

APPENDIX IV

Pages 1842 to 1844 of Hansard for April 23, 2001

beautiful weather, and celebrate many aspects of Earth Day. I think it's all something we can be proud of.

Tribute to Hubert Croteau, CEO of Midnight Sun Plant Food

Mr. McLachlan: I rise today to pay tribute to the CEO of Midnight Sun Plant Food in Faro, Mr. Hubert Jay Croteau, an individual whom the side opposite is not totally unfamiliar with from their days in government.

Herbie, as he is more affectionately known around the Yukon, took an idea that was discovered by accident in the nurturing of some houseplants, and turned it into a viable business of manufacturing and distributing an organic and chemical-free plant food business.

Last Tuesday, April 17, the Member for Riverside, the territory's MP and I participated in the official opening of the manufacturing plant at Faro. A large turnout of local residents, the local air cadet squadron, the RCMP in red serge and the reception hosted by the municipality, all attested to the high regard in which this individual is held in the community.

He has persevered in spite of all obstacles — lack of initial markets, low cash flow, transportation problems to market and the usual banter of fertilizer jokes — to develop the business to the point where national distribution chains are sitting up and taking notice. In Canada, these include, but are not limited to, Canadian Tire, Tru Value, TSE stores and Home Hardware. Within the next year, potential deals are in hand with Wal-Mart, Home Depot, and Fred Meyer stores in the U.S. Internationally, he is talking to a user-distributor in Beijing, which has the potential to be the largest target market of any of the current customers.

He is the epitome of everything this government stands for in the development of private industry. When he realized that one job in open-pit mining was fading away, he turned to another line of endeavour. He just didn't leave the territory. He stuck with the idea, when there was often little or no support. He has developed a product locally, within the territory, employed local people and used local resources to get the product to market.

Even more important, he has put the territory on the map in the development of an export business that sells out of this territory, and at some point in time, may very well sell outside of Canada.

Herbie, we congratulate you and wish you every success in further development of the business. Well done, indeed.

Thank you, Mr. Speaker.

INTRODUCTION OF VISITORS

Mr. Jenkins: Thank you very much, Mr. Speaker. I'd ask all members of the Legislature to join with me in welcoming Janet Webster to the House. She has been sitting through a lot of the debate on Health and Social Services, and she's currently spearheading a drive — a petition that is shortly to be tabled in this Legislature — speaking out for children to support a public inquiry into family and child activities in the Department of Health and Social Services.

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Duncan: Yes, Mr. Speaker. I have for tabling a legislative return. On April 12, 2001, according to *Hansard*, page 1723, the MLA for Watson Lake asked an oral question with respect to the Kaska memorandum of understanding, and I have the response in this legislative return.

Hon. Ms. Buckway: Mr. Speaker, I have for tabling the Yukon Judicial Compensation Commission report and recommendations, December 1998.

Speaker: Are there any reports of committees?
Are there any petitions?
Are there any bills to be introduced?
Are there any notices of motion?

NOTICES OF MOTION

Mr. Fentie: I give notice of the following motion:
THAT it is the opinion of this House that:

(1) the Yukon Liberal Government has needlessly delayed the conduct of public business during the current legislative sitting by refusing to be open and forthcoming in response to legitimate questions from the Opposition;

(2) the introduction of several substantive amendments to legislation, contrary to the spirit and the letter of the all-party agreement on legislative sittings, has further hampered the Opposition in its legitimate role of holding the Government accountable for its spending priorities in the biggest budget ever tabled in Yukon history;

(3) by its actions, the Liberal Government has indicated that it considers the all-party agreement to be null and void; and

(4) it is not in the best interest of the Yukon public to allow the Government's budget to pass without a thorough examination of its implications; and

THAT it is the opinion of this House that the current sitting of the Yukon Legislative Assembly should be extended beyond the 35-day limit called for in the all-party Memorandum of Understanding and should continue sitting until such time as all the business before the House has been given thorough scrutiny and can come to a vote of the Members.

Thank you, Mr. Speaker.

Speaker: Are there any further notices of motion?
Are there any statements by ministers?

Speaker's ruling

Speaker: Order please. Before proceeding further the Chair will provide a ruling on the matter arising from the actions of the Member for Klondike during Question Period on April 19, 2001.

The Chair wishes members to recognize that this most serious matter is not something that has occurred without background. It is the culmination of an ever-increasing and escalating disregard for order and decorum in this House.

