. They made the decision, Mr. Speaker. Nothing in this announcement was done politically. And if the member opposite chooses to attack the public service, that’s his prerogative. (*Hansard* 4178)

At the conclusion of Question Period Mr. Hardy rose on a Question of Privilege. He said

At the end of the question I had directed to the minister responsible for the Yukon Housing Corporation, when he got to the end of his response, he accused me of attacking public servants. Now, from my perspective, that is 19(g), imputing false or unavowed motives to another member.

Everybody in this territory knows my record and knows what I have stood for, for many, many years. I have been an advocate and an activist for workers' rights. I have stood beside many of the public servants on picket lines and protests. I have a record that I am very proud of and that I believe has been sullied by this member across the way, and I ask for a retraction of that.

The Speaker, Hon. Ted Staffen, informed the House that he would review the Blues and return with a ruling on the Question of Privilege. (*Hansard* 4181)

The Speaker provided his ruling the following day. He said

The leader of the official opposition objected to what he believed was an accusation by the minister that a question asked by the leader of the official opposition was, in effect, an attack on public servants.

The minister's comment does not, in the Chair's opinion, constitute a prima facie breach of privilege. It could be argued that such a comment was unparliamentary. However, points of order regarding unparliamentary language must be raised when the statement is made, not later. Having said that, the Chair would also remind the House that asking questions and providing answers are integral to the role of members of this Assembly and they should be free to do so without being accused of attacking anyone, either inside or outside of this House. (*Hansard* 4205)

The Timing of Government Business

On May 10, 2005 the first item of business under Orders of the Day was Third Reading of Bill No. 56, *Dawson Municipal Governance Restoration Act*. Immediately after the Speaker read the motion for third reading to the House the official opposition House leader, Gary McRobb (Kluane, NDP) rose on a Question of Privilege under Standing Order 7(2). Mr. McRobb said

Mr. Speaker, I respectfully submit that dealing with these bills now is a complete waste of House time.

Standing Order 76 provides the appropriate time to deal with these bills. That time has been designated between 5 p.m. and 6 p.m. on the final day of this sitting. That's only next Tuesday. These bills can wait until then. The government House leader this morning indicated they would be calling division on each one of the votes for each of these three bills. This will cause the bells to ring for five minutes in each instance. This will consume about one-half hour of valuable time that would otherwise be used to examine the budget, which is the largest ever in Yukon history and needs a lot of examination. As stated at the outset, this exercise will result in a waste of this House's time.

Mr. Speaker, if and when you choose to respond to this question of privilege, I also request you to examine the Standing Orders and indicate whether they are adequate to deal with our concern and, if not, how they might be amended to accommodate such matters.

Finally, I would also ask the government to stand down these bills and let's deal with them next Tuesday and let's get on to the business of the House in the interests of the people this afternoon.

The government House leader, Hon. Peter Jenkins (Klondike, Yukon Party) also intervened on the question of privilege. He said

a question of privilege doesn't exist on this issue. The Standing Orders of the House are very clear: in the event that bills are not into second reading and have not cleared the House, the guillotine will drop on the final day of the sitting. The number of sitting days is very specific this sitting, given that at House leaders' we could not reach an agreement. It was my position for this sitting and the previous sitting that the sitting be a minimum of 40 days given the amount of time that was needed to debate the largest budget ever. What we have here is an example of the official opposition and the third party not being able to budget their time correctly and not being able to review what has to be done in a forthright manner. What we have here is the third party giving up their motion day tomorrow, as well as the official opposition giving up their motion day tomorrow, so we can expedite the business of the House, which they are completely entitled to do.

That said, the issue before us is third and final reading of three very important pieces of legislation, one being the restoration act for Dawson. The members opposite are saying they don't want to see that debate continue.

Mr. Speaker, we have other amendments and miscellaneous statute amendments as well as a supplementary to close off the fiscal year just passed. Everything is clearly outlined at House leaders' meetings; it wasn't agreed to but that's usually the case at House leaders' meetings. It's very difficult to get the official opposition to agree with anything.

The leader of the third party, Pat Duncan (Porter Creek South, Liberal) also contributed to the discussion. She said

First of all, there is the question of privilege in that this matter had been raised by the House leader for the NDP as soon as it occurred. The fact is, in our Standing Orders of the House, there is a time when this matter is called: it's the third and final reading of bills. That is done from 5:00 p.m. to 6:00 p.m. on the last sitting day.

There is no urgency that this be done today. It will make no difference because, in fact, after third reading, the bill has to be signed and come into force in any event.

So the member of the Yukon Party suggesting that the guillotine clause — as it's referred to — would drop is not in fact correct. These bills have passed second reading. They are due to come for third reading. They will come during the normal process of business.

This is an attempt by the Yukon Party to say no, we're going to do it today. Why? Miscellaneous statute amendments have waited for quite some time.

There are a number of points raised by the Yukon Party with respect to House leaders' meetings. These House leaders' meeting disputes of "he said-she said" — the Member for Klondike insists that he always wanted a longer sitting. As I understand the facts, having been in attendance at those meetings, they are completely different.

The other point is that the task of House leaders' meetings is to reach agreement as to the order of business. The task of House leaders is not to be dictated to by anybody. It's to reach agreement among House leaders to expedite the business of the House.

So, I would suggest, Mr. Speaker — if I might have a small bit of latitude from you — that in considering this question of privilege, you also consider a recommendation concerning House leaders and begin the process of legislative renewal by House leaders seeking to get along with one another. Perhaps we could indeed expedite the business of the House. It's just that the impossible — i.e. the House leaders getting along — takes a little bit longer.

Having heard from the three House leaders on the question of privilege the Speaker, Hon. Ted Staffen, made the following ruling:

As the members well know, the Chair has no jurisdiction in the House leaders' meetings, nor would any Chair in his right mind want any jurisdiction in the House leaders' meetings.

The official opposition House leader has not raised a question of privilege. Also, he has not raised a point of order, as the Standing Orders clearly permit the government to call the business standing in its name in the order it wishes. Also, it is not within the purview of the Speaker to make recommendations respecting the Standing Orders. That is the responsibility of the House.

The House then proceeded with Third Reading of Bill No. 56. (*Hansard* 4455-4456; *Journals* 340)

Question Period, Length of

Standing Order 11(2) indicates that part of the Assembly's Daily Routine is an Oral Question Period of 30 minutes. The length of Question Period is not precisely timed; however, as the Speaker would not close Question Period while a Member is asking a question or providing an answer. In fact a Member is allowed to complete a cycle of the main question and up to two supplementary questions regardless of where the 30 minute mark falls in that sequence. The length of Question Period can also be affected by interventions on points of order.

On May 17, 2005 the official opposition House leader, Gary McRobb (Kluane, NDP), rose on a point of order after the Speaker, Hon. Ted Staffen, had declared that the time for Question Period had elapsed. Mr. McRobb argued that, "the time for Question Period has not elapsed because of your previous interruption of the Economic Development minister, which consumed 25 seconds; therefore the cut-off is extended another 25 seconds and we're still below that deadline, I might add." The Speaker conferred with the Table Officers and then ruled in Mr. McRobb's favour, saying, "It is my understanding that you are just under by three seconds." The Speaker then said, "The leader of the official opposition, you're on." (*Hansard* 4583)

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.¹⁶

During Question Period on April 14, 2005 the leader of the third party, Pat Duncan (Porter Creek South, Liberal) asked questions of the Minister of Justice, Hon. John Edzerza (McIntyre-Takhini, Yukon Party) regarding the devolution of the Attorney General function to Yukon from the Government of Canada. Upon the conclusion of that exchange the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP), rose to ask a question. He began his main question by saying, "Mr. Speaker, after that non-answer, I really don't know if I should ask any more questions." At that point the Speaker, Hon. Ted Staffen, intervened saying, "The member knows perfectly well it is not in order to comment about a previous question." Mr. Hardy then queried the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) regarding the cost of the recently tabled report on electoral reform. (*Hansard* 4025)

In response Premier Fentie said

Mr. Speaker, I'm not going to respond to the New Democrats' assessment of costs on anything... The member just stood on the floor of this House and diminished the severity of the problem in Dawson City in failing to recognize that the city is broke, millions of dollars in debt, and needs a trustee to manage its affairs at this point in time.

As far as electoral reform —

The official opposition House leader, Gary McRobb (Kluane, NDP) then rose on a point of order. Mr. McRobb said

Mr. Speaker, you have ruled several times that a member cannot comment on a previous question. That's what the Premier is doing. The Dawson City question is not the one being asked now. It was a previous question.

The government House leader, Hon. Peter Jenkins (Klondike, Yukon Party) also intervened. Hon. Mr. Jenkins offered the conclusion that at issue was "an interpretation that the official opposition is putting on a response because they don't accept it or like it." The leader of the third party, Pat Duncan (Porter Creek South, Liberal) also offered procedural advice to the Speaker. She said

Mr. Speaker, from this corner of the House, what I heard you say moments ago was that the leader of the official opposition was out of order for commenting on a question that had been just asked. The Premier is doing exactly the same thing, and I believe, from what I've heard — and perhaps you may wish to consult the Blues — the situation seems to be one and the same. If the leader of the official opposition was out of order, so is the Premier.

The Premier, Hon. Mr. Fentie, also felt "compelled to answer this debate." He said

¹⁶ Yukon Legislative Assembly, *Hansard: Second Session of the 30th Legislature, Volume 7 (April 4, 2002-May 30, 2002)*, page 3628 (May 13, 2002).

The point is the assessment of how the New Democrats deem costs. There was no reflection to a previous question. It was the point being made that their assessment of what true costs or real costs are is at times somewhat suspect — nothing more, nothing less, no contravention of our orders, merely a fine statement.

Given the amount of procedural advice he had received the Speaker asked for “the House’s indulgence. I would like to review the Blues, and I will give you a ruling on Monday.” (*Hansard* 4025)

The Speaker delivered his ruling prior to Question Period on the next sitting day, April 18, 2005. He ruled

The official opposition House leader raised the point of order in regard to comments by the Premier. The leader of the official opposition had asked the Premier a question regarding electoral reform. The Premier began his response with reference to the fiscal situation in Dawson City. The argument made by the official opposition House leader was that the Premier’s comments were not in order, as they constituted a comment on a previous question. This would be in contravention of Guideline 9 of our Guidelines for Oral Question Period, which says, in part, that “a reply to a question should be relevant to the question asked.”

