

**PROCEDURAL REPORT
2006 SPRING SITTING**

**YUKON
LEGISLATIVE ASSEMBLY**



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Speaker: The Hon. Ted Staffen

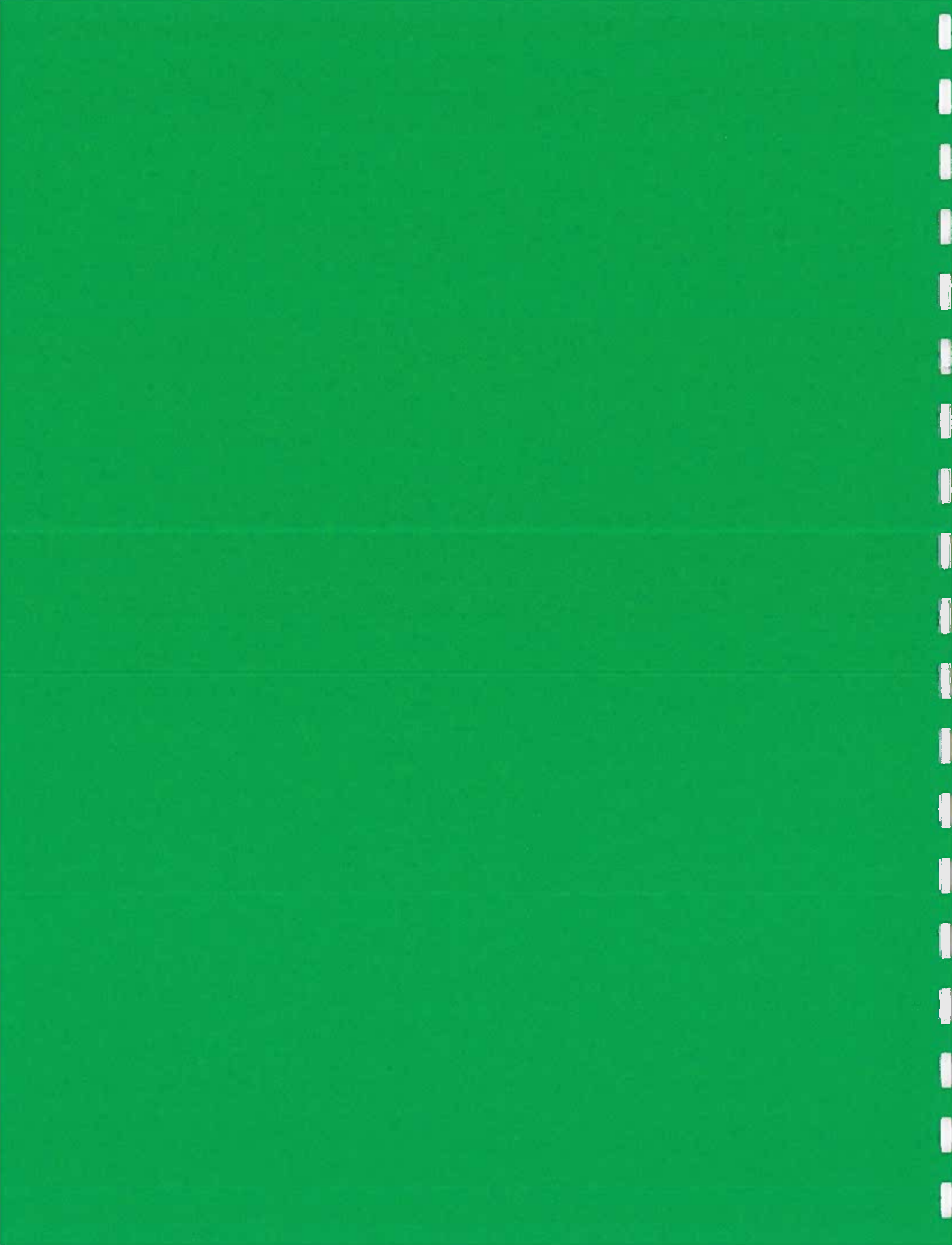


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Preface

*"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 2006 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 report 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

Many of the procedural events that transpired during the 2006 Spring Sitting involved Members suggesting – or directly alleging – improper behaviour by other Members. These allegations consisted of charges of illegal behaviour, unethical behaviour and conflict of interest. Of particular frequency were instances where a Member questioned the ethics of another Member. The entries ‘Charge against another Member’ and ‘Unparliamentary Language, Offending the practices and precedents of the Assembly’ contain examples of this. These accusations continued even though Members were consistently informed by the Chair that such charges were not in order and may only be raised in the House by way of a substantive motion for which notice must be given. That route has yet to be taken.

Ethical behaviour was the subject of debate on April 19, 2006 when the Assembly dealt with Motion No. 515. The motion in its amended form read, “THAT this House urges the Government of Yukon and all Yukon MLAs to conduct their affairs according to the highest ethical standards.” This amended motion was adopted by a vote of 13-0. Nonetheless, Members continued to make allegations against one another after the Assembly adopted this motion.

Another procedural development was points of order raised where a Member objected to the manner in which his or her words were interpreted by another Member. As the entry ‘Interpreting another Member’s words’ shows such instances are usually ruled to constitute a dispute between Members. However, such reinterpretations can be out of order if they are done in such a way as to attribute a false or unavowed motive to the Member whose words are being reinterpreted.

While this procedural report is largely a compendium of conflict, it also records some instances where multi-party cooperation – or even unanimity – is in evidence. Of note in this regard was a change to the Standing Orders. On May 11, 2006 the Assembly adopted a motion that changed the normal hour of adjournment from 6:00 p.m. to 5:30 p.m. As explained in the entry ‘Adjournment, Normal hour of’ the motion was the product of discussions conducted by the recently formed ‘women’s caucus’, which included the three women MLAs, one from each of the political parties represented in the Assembly. The caucus’ success in drafting this amendment, and persuading a majority of their colleagues to vote for it, led other Members to suggest that the caucus should address other rules and practices that, in the opinion of some Members, require amendment. However, no further changes were made to the Standing Orders.

The 2006 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 successfully on seven occasions to deem all content of a bill read and agreed to; fourteen times to deem all lines in a vote cleared or carried, as required; and once to deem an amendment read and carried. There was also some unanimity on substantive issues. Of the 22 divisions taken during the 2006 Spring Sitting unanimous agreement of all members present for the vote was recorded on 17 occasions. (see Table 14 ‘Divisions’ in the Statistical Summary)

Procedural Issues

Adjournment

Normal hour of

On May 9, 2006 Hon. Elaine Taylor (Whitehorse West, Yukon Party) gave notice of the following motion:

THAT the Standing Orders of the Yukon Legislative Assembly be amended, effective the next sitting day after this motion is adopted, by replacing Standing Order 2(1) with the following:

2(1) 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 5:30 p.m..

The intent of the motion was to change the normal hour of adjournment which, according to Standing Order 2(1), was 6:00 p.m. The motion was brought forward for debate on May 11, 2006. Although the motion was brought forward as a government motion, it was the product of discussions conducted by the recently formed 'women's caucus', comprised of the three female MLAs – Ms. Taylor, Pat Duncan (Porter Creek South, Liberal) and Lorraine Peter (Vuntut Gwitchin, NDP). The caucus' success in fashioning this amendment to the Standing Orders inspired other members to suggest that the caucus address other rules and practices that, in the opinion of some members, require amendment.

During the course of his remarks Hon. Jim Kenyon (Porter Creek North, Yukon Party) thanked the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) for allowing a "free vote" on the motion. (Hansard 6244) The Premier made no reference to a free vote during his speech. Hon. Mr. Kenyon was the only member to vote against the motion on division. The Assembly adopted the motion by a vote of 15-1. (*Hansard* 6245-6246; *Journals* 465-466)

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 has been dealt with. These new standing orders were first used in the 2002 Spring Sitting.

May 24, 2006 proved to be the final sitting day of the 2006 Spring Sitting. On that day, following the Assent to Bills by the Commissioner, Hon. Geraldine van Bibber, the Speaker, Hon. Ted Staffen, adjourned the House saying

As the House has reached the maximum number of days permitted in 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* 6435; *Journals* 481)

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 Commissioner, Hon. Geraldine van Bibber, entered the Chamber on two occasions to grant Assent to bills. On April 11, 2006 Commissioner van Bibber granted Assent to *Interim Supply Appropriation Act, 2006-07*; and *Dawson Municipal Election Act (2006)* (*Hansard* 5724; *Journals* 433-434). On May 24, 2006 the Commissioner granted Assent to *Safer Communities and Neighbourhoods Act*; *Act to Amend the Securities Act*; *Third Appropriation Act, 2005-06*; *First Appropriation Act, 2006-07*; *Act to Amend the Income Tax Act (2006)*; *Act to Repeal the Physiotherapists Act*; and *Canadian Blood Services Indemnification Act*. (*Hansard* 6434; *Journals* 480-481)

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.”² *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.”³ Such remarks cannot merely be injected in debate. During the 2006 Spring Sitting charges made by Members against one another fell into the categories of allegations of illegal behaviour, unethical behaviour and conflict of interest. Allegations of illegal behaviour included the following:

On April 3, 2006 the Assembly debated Bill No. 20, *First Appropriation Act, 2006-07*, at second reading. At a point during the debate Hon. Archie Lang (Porter Creek Centre, Yukon Party) commented on remarks made by the leader of the third party, Arthur Mitchell (Copperbelt, Liberal). Hon. Mr. Lang said, “the member stands up and says we took his idea about this tuition, we stole it, publicly stole it. Is that all the member opposite can talk about? At that point the Speaker, Hon. Ted Staffen, called for order and said, “I don’t believe [Mr. Mitchell] accused the government of stealing. I would just ask the member to be a little temperate, please.” Hon. Mr. Lang then apologized for using the word “stole.” (*Hansard* 5569)

² 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.

³ *House of Commons Procedure and Practice*, page 525.

During Question Period on April 13, 2006 Peter Jenkins (Klondike, Independent) asked the Minister of Energy, Mines & Resources, Hon. Mr. Lang, questions regarding a land application in the Mayo area. Mr. Jenkins concluded his main question by asking: "...why has he allowed his department to proceed with granting this enlarged parcel of land, knowing full well it is being done through incorrect process, in error and may even be illegal?" During the course of his first supplementary question Mr. Jenkins said, "this smacks of collusion; it may even be illegal." During his final supplementary question he said that "due process...had been circumvented either by collusion or major errors..."

At that point Speaker Staffen called for order and said, "Before the hon. member answers the question, the Member for Klondike's suggestion that there is collusion seems, from the Chair's perspective, to indicate that the minister is condoning an illegal move. I would ask the member not to suggest that." (*Hansard 5776*)

On May 23, 2006 Committee of the Whole considered the estimates for the Department of Energy, Mines and Resources in Bill No. 20. With respect to an issue regarding the awarding of title to a parcel of land Mr. Jenkins said, "It's a travesty of justice that this has happened and the minister appears to be determined to follow through on a commitment that was done in error, made in error or perhaps in collusion with a number of parties."

The Committee Chair, Patrick Rouble, intervened at that point and said

The member should look behind him; there is the line and it has definitely been crossed. Such a statement is entirely inappropriate in this Assembly and out of order.

I will ask the member to retract the statement.

Mr. Jenkins offered to "retract the statement that there was collusion in this case, Mr. Chair." However that retraction was not complete enough for the Chair. The Chair said

The Chair's role here is to ensure that order and decorum is met and that the Standing Orders that we've all agreed to will be followed. We must all understand that we have certain rights that are bestowed upon us as members of the Legislative Assembly. However, with those rights comes a certain amount of responsibility. I will once again ask the member to withdraw his comments without the qualifications.

Mr. Jenkins then withdrew his comments without qualification. (*Hansard 6396*)

Allegations of unethical behaviour included the following: On May 3, 2006 the House debated Bill No. 112, *Act to Amend the Legislative Assembly Act*, a private member's bill standing in the name of the leader of the third party, Todd Hardy (Whitehorse Centre, NDP). The bill proposed to amend the *Legislative Assembly Act* by "adding the following section immediately after section 20:

20.1 A member who

- (a) is elected with the endorsement of a political party; and
- (b) ceases to belong to the caucus of that party during the term for which that member was elected

must sit in the Legislative Assembly as an independent and is to be treated as such for the purposes of this Act and all proceedings in the Legislative Assembly during the remainder of the member's term.

The debate on this bill followed events in which two members were removed from the New Democratic Party caucus. Those members subsequently joined the Liberal Party caucus. In closing second reading debate on the bill Mr. Hardy said, "The leader of the official opposition offered something to these two —." At that point Speaker Staffen intervened and reminded Mr. Hardy that he had "corrected the leader of the official opposition with regard to implying that something happened. I would ask the honourable member to use the same restraint as the leader of the official opposition." (*Hansard* 6092)

During Question Period on May 18, 2006 the leader of the official opposition, Arthur Mitchell (Copperbelt, Liberal), asked questions of the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), regarding outfitter concessions. During the course of his first supplementary question Mr. Mitchell said, "The Yukon Party government has decided on its way out the door to give a parting gift to Yukon outfitters." Speaker Staffen then called for order saying, "Would one think there might be an implication of government malfeasance in that statement? I'd ask the honourable member not to use that terminology." (*Hansard* 6354)

Allegations of conflict of interest included the following: During Question Period on April 5, 2006 Mr. Mitchell questioned Hon. Mr. Lang about land development in Porter Creek. He claimed that Hon. Mr. Lang

has a confidential deal with a former Yukon Party candidate to try to develop 44 lots in the middle of Porter Creek. He has presided over one mess after another as the minister responsible for lands: Fish Lake, the Yukon Agricultural Association, now Porter Creek, his own riding.

The minister is unable to separate his personal interests from his duties as minister. It's time for a change at the top. Will the minister resign?

At that point Speaker Staffen intervened and said, "Before the government side answers, the implication that the member has personal business and that he is benefiting personally from anything that happens within the walls of this Legislative Assembly is clearly out of order, and I'd ask [Mr. Mitchell] to not do that again, please." (*Hansard* 5617)

During Question Period on April 10, 2006 Gary McRobb (Kluane, Liberal) questioned Hon. Mr. Lang on the same subject. During his main question Mr. McRobb repeated the claim that "The minister has a confidential deal with a private developer on some greenbelt lots in the middle of Porter Creek." He added:

Part of that deal involves selling the land in question to the developer for a nominal fee, something far less than market value, according to the developer. A disturbing pattern has emerged. It shows how the minister really has no idea what's going on in his department.

In his response Hon. Mr. Lang said Mr. McRobb "is not stating facts on the floor here this afternoon." At that point Speaker Staffen called for order and said,

Before the member rises, the minister is getting very close to accusing the Member for Kluane of uttering a falsehood. I understand the nature of the debate here, because I feel that the Member for Kluane is also being very close to accusing the member of a conflict of interest. We have remedies for conflict of interest in our Standing Orders, so I would ask the

Member for Kluane to please keep that in mind while asking the questions and the honourable minister while answering the questions.

Mr. McRobb then asked his first supplementary question. He said Hon. Mr. Lang, “had time to make a deal with a fellow member of the Yukon Party and sign a letter on his behalf, but he hasn’t the time to sign the land protocol.” At that point Hon. Jim Kenyon (Porter Creek North, Yukon Party) rose on a point of order, arguing that Mr. McRobb’s suggestion that Hon. Mr. Lang had made a deal with a fellow Yukon Party member was not in order. Speaker Staffen agreed with Hon. Mr. Kenyon saying and asked Mr. McRobb “to rein himself in a little.” (*Hansard* 5681)

On May 2, 2006 Committee of the Whole considered the estimates for the Executive Council Office contained in Bill No. 20. At one during the debate the minister responsible for that office, the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) made reference to Mr. McRobb having “ensure[d] the government of the day [during the 29th Legislature] burned \$4-million worth of diesel versus using hydro, which contributed to global warming.” At that point the Committee Chair, Patrick Rouble, called for order and said he “believe[d] this issue has been discussed in the past and the Speaker has ruled on it.” (*Hansard* 6049)

The issue the Chair referred to is an unfounded allegation of conflict of interest levelled against Mr. McRobb. Speaker Staffen had ruled such references out of order on four previous occasions.⁴

Committee of the Whole

Clearing a line item

On May 18, 2006 Committee of the Whole considered the estimates for the Department of Health and Social Services in Bill No. 20, *First Appropriation Act, 2006-07*. At a point in this consideration the committee proceeded to line-by-line analysis of the departmental estimates. When the line ‘Policy and Program Development’ was called no member indicated a desire to debate it. The Committee Chair, Patrick Rouble, therefore declared that the line had ‘cleared’ and prepared to move to the next line item. At that point Gary McRobb (Kluane, Liberal) rose and said

Mr. Chair, it is my understanding that accepted procedure in here means that the Chair does not clear an item unless the opposition side indicates they wanted to clear it. I was waiting for the minister to stand up and give a breakdown and I didn’t hear any member of the opposition parties say “Clear.”