Let all members understand that the very requirement that this ruling be given obliges every member to reflect on what has led up to it. Let every member also understand their personal responsibility to learn from this experience and to consider how they may contribute, on a regular basis, to greater civility in this Assembly.

The central issue at hand today has to do with an e-mail communication that the Member for Klondike read to the House and attempted to table in print format. Following Question Period, the Chair informed the House that the Chair intended to review the matter and that the Chair directed the table officers to delay entering the document into the records of the House pending this ruling.

The Member for Klondike, in the introductory comments to his question, remarked that "the Premier has established the practice of tabling personal correspondence in the House." This statement was in reference to an action taken by the Premier on the previous sitting day, April 18, 2001. During Question Period, the Premier read to the House a portion of a letter written by a private citizen. The Premier, at that time, provided the letter to the House as a filed document.

The Chair has reviewed the proceedings of April 18 and studied those proceedings in the context of the direction found in various parliamentary authorities. In *House of Commons Procedure and Practice*, it is stated at page 517: "Generally, the reading of articles from newspapers, books or other documents by a member during debate has become an accepted practice and is not ruled out of order provided that such quotations do not reflect on past proceedings in the House, do not refer to or comment on or deny anything said by a member, or use language which would be out of order if spoken by a Member."

The letter filed by the Premier did contain, as was made clear by the Premier, reference to and commentary on statements made in the House by the Member for Klondike.

The concern that this raises is that quotations from private correspondence are not to be used in a manner in which unelected private citizens can enter into debate on the floor of this Assembly. This restriction has been in place for a very long time. As far back as 1877, a Speaker of the House of Commons, quoted on page 108 of W.F. Dawson's *Procedure in the House of Commons*, stated:

"I cannot imagine anything so improper as that any gentleman, no matter how eminent (who is not a Member of the House), should be allowed to take his place in the House by having his opinions or his comments introduced upon what an honourable gentleman might say in his place in the House."

The Chair feels, on reflection, that the events that took place on April 18 should have received attention. That could have been done either through the Chair's intervention or by a member raising a point of order.

The conclusion reached by the Member for Klondike that an oversight on April 18 created what he called a "practice" leading to members being able to read any kind of private correspondence to the House is unfortunate. It does not, however, lead to a justification for his actions of April 19.

The Chair notes that the Member for Klondike did not identify the person who was the author of the e-mail he read to the House. As the Chair informed the House, the document forwarded to the table by the member was from an anonymous source.

It is stated on pages 517 and 518 of *House of Commons Procedure and Practice* that: "Members may not . . . quote from correspondence when there is no way of ensuring the authenticity of the signature. They may quote from private correspondence as long as they identify the sender by name or take full responsibility for its contents."

The Member for Klondike, then, has two choices: he may either inform the House of the name of the person who wrote the e-mail communication that he quoted from, or he must take full responsibility for its contents.

The difficulty, of course, with either option is that the unparliamentary language and the extremely serious allegations contained in the communication have been made known and widely circulated through a variety of media. This includes the Assembly's Blues, which are published both in print and on the Assembly's Web site, the television and radio broadcasts of the proceedings of this House, and newspaper and radio reports. Even were the House to order the offending remarks expunged from Hansard — a drastic and, for this House, unprecedented action — it would accomplish little to alleviate the harm already done.

The freedom to speak freely in this House is the most important of all the privileges of members. It is a right that this Assembly and other parliamentary institutions have diligently guarded because it is essential to members being able to represent and speak on behalf of their constituents to the fullest degree without fear of reprisal. However, it is a humbling right that carries with it the absolute requirement that it be exercised in a careful, responsible manner because its abuse can bring great harm to others and to the reputation of this institution and all its members. The Member for Klondike must understand that, in doing what he has done, he has lost sight of his obligations and failed to meet a standard of behaviour that can rightly be expected of members of this Assembly.

What can be done now?

First and foremost, the Chair must, on behalf of the House, require the Member for Klondike to withdraw the offensive language that he uttered.

The Chair will also call upon the Member for Klondike to name the author of the e-mail.

Whether or not the Member for Klondike names the person, he will possess some level of responsibility for what has taken place. If he does not, the result will be that the words will be considered to be his own. If he does, he still has to take the responsibility for having uttered the words in this House. As is stated on page 387 of *Erskine May* (22nd edition): "A Member is not allowed to use unparliamentary words by the device of putting them in somebody else's mouth."

The Member for Klondike must be aware that this matter may not end here. The House is capable of taking such action as it may choose including censuring the member or referring the matter to a committee for consideration.