The Chair finds that there is a point of order. The leader of the official opposition had asked a question on Dawson City earlier in that Question Period. It was not the question before the House at the time of the Premier’s response. Ministers enjoy a broad latitude in responding to questions from members; however, the responses should be relevant, in that they address the subject matter of the question. (*Hansard* 4054)

A similar situation occurred during Question Period on May 17, 2005. At that time Lorraine Peter (Vuntut Gwitchin, NDP) asked the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) why he did not “advise the Governor of Alaska that the Yukon would not provide financial support for a railway feasibility study unless the governor agreed to not allow drilling for oil and gas in the calving grounds of the Porcupine caribou herd?” Premier Fentie responded by saying, “this government...will never ever leverage projects and initiatives like a potential rail link to Alaska in this manner...we can work with Alaska on the potential concept of a railway and we can ensure the protection of the Porcupine caribou herd at the same time.” The next member to gain the floor was the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP). Mr. Hardy prefaced his question by saying, “Well, just to remind people: suppress military use of railway information so that Yukon people don’t know what’s going on.” He then posed a question about First Nations/government relations. Later, the Minister of Economic Development, Hon. Jim Kenyon (Porter Creek North, Yukon Party), responded to a question from the leader of the third party, Pat Duncan (Porter Creek South, Liberal) regarding the Alaska-Yukon railroad feasibility study. Ms. Duncan’s question was, “When will the public be told by the Premier who is appointed to the railway commission and what the terms of reference are?” After responding to Ms. Duncan’s question Hon. Mr. Kenyon said, “But going back to the leader of the official opposition’s comment (on) militarization” and responded to that. At that point the Speaker called for order and said, “I know that the Chair allowed the leader of the official opposition to bootleg on, in terms of a question. I would ask that the minister not do that.

Just answer the question you have been asked by the leader of the third party, not the leader of the official opposition, please.” (*Hansard* 4582-4583)

This sequence illustrates the difficulty that can arise when Guidelines 2 and 9 are not adhered to. The purpose of Question Period becomes lost if members feel free to interject comments that relate to previous exchanges.

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.

A quorum count was called for twice on May 4, 2005 during debate on Motion No. 459. The Speaker, Hon. Ted Staffen, followed the procedure laid out in Standing Order 3(2). Quorum was established both times. (*Hansard* 4365 and 4366; *Journals* 332)

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 second reading of Bill No. 15, *First Appropriation Act, 2005-06*, on March 31, the leader of the third party, Pat Duncan (Porter Creek South, Liberal) quoted from a *Whitehorse Star* editorial. Her quote contained the phrase “unprecedented contempt” in reference to the government. The Speaker, Hon. Ted Staffen, intervened and informed Ms. Duncan that her

use of the term “contempt” is unparliamentary. There are options, if one feels that there is contempt, for the member to utilize. Secondly, as you well know, a member cannot do indirectly what they cannot do directly. If a member wishes to quote from a document that contains unparliamentary language or does not adhere to proper form, the member must paraphrase any offending portions so that it will conform to the rules and forms of this Legislative Assembly. So the crux of the matter here is the member's use of the term “contempt,” and I'd ask the member not to do that. (*Hansard* 3787)

On May 4, 2005 the Assembly debated Motion No. 459. During the course of debate the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP), read from a classified advertisement that had appeared in that day's newspaper. The words he read were, “I think that we should rename the Yukon Legislature ad the Goon Show.” At that point the Speaker, Hon. Ted Staffen, called for order and reminded the House that

Members cannot do indirectly what they can't do directly. If the member wishes to cite or quote from a document containing unparliamentary language, or does not adhere to

proper form, the member must paraphrase any offending portions so that they conform to the rules and forms of this Legislature. (*Hansard* 4384)

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.”¹⁷ 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.”¹⁸ 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.”

On April 13, 2005 the Assembly debated Motion No. 426, and a proposed amendment to it. The motion concerned an area of Porter Creek that the sponsor of the motion, Pat Duncan (Porter Creek South, Liberal), believe the Government of Yukon should protect as a park. The amendment to the motion, moved by Hon. Archie Lang (Porter Creek Centre, Yukon Party), sought to establish a consultation process before the park was established. During the course of his speech on the amendment Brad Cathers (Lake Laberge, Yukon Party) included comments about the financial condition of Dawson City. After some time the Speaker, Hon. Ted Staffen, called for order and said

The Chair is uncomfortable with the approach the Member for Lake Laberge is taking...the Chair has allowed all members a fair amount of latitude. We heard about the Carmacks sewer project vis-à-vis this motion. I’ve allowed the members some latitude speaking about Dawson City, but I urge the member to speak to the amendment.
(*Hansard* 4009)

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.”¹⁹ 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

¹⁷ *House of Commons Procedure and Practice*, page 527

¹⁸ *House of Commons Procedure and Practice*, pages 527-528.

¹⁹ Yukon Legislative Assembly, *Chair’s Handbook Committee of the Whole* (February 2003), page 16.

specific Program.”²⁰ When points of order are raised under this standing order the Chair will usually remind members of the item before the committee, without ruling whether a member’s comments were out of order.

On April 14, 2005 Committee of the Whole debated the estimates for the Department of Health and Social Services in Bill No. 15, *First Appropriation Act, 2005-06*. At one point in the debate Gary McRobb (Kluane, NDP) rose on a point of order during remarks by the minister responsible for the department, Hon. Peter Jenkins (Klondike, Yukon Party). Mr. McRobb argued that Hon. Mr. Jenkins’ remarks were not in order as “The question under discussion was about the bill of rights for seniors from Manitoba, not (other) extraneous issues...” The Committee Chair, Patrick Rouble ruled that “Committee of the Whole is currently in general debate of Vote 15, Department of Health and Social Services.” The Chair then drew members’ attention to Standing Order 42(2) and concluded that, “The item under consideration currently is general debate of the department; therefore, all discussions regarding the Department of Health and Social Services would appear to be in order. There is no point of order in this situation.” (*Hansard* 4034)

Moments later Mr. McRobb made comments that included references to the *Legislative Renewal Act* (a private member’s bill introduced earlier that day) and the Standing Committee on Rules, Elections and Privileges. Subsequently Hon. Mr. Jenkins rose on a point of order saying, “Mr. Chair, we are in general debate in the Department of Health and Social Services. We appear to be quite off topic.” The Committee Chair then said

As the Chair commented on earlier, we are currently in general debate on Vote 15, Department of Health and Social Services. The topic of discussion is therefore the general state of health and social services and how this budget applies. I’ll refer members to Standing Order 42(2)...I’ve given the member some latitude in this regard but the member also brought this same issue to my attention earlier in the debate. I’ll ask all members to focus on the matter of hand, which is general debate on the Department of Health and Social Services. (*Hansard* 4036)

On April 19, 2005 Committee of the Whole resumed consideration of the estimates for the Department of Health and Social Services in Bill No. 15. As the line before the committee was program management in Family and Children’s Services, the Minister of Health and Social Services, Hon. Mr. Jenkins, commenced his remarks by referring to the *Children’s Act* review, then under way. After some time Hon. Mr. Jenkins changed the focus of his remarks to the consultation practices of a previous Yukon government, specifically referencing the *Education Act* review, which he said had been “politicized.” At that point the official opposition House leader, Gary McRobb (Kluane, NDP) rose on a point of order, arguing that Hon. Mr. Jenkins had violated Standing Order 19(g), the attribution of false or unavowed motives to another member. The leader of the third party, Pat Duncan (Porter Creek South, Liberal), also intervened adding

I believe there’s also a Standing Order...that we should focus our debate and avoid spurious statements of extraneous material, and I would encourage the minister, as we have all been encouraged publicly to conduct ourselves in a more focused manner, that perhaps he would like to continue discussing the government’s initiative on the

²⁰ *Chair’s Handbook Committee of the Whole*, page 16.

Children's Act review as opposed to discussing his version of previous governments' activities.

Hon. Mr. Jenkins suggested this was merely a dispute between members. The Deputy Chair of Committee of the Whole, Dean Hassard, ruled there was a point of order. However, the Deputy Chair ruled that the issue was one of relevance, not attribution of motive and asked Hon. Mr. Jenkins to "keep his discussion relevant to the line of program management." (*Hansard* 4090)

Later the same day, as the Committee dealt with the department's estimates for Continuing Care, Hon. Mr. Jenkins began to discuss the financial difficulties of the Mayo-Dawson transmission line project, the Energy Solutions Centre, and the Town of Dawson City. The Deputy Chair called for order and asked the minister "to direct his comments to the area of debate, and that is the Department of Health and Social Services and continuing care. (*Hansard* 4109)

On April 21, 2005 Committee of the Whole again considered the estimates for the Department of Health and Social Services in Bill No. 15. In response to a question from Mr. McRobb during debate on the Insured Health and Hearing Services program Hon. Mr. Jenkins said, "it would appear that the member opposite would have us building a boarding house perhaps on the shores of Aishihik Lake right next to a coal-fired thermal plant to generate electricity to heat it or to power it with electricity." In response Mr. McRobb said, "It's not difficult to understand. It was this minister who was briefing the Minister of Energy, Mines and Resources in Question Period all week while he was being questioned on the coal plant and so on. It's not difficult to understand that this minister has quite a big influence on the responses from the Energy, Mines and Resources minister in Question Period. We certainly saw the Energy, Mines and Resources minister perform today after being briefed by this minister, and it's quite understandable." At that point Hon. Mr. Jenkins rose on a point of order saying, "The member opposite is wandering off into lands that are totally irrelevant and not related to this debate." Rather than ruling on the point of order the Committee Chair, Patrick Rouble, asked "members to continue on with the debate on insured health and hearing services." (*Hansard* 4156-4157)

Later that same day debate had moved onto the Yukon Government's contribution to the Yukon Hospital Corporation. During debate Ms. Duncan inquired of Hon. Mr. Jenkins as to the possibility of chair of the hospital corporation board and the CEO appearing before Committee of the Whole, in a similar fashion as they had appeared before the Standing Committee on Public Accounts in February 2004. Hon. Mr. Jenkins indicated that such an appearance would not be forthcoming. Ms. Duncan reiterated her view that this would be a positive exercise in transparency and accountability. At that point Hon. Mr. Jenkins made a statement regarding transparency and a certain project that was initiated when Ms. Duncan was Premier. At that point the Committee Chair intervened to remind members that "the matter under discussion in debate right now is the line item Yukon hospital services in the amount of \$25,533,000." (*Hansard* 4157-4158)

Once the Committee is finished with general debate on a department it will proceed to read each line item. At this point the item under consideration, as per Standing Order 42(2), is the line item. This practice came into play on May 9, 2005 as the Committee dealt with the estimates for the Deputy Minister's Office in the Department of Energy, Mines and Resources. At a point in the debate the minister responsible for the department, Hon. Archie Lang (Porter Creek Centre, Yukon Party) read numerous statistics into the record. Gary McRobb (Kluane,

NDP) rose on a point of order and said, "The minister is breaking with established practice. We do one line item at a time. What the minister should be doing is providing a breakdown for the \$447,000 in the deputy minister's office, and stop. Once that clears we can go on to the next line item. He's doing four or so all at once here, and it's very difficult to track all this. We need to progress in a logical and controlled manner. I would ask the minister to proceed with established practice and do one line item at a time; we don't jump ahead to future ones." The Chair of Committee of the Whole, Patrick Rouble, then reminded committee members that "The line under discussion is currently the deputy minister's office, with a value of \$447,000." (*Hansard* 4439)

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. Standing Order 75(2) says

When the Government has introduced all legislation, including appropriation bills, to be dealt with during a Sitting, the House Leaders shall meet for the purpose of achieving agreement upon the number of sitting days for that Sitting. The minimum number of sitting days for any Sitting shall be 20. The maximum number of sitting days for any Sitting shall be 40.