In response Mr. Rouble informed the Committee that

the standard is that if a member wishes to speak, he shall rise in his place. In fact at 5:00 p.m. on November 17, 2003, the Chair was directed by the Member for Mayo-Tatchun that if members of the opposition did not rise on an item, that being a clause in a bill or a line item in a budget cited, the Chair should take it as a sign that the official opposition does not object

⁴ See Yukon Legislative Assembly, *Hansard: First Session of the 31st Legislature, Volume 3 (October 30, 2003 – December 16, 2003)* page 1530 (December 1, 2003); *Volume 4 (March 25, 2004 – April 22, 2004)*, pages 2077-2078 (April 8, 2004); *Volume 8 (March 24, 2005 – April 21, 2005)*, page 4115 (April 20, 2005); *Volume 11 (November 21, 2005 – December 19, 2005)*, page 5358 (December 12, 2005).

to that item being declared carried. As that was the direction given from a member of the opposition, that has been the Chair's practice. If members wish to make a point or wish to debate the line, they should rise in their place and they will be recognized. (*Hansard* 6366)

Correcting the Record

Rising on a point of order to correct or clarify the record may indicate be a dispute between members or the addition of useful information to the debate on the question before the House. However, such interventions are never a point of order. The Chair of Committee of the Whole, Patrick Rouble, made this point three times on May 2, 2006 during consideration of Bill No. 20, *First Appropriation Act, 2006-07*.

The first instance occurred during consideration of the estimates for the Executive Council Office when the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), referred to Gary McRobb (Kluane, Liberal) as "one of the loudest proponents of not addressing [the spruce bark beetle infestation] through harvest prescriptions in the region." At that point Mr. McRobb rose on a point of order. He said

Mr. Chair, we have to correct the record right now. That member happened to be the forestry commissioner for the government at the time. I didn't play a part in that decision; it was pre-devolution. This was under the control of the federal government —

At that point the Chair called for order and said, "As we are all aware, there will be different opinions expressed in this Assembly, and those positions may be entered into debate. Raising a point of clarification is not a point of order, but members will have an opportunity in general debate to present their position on the issue." (*Hansard* 6049)

The second instance occurred after Hon. Mr. Fentie responded to a question from the leader of the third party, Todd Hardy (Whitehorse Centre, NDP). At the conclusion of the response Mr. Hardy took the floor and said, "I did have a question." At that point Hon. Mr. Fentie rose on a point of order and said, "I was totally enraptured with the issue of what we're dealing with here collectively and omitted to respond to the member on internal audits." The Committee Chair called for order and said, "If this is a matter of debate, when the member next has his turn he can add the information. but it's not a point of order." As it turned out Mr. Hardy allowed Hon. Mr. Fentie to have the floor and provide the response regarding internal audits. (*Hansard* 6055)

The third instance occurred during consideration of the estimates for the Department of Economic Development. During that debate the minister responsible for the department, Hon. Jim Kenyon (Porter Creek North, Yukon Party), attributed a comment about "space ports" to the leader of the third party, Todd Hardy (Whitehorse Centre, NDP). Mr. Hardy then called for a point of order. Before giving Mr. Hardy the floor the Committee Chair said

Mr. Hardy, on a point of order, which as we have discussed several times today is not an opportunity to raise a point of fact, but to raise a point of order about whether the rules of debate have been followed.

Mr. Hardy then said he "want[ed] to ensure that comments made in this Legislative Assembly are not attributed to me when I have not made them." Consistent with his previous comment the Chair ruled there was no point of order. (*Hansard* 6063)

Documents, tabling of

Extraneous comments

The established practice in the Yukon Legislative Assembly is that sessional papers and filed documents are tabled without comment, other than identifying the document by title.

On May 18, 2006 Eric Fairclough (Mayo-Tatchun, Liberal) tabled two filed documents in the following manner:

Mr. Fairclough: Mr. Speaker, I have for tabling the big game outfitting land application policy. On the bottom it is dated October 6, 2005. This was a policy that was adopted by the government.

I also have for tabling the big game outfitting land application policy. On the bottom it is dated April 11. This is the present policy that the government is using. It did not go through any public consultation.

Thank you.

In accordance with the established practice the Speaker, Hon. Ted Staffen, intervened saying, "Comments are not necessary for tabling documents. You just table the documents, please." (*Hansard* 6350)

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."⁵ 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 6, 2006 the Assembly debated Bill No. 20, *First Appropriation Act, 2006-07*, at second reading. Gary McRobb (Kluane, Liberal) rose on a point of order during a speech by Dean Hassard (Pelly-Nisutlin, Yukon Party). Mr. McRobb explained his intervention:

I'm concerned the member is reading from a document that needs to be tabled. I suspect he's reading from a community budget breakdown, the very document I have identified earlier that the government has insisted it won't provide to all members of the Assembly. That's the only explanation for him to read the projects by community. That information is not compiled in any other document, except for a community budget breakdown. As is consistent with the precedents of this House, I ask that that document be provided to all members in this Assembly.

The Speaker, Hon. Ted Staffen, then recognized the government House leader, Hon. Brad Cathers, to speak to the point of order. Hon. Mr. Cathers informed the House that

The Member for Pelly-Nisutlin is simply reading from his notes. The Member for Pelly-Nisutlin is fully involved in the activities in his communities and is a very effective lobbyist for projects for his community. So he is well aware of those projects. It is standard practice

⁵ *House of Commons Procedure and Practice*, page 518.

that members may read from those notes, including any and all items that they are aware of. Since he is not reading from a community breakdown, there is no need to table his personal notes, I would suggest to you, based on past practice of the House.

Speaker Staffen ruled that he “did not hear the Member for Pelly-Nisutlin quoting from a document. He was simply, from the Chair’s perspective, reading a relatively well-prepared speech.” He then asked Mr. Hassard “to carry on.” (*Hansard* 5668)

On April 12, 2006 the Assembly debated Motion No. 638, standing in the name of Patrick Rouble (Southern Lakes, Yukon Party). During the course of his opening remarks Mr. Rouble referred to *Pathways to Prosperity*, a Department of Economic Development document that “outlines a vision of a prosperous Yukon economy toward 2025.” After some time Steve Cardiff (Mount Lorne, NDP) rose on a point of order and said

the Member for Southern Lakes, in his remarks a few minutes ago, was quoting from a document called *Pathways to Prosperity*. We have not seen that document here in this Legislature. As a matter of fact, it was referred to in the budget speech and I went and looked for it on the Department of Economic Development’s Web site and I couldn’t find it anywhere. I haven’t been able to find it in government publications and we would appreciate it — it’s customary that if the member quotes a document it is provided to Members of the Legislative Assembly. He says it’s a policy document and a guiding light for the government, and we’d appreciate receiving that.

The government House leader, Hon. Brad Cathers (Lake Laberge, Yukon Party), then intervened saying

The Member for Southern Lakes was quoting from his speaking notes. The fact that he referred to a policy document that will be forthcoming does not equate to quoting that document. He was referring to his speaking notes, and it is long-standing practice of this Assembly that members may do so and are not required to table personal notes.

Mr. Rouble then contributed to the discussion of the point of order, saying:

I’ll make this very simple. I don’t have the document. I have a briefing note that included the vision statement on it, which I have read and put on the record. I don’t have the document, *Pathways to Prosperity*.

Pat Duncan (Porter Creek South, Liberal) then gained Speaker Staffen’s attention and said:

Mr. Speaker, the Member for Southern Lakes had a blue-coloured document in this hand and held it up and made reference to it — made references to the document. What is the document he is referring to? His reference was to *Pathways to Prosperity*. He may have just a briefing note in his hand, but he is nonetheless quoting from something that we have not had the opportunity to see. I would respectfully request that we do have the ability to review such a document. It is apparently germane to this debate, Mr. Speaker.

The leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) then gained the floor and said:

I also would like to point out that the member himself had identified the fact that he was quoting a vision statement from the document. He had quoted a vision statement; therefore he has quoted from the document. If you quote from a document, the document needs to be made available for the other Members of the Legislative Assembly in order for us to have a proper debate. He has quoted from it — unless he wants to stand up and say he has not quoted from it.

The Minister of Economic Development, Hon. Jim Kenyon (Porter Creek North, Yukon Party) then entered the discussion on the point of order. He said:

Given the problems that we have had in this House so far this session with some members quoting from parts of documents, I would like to use this opportunity — and I'm sure members of the department are listening in on this — to direct them to deliver 22 copies to this House as soon as possible.

Mr. Hardy then rose to thank Hon. Mr. Kenyon for his offer, adding

It's a good thing in this House to see that cooperation. My only question: can we have it delivered as soon as possible? If this member continues to use it in his address, we want to be able to look at it and be part of that discussion. So can it be delivered here today?

In order to facilitate this Hon. Mr. Kenyon then proposed that the House “that we take a recess for 15 minutes to produce the document.” Speaker Staffen put the request to the House and unanimous consent was granted for a 15-minute recess. (*Hansard* 5748)

All Members and the Table Officers rejoice whenever the House proceeds by unanimous consent. However, the above exchange was procedurally problematic for three reasons. The first reason is that members are not required to furnish other members with their research. Though the point is not explicitly made, it appears that the document is in the public domain. If that is the case tabling is not required.

The second problem is that Mr. Cardiff, Ms. Duncan and Mr. Hardy referred to Mr. Rouble as quoting from the document. However, the *Hansard* transcript does not indicate that Mr. Rouble was quoting from the document. The transcript indicates that he was paraphrasing information contained in it.

A third problem is that the Standing Orders do not make provision for recesses to be taken during the sitting day. While it is common for recesses to take place during Committee of the Whole it is highly unusual, and arguably inadvisable, for that to happen with the Speaker in the Chair.

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.” Required tablings are entered into the Assembly's working papers as ‘Sessional Papers.’ Table 5 in the statistical summary

illustrates documents tabled during the 2006 Spring Sitting and the authority for their tabling. The Speaker tabled other required tablings (see Presiding Officers, tabling by).

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. Some of these documents may be entered into the Assembly’s working papers as ‘Filed Documents.’ Others may be distributed, but not entered into the working papers. The complete list of Sessional Papers and Filed Documents tabled during the 2006 Spring Sitting can be found in the *Hansard* index and in the *Journals* index.

Interpreting another member’s words

On April 3, 2006 the Assembly debated Bill No. 20, *First Appropriation Act, 2006-07*, at second reading. During the course of debate the Minister of Energy, Mines and Resources, Hon. Archie Lang (Porter Creek Centre, Yukon Party), made reference to comments made that day in Question Period by the leader of the third party, Arthur Mitchell (Copperbelt, Liberal). Hon. Mr. Lang said Mr. Mitchell

is recommending that we turn the money back to Ottawa. In the comments today in Question Period, he said to give the money back to Ottawa, that we, as Yukoners and as Canadians, as partners in this federation, somehow are getting resources that we don’t deserve.

Mr. Speaker, the irresponsibility of that, the logic of that — that we as Yukoners would not be treated equally as other Canadians are — I find amazing.

The leader of the Liberal Party recommends that we send the money back. I find that amazing.

At that point Mr. Mitchell rose on a point of order, saying

I do not believe that anywhere in *Hansard* will it show that, at any time, I recommended sending money back, and I don’t think the member should be putting words in another member’s mouth that are not what the member said, or implying something completely different from what the member said.

The record should be clear, Mr. Speaker.

Following an intervention from Hon. Mr. Cathers (Lake Laberge, Yukon Party) the Speaker, Hon. Ted Staffen, ruled. He said

What we have here is a dispute over a statement, and from the Chair’s perspective, there is no point of order; however, the Minister of Energy, Mines and Resources is putting a little too much rhetoric in his speech, and I would ask him to just pull himself back a little. (*Hansard* 5565)

The Speaker, of course, is correct: procedurally, the reinterpretation of a member’s words constitutes a dispute between members not a point of order. However, the complicating factor is that the dispute is not about facts, but about what a member is supposed to have said. While it is possible to leave the interpretation to readers, such reinterpretation can prove problematic if it leads to disorder. That is a procedural concern of the Chair.

This issue arose again, in similar circumstances, during second reading debate on Bill No. 19, *Third Appropriation Act, 2005-06*. During that debate Mr. Mitchell referred to certain government capital projects where, he said, original cost estimates had proved inaccurate. He said the Canada Winter Games athlete's village project as "over budget and mismanaged." In closing debate on the bill at second reading the Premier and Finance Minister, Hon. Dennis Fentie (Watson Lake, Yukon Party), said Mr. Mitchell "has openly...criticized all those hard-working Yukoners, Yukon contractors, by saying that they're not capable, that they went and mushroomed this project by some \$20 million." At that point Mr. Mitchell rose on a point of order and said

I made no such reference to any of the workers or any of the employees. I questioned the financial stewardship and management of the government. I made no reference to the quality of the work or the efforts or the good intentions of the workers, and I don't believe that that should be said or put into the record.

The government House leader, Hon. Brad Cathers (Lake Laberge, Yukon Party) intervened on the point of order, arguing that this was merely a dispute between members. Speaker Staffen invoked his "right to review the Blues. I understand the point the leader of the third party is making. I also understand the position of the government House leader. I would like the opportunity to review the Blues." (*Hansard* 5992-5993) The Speaker ruled on the matter on May 2, 2006. He said

During second reading of Bill No. 19, *Third Appropriation Act, 2005-2006*, the Hon. Premier said [Mr. Mitchell] had during his speech, "criticized all those hard-working Yukoners, Yukon contractors, by saying they are not capable, that they went and mushroomed the [athletes village] project by some \$20 million."

[Mr. Mitchell] rose on a point of order and said he had "made no such reference to any of the workers or any other employees." He said his remarks "questioned the financial stewardship and management of the government." Further, [Mr. Mitchell] said he "made no reference to the quality of the work or the efforts or the good intentions of the workers, and I don't believe that that should be said or put into the record."

The Chair's review of the Blues presents a difficulty. The Chair's role is to apply rules and established practices related to parliamentary procedure; however, to decide between the versions of events presented by the Premier and [Mr. Mitchell] would require a determination of fact — something that is beyond the Speaker's purview. Strictly speaking, therefore, the Chair must rule that there was no point of order but a dispute between members.

However, the Chair would also remind the House that this is not the first time members have raised a point of order regarding the manner in which their words are reinterpreted by other members. On April 3, 2006, [Mr. Mitchell] raised a similar point of order in regard to the reinterpretation of his remarks by the Minister of Energy, Mines and Resources. At that time the Chair ruled there was no point of order but cautioned the minister about putting too much rhetoric in his speech. The Chair would issue a similar caution to the House at this time, as it is evident that this practice is leading to disorder. (*Hansard* 6047; *Journals* 454-455)

Languages, other than English, use of

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

An example of this occurred on May 23, 2006 when Lorraine Peter (Vuntut Gwitchin, NDP) gave a tribute, on behalf of the House, in recognition of Aboriginal Awareness Week. During the course of the tribute Mrs. Peter spoke in Gwitchin. As a transcript of her remarks were not provided to the *Hansard* office the notation “[*Member spoke in native language. Translation unavailable.*]” appeared in *Hansard*. (*Hansard* 6379)

Where Members use words or phrases that are commonly known (i.e., Mahsi’cho, merçi) no such process is necessary. (see *Hansard* at pages 6042, 6088, 6321, 6239, 6379 and 6380) The use of individual words may also be included in the same way. For example, on May 23, 2006 Gary McRobb (Kluane, Liberal) used the Southern Tutchone word “shakat” during the course of a tribute in remembrance of Bessie Allen. The word was simply inserted into *Hansard* without any special notation. (*Hansard* 6379)

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.”⁶

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.”