If referred to a committee, the issue that would be under consideration would be that of the production of the e-mail communication to the House; no member should be under any illusion that a committee would be passing judgement on the allegations contained in it.

If the Member for Klondike wishes an investigation of the allegations found in the communication, he has his own options, including private ones, for action. If he chooses to pursue the matter in this House, he must propose a motion containing the charges he is prepared to make and his proposals for dealing with those charges.

In a moment, the Chair will recognize the Member for Klondike solely for the following three purposes:

(1) The Chair calls upon the member to withdraw completely and unequivocally the offensive language that he used in the House last Thursday;

(2) The Chair calls upon the member to inform the House now of the name of the person who is the author of the e-mail communication that the Member for Klondike read to the House on April 19, 2001. As has been stated, if the Member for Klondike is unable to provide that information, he will take full responsibility in this House for the contents of that communication. Also, as has been stated, even if he does provide the name, he continues to be responsible for having spoken the words of that communication in this House;

(3) The Chair will also allow the Member for Klondike to speak but only for the purpose of offering an apology.

Further, the Chair directs that the document the Member for Klondike attempted to table on April 19 not be entered in the working papers of the Assembly at this time. The Chair further directs that the Clerk maintain it in a secure place and place it in the working papers or make it available only upon receiving future instruction to do so from the House or the Chair.

The Chair now recognizes the Member for Klondike.

Mr. Jenkins: Well, given the extensiveness of your ruling here today, I ask that I be allowed the opportunity to reflect upon your ruling overnight and provide a response to the House tomorrow, Mr. Speaker.

Speaker: The Chair must insist upon an immediate withdrawal — an unequivocal withdrawal — from the Member for Klondike. This is not a debatable point.

Withdrawal of remarks

Mr. Jenkins: Mr. Speaker, with respect to the withdrawal of the remarks made, I hereby withdraw them.

Speaker: The Chair accepts that the Member for Klondike has withdrawn the offending remarks. The House will now proceed with Question Period.

QUESTION PERIOD

Question re: Children and youth in care

Mr. Keenan: Mr. Speaker, today I have a question for the Acting Minister of Health and Social Services — it will be the Minister of Tourism by indication.

Now, we know that over the last couple of weeks, a number of concerns have been expressed by both the staff and clients over the government's treatment of children, in particular in this case, children in care and in group homes. Since then, we have had many reports from both staff and children in care about being intimidated by officials in the department. This is a very serious charge — intimidation.

Will the minister provide assurance that those people who have expressed legitimate concerns will not be intimidated or penalized by this Department of Health and Social Services?

Hon. Mrs. Edelman: Mr. Speaker, the Minister of Health and Social Services has stated on a number of occasions that there will be an inquiry — and a constant inquiry — and a study for improving our residential services. Part of that is making sure that we get good input from the staff at the group homes — the people who use the group homes and the people who are working with those group homes in our communities.

It's extremely important that people not feel intimidated and that they want to bring forward information that's beneficial to that end. So, I can certainly assure the member opposite that we will try very, very hard to make sure that people are not intimidated in that process.

Mr. Keenan: Mr. Speaker, I'd like to clarify that it is happening; it has been happening over the weekend; it happened late last week. It happened early last week. I appreciate the acting minister's choice of words of "inquiry", that the minister is going to be putting forth an inquiry, because that's something we've been asking for for months, but I don't think that's what the minister's really talking about.

This government has a record. This minister has told individuals and groups not to go public with their concerns. NGOs are afraid that criticizing this minister or department will jeopardize their funding, Mr. Speaker. Health and Social Services staff are afraid that expressing their concerns may cost them their jobs. Children in care are afraid that expressing their concerns will result in intimidation and in punishment.

So I'd like to ask the minister again: what is this minister doing to ensure that Yukon people are free from intimidation by the minister and the department? What is actually happening?

Hon. Mrs. Edelman: Mr. Speaker, this is a democracy, and it's a democracy in which representatives of all Yukon people speak freely in this Legislature, and those concerns are brought forward, and responsibly, by the members opposite as well as the people on this side of the government.

So where do we go from here? What we do now is what we said we were going to do. We said that we were going to be doing ongoing research and improving our residential services, and we will continue that process. Mr. Speaker, the comments from the members opposite are not beneficial to doing a good process and to doing a good representation of those things that are happening. To constantly say that people are being intimidated, that this side of the House doesn't care about children and the quality services that we would like to offer them is not beneficial to that process in the least. I understand that the members opposite have to make allegations, but it's really important that we work together to make sure that we come up