Pursuant to Standing Order 74 the government tabled all bills to be dealt with during the 2005 Spring Sitting by the fifth sitting day, Monday, April 4, 2005. The House leaders then met to determine the number of sitting days to be allotted to the 2005 Spring Sitting.

Standing Order 75(4) says "The Government House Leader shall inform the Assembly of the results of the House Leaders' meetings, held pursuant to Standing Order 75(2), within two sitting days of all Government legislation having been introduced." Pursuant to this standing order the government House leader, Hon. Peter Jenkins (Klondike, Yukon Party), rose at the end of the sixth sitting day, April 6, 2005 to inform the Assembly that "The House leaders have not reached an agreement on the maximum number of sitting days for this sitting." This disagreement was illustrated by the fact that during Tabling Returns and Documents the two other House leaders – Gary McRobb (Kluane, NDP) and Pat Duncan (Porter Creek South, Liberal) – had tabled letters indicating their parties' preference for a Sitting of 32 sitting days. The Speaker, Hon. Ted Staffen, then informed the House of Standing Order 75(3) which says:

"When, pursuant to Standing Order 75(2), an agreement cannot be reached between the government House leader and at least one other House leader representing the majority of the members of the Assembly, each of the spring and fall sittings shall be a maximum of 30 sitting days."

Accordingly, I declare the current sitting shall be a maximum of 30 sitting days, with the 30th sitting day being May 17, 2005. (*Hansard* 3870; *Journals* 302)

Termination of the Sitting, as per Standing Orders

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. 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 ensuring that government business before the Assembly is dealt with. These new standing orders were first used during the 2002 Spring Sitting.

Pursuant to Standing Order 75(2) the Speaker, Hon. Ted Staffen, declared that the 2005 Spring Sitting would last 30 sitting days, the 30th day being May 17, 2005. (see 'Sitting Days, number of' above) That being the case the following process was followed to terminate proceedings on that day.

Termination of Committee of the Whole

Standing Order 76(1) says

On the sitting day that the Assembly has reached the maximum number of sitting days allocated for that Sitting pursuant to Standing Order 75, the Chair of the Committee of the Whole, if the Assembly is in Committee of the Whole at the time, shall interrupt proceedings at 5:00 p.m. and, with respect to each Government Bill before Committee that the Government House Leader directs to be called, shall:

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

Pursuant to this standing order the Chair of Committee of the Whole, Patrick Rouble, called for order as the Committee debated the estimates for the Yukon Development Corporation in Bill No. 15, *First Appropriation Act, 2005-06* on May 17, 2005. At that time he said, "The time has reached 5:00 p.m. on this, the 30th day of the 2005 Spring Sitting." The Chair then read Standing Order 76 (1) and asked the government House leader, Hon. Peter Jenkins (Klondike, Yukon Party), "to indicate whether Bill No. 15, the only bill now before the Committee of the Whole, should be called." Hon. Mr. Jenkins directed that Bill No. 15 be called at that time. The Chair then recognized Mr. Fentie as the sponsor of Bill No. 15, for the purposes of moving a motion pursuant to Standing Order 76(1)(b) and 76(1)(c). Once Bill No. 15 had cleared the Committee the Chair rose to report to the House. The Chair's report, that Bill No. 15 be reported without amendment, was subsequently carried. (*Hansard* 4599-4600; *Journals* 351)

Third Reading of bills

Once Bill No. 15 was reported the House proceeded to deal with it at Third Reading. The process began with the Speaker, Hon. Ted Staffen, reading out Standing Order 76(2) that states

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

- (a) call for the report from the Chair of the Committee of the Whole;
- (b) put the question, in the usual fashion, on the motion to concur in the Chair's report on the proceedings of Committee of the Whole;
- (c) with respect to each Government Bill on which debate has been adjourned at the Second Reading stage and designated to be called by the Government House Leader, put the question, without further debate, on the motion that the bill be read a second time, and, if that motion is carried, order that the bill stand immediately ordered for Third Reading; and
- (d) with respect to each Government Bill standing on the Order Paper for Third Reading and designated to be called by the Government House Leader,
 - (i) receive a motion for Third Reading and passage of the bill, and
 - (ii) put the question, without debate or amendment, on that motion.

Speaker Staffen then asked Hon. Mr. Jenkins "whether Bill No. 15, the only bill now standing at third reading, should be called." Hon. Mr. Jenkins indicated that Bill No. 15 be called for third reading. The Speaker then called for Third Reading of Bill No. 15. Mr. Fentie, the sponsor of the bill then moved the motion that the bill "be now read a third time and do pass." The Speaker then put the motion to the House, with the additional instruction, pursuant to Standing Order 76(2)(d)(ii) that no debate or amendment is permitted. Bill No. 15 passed the House on division. (*Hansard* 4600-4601; *Journals* 352)

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 2005 Spring Sitting include:

For a recess

Standing Order 2(1) says "The time for the meeting of the Assembly shall be 1:00 p.m. on each Monday, Tuesday, Wednesday and Thursday unless otherwise ordered. The normal hour of adjournment shall be 6:00 p.m." The Standing Orders do not make provision for recesses to be taken during the sitting day. Where recesses are taken they are by unanimous consent.

On April 12, 2005 Committee of the Whole dealt with the estimates for the Department of Finance in Bill No. 15, *First Appropriation Act, 2005-06*. Once the department had been agreed to the Committee Chair, Patrick Rouble, asked committee members if they wished to take a recess. Some members expressed disagreement so the committee continued with Bill No. 15. (*Hansard* 3981) Later the same day the Minister of Health and Social Services, Hon. Peter Jenkins (Klondike, Yukon Party) asked for a brief recess before the Committee began deliberations on his department. Unanimous consent was again refused. (*Hansard* 3984)

Similarly, request for unanimous consent to recess was refused on April 14, 2005 as the Committee continued debate on the Department of Health and Social Services (*Hansard* 4044)

and on May 10, 2005 before resuming consideration of the estimates for the Department of Energy, Mines and Resources. (*Hansard* 4462)

For the Continuation of a Member's speech

The leader of the official opposition, Todd Hardy, began his response to the budget speech on March 29, 2005. Mr. Hardy's remarks were interrupted when the House reached its normal hour of adjournment. As debate had adjourned with Mr. Hardy speaking he was to have the floor when the House resumed debate on the budget. However, Mr. Hardy was unavailable when the time came to resume debate. The government House leader, Hon. Peter Jenkins (Klondike, Yukon Party) therefore requested the "unanimous consent of the House to allow the leader of the official opposition to continue with debate on this bill at the earliest time after he returns." Unanimous consent was granted. (*Hansard* 3775; *Journals* 295)

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. Following are such instances of unanimous consent being requested, and granted, during the 2005 Spring Sitting.

| Date | Member | Bill | Reference |
|-------------|---------------|--|---------------------|
| March 29 | Duncan | No. 14, <i>Interim Supply Appropriation Act, 2005-06</i> | <i>Hansard</i> 3714 |
| May 3 | Hardy | No. 13, <i>Third Appropriation Act, 2004-05</i> | <i>Hansard</i> 4336 |

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. Instances of such a request being made, and agreed to, during the 2005 Spring Sitting during debate on Bill No. 15, *First Appropriation Act, 2005-06*, include:

| Date | Member | Vote | Reference |
|-------------|---------------|--|---------------------|
| April 12 | Duncan | 20. Loan Capital and Loan Amortization | <i>Hansard</i> 3981 |
| | Duncan | 1. Yukon Legislative Assembly | <i>Hansard</i> 3982 |
| | Duncan | 24. Elections Office | <i>Hansard</i> 3983 |
| | Hardy | 23. Office of the Ombudsman | <i>Hansard</i> 3984 |
| May 3 | Duncan | 7. Economic Development | <i>Hansard</i> 4346 |
| | Duncan | 11. Women's Directorate | <i>Hansard</i> 4352 |
| May 5 | Fairclough | 3. Education (O&M only) | <i>Hansard</i> 4411 |
| May 11 | McRobb | 53. Energy, Mines & Resources | <i>Hansard</i> 4501 |
| May 12 | Duncan | 52. Environment | <i>Hansard</i> 4524 |

| | | | |
|--------|------------|---|---------------------|
| | Fairclough | 55. Highways & Public Works (remaining Capital lines) | <i>Hansard</i> 4539 |
| May 16 | Duncan | 10. Public Service Commission | <i>Hansard</i> 4558 |
| | Duncan | 2. Executive Council Office | <i>Hansard</i> 4567 |
| May 17 | Duncan | 51. Community Services | <i>Hansard</i> 4592 |

To return to the Daily Routine

On March 31, 2005 the Assembly debated Motion No. 404. The purpose of the motion was to have the *Report of Forensic Audit and Financial Review of the Town of the City of Dawson, Yukon* tabled pursuant to Standing Order 38(1) and published under the authority of the Assembly. During his speech the sponsor of the motion, the Minister of Community Services, Hon. Glenn Hart (Riverdale South, Yukon Party) indicated his willingness to table the document upon approval of the motion. However, the only way the document could be tabled pursuant to Standing Order 38(1) was to revert to that item in the Daily Routine called 'Tabling Returns and Documents.' Therefore, once the motion was agreed to the Speaker, Hon. Ted Staffen, asked the Assembly for unanimous consent to revert to that order of business. Unanimous consent was granted. Hon. Mr. Hart then tabled the report. (*Hansard* 3775; *Journals* 295)

To waive notice requirement

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 March 24, 2005 the Minister of Community Services gave notice of a motion that would see the *Report of Forensic Audit and Financial Review of the Town of the City of Dawson, Yukon* published under the authority of the Assembly. (*Hansard* 3672) On the next sitting day the government House leader, Hon. Peter Jenkins (Klondike, Yukon Party), asked for unanimous consent so that this motion could be brought forward for debate without having been on the Order Paper for one clear day. Unanimous consent was denied. (*Hansard* 3702; *Journals* 289)

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."²¹ 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.²²

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

²¹ *House of Commons Procedure and Practice*, page 71.

²² *House of Commons Procedure and Practice*, page 525.

19(j) forbids Members from speaking “disrespectfully of Her Majesty or any of the Royal Family.” This standing order was not invoked in the 2005 Spring 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.

