



Yukon  
Ombudsman



Yukon  
Information  
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Commissioner



Yukon  
Public Interest  
Disclosure  
Commissioner



**DELIVERED BY EMAIL**

March 4, 2025

The Honourable Jeremy Harper  
Chair of the Members' Services Board  
[Jeremy.harper@yukon.ca](mailto:Jeremy.harper@yukon.ca)

Dear Chairperson Harper and Board Members:

**Re: Ensuring the independence of Legislative Officers' budgeting process**

We are writing the Members' Services Board (MSB) to seek your immediate support for legislative amendments to the *Ombudsman Act*, the *Child and Youth Advocate Act (CYAA)*, and the *Elections Act* that provide an express provision in each so as to exclude the *Financial Administration Act (FAA)* from the budgetary process of the Legislative Officers; specifically, Management Board oversight.

This follows the decision earlier yesterday by Yukon Supreme Court Justice Edith Campbell on the independence of our budgeting processes. Although Justice Campbell dismissed our petition, she stated something very important about the spirit and intention of section 9 of the *Ombudsman Act* and section 22 of the *Child and Youth Advocate Act (CYAA)*.

Justice Campbell conveyed her view that the Legislature clearly intended to protect the Legislative Officers' independence from the Executive branch by outlining a distinct budgetary approval process by means of these two sections.

She stated that these sections were, in fact, intended to provide the MSB with the singular authority to review and recommend the Legislative Officers' budget estimates to the Legislative Assembly. She agreed with our position that referral of our budget estimates to the Minister of Finance was strictly procedural and did not give authority to the Management Board to review or modify the MSB's recommendations.

Our petition failed, however, because Justice Campbell viewed the provisions of the *Ombudsman Act* and *CYAA* as conflicting with the broad authority of the Minister of Finance and Management Board on budgetary matters by way of the *FAA*. Specifically, neither the *Ombudsman Act* nor the *CYAA* are explicitly exempt from, nor do they prevail over, the *FAA*. Because of this conflict, she deemed the *FAA* to be paramount over them, therefore overriding *Ombudsman Act* section 9 and *CYAA* section 22.

In Justice Campbell's concluding comments, she suggested that if the Legislature had intended to ensure the budgetary independence of the Legislative Officers, then it should [now] consider whether it needs to clarify the process.

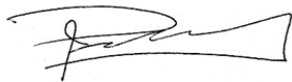
As independent Legislative Officers, we hold strong that any decisions directly affecting or influencing our operations, including the budgetary approval process, must be left to the Legislative Assembly as was intended. Therefore, we respectfully ask that the Legislative Assembly immediately consider amending *Ombudsman Act* section 9, *CYAA* section 22, and *Elections Act* section 16 to include a paramountcy provision over the FAA or an FAA exclusion in respect of the main estimates, supplementary estimates, interim supply funding, and special warrants.

It remains our position that the MSB is the most appropriate body to protect the rights of Yukoners by balancing the operational needs of our offices with fiscal accountability.

We therefore call on the MSB and the Legislative Assembly jointly and expeditiously in the upcoming sitting to amend these Acts by correcting this conflict of laws. These amendments would fix firmly in law that our offices remain independent of the government and establish our independent budgetary process as intended by the Legislature. This would have the immediate and fundamental effect of enabling us to continue to meet our oversight mandates without fear of reprisal or uncertainty.

Finally, we respectfully understand that it is up to the MSB to determine the next steps but, in view of the exceptional importance of our continued independence, we are looking to you for both guidance and support. We would ask, as you have done with previous correspondence on this matter, that this letter also be considered out of camera and published on the committee's webpage so that it may be shared with all members of the Legislative Assembly.

Kind regards,



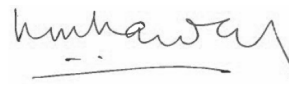
Jason Pedlar

Ombudsman, Information and  
Privacy Commissioner, and  
Public Interest Disclosure  
Commissioner



Annette King

Child and Youth Advocate



Maxwell Harvey

Chief Elections Officer