On May 3, 2006 Committee of the Whole considered Bill No. 112, *Act to Amend the Legislative Assembly Act*. During the course of debate the leader of the official opposition, Arthur Mitchell (Copperbelt, Liberal), addressed certain questions to the sponsor of the bill, the leader of the third party, Todd Hardy (Whitehorse Centre, NDP). However at the conclusion of Mr. Mitchell’s question it was the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), and not Mr. Hardy who rose. At that point Gary McRobb (Kluane, Liberal) rose on a point of order. He said:

I would like to refresh your memory of the House rules, Mr. Chair. We’re debating a bill, and I believe it’s back and forth. A question was asked to the mover of the bill. It’s not up to another party member to answer the questioner. The procedures of this House are such that it’s back and forth until the member’s time has expired —

At that point the Committee Chair, Patrick Rouble, thanked Mr. McRobb for his intervention and “refresh[ed] [Mr. McRobb’s] memory of Standing Order 17(2), when two or more members rise

⁶ *Beauchesne’s Parliamentary Rules & Forms*, §902(5), page 250.

to speak, the Speaker, or in this case the Chair, shall call upon the member who, in the Speaker's opinion, first rose. When the Chair looked to see who next wished to speak, I only saw one member standing and recognized him." Mr. McRobb again rose on a point of order to make the point that

the person asking the question of the mover of the bill had not completed his questioning. He was waiting for the mover of the bill to stand up and defend his own bill, but the mover of the bill didn't do that because he has something worked out with the Premier to ask questions—

The Chair then reminded the Committee that "it is entirely out of order for a member to impute motives." At that point certain members, who had not been recognized by the Chair, began to interject comments into the proceedings. The Chair insisted on the restoration of order and said to the Committee:

Order has been called for. As all members know, when order is called for, that means we shall have order here. Members shall stop their chit-chatting.

We have all agreed in this Assembly to abide by the standing rules. They are here to facilitate the debate, to allow us to properly and vigorously examine an issue. If members have issues with the Standing Orders, there are mechanisms to deal with those. However, the Chair has noticed in recent days members using an opportunity to raise a point of order inappropriately and, instead, to raise a point of fact in order to put something on the record. Frankly, this habit needs to come to an end. If we are to have any kind of meaningful debate in here, we need to follow the Standing Orders.

It is the Chair's responsibility to ensure we have order and decorum in here and to acknowledge and identify the speakers. We have an unusual situation today. We also have many speakers who want to participate in and contribute to this debate and we have a very limited amount of time to do so.

Let us continue on with debate. Mr. Hardy, you have the floor.

Mr. Hardy then took the floor and made two points, first:

it is my prerogative to sit and listen to comments made in regard to this bill and if I wish to hear comments made by the leader of the Liberal Party, as we debate this bill, and allow other people to also stand up and make those comments before I respond, it is totally appropriate to do that, so I can gather the questions that are being asked and address them in maybe a more collective way without having people jump up and down.

The Chair then called for order and admitted to being "a bit confused with where debate was going and if it was a point of order that you [Mr. Hardy] were wishing to raise. Currently, the last speaker who was recognized before this discussion about the Standing Orders arose was Mr. Fentie." Mr. Rouble then gave Hon. Mr. Fentie the floor to make his comments about Bill No. 112.

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.).⁷ This is the case even where members are quoting from documents.

For example, on May 3, 2006 Committee of the Whole considered Bill No. 112, *Act to Amend the Legislative Assembly Act*. During the course of debate the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) quoted “a statement from the media” that contained the phrase “At that point, Hardy already knew McRobb was...” At that point the Chair of Committee of the Whole, Patrick Rouble, called for order. Hon. Mr. Fentie instantly recognized his procedural *faux pas* and apologized for the use of proper names. (*Hansard* 6095)

Other improper references that drew the intervention of the Chair involved referring to other members in a manner that was not respectful. An example of this occurred during Question Period on May 2, 2006. At that time Eric Fairclough (Mayo-Tatchun, Liberal) questioned the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) regarding the government’s land policy. At one point Hon. Mr. Fentie, recalling Mr. Fairclough’s term as Minister of Renewable Resources during the 29th Legislative Assembly, referred to a time when Mr. Fairclough was “the guru of protected areas that pitted Yukoner against Yukoner in a difficult situation - .” At that point the Speaker, Hon. Ted Staffen, called for order. He reminded Hon. Mr. Fentie that Mr. Fairclough should be referred to as the Member for Mayo-Tatchun, not as the “guru of anything.” (*Hansard* 6044)

Later, during the same debate, Hon. John Edzerza (McIntyre-Takhini, Yukon Party) made reference to “the wild member from Pelly-Nisutlin” and “the timid member from beautiful Southern Lakes.” At that point the Committee Chair, Mr. Patrick Rouble intervened and informed Hon. Mr. Edzerza that “It is inappropriate to add adjectives to the title of MLAs...referring to the beautiful Southern Lakes is entirely appropriate; however, referring to a member as ‘wild’ is out of order.” (*Hansard* 6094)

Moment of silence

The Legislative Assembly observed a moment of silence on April 24, 2006 in honour of the Speaker of the Legislative Assembly of Nunavut, Hon. Jobie Nutarak, who had recently passed away. The Speaker, Hon. Ted Staffen, spoke a few words about Speaker Nutarak following prayers and asked members to remain standing for the moment of silence. (*Hansard* 5893; *Journals* 443)

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.⁸
- (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.

⁷ *Beauchesne's Parliamentary Rules & Forms* §484(1), page 142.

⁸ The wording of this Standing Order is exactly the same as section 29 of the *Yukon Act*.

The appropriation acts introduced in the 2006 Spring Sitting – Bill No. 18, *Interim Supply Appropriation Act, 2006-07*; Bill No. 19, *Third Appropriation Act, 2005-06*; and Bill No. 20, *First Appropriation Act, 2006-07* – were accompanied by money messages, thereby fulfilling the requirement of Standing Order 61(1). (*Journals* 421)

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."⁹

Motions may become irregular for a variety of reasons. The most common reason for withdrawing a motion from the Order Paper is that it has become outdated. In almost all cases this occurs when a motion urges the government to take an action by a specified date. Once that date has passed the motion is irregular and must be withdrawn from the Order Paper.

For example, on March 30, 2006 Peter Jenkins (Klondike, Independent) gave notice of two motions that, respectively, called upon the government to approve and implement new potable water regulations and waste water regulations by April 20, 2006. Once that date had passed the motions became irregular and the Speaker, Hon. Ted Staffen, informed the Assembly that the motions had been withdrawn from the Order Paper. (*Hansard* 5863; *Journals* 442)

Motions may also become 'outdated' should they become overtaken by events. For example, on December 19, 2005 – the final sitting day of the 2005 Fall Sitting – members of the New Democratic Party caucus gave notice of numerous motions that referred to a 40-day sitting in the spring of 2006. Once the 2006 Spring Sitting began the Assembly went through its usual process to determine the length of that Sitting. On April 11, 2006, after having received a report from the government House leader, the Speaker, Hon. Ted Staffen, declared that the 2006 Spring Sitting would last a maximum of 30 sitting days. At that point the motions that referred to a 40-day Sitting became irregular. The following sitting day Speaker Staffen informed the Assembly that these motions would be withdrawn from the Order Paper. (*Hansard* 5739; *Journals* 435)

A motion may also become irregular if the request contained in the motion is fulfilled. For example, on May 8, 2006 Pat Duncan (Porter Creek South, Liberal) gave notice of Motion for the Production of Papers No. 43. The motion recommended that the Minister of Health and Social Services immediately make available to MLAs "an appropriately edited independent report commissioned by the Department of Health and Social Services regarding matters of child welfare policy." (*Hansard* 6137) The document was later provided to Members. On May 11, 2006 Speaker Staffen informed the Assembly that, as the request contained in the motion was fulfilled the motion was now irregular and had been withdrawn from the Order Paper. (*Hansard* 6231) In all four motions were withdrawn for this reason during the 2006 Spring Sitting.

A motion may also be withdrawn from the Order Paper at the request of the member in whose name the motion stands. Members are not required to furnish a reason for this request. Three motions were withdrawn from the Order Paper in this manner during the 2006 Spring Sitting. However, should a motion be identified for debate – as occurs on Tuesdays in preparation for private members' business on Wednesdays – that motion can only be withdrawn

⁹ *Beauchesne's Parliamentary Rules & Forms* §566(3), pages 174-175.

from debate by unanimous consent. Such a withdrawal does not result in the motion being withdrawn from the Order Paper.

Some notices of motion never make it to the Notice Paper. On April 12, 2006 Ms. Duncan gave notice of the following motion:

THAT the people of Porter Creek, residents of the City of Whitehorse and elected municipal politicians desiring certainty with regard to the disposition of the Yukon government-owned land within the Porter Creek area, encourage the Minister of Energy, Mines and Resources and the Minister of Community Services to publicly state the manner and time frame in which decisions will occur in this area. (*Hansard 5771*)

Standing Order 29(1) says, "A motion is used to propose that the Assembly (a) do something; (b) order something to be done; or (c) express an opinion on a matter." However this motion did not propose that the Assembly do any of these things. Therefore, on April 13, 2006 Speaker Staffen informed the House that the motion [No. 643] would not be placed on the Notice Paper.

A full listing of irregular motions that were withdrawn from the Order Paper can be found in Table 11 of the Statistical Summary.

Official Opposition, change in

The results of the 2002 general election left the New Democratic Party's five-member caucus as the official opposition in the Yukon Legislative Assembly. The Liberal Party caucus, comprised of one member, emerged as the third party. The size of these caucuses changed over the course of the 31st Legislative Assembly. The Liberal caucus gained one seat due to a by-election win in November 2005. The NDP caucus was reduced by two when, in February and March 2006, Gary McRobb, the Member for Klwane, and Eric Fairclough, the member for Mayo-Tatchun, were excised from it. Mr. McRobb joined the Liberal caucus before the commencement of the 2006 Spring Sitting giving both opposition caucuses three members. Mr. Fairclough initially sat as an independent member. In this circumstance the NDP retained official opposition status.

This situation changed, however, on May 1, 2006 when Mr. Fairclough joined the Liberal caucus. As the Liberal caucus now outnumbered that of the NDP, the Liberals became the official opposition. Consequently, prior to the daily routine on that day the Speaker, Hon. Ted Staffen, made the following announcement in the Assembly:

Before proceeding to the Order Paper, the Chair would note for the records of the House that, effective today, May 1, 2006, the Yukon Liberal Party caucus becomes the official opposition.

The rotation in Question Period will reflect this change. Accordingly, the Liberal Party caucus will be allocated those question positions reserved to the official opposition. The New Democratic Party caucus will be allocated those question positions reserved to the third party.

Also, as the Member for Mayo-Tatchun is now a member of the Liberal Party caucus, two question positions previously reserved for independent members, those being position 5 on Monday and Wednesday, will now be allocated to the official opposition.

As for private members' business, Standing Order 14.2(2) says, "At the beginning of each session a roster shall be established for the purpose of determining the order of business on Wednesdays when opposition private members' business has precedence." The Standing Orders do not address altering the roster during the course of a session.

As we are still in the first session of the 31st Legislature, the House will continue with the allocation of positions between caucuses that is currently in place; therefore, on Wednesday, May 3, the New Democratic Party caucus will have the right to the first two positions and the Liberal Party caucus will have the next two. (*Hansard* 6013; *Journals* 452)

Order and Decorum

Ceding the floor to the Chair

Standing Order 6(4) says, "When the Speaker speaks at any time, any member speaking shall sit down and the Speaker shall be heard without interruption." The same rule applies to the Chair when the House is in Committee of the Whole.

On May 3, 2006 Committee of the Whole dealt with Bill No. 112, *Act to Amend the Legislative Assembly Act*. During this stage of debate the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) made comments that the Committee Chair found to be out of order. During the course of the Chair's statement Hon. Mr. Fentie interrupted the Chair on a point of order. This, as Standing Order 6(4) makes clear, is entirely out of order. The proper course of action at this point would have been for the Chair to ask Premier Fentie to take his seat. It is not in order to raise a point of order during a ruling or statement by the Chair. Nonetheless, the Chair, acting in a procedurally generous manner, allowed Hon. Mr. Fentie to have the floor. (*Hansard* 6100-6101)

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 2006 Spring Sitting. See, for example, comments by the Chair in *Hansard* at pages 5680, 5760, 5763, 6054, and 6102.

Personalizing debate

On May 18, 2006 Committee of the Whole considered the estimates for the Department of Health and Social Services in Bill No. 20, *First Appropriation Act, 2006-07*. At a point in this consideration Gary McRobb (Kluane, Liberal) asked the minister responsible for the department, Hon. Brad Cathers (Lake Laberge, Yukon Party) questions about Family and Children's Services. Hon. Mr. Cathers began his response by saying, "It's unfortunate that the member opposite has apparently so short a memory of the questions he asked previously in this House and the answers that were provided." Once Hon. Mr. Cathers had concluded his response the Committee Chair, Patrick Rouble, called for order and said

Before we continue, the Chair would just like to remind all members that both the Chair and the Speaker have made several comments to members about personalizing the debate. In order to preserve order and decorum and to facilitate the debate, I would ask that members refrain from doing so, follow the Standing Orders and enter into a healthy and appropriate debate on the subject without personalizing it. (*Hansard* 6367)

Later in the same debate the Committee's attention turned to Child Placement Services. At a point in the debate Mr. Cathers said, "I would be happy to answer any questions the member has, if he would ask them rather than simply making rude gestures with his finger at me." At this point Mr. McRobb rose on a point of order and said

the minister stated I was making rude gestures with my finger, and there is one obvious conclusion a listener would make, and it is completely wrong to draw that conclusion. The minister put into those terms a gesture I did make, which did not reflect the obvious conclusion and I want to get that on the record, but he's laughing and giggling away over there. Let's get on with some constructive debate in here and end the games.

The Committee Chair ruled that there was no point of order. He added

There's obviously a dispute between members, but the Chair must note that, in the member's point of order, he did just point out the actions of a member across the way.

Debate would be best served, again, if members did not personalize debate, if members did not comment on the actions of others and if members focused on the matter at hand. (*Hansard* 6368)

Speaking through the Chair

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

The Speaker, Hon. Ted Staffen, reminded the House of this standing order during Question Period on April 4, 2006. At that time Pat Duncan (Porter Creek South, Liberal) asked the Minister of Energy, Mines and Resources, Hon. Archie Lang (Porter Creek Centre, Yukon Party) questions about land development. In response to Ms. Duncan's final supplementary question Hon. Mr. Lang said, "Are you denying the proponent? If you talk about public land..." At that point Speaker Staffen intervened and asked Hon. Mr. Lang to address his responses through the Chair. (*Hansard* 5578)

Hon. Mr. Lang ran afoul of this standing order on the following day as the House debated Motion No. 568. At a point during the debate, in response to comments from members opposite, Hon. Mr. Lang said, "We represent more than your constituency or your special group." Speaker Staffen then called for order and reminded Hon. Mr. Lang to "address his...remarks through the Speaker." (*Hansard* 5644)

On April 11, during Committee of the Whole consideration of Bill No. 20, *First Appropriation Act, 2006-07*, the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP) asked certain questions of the acting Minister of Finance, Hon. Elaine Taylor (Whitehorse West, Yukon Party). After some time Mr. Hardy yielded the floor to the leader of the third party, Arthur Mitchell (Copperbelt, Liberal). When Mr. Hardy regained the floor he resumed questioning by asking Hon. Ms. Taylor, "Well, could you answer the question I asked?" The Committee Chair, Patrick Rouble, then intervened saying, "Before [Hon. Ms. Taylor] answers, I'd just like to remind [Mr. Hardy] that the Chair can't answer a question. Part of our procedure in the Assembly is to direct the questions through the Chair. I think we're okay, just as long as members are cognizant of that point." (*Hansard* 5735)

On April 27, 2006 Committee of the Whole considered the estimates for the Department of Energy, Mines and Resources in Bill No. 20, *First Appropriation Act, 2006-07*. During Committee proceedings the minister responsible for the department, Hon. Mr. Lang, and Steve Cardiff (Mount Lorne, NDP) engaged in a discussion of timber permits. At one point Hon. Mr. Lang used the phrase "the permits you are talking about." At the end of his response the Committee Chair, Mr. Rouble, reminded Hon. Mr. Lang "to make his comments through the Chair and to refrain from saying "you." (*Hansard* 6010)

Pairing

On April 27, 2006 Peter Jenkins (Klondike, Independent) made the following announcement:

I wish to advise the House that, on Monday, May 1 and Tuesday, May 2, I will be pairing with the Minister of Energy, Mines and Resources in order that the minister may represent Yukon at a meeting with the federal government. (*Hansard* 5988; *Journals* 448)

Since 1991 pairing procedures in the House of Commons of Canada have become more formalized. Still, as Speaker John Fraser noted in 1992 “agreements to pair still are private arrangements between Members and not matters in which the Speaker or the House can intervene.”¹⁰ Speaker Fraser’s comments correctly describe the situation in the Yukon Legislative Assembly. To put it simply, neither the Speaker nor the House can enforce an agreement to pair.