While there are several categories of unparliamentary language not all expressions that draw the attention of the Chair fit neatly into any one of them. For example, during Question Period on March 29, 2005 the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) asked a series of questions about the Northern Splendor Reindeer Farm. During the course of this questioning Mr. Hardy used the expression, “government bungling and heavy-handedness”, suggested that government ministers had broken their word to the owners of the farm, had given them “the shaft”, and said the government was threatening them. After one such question the Speaker, Hon. Ted Staffen, intervened and said he was, “not entirely comfortable with the direction in which this debate is going with the adjectives being used. I understand that it is a passionate and pertinent debate; however, I would ask the members to just pull themselves back a little.” (*Hansard* 3701)

Adjectives were again on Speaker Staffen’s mind during Question Period on April 12, 2005. Mr. Hardy began proceedings by asking the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) questions about outstanding business loans. In response to Mr. Hardy’s first supplementary question Premier Fentie twice said that Mr. Hardy “didn’t get it”, as regards the nature of the issue. Mr. Hardy accused the Premier of launching “personal attacks”, that Yukoners were “disgusted” by the government’s handling of the issue, that a “stench” emanated from it and that the government’s action was causing Yukoners to become “cynical” about politics. At that point the Speaker intervened saying,

Before the Hon. Premier answers, the Chair is not entirely comfortable with the adjectives being used on both sides of the floor. Both the questioner and the answerer are articulate individuals. I would ask that you just tone your rhetoric down a little. (*Hansard* 3960)

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.²³

On April 7, 2005 Committee of the Whole considered Bill No. 15, *First Appropriation Act, 2005-06*. At one point during the debate Hon. Peter Jenkins (Klondike, Yukon Party) said in reference to the leader of the third party, Pat Duncan (Porter Creek South, Liberal), “The member is trying to imply something other than what is actually the reality of the day.” At that point the Chair of Committee of the Whole, Patrick Rouble, called for order and said, “There

²³ *Beauchesne’s* §494, page 151.

have been several comments by honourable members today regarding intentions. There have been comments that, while they have not cast a determination of intent, they've clearly indicated that members were stating something different from what others believed to be true. I would just caution all members to be very mindful of Standing Order 19(h), which prohibits charging other members with uttering a deliberate falsehood." (*Hansard* 3914)

During Question Period on April 21, 2005 Gary McRobb (Kluane, NDP) asked the Minister of Energy, Mines and Resources, Hon. Archie Lang (Porter Creek Centre, Yukon Party), questions regarding the possible development of a coal-fired energy plant. After describing what he believed to be discrepancies between statements made by Hon. Mr. Lang and the CEO of Cash Resources (the company that would supply the coal) Mr. McRobb concluded his main question by asking, "who is telling the truth — the CEO or the minister?" He concluded his first supplementary in a similar fashion. For his final supplementary question he identified what he saw as contradictions between Hon. Mr. Lang's current statements and those he had made previously on the same issue. He concluded with, "Who's telling the truth — this year's minister or last year's minister?" Following Hon. Mr. Lang's response the Speaker, Hon. Ted Staffen, called for order and said, "I'd just like to remind the Member for Kluane that questioning the veracity of another member is not allowed and I'd ask the Member for Kluane not to do that." (*Hansard* 4149-4150)

During Question Period on April 25, 2005 the Minister of Health and Social Services, Hon. Mr. Jenkins, said the funding agreement with a certain seniors' organization "was entered into by a previous NDP government. It continues forward to this day. We have increased the amount of funding." Mr. McRobb rose on a point of order and said, "The minister is wrong; he is misleading the House. That line item funding is a new vehicle under this Yukon Party government. It does not follow any previous government. I want to correct the record." The Premier, Hon Dennis Fentie (Watson Lake, Yukon Party), also intervened on the point of order and said, "under the former NDP government, I as MLA went to bat for the Signpost Seniors in Watson Lake and we — the NDP government at that time — determined to increase their funding." The Speaker asked for the opportunity to review the Blues before ruling. (*Hansard* 4180)

The Speaker returned with a ruling the following day. After summarizing the events of April 25 he ruled

There is no point of order in this case; it is a dispute between members about the facts surrounding a funding agreement. The Chair would note, however, that while raising the point of order the official opposition House leader said the minister was "misleading the House." That language is not parliamentary, and I would ask all members to refrain from making such statements. (*Hansard* 4205)

Other comments that drew the Chair's intervention in this regard include:

- "a promise made and a promise broken" Eric Fairclough (Mayo-Tatchun, NDP), April 5, 2005 (*Hansard* 3837)
- "he was talking through his hat", Todd Hardy (Whitehorse Centre, NDP), April 5, 2005 (*Hansard* 3837)

- “I know I have violated some of the Standing Orders, and sometimes it is out of frustration to hearing, perhaps one of the ministers saying something that is contrary to what I feel is the truth.” Mr. Fairclough, April 20, 2005 (*Hansard* 4140)
- “From listening to the Member for Lake Laberge, it’s clear that he’s rewriting history.” Mr. McRobb, May 4, 2005 (*Hansard* 4368)
- “That’s not a true representation of the facts.” Steve Cardiff (Mount Lorne, NDP), May 11, 2005 (*Hansard* 4491)
- “the comments from the member opposite just now is pitting people against people. That is very untrue, Mr. Speaker.” Hon. John Edzerza (McIntyre-Takhini, Yukon Party), May 16, 2005 (*Hansard* 4548)

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 properties 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 March 30, 2005 the Assembly debated Motion No. 407. At one point during the debate Eric Fairclough (Mayo-Tatchun, NDP) said, “The Yukon Party is trying to pull the wool over (Yukoners’) eyes on (public-private partnerships).” At that point Brad Cathers (Lake Laberge, Yukon Party) rose on a point of order. Mr. Cathers argued that Mr. Fairclough’s use of that phrase suggested “that there was motive to create an impression in the public that was not accurate on the part of members of this government” and therefore violated Standing Order 19(g). Mr. Fairclough responded that “I believe that in debating motions on Wednesdays, you have given us a certain amount of latitude and movement in what we say. I believe the member who called a point of order could have called many points of order on the previous speaker and did not. So, I believe that there is no real point of order here and that it is just a dispute between members.” The Speaker, Hon. Ted Staffen, said from his perspective “the concept of allowing a bit more latitude during Wednesday’s debate is a fact. When I review the Blues, I often contemplate how much I missed, so I would suggest that there is no point of order. However, with all due respect to the Member for Mayo-Tatchun, perhaps different phraseology would be appropriate.” (*Hansard* 3759)

On April 11, 2005 during Committee of the Whole debate on Bill No. 15, *First Appropriation Act, 2005-06*, Gary McRobb (Kluane, NDP) said “this government spends money on a political favouritism basis.” Hon. Peter Jenkins (Klondike, Yukon Party) rose on a point of order alleging Mr. McRobb had violated Standing Order 19(g). Mr. McRobb responded by saying his “allegations are not false.” The Chair reminded Mr. McRobb of the standing order.

Mr. McRobb’s retort raises an important point about Standing Order 19(g). Mr. McRobb sought to defend his comments on the basis that he did not attribute ‘false motives’ because his allegation was not false. Unfortunately this is irrelevant to the rules of debate. It is not for the Chair to sort out how factual members’ statements are. The imputation of false or unavowed motives is against the rules, even if the member making them believes them to be true.

This issue was revisited during Committee of the Whole debate on Bill No. 15 on April 14, 2005. During debate on the Department of Health and Social Services Mr. McRobb made comments that elicited a point of order under Standing Order 19(g) from the minister responsible for the department, Hon. Mr. Jenkins. In responding to the point of order Mr. McRobb said, “If I

imputed any motives, they certainly aren't false. I laid it all out. Any sensible person can see how they are truthful. I think we should be able to relate to truthful matters in this Legislature." The Acting Chair, Brad Cathers, expressed his discomfort with this comment. He said, "veracity of information presented does not affect whether a member is attributing motives to another member which that member has not avowed. I would urge all members to be cautious in their use of terminology." (*Hansard* 4041)

By April 12, 2005 the Committee had moved on to the estimates for the Department of Health and Social Services in Bill No. 15. At one point in the debate Hon. Mr. Jenkins said his government had "improved and enhanced...drug and alcohol service(s)...We now have a residential program, which was...eliminated by the previous NDP government. Why? Perhaps they had a difficulty with the management of this facility..." At that point Mr. McRobb rose on a point of order arguing that Hon. Mr. Jenkins had violated Standing Order 19(g). The Committee Chair, Patrick Rouble, ruled that "There is a line between speculating on a policy choice and imputing false or unavowed motives. In this case, I don't believe that the member has imputed motives, but instead he has speculated on a decision. There is no point of order." (*Hansard* 3986)

During Question Period on April 13, 2005 Lorraine Peter (Vuntut Gwitchin, NDP) asked the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) questions regarding the consultation process for the proposed bridge across the Yukon River at Dawson City. Mrs. Peter began her main question by saying "Last week we saw the Premier, once again, trying to stifle the voice of Yukon people who don't agree with him." At the conclusion of her question Speaker Staffen, intervened and said

Before the Hon. Premier answers, I'd just like to refer the Member for Vuntut Gwitchin back to a March 29 ruling, encapsulating basically that the public interest is not served when members express themselves in a way that impugns the character of other members. I'd just like the Member for Vuntut Gwitchin to take into consideration that ruling. (*Hansard* 3994)

Later that same day, during debate on a proposed amendment to Motion No. 426, Hon. John Edzerza (McIntyre-Takhini, Yukon Party) said the leader of the third party, Pat Duncan (Porter Creek South, Liberal), when Premier

had the opportunity to do exactly what she is expecting this government to do today. Two and a half years in office is a fairly long time for anyone to address an issue like this. I would put the question to the leader of the third party: why didn't she do it? Was it of no interest, or is it just coincidental that it's an interest now that there is an election race on for the leadership of the Liberal Party?

