

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

4th Session of the  
24th Legislature

### Terms of Reference

On October 29, 1980, the Yukon Legislative Assembly resolved:

THAT the Standing Committee on Rules, Elections and Privileges review the Standing Orders and procedures of the Yukon Legislative Assembly and report any recommendations for amendment to the Assembly.

On April 1, 1981, the Assembly further resolved:

THAT the Standing Committee on Rules, Elections and Privileges consider and make recommendations to the Yukon Legislative Assembly on the salaries, indemnities and allowances of Members of the Yukon Legislative Assembly including those of the Speaker, Deputy Speaker and Member of the Executive Council.

Although a full review of the Standing Orders is yet to be completed the Committee is now prepared to make recommendations on those rules which affect the Assembly's committee system. In the view of the Committee it is important that the House consider these recommendations in conjunction with a review of the salaries, indemnities and allowances of members.

### Standing Orders

Aside from the Committee of the Whole there are two types of committees allowed by the Standing Orders--Standing Committees and Special Committees. Standing Committees are ongoing and, in some cases, such as Public Accounts and Statutory Instruments, certain matters are permanently referred to them. Other committees in this category include Rules, Elections and Privileges and the Members' Services Board, which are generally concerned with internal Assembly business and, in the instance of Rules,

Elections and Privileges, receive direction from the House on an "as required" basis.

Special committees are appointed to deal with specific issues and, once their work is completed and their report is tabled in the House, they cease to exist. The 24th Legislative Assembly has appointed three such committees: (1) the Special Committee on Privileges which reported during the Third Session and was then dissolved; (2) the Special Committee on Constitutional Development; and (3) the Special Committee on Food Prices.

The Committee has no criticism of the existing committee system. In fact, members are unanimous in their praise of committee work and feel that this may be the most productive and consensus-oriented aspect of the Assembly.

While recognizing the usefulness of the existing Standing and Special Committees, the Committee takes the view that there is a necessity to create a third type of committee. It has become clear during the life of this Legislature that there are certain major issues which do not receive adequate review or public input within the existing structures. The formality and environment of the Committee of the Whole is not conducive to meaningful dialogue with witnesses nor does it allow the "think tank" atmosphere and consequent give and take that is possible in smaller committees which meet outside the Legislative Chambers.

The Committee acknowledges the right of the Government to place business before the Assembly and further acknowledges the right of the Government to state that the passage of certain business constitutes a matter of confidence. In these cases

the Assembly must follow the appropriate parliamentary route and deal with that business in the normal way.

Often, however, there are instances where the Government is not firmly committed to every aspect of a particular piece of major legislation or where it has not adopted a set policy. The Committee believes that there should be a mechanism in place which would provide the flexibility for the Government to say, "Look, here is a piece of legislation we are considering or a policy problem we are facing and we would like to receive some public input and some recommendations as to where we should go from here."

The mechanism that the Committee would like to see created to fill this existing gap might be described as a hybrid committee as it would combine aspects of both Standing and Special Committees. The Committee suggests that two such hybrid committees be created and that they be called the Select Committee on Economic Policy and the Select Committee on Social Policy.

They would be hybrids because, like Standing Committees, they would have permanent status but, on the other hand, they would have the sort of specific issues referred to them that usually go to Special Committees. The advantage in having permanent Select Committees is that they would always be available and not have to be re-created every time the Assembly wished to refer a matter to them. Also, the membership of such committees would remain relatively constant and the M.L.A.s on these committees would, therefore, have an opportunity to develop some expertise in certain policy areas.

The Committee recommends that the Standing Orders be amended to establish these Select Committees and that the

Assembly then appoint five members to each Committee. It is further recommended that the Government and the Assembly give consideration, within the near future, as to those matters which currently might be referred to the Select Committees.

#### Remuneration of Members

The salaries, indemnities and allowances of members was first examined by the Committee in 1979 and, in its Third Report, the Committee said that the principles behind its recommendations, at that time, were:

- "(a) The job of an M.L.A. is, at present, not a full-time position, and
- (b) The pay offered to an M.L.A. should be neither an incentive nor a disincentive to run for office."

Further on in the Third Report it was stated:

"The Committee recognizes that the Yukon Legislative Assembly has been undergoing a fairly steady evolution for the past decade and that the position of the M.L.A. may well also be altered in the near future due to the presence of party politics and of further constitutional development. If such developments should make the job of an M.L.A. a full-time position the Committee feels that these pay provisions should be reviewed once again."

It has become clear, during the life of the 24th Legislative Assembly, that the evolutionary process mentioned in the Third Report has continued. Important advances toward fully responsible government have been taken including such steps as the creation of a fully elected executive and, in the Assembly itself, the establishment of a Public Accounts Committee.

Coupled with the experience of party politics these changes have resulted in an expanded public awareness of and focus on the Yukon Legislative Assembly. As a consequence, M.L.A.s have found an increase in their constituency caseloads and a need to maintain a closer liaison with their electors.

As well, the committee system of the Assembly has been undergoing a rapid maturation since its modest beginnings in 1977. There are now four Standing Committees and the 24th Legislative Assembly has established three Special Committees within a two year period. With the adoption of the recommendations in this report the committee system will be further developed and there will be a consequent increase in workload for M.L.A.s by appointment to Select Committees.

The Committee does not believe the position of M.L.A. yet fulfills the criteria of what could be termed a "full-time" job. Conversely, it is concerned that the developments outlined here have placed an ever-increasing call on the time of M.L.A.s to a point where outside opportunities for employment do not exist to the same extent as in 1979. In considering this issue, the Committee has arrived at recommended indemnity and expense allowance levels for M.L.A.s which it feels will continue to fulfill the principle expressed in the Third Report, "That pay offered to an M.L.A. should be neither an incentive nor a disincentive to run for office."