Personal Privilege, Point of

A point of personal privilege is an opportunity for a Member “to explain a matter of a personal nature although there is no question before the House.”¹¹ According to *House of Commons Procedure and Practice* a point of personal privilege

...is an indulgence granted by the Chair. There is no connection to a question of privilege, and as Speaker Fraser once noted, “There is no legal authority, procedural or otherwise, historic or precedential, that allows this.” Consequently, such occasions are not meant to be used for general debate and Members have been cautioned to confine their remarks to the point they wish to make. The Speaker has also stated that, as these are generally personal statements and not questions of privilege, no other Members will be recognized to speak on the matter.¹²

Prior to the Assembly meeting on May 4, 2006 Arthur Mitchell (Copperbelt, Liberal) informed the Speaker, Hon. Ted Staffen, that he wished to raise a point of personal privilege that day. Speaker Staffen granted Mr. Mitchell leave to raise his point of personal privilege during the Daily Routine prior to Question Period. At that time Mr. Mitchell made the following statement:

Yesterday during Question Period, I read incorrect information into the record, and I would like to correct it now. During the question about the rights of employees to file legal actions against the government, I incorrectly attributed the following quote to the Premier: “There is no policy linking hiring to pursuing a lawsuit against the government. Rather, the government upholds the rights of individuals to access the courts.” This was in fact said by the honourable Member for Whitehorse West. The correct quote, the one by the Premier, was as follows: “If the leader of the official opposition is asserting that this government in any way, shape or form, because of the hiring policy, diminishes the rights of individuals to access justice, I can assure the member opposite that if that is the case we will immediately look into it. Because this government would never, ever support any such hiring policy and if

¹⁰ House of Commons *Debates* June 11, 1992 p. 11789 cited in *House of Commons Procedure and Practice*, page 493.

¹¹ *House of Commons Procedure and Practice*, page 136.

¹² *House of Commons Procedure and Practice*, page 137.

there is one, which I highly doubt there is, we are going to look into the matter immediately.” I apologize for the error. (*Hansard* 6108; *Journals* 459)

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 2006 Spring Sitting the Speaker, Hon. Ted Staffen, made three announcements. On March 30, 2006 he introduced the Pages who would serve the Legislative Assembly during the 2006 Spring Sitting. (*Hansard* 5511; *Journals* 420) On April 24, 2006 Speaker Staffen spoke in remembrance of the Speaker of the Legislative Assembly of Nunavut, Jobie Nutarak, who had passed away. A moment of silence followed. (*Hansard* 5893; *Journals* 444) On May 23, 2006 the Speaker introduced the Ombudsman and Information and Privacy Commissioner, Hank Moorlag, to the Assembly. (*Hansard* 6380)

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. During the 2006 Spring Sitting Speaker Staffen, tabled the following documents:

Date	Document	Authority	Sessional Paper
March 30	Report of the Chief Electoral Officer of Yukon on the by-election in the electoral district of Copperbelt (November 21, 2005)	s. 315, <i>Elections Act</i>	06-1-207
April 3	Absence of Members from Sitzings of the Legislative Assembly and its Committees; Report of the Clerk of the Legislative Assembly (dated March 30, 2006)	s. 39(7), <i>Legislative Assembly Act</i>	06-1-209
May 4	Report of the Clerk of the Legislative Assembly on travel expenses of Members of the Legislative Assembly, 2005-06		06-1-219
May 23	2005 Annual Report of the Ombudsman and Information and Privacy Commissioner	s. 47(2), <i>Access to Information and Protection of Privacy Act</i> ; s. 31(1), <i>Ombudsman Act</i>	06-1-221

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 presents their estimates in budget deliberations regarding their entities. In that role the Speaker, Hon. Ted Staffen, took part in Committee of the Whole debate on May 24, 2006, to explain the estimates for the Legislative Assembly Office, and the Elections Office in Bill No. 20, *First Appropriation*

Act, 2006-07. (Hansard 6413) The estimates for the Office of the Ombudsman were never brought forward for debate.

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.

Private member's bill, proceeding to Committee of the Whole

On May 2, 2006, pursuant to Standing Order 14.2(3) the third party House leader, Lorraine Peter (Vuntut Gwitchin, NDP) identified Bill No. 112, *Act to Amend the Legislative Assembly Act*, as one item to be called the following day, which was designated a sitting day when opposition private members' business had precedence. Bill No. 112, standing in the name of the leader of the third party, Todd Hardy (Whitehorse Centre, NDP), was called for debate on May 3, 2006 and received second reading. The Speaker, Hon. Ted Staffen, then made the following statement to the Assembly:

Bill No. 112, entitled *Act to Amend the Legislative Assembly Act*, has now received second reading and, pursuant to Standing Order 57(4), the Standing Orders for consideration of Committee of the Whole pursuant to Standing Order 14.2(2), the third party designated Bill No. 112 as the first item of business today. The leader of the third party is therefore entitled to decide whether the House should resolve into Committee of the Whole for the purpose of continued consideration of Bill No. 112. I would ask the leader of the third party to indicate whether he wishes the House to resolve into Committee of the Whole.

Mr. Hardy then asked "that the House now resolve into Committee of the Whole for the purpose of continuing consideration of Bill No. 112." Speaker Staffen then indicated that "Pursuant to the request of the leader of the third party, I shall now leave the Chair and the House will resolve into Committee of the Whole." It was not necessary for a member to move a motion that the Speaker leave the Chair and that the House resolve into Committee of the Whole.

In following this procedure the decision was made that designating a bill for consideration on private members' day did not mean designating a single stage for the bill on that day. Designating a private members bill for consideration on private members' day meant it could proceed through as many stages as normally allowed under the Standing Orders on one day.

Private Members Business

The order of Private Members' Business for the 2006 Spring Sitting was:

April 5 (Day 4): Opposition Private Members
April 12 (Day 8): Government Private Members
April 19 (Day 11): Opposition Private Members
April 26 (Day 15): Government Private Members
May 3 (Day 19): Opposition Private Members
May 10 (Day 23): Government Private Members
May 17 (Day 27): Opposition Private Members
May 24 (Day 30): Government Private Members

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

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

Given the progress of private members business in the 2005 Fall Sitting the Assembly was at position five on this roster to begin the 2006 Spring Sitting. Note that the order of opposition private members' business was not affected by the change in official opposition on May 1, 2006. (see the entry 'Official Opposition, change in) The progress of private members business in the 2006 Spring Sitting is illustrated by the following table:

Date	Position	Item	Sponsor	Outcome
April 5	5. Official Opposition	Motion No. 568	Cardiff	Agreed to as amended
April 12	Government Private Members	Motion No. 638	Rouble	Debate adjourned
April 19	6. Third Party	Motion No. 515	Duncan	Agreed to as amended
April 26	Government Private Members	Motion No. 639	Hassard	Agreed to
May 3	1. Third Party	Bill No. 112	Hardy	Passed Second Reading; progress reported by Committee of the Whole
May 10	Government Private Members	Motion No. 688	Rouble	Agreed to
		Motion No. 640	Hassard	Agreed to

Procedure, Rules of

As noted in *Beauchesne's Parliamentary Rules & Forms*, "The most fundamental privilege of the House as a whole is to establish rules of procedure for itself and enforce them."¹³ The Yukon Legislative Assembly has done this by establishing its own Standing Orders. However, the enumerated rules and established practices can not cover every situation that may arise during proceedings. Consequently, Standing Order 1 of the *Standing Orders of the Yukon Legislative Assembly* 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."

The Speaker, Hon. Ted Staffen, had occasion to bring this to the Assembly's attention on May 3, 2006 as the House debated Bill No. 112, *Act to Amend the Legislative Assembly Act*, a private member's bill standing in the name of the leader of the third party, Todd Hardy (Whitehorse Centre, NDP). During debate the leader of the official opposition, Arthur Mitchell (Copperbelt, Liberal) quoted former Prime Minister John Diefenbaker as having said, "The sheriff has gone to join the rustlers when Jack Horner joined the Liberal caucus in 1977." Returning to his own comments he said, "And I believe that this characterization would fit David Emerson perfectly." Mr. Emerson is a Member of Parliament who left the federal Liberal caucus

¹³ *Beauchesne's Parliamentary Rules & Forms* §33, page 14.

shortly after the 2006 general election to become a cabinet minister in the government of Conservative Prime Minister Rt. Hon. Stephen Harper. In response to Mr. Mitchell's comments Speaker Staffen intervened and said

If a member wishes to quote or cite from documents that contain unparliamentary language or does not adhere to proper form, the member must paraphrase the offending portion so that it conforms to the rules and forms of this Legislative Assembly. If the honourable member were to use that terminology to describe a member, it would be clearly out of order, and so I just ask the honourable member to restrain himself.

Following the Speaker's statement the official opposition House leader, Pat Duncan (Porter Creek South, Liberal) rose on a point of order. She brought the Speaker's attention to what she perceived to be

a conflict in our rules. My understanding is that our rules, our Standing Orders, indicate that we will follow parliamentary procedure and that we will follow it, where *Beauchesne's* shall apply and rulings in the House of Commons apply in our House as well. That's one part of our Standing Orders. You have cited another one, saying if a member is quoting from a document — my understanding and the leader of the official opposition's understanding is that he is quoting from a *Hansard* of the House of Commons. So which rule then applies, Mr. Speaker? Do we follow the House of Commons' rules, which we say we're going to do in the Standing Orders, or do we follow the rule that says we have to paraphrase?

After consulting with the Table Officers Speaker Staffen ruled there was no point of order. He quoted Standing Order 1 and then said, "In other words, our Standing Orders have precedence over the House of Commons' Standing Orders." (*Hansard* 6082-6083)

Question Period

Extraneous comments ('add-ons')

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

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

Comments on previous exchanges... are not in order as they do not seek information or are not relevant to the question asked. Such comments also provoke argument and debate. The Chair thanks all members in advance for their adherence to these guidelines.¹⁴

During Question Period on April 18, 2006 the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP), asked questions of the Minister of Health and Social Services, Hon. Brad Cathers (Lake Laberge, Yukon Party), questions regarding the workload for community nurses. After Hon. Mr. Cathers had answered Mr. Hardy's final supplementary question Mr.

¹⁴ Yukon Legislative Assembly, *Hansard: Second Session of the 30th Legislature, Volume 7 (April 4, 2002-May 30, 2002)*, page 3628 (May 13, 2002).

Hardy said, "Sad." He then moved on to question a different minister on a different subject. After Mr. Hardy had posed his main question the Speaker, Hon. Ted Staffen, intervened and reminded him to not comment on previous questions and answers. (*Hansard* 5804)

Main and supplementary questions, relationship between

During Question Period on May 23, 2006 Eric Fairclough (Mayo-Tatchun, Liberal) asked a main question regarding the government's relationship with public servants. The minister responsible for the Public Service Commission, Hon. Elaine Taylor (Whitehorse West, Yukon Party) responded to the question. In his first supplementary question Mr. Fairclough asked a question regarding education issues. The Minister of Education, Hon. John Edzerza, responded to this question.

Following Hon. Mr. Edzerza's response Speaker Staffen intervened, saying, "To the Member for Mayo-Tatchun, you have a question and two supplementaries on the same subject, so you now have your last supplementary." Mr. Fairclough thanked the Speaker for his intervention and said, "It's all about government relationships with the Yukon people." Speaker Staffen responded to this comment by calling for order and saying, "We're not debating this issue. You have a question and two supplementaries on the same subject." The Speaker then invited Mr. Fairclough to pose his final supplementary question.

Mr. Fairclough began his final supplementary question by referring to the Government of Yukon's relationship with municipalities, and its land use policies. At that point Speaker Staffen intervened and indicated that Mr. Fairclough would not be allowed to put his final supplementary question; the difficulty being the lack of connection between the main and supplementary questions. The official opposition House leader, Gary McRobb (Kluane, Liberal), then rose on a point of order and said, "I think what the member is trying to say is the common thread here is relations with people and the government that spans different portfolios. So what?" The Speaker informed the House that he had "trouble discerning that thread. I have asked the member to focus on a question and two supplementaries. He hasn't done that." The House then moved to the next question. (*Hansard* 6381-6382)

Later in the same Question Period Steve Cardiff (Mount Lorne, NDP) opened his round of questions with a query for the Minister of Highways and Public Works, Hon. Glenn Hart (Riverdale South, Yukon Party), regarding "jobs in highway maintenance camps." For his first supplementary question Mr. Cardiff asked the minister responsible for the Public Service Commission, Hon. Ms. Taylor, what the government was doing to ensure communities outside Whitehorse were getting "their fair share of government jobs." Before Mr. Cardiff put his final supplementary question Speaker Staffen intervened and said, "Before the Member for Mount Lorne asks his final supplementary, just a cautionary note, as I did with the Member for Mayo-Tatchun. Stay with the same theme, please." Mr. Cardiff thanked the Speaker for his procedural advice and said, "I will attempt to do that. I'm talking about jobs in rural Yukon." He then asked Ms. Taylor another question about "opportunities for rural Yukoners to get government jobs." (*Hansard* 6382-6383)

The issue of supplementary questions presents a procedural dilemma for the Chair. On the one hand part of the Chair's responsibility is to ensure that Members can exercise their freedom of speech in the House, including the right to question ministers during Question Period. On the other hand the Chair must ensure that Members exercise their freedom of speech within the rules and practices established by the House itself.

The use of supplementary questions is regulated by the Guidelines for Oral Question Period, which are appended to the Standing Orders. Guideline 6 says, "Each member asking a

question which is in order shall be allowed two supplementary questions.” Guideline 7 says, “A brief preamble will be allowed in the case of the main question and a one-sentence preamble will be allowed in the case of each supplementary question. A repeat of a question that a Minister did not hear does not constitute a supplementary.” The footnote to Guideline 7 says, “Over the years a practice has developed whereby Speakers will allow questions up to approximately one minute in length, and responses of approximately one and one-half minutes. Speakers reserve the discretion to depart from this practice from time to time should the circumstances warrant.”

These guidelines, then, do little to resolve the Chair’s dilemma in cases such as those cited above. For while these guidelines outline how supplementary questions are used, they are silent regarding the nature of a supplementary question.

Standing Order 1 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.”

However, relying on the practices and procedures of the House of Commons of Canada does not provide unambiguous direction. In some ways House of Commons practices regarding supplementary questions are more restrictive than those of the Yukon Legislative Assembly. For example, *House of Commons Procedure and Practice* says a supplementary question “is meant to flow from or be based upon the information given to the House in the response of the Minister or Parliamentary Secretary to the initial or preceding question.” Such questions are to be constructed as “a follow-up device flowing from the response and ought to be a precise question put directly and immediately to the Minister, without any further statement.”¹⁵ The Yukon Legislative Assembly does not insist on so restrictive a practice regarding supplementary questions. In particular, it is accepted that members will prepare notes for their supplementary questions in advance of Question Period. They are not restricted to responding to points made by the minister in his or her response to the main question.

On the other hand, *House of Commons Procedure and Practice* also says, “at the beginning of the Thirty-Sixth Parliament in 1997, Speaker Parent allowed the practice to be modified by not insisting that an additional question be, strictly speaking, supplementary to the main question. He indicated that he would find it acceptable for a party to split a round of questioning between two Members, with each one asking a different question to a different Minister.”¹⁶ The Yukon Legislative Assembly has not followed this approach – particularly regarding members splitting a round of questions.

At issue in the instances cited is where questions are based, in the mind of the questioner, on a particular ‘theme’ as opposed to a particular ‘subject matter.’ The established practice has been for members to ask a main question and up to two supplementary questions based on the same subject matter.

The difficulty in accepting a common ‘theme’ as the basis for a round of questions can be seen in the case cited above involving Mr. Fairclough. Mr. Fairclough indicated the common theme of his questions was “government relationships with the Yukon people.” The procedural difficulty with such an approach is that the theme is so general that it could include almost anything and exclude almost nothing, rendering meaningless rules regarding the relationship between main and supplementary questions.

¹⁵ *House of Commons Procedure and Practice* page 430.

¹⁶ *House of Commons Procedure and Practice* page 430.