Steve Cardiff (Mount Lorne, NDP) then rose on a point of order arguing Hon. Mr. Edzerza had violated Standing Order 19(g). Speaker Staffen, ruled there was a point of order, adding

I would remind [Hon. Mr. Edzerza] of a (previous) ruling...that (the) public interest is not served when members express themselves in a way that impugns the character of other members. I'd ask the minister not to do that. (*Hansard* 4007)

On April 13, 2005 the Assembly debated Motion No. 426, which was subsequently amended. During debate on the motion as amended Mr. Cardiff said

I don't know that there needs to be this other consultation process that the government feels so strongly about. Maybe they just feel the need to sole source another consultation contract. There must be somebody else out there who is in need of a sole-source contract that this government is dying to hand out —

Hon. Mr. Edzerza then rose on a point of order and argued that Mr. Cardiff had violated Standing Order 19(g). Though Gary McRobb (Kluane, NDP) offered a contrary opinion, Speaker Staffen ruled there was a point of order. He added:

Once again I'm going to do this: according to the March 29 ruling, the public's interest is not served when members express themselves in a way that impugns the character of other members. I'd ask the Member for Mount Lorne to just keep that ruling under consideration. (*Hansard* 4015)

During Question Period on April 14, 2005 the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) asked questions regarding electoral reform. In responding to Mr. Hardy's first supplementary question Premier Fentie made reference to Motion No. 426, which had been debated on the previous sitting day and did not deal with electoral reform. In doing so the Premier made reference to the sponsor of the motion, Ms. Duncan, and the fact that that member did not support an amendment made to that motion. Hon. Mr. Fentie said, "The member torpedoed her own initiative. The third party now does not support protecting that land base through a consultative process." Ms. Duncan then rose on a point of order arguing that the Premier had violated Standing Order 19(g). The Speaker then reminded members of his ruling of March 29, "I'm fond of reading this over and over again, you may have noticed. The public interest is not served when members express themselves in a way that impugns the character of other members. I ask the Hon. Premier to retract that, please." The Premier retracted the comment and Question Period continued. (*Hansard* 4027)

On April 20, 2005 the Assembly debated Motion No. 435 and a proposed amendment to it. The motion dealt with a proposal that the Standing Committee on Rules, Elections and Privileges initiate a process for legislative renewal. The amendment proposed that this task be assigned to a special committee formed for that specific purpose. During the debate Mrs. Peter said "The Premier should stop using my riding as a scare tactic to avoid public discussions." At that point the Speaker called for order and indicated his discomfort "with the Member for Vuntut Gwitchin using the term "scare tactic". I believe that is inappropriate language and I would ask the member not to use it." Mrs. Peter then rephrased her statement to "there is fear being used to address this issue." The Speaker again called for order saying, "That's not going to do it, either. The honourable member has to think her way around this one." (*Hansard* 4134)

Still later, Hon. Archie Lang (Porter Creek Centre, Yukon Party) said, "If they won't sit on (a standing) committee and work, what makes you think they'll sit on (a special) committee and make it work?" Ms. Duncan rose on a point of order and said she was "troubled by the Member for Porter Creek Centre's references that the members opposite aren't prepared to work on the committee, and I would suggest that 19(g), imputing false or unavowed motives — from his reference just a moment ago, "If they're not prepared to work on that committee, then what

committee are they prepared to work on?" I'm troubled by that and draw it to your attention, Mr. Speaker." Brad Cathers (Lake Laberge, Yukon Party) also intervened on the point of order and said, "I don't believe there was a point of order. [Hon. Mr. Lang] did not say that members were not prepared to work on the Standing Committee on Rules, Elections and Privileges. He speculated that if they are not prepared to work on that committee, he would question whether they would be prepared to work on another committee. Thank you." The official opposition House leader, Mr. McRobb, also intervened. He said, "clearly the Member for Porter Creek Centre did accuse us of not being prepared to work on the committee. I would remind you, Mr. Speaker, that, in fact, we have recommended that this committee be formulated through the amendment to the motion, so speculating that we're not prepared to even sit on the very committee that we're urging be created is completely ridiculous, and therefore this is a point of order." Speaker Staffen requested "that the members allow me to review the Blues on this issue." (*Hansard* 4138) After reviewing the Blues the Speaker concluded that no ruling was required.

On April 21, 2005 Committee of the Whole considered the estimates for the Department of Health and Social Services in Bill No. 15, *First Appropriation Act, 2005-06*. In response to an answer given by the minister responsible for the department, Hon. Mr. Jenkins, Mr. McRobb said, "I would suggest that what we have just been exposed to equates to a gross evasion of responsibility and accountability by the minister." Hon. Mr. Jenkins then rose on a point of order, arguing that Mr. McRobb had violated Standing Order 19(g). The Committee Chair, Patrick Rouble, cautioned members to neither "personalize (nor) make specific comments about specific members in this Assembly in order to conduct the business of the House. The matter currently before us is the line item social services. I would ask members to focus their attention on that budget item and to discuss it without making personal references." (*Hansard* 4169)

While Mr. McRobb thanked the Chair for his ruling, he was not dissuaded from the gist of his comments. Moments later he said, "My earlier comment stands. The minister has proven it, and it's indicative of the entire government side over there, because they are simply not accountable, nor do they want to be accountable, nor do they have any compulsion to be accountable." At that point the Chair called for order and said Mr. McRobb "has obviously crossed the line...The member is now making very broad, general statements and casting aspersions upon the character of all members in the government caucus." The Chair then reminded members to focus on the item before them. (*Hansard* 4169)

Soon afterward Ms. Duncan asked Hon. Mr. Jenkins a question regarding funding for seniors organizations. In his response Hon. Mr. Jenkins made reference to the community development fund which he claimed had been "curtailed...stripped it of its compliance and politicized" by the government led by Ms. Duncan. Mr. McRobb then rose on a point of order under Standing Order 19(g). The Committee Chair concurred with Mr. McRobb and asked Hon. Mr. Jenkins "not to call into question the motives or the rationale behind previous decisions." (*Hansard* 4169)

During Question Period on April 27, 2005 the Minister responsible for the Yukon Housing Corporation, Hon. Jim Kenyon (Porter Creek North, Yukon Party), responded to questions from the leader of the official opposition, Mr. Hardy regarding seniors housing. In responding to Mr. Hardy's first supplementary question Hon. Mr. Kenyon said, "If the member opposite wanted to go down this route or to endanger the funding, it's his prerogative to express his opinion in that way..." Before giving Mr. Hardy the floor to ask his final supplementary question the Speaker intervened and said he was "uncomfortable with the road the minister is going down, in the implication that the opposition side wanted to endanger the funding. The

opposition leader had no knowledge of that. I would just ask you to stick more specifically to the issues, please.” (*Hansard* 4237)

During Question Period on May 10, 2005 Mr. Cardiff questioned the government regarding the Kwanlin Dun First Nation memorandum of understanding. During the course of his first supplementary question Mr. Cardiff said, “The commitments made by this government are not worth the paper they’re printed on.” In his response to the question Premier Fentie said, “This is a significant moment in this Assembly. The member opposite has just alluded to the fact that the land claims agreements are worthless.” The official opposition House leader, Mr. McRobb then rose on a point of order under Standing Order 19(g) and said, “The Premier clearly said that our position was the land claims agreements are worthless. That is totally incorrect.” The government House leader, Hon. Mr. Jenkins argued that the issue was “a dispute among members, solely on interpretation of the Premier setting out the facts.” After receiving input from Ms. Duncan and Premier Fentie, Speaker Staffen, asked the House to allow him to review the Blues and return with a ruling at a later date. (*Hansard* 4454)

The Speaker returned with his ruling on May 11, 2005. At that time he summarized the events of the previous day and ruled

From the Chair’s perspective there is no point of order here. The Premier reinterpreted the words of the Member for Mount Lorne. The accuracy of the Premier’s reinterpretation was obviously in dispute. However, the Chair cannot find in the Premier’s words any attribution of motive to the Member for Mount Lorne.

Disagreements over the interpretation members put on each other’s words will, depending on the context, usually constitute a dispute between members. However, members must take care that their paraphrasing of other members’ statements adhere to other proprieties of the House and are not insulting, do not cast aspersions, or suggest a member is deliberately misleading the House. (*Hansard* 4484-4485; *Journals* 342-343)

During Question Period on May 17, 2005 Mr. Hardy referred to the government as one that “pits groups of Yukon people against each other.” The Speaker called for order and said, “I knew this was going to come back to haunt me. The leader of the official opposition yesterday used the terminology “pitting Yukoners against Yukoners”; I didn’t call it. My mistake. Please do not use that terminology. You have the floor.” Mr. Hardy then indicated he was not aware that he had used the phrase on the previous sitting day. (*Hansard* 4583)

In fact it was Mr. Fairclough who had said the current government was “pitting people against people when they can’t get their own way.” Mr. Fairclough used that phrase while questioning the Minister of Education, Hon. Mr. Edzerza about the construction of a school in Carmacks. (*Hansard* 4548)

Other statements that drew the Chair’s attention in this regard include:

- The minister is trying “to catch the opposition parties off guard, evade scrutiny and avoid accountability to the Yukon people.” Mr. McRobb, April 12, 2005 (*Hansard* 3985)
- The minister has “a speech but he doesn’t want to read it this afternoon; he wants to read it on camera on Thursday afternoon.” Mr. McRobb, April 12, 2005 (*Hansard* 3986)
- “...it sounds like the member opposite is looking for a new plank to stand on and raise his profile.” Hon. Mr. Jenkins, April 14, 2005 (*Hansard* 4033)

- “The member opposite is questioning the ethics of our health care professionals...” Hon. Mr. Jenkins, April 18, 2005 (*Hansard* 4058)
- “In many cases, using sole-source contracts allows the Premier to reward the faithful.” Mr. Hardy, April 19, 2005 (*Hansard* 4088)
- “We don’t know what his hidden agenda is...” Mr. Cardiff, April 25, 2005 (*Hansard* 4176-4177)
- “They would only provide an objective analysis but, somewhere along the line, the government obviously got to them.” Mr. Hardy, May 9, 2005 (*Hansard* 4419)
- “The previous Liberal administration...turned on the YTG’s money geysers to the town with little or no accountability. Many Yukoners have wondered if it is only coincidence, given that the previous mayor had...been a Liberal candidate in the two recent elections.” Hon. Glenn Hart (Riverdale South, Yukon Party), May 10, 2005 (*Hansard* 4457)
- “to insist upon...third reading in the manner that was presented by the minister, the best description is malicious” Ms. Duncan, May 10, 2005 (*Hansard* 4458)
- “The only source the Premier has left to pay for this exercise in pleasing his friend from Alaska is existing departmental budgets.” Mr. Hardy, May 12, 2005 (*Hansard* 4515)

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.

On March 30, 2005 the Assembly debated Motion No. 407. At one point during the debate Eric Fairclough (Mayo-Tatchun, NDP) said a certain member “knows how to handle this in a way that is best for his own pocketbook.” At that point Hon. Peter Jenkins (Klondike, Yukon Party) rose on a point of order and argued that Mr. Fairclough had violated Standing Order 19(g) – the imputation of false or unavowed motives to another member. In ruling on the point of order the Speaker, Hon. Ted Staffen, took a different tack. He said

It is a fundamental principle of parliamentary procedure that members treat one another as honourable in this Assembly. Comments like the Member for Mayo-Tatchun made are unparliamentary in that they question the honour of the other members. It is Standing Order 19(i) that speaks about being insulting or likely to lead to disorder. I would ask the member to withdraw that please. (*Hansard* 3760)

Mr. Fairclough then withdrew the remark.