The Committee recommends that the basic indemnity for all M.L.A.s be increased to \$18,750 per annum and that the expense allowances for M.L.A.s from Whitehorse and M.L.A.s from outside Whitehorse be increased to \$7,250 per annum and \$9,250 per annum respectively.

Further, in recognition of the increased time M.L.A.s from outside Whitehorse must spend in the capital city the Committee believes that there should be an increase in the number of return trips allowed and in the maximum expense claims permitted. Pursuant to subsection 40.7(2) of the Yukon Council Ordinance these trips and expenses are to be claimed where a member is absent from his normal place of residence in order to attend a meeting of the caucus of a Party or to attend any meeting or event in his capacity as a member during a period when the Assembly is not sitting. The Committee recommends that the number of return trips be increased from ten to twelve and that the maximum expenses be increased from \$1,200 per annum to \$2,200 per annum.

The Committee has also reconsidered the salaries payable to House Officers and Cabinet Ministers in light of this recommended increase in M.L.A. indemnities and expense allowances and considers a slight reduction to be in order. The Committee, therefore, recommends that salaries of the Speaker and Deputy Speaker be reduced to \$6,000 per annum and \$3,000 per annum and that the salary of a Cabinet Minister be cut by \$4,000 to a figure of \$20,000 per annum.

In studying the development of Select Committees the Committee has concluded that the Chairmen of such committees will be taking on a significant duty in some ways similar to that of a House Officer and recommends that each such Chairman receive an additional salary of \$2,000 per annum.

The Committee has also reviewed the method by which M.L.A. indemnities and expense allowances are indexed and feels that it would be appropriate to remove the ceiling of seven percent

which is now in place. The purpose of the index is to maintain the remuneration of M.L.A.s at a level relative to the Industrial Composite figures and the artificial ceiling distorts this purpose.

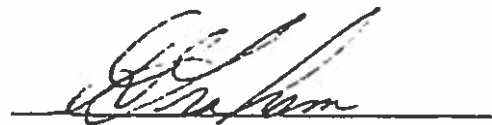
Finally, the Committee has found, through its study of other jurisdictions, that a penalty for not attending the sittings of the Assembly is a common practice. The Committee takes the position that the expansion in duties of M.L.A.s and the reflection of that in increased pay should be backed up by placing a financial onus on all members to fulfill their responsibilities. It is, therefore, recommended that a pay deduction of \$100 should be made for every day on which an M.L.A. is absent without leave from a sitting of the House or from a sitting of a committee of which he is a member. It is further recommended that the Speaker or the Chairman be responsible for granting leaves of absence if members should be unable to attend the House or a committee due to Government or Assembly related business, sickness or urgent family matters.



Recommendations

1. That the Standing Orders of the Yukon Legislative Assembly be amended to establish a Select Committee on Economic Policy and a Select Committee on Social Policy.
2. That the Assembly make appointments of five members to each Select Committee.
3. That the Government and the Assembly give consideration, in the near future, to those matters which should be referred to the Select Committees at this time.
4. That, for all M.L.A.s, the indemnity allowance be \$18,750 per annum.
5. That, for M.L.A.s representing electoral districts within Whitehorse, the expense allowance be \$7,250 per annum.
6. That, for M.L.A.s representing electoral districts outside Whitehorse, the expense allowance be \$9,250 per annum.
7. That the maximum amount payable pursuant to subsection 40.7(3) of the Yukon Council Ordinance be \$2,200.
8. That the maximum number of return trips allowable pursuant to subsection 40.7(5) of the Yukon Council Ordinance be twelve.
9. That the salary of the Speaker be \$6,000 per annum.
10. That the salary of the Deputy Speaker be \$3,000 per annum.

11. That the salary of a Member of the Executive Council be \$20,000 per annum.
12. That the salary of a Chairman of a Select Committee be \$2,000 per annum.
13. That the index of indemnities and expense allowances as found in subsection 40.6(2) of the Yukon Council Ordinance be amended to reflect the actual percentage increase in the Industrial Composite of Average Weekly Wages and Salaries rather than using the figure of seven percent as a maximum allowable.
14. That a deduction of \$100 be made from the indemnity of an M.L.A. for each day that he is absent from a sitting of the House or the sitting of a committee of which he is a member.
15. That the Speaker and the Chairmen of committees be responsible for granting leaves of absence from the service of the House or its committees.



Doug Graham  
Chairman

APPENDIX

Indemnities, Expense Allowances and Salaries of Members  
of the Yukon Legislative Assembly

|                                     | <u>Current</u> | <u>Recommended</u> |
|-------------------------------------|----------------|--------------------|
| (1) Whitehorse M.L.A.s              |                |                    |
| Indemnity                           | \$11,714       | \$18,750           |
| Expense Allowance                   | 5,857          | 7,250              |
| (2) M.L.A.s from outside Whitehorse |                |                    |
| Indemnity                           | 13,968         | 18,750             |
| Expense Allowance                   | 6,984          | 9,250              |
| (3) Speaker                         |                |                    |
| Salary                              | 6,200          | 6,000              |
| (4) Deputy Speaker                  |                |                    |
| Salary                              | 3,100          | 3,000              |
| (5) Chairman of Select Committee    |                |                    |
| Salary                              | None           | 2,000              |
| (6) Cabinet Minister                |                |                    |
| Salary                              | 24,000         | 20,000             |