Relevance of response

Guideline 9 of the Guidelines for Oral Question Period says, “A reply to a question should be as brief as possible, relevant to the question asked, and should not provoke debate.”

During Question Period on May 4, 2006 Steve Cardiff (Mount Lorne, NDP) asked the Minister of Economic Development, Hon. Jim Kenyon (Porter Creek North, Yukon Party), questions regarding the government’s economic strategy. In response to Mr. Cardiff’s final supplementary question, Hon. Mr. Kenyon referred to comments Mr. Cardiff had made, at a different time and in a different context, to the report of the Ombudsman for 2004. Eventually the Speaker, Hon. Ted Staffen, intervened, saying, “I simply don’t know where the minister is coming from, in terms of quoting another document in response to the question.” As the House was past the time when Question Period would have elapsed Speaker Staffen declared an end to those proceedings and the House moved to Orders of the Day. (*Hansard* 6112)

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.

The Chair of Committee of the Whole, Patrick Rouble, had occasion to remind members of this principle on May 1, 2006 during consideration of the estimates for the Executive Council Office contained in Bill No. 20, *First Appropriation Act, 2006-07*. At that time the leader of the official opposition, Arthur Mitchell (Copperbelt, Liberal) quoted the Chief of the Kwanlin Dun First Nation as having said, “The Premier...always holds out that he has a great working relationship with First Nations, which is absolutely misleading.” It is at this point that Mr. Rouble called for order. He said

I will remind the member that he cannot do indirectly what he can’t do directly. To make a comment that another member is deliberately misleading is contrary to our Standing Orders. When citing another’s notes, he may paraphrase but still must remain within the Standing Orders. (*Hansard* 6028)

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 drafting 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 [them].”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 of the subject matter before them and ask them to speak to it. The following are examples:

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

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

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 5, 2006 the Assembly debated Motion No. 568 and an amendment to the motion. During debate on the amendment the leader of the third party, Arthur Mitchell (Copperbelt, Liberal), spoke of comments made by the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), regarding the Government of Canada, and reflected upon affiliations Hon. Brad Cathers (Lake Laberge, Yukon Party) has had with various federal political parties. At that point the Speaker, Hon. Ted Staffen, intervened saying, "The Chair is having trouble connecting the federal political scene with the discussion on this amendment to the motion. I would ask the honourable member to please concentrate on that." Mr. Mitchell then continued his remarks, connecting them to the amendment before the House. (*Hansard* 5638)

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."

On April 10, 2006 Committee of the Whole considered Bill No. 71, *Dawson Municipal Elections Act (2006)*. During the course of discussion the member for Klondike, Peter Jenkins (Independent), introduced a variety of subject matter in an attempt to "connect the dots" as related to the situation in Dawson City that necessitated the bill. After some time the Committee Chair, Patrick Rouble, called for order and said

The Chair appreciates the Member for Klondike's zeal and wide-ranging interest in issues that relate to Dawson. However, the matter under general debate now in Committee of the Whole is the *Dawson Municipal Election Act (2006)*. The Chair is having difficulties connecting issues that the member is discussing with the piece of legislation before us today. We are in general debate on the *Dawson Municipal Election Act (2006)*, and I would like the members to continue on this topic. (*Hansard* 5705)

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 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 May 15, 2006 the Committee dealt with the estimates for the Department of Energy, Mines and Resources in Bill No. 20, *First Appropriation Act, 2006-07*. It is not unusual for the debate on this department to overlap with that of the Yukon Development Corporation. This is especially the case where the same minister is responsible for both entities, as was the case on this day. Nonetheless, these entities are two different votes and should be dealt with separately. The Chair, Patrick Rouble, reminded the Committee of this, saying:

¹⁹ *Chair's Handbook Committee of the Whole*, page 16.

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

Before debate continues, the Chair will note that it has been a very wide-ranging debate. We are currently not on Vote 22 for the Yukon Development Corporation. We will get there. We are currently on Vote 53, Department of Energy, Mines and Resources, and unless the Chair gets some other direction that we are to move on to this other department, that is where we will stay. I am going to ask members to please make your comments relevant to Vote 53, Department of Energy, Mines and Resources. (*Hansard 6277*)

On May 23, 2006 Committee of the Whole continued its consideration of this vote. After some debate the committee exhausted its interest in general debate. At that point Pat Duncan (Porter Creek South, Liberal) requested unanimous consent to deem all lines in that vote cleared or carried as required. Unanimous consent was denied. The Committee then proceeded to line-by-line consideration of the estimates. After some further questioning by Peter Jenkins (Klondike, Independent) on the line 'Deputy Minister's Office' the Committee Chair, Patrick Rouble called for order and said

The Chair notes that the member's questions appear to be of a general nature. I will remind members that we have cleared general debate on this department, and that we are currently in line-by-line examination. There was a request put forward by a member to deem all lines in this department read and carried. However, that was not unanimously agreed to. Our next step then is to proceed with line-by-line examination. We will begin with Corporate Services and the deputy minister's office line in the amount of \$464,000. (*Hansard 6395*)

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 2006 Spring Sitting by the fifth sitting day, April 6, 2006. The House leaders then met to determine the number of sitting days to be allotted to the 2006 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. Brad Cathers (Lake Laberge, Yukon Party), rose after Question Period and before Orders of the Day on the seventh sitting day, April 11, 2006, to inform the Assembly that "The House leaders have not reached an agreement on the maximum

number of sitting days for this sitting.” 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 24, 2006. (*Hansard* 5718; *Journals* 432)

Standing Orders, change to

During the 2006 Spring Sitting the Assembly adopted a motion that changed the normal hour of adjournment from 6:00 p.m. to 5:30 p.m. For details see the entry ‘Adjournment, normal hour of.’

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 2006 Spring Sitting would last 30 sitting days, the 30th day being May 24, 2006. (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 Department of Environment in Bill No. 20, *First Appropriation Act, 2006-07*, on May 24, 2006. At that time he said, “The time has reached

5:00 p.m. on this, the 30th day of the 2006 Spring Sitting.” The Chair then read Standing Order 76(1) and asked the government House leader, Hon. Brad Cathers (Lake Laberge, Yukon Party), “to indicate whether Bill No. 20, the only bill now before the Committee of the Whole, should be called.” Hon. Mr. Cathers directed that Bill No. 20 be called at that time. The Chair then recognized Mr. Fentie as the sponsor of Bill No. 20, for the purposes of moving a motion pursuant to Standing Order 76(1)(b) and 76(1)(c). Once Bill No. 20 had cleared the Committee the Chair rose to report to the House. The Chair’s report, that Bill No. 20 be reported without amendment, was subsequently carried. (*Hansard* 6432-6433; *Journals* 477-478)

Third Reading of bills

Once Bill No. 20 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. Cathers “to identify which of the bills now standing at third reading the government wishe[d] to be called.” Hon. Mr. Cathers directed, “that Bill Nos. 20, 70, 68 and 69, be called for third reading at this time.” Speaker Staffen then called for Third Reading of the aforementioned bills. The bill sponsors then, in turn, moved the motion that the bill “be now read a third time and do pass.” The Speaker put each of these motions to the House, with the additional instruction, pursuant to Standing Order 76(2)(d)(ii) that no debate or amendment would be permitted. All four bills passed the House. (*Hansard* 6433-6434; *Journals* 478-480)

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 2006 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."²¹ 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. It is customary for recesses to occur during Committee of the Whole. These recesses usually take place at the beginning of committee proceedings and when there is a change in the department before the Committee. This recess allows ministerial advisors to take their place without disturbing committee proceedings.

However requests for recess are not always granted. Two examples where unanimous consent was not granted for a recess occurred during consideration of the estimates for the Department of Health and Social Services in Bill No. 20, *First Appropriation Act, 2006-07* on May 18, 2006. (*Hansard* 6370 and 6372)

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 without amendment. Following are instances of this request being made during the 2006 Spring Sitting. All the requests were agreed to.

Date	Member	Bill	Reference
April 11	Duncan	No. 18, <i>Interim Supply Appropriation Act, 2006-07</i>	<i>Hansard</i> 5721
April 11	Cardiff	No. 71, <i>Dawson Municipal Election Act (2006)</i>	<i>Hansard</i> 5723
April 11	Cardiff	No. 66, <i>Act to Amend the Securities Act</i>	<i>Hansard</i> 5727
May 17	Duncan	No. 19, <i>Third Appropriation Act, 2005-06</i>	<i>Hansard</i> 6328
May 24	Duncan	No. 68, <i>Act to Repeal the Physiotherapists Act</i>	<i>Hansard</i> 6412
	Duncan	No. 69, <i>Canadian Blood Services Indemnification Act</i>	<i>Hansard</i> 6413
	Duncan	No. 70, <i>Act To Amend The Income Tax Act (2006)</i>	<i>Hansard</i> 6415

To deem an amendment read and carried

On May 1, 2006 Committee of the Whole considered Bill No. 67, *Safer Communities and Neighbourhoods Act*. During the reading of the clauses of the bill the Minister of Justice, Hon. John Edzerza (McIntyre-Takhini, Yukon Party), sought to move an amendment to Clause 27. In proposing the amendment Hon. Mr. Edzerza said:

I would like to move an amendment regarding Clause 27(1)(e). The text of the amendment is being distributed to members. As members can see, the amendment is to the French text of that clause. The reason for the amendment is to make the French text consistent with the English. I would ask the unanimous consent of the Committee to proceed with debate on the amendment and have the text of the amendment entered into *Hansard* as if it had been read in the usual way.

²¹ On May 11, 2006 the normal hour of adjournment was changed to 5:30 p.m. See the entry 'Adjournment, normal hour of.'

Hon. Mr. Edzerza having made the request, the Chair of Committee of the Whole, Patrick Rouble said

Mr. Edzerza has requested the unanimous consent of the Committee to proceed with debate on the amendment and have the text of the amendment entered into *Hansard* as if it had been read in the usual way. Is there unanimous consent?

Unanimous consent was granted. The motion to amend Clause 27 was then entered into *Hansard* in the following way:

“It has been moved by Mr. Edzerza

THAT Bill No. 67, entitled *Safer Communities and Neighbourhoods Act*, be amended in clause 27 at page 21 by deleting paragraph 27(1)(e) in the French text and substituting for it:

“(e) communiquer, à sa discrétion, des renseignements obtenus en vertu de l’alinéa a), b) ou c) et des documents préparés en vertu de l’alinéa d) à une personne, à un tribunal, à un tribunal administratif, à un organisme public, à un ministère, à une agence gouvernementale, au gouvernement d’une Première nation, à une municipalité, à une administration locale ou à un organisme chargé de l’application de la loi.”

Amendment agreed to

Clause 27 agreed to as amended (Hansard 6025)

To deem 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 vote (usually departmental estimates). Once general debate on a vote is concluded the Committee will proceed through the vote line-by-line. Occasionally the Committee will consider the vote to have been thoroughly dealt with in general debate. On such occasions a member will request unanimous consent to deem all, or some, lines in that vote cleared or carried, as required. Instances of such a request being made during the 2006 Spring Sitting during debate on Bill No. 20, *First Appropriation Act, 2006-07*, include:

Date	Member	Vote	Result	Reference
April 18	Mitchell	12, Department of Finance	granted	<i>Hansard</i> 5829
April 24	Peter	54, Department of Tourism and Culture	granted	<i>Hansard</i> 5909
	Duncan	11, Women’s Directorate	granted	<i>Hansard</i> 5918
April 27	Duncan	8, Department of Justice	granted	<i>Hansard</i> 6006
May 2	Hardy	2, Executive Council Office	granted	<i>Hansard</i> 6056
May 4	Fairclough	7, Economic Development	granted	<i>Hansard</i> 6127
May 8	Duncan	18, Yukon Housing Corporation	granted	<i>Hansard</i> 6151
May 9	Fairclough	51, Community Services	granted	<i>Hansard</i> 6194
May 23	McRobb	Family and Children’s Services in Vote 15, Department of Health and Social Services	denied	<i>Hansard</i> 6388
	McRobb	Remaining lines in Vote 15, Department of Health and Social Services	granted	<i>Hansard</i> 6390
	Duncan	53, Department of Energy, Mines & Resources	denied	<i>Hansard</i> 6394

	Duncan	Remaining lines in Vote 53, Department of Energy, Mines & Resources	granted	<i>Hansard</i> 6396
	Duncan	10, Public Service Commission	granted	<i>Hansard</i> 6401
May 24	Duncan	1, Yukon Legislative Assembly	granted	<i>Hansard</i> 6413
	Duncan	24, Elections Office	granted	<i>Hansard</i> 6414
	Fairclough	55, Department of Highways and Public Works	granted	<i>Hansard</i> 6423

To give Second Reading to a bill

After Question Period and before Orders of the day on April 25, 2006 Peter Jenkins (Klondike, Independent) requested unanimous consent for second reading of Bill No. 110, *Yukon Smoke-free Places Act*. His request was denied. (*Hansard* 5926; *Journals* 445) Mr. Jenkins made the same request on April 27, 2006. His request was again denied (*Hansard* 5988; *Journals* 448)

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."²² 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.²³

In the Yukon Legislative Assembly language is generally regulated by Standing Order 19. This Standing Order outlines when the Speaker may call a member to order during debate. The same rules apply in Committee of the Whole. In addition to the standing orders discussed below Standing Order 19(j) forbids Members from speaking "disrespectfully of Her Majesty or any of the Royal Family." This standing order was not invoked in the 2006 Spring Sitting.

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.

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.

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 are 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

²² *House of Commons Procedure and Practice*, page 71.

²³ *House of Commons Procedure and Practice*, page 525.

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.²⁴

During Question Period on April 3, 2006 an exchange between the leader of the official opposition, Todd Hardy (Whitehorse Centre, NDP), and the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), escalated to what appeared to be a questioning of the Premier's veracity. During the course of his question regarding the government's budget and spending plans for the 2005-06 fiscal year Mr. Hardy said statements made by the Premier outside the House indicated that the budget was already out of date, that it had "expired." Hon. Mr. Fentie responded by saying, "There is some expiring going on, and it appears that is the NDP's position on the political spectrum." Mr. Hardy then concluded his final supplementary question by saying

The minister's cocktail-napkin accounting demonstrates either sheer contempt for these principles or sheer incompetence. My question: should Yukoners believe this minister when he doesn't even bother telling this House his real plans for spending their money.

The Speaker, Hon. Ted Staffen, intervened saying, "Before the Hon. Premier answers the member's question, I would like to caution members. The Chair fully understands that we are in an election year, and I would like the members on both sides of the floor to please control themselves a little, please." (*Hansard* 5543)

On April 4, 2006 the Assembly debated Bill No. 20, *First Appropriation Act, 2006-07*, at second reading. During his speech Eric Fairclough (Mayo-Tatchun, Independent) referred to certain statements by Premier Fentie as "misleading" and contested their factual basis. Shortly thereafter the government House leader, Hon. Brad Cathers (Lake Laberge, Yukon Party), rose on a point of order arguing that Mr. Fairclough's comments were not in order. Speaker Staffen ruled there was no point of order. However, he also said, "the Member for Mayo-Tatchun should avoid using the word "misleading" even qualifying it with "as an opinion". It is still not an acceptable terminology for this House, as the member fully knows." (*Hansard* 5603)

During Question Period on April 27, 2006 Peter Jenkins (Klondike, Independent) questioned the Minister of Tourism and Culture, Hon. Elaine Taylor (Whitehorse West, Yukon Party) regarding Yukon's new tourism brand – "Larger Than Life." In responding to Mr. Jenkins' first supplementary question Hon. Ms. Taylor asked, "who are you going to believe? The Member for Klondike or the senior marketing committee who represents industry across the Yukon?" This drew the intervention of Speaker Staffen who informed the honourable minister that it is not appropriate, "to challenge the veracity of a member, so I would ask you not to do that." (*Hansard* 5987)

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

- "There isn't an ounce of truth to the statements he made." Hon Archie Lang (Porter Creek Centre, Yukon Party), April 5, 2006 (*Hansard* 5614)
- "The member's suggestions...are misleading..." Hon. Mr. Cathers, April 13, 2006 (*Hansard* 5777)

²⁴ *Beauchesne's Parliamentary Rules & Forms* §494, page 151.