During Question Period on March 31, 2005 Mr. Fairclough asked the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), questions regarding the contractor qualifications for the Dawson City bridge project. In response to Mr. Fairclough’s first supplementary question Hon. Mr. Fentie said, “I would caution all Yukoners and this House not to buy into speculation when it comes to New Democratic mathematics. We all know that it does not, at the end of the day, add up to include the sum total as it should. Two and two does not always equal four when it comes to New Democratic math.” Before the Premier responded to Mr. Fairclough’s final supplementary question Speaker Staffen, intervened saying, “Before the Premier gives his answer; the Chair is not entirely comfortable, Hon. Premier, with your last response. Although

not unparliamentary, it could lead to dissent, and I'd ask the Hon. Premier just to pull himself back a little." (*Hansard* 3768).

The next questioner was the leader of the third party, Pat Duncan (Porter Creek South, Liberal) who asked the Minister of Highways and Public Works, Hon. Glenn Hart (Riverdale South, Yukon Party) about public/private partnerships. Premier Fentie rose in response to Ms. Duncan's final supplementary question and said, "We are not going to enter into a discussion with the members opposite on their estimates, because they come from malfunctioning adding machines." Speaker Staffen again intervened saying, "Regardless of how the Hon. Premier phrases it, the Chair is not comfortable with that line of thought and asks the Premier not to do that again." (*Hansard* 3769)

On March 31, 2005 the Assembly continued second reading of Bill No. 15, *First Appropriation Act, 2005-06*. At one point in the debate Mr. Fairclough said of Hon. John Edzerza (McIntyre-Takhini, Yukon Party), "It has been over two years, and the Minister of Education can't count yet." Brad Cathers (Lake Laberge, Yukon Party) then rose on a point of order saying, "Earlier today, the Speaker ruled comments out of order suggesting that members opposite had a problem with adding. The Member for Mayo-Tatchun just suggested that the Minister of Education has difficulty counting. I believe that is of a similar vein and is similarly out of order." The Acting Speaker, Dean Hassard, asked, "all members to refrain from making comments they would not like to have made about themselves." (*Hansard* 3778)

During Question Period on April 6, 2005 the minister responsible for the Yukon Housing Corporation, Hon. Jim Kenyon (Porter Creek North, Yukon Party) responded to questions from Steve Cardiff (Mount Lorne, NDP) regarding the Whitehorse Housing Cooperative. In commenting upon the questions, and making reference to the prayer that the Speaker gives before proceedings, Hon. Mr. Kenyon said, "we pray regularly in this Assembly for temperance, understanding and reason. I see no temperance, very little understanding and absolutely no reason." At that point Speaker Staffen intervened saying, "No, no, I'm not going to let this slide. I'm going to refer the minister to the Speaker's comment of March 29. "The Chair has been reluctant to intercede in debate and call members to order. I understand you hold strong views, but it is the duty of members to express their views and represent their constituents. The public interest is best served when members focus their comments on the issues before the House, not on impugning the character of other members." I'd ask the minister not to do that, please." (*Hansard* 3869-3870)

On April 14, 2005 Committee of the Whole considered the estimates for the Department of Health and Social Services in Bill No. 15. During the debate Ms. Duncan brought to the Chair's attention her concern about use of the term "rule of thumb" by the minister responsible for the department, Hon. Mr. Jenkins. The Committee Chair, Patrick Rouble, said

The Chair has heard the member's aversion to the term "rule of thumb" in the past. The Chair has also done some research into this and finds that there may be an urban legend surrounding its often-heard interpretation.

Our Standing Orders suggest that I call a member to order when they use abusive or insulting language, including sexist or violent language in a context likely to create disorder. "Rule of thumb" may be interpreted by some to be insulting. The Chair finds, though, that it is a common colloquial phrase and that there is some significant question over the validity of the interpretation that has been discussed about the origins of the phrase "rule of thumb."

The Chair finds, though, that a member has taken offence to the term and would encourage members not to use terms that other members find offensive. As such, knowing that the member finds this term offensive, I would encourage members not to use it. (*Hansard* 4048)

The contextual nature of the application of standing orders was illustrated during Committee of the Whole on April 15, 2005. As the Committee discussed the estimates for the Department of Health and Social Services members could hear the siren of an ambulance driving past the Assembly Chamber. At that point the Minister of Health and Social Services, Hon. Mr. Jenkins, said, "They must be coming to pick up the Member for Kluane, Mr. Chair." The Committee Chair, Mr. Rouble, called for order and asked Hon. Mr. Jenkins "to refrain from making insulting comments." He also asked Hon. Mr. Jenkins to retract his statement, which he did. (*Hansard* 4050)

During Question Period on April 25, 2005 the Minister responsible for the Yukon Housing Corporation, Hon. Mr. Kenyon, responded to questions from the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP), regarding affordable housing. In response to Mr. Hardy's first supplementary question Hon. Mr. Kenyon said he was "confused as to why the member opposite is upset about" government policy. Mr. Hardy then prefaced his final supplementary question by saying "Well, we all know how confused the ministers across the way gets." After Mr. Hardy asked his final supplementary Speaker Staffen, called for order and suggested to Mr. Hardy "that disparaging comment, saying that another member is confused, I'm sure was in the heat of debate. But I would just ask you to not use the terminology." (*Hansard* 4178)

Such an intervention may appear counterintuitive but is grounded in the fact that members may not say certain things about other members, even if other members say the same thing about themselves. Members may be self-deprecating, they may not deprecate others. It is also clear from the context of the exchange that Mr. Hardy's comments insulted the minister.

During Question Period on April 26, 2005 Gary McRobb (Kluane, NDP) questioned the Minister of Health and Social Services, Hon. Mr. Jenkins regarding seniors group funding. In response to Mr. McRobb's main question Hon. Mr. Jenkins said, "I can't understand how this very good initiative that addresses the needs of seniors is a secret, given that the member opposite grasps and understands it." Mr. McRobb then rose on a point of order under Standing Order 19(i). The Speaker ruled

There is a point of order, and the point of order is culminating from the 26 minutes and 25 seconds we have been involved in this Question Period. From the Chair's perspective today, there have been several uses of adjectives — there have been digs — from each side of this floor that weren't necessary. So I am asking all members to take that into consideration.

There is a point of order, as the Member for Kluane has suggested, but that point of order is not pertaining just solely to this instance; it's pertaining to this whole Question Period, and I would ask members to reflect on that. (*Hansard* 4209)

On May 4, 2005 the Assembly considered Motion No. 459, which dealt with health care programs and services. During debate Hon. Mr. Jenkins characterized an amendment proposed by Mr. McRobb as "recognition of the member opposite's limited scope during budget debate to

analyze the various areas of the department (of Health and Social Services). Speaker Staffen, then called for order and said, “I am not going to cite specific words that the Minister of Health and Social Services is using. I am just urging the minister to be a little more cognizant of the words he is using in addressing the House, please.” Clearly it was the member’s tone, not just his words, that drew the intervention of the Chair. (*Hansard* 4375)

Committee of the Whole considered the estimates for the Yukon Development Corporation on May 17, 2005. During debate with the minister responsible for the corporation, Hon. Archie Lang (Porter Creek Centre, Yukon Party), Mr. McRobb made a reference to Hon. Mr. Jenkins. Mr. McRobb said, “The member laughs but a lot of people don’t think it’s very funny. Again, the “h— word” comes to mind because that member is in a league of his own as those who read the newspaper on Friday would have read.” Mr. McRobb’s comment was a reference to an article in the *Yukon News* which referred to Hon. Mr. Jenkins as a “hypocrite.” The Committee Chair, Patrick Rouble, intervened at that point saying, “As the member knows, he cannot do indirectly what he can’t do directly. I’m referring to a word that he cannot use by some other form that he has already told the Assembly, and everyone understands what he really means. The member is crossing the line and conveying a message that is unparliamentary.” (*Hansard* 4599)

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

- “I think the minister disagrees with me; I can hear him shaking his head.” Mr. Cardiff, April 7, 2005 (*Hansard* 3902)
- “I’m starting to compare the line of questioning to my dog’s breakfast.” Hon. Mr. Jenkins, April 7, 2005 (*Hansard* 3912)
- “He uses every opportunity to rant on and on...” Mr. McRobb, April 11, 2005 (*Hansard* 3945)
- “the minister...is a complete disgrace.” Mr. McRobb, April 12, 2005 (*Hansard* 3984-3985)
- “a rotten apple can spoil the whole barrel” (in reference to another member) Mr. McRobb, April 14, 2005 (*Hansard* 4040)
- “That’s a rather disgraceful display of accountability.” Mr. McRobb, April 14, 2005 (*Hansard* 4041)
- “The member opposite has recognized a unique opportunity for a lab here in the Yukon. It might be a wonderful opportunity for a new career choice for the leader of the third party after the Liberal Party elections for party leader that are taking place this June.” Hon. Mr. Jenkins, April 21, 2005 (*Hansard* 4163)
- “I appreciate the tirade from the member opposite.” Hon. Mr. Lang, May 5, 2005 (*Hansard* 4392)
- “I asked one single question, not even about what the minister was babbling on about - .”, Mr. Hardy, May 5, 2005 (*Hansard* 4394)
- “the department is doing a good job...despite the minister they have.” Mr. McRobb, May 10, 2005 (*Hansard* 4472)

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.

During second reading of Bill No. 15, *First Appropriation Act, 2005-06* on April 4, 2005 Hon. John Edzerza (McIntyre-Takhini, Yukon Party) referred to comments made by Eric Fairclough (Mayo-Tatchun, NDP) on the previous sitting day. Hon. Mr. Edzerza said, "I would ask the Member for Mayo-Tatchun to maybe review his morals." At that point the Speaker, Hon. Ted Staffen, intervened saying, "No, no, Hon. Minister. Just earlier today, the Speaker's statement: the public's interest is not served when members express themselves in a way that impugns the characters of other members. I'd ask [you] to not do that, please." (*Hansard* 3807)

On April 5, 2005, during general debate in Committee of the Whole on Bill No. 15, Gary McRobb (Kluane, NDP) commented about the poor road conditions in a section of the electoral district of Lake Laberge. He then said that the Member for Lake Laberge, Brad Cathers (Yukon Party) was "not concerned about that. He's too busy promising money to his friends in the Agricultural Association." At that point Mr. Cathers rose on a point of order and said, "The Member for Kluane is imputing false or unavowed motives to me, in contravention of Standing Order 19(g), in suggesting that I had false motives in cutting backroom deals that he has invented in his mind. His comments with regard to suggesting that I'm not concerned about my constituents in the Ibex are also inaccurate." The Deputy Chair of Committee of the Whole, Dean Hassard, ruled there was a point of order and asked "that the Member for Kluane recognize and respect the fact that the Member for Lake Laberge has sworn an oath to serve his constituents, the same as the Member for Kluane has." (*Hansard* 3859)

On April 6, 2005 during debate on a proposed amendment to Motion No. 419 Steve Cardiff (Mount Lorne, NDP) accused a government minister of "hir(ing) his friends to be (mining project) champions." Speaker Staffen called for order at that point and asked Mr. Cardiff to refrain from making such suggestions in the future. (*Hansard* 3893)

Committee of the Whole debated Bill No. 15 on April 11, 2005. During debate Mr. Cardiff said his question should serve "as notice that maybe next year the Premier will recognize the fact that there are people (outside Whitehorse)...and they would like to be listened to by the Premier next year when he conducts his budget tour." In response the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), said

Let me inform the Member for Mount Lorne that if the list of projects the member has just put on the floor of this Legislature is dependent upon my visiting the Hamlet of Mount Lorne for any action to take place, I would say to the member opposite that he's not doing his job. If these projects are important to his constituents, the member opposite should have correspondence in the hands of the appropriate departments — correspondence on file, case files opened. He should be pounding the pavement, knocking on doors, and burning the phone lines up to represent his constituents on these projects.

