

79-10-10

SECOND REPORT
OF THE
STANDING COMMITTEE
ON
RULES, ELECTIONS AND PRIVILEGES

2nd Session of the 24th Legislature

Terms of Reference

On March 21, 1979 the Yukon Legislative Assembly resolved:

THAT the Standing Committee on Rules, Elections and Privileges consider the amendment of Standing Order 11(8).

This Standing Order of the Yukon Legislative Assembly states:

- 11.(8) On Ministerial Statements, as listed in suborder (2) of this Standing Order, a Minister may make a short factual statement of government policy. A spokesman for each of the parties in opposition to the government may comment thereon for not more than five minutes and a government spokesman may then give a five minute reply. Mr. Speaker shall limit the time for such proceedings as he deems fit.

The specific concern raised in the Assembly about this rule is that it restricts the right of reply to one spokesman for each of the "parties" in opposition to the government. The two independent members, Mr. Fleming and Mr. Byblow, expressed the view in the Assembly that their lack of party allegiance should not remove their right to reply to Ministerial Statements.

Although this issue was the main item of concern for your committee it will be noted that other matters pertaining to Standing Order 11(8) were considered and made the subject of this report. Your committee feels justified in taking this course since the terms of reference given by the Assembly direct only that we "consider the amendment of Standing Order 11(8)."

This topic was included on the agenda of three separate meetings of your committee following the adjournment of the Assembly on April 4, 1979. Mr. Fleming and Mr. Byblow were invited to attend and present their views, which they did at Meeting #5 on April 5, 1979.

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Discussion

The committee is sympathetic to the concerns expressed by Mr. Fleming and Mr. Byblow and has spent a considerable amount of time debating the merits of their arguments.

It is recognized that limiting replies to Ministerial Statements to spokesmen of parties in opposition does hinder the independent members and government backbenchers in attempts to make immediate responses to government announcements. The committee, however, is also obliged to recognize the parliamentary basis for making such a restriction. A clear tenet of parliamentary procedure is that no debate can take place in the House in the absence of a motion. Clearly, when a Ministerial Statement is made, no motion has been proposed to the Assembly and the opportunity for reply is limited so as to ensure there is no opportunity for an unstructured debate.

This dichotomy between the desire of members to be heard and the strictures of parliamentary procedure is very apparent to the committee and, for this reason and due to the fact the present Standing Orders have been in force for only one working session, we are reluctant to make a final recommendation at this time. Instead, we propose that Standing Order 11(8) be left in place until the Second Session of the 24th Legislature has been prorogued at which time the committee would review this matter once again and make a final recommendation based on the additional experience gained during the fall sitting.

The committee also discussed the content of Ministerial Statements made during the spring sitting and would like to record its view that this particular portion of the Routine Proceedings was not always used in a way intended by the Standing Orders. It is the opinion of this committee that Ministers should be careful to make Ministerial Statements only on subjects of some significance and primarily for the purpose of announcing new government policies.

The committee has found that in many other jurisdictions there is a practice of delivering copies of Ministerial Statements to the Opposition prior to their release in the House. In order to retain this privilege the Opposition everywhere has been diligent in maintaining the confidentiality of such documents. The main advantage to the House in this practice is that Opposition spokesmen are able to make more considered and efficient replies to Ministerial Statements. The committee would, therefore, recommend the adoption of this practice in the Yukon Legislative Assembly.