- “Quoting only a portion of the facts in a manner that creates an impression 180 degrees from what the facts are is not very ethical.” Hon. Mr. Cathers, April 18, 2006 (*Hansard* 5829)
- “I cannot conceive that the version of the facts that he presented can be accurate.” Hon. Mr. Cathers, April 19, 2006 (*Hansard* 5835)
- “I do suggest that the information he presents is not likely to be accurate.” Hon. Mr. Cathers, April 19, 2006 (*Hansard* 5836)
- “the member opposite...is, once again, bringing forward inaccuracies to the floor of the House.” Hon. Mr. Cathers, May 3, 2006 (*Hansard* 6074)

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.

During Question Period on April 12, 2006 Eric Fairclough (Mayo-Tatchun, Independent) asked Hon. Archie Lang (Porter Creek Centre, Yukon Party) questions regarding the sale of a parcel of land near Shallow Bay. The first nation whose traditional territory encompasses this area – the Ta’an Kwach’an – objected to the sale. During the course of his first supplementary question Mr. Fairclough asked why the government did not deal directly with the first nation on this issue. He then concluded that, “The minister has his own plans and he wanted the sale to happen.” Before Hon. Mr. Lang answered the question the Speaker, Hon. Ted Staffen, intervened, informing Mr. Fairclough “when you state that the minister has his own plans, it appears to the Chair that there is a motive other than serving the public. I would just ask the Member for Mayo-Tatchun to be very careful about that approach.” (*Hansard* 5742)

During Question Period on May 2, 2006 the leader of the third party, Todd Hardy (Whitehorse Centre, NDP) asked the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party) questions regarding vacancies on the Yukon Council on the Economy and the Environment and the fact that the council hadn’t met for over a year. During the course of his first supplementary question Mr. Hardy said, “Either the government is letting the council wither and die through neglect, or it’s deliberately trying to phase it out...it’s pretty easy to conclude that the neglect is deliberate.” After Mr. Hardy put his question Speaker Staffen intervened and said, “the use of the term “deliberate” seems, from the Chair’s perspective, to imply intent. And I understand that’s not what you’re trying to do, but I would just ask you to be careful with that.” (*Hansard* 6046)

On May 3, 2006 the House debated Bill No. 112, *Act to Amend the Legislative Assembly Act*, a private member’s bill standing in the name of Mr. Hardy. The bill proposed to amend the *Legislative Assembly Act* by “adding the following section immediately after section 20:

20.1 A member who

- (a) is elected with the endorsement of a political party; and
- (b) ceases to belong to the caucus of that party during the term for which that member was elected

must sit in the Legislative Assembly as an independent and is to be treated as such for the purposes of this Act and all proceedings in the Legislative Assembly during the remainder of the member's term.

During the course of debate the leader of the official opposition, Arthur Mitchell (Copperbelt, Liberal), said

we all know that the real reason behind our debating this legislation today is because the leader of the third party wants to chastise his former colleagues. He wants to say some strong things to me, and he wants to chastise the Member for Kluane and Member for Mayo-Tatchun, because they asked their constituents to provide direction about their political future in advance of the general election.

At that point Speaker Staffen intervened and said, "From the Chair's perspective, the honourable member is imputing motives to the leader of the third party. I think that's out of order, and I ask the honourable member not to do it." (*Hansard* 6082)

Committee of the Whole dealt with the bill later in the same day. At one point Mr. Hardy gained the floor and said the bill before the Committee would deal with certain issues "and we wouldn't have to be dealing with floor-crossings, enticements, or whatever people want to call it - it doesn't matter; the public knows what it is. The public knows very clearly what has been going on and what is happening." At that point Mr. Mitchell rose on a point of order. He said

I think that there has been a fair bit of patience shown today but Standing Order 19(g) states: "imputes false or unavowed motives to another member." I think "enticements" would certainly qualify....Talking about enticements being offered has been circled all around. I think that it's time that we brought some order to the debate and said what can and can't be said.

The Committee Chair, Patrick Rouble, gave the following ruling:

The debate this afternoon has been very wide-ranging and has covered numerous different areas. Many different issues have been raised. Many different phrases have come forward - as the member has just said, there was the use of the word "enticement" and I believe I heard the word "bribe" used earlier...

The Chair is in a bit of a difficult situation on this, as the Chair cannot determine the facts or rule on the veracity of the facts put out. That's not the Chair's role. Different members will present the facts as they see them. There are specific rules in our Standing Orders, though, against imputing false or unavowed motives to another.

The Chair is having a lot of difficulty today, in that members have been coming very close to ascribing motives to others, whether they be false or whether there be some validity to them. But the question of validity is not one that the Chair can rule on.

I'll ask all members to keep in mind our Standing Orders and to stay within them and to also recognize that if there is a substantive claim that a member wishes to make, he or she may make such a claim, but in the proper manner, which is not to enter into it casually in debate.

Let us continue. (*Hansard* 6102)

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

- "...unlike the member opposite, we put Yukoners' interests first, not partisan self-interest." Hon. Mr. Fentie, April 19, 2006 (*Hansard* 5837)
- "For the government side, the strategy has changed from "Let's cooperate and get out of this sitting" to "Let's rag the puck and chew up the limited time available to the opposition to ask questions and hold us publicly accountable -." Gary McRobb (Kluane, Liberal), May 11, 2006 (*Hansard* 6240)
- "The Liberal Health and Social Services critic, the new member of the Liberal Party, the Member for Kluane...was apparently hoping we would deem all lines read and carried and deprive his former colleagues -." Hon. Brad Cathers (Lake Laberge, Yukon Party), May 16, 2006 (*Hansard* 6307)

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 April 3, 2006 the Assembly debated Bill No. 20, *First Appropriation Act, 2006-07*, at second reading. Hon. Archie Lang (Porter Creek Centre, Yukon Party) addressed the House in regard to the bill. Once Hon. Mr. Lang had concluded his remarks Steve Cardiff (Mount Lorne, NDP) took the floor. Mr. Cardiff began his speech by saying, "it gives me pleasure to be able to stand up at this time of the day and end the pain." The Speaker, Hon. Ted Staffen, then intervened saying, "As humorous as the member is, I don't think it's appropriate to describe another member's speech as "pain". I would ask the Member for Mount Lorne to gather himself a little tighter there." Mr. Cardiff assured Speaker Staffen that he would do so. (*Hansard* 5569)

On April 24, 2006 Committee of the Whole considered the estimates for the Department of Tourism & Culture in Bill No. 20. In response to comments from Gary McRobb (Kluane, Liberal) the minister responsible for the department, Hon. Elaine Taylor said, "I would be very remiss if I didn't respond to the member opposite's diatribe." The Committee Chair, Patrick Rouble, did not verbally intervene. However, he emitted an exhortation of discomfort which Hon. Ms. Taylor apparently took as a response to her use of the word "diatribe" to describe another member's speech. Though unprompted, Hon. Ms. Taylor voluntarily withdrew the comment. (*Hansard* 5904-5905)

During Question Period on April 27, 2006 the leader of the third party, Arthur Mitchell (Copperbelt, Liberal) questioned the Minister of Economic Development, Hon. Jim Kenyon (Porter Creek North, Yukon Party) regarding *Discover Yukon*, a Yukon government publication. During his main question Mr. Mitchell twice referred to the document as "propaganda." Once Mr. Mitchell put his main question Speaker Staffen intervened saying, "Before the honourable member answers the question, the term "propaganda" is not appropriate for this Legislative Assembly. I would ask the honourable member not to use that." Hon. Mr. Kenyon then began his response with the words "It certainly is not propaganda." Speaker Staffen again intervened reminding members that "the terminology is not acceptable on either side of the floor." (*Hansard* 5984-5985)

On May 2, 2006 Committee of the Whole considered the estimates for the Department of Economic Development in Bill No. 20. At one point during the debate the minister responsible for the department, Hon. Mr. Kenyon said, "there don't appear to be any Liberals within the

Liberal caucus these days. They are all refugees from other parties.” The Committee Chair, Mr. Rouble, called for order and said

There is no need for insulting comments such as what we just heard in debate here. I would ask all members to rise above that type of behaviour and to not personalize the debate. There is enough content with the matter before us. There are many topics of conversation and debate of interest there, and I would ask members to focus on Vote 7, Department of Economic Development. (*Hansard* 6061)

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

- “[Yukoners] wanted government to listen and to respond, not to go on and essentially brag about their version of their accomplishments...” Mr. McRobb, April 12, 2006 (*Hansard* 5762)
- A suggestion that another member was “power-tripping.” Mr. McRobb, May 3, 2006 (*Hansard* 6086)
- “the pearls of wisdom from the official opposition” Hon. Dennis Fentie (Watson Lake, Yukon Party), May 3, 2006 (*Hansard* 6101)
- “The Member for Kluane...rolls around the House looking for a home...” Hon. Mr. Kenyon, May 11, 2006 (*Hansard* 6244)
- “I think it's the Liberal trend across the country that we don't take responsibilities for things -.” Hon. Mr. Lang, May 15, 2006 (*Hansard* 6271)
- “I thank the minister for his rant...” Peter Jenkins (Klondike, Independent), May 23, 2006 (*Hansard* 6395)

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 carry out their duties, or a suggestion that a Member would behave in a dishonourable way in doing so.

During Question Period on April 3, 2006 the leader of the third party, Arthur Mitchell (Copperbelt, Liberal) questioned the Premier, Hon. Dennis Fentie (Watson Lake, Yukon Party), regarding government spending. During the course of his final supplementary question Mr. Mitchell said, “Yukoners...know the Yukon Party government simply picks up cheques from Ottawa and spends them on friends and pet projects...Why doesn't this Premier just admit that he has simply become a mailman who spends every cent he gets from his rich uncle in Ottawa?” Before the Premier responded the Speaker, Hon. Ted Staffen, intervened saying, “the reference to the government spending money on friends. I think, is a reference that is out of order and I would ask the honourable member not to use that terminology.” (*Hansard* 5546)

During Question Period on April 6, 2006 Gary McRobb (Kluane, Liberal) questioned the Minister of Energy, Mines and Resources, Hon. Archie Lang (Porter Creek Centre, Yukon Party) regarding land development in Porter Creek. Specifically, Mr. McRobb was interested in the role played by a person he described as “the minister's friend.” According to Mr. McRobb this individual “told a local newspaper that the Yukon Party government and the minister have agreed to sell him the land for a nominal amount. Repeat — “nominal amount”. In other words, far below market value.” Mr. McRobb then asked, “Can the minister tell us exactly how much is

“a nominal amount”? Is this backroom price higher or lower than the five bucks it costs to become a member of the Yukon Party?”

At that point Speaker Staffen intervened, saying, “Before the member answers the question here, Member for Kluane, you’re liable to cause discord with this line of questioning. You’re not making an accusation, but you’re making innuendos that, from the Chair’s perspective, are liable to cause discord in this House, and I would ask the honourable member not to do that.” (*Hansard* 5650)

Later that same day the Assembly continued second reading debate on Bill No. 20, *First Appropriation Act, 2006-07*. During his speech Mr. McRobb said he would like to respond to

a couple of things...Members on the government side have said...One of them is this reference to a trading post. Now, Mr. Speaker, the members opposite have made some vague references to their financial acumen not based on just some trading post.

We’re not sure what they meant by that, because no members in our caucus have ever run a trading post, although we’ve all shopped at a few. Were the members opposite trying to demean Yukon small business? We certainly hope not. Does a business have to be so large that its owner can be robbed of over \$200,000 before it qualifies as good experience to sit on the government side?

At that point Speaker Staffen intervened, saying, “I have been very, very tolerant of the Member for Kluane. You’ve clearly crossed the line by talking about an individual’s private business that has nothing to do with the issues on the floor of this Legislative Assembly. I would ask the member to keep that in mind, please.” (*Hansard* 5665)

On April 19, 2006 the Assembly debated Motion No. 515. During the course of debate Lorraine Peter (Vuntut Gwitchin, NDP) raised the following rhetorical question:

is it ethical for a Premier to wait for four full days before offering an apology to members of a visible minority group who have been deeply hurt by racist comments made at a public function by a senior government official? No, it’s not. Is it ethical —

It was not clear whether Mrs. Peter was referring to the current Premier or a previous Premier. Nonetheless, Speaker Staffen intervened saying

The Chair may perhaps be losing the theme of the honourable member’s debate, but I don’t believe it’s in order to challenge a member’s ethics. We are all here serving the public and our constituents in the best form that we can. I may have misunderstood the Member for Vuntut Gwitchin. But, if not, please carry on, but just keep that in mind. Thank you. (*Hansard* 5856)

During Question Period on April 24, 2006 Eric Fairclough (Mayo-Tatchun, Independent) asked the Minister of Energy, Mines and Resources, Hon. Mr. Lang, questions regarding outfitter concessions. Mr. Fairclough concluded his main question by saying

it’s no secret that the Yukon Outfitters Association contributed financially to the Yukon Party in the past election. It’s payback time. Can the minister explain this IOU to other Yukoners, including First Nations?

At that point the government House leader, Hon. Brad Cathers (Lake Laberge, Yukon Party) rose on a point of order and said, "Mr. Speaker, the Member for Mayo-Tatchun's comments suggesting there was a payback is clearly in contravention of our Standing Orders, and I would ask you to have him retract that, please."

Speaker Staffen found there to be a point of order and asked Mr. Fairclough to retract the comments. He added, "It's an indication that there is dishonesty on the part of either the Yukon Outfitters Association or the government, and that is not acceptable." Mr. Fairclough retracted his comment but then rephrased his question as: "can the minister explain this IOU to other Yukoners, including First Nations?" Speaker Staffen again intervened informing the House that "Even to characterize it as an IOU...[is] out of order." (*Hansard* 5898-5899)

During Question Period on May 2, 2006 the leader of the official opposition, Mr. Mitchell, questioned Premier Fentie regarding the government's budget estimates for 2006-07. During the course of his final supplementary question Mr. Mitchell said

The budget we are debating says that we will have \$14.7 million in net financial resources. That figure is now completely outdated because of recent commitments made by the government. The open and accountable thing to do would be to update the public regarding the new numbers. The Premier is refusing to do so, and the government wonders why only 16 percent of Yukoners think that they are ethical. Will the Premier table a fiscal update so Yukoners can judge for themselves how much all these off-the-books commitments will cost?

Hon. Mr. Fentie responded by saying

Mr. Speaker, what's getting very outdated is this member's assertions in expressing to Yukoners a clear lack of knowledge of government finances and bringing up the ethics question. I don't want to read this into the record, but what the member did here a few days ago on the floor of this House in misquoting the Ombudsman's Office speaks volumes of that member's ethics.

Furthermore, Mr. Speaker, the numbers tabled in this budget are correct. They are the annual surplus as booked. Let me add this: if the member opposite thinks that this government is doing something untoward with government finances as we do our books, then the member should direct that question to the Auditor General who has stated here recently that that is simply not the case in this territory. Our finances are in good shape. Our bookkeeping and fiscal management is one of the best in the country. There you go, Mr. Speaker, another demonstration of the member opposite's lack of — I won't say the word.

Before moving to the next questioner Speaker Staffen intervened reminding Members that

each side has different perspectives on the way the accounting procedures work and on the way the Legislative Assembly works. To challenge each other's ethics is not permissible. I can't see a clear case, but you're both getting awfully close to it, and I would ask you not to do that.

The third party House leader, Pat Duncan (Porter Creek South, Liberal) then rose on a point of order. Ms. Duncan said

Mr. Speaker, on a point of order, could I respectfully request your ruling. Perhaps you may wish to consult the Blues. The Premier has stood on the floor of the House and accused the Member for Copperbelt of misquoting another individual. I would respectfully suggest that such a statement implies motives, and I would ask that you review the Blues on that particular comment and give us a ruling at your leisure.

Speaker Staffen assured the House that he would do that. (*Hansard* 6043) He returned with his ruling on May 4, 2006. He said:

Last Tuesday during Question Period, the leader of the official opposition said the Premier's refusal to update the public regarding government spending had contributed to a situation where "only 16 percent of Yukoners think that they are ethical." In response, the Premier said, "what the member did here a few days ago on the floor of this House in misquoting the Ombudsman's Office speaks volumes of that member's ethics."

In raising the point of order, the Member for Porter Creek South said the Premier had accused the leader of the official opposition of misquoting another individual. The Member for Porter Creek South expressed her view that an allegation of misquoting constituted an attribution of false or unavowed motives. This, as members are aware, would be in contravention of Standing Order 19(g).

In reviewing the Blues, the Chair was unable to determine that the Premier had attributed any motive to the leader of the official opposition. There appears to be a dispute about the leader of the official opposition quoting from a letter, whether a misquote had occurred.

For the Chair to assess if the quote was accurate or not would require a determination of fact. That is beyond the purview of the Chair.