The member has just stood on the floor and said he's going to wait until next year and I do a budget tour. Well, I say to the member opposite that the people of Mount Lorne deserve better representation than that.

At that point the Committee Chair, Patrick Rouble, called for order and said he was "very uncomfortable with the member's last statement. It was disrespectful to the member and unparliamentary." (*Hansard* 3942)

During consideration of the estimates for the Department of Energy, Mines and Resources on May 10, 2005 the minister responsible for the department, Hon. Archie Lang (Porter Creek Centre, Yukon Party) responded to questions from Mr. McRobb. At one point Hon. Mr. Lang said, “answering these questions over and over again is not being productive in the House. I question the sincerity of the member opposite —.” The Committee Chair then intervened and reminded Hon. Mr. Lang that “It’s inappropriate to question the sincerity of any member and I would ask the member not to do that.” (*Hansard* 4473)

During Question Period on May 12, 2005 the leader of the third party, Pat Duncan (Porter Creek South, Liberal) said, “the Premier is eager to please the Governor of Alaska...The governor got \$3 million of Yukon taxpayers’ money. I guess that shows where the Premier’s loyalty lies - .” At that point Speaker Staffen called for order and said, “The member has questioned another member’s loyalty. From the Chair’s perspective, all members are sworn to represent people of the Yukon honourably. I would ask the honourable member not to use that terminology.” (*Hansard* 4517)

Another category of offensive matter is language that is beneath the dignity of the House. An example of this occurred during Question Period on April 18, 2005. At that time Mr. McRobb asked questions of the Minister of Energy, Mines and Resources, Hon. Mr. Lang, regarding cost overruns on the Mayo-Dawson transmission line project. Referring to potential increased costs to ratepayers Mr. McRobb asked, “Does the minister not have any plan to protect consumers, or is he perfectly satisfied with his taking-the-sheep-to-a-shearing approach?” Speaker Staffen intervened before the minister’s response and indicted his discomfort “with some of the adjectives being used in asking the questions. I know that the Member for Kluane is an articulate individual; I would ask that he give it a second thought.” (*Hansard* 4057)

Urgent and Pressing Necessity, Motion of

Standing Order 28 (1) says, “A motion may, in case of urgent and pressing necessity previously explained by the mover, be made by unanimous consent of the Assembly without notice having been given.” Standing Order 28 (2) says, “Unanimous consent for a motion under this Standing Order shall be requested during the Daily Routine in the period following the Ministerial Statement and prior to the beginning of Oral Question Period.”

Following the Ministerial Statement on May 16, 2005 the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP), rose pursuant to Standing Order 28 to request unanimous consent to debate a motion calling “upon the Member for Copperbelt to resign his seat immediately so that the residents of Copperbelt constituency can elect a new representative before the next sitting of this Assembly.” Unanimous consent was denied. The House then proceeded to Question Period. (*Hansard* 4545; *Journals* 348)

Mr. Hardy gave notice of this motion in the usual manner on the following sitting day. This meant that the motion would be put on the notice paper, then the order paper, and be eligible to be called for debate on a day when opposition private members’ business has precedence.

Written Questions

The purpose of written questions is to seek from the government “detailed, lengthy or technical information.” The rules of the House of Commons of Canada allow for written questions to be posed to private members but in practice this is not done primarily because the rules don’t really

provide private members with a means of providing answers to written questions.²⁴ Private members in the House of Commons are severely restricted in their ability to table documents.²⁵

The situation in the Yukon Legislative Assembly is somewhat different. Standing Order 37(1) says, "Written questions may be placed on the Order Paper seeking information from

- (a) members of the Executive Council relating to public affairs; and
- (b) private members, including Committee Chairs, relating to any bill, motion or other public matter connected with the business of the Assembly in which such members may be concerned."

Written Question No. 4, standing in the name of Steve Cardiff (Mount Lorne, NDP) related to a forensic auditor's report on the finances of Dawson City. This written question was tabled on November 24, 2004. On April 5, 2005, the Speaker, Hon. Ted Staffen, informed the Assembly that "Written Question No. 4, standing in the name of the Member for Mount Lorne, has been dropped from the Order Paper, as the document being requested in that written question has been tabled." (*Hansard* 3833; *Journals* 299)

²⁴ *House of Commons Procedure and Practice* page 438

²⁵ *House of Commons Procedure and Practice* page 519

Statistical Summary

Table 1: Sitting Days

| | Monday | Tuesday | Wednesday | Thursday | Total |
|--------------|----------|----------|-----------|----------|-----------|
| March | 0 | 1 | 1 | 2 | 4 |
| April | 4 | 4 | 4 | 4 | 16 |
| May | 3 | 3 | 2 | 2 | 10 |
| Total | 7 | 8 | 7 | 8 | 30 |

Table 2: Allocation of Sitting Time

| | Number | Time consumed | Percentage of sitting time |
|-------------------|------------|-----------------------------|----------------------------|
| Debate on Bills | 5 | 81 hours 48 minutes | 55.6% |
| Debate on Motions | 9 | 25 hours 48 minutes | 17.5% |
| Question Period | 30 | 16 hours 6 minutes | 10.9% |
| Other | n.a. | 23 hours 38 minutes | 16.0% |
| Total | n.a | 147 hours 20 minutes | 100 % |

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.

Table 3: Documents Tabled

| Type | # |
|---------------------|-----------|
| Legislative Returns | 1 |
| Sessional Papers | 37 |
| Filed Documents | 22 |
| Total | 60 |
| | |

Table 4: Daily Routine

| Item | # |
|------------------------|----|
| Tributes | 52 |
| Visitor Introductions | 35 |
| Ministerial Statements | 1 |
| Written Questions | 0 |
| Committee Reports | 1 |
| Petitions Presented | 2 |
| Responses to Petitions | 1 |

Table 5: Documents Tabled pursuant to Standing Order 38(1)

| Date | Document (Tabled by) | Sessional Paper |
|----------------|---|------------------------|
| March 31, 2005 | Report of Forensic Audit and Financial Review of the Town of the City of Dawson, Yukon, by Order of the Assembly pursuant to Motion No. 404 (Hart) | 05-1-142 |
| April 4, 2005 | Auditor General of Canada, Office of the: Report on the Energy Solutions Centre Inc., pursuant to s. 35, <i>Yukon Act</i> (Speaker Staffen) | 05-1-143 |
| | Auditor General of Canada, Office of the: Report on the Mayo-Dawson City Transmission System Project, pursuant to s. 35, <i>Yukon Act</i> (Speaker Staffen) | 05-1-143 |
| April 13, 2005 | OIC 2005/02, An Act Approving Yukon Land Claims Final Agreements and First Nations (Yukon) Self-Government Act (Kwanlin Dun First Nation), pursuant to s. 3(2), An Act Approving Yukon Land Claims Final Agreements and s. 3(2), First Nations (Yukon) Self-Government Act (Fentie) | 05-1-148 |
| | Yukon College 2003-04 Annual Report and audited Financial Statements (dated June 30, 2004) prepared by the Office of the Auditor General of Canada, pursuant to s. 16(3), <i>Yukon College Act</i> (Edzerza) | 05-1-151 |
| | Political Contributions, 2004: Report of the Chief Electoral Officer of Yukon (dated April 2005), pursuant to s. 398, <i>Elections Act</i> (Speaker Staffen) | 05-1-153 |
| May 11, 2005 | Crime Prevention and Victim Services Trust Fund annual report 2002-03, pursuant to s. 9, <i>Crime Prevention and Victim Services Trust Act</i> (Edzerza) | 05-1-171 |
| | Crime Prevention and Victim Services Trust Fund annual report 2003-04, pursuant to s. 9, <i>Crime Prevention and Victim Services Trust Act</i> (Edzerza) | 05-1-172 |
| May 17, 2005 | Report on the Audit of the Yukon Government's performance under the <i>Environment Act</i> , dated March 2005, pursuant to s. 46(1), <i>Environment Act</i> (Fentie) | 05-1-174 |

Table 6: Bills

| Bills | Government | Private Members | Total |
|--------------------|-------------------|------------------------|--------------|
| Introduced | 5 | 2 | 7 |
| Ruled Out of Order | 0 | 1 | 1 |
| Debated | 5 | 0 | 5 |
| Passed | 5 | 0 | 5 |
| Negatived | 0 | 0 | 0 |
| Assented to | 5 | 0 | 5 |

Table 7: Time devoted to individual bills

| Bill No. & Name | Second Reading | Committee of the Whole | Third Reading | Total |
|--|------------------------|------------------------|----------------------|------------------------|
| 15. <i>First Appropriation Act, 2005-06</i> | 11 hours 29 minutes | 64 hours 5 minutes | 5 minutes | 75 hours 39 minutes |
| 56. <i>Dawson Municipal Governance Restoration Act</i> | 1 hour 9 minutes | 56 minutes | 48 minutes | 2 hours 53 minutes |
| 14. <i>Interim Supply Appropriation Act, 2005-06</i> | 25 minutes | 1 hour 22 minutes | 15 minutes | 2 hours 2 minutes |
| 13. <i>Third Appropriation Act, 2004-05</i> | 18 minutes | 22 minutes | 7 minutes | 47 minutes |
| 55. <i>Miscellaneous Statute Law Amendment Act, 2005</i> | 13 minutes | 7 minutes | 7 minutes | 27 minutes |
| Total (5) | 13 hours 34 minutes | 66 hours 52 minutes | 1 hour 22 minutes | 81 hours 48 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 8: Appropriation Bills, Committee of the Whole debate by department

| Department | Bill No. 13 | | Bill No. 15 | | Total | |
|---------------------------|--|---------|-------------|---------|-------|---------|
| | hours | minutes | hours | minutes | hours | minutes |
| Health & Social Services | none | | 16 | 28 | 16 | 28 |
| General debate | | 22 | 11 | 0 | 11 | 22 |
| Energy, Mines & Resources | No debate on individual votes as they were all cleared by unanimous consent. | | 5 | 49 | 5 | 49 |
| Tourism & Culture | | | 5 | 3 | 5 | 3 |
| Justice | | | 4 | 38 | 4 | 38 |
| Education | | | 3 | 20 | 3 | 20 |
| Highways & Public Works | | | 3 | 20 | 3 | 20 |
| Economic Development | | | 2 | 44 | 2 | 44 |
| Environment | | | 2 | 25 | 2 | 25 |
| Finance | | | 2 | 9 | 2 | 9 |
| Community Services | | | 1 | 47 | 1 | 47 |
| Public Service Commission | | | 1 | 17 | 1 | 17 |
| Executive Council Office | | | 1 | 12 | 1 | 12 |
| Women's Directorate | | | 1 | 1 | 1 | 1 |
| Yukon Development Corp. | | | 0 | 59 | 0 | 59 |
| Legislative Assembly | | | 0 | 11 | 0 | 11 |
| Ombudsman | | | 0 | 8 | 0 | 8 |
| Elections Office | 0 | 4 | 0 | 4 | | |
| Loan Capital/Amortization | 0 | 3 | 0 | 3 | | |
| Miscellaneous | 0 | 27 | 0 | 27 | | |
| Total | | 22 | 64 | 5 | 64 | 27 |