For further reference, however, any suggestion that a member had deliberately misquoted an individual would constitute an allegation of deliberately misleading the House. As members are aware, this would be a violation of Standing Order 19(h).

The Chair would also comment on the exchange that brought this point of order forward. At the time, the leader of the official opposition and the Premier made statements that suggested a lack of ethics by the other. That is not in order. If members wish to discuss ethics, they should do so in the context of debate on a bill or a motion that addresses that issue. In any other context, or a negative reflection on a member's ethics, it will be considered out of order. (*Hansard* 6107-6108)

On May 3, 2006 the House debated Bill No. 112, *Act to Amend the Legislative Assembly Act*, a private member's bill standing in the name of the leader of the third party, Todd Hardy (Whitehorse Centre, NDP). The bill proposed to amend the *Legislative Assembly Act* by "adding the following section immediately after section 20:

20.1 A member who

(a) is elected with the endorsement of a political party; and

(b) ceases to belong to the caucus of that party during the term for which that member was elected

must sit in the Legislative Assembly as an independent and is to be treated as such for the purposes of this Act and all proceedings in the Legislative Assembly during the remainder of the member's term.

During the course of debate Premier Fentie, said he addressed the bill due to his

personal experience on how the Yukon Liberal Party conducts its business. There is an issue here that is fundamental to the standard of the station of this Assembly, this institution and the offices we hold — there is an issue here. That standard is about ethics. So what the discussion has to bring forth is transparency on what has gone on. Was there recruitment or enticement, were there offers, or are there IOUs out there to create a scenario where members of this House have made a decision to defect or join another party?

At that point Speaker Staffen intervened and said

I understand the dilemma that the Hon. Premier is facing, and I have stepped in on previous occasions when I believe it was the Member for Mayo-Tatchun who was discussing an IOU. His was a more specific issue. However, the Chair is not entirely comfortable in where this may be heading, and this is simply a cautionary note. You have the floor, Hon. Premier. (*Hansard* 6081-6082)

Later on this day the Bill No. 112 moved into Committee of the Whole. During this stage of debate Hon. Mr. Fentie said the reason the House was debating this bill was “the continuous repetitive approach by [Mr. Mitchell] with respect to the standard of ethics that we must uphold in this Assembly.” Shortly thereafter the Committee Chair, Patrick Rouble, called for order and said, “As has been discussed several times by the Speaker, questioning the personal ethics of another individual —.” At that point Hon. Mr. Fentie interrupted the Chair on a point of order.

This, in itself, is entirely out of order. As Standing Order 6(4) says, “When the Speaker speaks at any time, any member speaking shall sit down and the Speaker shall be heard without interruption.” The same rule applies to the Chair when the House is in Committee of the Whole. Nonetheless, the Chair allowed Hon. Mr. Fentie to have the floor. Hon. Mr. Fentie said

Mr. Chair, I have made no accusation of any individual in this House with respect to their ethics. I have said that we must uphold the highest standard of ethics here in this Assembly. That was my comment.

Challenging a ruling or statement by a presiding officer is also out of order. However the Chair must have been feeling particularly generous on this day. Ms. Duncan then joined the discussion of the point of order. She said

On the point of order, I would invite the Premier to review the Blues. That is not what I heard him say. I heard him mention the current leader of the Liberal Party and he made a reference

to ethics at that point in time. It was not the House ethics; it was the Liberal Party. I would invite you, Mr. Chair, to review the Blues.

The Chair then assured members that he would, indeed, review the transcript of debate. (*Hansard* 6100-6101) Upon further review it was concluded that no additional action was necessary.

During Question Period on May 10, 2006 Steve Cardiff (Mount Lorne, NDP) questioned the Minister of Community Services, Hon. Glenn Hart (Riverdale South, Yukon Party), regarding the Lewes River Road. During the course of his final supplementary question Mr. Cardiff contrasted what he considered a lack of appropriate action regarding this road to that of the Army Beach Road, which Mr. Cardiff said would be "upgraded and chip-sealed...probably this year." He then said "it just so happens that [Hon. Mr. Hart] has a cabin on [Army Beach] road." The Speaker, Hon. Ted Staffen, then called for order and said, "The honourable member is implying that the government ministers are using their positions for their personal gain, and that is entirely out of order, and I'd ask you to retract that." Mr. Cardiff retracted his contentious aside. (*Hansard* 6203)

During Question Period on May 11, 2006 Mr. Mitchell asked questions regarding the implementation of the Kelowna accord, which was intended to address difficulties facing aboriginal peoples in Canada. During the preamble to his main question Mr. Mitchell said, "members of the government side quickly turned their backs on the opportunity to address the issues that were going to be covered in the Kelowna accord. They turned their backs on Canada, Mr. Speaker." Once Mr. Mitchell had posed his question Speaker Staffen intervened saying, "Before the Hon. Premier answers, the leader of the official opposition indicated that members of this House turned their backs on Canada. I think that's an inappropriate statement, and I'd ask the honourable member not to do that again." (*Hansard* 6232)

On May 16, 2006 Committee of the Whole dealt with the estimates for the Department of Health and Social Services in Bill No. 20, *First Appropriation Act, 2006-07*. During the course of debate Mr. McRobb quoted from an editorial in the *Yukon News* that was highly critical of how the Government of Yukon was dealing with children in care. In response the Minister of Health and Social Services, Hon. Mr. Cathers said

...the member's suggestions that he gives credence to the remarks by the editor of the *Yukon News* and his criticism of the public servants, the hard-working people within the Department of Health and Social Services related to child welfare - that the Member for Kluane gives credibility to that editorial is shameful, and it is a shameful mark of the Liberal Party's position with regard to the employees of this department.

At that point the Chair, Patrick Rouble, called for order, saying, "The Chair appreciates that the member is very passionate about this issue; however, to characterize another's performance in this Assembly as "shameful" is inappropriate."

Mr. McRobb continued with this line of questioning. In response Hon. Mr. Cathers said

For the Member for Kluane, the Liberal Health and Social Services critic to stand up here and give credence to this article, this editorial, which suggests that public officials within Health and Social Services should not be able to sleep at night because of this issue, is just shameful...The member should apologize for that.

The Chair again called for order, saying, "Before debate continues, the Chair appreciates that people have very strong opinions on the subject. However, I don't think the debate will be served by personalizing it. The matter under debate is Vote 15, Department of Health and Social Services. There is sufficient content in this department that I am sure we can debate it without personalizing it." (*Hansard* 6311-6312)

During Question Period on May 17, 2006 Mr. Mitchell began his first main question by saying

So what, Mr. Speaker? That sums up the Premier's approach to maintaining the highest ethical standards in his government. It also represents an arrogance that the public has become all too familiar with from this government.

Mr. Mitchell then went on to ask a question regarding a potential conflict of interest involving the Minister of Energy, Mines and Resources, Hon. Mr. Lang. Premier Fentie ended his response to Mr. Mitchell's question by saying, "we have more information here that we would like to engage with the leader of the official opposition on that has transpired recently with respect to ethics and other matters." In his final supplementary question on the same issue Mr. Mitchell said

Yukoners are very disappointed by the Premier's cavalier approach to these ethical issues. Instead of being open and accountable, the Premier just waves his arms and says, "So what?" That's the attitude of the Yukon Party government when it comes to ethical standards.

Hon. Mr. Fentie countered by referring to a letter from the Ombudsman, which Mr. Mitchell quoted in the Assembly in a manner that Hon. Mr. Fentie characterized as selective. The more cynically minded might even have concluded that Hon. Mr. Fentie considered Mr. Mitchell's selectivity to be misleading. He also said Mr. Mitchell had misinformed the House when he said Hon. Mr. Lang had written "a letter about the new big game outfitting land tenure policy." Mr. Fentie concluded by saying, "When it comes to ethical standards, I have some advice for the leader of the official opposition: stop digging the hole he is in before he is buried in ethical facts." (*Hansard* 6322-6323)

Before Question Period the following day Speaker Staffen made the following statement about these events:

both the leader of the official opposition and the Premier made comments that questioned the ethical behaviour of the other. The Chair has at times during this sitting cautioned members about personalizing this debate. This leads to discord as happened during Question Period yesterday.

The Chair will also remind members of a ruling given to this House on May 4, 2006. At that time, the Chair informed members that it is not in order to question the ethics of other members. If members wish to discuss ethics, they should do so in the context of a debate on a bill or a motion that addresses that issue. In any other context, a negative reflection on a member's ethics will be considered out of order.

The House then proceeded to Question Period. (*Hansard* 6350)

On May 23, 2006 Committee of the Whole considered the estimates for the Department of Energy, Mines and Resources in Bill No. 20, *First Appropriation Act, 2006-07*. During debate on the line 'Deputy Minister's Office' the minister responsible for the department, Hon. Mr. Lang, said the questioning by Peter Jenkins (Klondike, Independent) was a waste of time. The Committee Chair, Patrick Rouble, called for order and said, "I will remind the member that every member in here is free to bring up questions that he or she feels are important to constituents. No question that has been brought forward in here is a waste of time." (*Hansard* 6395)

Another category of offensive matter is language that is beneath the dignity of the House. Mr. Rouble invoked this admonition on April 10, 2006, as Committee of the Whole considered Bill No. 71, *Dawson Municipal Elections Act(2006)*. During the course of debate Mr. Jenkins made the following statements:

- "the minister (of Community Services) has failed to resolve (various issues). That's just incompetence, Mr. Chair." (*Hansard* 5704)
- "The way (certain) agreements are structured by Community Services on behalf of the project management team, which involved officials from the Government of Yukon, there appears to be a lot of butt-covering here that I am extremely uncomfortable with." (*Hansard* 5706)
- "a former mayor, a former city manager and a former treasurer...are liable for about \$1.2 million to \$1.4 million worth of stupidity." (*Hansard* 5706)

The Chair then called for order, saying

Before the debate continues — the Chair has heard the member use phrases today like "stupidity", "incompetence", "butt-covering" — phrases that are obviously beneath the dignity of this Assembly. The Chair has the expectation that such a long-standing member of this Assembly, with such strong debating skills, can rise above this type of language and carry himself in a manner that all members can respect and feel comfortable with.

I ask the member to act as all Yukoners expect us to act in our Assembly and to reflect that in his choice of language. (*Hansard* 5707)

During Question Period on April 27, 2006 Mr. Jenkins questioned the Minister of Tourism and Culture, Hon. Elaine Taylor (Whitehorse West, Yukon Party) regarding Yukon's new tourism brand – "Larger Than Life." As part of his first supplementary question Mr. Jenkins informed the House of responses he had received in reaction to the new brand. One of these reactions apparently was, "What are you trying to market now? A porno site?" The utterance of this last phrase drew the intervention of Speaker Staffen who immediately called for order and said, "That's entirely inappropriate and the member full well knows that. I'm very tempted to just stop your questions right now, but I will allow you to carry on." (*Hansard* 5986)

On May 2, 2006 Committee of the Whole considered the estimates for the Department of Economic Development in Bill No. 20. During the debate the minister responsible for the department, Hon. Jim Kenyon (Porter Creek North, Yukon Party) said, "Only an idiot would jump in and try to develop something while the study is ongoing to prove whether or not it's a reasonable project." At that point the leader of the third party, Mr. Hardy, rose on a point of order. He said

I'm actually not sure if he was referring to businesses. If business decides to do their own study, is he referring to them as "idiots", or is there a particular person out there who he thinks is an idiot? I don't think the minister meant it in that way, but I don't think it's a word that we would want to be using in this Legislative Assembly.

Hon. Mr. Kenyon then responded to the point of order, saying

Since the member opposite made the comment that no one has shown interest and no one has come to the table, the reference is therefore there are no idiots. No one has come forward to do this — with good cause. It's not a comment on any individual. But I do understand the Member for Whitehorse Centre's comment.

The Committee Chair, Mr. Rouble, then ruled on the point of order saying, "there seems to be a rather circuitous argument going on. If there are no idiots, then we don't need to use the word "idiots". So, I'll ask the member to refrain from using such derogatory slang and encourage him to stay within the boundaries of the decorum in our Assembly." (*Hansard* 6062)

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 call for ministerial statements on May 10, 2006 the leader of the official opposition, Arthur Mitchell (Copperbelt, Liberal) rose pursuant to Standing Order 28 to request unanimous consent to debate a motion that would "urge the Government of Yukon to...take any and all reasonable measures to save the [Kelowna] accord." Unanimous consent was not granted. The House then proceeded to Question Period. (*Hansard* 6199-6200; *Journals* 463)

Statistical Summary

Table 1: Sitting Days

	Monday	Tuesday	Wednesday	Thursday	Total
March	0	0	0	1	1
April	3	4	4	4	15
May	3	4	4	3	14
Total	6	8	8	8	30

Table 2: Allocation of Sitting Time

	Number	Time consumed	Percentage of sitting time
Debate on Bills	10	91 hours 32 minutes	63.5%
Debate on Motions	9	21 hours 46 minutes	15.9%
Question Period	30	15 hours 58 minutes	11.1%
Other	n.a.	14 hours 52 minutes	10.3%
Total	30 days	144 hours 8 minutes	

Note: In this case 'Other' includes elements of the Daily Routine other than Question Period, prepared statements and rulings by the Speaker and the Chair of Committee of the Whole, and recesses.

Table 3: Documents Tabled

Type	#
Legislative Returns	0
Sessional Papers	17
Filed Documents	24
Total	41

Table 4: Daily Routine

Item	#
Tributes	46
Visitor Introductions	71
Ministerial Statements	2
Written Questions	0
Committee Reports	1
Petitions Presented	0
Responses to Petitions	0

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

Date	Document (tabled by)	Sessional Paper
April 5, 2006	Yukon Hospital Corporation financial statements as of March 31, 2005, pursuant to Section 13(3), <i>Hospital Act</i> (Cathers)	06-1-211
April 13, 2006	Order-in-Council 2005/218, <i>An Act Approving Yukon Land Claim Final Agreements and First Nation (Yukon) Self-Government Act</i> (dated December 15, 2005), pursuant to Section 3(2), <i>An Act Approving Yukon Land Claim Final Agreements</i> and Section 3(2), <i>First Nation (Yukon) Self-Government Act</i> (Fentie)	06-1-212
April 20, 2006	Crime Prevention and Victim Services Trust Fund 2004/2005 Annual Report, pursuant to Section 9, <i>Crime Prevention and Victim Services Trust Fund Act</i> (Edzerza)	06-1-215
May 1, 2006	Election Financing and Political Contributions, 2005: Report of the Chief Electoral Officer of Yukon (dated April 2006), pursuant to Section 398(1), <i>Elections Act</i> (Speaker Staffen)	06-1-217
May 2, 2006	Yukon College 2004-05 annual report and audited financial statements, pursuant to Section 16(2), <i>Yukon College Act</i> (Edzerza)	06-1-218
May 23, 2006	Ombudsman and Information and Privacy Commissioner 2005 Annual Report, pursuant to Section 31(1), <i>Ombudsman Act</i> ; and Section 47(2), <i>Access to Information and Protection of Privacy Act</i> (Speaker Staffen)	06-1-221

Table 6: Bills

Bills	Government	Private Members	Total
Introduced	9	4	13
Ruled Out of Order	0	0	0
Debated	9	1	10
Passed	9	0	9
Negatived	0	0	0
Assented to	9	0	9

Table 7: Time devoted to individual bills

Bill #	Name	Second Reading	Committee of the Whole	Third Reading	Total
20	<i>First Appropriation Act, 2006-07</i>	13 hours 57 minutes	58 hours 7 minutes	4 minutes	72 hours 8 minutes
67	<i>Safer Communities and Neighbourhoods Act</i>	4 hours 37 minutes	1 hour 7 minutes	43 minutes	6 hours 27 minutes
71	<i>Dawson Municipal Elections Act (2006)</i>	2 hours 27 minutes	1 hour 54 minutes	6 minutes	4 hours 27 minutes
112	<i>Act to Amend the Legislative Assembly Act</i>	2 hours 40 minutes	1 hour 30 minutes		4 hours 10 minutes
18	<i>Interim Supply Appropriation Act, 2006-07</i>	59 minutes	29 minutes	1 minute	1 hour 29 minutes
19	<i>Third Appropriation Act, 2005-2006</i>	43 minutes	15 minutes	1 minute	59 minutes
66	<i>Act to Amend the Securities Act</i>	1 minute	20 minutes	10 minutes	31 minutes
70	<i>Act to Amend the Income Tax Act (2006)</i>	24 minutes	3 minutes	6 minutes	33 minutes
69	<i>Canadian Blood Services Indemnification Act</i>	20 minutes	4 minutes	2 minutes	26 minutes
68	<i>Act to Repeal the Physiotherapists Act</i>	15 minutes	3 minutes	4 minutes	22 minutes
	Total (10)	26 hours 23 minutes	63 hours 52 minutes	1 hour 17 minutes	91 hours 32 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. 19		Bill No. 20		Total	
	hours	minutes	hours	minutes	hours	minutes
Health & Social Services	No debate		10	11	10	11
Energy, Mines & Resources	none		7	48	7	48
Community Services	No debate		6	3	6	3
Tourism & Culture	none		5	4	5	4
Justice	No debate		4	2	4	2
General debate	0	15	3	30	3	45
Economic Development	none		3	30	3	30
Executive Council Office	No debate		3	14	3	14
Yukon Housing Corporation	none		2	43	2	43
Women's Directorate	none		1	58	1	58
Highways & Public Works	No debate		1	34	1	34
Finance	No debate		1	29	1	29
Environment	none		1	17	1	17
Public Service Commission	none		0	48	0	48
Yukon Legislative Assembly	none		0	4	0	4
Elections Office	none		0	2	0	2
Education	none		No debate		0	0
Loan Amortization	none		No debate		0	0
Loan Capital	none		No debate		0	0
Office of the Ombudsman	none		No debate		0	0
Yukon Development Corp.	none		No debate		0	0
Yukon Liquor Corporation	none		No debate		0	0
Total	0	15	53	17	53	32

Notes:

- The term 'none' refers to those departments or corporations that did not have an appropriation in Bill No. 19.
- Votes labelled 'No debate' in Bill No. 19 were carried by unanimous consent.
- Debate on the Department of Environment in Bill No. 20 was terminated pursuant to Standing Order 76.
- The estimates for the Department of Education, the Office of the Ombudsman, Yukon Development Corporation, Yukon Liquor Corporation, Loan Amortization and Loan Capital not debated pursuant to Standing Order 76.

Table 9: Motions

Motions	Government	Private Members	Total
Substantive (notice of)	4	101	105
For the Production of Papers	n.a.	9	9
Committee of the Whole	0	0	0
Under Standing Order 28	0	1	1
Total	4	111	115
Debated	2	7	9
Adjourned Debate	0	1	1
Agreed to	2	5	7
Negatived	0	1 ²⁵	1
Withdrawn	1	50	51
Ordered Removed ²⁶	0	1	1
Not placed on Order Paper	0	0	0

Table 10: Time devoted to debate on motions

Motion # & Subject	Debate		Disposition
	hours	minutes	
639. Use of Territorial Health Access Fund	4	17	Agreed to
568. Yukon Housing Corporation defining affordable housing	4	7	Agreed to as amended
515. Government practicing highest ethical standards	3	57	Agreed to as amended
638. Continuing growth and diversity of Yukon's economy	3	50	Debate adjourned
688. Yukon College consulting with industry and First Nations to train Yukoners for economic opportunities	2	34	Agreed to
640. Establishing a Dogs for Drug-free schools program	1	27	Agreed to
689. Amending Standing Order 2(1)	1	26	Agreed to
666. Yukon Human Rights Commission appointments	0	6	Agreed to
Motion of Urgent and Pressing Necessity No. 2	0	2	Unanimous consent to proceed denied
	21	46	

²⁵ Unanimous consent was not granted to proceed with Motion of Urgent and Pressing Necessity No. 2

²⁶ See 'Motions, Irregular' for further information.

Table 11: Motions Withdrawn from the Order Paper

Motion	Date	Sponsor, Reason withdrawn	Reference
No. 34	March 30, 2006	Duncan, request fulfilled	<i>Hansard 5511; Journals 420</i>
No. 84	March 30, 2006	Duncan, outdated	<i>Hansard 5511; Journals 420</i>
No. 87	March 30, 2006	Duncan, outdated	<i>Hansard 5511; Journals 420</i>
No. 97	March 30, 2006	Fairclough, outdated	<i>Hansard 5511; Journals 420</i>
No. 177	March 30, 2006	Peter, outdated	<i>Hansard 5511; Journals 420</i>
No. 199	March 30, 2006	Hardy outdated	<i>Hansard 5511; Journals 420</i>
No. 209	March 30, 2006	Duncan, outdated	<i>Hansard 5511; Journals 420</i>
No. 219	March 30, 2006	Cardiff, outdated	<i>Hansard 5511; Journals 420</i>
No. 304	March 30, 2006	Duncan, request fulfilled	<i>Hansard 5511; Journals 420</i>
No. 321	March 30, 2006	Duncan, outdated	<i>Hansard 5511; Journals 420</i>
No. 331	March 30, 2006	Hassard, outdated	<i>Hansard 5511; Journals 420</i>
No. 351	March 30, 2006	Hassard, outdated	<i>Hansard 5511; Journals 420</i>
No. 429	March 30, 2006	Duncan, outdated	<i>Hansard 5511; Journals 420</i>
No. 486	March 30, 2006	Hardy, outdated	<i>Hansard 5511; Journals 420</i>
No. 493	March 30, 2006	Cardiff, outdated	<i>Hansard 5511; Journals 420</i>
No. 499	March 30, 2006	McRobb, outdated	<i>Hansard 5511; Journals 420</i>
No. 513	March 30, 2006	McRobb, outdated	<i>Hansard 5511; Journals 420</i>
No. 528	March 30, 2006	Cardiff, outdated	<i>Hansard 5511; Journals 420</i>
No. 547	March 30, 2006	Jenkins, outdated	<i>Hansard 5511; Journals 420</i>
No. 548	March 30, 2006	Jenkins, outdated	<i>Hansard 5511; Journals 420</i>
No. 549	March 30, 2006	Jenkins, outdated	<i>Hansard 5511; Journals 420</i>
No. 552	March 30, 2006	Mitchell, request fulfilled	<i>Hansard 5511; Journals 420</i>
No. 554	March 30, 2006	Jenkins, outdated	<i>Hansard 5511; Journals 420</i>
No. 557	April 10, 2006	Jenkins, outdated	<i>Hansard 5679; Journals 431</i>
No. 577	March 30, 2006	Mitchell, outdated	<i>Hansard 5511; Journals 420</i>
No. 579	March 30, 2006	Jenkins, outdated	<i>Hansard 5511; Journals 420</i>
No. 581	March 30, 2006	Hardy, outdated	<i>Hansard 5511; Journals 420</i>
No. 582	March 30, 2006	McRobb, outdated	<i>Hansard 5511; Journals 420</i>
No. 584	April 12, 2006	Hardy, outdated	<i>Hansard 5739; Journals 435</i>
No. 586	March 30, 2006	Hardy, outdated	<i>Hansard 5511; Journals 420</i>
No. 587	April 12, 2006	Hardy, outdated	<i>Hansard 5739; Journals 435</i>
No. 588	March 30, 2006	Hardy, outdated	<i>Hansard 5511; Journals 420</i>
No. 590	March 30, 2006	Hardy, outdated	<i>Hansard 5511; Journals 420</i>
No. 591	March 30, 2006	Hardy, outdated	<i>Hansard 5511; Journals 420</i>
No. 592	March 30, 2006	McRobb, outdated	<i>Hansard 5511; Journals 420</i>
No. 593	April 12, 2006	McRobb, outdated	<i>Hansard 5739; Journals 435</i>
No. 594	April 12, 2006	McRobb, outdated	<i>Hansard 5739; Journals 435</i>
No. 595	March 30, 2006	McRobb, outdated	<i>Hansard 5511; Journals 420</i>
No. 596	April 12, 2006	Fairclough, outdated	<i>Hansard 5739; Journals 435</i>
No. 597	April 12, 2006	Fairclough, outdated	<i>Hansard 5739; Journals 435</i>
No. 598	April 12, 2006	Cardiff, outdated	<i>Hansard 5739; Journals 435</i>
No. 599	April 12, 2006	Cardiff, outdated	<i>Hansard 5739; Journals 435</i>

Motion	Date	Sponsor, Reason withdrawn	Reference
No. 619	April 20, 2006	Jenkins, outdated	<i>Hansard 5863; Journals 442</i>
No. 620	April 20, 2006	Jenkins, outdated	<i>Hansard 5863; Journals 442</i>
No. 631	April 10, 2006	Cathers, outdated	<i>Hansard 5679; Journals 431</i>
No. 637	April 12, 2006	McRobb, outdated	<i>Hansard 5739; Journals 435</i>
No. 643	April 13, 2006	Duncan, not in order	<i>Hansard 5771; Journals 436</i>
No. 681	May 8, 2006	Hassard, outdated	<i>Hansard 6137; Journals 461</i>
No. 683	May 8, 2006	Hardy, at the Member's request	<i>Hansard 6137; Journals 461</i>
MPP No. 28	March 30, 2006	McRobb, at the Member's request	<i>Hansard 5511; Journals 420</i>
MPP No. 36	March 30, 2006	McRobb, at the Member's request	<i>Hansard 5511; Journals 420</i>
MPP No. 43	May 11, 2006	Duncan, request fulfilled	<i>Hansard 6321; Journals 465</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 30	6	6	6	18	34:20	15:55	18:25	0:00	4	0
2. April 3	6	6	6	18	33:35	15:30	17:15	0:50	4	1
3. April 4	6	6	6	18	32:10	16:40	15:30	0:00	6	1
4. April 5	6	6	6	18	33:50	16:45	16:35	0:30	4	1
5. April 6	6	6	5	17	31:15	15:20	15:35	0:20	3	1
6. April 10	6	6	6	18	30:50	13:55	14:55	2:00	1	1
7. April 11	6	6	6	18	30:30	15:40	14:00	0:50	4	0
8. April 12	7	7	7	21	32:35	18:10	<i>13:00</i>	1:25	0	0
9. April 13	6	6	6	18	30:20	14:35	15:05	0:40	2	1
10. April 18	6	6	6	18	29:00	13:30	15:20	0:10	0	0
11. April 19	7	7	7	21	35:20	17:15	17:10	0:55	4	1
12. April 20	6	6	6	18	34:35	16:55	17:40	0:00	7	1
13. April 24	6	6	6	18	34:30	14:40	19:25	0:25	0	0
14. April 25	6	6	6	18	31:40	15:30	16:10	0:00	3	0
15. April 26	6	6	6	18	29:55	14:35	15:20	0:00	0	1
16. April 27	6	6	6	18	34:40	14:50	19:05	0:45	0	2
17. May 1	5	5	5	<i>15</i>	29:40	<i>11:30</i>	18:10	0:00	1	1
18. May 2	5	5	5	<i>15</i>	33:10	13:15	18:25	1:30	1	1
19. May 3	5	5	5	<i>15</i>	29:50	11:55	17:25	0:30	0	1
20. May 4	6	6	6	18	30:55	15:35	15:20	0:00	1	0
21. May 8	7	7	6	20	31:50	14:45	17:05	0:00	0	0
22. May 9	6	6	6	18	29:45	14:45	15:00	0:00	1	0
23. May 10	6	6	6	18	32:40	15:25	16:00	1:15	2	0
24. May 11	5	5	5	<i>15</i>	30:25	12:45	17:30	0:10	2	0
25. May 15	5	5	5	<i>15</i>	29:20	13:05	16:15	0:00	3	0
26. May 16	5	5	5	<i>15</i>	29:40	13:55	15:30	0:15	4	0
27. May 17	5	5	5	<i>15</i>	30:40	13:20	17:20	0:00	0	0
28. May 18	6	6	6	18	34:00	15:00	18:45	0:15	4	1
29. May 23	6	6	6	18	34:00	14:15	18:55	0:50	2	1
30. May 24	5	5	5	<i>15</i>	31:35	13:35	18:00	0:00	3	1
Total	175	175	173	523	15:56:35	7:22:50	8:20:10	13:35	66	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
Liberal Party	79	79	79	237
New Democratic Party	74	74	73	221
Independent members	22	22	21	65
Total	175	175	173	523

Table 14: Divisions

Date	Item	Decision	References
April 5	Motion No. 568	Agreed to, 12-0	<i>Hansard 5644; Journals 428</i>
April 6	Bill No. 20 (2 nd Reading)	Agreed to, 8-5	<i>Hansard 5672; Journals 429</i>
	Bill No. 18 (2 nd Reading)	Agreed to, 12-0	<i>Hansard 5677; Journals 430</i>
April 11	Bill No. 71 (3 rd Reading)	Agreed to, 14-0	<i>Hansard 5724; Journals 433</i>
April 19	Motion No. 515	Agreed to, 13-0	<i>Hansard 5862; Journals 441</i>
April 26	Motion No. 639	Agreed to, 15-0	<i>Hansard 5979-5980; Journals 446-447</i>
April 27	Motion No. 666	Agreed to, 17-0	<i>Hansard 5989; Journals 449</i>
	Bill No. 19 (2 nd Reading)	Agreed to, 12-3	<i>Hansard 5994; Journals 449</i>
	Bill No. 67 (2 nd Reading)	Agreed to, 14-0	<i>Hansard 5998; Journals 449-450</i>
	Bill No. 70 (2 nd Reading)	Agreed to, 13-0	<i>Hansard 6000; Journals 450</i>
	Bill No. 68 (2 nd Reading)	Agreed to, 15-0	<i>Hansard 6002; Journals 450</i>
	Bill No. 69 (2 nd Reading)	Agreed to, 14-0	<i>Hansard 6004; Journals 451</i>
May 3	Bill No. 112 (2 nd Reading)	Agreed to, 14-1	<i>Hansard 6093; Journals 457</i>
May 4	Bill No. 67 (3 rd Reading)	Agreed to, 16-0	<i>Hansard 6117; Journals 459</i>
	Bill No. 66 (3 rd Reading)	Agreed to, 16-0	<i>Hansard 6117-6118; Journals 459-460</i>
May 10	Motion No. 688	Agreed to, 14-0	<i>Hansard 6220; Journals 464</i>
	Motion No. 640	Agreed to, 12-0	<i>Hansard 6229; Journals 464</i>
May 11	Motion No. 689	Agreed to, 15-1	<i>Hansard 6245-6246; Journals 465-466</i>
May 24	Bill No. 20 (3 rd Reading)	Agreed to, 10-7	<i>Hansard 6433; Journals 479</i>
	Bill No. 70 (3 rd Reading)	Agreed to, 16-0	<i>Hansard 6433-6434; Journals 479</i>
	Bill No. 68 (3 rd Reading)	Agreed to, 17-0	<i>Hansard 6434; Journals 479-480</i>
	Bill No. 69 (3 rd Reading)	Agreed to, 17-0	<i>Hansard 6434; Journals 480</i>

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References Cited

Canada. *Yukon Act*. 2002, c.7.

Fraser, Alistair; W.F. Dawson and John A. Holtby, *Beauchesne's Rules & Forms of the House of Commons of Canada with Annotations, Comments and Precedents* (6th edition). Toronto. Carswell. 1989.

Marleau, Robert, and Camille Montpetit (editors), *House of Commons Procedure and Practice*. Ottawa: House of Commons, Montreal: Chenelière, and Toronto: McGraw-Hill. 2000.

Yukon Legislative Assembly. *Chair's Handbook Committee of the Whole*. February 2003.

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

Yukon Legislative Assembly. *Hansard: First Session of the 31st Legislature, Volume 3* (October 30, 2003-December 16, 2003).

Yukon Legislative Assembly. *Hansard: First Session of the 31st Legislature, Volume 4* (March 25, 2004 – May 18, 2004).

Yukon Legislative Assembly. *Hansard: First Session of the 31st Legislature, Volume 8* (March 24, 2005 – April 21, 2005)

Yukon Legislative Assembly. *Hansard: First Session of the 31st Legislature, Volume 11* (November 21, 2005 – December 19, 2005)

Yukon Legislative Assembly. *Hansard: First Session of the 31st Legislature, Volume 12* (March 30, 2006 – April 27, 2006)

Yukon Legislative Assembly. *Hansard: First Session of the 31st Legislature, Volume 13* (May 1, 2006 – May 24, 2006)

Yukon Legislative Assembly. *Journals: First Session of the 31st Legislature*, (March 30, 2006 – May 24, 2006)

Yukon Legislative Assembly. *Standing Orders of the Yukon Legislative Assembly*. April 4, 2002.

Yukon Legislative Assembly. *Standing Orders of the Yukon Legislative Assembly*. May 11, 2006.