Notes on departments:

1. Bills No. 13 was a supplementary appropriation act.
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 9: Motions

| Motions | Government | Private Members | Total |
|------------------------------|------------|-----------------|-------|
| Notice of | 5 | 77 | 82 |
| For the Production of Papers | n.a. | 10 | 10 |
| Committee of the Whole | 0 | 0 | 0 |
| Debated | 2 | 7 | 9 |
| Adjourned Debate | 0 | 6 | 6 |
| Agreed to | 2 | 1 | 3 |
| Negatived | 0 | 0 | 0 |
| Withdrawn | 0 | 8 | 8 |
| Not placed on Order Paper | 0 | 0 | 0 |

Table 10: Time devoted to debate on motions

| Motion # & Subject | Debate | | Disposition |
|---|--------|---------|-------------|
| | hours | minutes | |
| 435. Re SCREP making recommendations on code of conduct and decorum in the Yukon Legislative Assembly | 4 | 22 | adjourned |
| 459. Re Urging Government of Yukon to spend its \$20 million share of the Health Care Accord on various programs and services | 4 | 12 | adjourned |
| 407. Re Use of public/private partnerships for major capital infrastructure | 4 | 11 | adjourned |
| 427. Re Development of an anti-poverty strategy | 4 | 6 | adjourned |
| 426. Re Protection of park area bounded by Rabbit's Foot Canyon, Mountainview Drive and McIntyre Creek | 3 | 53 | adjourned |
| 419. Re Government's enhancement of wildlife viewing opportunities | 3 | 1 | adjourned |
| 411. Re Fiduciary responsibility for medical funding needs of Mackenzie Olsen | 1 | 20 | Agreed to |
| 451. Re Reappointment of David Jones as Conflicts Commissioner | | 23 | Agreed to |
| 404. Re House order to table report of Forensic Audit and Financial Review of Dawson City | | 20 | Agreed to |
| Total (9) 3 agreed to, 6 adjourned debate | 25 | 48 | |

Table 11: Irregular Motions Withdrawn from the Order Paper

| Date | Motion | Sponsor, Reason withdrawn | Reference |
|----------------|---------|---|-----------------------------------|
| March 24, 2005 | No. 39 | Duncan, outdated | <i>Hansard 3669; Journals 287</i> |
| | No. 76 | McRobb, outdated | <i>Hansard 3669; Journals 287</i> |
| | No. 131 | Duncan, outdated | <i>Hansard 3669; Journals 287</i> |
| | No. 139 | Duncan, related to a bill that has passed the House | <i>Hansard 3669; Journals 287</i> |
| | No. 220 | Hassard, outdated | <i>Hansard 3669; Journals 287</i> |
| | No. 342 | Hardy, outdated | <i>Hansard 3669; Journals 287</i> |
| | No. 344 | Hardy, outdated | <i>Hansard 3669; Journals 287</i> |
| | No. 372 | Duncan, outdated | <i>Hansard 3669; Journals 287</i> |

Table 12: 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. March 24 | 5 | 5 | 5 | 15 | 29:05 | 13:40 | 15:25 | 0:00 | 3 | 0 |
| 2. March 29 | 6 | 6 | 6 | 18 | 36:10 | 15:35 | 19:05 | 1:30 | 4 | 2 |
| 3. March 30 | 6 | 6 | 5 | 17 | 31:00 | 16:15 | 14:45 | 0:00 | 5 | 0 |
| 4. March 31 | 6 | 6 | 5 | 17 | 31:05 | 14:50 | 15:50 | 0:25 | 3 | 2 |
| 5. April 4 | 7 | 7 | 7 | 21 | 30:45 | 17:25 | 13:20 | 0:00 | 4 | 1 |
| 6. April 5 | 6 | 6 | 6 | 18 | 32:40 | 16:40 | 14:20 | 1:40 | 4 | 0 |
| 7. April 6 | 6 | 6 | 6 | 18 | 31:25 | 16:35 | 14:50 | 0:00 | 6 | 0 |
| 8. April 7 | 7 | 7 | 4 | 18 | 29:55 | 16:20 | 13:20 | 0:15 | 4 | 0 |
| 9. April 11 | 6 | 6 | 4 | 16 | 30:20 | 15:15 | 14:45 | 0:20 | 6 | 2 |
| 10. April 12 | 6 | 6 | 6 | 18 | 29:45 | 15:55 | 13:30 | 0:20 | 6 | 1 |
| 11. April 13 | 7 | 7 | 5 | 19 | 32:50 | 16:20 | 16:10 | 0:20 | 2 | 0 |
| 12. April 14 | 6 | 6 | 6 | 18 | 33:30 | 16:55 | 13:10 | 3:25 | 6 | 0 |
| 13. April 18 | 7 | 7 | 6 | 20 | 31:35 | 17:05 | 13:35 | 0:55 | 4 | 0 |
| 14. April 19 | 6 | 6 | 6 | 18 | 32:40 | 16:20 | 12:10 | 4:10 | 4 | 0 |
| 15. April 20 | 7 | 7 | 7 | 21 | 33:30 | 18:55 | 14:15 | 0:20 | 5 | 0 |
| 16. April 21 | 7 | 7 | 6 | 20 | 31:40 | 17:35 | 12:45 | 1:20 | 5 | 0 |
| 17. April 25 | 6 | 6 | 6 | 18 | 32:40 | 17:00 | 14:05 | 1:35 | 8 | 0 |
| 18. April 26 | 6 | 6 | 6 | 18 | 31:20 | 14:55 | 14:50 | 1:35 | 8 | 0 |
| 19. April 27 | 5 | 5 | 4 | 14 | 29:20 | 13:35 | 15:20 | 0:25 | 5 | 1 |
| 20. April 28 | 5 | 5 | 5 | 15 | 29:55 | 12:55 | 15:40 | 1:20 | 3 | 1 |
| 21. May 2 | 7 | 7 | 6 | 20 | 34:15 | 14:05 | 20:00 | 0:10 | 1 | 2 |
| 22. May 3 | 7 | 7 | 6 | 20 | 35:15 | 19:10 | 16:05 | 0:00 | 9 | 1 |
| 23. May 4 | 5 | 5 | 5 | 15 | 28:55 | 13:35 | 15:00 | 0:20 | 1 | 1 |
| 24. May 5 | 8 | 8 | 6 | 22 | 34:40 | 18:00 | 15:20 | 1:20 | 3 | 0 |
| 25. May 9 | 6 | 6 | 6 | 18 | 34:35 | 14:00 | 19:55 | 0:40 | 0 | 0 |

| | | | | | | | | | | |
|------------|-----------|----------|----------|-----------|----------|--------------|--------------|-------|-----|----|
| 26. May 10 | 6 | 6 | 6 | 18 | 31:35 | 13:50 | 15:50 | 2:15 | 3 | 0 |
| 27. May 11 | 6 | 6 | 6 | 18 | 29:50 | 14:05 | 15:45 | 0:00 | 1 | 1 |
| 28. May 12 | 7 | 7 | 4 | 18 | 34:30 | 15:15 | 18:05 | 1:10 | 1 | 1 |
| 29. May 16 | 7 | 7 | 5 | 19 | 34:30 | 15:35 | 17:35 | 1:20 | 4 | 1 |
| 30. May 17 | 23 | <i>1</i> | <i>1</i> | 25 | 36:00 | <i>10:40</i> | 24:15 | 1:05 | 0 | 0 |
| Total | 205 | 183 | 162 | 550 | 16:05:35 | 7:48:20 | 7:49:00 | 28:15 | 118 | 17 |

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

Table 13: Questions posed in Question Period by Caucus

| | Main | First Supp. | Final Supp. | Total |
|---------------------------|------|----------------|----------------|-------|
| Official Opposition (NDP) | 170 | 152 | 131 | 453 |
| Third Party (Liberal) | 35 | 31 | 31 | 97 |
| total | 205 | 183 | 162 | 550 |

Table 14: Divisions

| Date | Item | Decision | References |
|----------|---------------------------------------|-----------------|--|
| March 29 | Bill No. 14 (2 nd Reading) | Agreed to, 14-0 | <i>Hansard 3705; Journals 290</i> |
| March 31 | Bill No. 14 (3 rd Reading) | Agreed to, 13-0 | <i>Hansard 3773; Journals 293</i> |
| | Motion No. 404 | Agreed to, 9-5 | <i>Hansard 3775; Journals 294</i> |
| April 4 | Bill No. 15 (2 nd Reading) | Agreed to, 8-5 | <i>Hansard 3831; Journals 297</i> |
| April 6 | Motion No. 411 | Agreed to, 13-0 | <i>Hansard 3878; Journals 303</i> |
| April 28 | Motion No. 451 | Agreed to, 14-1 | <i>Hansard 4275; Journals 325-326</i> |
| May 2 | Bill No. 55 (2 nd Reading) | Agreed to, 15-0 | <i>Hansard 4303; Journals 328</i> |
| May 3 | Bill No. 13 (2 nd Reading) | Agreed to, 14-1 | <i>Hansard 4333; Journals 329-330</i> |
| May 4 | Motion No. 459 (amendment) | Negatived, 6-8 | <i>Hansard 4382; Journals 333</i> |
| May 5 | Bill No. 56 (2 nd Reading) | Agreed to, 8-6 | <i>Hansard 4431; Journals 337-338</i> |
| May 10 | Bill No. 56 (3 rd Reading) | Agreed to, 10-6 | <i>Hansard 4461; Journals 340</i> |
| | Bill No. 55 (3 rd Reading) | Agreed to, 16-0 | <i>Hansard 4462; Journals 341</i> |
| | Bill No. 13 (3 rd Reading) | Agreed to, 10-6 | |
| May 17 | Bill No. 15 (3 rd Reading) | Agreed to, 9-6 | <i>Hansard 4600-4601; Journals 352</i> |

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